

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 III OF XI

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1 TO INVADE YOUR PRIVACY IN ANY WAY, IT'S JUST NECESSARY
2 DUE TO THE NATURE OF THESE PROCEEDINGS THERE ARE NO
3 RIGHT OR WRONG ANSWERS IF YOU DON'T KNOW, SAY YOU
4 DON'T KNOW IF YOU HAVE NO OPINION, SAY YOU HAVE NO
5 OPINION BUT PLEASE JUST ANSWER OPENLY, HONESTLY, AND
6 FULLY NO ONE IS CHALLENGING ANY OF YOUR VIEWS WE'RE
7 JUST TRYING TO ASCERTAIN YOUR POSITION ON CERTAIN
8 MATTERS

9 YOU'LL BE ASKED VARIOUS QUESTIONS ABOUT DIFFERENT
10 THINGS, INCLUDING QUESTIONS ABOUT A PENALTY NOW, THE
11 MERE FACT THAT WE'RE ASKING THESE QUESTIONS OR TALKING
12 ABOUT A PENALTY DOES NOT IN ANY WAY INDICATE ANYTHING
13 ABOUT THE DEFENDANT THE DEFENDANT IS PRESUMED IN THE
14 LAW TO BE INNOCENT DO YOU UNDERSTAND THAT?

15 A YES

16 Q ALL RIGHT NOW, DO YOU REMEMBER MY CONVERSATION
17 WHEN THE WHOLE GROUP WAS TOGETHER ABOUT HOW THESE CASES
18 GO IN TWO PHASES, ONE, IS THE FIRST PHASE, TO DECIDE
19 THE GUILT OR INNOCENCE IF THE PERSON IS NOT GUILTY,
20 THE CASE IS OVER IF THE PERSON IS GUILTY, IT GOES TO
21 THE SECOND PHASE

22 A RIGHT

23 Q NOW, SOME MORE FULLER INFORMATION, A LOT OF PEOPLE
24 THINK THE DEATH PENALTY APPLIES TO ANY MURDER CASE
25 THAT IS AN INCORRECT ASSUMPTION ON THE PART OF AN

STATE VS ALKEBULANYAHH

1 INDIVIDUAL, BECAUSE IT DOES NOT IT APPLIES TO CERTAIN
2 CASES THAT INVOLVE CERTAIN CIRCUMSTANCES THAT WOULD
3 HAVE TO BE PROVEN BY THE STATE THAT MIGHT BE IF IT
4 WERE A CASE OF KIDNAPPING PLUS MURDER, OR BURGLARY PLUS
5 MURDER IT DOESN'T JUST APPLY TO ANY MURDER CASE OR
6 IT MIGHT INVOLVE THE DEATH OF A PUBLIC OFFICIAL IF IT
7 INVOLVED ONE OF THE OFFICIALS LISTED IN THE STATE LAW
8 NOW, THERE ARE OTHER EXAMPLES THOSE ARE JUST
9 EXAMPLES

10 THE STATE WOULD HAVE TO PROVE THE EXISTENCE OF THE
11 CIRCUMSTANCE BEFORE THE OPTION FOR A JURY TO EVEN
12 CONSIDER THAT WOULD EVEN EXIST DO YOU UNDERSTAND
13 THAT?

14 A UH-HUH

15 Q PARDON ME?

16 A YES

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

20 A I'M AFRAID I DON'T BELIEVE IN CAPITAL PUNISHMENT
21 THAT IS A PROBLEM

22 Q WELL, LET ME ASK YOU THIS SO FAR AS THIS JUROR
23 TYPE SHEET, DO YOU THINK YOU FALL INTO ONE OF THOSE
24 CATEGORIES?

25 A SAY THAT AGAIN?

STATE VS ALKEBULANYAHH

1 Q DO YOU FALL INTO ONE OF THESE CATEGORIES IN THE
2 JUROR TYPE SHEET, 1 2 AND 3? DO YOU REMEMBER?
3 A CLOSER TO 1 THAN ANY OTHERS, PROBABLY
4 Q 1 WOULD BE YOU WOULD BE UNWILLING TO GIVE THE
5 DEATH PENALTY IN ANY CASE?
6 A YEAH, AND I HAVE A REASON FOR IT
7 Q ALL RIGHT WELL, ARE THERE ANY CIRCUMSTANCES
8 WHERE YOU WOULD EVER CONSIDER THE DEATH PENALTY?
9 A NO
10 THE COURT ALL RIGHT ANY QUESTIONS FROM YOU?
11 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
12 MR MURDAUGH NO SIR
13 THE COURT ANY OBJECTION TO HIM BEING EXCUSED?
14 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
15 MR MURDAUGH NO, SIR
16 THE COURT ALL RIGHT SIR, I'LL EXCUSE YOU FROM
17 THIS CASE THANK YOU FOR BEARING WITH US, BEING
18 PATIENT
19 (THE JUROR EXITS THE COURTROOM)
20 THE COURT JANNIE GLOVER
21 (THE JUROR ENTERS THE COURTROOM)
22 JANNIE GLOVER HAVING BEEN
23 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
24 DIRECT EXAMINATION BY THE COURT.
25 Q ARE YOU JANNIE GLOVER?

STATE VS ALKEBULANYAHH

- 1 A YES, I AM
- 2 Q JANNIE OR JANNIE?
- 3 A JANNIE
- 4 Q JANNIE ALL RIGHT PLEASE BE SEATED THANK YOU
- 5 NOW, MS GLOVER, I JUST WANT TO REMIND YOU, YOU ARE
- 6 STILL UNDER OATH DO YOU UNDERSTAND?
- 7 A UH-HUH
- 8 Q ALL RIGHT IF YOU WOULDN'T MIND, CAN YOU RESPOND
- 9 TO ME -- VERBALIZE THAT RESPONSE RATHER THAN NOD YOUR
- 10 HEAD OR UH-HUH?
- 11 A OH, OKAY SURE
- 12 Q I UNDERSTAND YOU, BUT I HAVE TO MAKE SURE IT ALL
- 13 GETS DOWN IN THE RECORD OKAY?
- 14 A ABSOLUTELY
- 15 Q ALL RIGHT NOW WE'RE AT THAT POINT IN THE CASE
- 16 WHERE WE NEED TO ASK YOU SOME QUESTIONS, NOT TO INVADE
- 17 YOUR PRIVACY, IT'S JUST THAT WE NEED TO KNOW CERTAIN
- 18 THINGS DUE TO THE NATURE OF THE CASE THERE ARE NO
- 19 RIGHT OR WRONG ANSWERS, SO DON'T WORRY ABOUT PLEASING
- 20 ME OR ANYONE IN HERE IF YOU DON'T KNOW SOMETHING, SAY
- 21 YOU DON'T KNOW IF YOU HAVE NO OPINION, SAY YOU HAVE
- 22 NO OPINION
- 23 A OKAY
- 24 Q JUST ANSWER HONESTLY, OPENLY, AND FULLY NO ONE
- 25 WILL BE CHALLENGING ANYTHING YOU SAY, IT'S JUST THAT

STATE VS ALKEBULANYAHH

1 WE'RE TRYING TO ASCERTAIN YOUR VIEWS ON CERTAIN THINGS
2 NOW, AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
3 PENALTY NOW, THE MERE FACT THAT YOU'RE BEING ASKED
4 QUESTIONS OR THAT THERE'S ANY REFERENCES TO A PENALTY,
5 SHOULD IN NO WAY INDICATE ANYTHING ABOUT THE DEFENDANT
6 THE DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
7 UNDERSTAND THAT?

8 A YES, I DO

9 Q NOW, WHEN I DISCUSSED WITH THE ENTIRE PANEL THE
10 TWO-PART TRIAL PROCESS, THE FIRST PART IS TO DETERMINE
11 THE GUILT OR INNOCENCE OF THE DEFENDANT THE SECOND
12 PART WOULD BE FOR A PENALTY IF IT GOT TO THE SECOND
13 PART DO YOU REMEMBER THAT?

14 A YES, I DO

15 Q ALL RIGHT NOW, JUST SOME FULLER INFORMATION A
16 LOT OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO
17 ALL MURDER CASES, THAT IS NOT CORRECT THAT WOULD BE
18 AN INCORRECT ASSUMPTION OF THE LAW IT DOES NOT APPLY
19 IT ONLY APPLIES TO CERTAIN TYPES OF SITUATIONS AND
20 THE STATE HAS THE OBLIGATION TO PROVE THE EXISTENCE OF
21 CERTAIN CIRCUMSTANCES BEFORE THE OPTION OF CONSIDERING
22 THE DEATH PENALTY COULD EVEN EXIST AN EXAMPLE MIGHT
23 BE IT WOULD HAVE TO BE A MURDER -- A KIDNAPPING PLUS A
24 MURDER, OR A BURGLARY PLUS A MURDER, OR IT MIGHT BE A
25 SITUATION INVOLVING THE DEATH OF A PUBLIC OFFICIAL IF

STATE VS ALKEBULANYAHH

1 THAT IS ONE OF THE OFFICIALS LISTED IN THE STATE
2 STATUTE THOSE ARE JUST EXAMPLES DO YOU UNDERSTAND
3 THAT?

4 A YES

5 Q ALL RIGHT IF YOU WERE A JUROR IN A CRIMINAL
6 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I GIVE
7 TO YOU?

8 A YES

9 Q WOULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
10 THE LAW OR YOU THINK IT SHOULD BE SOME OTHER WAY?

11 A I THINK IT SHOULD BE SOME OTHER WAY

12 Q WHAT I'M ASKING YOU IS, WOULD YOU APPLY THE LAW
13 THAT I GIVE TO YOU EVEN IF YOU THINK IT SHOULD IT
14 SHOULD BE SOME OTHER WAY?

15 A NO

16 Q PARDON?

17 A MAYBE I'M NOT UNDERSTANDING I'M SORRY

18 Q ALL RIGHT WHAT I'M ASKING YOU IS IN A CASE,
19 IT'S MY RESPONSIBILITY TO TELL YOU WHAT THE LAW IS

20 A OKAY

21 Q YOU'RE NOT -- THE JURY IS NOT LAWYERS YOU'RE NOT
22 JUDGES I HAVE THAT OBLIGATION YOU HAVE AN
23 OBLIGATION UNDER YOUR OATH TO ACCEPT THE LAW AS I
24 INSTRUCT IT TO YOU

25 A OKAY

STATE VS ALKEBULANYAHH

- 1 Q YOU CAN'T SECOND-GUESS THE LAW
- 2 A RIGHT
- 3 Q DO YOU UNDERSTAND THAT?
- 4 A YES, SIR
- 5 Q OR IF YOU THINK THE LAW SHOULD BE SOMETHING
- 6 ELSE ---
- 7 A NO, I DON'T
- 8 Q --- YOU CAN'T -- YOU CAN'T DECIDE TO USE THAT
- 9 SOMETHING ELSE YOU HAVE TO APPLY THE LAW THAT I SAY
- 10 APPLIES DO YOU UNDERSTAND THAT?
- 11 A OKAY
- 12 Q CAN YOU DO THAT?
- 13 A YES, I CAN
- 14 Q OKAY COULD YOU DECIDE THIS CASE BASED ON THE
- 15 EVIDENCE PRESENTED IN THIS COURT AND DISREGARD ANYTHING
- 16 YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?
- 17 A YES
- 18 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
- 19 CASE?
- 20 A NO, I HAVEN'T
- 21 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
- 22 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
- 23 THIS DEFENDANT?
- 24 A NO, I HAVEN'T
- 25 Q ALL RIGHT NOW, IN A CRIMINAL CASE, THE STATE HAS

STATE VS ALKEBULANYAHH

1 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
2 THE DEFENDANT HAS NO BURDEN TO PROVE ANYTHING A
3 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE DO YOU
4 UNDERSTAND?

5 A YES

6 Q NOW, COULD YOU DEPENDING ON THE CASE AND THE
7 EVIDENCE AND THE LAW CONSIDER BOTH THE OPTIONS OF NOT
8 GUILTY OR GUILTY?

9 A SAY THAT ONE MORE TIME

10 Q WOULD YOU BE ABLE TO CONSIDER THE VERDICT OPTIONS
11 OF NOT GUILTY OR GUILTY?

12 A YES

13 Q ALL RIGHT DO YOU -- HAVE YOU LOOKED AT THIS
14 JUROR TYPE SHEET, 1, 2, AND 3?

15 A YES, I HAVE

16 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
17 CATEGORIES?

18 A YES, SIR

19 Q WHICH ONE?

20 A NUMBER -- NO 3

21 Q AND JUST TO REVIEW, NO 3 WOULD BE IF THE STATE
22 HAS PROVEN THE CRIME OF MURDER AND THE JUROR IS
23 CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR
24 MIND IN ADVANCE INSTEAD, YOU WOULD NEED TO HEAR THE
25 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN

STATE VS ALKEBULANYAHH

1 MITIGATION, AND YOU WOULD APPLY THE LAW AS EXPLAINED BY
2 THE JUDGE BEFORE YOU MADE ANY DECISION ON PUNISHMENT
3 IS THAT CORRECT?

4 A YES

5 Q NOW, IN THAT REGARD, IF YOU WERE A JUROR IN A CASE
6 AND THE CASE MADE IT TO THE SENTENCING PHASE, WOULD YOU
7 CONSIDERING ALL THE FACTS AND CIRCUMSTANCES INCLUDING
8 ANY EVIDENCE IN AGGRAVATION AND ANY EVIDENCE IN
9 MITIGATION BE ABLE TO RETURN A SENTENCE OF LIFE
10 IMPRISONMENT WITHOUT PAROLE?

11 A YES

12 Q ALL RIGHT THE SAME SITUATION, YOU WERE A JUROR
13 IN A CASE THAT MAKES IT TO THE SENTENCING PHASE, WOULD
14 YOU CONSIDERING ALL THE FACTS AND CIRCUMSTANCES IN THE
15 CASE AND INCLUDING ANY AGGRAVATING AND MITIGATING
16 CIRCUMSTANCES AND THE LAW I GIVE TO YOU BE -- COULD YOU
17 RETURN A SENTENCE OF DEATH?

18 A NO

19 Q YOU COULD NOT?

20 A YES

21 Q YOU COULD?

22 A YES, I COULD

23 Q ALL RIGHT DEPENDING ON THE FACTS AND
24 CIRCUMSTANCES INCLUDING ANY AGGRAVATING AND MITIGATING
25 CIRCUMSTANCES, YOU COULD RETURN A SENTENCE OF DEATH?

1 A YES

2 Q IF IT WERE APPROPRIATE?

3 A YES

4 Q ALL RIGHT NOW, IN THAT EVENT IF THE JURY WERE TO
5 UNANIMOUSLY DECIDE THAT A VERDICT OF DEATH WAS
6 APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE VERDICT
7 FORM?

8 A YES

9 THE COURT ALL RIGHT NOW, AT THIS TIME, THEY'RE
10 GOING TO ASK YOU SOME QUESTIONS THANK YOU

11 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

12 Q GOOD AFTERNOON, MS GLOVER

13 A HELLO

14 Q I'M ABDIYYAH BEN ALKEBULANYAHH AND I'M THE
15 DEFENDANT IN THE CASE AND I WANT TO ASK YOU A FEW
16 QUESTIONS ABOUT YOUR VIEW MAYBE ON RELIGION THE DEATH
17 PENALTY, A VARIETY OF CATEGORIES IF I SAY ANYTHING TO
18 OFFEND YOU IN ANY WAY, IT'S NOT MY INTENTION IT'S TO
19 IMPORE (PHONETIC) INTO THE TYPE OF PERSON YOU ARE AND
20 HOW WOULD YOU BE ABLE TO SIT ON THE JUROR (SIC) AND BE
21 A FAIR AND IMPARTIAL JUDGE -- I MEAN, A FAIR AND
22 IMPARTIAL JURY -- JUROR

23 (PAUSE)

24 Q COULD YOU DESCRIBE YOUR VIEW ON THE DEATH PENALTY?

25 A MY VIEWS ON THE DEATH PENALTY -- ON THE DEATH

STATE VS ALKEBULANYAHH

1 PENALTY?

2 Q YES, MA'AM

3 A WOULD BE I THINK IF -- IF THE PERSON COMMITTED THE
4 CRIME, I THINK WHATEVER ACTION HAS TO BE TAKEN, THAT'S
5 THE ACTION THAT NEEDS TO BE TAKEN

6 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
7 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

8 A YES, WITHOUT PAROLE, YEAH

9 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
10 STICK TO IT?

11 A YES

12 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
13 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
14 OPINION?

15 A YES, I WOULD

16 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
17 CASE EITHER FOR THE DEFENSE OR THE PROSECUTOR?

18 A WELL JUST LIKE I SAID BEFORE, JUSTICE NEEDS TO BE
19 SERVED HOWEVER IT GOES

20 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
21 THEN LATER FOUND OUT YOU BEEN WRONG?

22 A YES

23 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?

24 A OF COURSE, FEEL BAD AND, YOU KNOW, YOU WOULD
25 APOLOGIZE YOU KNOW

- 1 Q WAS IT A GOOD FEELING?
- 2 A OF COURSE, IT WASN'T A GOOD FEELING
- 3 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
- 4 RIGHT TO PRIVACY IN THEIR HOME?
- 5 A YES
- 6 Q DO YOU BELIEVE 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 DO MY BEST
- 10 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
- 11 TO 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 COULD YOU SAY THAT ONE MORE TIME
- 15 Q IF YOU WERE CHOSEN FOR JURY DUTY DO YOU PROMISE
- 16 TO STAND FIRM ON THE DEFENDANT -- ON THE DEFENDANT
- 17 BEING INNOCENT IF THE PROSECUTOR DOES NOT PROVE TO YOU
- 18 BEYOND A REASONABLE DOUBT THE DEFENDANT IS GUILTY?
- 19 A YES
- 20 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
- 21 WRONG IS WRONG REGARDLESS?
- 22 A YES
- 23 Q DO YOU AGREE WITH THAT SAYING?
- 24 A IN MOST CASES
- 25 Q DO YOU AGREE THAT THERE ARE TWO SIDES TO EVERY

- 1 STORY?
- 2 A YES
- 3 Q IF SELECTED FOR JURY DUTY, DO YOU PROMISE TO JUDGE
- 4 FAIRLY?
- 5 A YES
- 6 Q IF ANY OF THE ALLEGE VICTIM FAMILY FRIENDS, OR
- 7 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
- 8 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?
- 9 A I SURE WILL
- 10 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
- 11 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
- 12 THE LAW?
- 13 A SAY THAT AGAIN PLEASE
- 14 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
- 15 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
- 16 THE LAW?
- 17 A NO ONE SHOULD HAVE THE RIGHT TO BREAK THE LAW
- 18 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
- 19 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
- 20 OFFICERS?
- 21 A NO
- 22 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
- 23 THEIR REPORTING?
- 24 A NO, NOT ALL THE TIME
- 25 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE

1 SENSATIONAL?

2 A SAY THAT AGAIN?

3 THE COURT CAN YOU TALK INTO THAT MICROPHONE

4 PLEASE, MA'AM I'M NOT SURE -- IT'S THE BLACK

5 MICROPHONE YOU NEED TO PULL IT TOWARD YOU GOOD

6 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
7 SENSATIONAL?

8 A NO

9 MR ALKEBULANYAHH THANK YOU, MS GLOVER I HAVE
10 NO FURTHER QUESTIONS

11 CROSS EXAMINATION BY MR. MURDAUGH.

12 Q MS GLOVER, HOW ARE YOU?

13 A GOOD HOW ARE YOU?

14 A I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE, WE
15 WILL BE PROSECUTING THE CASE ON BEHALF OF THE STATE
16 NEED TO ASK YOU A FEW QUESTIONS

17 A OKAY

18 Q WHEN YOU WERE ASKED THE QUESTION AT THE VERY
19 BEGINNING -- THE REASON I'VE GOT TO ASK YOU QUESTIONS
20 IS THERE'S NO RIGHT OR WRONG ANSWERS I WANT YOU TO
21 UNDERSTAND THAT BUT I WANT TO GET A LITTLE FEELING
22 FOR YOU, FRANKLY, TO DETERMINE WHETHER I WANT YOU TO
23 SERVE ON THIS JURY OR NOT

24 A OKAY

25 Q WHEN YOU ANSWERED THE JUDGE'S QUESTION REGARDING

STATE VS ALKEBULANYAHH

1 THE DEATH PENALTY, YOUR FIRST REACTION WAS THAT YOU
2 WEREN'T IN FAVOR OF IT, THEN YOU SAID, YES, YOU COULD
3 GIVE IT

4 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
5 THE COURT HE CAN CLARIFY THAT

6 Q IS THAT CORRECT?

7 A YES

8 Q CAN YOU -- CAN YOU JUST SORT OF TELL ME HONESTLY
9 HOW YOU FEEL ABOUT THE DEATH PENALTY? COULD YOU EVER
10 GIVE THE DEATH PENALTY IF IT WERE APPROPRIATE?

11 A IF IT WAS ---

12 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
13 THE COURT HOLD ON I THINK SHE -- YES, MA'AM
14 GO AHEAD

15 A YES IF IT WAS APPROPRIATE

16 Q OKAY WHAT ARE YOUR FEELINGS ABOUT THE DEATH
17 PENALTY? DO YOU THINK THAT IT IS SOMETHING THAT OUGHT
18 TO BE SORT OF LIMITEDLY GIVEN OR DO YOU THINK IT OUGHT
19 TO ALWAYS BE GIVEN OR NEVER GIVEN?

20 A NO, NOT LIMITED

21 Q OKAY AND THERE ARE SITUATIONS WHERE YOU COULD IF
22 THE CRIME ITSELF OR THE CHARACTER OF THE DEFENDANT WERE
23 BAD ENOUGH, YOU COULD VOTE FOR THE DEATH PENALTY?

24 A ABSOLUTELY

25 Q OKAY NOW, YOU WORKED AT THE BEAUFORT MEMORIAL

1 HOSPITAL ABOUT 2 YEARS AGO?

2 A YES UH-HUH SURE DID

3 Q OKAY DID YOU KNOW LESLIE ROBINSON AND REGINA
4 ATKINS WHEN YOU WORKED THERE?

5 A NO, I DIDN'T

6 Q OKAY THE NAME OF THE COMPANY THAT YOU WORK FOR
7 IS -- I CAN'T PRONOUNCE IT

8 A PRESERVE DEVELOPMENT

9 Q AND WHAT IS THAT?

10 A THAT'S A HOUSING COMPLEX

11 Q WHERE IS IT?

12 A IT'S -- THE MAIN OFFICE IS IN FLORIDA, BUT THE
13 APARTMENT IS ON LADY'S ISLAND

14 Q OKAY ON LADY'S ISLAND?

15 A UH-HUH

16 Q AND YOU LIVE ON LADY'S ISLAND?

17 A ST HELENA

18 Q ST HELENA OKAY AND YOU ARE A RESIDENT OF
19 BEAUFORT COUNTY?

20 A YES, I AM

21 MR MURDAUGH THANK YOU, MA'AM I APPRECIATE
22 YOUR HONESTY THANK YOU

23 THE COURT MA'AM, YOU CAN STEP OUTSIDE

24 MOMENTARILY PLEASE THANK YOU

25 (THE JUROR EXITS THE COURTROOM)

1 THE COURT ANY OBJECTION TO QUALIFICATION?
2 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
3 HONOR
4 MR MURDAUGH I THINK SHE'S QUALIFIED
5 THE COURT ALL RIGHT THE COURT FINDS HER TO BE
6 SO QUALIFIED BRING HER IN PLEASE
7 (THE JUROR ENTERS THE COURTROOM)
8 THE COURT MS GLOVER, THE COURT FINDS YOU
9 QUALIFIED TO BE PART OF THIS POOL THAT DOES NOT MEAN
10 YOU'LL BE ON THE JURY IT MEANS YOU'LL BE PART OF THE
11 POOL FROM WHICH WE WILL SELECT A JURY
12 I HAVE A FEW INSTRUCTIONS FOR YOU FIRST, OF ALL,
13 THANK YOU FOR BEING PATIENT WITH US THE NATURE OF
14 THESE CASES ARE YOU NEVER KNOW HOW LONG THINGS ARE
15 GOING TO TAKE
16 RATHER THAN IMPOSE ON YOUR TIME ANY MORE, WHAT
17 WE'VE DONE IS ASK FOR YOUR PHONE NUMBERS SO WE CAN CALL
18 YOU AND TELL YOU WHEN TO -- ASK YOU WHEN TO REPORT
19 BACK DO WE HAVE YOUR DAY AND EVENING NUMBER?
20 JUROR YES
21 THE COURT I ASSUME YOU HAVE ALL THE NUMBERS FOR
22 EVERYONE ELSE AT THIS TIME
23 CLERK YES, SIR
24 THE COURT ALL RIGHT I HAVE A COUPLE OF
25 INSTRUCTIONS YOU MUST NOT DISCUSS THIS CASE WITH

STATE VS ALKEBULANYAHH

1 ANYONE DO YOU UNDERSTAND THAT?
2 JUROR YES, SIR
3 THE COURT YOU MUST NOT TRY TO CONDUCT ANY TYPE
4 OF INVESTIGATION IN THIS CASE
5 JUROR ALL RIGHT, SIR
6 THE COURT AND YOU MUST NOT EXPOSE YOURSELF TO
7 ANY TYPE OF MEDIA COVERAGE, NEWSPAPER, T V , RADIO IF
8 YOU SEE SOMETHING, TURN IT OFF ON THE T V OR RADIO IF
9 YOU START TO HEAR SOMETHING IN THE NEWSPAPER IF YOU
10 SEE A HEADLINE, DON'T READ THE STORY OKAY?
11 JUROR YES
12 THE COURT ALL RIGHT, MA'AM THANK YOU VERY
13 MUCH
14 (THE JUROR EXITS THE COURTROOM)
15 THE COURT KERRIE BROWN
16 OH, HOLD ON A SECOND GO AHEAD, MR
17 ALKEBULANYAHH SEE IF THEY HAVE SOMETHING THEY CAN
18 GIVE YOU I WANT TO TRY TO GET THROUGH A COUPLE MORE
19 IF WE COULD
20 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
21 (PAUSE)
22 THE COURT BRING IN MS BROWN, KERRIE BROWN
23 (THE JUROR ENTERS THE COURTROOM)
24 KERRIE BROWN, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU KERRIE BROWN?

3 A YES

4 Q ALL RIGHT MS BROWN, I JUST WANT TO REMIND YOU
5 THAT YOU WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

6 A YES

7 Q YOU MAY TAKE A SEAT NOW, MS BROWN, WE JUST NEED
8 TO ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR PRIVACY
9 IN ANY WAY, JUST WE NEED TO KNOW CERTAIN INFORMATION
10 THERE ARE NO RIGHT OR WRONG ANSWERS IF YOU HAVEN'T
11 THOUGHT ABOUT SOMETHING OR YOU DON'T KNOW, SAY YOU
12 DON'T KNOW OR YOU HAVE NO OPINION THAT'S OKAY TOO
13 WE'RE JUST TRYING TO ASCERTAIN CERTAIN INFORMATION FROM
14 YOU

15 NOW, AMONG OTHER THINGS, WE'LL BE ASKING YOU SOME
16 QUESTIONS AND SOME OF THOSE QUESTIONS ALSO MAY TALK
17 ABOUT A PENALTY NOW THE FACT THAT YOU'RE BEING ASKED
18 QUESTIONS OR WE'RE TALKING ABOUT A PENALTY IN NO WAY
19 INDICATES ANYTHING ABOUT THE DEFENDANT HE IS PRESUMED
20 TO BE INNOCENT DO YOU UNDERSTAND?

21 A YES

22 Q NOW, DO YOU REMEMBER MY CONVERSATION ABOUT HOW
23 THESE CASES ARE HANDLED, THERE ARE TWO PARTS GENERALLY
24 THE FIRST PART FOR INNOCENCE OR GUILT, AND THE SECOND
25 PART WOULD BE PENALTY IF YOU GET TO THE SECOND PART

STATE VS ALKEBULANYAHH

1 DO YOU REMEMBER THAT?

2 A YES

3 Q NOW, I WANT TO GIVE YOU A LITTLE FULLER

4 INFORMATION, BECAUSE A LOT OF PEOPLE HAVE A

5 MISCONCEPTION, A LOT OF PEOPLE BELIEVE THAT THE DEATH

6 PENALTY APPLIES TO ANY MURDER CASE, THAT'S NOT TRUE

7 IT APPLIES TO A MURDER CASE IN WHICH THERE ARE SPECIAL

8 CIRCUMSTANCES THOSE CIRCUMSTANCES HAVE TO BE PROVEN

9 BY THE STATE BEFORE THE OPTION OF THE DEATH PENALTY CAN

10 EVEN BE PRESENTED TO A JURY DO YOU UNDERSTAND THAT?

11 A YES

12 Q SOME EXAMPLES -- I'M NOT GOING TO GO OVER THE

13 WHOLE LIST, BECAUSE IN THE CASE I WOULD GO THROUGH THE

14 APPROPRIATE LEGAL INSTRUCTIONS WITH YOU BUT SOME

15 EXAMPLES MIGHT BE IF YOU HAD A KIDNAPPING PLUS A

16 MURDER, OR A BURGLARY PLUS A MURDER OR THAT IT

17 INVOLVED THE DEATH OF A PARTICULAR PUBLIC OFFICIAL THAT

18 THE STATE LAW HAS SAID THE PENALTY CAN BE IMPOSED FOR

19 DO YOU UNDERSTAND THAT?

20 A YES

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 BE?

24 A YES

25 Q NOW, COULD YOU DO THAT EVEN IF YOU DISAGREE WITH

STATE VS ALKEBULANYAHH

1 WHAT I HAD TO SAY ABOUT THE LAW?

2 A I'LL STILL FOLLOW THE LAW

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

7 A THE EVIDENCE

8 Q PARDON ME?

9 A THE EVIDENCE I GO BY THE EVIDENCE

10 Q BASED ON WHAT YOU HEAR IN THIS COURTROOM?

11 A YES

12 Q ALL RIGHT NOW, HAVE YOU HEARD, READ, OR SEEN
13 ANYTHING ABOUT THIS CASE?

14 A NO

15 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
16 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
17 THIS DEFENDANT?

18 A NO SIR

19 Q NOW, DO YOU UNDERSTAND THAT THE STATE HAS THE
20 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
21 DEFENDANT HAS NOTHING TO PROVE HE HAS NO OBLIGATION
22 TO PROVE HIS INNOCENCE DO YOU UNDERSTAND THAT?

23 A YES

24 Q NOW, COULD YOU IN A CASE AFTER YOU HEAR THE FACTS
25 AND CIRCUMSTANCES AND THE LAW CONSIDER BOTH OPTIONS,

STATE VS ALKEBULANYAHH

- 1 NOT GUILTY OR GUILTY?
- 2 A YEAH, I CAN, DEPENDING ON THE CASE
- 3 Q ALL RIGHT BUT DO YOU UNDERSTAND THOSE ARE TWO
- 4 OPTIONS ---
- 5 A YES
- 6 Q --- AND YOU WOULD BE ABLE TO CONSIDER BOTH
- 7 OPTIONS?
- 8 A RIGHT
- 9 Q ALL RIGHT NOW, HOW ABOUT THE JUROR TYPE SHEET
- 10 DID YOU HAVE A CHANCE TO LOOK THROUGH THOSE TYPES?
- 11 A YES, I DID
- 12 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
- 13 CATEGORIES?
- 14 A TYPE 3
- 15 Q TYPE 3 JUST TO GO OVER IT WITH YOU, THAT WOULD
- 16 BE THE TYPE OF JUROR IF THE STATE HAS PROVEN THE CRIME
- 17 AND YOU GET TO THE PUNISHMENT STAGE, YOU WOULD NOT HAVE
- 18 MADE UP YOUR MIND IN ANY WAY IN ADVANCE OR ANYTHING
- 19 INSTEAD, YOU WOULD NEED TO KNOW THE FACTS AND
- 20 CIRCUMSTANCES BOTH IN AGGRAVATION AND IN MITIGATION AS
- 21 WELL AS THE LAW BEFORE YOU WOULD MAKE ANY DETERMINATION
- 22 ABOUT PUNISHMENT IS THAT CORRECT?
- 23 A YES
- 24 Q NOW, IF YOU WERE IN A CASE THAT DOES MAKE IT TO
- 25 THE SENTENCING PHASE, NOW, COULD YOU DEPENDING UPON THE

1 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING THE
2 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
3 CIRCUMSTANCES RETURN A SENTENCE OF LIFE IMPRISONMENT
4 WITHOUT PAROLE?

5 A IT JUST DEPENDS ON THE CASE

6 Q BUT DEPENDING ON THOSE FACTS AND CIRCUMSTANCES
7 COULD YOU DO THAT?

8 A YES

9 Q ALL RIGHT THE SAME SITUATION, YOU'RE IN THE
10 SENTENCING PHASE OF THE CASE, COULD YOU DEPENDING UPON
11 THE FACTS AND CIRCUMSTANCES INCLUDING THE CONSIDERATION
12 OF ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE
13 LAW RETURN A SENTENCE OF DEATH?

14 A YES

15 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF YOU
16 ARRIVED AT THAT POINT AND THE JURY UNANIMOUSLY DECIDED
17 THAT THE DEATH PENALTY WAS APPROPRIATE, WHICH THE COURT
18 WOULD IMPOSE -- THE COURT WILL IMPOSE WHATEVER PENALTY
19 THE JURY RECOMMENDS WHETHER IT'S LIFE OR DEATH, IF IT
20 GETS TO THAT POINT BUT IF YOU WERE IN A SITUATION
21 WHERE YOU HAVE THE JURY HAS UNANIMOUSLY RECOMMENDED THE
22 DEATH PENALTY, WOULD YOU BE ABLE TO SIGN THE VERDICT
23 FORM?

24 A WOULD I BE ABLE -- YES

25 Q ALL RIGHT THAT WOULD BE MY WAY OF KNOWING THAT'S

STATE VS ALKEBULANYAHH

1 THE DECISION ---

2 A YES

3 Q --- OF EACH AND EVERYONE OF THOSE JURORS, WHICH I
4 WOULD HAVE TO SATISFY MYSELF WITH THAT YOU WOULD BE
5 ABLE TO DO THAT?

6 A YES

7 THE COURT ALL RIGHT NOW AT THIS POINT EACH
8 SIDE HAS THE OPPORTUNITY TO ASK YOU A FEW QUESTIONS
9 GO AHEAD PLEASE

10 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

11 Q MS BROWN?

12 A YES

13 Q I AM ABDIYYAH BEN ALKEBULANYAHH I'M THE
14 DEFENDANT IN THE CASE AND I'M GOING TO ASK YOU A FEW
15 QUESTIONS IN RELATION TO THE DEATH PENALTY, A VARIETY
16 OF QUESTIONS, MAYBE RELIGION, SCHOOL, THINGS LIKE
17 FAMILY, LAW ENFORCEMENT OFFICIALS AND IF I SAY
18 ANYTHING THAT YOU MAY FIND OFFENSIVE, IT'S NOT MY
19 INTENTION BUT I WOULD LIKE TO START BY ASKING YOU
20 THIS QUESTION DESCRIBE YOUR VIEWS ON THE DEATH
21 PENALTY?

22 A MY VIEWS ON THE DEATH PENALTY, IT HAS TO FIT THE
23 CRIME IT DEPENDS ON -- IT DEPENDS ON THE CRIME

24 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
25 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

STATE VS ALKEBULANYAHH

- 1 A YÉAH, YOU JUST STAY IN JAIL FOR THE REST OF YOUR
2 LIFE
- 3 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
4 SUPPORT THE DEATH PENALTY?
- 5 A NO
- 6 Q HAVE YOU EVER -- HAVE YOU EVER PUBLICLY EXPRESSED
7 YOUR VIEWS FAVORING THE DEATH PENALTY?
- 8 A NO
- 9 Q WHEN YOU COME TO A INDEPENDENT DECISION, WILL YOU
10 STICK TO IT?
- 11 A YES
- 12 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
13 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
14 DECISION?
- 15 A YES
- 16 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
17 CASE EITHER FOR THE DEFENSE OR THE PROSECUTION?
- 18 A NO
- 19 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
20 OR ABOUT RIGHT?
- 21 A ABOUT AVERAGE, ABOUT RIGHT
- 22 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
23 THEN LATER FOUND OUT YOU BEEN WRONG?
- 24 A NO
- 25 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A

- 1 RIGHT TO PRIVACY IN THEIR HOME?
- 2 A YES
- 3 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 4 A YES
- 5 Q IF YOU MADE A PROMISE, WOULD YOU TRY TO KEEP IT?
- 6 A YES
- 7 Q IF YOU WERE CHOSEN FOR JURY DUTY DO YOU PROMISE
- 8 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
- 9 PROSECUTION DOES NOT PROVE TO YOU BEYOND A REASONABLE
- 10 DOUBT THE DEFENDANT IS GUILTY?
- 11 A SAY THAT AGAIN
- 12 Q IF YOU ARE CHOSEN FOR JURY DUTY, DO YOU PROMISE TO
- 13 STAND FIRM ON THE DEFENDANT -- ON THE DEFENDANT BEING
- 14 INNOCENT IF THE PROSECUTOR DOES NOT PROVE TO YOU BEYOND
- 15 A REASONABLE DOUBT THE DEFENDANT IS GUILTY?
- 16 A THE PROSECUTOR HAVE TO PROVE -- YEAH, THEY HAVE TO
- 17 PROVE THEIR CASE
- 18 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
- 19 WRONG IS WRONG REGARDLESS?
- 20 A I'VE HEARD THE SAYING
- 21 Q DO YOU AGREE WITH THAT SAYING?
- 22 A NO
- 23 Q DO YOU AGREE THERE IS TWO SIDES TO EVERY STORY?
- 24 A YES
- 25 Q IF YOU ARE SELECTED FOR JURY DUTY, DO YOU PROMISE

1 TO JUDGE FAIRLY?

2 A YES

3 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
4 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
5 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

6 A YES

7 (PAUSE)

8 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
9 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
10 THE LAW?

11 A NO

12 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
13 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
14 OFFICERS?

15 A NO

16 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
17 THEIR REPORTING?

18 A NO

19 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
20 SENSATIONAL?

21 A YES

22 MR ALKEBULANYAHH THANK YOU, MS BROWN I HAVE
23 NO FURTHER QUESTIONS

24 CROSS EXAMINATION BY MR. MURDAUGH.

25 Q MS BROWN, HOW ARE YOU DOING?

1 A ALL RIGHT

2 Q I'M RANDOLPH MURDAUGH THIS IS DUFFY STONE HE
3 AND I WILL BE TRYING THIS CASE ON BEHALF OF THE STATE
4 OF SOUTH CAROLINA AND WE'RE ASKING THAT THEY FIND THE
5 DEFENDANT GUILTY AND ULTIMATELY GIVE HIM THE DEATH
6 PENALTY I NEED TO ASK YOU SOME QUESTIONS, FRANKLY TO
7 FIND OUT WHETHER OR NOT I WANT YOU ON THE JURY OR NOT
8 DO YOU UNDERSTAND?

9 A YES

10 Q OKAY I THINK YOU WORK AT TARGET, DO YOU NOT?

11 A YES

12 Q AND YOU'VE WORKED THERE 4 YEARS?

13 A GOING ON 5, YES

14 Q ON 5 OKAY AND WHERE DID YOU WORK BEFORE THAT?

15 A I WAS A HAIRDRESSER A HAIRDRESSER

16 Q OKAY IN BLUFFTON?

17 A YES NO, HILTON HEAD

18 Q HILTON HEAD OKAY IN LISTENING TO THE ANSWERS
19 THAT YOU GAVE, IS IT MY UNDERSTANDING THAT YOU WOULD
20 CONSIDER ALL THE FACTS THAT CAME OUT IN EVIDENCE,
21 INCLUDING THE CIRCUMSTANCES OF THE CRIME, HOW IT
22 HAPPENED, WHAT HAPPENED, THE CHARACTERISTICS OF THE
23 DEFENDANT, WHAT KIND OF FELLOW HE WAS AND AFTER
24 LISTENING TO ALL OF THAT AND ANYTHING ELSE THAT CAME
25 OUT, SUCH AS MITIGATING CIRCUMSTANCES, A REASON NOT TO

1 GIVE THE DEATH PENALTY, YOU COULD MAKE A DECISION ONE
2 WAY OR THE OTHER?

3 A YES

4 Q IS THAT RIGHT?

5 A YES

6 Q AND IF IT WAS BAD ENOUGH, YOU COULD FIND THE DEATH
7 PENALTY?

8 A I COULD, DEPENDING YEAH

9 Q NEED TO ASK YOU THIS QUESTION, AND I REALIZE IT'S
10 NOT A POPULAR THING FOR A WHITE MAN TO BE ASKING A LADY
11 OF COLOR WOULD THE FACT THAT HE IS A AFRICAN-AMERICAN
12 HAVE ANY EFFECT ON YOUR ABILITY TO ISSUE A FAIR AND
13 IMPARTIAL TRIAL?

14 A NO

15 MR MURDAUGH OKAY I THANK YOU VERY MUCH FOR
16 BEING HONEST AND FAIR WITH ME

17 THE COURT MS BROWN, IF YOU WILL STEP TO THE
18 HALLWAY PLEASE WE'LL BE RIGHT BACK WITH YOU THANK
19 YOU

20 (THE JUROR EXITS THE COURTROOM)

21 THE COURT ANY OBJECTION TO HER QUALIFICATION?

22 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

23 MR MURDAUGH NO, SIR

24 THE COURT ALL RIGHT THERE BEING NO OBJECTION,
25 THE COURT FINDS HER QUALIFIED

STATE VS ALKEBULANYAHH

1 THE COURT BRING MS BROWN BACK IN

2 DID THEY GIVE YOU SOMETHING?

3 MR ALKEBULANYAHH YES, SIR, THANK YOU, YOUR

4 HONOR

5 (THE JUROR ENTERS THE COURTROOM)

6 THE COURT MS BROWN, THE COURT FINDS YOU TO BE

7 QUALIFIED FOR THE POOL THAT DOES NOT MEAN YOU'LL BE

8 ON THE JURY IT MEANS YOU'LL BE PART OF THE GROUP FROM

9 WHICH WE SELECT A JURY

10 I HAVE A COUPLE OF INSTRUCTIONS FOR YOU IN REGARD

11 TO YOUR ROLE AS A JUROR YOU MUST NOT DISCUSS THIS

12 CASE WITH ANYONE INCLUDING ANYONE ELSE ON THE PANEL

13 YOU MUST NOT CONDUCT ANY TYPE OF INVESTIGATION ON YOUR

14 OWN YOU MUST NOT EXPOSE YOURSELF TO ANY TYPE OF MEDIA

15 COVERAGE THAT WOULD BE T V RADIO NEWSPAPER,

16 ETCETERA DO YOU UNDERSTAND THAT?

17 JUROR YES

18 THE COURT ALL RIGHT RATHER THAN KEEP YOU HERE

19 THE ENTIRE TIME WHILE WE'RE DOING THIS PROCESS, WE HAVE

20 YOUR DAY AND EVENING NUMBER, IS THAT CORRECT?

21 JUROR YES

22 THE COURT YOU WILL BE REQUIRED TO REPORT BACK

23 WHEN THEY CALL YOU OKAY?

24 JUROR OKAY

25 THE COURT THANK YOU VERY MUCH THANKS FOR BEING

STATE VS ALKEBULANYAHH

1 PATIENT WITH US

2 (THE JUROR EXITS THE COURTROOM)

3 THE COURT STEPHEN CLISHAM

4 (THE JUROR ENTERS THE COURTROOM)

5 STEPHEN CLISHAM HAVING

6 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

7 DIRECT EXAMINATION BY THE COURT.

8 Q ARE YOU STEPHEN -- IS IT CLISHAM?

9 A YES, CLISHAM

10 Q MR CLISHAM, THANK YOU FOR BEING PATIENT WITH US

11 IT'S DIFFICULT TO UNDERSTAND HOW LONG THESE THINGS WILL

12 TAKE I WANT TO REMIND YOU, YOU WERE PREVIOUSLY UNDER

13 OATH YOU WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

14 A YES

15 Q ALL RIGHT WE JUST NEED TO ASK YOU A FEW

16 QUESTIONS, SOME INDIVIDUAL QUESTIONS, NOT TO INVADE

17 YOUR PRIVACY, JUST DUE TO THE NATURE OF THESE

18 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO

19 DON'T WORRY ABOUT YOUR RESPONSES PLEASE JUST ANSWER

20 OPENLY, HONESTLY, AND FULLY IF YOU DON'T KNOW

21 SOMETHING, JUST SAY THAT OR IF YOU HAVE NO OPINION,

22 SAY YOU HAVE NO OPINION AND THAT WILL BE FINE NO

23 ONE IS CHALLENGING ANY VIEWS WE'RE JUST TRYING TO

24 ASCERTAIN CERTAIN INFORMATION OKAY?

25 A OKAY

STATE VS ALKEBULANYAHH

1 Q AMONG OTHER THINGS, WE'LL BE ASKING SOME QUESTIONS
2 AND TALKING ABOUT A PENALTY NOW, THE FACT THAT WE'RE
3 TALKING ABOUT A PENALTY OR ASKING YOU VARIOUS QUESTIONS
4 ON THINGS DOES NOT INDICATE ANYTHING ABOUT THE
5 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT IN
6 THE LAW DO YOU UNDERSTAND?

7 A YES

8 Q NOW, DO YOU RECALL MY CONVERSATION WITH THE WHOLE
9 GROUP ABOUT HOW THESE CASES ARE HANDLED? ONE PART ---

10 A AND THEN ONE PART TO DETERMINE GUILT OR INNOCENCE
11 AND THE NEXT PART IS TO DETERMINE THE PENALTY?

12 Q YES, SIR

13 A YEAH

14 Q AND I JUST WANT TO GIVE YOU A LITTLE FURTHER
15 INFORMATION ALSO A LOT OF PEOPLE THINK THAT THE DEATH
16 PENALTY APPLIES TO ANY AND ALL MURDER CASES, AND THAT
17 IS NOT TRUE IT APPLIES TO CASES IN WHICH THERE ARE
18 CERTAIN CIRCUMSTANCES THE STATE HAS TO PROVE CERTAIN
19 CIRCUMSTANCES BEFORE THE OPTION OF THE DEATH PENALTY
20 CAN EVEN BE PRESENTED TO A JURY SOME EXAMPLES OF THAT
21 WOULD BE LIKE IF IT WERE A KIDNAPPING AND A MURDER, OR
22 A BURGLARY PLUS A MURDER, OR THE DEATH OF AN OFFICIAL
23 THAT MAY BE LISTED IN THE STATUTE DO YOU UNDERSTAND?

24 A I DO

25 Q THOSE ARE JUST SOME EXAMPLES IT'S NOT ANY AND

1 EVERY MURDER CASE I WANT TO CLARIFY THAT BECAUSE SOME
2 PEOPLE MIGHT BE CONFUSED ABOUT THAT

3 A OH, OKAY

4 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
5 YOU APPLY THE LAW THAT I GIVE TO YOU AS THE JUDGE OF
6 THIS COURT?

7 A YES

8 Q COULD YOU DO IT EVEN IF YOU DISAGREE WITH THAT LAW
9 AND YOU THINK IT SHOULD BE ANOTHER TYPE OF LAW?

10 A YES

11 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
12 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
13 DISREGARD ANYTHING YOU HAVE HEARD READ, OR SEEN ABOUT
14 THIS CASE?

15 A YES

16 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
17 CASE?

18 A VIRTUALLY NOTHING

19 Q ALL RIGHT ANYTHING THAT YOU CAN RECALL?

20 A JUST THAT TWO POLICE OFFICERS WERE GUNNED DONE
21 WHILE DOING SOMETHING ABOUT A DOMESTIC DISPUTE OR
22 SOMETHING, THAT'S ALL I HEARD

23 Q ALL RIGHT NOW, WOULD THAT EXPOSURE IN ANY WAY
24 AFFECT YOUR ABILITY TO GIVE THE DEFENDANT AND THE STATE
25 A FAIR AND IMPARTIAL TRIAL?

STATE VS ALKEBULANYAHH

- 1 A NO I DON'T KNOW ENOUGH
- 2 Q PARDON?
- 3 A NO I DON'T KNOW ENOUGH
- 4 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
- 5 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
- 6 THIS DEFENDANT?
- 7 A NO
- 8 Q ALL RIGHT IN A CRIMINAL CASE THE STATE HAS THE
- 9 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
- 10 DEFENDANT DOES NOT HAVE TO DO A THING THE DEFENDANT
- 11 HAS NO BURDEN TO PROVE INNOCENCE DO YOU UNDERSTAND?
- 12 A OKAY
- 13 Q NOW DEPENDING UPON THE FACTS AND EVIDENCE AND THE
- 14 LAW THAT I GIVE TO YOU, WOULD YOU BE ABLE TO EQUALLY
- 15 CONSIDER A VERDICT OF NOT GUILTY OR A VERDICT OF
- 16 GUILTY?
- 17 A YES
- 18 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
- 19 TYPE SHEET THAT WE HANDED OUT?
- 20 A YEAH I DID
- 21 Q DO YOU THINK YOU FALL IN ONE OF THOSE CATEGORIES?
- 22 A YEAH, I THINK SO
- 23 Q WHICH ONE?
- 24 A THE THIRD ONE
- 25 Q ALL RIGHT LET'S JUST REVIEW THAT THAT WOULD BE

- 1 IF THE CRIME OF MURDER HAS BEEN PROVEN AND THE JURY IS
2 CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR
3 MIND IN ADVANCE ABOUT PUNISHMENT INSTEAD YOU WOULD
4 NEED TO HEAR ALL THE FACTS AND CIRCUMSTANCES IN THE
5 CASE INCLUDING ANY EVIDENCE OR CIRCUMSTANCES BOTH IN
6 AGGRAVATION AND IN MITIGATION AS WELL AS THE LAW BEFORE
7 YOU MADE ANY DECISION IS THAT CORRECT?
- 8 A I THINK SO, YES
- 9 Q PARDON?
- 10 A YES
- 11 Q ALL RIGHT NOW LET ME JUST ASK YOU A QUESTION
12 IF YOU WERE IN A CASE AND THAT CASE MADE IT TO THE
13 SENTENCING PHASE OF THE TRIAL, PART 2, WOULD YOU
14 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
15 THAT HAVE BEEN PROVEN INCLUDING THE CONSIDERATION ALSO
16 OF ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE
17 LAW THAT I GIVE TO YOU, COULD YOU RETURN A SENTENCE OF
18 LIFE IMPRISONMENT WITHOUT PAROLE?
- 19 A COULD I?
- 20 Q DEPENDING ON THE FACTS AND CIRCUMSTANCES ---
- 21 A YES, I COULD
- 22 Q --- COULD YOU RETURN A SENTENCE OF LIFE
23 IMPRISONMENT WITHOUT PAROLE?
- 24 A YES, I COULD
- 25 Q ALL RIGHT IN THAT SAME SITUATION IF YOU WERE A

1 JUROR IN THE SENTENCING PHASE OF A CASE, COULD YOU
2 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
3 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
4 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU
5 RETURN A SENTENCE OF DEATH?

6 A YES, I COULD

7 Q ALL RIGHT NOW, IN THAT LATTER SITUATION, IF THE
8 JURY WERE TO RETURN A UNANIMOUS DECISION ABOUT THE
9 DEATH PENALTY, WOULD YOU BE ABLE TO SIGN THE VERDICT
10 FORM?

11 A IN AGREEMENT WITH THEM?

12 Q IF THE JURY UNANIMOUSLY DECIDED ON THE DEATH
13 SENTENCE WOULD YOU BE ABLE TO SIGN THAT VERDICT FORM?
14 ALL THE JURORS WOULD HAVE TO SIGN TO LET ME KNOW
15 EVERYONE -- THAT WAS THEIR DECISION?

16 A OH, YES

17 Q WOULD YOU BE ABLE TO SIGN THAT FORM?

18 A YES

19 THE COURT OKAY NOW AT THIS POINT, THEY'RE
20 GOING TO ASK YOU SOME QUESTIONS THANK YOU

21 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

22 Q GOOD EVENING, MR CLISHAM HOW YOU DOING?

23 A GOOD

24 Q I AM ABDIYYAH BEN ALKEBULANYAHH I'M THE
25 DEFENDANT IN THE CASE I'M GOING TO BE POSING SOME

STATE VS ALKEBULANYAHH

1 QUESTIONS TO YOU ABOUT A VARIETY OF THINGS

2 A ABOUT -- ABOUT?

3 Q ABOUT A VARIETY OF THINGS

4 A OH

5 Q ABOUT A VARIETY OF THINGS ---

6 A OKAY

7 Q --- BUT FIRST AND FOREMOST, YOU KNOW, I WANT TO

8 LET YOU KNOW THAT IF I ASK YOU SOME QUESTIONS AND STUFF

9 THAT MAY SEEM UNCOMFORTABLE FOR YOU, IT'S NOT MY

10 INTENTION TO EMBARRASS YOU OR OFFEND YOU BUT BEFORE I

11 GO INTO MY INITIAL QUESTIONS, I WOULD LIKE TO -- I

12 NOTICE IN YOUR QUESTIONNAIRE AND WHAT I WANT TO DO

13 WAS I WANTED TO -- I DON'T WANT TO EMBARRASS YOU, BUT

14 YOU KNOW, WHAT I WANT TO -- I WANT TO -- I WANT TO GET

15 NOTICE TO THE QUESTIONNAIRE ABOUT A FEW THINGS THAT YOU

16 MENTION IN YOUR QUESTIONNAIRE ABOUT A MEDICAL

17 CONDITION

18 A OKAY

19 Q AND I WANT TO START OFF WITH THAT

20 A OKAY

21 Q I NOTICE ON YOUR QUESTIONNAIRE THAT YOU HAVE A

22 MENTAL ILLNESS AND THAT YOU ASKED TO BE EXCUSED, IS

23 THAT CORRECT?

24 A YES I -- I THOUGHT THAT WOULD MAKE A DIFFERENCE

25 I DIDN'T KNOW

- 1 Q OKAY
- 2 THE COURT AND JUST FOR THE RECORD, SIR YOU
- 3 INDICATED TO ME THAT YOU TAKE MEDICATION
- 4 JUROR YEAH
- 5 THE COURT YOU HAVE NO PROBLEM WHATSOEVER
- 6 JUROR NO, I DON'T HAVE ANY SYMPTOMS AT ALL I
- 7 TAKE MEDICATION FOR IT, AND I HAVE NO SYMPTOMS
- 8 Q WHAT IS -- WHAT IS -- WHAT IS THAT -- WHAT IS THAT
- 9 CONDITION?
- 10 A SCHIZOPHRENIA
- 11 Q SCHIZOPHRENIA?
- 12 A YEAH
- 13 Q OKAY WHAT PARTICULAR MEDICATION DO YOU TAKE?
- 14 A IT'S CALLED ZYPREXA (PHONETIC) 10 MILLIGRAMS
- 15 ZYPREXA DAILY
- 16 Q AND ANY OTHER MEDICATION THAT YOU TAKE?
- 17 A NO OH, LIPITOR
- 18 Q LIPITOR?
- 19 A YEAH
- 20 Q DO YOU FEEL THAT YOUR PARTICULAR MEDICAL CONDITION
- 21 WILL AFFECT YOUR ABILITY TO SERVE ON THE JURY?
- 22 A NO, I DON'T THINK SO
- 23 Q DID YOU FELT THAT WAY PREVIOUSLY BEFORE YOU ---
- 24 A I -- I -- I KIND OF THOUGHT SOMEONE ELSE MIGHT
- 25 THINK SO

- 1 Q OKAY
- 2 A YOU KNOW
- 3 Q ALL RIGHT BUT AS FAR AS YOU FEEL PERSONALLY FOR
- 4 YOURSELF, THAT YOU ARE CAPABLE OF SERVING ON THE JUROR
- 5 (SIC) AND YOUR MEDICAL CONDITION WOULD NOT AFFECT YOU
- 6 TO BEING ---
- 7 A NO
- 8 Q --- IMPARTIAL?
- 9 A NO THIS IS THE FIRST JURY I'VE EVER BEEN ON, SO
- 10 I'VE BEEN OVER EVERYTHING NOW YOU KNOW, EVERYTHING
- 11 WORKS BUT ---
- 12 Q OKAY THANK YOU FOR BEING HONEST
- 13 A SURE
- 14 Q THE NEXT QUESTION I'M GOING TO ASK YOU IS COULD
- 15 YOU DESCRIBE YOUR VIEWS ON THE DEATH PENALTY?
- 16 A MY VIEWS ON IT?
- 17 Q YES, SIR
- 18 A I THINK IN SOME CASES, DEPENDING ON, YOU KNOW,
- 19 WHAT -- WHAT HAS BEEN DONE I DON'T KNOW HOW THE LAW
- 20 READS -- READS ON IT, BUT I -- I COULD DO IT OR I
- 21 COULD WHERE I COULD NOT DO IT, DEPENDING ON THE
- 22 CIRCUMSTANCES
- 23 Q OKAY IS THERE ANY DOUBT IN YOUR MIND THAT LIFE
- 24 WITHOUT THE POSSIBILITY OF PAROLE IS JUST THAT?
- 25 A PARDON ME?

- 1 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
2 THE POSSIBILITY OF PAROLE IS JUST THAT?
- 3 A NO, THERE'S NO DOUBT
- 4 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
5 SUPPORT THE DEATH PENALTY?
- 6 A NO
- 7 Q HAVE YOU EVER PUBLICLY -- PUBLICLY EXPRESSED YOUR
8 VIEWS FAVORING THE DEATH PENALTY?
- 9 A NO
- 10 Q WHEN YOU COME TO A INDEPENDENT DECISION -- WHEN
11 YOU COME TO A INDEPENDENT DECISION, WILL YOU STICK TO
12 IT?
- 13 A YES YOU MEAN, A FINAL -- A FINAL DECISION?
- 14 Q WHEN YOU YOURSELF COME TO A -- A -- A DECISION ON
15 YOUR OWN ---
- 16 A YEAH BASED ON ---
- 17 Q --- CAN YOU STICK TO IT?
- 18 A --- THE EVIDENCE AND ALL, RIGHT
- 19 Q NOT NECESSARY DEALING WITH, YOU KNOW, THE CASE IN
20 ITSELF, JUST AS IN GENERAL?
- 21 A OH, WHEN I MAKE A DECISION, DO I STICK WITH IT?
22 YEAH, I DO
- 23 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
24 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
25 OWN DECISION?

- 1 A YES, IF I FELT IT WAS RIGHT
- 2 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
- 3 CASE EITHER FOR THE DEFENSE OR THE PROSECUTOR?
- 4 A NO
- 5 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
- 6 OR ABOUT RIGHT?
- 7 A IT MIGHT NOT BE USED ENOUGH
- 8 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
- 9 THEN LATER FOUND OUT YOU BEEN WRONG?
- 10 A I CAN'T THINK OF ANYTHING OFFHAND, BUT I'M SURE I
- 11 HAVE
- 12 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
- 13 RIGHT TO PRIVACY IN THEIR HOME?
- 14 A YES
- 15 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 16 A YES
- 17 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 18 A YES
- 19 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
- 20 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
- 21 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
- 22 DOUBT THAT THE DEFENDANT IS GUILTY?
- 23 A YES
- 24 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
- 25 WRONG IS WRONG REGARDLESS?

- 1 A YEAH, I'VE HEARD YEAH
- 2 Q DO YOU BELIEVE THAT SAYING?
- 3 A I WOULD SAY SO, YES
- 4 Q DO YOU AGREE THAT THERE ARE TWO SIDES TO EVERY
- 5 STORY?
- 6 A YES
- 7 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
- 8 TO JUDGE FAIRLY?
- 9 A YES
- 10 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
- 11 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
- 12 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?
- 13 A YES
- 14 Q WHAT IS YOUR OPINION ABOUT A POLICE OFFICER WHO
- 15 HAS BROKEN THE LAW?
- 16 A HE SHOULD BE CHARGED ACCORDINGLY
- 17 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
- 18 THEIR REPORTING?
- 19 A THEY PUT A SPIN ON IT SOMETIMES, YOU KNOW BUT
- 20 FOR THE MOST PART, I GUESS
- 21 MR ALKEBULANYAHH MR CHISOLM (PHONETIC), THANK
- 22 YOU I HAVE NO FURTHER QUESTIONS
- 23 CROSS EXAMINATION BY MR. MURDAUGH.
- 24 Q MR CHISOLM (PHONETIC), HOW ARE YOU DOING, SIR?
- 25 A FINE CLISHAM

- 1 Q CLISHAM EXCUSE ME
- 2 A IT'S ALL RIGHT
- 3 Q I NOTICE THAT YOU -- I'M RANDOLPH MURDAUGH THIS
4 IS DUFFY STONE WE'LL BE PROSECUTING THIS CASE NEED
5 TO ASK YOU A FEW QUESTIONS TO FIND OUT WHETHER,
6 FRANKLY, I WANT YOU ON THIS JURY OR NOT
- 7 A OKAY
- 8 Q I NOTICE THAT YOU HAD GRADUATED FROM RUTGARS
9 UNIVERSITY?
- 10 A YES
- 11 Q AND WHEN WAS THAT, SIR?
- 12 A IN 198 -- MAY OF '87
- 13 Q '87?
- 14 A YEAH, MAY OF 1987
- 15 Q OKAY SIR IN MANAGEMENT?
- 16 A YEAH BACHELOR OF SCIENCE IN BUSINESS MANAGEMENT
- 17 Q OKAY SIR ARE YOU SURE SIR -- YOU'VE BEEN DOWN
18 IN BEAUFORT COUNTY 5 YEARS NOW?
- 19 A YES
- 20 Q AND IS THAT BECAUSE YOUR SISTER IS LIVING DOWN
21 HERE ---
- 22 A YEAH, MY FAMILY LIVES HERE, YEAH
- 23 Q OKAY MORE THAN YOUR SISTER?
- 24 A MY MOTHER AND FATHER AND BROTHER AND TWO SISTERS
- 25 Q OKAY, SIR AND THEY LIVE WHERE?

- 1 A ON HILTON HEAD IN BLUFFTON
- 2 Q OKAY, SIR YOU ARE CONFIDENT, SIR, THAT YOUR
- 3 ILLNESS WILL NOT AFFECT YOUR ABILITY TO SERVE AS A
- 4 JUROR?
- 5 A YES YES MY QUESTION WAS ---
- 6 Q IS COVERED BY MEDICATION?
- 7 A YEAH, IT COVERED IT IT WORKS
- 8 Q OKAY, SIR
- 9 A I HAVE ON THE -- ON THE RANGE OF MEDICINES, IT
- 10 GOES FROM 10 MILLIGRAMS TO, I THINK, 35 MILLIGRAMS
- 11 AND I TAKE 10 MILLIGRAMS
- 12 THE COURT YOU TAKE THE LOWEST?
- 13 JUROR I TAKE A LOWER THAN AVERAGE DOSE
- 14 THE COURT YOU FEEL COMFORTABLE?
- 15 JUROR YES
- 16 THE COURT YOU JUST WANTED TO MAKE SURE EVERYONE
- 17 WAS AWARE OF THAT?
- 18 JUROR YES
- 19 THE COURT ALL RIGHT
- 20 JUROR BECAUSE I THOUGHT SOMEBODY WOULD COME TO
- 21 ME LATER AND SAY YOU'RE NOT QUALIFIED
- 22 THE COURT I APPRECIATE THAT
- 23 Q MAY I ASK YOUR SOCIAL SECURITY NUMBER, SIR?
- 24 A IT'S 156-58-1483
- 25 Q THANK YOU, SIR

1 THE COURT DOES THAT NEED TO BE ON THE RECORD,
2 THE SOCIAL SECURITY NUMBER?

3 MR MURDAUGH I DON'T KNOW, SIR
4 JUROR DID I SAY IT TOO FAST?

5 MR MURDAUGH NO, SIR
6 THE COURT ANY OTHER QUESTIONS?

7 MR MURDAUGH I'M SORRY NO FURTHER QUESTIONS

8 MR ALKEBULANYAHH NO, SIR

9 MR MURDAUGH THANK YOU VERY MUCH
10 THE COURT ALL RIGHT SIR, IF YOU WILL STEP OUT
11 TO THE HALL MOMENTARILY

12 MR MURDAUGH I DO HAVE ONE OTHER QUESTIONS IF I
13 MIGHT I APOLOGIZE

14 THE COURT ALL RIGHT

15 Q I NOTICE ON YOUR FORM THAT YOUR SISTER WORKS FOR
16 AN ATTORNEY?

17 A YES

18 Q MAY I ASK WHO?

19 A BETHEA JORDAN AND GRIFFIN

20 MR MURDAUGH THANK YOU, SIR

21 THE COURT ALL RIGHT IF YOU WILL WALK INTO THE
22 HALLWAY, WE'LL BE WITH YOU SHORTLY SIR THANK YOU

23 (THE JUROR EXITS THE COURTROOM)

24 THE COURT ANY OBJECTION TO HIS QUALIFICATION?

25 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR

STATE VS ALKEBULANYAHH

1 HONOR

2 MR MURDAUGH JUDGE, I HAVE NO OBJECTION BUT I
3 NEED TO CALL TO THE COURT'S ATTENTION ---

4 THE COURT YES, SIR

5 MR MURDAUGH HE HAS A CONVICTION FOR RECEIVING
6 STOLEN LICENSE PLATE FOR WHICH HE RECEIVED A 12-MONTH
7 CONFINEMENT IN OHIO I HAVE NO IDEA WHAT -- THIS SORT
8 OF SLIPPED UP ON ME SOMEHOW I HAVE NO IDEA WHAT THE
9 SENTENCE COULD HAVE BEEN

10 THE COURT AND YOU'RE SURE IT'S THE SAME PERSON?

11 MR MURDAUGH YES, SIR, THE SOCIAL SECURITY
12 NUMBER AND BIRTH DATE MATCH THAT WAS MY REASON FOR
13 ASKING THAT NUMBER SIR

14 (PAUSE)

15 THE COURT WHERE IS THE -- I'M SORRY AM I JUST
16 NOT SEEING IT? WHERE IS IT, CONFINEMENT FOR 12 MONTHS,
17 DISPOSITION, CONVICTED MARCH -- RECEIVING STOLEN
18 LICENSE PLATE WHAT STATE WAS THAT IN?

19 MR MURDAUGH OHIO

20 THE COURT OHIO YOU COULDN'T FIND THAT ON THE
21 INTERNET THAT PENALTY?

22 MR STONE NO, SIR I CAN'T MINE DOES NOT GO
23 OUTSIDE YOURS DOES BUT MINE DOESN'T I'M SORRY I
24 WAS TALKING TO THE CLERK I COULD ACTUALLY PULL IT UP
25 ON WESTLAW, BUT MINE DOESN'T GO OUT OF SOUTH CAROLINA

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I APOLOGIZE ABOUT THIS THIS WAS
2 JUST ONE OF THOSE THINGS THAT SLIPPED UP ON US

3 (PAUSE)

4 MR MURDAUGH IF HE IS OTHERWISE QUALIFIED I
5 THINK HE'S QUALIFIED FOR THIS JURY

6 THE COURT I UNDERSTAND THE PROBLEM IS, YOU
7 KNOW, AS SOON AS WE GET THE REQUISITE NUMBER, I DON'T
8 WANT IT TO TURN OUT LATER THAT HE'S NOT QUALIFIED

9 MR MURDAUGH I UNDERSTAND, SIR THAT'S WHY I
10 BROUGHT IT TO YOUR ATTENTION

11 THE COURT DO YOU UNDERSTAND THE ISSUE, MR
12 ALKEBULANYAHH?

13 MR ALKEBULANYAHH YES, SIR, I DO

14 THE COURT IF HE HAS A -- HE HAS A CRIMINAL
15 RECORD FOR A CRIME FOR WHICH HE COULD HAVE RECEIVED
16 MORE THAN 1 YEAR -- 1 YEAR OR LESS IS OKAY IF HE
17 COULD RECEIVE MORE THAN 1 YEAR -- NOT THAT HE GOT IT,
18 BUT HE COULD RECEIVED HAVE RECEIVED MORE THAN 1 YEAR,
19 HE'S DISQUALIFIED I COULD ASK HIM IF HE KNOWS BUT
20 WE SHOULD CHECK IT

21 (PAUSE)

22 MR MURDAUGH YOUR HONOR, WE COULD PROCEED AND
23 CHECK ON THIS TOMORROW

24 THE COURT EVERYONE WOULD HAVE TO BE PUT IN THEIR
25 ORDER -- HOLD ON A SECOND ALL RIGHT

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 THE COURT IF THE VALUE OF THE PROPERTY IS LESS
3 THAN \$300, IT IS A MISDEMEANOR IN THE FIRST DEGREE SO
4 WHATEVER THEIR PENALTY FOR THAT -- I WOULD THINK THE
5 LICENSE PLATE IS LESS THAN \$300

6 MR MURDAUGH I WOULD CERTAINLY THINK SO, SIR

7 THE COURT IF IT WAS 300, LESS THAN 5,000 OR IF
8 THE OFFENDER HAS SOME PREVIOUS -- IT'S A FELONY IN THE
9 FOURTH DEGREE

10 ALL RIGHT I COULD ASK HIM IF HE KNOWS WHAT THE
11 PENALTY WAS OR YOU COULD CHECK IT

12 MR MURDAUGH WHAT I'M WONDERING, SIR, IS EVEN IF
13 HE TOLD US THAT IT WAS A YEAR OR LESS AND IT TURNED OUT
14 NOT TO BE CORRECT, THEN I THINK HE WOULD BE
15 DISQUALIFIED WHAT I WAS THINKING IS PERHAPS WE COULD
16 JUST -- WE COULD JUST PROCEED, QUALIFY HIM UNLESS HE IS
17 OTHERWISE DISQUALIFIED

18 THE COURT ALL RIGHT

19 MR MURDAUGH AND JUST -- SO WE COULD GET TO SOME
20 OTHERS, WE COULD FIND OUT TOMORROW

21 THE COURT YOU SAY HE GOT 12 MONTHS OR 12 MONTHS
22 PROBATION?

23 MR MURDAUGH I THINK IT SAYS CONFINEMENT, SIR

24 THE COURT SOMETHING IS NOT RIGHT BECAUSE IT SAYS
25 NOT MORE THAN 6 MONTHS FOR A FIRST DEGREE IN THERE

1 UNLESS IT'S VALUED AT MORE THAN THAT
2 ALL RIGHT ANY PROBLEM WITH THAT? QUALIFYING HIM
3 FOR RIGHT NOW SO WE COULD CHECK ON THE PENALTY?
4 MR ALKEBULANYAHH NO, THERE'S NO PROBLEM
5 THE COURT ALL RIGHT
6 MR MURDAUGH MAY I GET THE RECORD BACK SO I CAN
7 HAVE SOMEBODY CONTACT THEM UP THERE
8 THE COURT YES, SIR
9 MR MURDAUGH THANK YOU, SIR
10 THE COURT AMANDA DERR
11 (PAUSE)
12 THE COURT NOW, LET ME DOUBLE CHECK IF THE
13 COURT GOES ALONG WITH 2 ALTERNATES, WE WOULD NEED 35
14 JURORS, IS THAT CORRECT?
15 MR MURDAUGH 36, I BELIEVE SO
16 THE COURT SO IF WE DO TWO ALTERNATES SUBJECT TO
17 THIS GUY'S PRIOR RECORD, WE WOULD ONLY NEED 5 MORE
18 JURORS, IS THAT CORRECT?
19 MR MURDAUGH JUDGE, THE WAY I FIGURED, THAT
20 YOU'D NEED 36
21 THE COURT I ORIGINALLY CAME UP WITH 36 BUT
22 WHEN I ADDED IT UP AGAIN TODAY, I GOT 35
23 MR MURDAUGH YOU WOULD NEED 12 AND 15 IS 27 --
24 EXCUSE ME YOU'RE RIGHT 2 ALTERNATES WOULD BE 29 AND
25 6 MORE WOULD BE 35 EXCUSE ME, YOU'RE ABSOLUTELY

STATE VS ALKEBULANYAHH

1 CORRECT

2 THE COURT I MAY GO WITH THAT OPTION TO HAVE TWO
3 ALTERNATES, AND THAT WOULD BE 35

4 MR MURDAUGH I DON'T KNOW WHAT'S GOING TO
5 HAPPEN BUT IF IT'S POSSIBLE, I WOULD PREFER THE COURT
6 TO CONSIDER 3 BUT ---

7 THE COURT I'M GOING TO SEE WHERE WE GO BUT I
8 RESERVE THE RIGHT TO DO 2 ALTERNATES

9 MR MURDAUGH I UNDERSTAND

10 (PAUSE)

11 THE COURT BUT I'M GOING TO SEE WHERE WE GO, YOU
12 KNOW I WOULD LIKE TO ---

13 MR MURDAUGH I WOULD LIKE TO START FRIDAY IF
14 WE RUN INTO A PROBLEM AND CAN'T GET MORE THAN 2, THEN
15 THAT'S ---

16 THE COURT AND THAT'S WHAT I WOULD LIKE TO DO I
17 WOULD SHOOT FOR FRIDAY AND I WOULD LIKE TO HAVE SOME
18 TIME THURSDAY AFTERNOON TO WORK ON THE FINAL PRETRIAL
19 STUFF AND START ON FRIDAY

20 MR MURDAUGH YES, SIR

21 THE COURT SO WE HAVEN'T DEALT WITH THE JURY YET
22 IS THE DOOR -- CAN YOU CLOSE THAT DOOR ALL THE WAY?
23 WHAT I PLAN ON DOING, RATHER THAN BREAK THESE GROUPS
24 APART AGAIN IS JUST BRING EVERYBODY BACK IN THE
25 MORNING AND MAYBE THIS WOULD BE A GOOD TIME TO GO

1 AHEAD AND JUST STOP AND THEN PICK BACK UP IN THE
2 MORNING, SINCE YOU'RE NOT FEELING WELL, MR
3 ALKEBULANYAHH WOULD YOU PREFER TO DO THAT?

4 MR ALKEBULANYAHH YES

5 THE COURT OR WE COULD TRY TO QUALIFY ONE MORE
6 PERSON WE CAN GO AHEAD AND TAKE THIS LAST PERSON --
7 WELL NOT THE LAST, BUT GO AHEAD AND TAKE MS DERR, AND
8 THEN LET THE REST OF THE PANEL GO

9 MR MURDAUGH I'M AT YOUR DISPOSAL, SIR

10 MR ALKEBULANYAHH OKAY SIR

11 THE COURT WE'LL DO THAT?

12 MR ALKEBULANYAHH YES

13 THE COURT ALL RIGHT WE'LL DO THAT LET ME GO
14 AHEAD -- BRING HIM BACK IN, MR CLISHAM

15 (THE JUROR ENTERS THE COURTROOM)

16 THE COURT MR CLISHAM, AT THIS POINT THE COURT
17 FINDS YOU QUALIFIED I HAVE A COUPLE INSTRUCTIONS FOR
18 YOU

19 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY
20 WHATSOEVER WITH ANYONE YOU MUST NOT INVESTIGATE THIS
21 CASE IN ANY WAY AND YOU MUST NOT EXPOSE YOURSELF TO
22 ANY KIND OF MEDIA OR NEWS OR TELEVISION COVERAGE ABOUT
23 THIS CASE ALL RIGHT?

24 JUROR YES

25 THE COURT IF YOU SEE SOMETHING IN THE PAPER,

STATE VS ALKEBULANYAHH

1 DON'T READ IT T V , TURN IT OFF IF YOU SEE SOMETHING
2 COME ON ABOUT IT, ETCETERA DO YOU UNDERSTAND?
3 JUROR YES
4 THE COURT ALL RIGHT NOW, CAN YOU APPROACH OVER
5 HERE PLEASE?
6 (COMPLIED)
7 THE COURT YOU ALL CAN APPROACH
8 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)
9 (THE JUROR EXITS THE COURTROOM)
10 THE COURT DID YOU RELEASE EVERYONE ELSE?
11 CLERK NOT YET, SIR, BUT I WILL
12 THE COURT OKAY LET ME MAKE SURE IF THAT IS
13 INDEED CORRECT THAT IT HAS BEEN EXPUNGED IS THAT --
14 THAT WOULD BE MY UNDERSTANDING
15 MR MURDAUGH MY FEELINGS IS IF IT'S BEEN
16 EXPUNGED, IT'S NO LONGER IN EXISTENCE
17 THE COURT ALL RIGHT THAT'S WHAT MY THOUGHT
18 WOULD BE
19 MR MURDAUGH BUT I'M GOING TO DOUBLE CHECK THAT
20 IN THE MORNING
21 THE COURT ALL RIGHT
22 (PAUSE)
23 (THE JUROR ENTERS THE COURTROOM)
24 AMANDA DERR, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT

2 Q ARE YOU AMANDA DERR?

3 A YES, SIR

4 Q ALL RIGHT MS DERR, FIRST I WANT TO SAY, THANK
5 YOU FOR YOUR PATIENCE WITH THIS PROCESS NO TELLING ON
6 WHAT'S GOING ON OVER THERE BESIDES HAVING TO WAIT BUT
7 WE ALL APPRECIATE IT, IT'S THE NATURE OF THESE
8 PROCEEDINGS WE CAN'T EVER FIGURE OUT HOW LONG EACH
9 SET OF QUESTIONS ARE GOING TO TAKE, ETCETERA, DEPENDING
10 ON PEOPLE'S ANSWERS

11 I WANT TO REMIND YOU, YOU'RE STILL UNDER OATH FROM
12 WHEN WE PLACED YOU UNDER OATH BEFORE OKAY?

13 A OKAY

14 Q NOW, IN RESPONSE TO MY QUESTIONS, IF YOU COULD
15 PLEASE VERBALIZE YOUR RESPONSE SO THAT -- INSTEAD OF
16 NODDING YOUR HEAD OR SAYING UH-HUH OR WHATEVER, THAT
17 WAY THE COURT REPORTER CAN TAKE IT ALL DOWN OKAY?

18 A OKAY

19 Q NOW, WE'RE GOING TO ASK YOU SOME QUESTIONS, NOT TO
20 INVADE YOUR PRIVACY OR ANYTHING, IT'S JUST THAT WE NEED
21 TO KNOW CERTAIN INFORMATION THERE ARE NO RIGHT OR
22 WRONG ANSWERS IF YOU DON'T KNOW SOMETHING, SAY THAT
23 OR IF YOU HAVE NO OPINION, SAY THAT OKAY?

24 A OKAY

25 Q WE'RE JUST TRYING TO FIGURE OUT CERTAIN

STATE VS ALKEBULANYAHH

1 INFORMATION NOW, AMONG OTHER THINGS, WE'LL BE ASKING
2 QUESTIONS AND YOU'LL ALSO HEAR QUESTIONS ABOUT PENALTY
3 NOW, THE FACT THAT WE'RE ASKING THESE QUESTIONS IN THE
4 FIRST PLACE AND WE'RE DISCUSSING THE PENALTY IN NO WAY
5 INDICATES ANYTHING ABOUT THIS DEFENDANT HE IS
6 PRESUMED TO BE INNOCENT DO YOU UNDERSTAND?

7 A YES, SIR

8 Q ALL RIGHT NOW, DO YOU REMEMBER MY CONVERSATION
9 ABOUT HOW THESE CASES GO, YOU HAVE THE FIRST PHASE IF
10 THE DEFENDANT IS NOT GUILTY, IT STOPS IF HE'S GUILTY,
11 IT GOES TO A SECOND PHASE DO YOU REMEMBER THAT
12 CONVERSATION?

13 A YES SIR

14 Q ALL RIGHT A LITTLE MORE FULLER INFORMATION A
15 LOT OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO
16 ANY AND ALL MURDER CASES THAT IS NOT CORRECT THERE
17 ARE CERTAIN CIRCUMSTANCES UNDER THE LAW THAT WOULD HAVE
18 TO BE PROVEN BEFORE THE STATE CAN REQUEST THAT THE JURY
19 HAVE THE OPTION OF THE DEATH PENALTY DO YOU
20 UNDERSTAND THAT?

21 A YES SIR

22 Q ALL RIGHT NOW, SOME EXAMPLES OF THAT MIGHT BE IF
23 DURING THE TRIAL THE STATE PROVED THAT A KIDNAPPING AND
24 A MURDER TOOK PLACE, OR A BURGLARY AND A MURDER TOOK
25 PLACE, OR THAT IT INVOLVED THE DEATH OF A PUBLIC

1 OFFICIAL, ONE OF THE OFFICIALS THAT WAS LISTED IN THE
2 STATUTE -- STATUTE OF OUR STATE DO YOU UNDERSTAND
3 THAT?

4 A YES, SIR

5 Q THOSE ARE JUST EXAMPLES I'M NOT SAYING THAT THEY
6 APPLY IN THIS CASE, I'M JUST GIVING YOU SOME EXAMPLES

7 A OKAY

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

11 A YES SIR

12 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
13 THE LAW?

14 A YES, SIR

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

18 A YES, SIR

19 Q HAVE YOU HEARD READ, OR SEEN ANYTHING ABOUT THIS
20 CASE?

21 A HONESTLY, NO

22 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
23 CASE OR ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?

24 A NO, SIR

25 Q ALL RIGHT NOW, DO YOU UNDERSTAND THAT IN A

STATE VS ALKEBULANYAHH

1 CRIMINAL CASE THE STATE HAS THE BURDEN OF PROVING THE
2 DEFENDANT GUILTY BEYOND A REASONABLE DOUBT THE
3 DEFENDANT DOES NOT HAVE TO DO ANYTHING A DEFENDANT
4 DOES NOT HAVE TO PROVE HE'S INNOCENT DO YOU
5 UNDERSTAND THAT?

6 A YES, SIR

7 Q NOW, DEPENDING ON THE CASE AND THE LAW AND THE
8 EVIDENCE, WOULD YOU BE ABLE TO EQUALLY CONSIDER A
9 VERDICT OF NOT GUILTY OR GUILTY?

10 A YES, SIR

11 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THE JUROR TYPE
12 SHEET THAT WE HANDED OUT?

13 A YES SIR

14 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
15 CATEGORIES?

16 A TYPE 3

17 Q ALL RIGHT LET ME JUST REVIEW THAT WITH YOU
18 THAT'S IN THE CASE IF THE STATE HAS PROVEN THE OFFENSE
19 AND THE JURY GETS TO THE PUNISHMENT STAGE, YOU'RE
20 CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR
21 MIND IN ADVANCE INSTEAD, YOU'D HAVE TO HEAR ALL THE
22 FACTS AND CIRCUMSTANCES INCLUDING ANY EVIDENCE OF
23 CIRCUMSTANCES IN AGGRAVATION AND IN MITIGATION AND THE
24 LAW BEFORE YOU WOULD MAKE A DECISION ABOUT PUNISHMENT
25 IS THAT CORRECT?

STATE VS ALKEBULANYAHH

1 A YES, SIR

2 Q NOW, IN THAT REGARD, IF YOU WERE A JUROR IN A CASE
3 AND THAT CASE REACHED THE SENTENCING PHASE, COULD YOU
4 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
5 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
6 MITIGATING CIRCUMSTANCES AND THE LAW RETURN A SENTENCE
7 OF LIFE IMPRISONMENT WITHOUT PAROLE?

8 A YES, SIR

9 Q THE SAME SITUATION, YOU'RE A JUROR IN A CASE THAT
10 MAKES IT TO THE SENTENCING PHASE, COULD YOU DEPENDING
11 UPON THE PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING
12 THE CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
13 CIRCUMSTANCES AS WELL AS THE LAW RETURN A VERDICT OF
14 DEATH?

15 A YES, SIR

16 Q NOW IN THAT LATTER EVENT IF THE JURY UNANIMOUSLY
17 DECIDED THAT DEATH -- THAT A DEATH SENTENCE WAS
18 APPROPRIATE, WOULD YOU BE ABLE TO SIGN THAT VERDICT
19 FORM?

20 A WHAT DO YOU MEAN SIGN IT?

21 Q WHAT THAT MEANS IS IF THE JURY MADE A
22 DETERMINATION ABOUT THE SENTENCE AND IT RECOMMENDED A
23 SENTENCE OF DEATH -- AND THAT RECOMMENDATION BY THE WAY
24 IS SOMETHING THE COURT FOLLOWS, WHATEVER THE JURY
25 DECIDES, THAT'S WHAT THE SENTENCE IS IF THEY GET TO

STATE VS ALKEBULANYAHH

1 THAT POINT NOW, IF YOU -- IF THE JURY UNANIMOUSLY
2 DECIDED, EVERYBODY AGREED, THAT A DEATH SENTENCE WAS
3 APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE FORM THAT
4 SAYS WE THE JURY UNANIMOUSLY RECOMMEND THE SENTENCE OF
5 DEATH?

6 A YES, SIR

7 Q ALL RIGHT THAT'S MY WAY OF KNOWING THAT EACH AND
8 EVERY JUROR HAS AGREED ON THAT, BECAUSE THERE HAS TO BE
9 A UNANIMOUS VERDICT DO YOU UNDERSTAND?

10 A YES, SIR

11 Q ALL RIGHT AND YOU'D BE WILLING TO DO THAT?

12 A YES, SIR

13 THE COURT ALL RIGHT NOW THEY'RE GOING TO ASK
14 YOU SOME QUESTIONS GO AHEAD

15 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

16 Q GOOD AFTERNOON MS DERR

17 A HI

18 Q I'M GOING TO ASK YOU A FEW QUESTIONS I'M
19 ABDIYYAH BEN ALKEBULANYAHH I'M THE DEFENDANT IN THE
20 CASE AND I'M GOING TO ASK YOU SOME QUESTIONS ABOUT
21 YOUR OPINION MAYBE ABOUT RACE OR RELIGION OR THE DEATH
22 PENALTY, JUST A VARIETY OF QUESTIONS ABOUT HOW YOU FEEL
23 ABOUT LAW ENFORCEMENT OFFICIALS AND CERTAIN AREAS OF
24 CONDUCT OR WHATEVER -- MISCONDUCT OR GOOD CONDUCT AND
25 IF I SAY ANYTHING TO OFFEND YOU, IT'S NOT MY INTENTION

STATE VS ALKEBULANYAHH

1 A OKAY

2 Q AND I'M JUST GOING TO GO AHEAD AND BEGIN COULD
3 YOU DESCRIBE YOUR VIEWS ON THE DEATH PENALTY?

4 A I'M SORRY?

5 Q COULD YOU DESCRIBE YOUR VIEWS ON THE DEATH
6 PENALTY?

7 A IT WOULD HAVE TO BE UNDER EXTREME CIRCUMSTANCES
8 IT WOULD NOT BE A DECISION, YOU KNOW, THAT I WOULD COME
9 TO IMMEDIATELY IT WOULD HAVE TO BE THOUGHT UP AND IT
10 WOULD HAVE TO BE, YOU KNOW, PROVEN AND IT WOULD, YOU
11 KNOW FIT THE CIRCUMSTANCES I MEAN, I DON'T THINK ANY
12 CASE IS JUST, YOU KNOW, OKAY, HE DID THIS, WE'RE GOING
13 TO DO THIS I DON'T THINK IT SHOULD BE LIKE THAT

14 Q SO YOU'RE SAYING PRETTY MUCH -- YOU'RE AGREE THAT
15 YOU'RE SAYING THAT YOU CONSIDER THE TOTAL CIRCUMSTANCES
16 OF IT BEFORE YOU -- IN YOUR VIEWS AND DESCRIBING YOUR
17 VIEWS?

18 A YES SIR, DEFINITELY

19 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
20 THE POSSIBILITY OF PAROLE IS JUST THAT?

21 A YOU MEAN, LIKE THE DEATH PENALTY, JUST BEING IN
22 PRISON WITH KNOWING YOU'RE NEVER GOING TO BE ON PAROLE?

23 THE COURT NO HE'S ASKING ABOUT LIFE WITHOUT
24 PAROLE, THAT TYPE OF SENTENCE DO YOU UNDERSTAND THAT
25 THAT MEANS WHAT IT SAYS?

1 JUROR YES, I DO

2 THE COURT ALL RIGHT I MEAN, YOU STAY IN PRISON
3 UNTIL YOU PASS AWAY?

4 JUROR YES, SIR

5 THE COURT ALL RIGHT

6 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
7 SUPPORT THE DEATH PENALTY?

8 A NO, SIR

9 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
10 FAVORING THE DEATH PENALTY?

11 A NO, SIR

12 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
13 STICK TO IT?

14 A YES, SIR

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, SIR

19 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
20 CASE EITHER FOR THE DEFENSE OR THE PROSECUTOR?

21 A NO, SIR

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

24 A LIKE I SAID, IT'S, YOU KNOW, A CASE TO CASE
25 PUNISHMENT OR SITUATION SO I THINK, YOU KNOW IF

1 THAT'S WHAT THEY COME UP WITH, I DON'T THINK IT'S USED
2 TOO OFTEN OR NOT ENOUGH

3 Q HAVE YOU HAD -- HAVE YOU EVER HAD A STRONG OPINION
4 ABOUT SOMETHING THEN LATER FOUND OUT YOU BEEN WRONG?

5 A YES, SIR

6 Q HOW DID YOU FEEL AFTER FINDING OUT YOU WAS WRONG?

7 A I FELT BAD ABOUT IT I TRIED TO MAKE IT RIGHT

8 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
9 RIGHT TO PRIVACY IN THEIR HOME?

10 A YES, SIR

11 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

12 A YES SIR

13 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

14 A YES, SIR

15 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
16 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
17 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
18 DOUBT THE DEFENDANT IS GUILTY?

19 A YES, SIR

20 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
21 WRONG IS WRONG REGARDLESS?

22 A NO, I HAVE NOT HEARD THAT SAYING

23 Q DO YOU AGREE WITH THAT SAYING?

24 A NO

25 Q DO YOU AGREE THERE ARE TWO SIDES TO EVERY STORY?

- 1 A YES, I DO
- 2 Q IF YOU ARE SELECTED FOR JURY DUTY, DO YOU PROMISE
- 3 TO JUDGE FAIRLY?
- 4 A YES, SIR
- 5 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
- 6 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
- 7 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?
- 8 A YES, SIR
- 9 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
- 10 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?
- 11 A I MEAN I DIDN'T THINK IT WAS GOOD I THOUGHT --
- 12 I WAS SHOCKED MORE OR LESS I DIDN'T KNOW MUCH ABOUT
- 13 IT, SO -- I MEAN, I FELT BAD FOR, YOU KNOW, THE
- 14 FAMILIES THAT -- THAT WERE HURT BUT OTHER THAN THAT,
- 15 I DIDN'T KNOW ANYBODY
- 16 Q ISN'T IT FAIR TO SAY THAT BECAUSE OF YOUR FEELING
- 17 AND HOW YOU FELT BAD FOR THE FAMILY IT WOULD -- WE
- 18 SHOULD EXPECT -- IT SHOULD BE EXPECTED TO AFFECT YOUR
- 19 ABILITY TO SERVE AS A FAIR AND IMPARTIAL JUROR IN A
- 20 CASE LIKE THIS ONE?
- 21 A NO, SIR
- 22 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
- 23 HAVE BROKE THE LAW?
- 24 A I THINK THEY SHOULD BE PUNISHED JUST LIKE EVERYONE
- 25 ELSE

1 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
2 SHOULD TRY TO OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
3 OFFICERS?

4 A YES, I AGREE WITH THAT NO, THEY SHOULD NOT

5 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
6 THEIR REPORTING?

7 A NO, I DON'T THINK THEY ARE

8 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
9 SENSATIONAL?

10 A I'M SURE THEY ARE, YES

11 MR ALKEBULANYAHH MS DERR, THANK YOU AND I
12 HAVE NO FURTHER QUESTIONS

13 MR MURDAUGH MS DERR, HOW ARE YOU DOING?

14 JUROR PRETTY GOOD HOW ARE YOU?

15 MR MURDAUGH I'M RANDOLPH MURDAUGH ALONG WITH
16 DUFFY STONE, SEATED AT THAT END OF THE TABLE, WE WILL
17 BE PROSECUTING THIS CASE ON BEHALF OF THE STATE

18 JUROR OKAY

19 MR MURDAUGH I'VE LISTENED TO YOUR ANSWERS AND
20 I'M SATISFIED WITH THEM AND DON'T HAVE ANY MORE THANK
21 YOU

22 THE COURT MS DERR, CAN YOU PLEASE STEP OUT INTO
23 HALLWAY FOR A BRIEF MOMENT

24 MR ALKEBULANYAHH EXCUSE ME, YOUR HONOR, COULD I
25 ASK THE JUROR ONE MORE QUESTIONS

STATE VS ALKEBULANYAHH

1 THE COURT YES YES THAT'S RIGHT YOU CAN ASK
2 HER RIGHT THERE
3 MR ALKEBULANYAHH DO YOU KNOW ANYONE ON LAW
4 ENFORCEMENT, IN THE SHERIFF'S DEPARTMENT, ANYONE
5 PERSONALLY?
6 JUROR I KNOW ONE THAT WORKS ON HILTON HEAD I
7 MET HIM BECAUSE I WORK AT THE BANK, BUT THAT'S NOT, -- I
8 KNOW HIS NAME AND I KNOW HE WORKS FOR THEM, BUT THAT'S
9 IT
10 MR ALKEBULANYAHH BUT YOU DON'T SOCIALIZE WITH
11 HIM?
12 JUROR NO
13 MR ALKEBULANYAHH OKAY THANK YOU
14 (THE JUROR EXISTS THE COURTROOM)
15 THE COURT ANY OBJECTION TO HER QUALIFICATION?
16 MR ALKEBULANYAHH NO, SIR
17 MR MURDAUGH NO, SIR
18 THE COURT ALL RIGHT BRING HER BACK IN PLEASE
19 (THE JUROR ENTERS THE COURTROOM)
20 THE COURT MS DERR, THE COURT FINDS YOU TO BE
21 QUALIFIED FOR THE POOL THAT WILL BE USED TO SELECT THE
22 JURY IN THIS CASE YOU'RE NOT ON THE JURY YET YOU'RE
23 IN THE POOL THAT WE'LL SELECT FROM
24 I HAVE A COUPLE INSTRUCTIONS YOU MUST NOT
25 DISCUSS THIS CASE IN ANYWAY WHATSOEVER YOU MUST NOT

STATE VS ALKEBULANYAHH

1 CONDUCT ANY TYPE OF RESEARCH ABOUT IT YOU MUST NOT
2 EXPOSE YOURSELF TO ANY KIND OF MEDIA COVERAGE,
3 TELEVISION, NEWSPAPER, RADIO, T V DO YOU UNDERSTAND?

4 JUROR YES

5 THE COURT IF YOU HEAR SOMETHING ON THE T V ,
6 TURN IT OFF IF YOU SEE AN ARTICLE IN THE PAPER, DON'T
7 READ IT, ETCETERA DO YOU UNDERSTAND THAT?

8 JUROR YES, SIR

9 THE COURT ALL RIGHT NOW, WE HAVE BOTH YOUR
10 NUMBERS, YOUR DAY AND EVENING NUMBER?

11 JUROR YES SIR

12 THE COURT YOU'RE GOING TO BE GETTING A CALL
13 ABOUT WHEN TO REPORT BACK FOR THE JURY SELECTION I
14 APPRECIATE YOUR PUTTING UP WITH OUR -- BEING PATIENT
15 WITH OUR DELAYS I KNOW IT'S LATE TONIGHT I AM NOT
16 SURE UNTIL TOMORROW MORNING WHERE WE'RE AT THERE'S A
17 POSSIBILITY EVERYONE MAY GET A CALL TO COME BACK
18 TOMORROW AFTERNOON FOR SELECTION OF THE ACTUAL JURY
19 SO I APOLOGIZE IF IT'S SHORT NOTICE, BUT WE'RE DOING
20 THE BEST WE CAN TO WRAP THIS UP SO WE CAN PROCEED TO
21 THE TRIAL ALL RIGHT THANK YOU VERY MUCH

22 (THE JUROR EXITS THE COURTROOM)

23 THE COURT ALL ELSE FAILS, WE'VE GOT ENOUGH
24 JURORS FOR 1 ALTERNATE EITHER WAY, WE HAVE A JURY IN
25 THIS CASE

STATE VS ALKEBULANYAHH

1 ALL RIGHT IF YOU WILL FIND THAT OUT AND LET US
2 KNOW FIRST THING IN THE MORNING

3 MR MURDAUGH YES, SIR, I'LL DO THAT FIRST THING
4 IN THE MORNING

5 THE COURT EVERYONE ELSE IS REPORTING BACK AT
6 8 30 TOMORROW MORNING

7 MR MURDAUGH MAY I MAKE AN INQUIRY OF THE COURT
8 JUST FOR A LITTLE GUIDANCE PLEASE, SIR

9 THE COURT YES, SIR

10 MR MURDAUGH I ASSUME -- AND THEY ALWAYS TOLD ME
11 ASSUME MEAN MAKING A HIND OUT OF YOURSELF AND ME BUT
12 ARE WE GOING TO WORK SATURDAY AND SUNDAY, SIR?

13 THE COURT YES SIR

14 MR MURDAUGH OKAY

15 THE COURT I DON'T KNOW THE EXTENT ON SUNDAY
16 UNTIL I TALK TO THE JURY ABOUT IT

17 MR MURDAUGH OKAY THANK YOU, SIR I WAS
18 HOPING YOU'D SAY THAT, SIR

19 THE COURT YES, WE ARE BUT I MAY GIVE THE JURY
20 A LITTLE BIT OF OPTION ABOUT THE TIME ON SUNDAY AFTER I
21 CONSULT WITH THEM

22 (COURT IS IN RECESS)

23 (THURSDAY, OCTOBER 9, 2003)

24 THE COURT DID YOU FIND OUT ANYTHING YET?

25 MR MURDAUGH NO, SIR, I HAVE NOT EVERYTHING

STATE VS ALKEBULANYAHH

1 WAS SHUT DOWN LAST NIGHT AND I WILL DO THAT THE FIRST
2 THING THIS MORNING SIR

3 THE COURT ARE YOU ALL ABOUT READY TO BEGIN?

4 MR KELLY YES, SIR

5 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

6 THE COURT THE STATE?

7 MR MURDAUGH THE STATE IS, YES, SIR I'M SORRY

8 THE COURT ALL RIGHT BRING THE NEXT JUROR IN,

9 MEGAN SHEIRE

10 (PAUSE)

11 MR MURDAUGH WHICH LIST DO WE GO INTO AFTER WE
12 FINISH THESE THREE JURORS?

13 THE COURT I WAS GOING TO GO -- DO YOU ALL HAVE A
14 POSITION ON THAT?

15 MR MURDAUGH IT MAKES NO DIFFERENCE TO ME, SIR

16 THE COURT DOES IT MATTER TO YOU ALL?

17 MR ALKEBULANYAHH SIR? EXCUSE ME

18 MR MURDAUGH WE CAN DO IT IN JUST A SECOND, SIR

19 THE COURT ALL RIGHT

20 (THE JUROR ENTERS THE COURTROOM)

21 MEGAN SHEIRE, HAVING BEEN

22 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

23 DIRECT EXAMINATION BY THE COURT.

24 Q ARE YOU MEGAN SHEIRE?

25 A YES, SIR

1 Q ALL RIGHT MS SHEIRE, I JUST WANT TO REMIND YOU,
2 YOU WILL REMAIN UNDER OATH

3 A OKAY

4 Q NOW, WE'RE IN THAT PART OF THE CASE WHERE WE NEED
5 TO ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR PRIVACY
6 IN ANY WAY, IT'S JUST NECESSARY DUE TO THESE
7 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
8 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY NO ONE
9 IS HERE TO QUESTION ANY VIEWS OR ANY OF YOUR ANSWERS
10 WE JUST NEED TO KNOW SOME OF THIS INFORMATION

11 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
12 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY OR
13 THAT YOU'RE BEING ASKED QUESTIONS IN NO WAY INDICATES
14 ANYTHING ABOUT THE DEFENDANT THE DEFENDANT IS
15 PRESUMED TO BE INNOCENT DO YOU UNDERSTAND THAT?

16 A YES, SIR

17 Q ALL RIGHT NOW, SPEAK INTO THAT MIKE

18 A YES

19 Q THANK YOU ALL RIGHT NOW, DO YOU REMEMBER MY
20 CONVERSATION TO THE WHOLE GROUP ABOUT HOW THE CASE
21 NORMALLY IS HANDLED IN A TWO-PART MANNER?

22 A YES, UH-HUH

23 Q IF YOU GET PAST THE FIRST PART OF THE CASE ON
24 GUILT OR INNOCENCE, IT GOES TO THE SECOND PART, WHICH
25 IS THE PENALTY PHASE DO YOU REMEMBER THAT?

STATE VS ALKEBULANYAHH

1 A UH-HUH

2 Q JUST SOME ADDITIONAL INFORMATION, A LOT OF PEOPLE

3 THINK THAT THE DEATH PENALTY APPLIES TO ANY MURDER

4 CASE IT DOES NOT IT APPLIES TO ONLY CERTAIN LIMITED

5 KINDS OF MURDER FOR EXAMPLE, A CASE THAT INVOLVES

6 KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER OR IT

7 MIGHT INVOLVE A CASE INVOLVING THE DEATH OF A PUBLIC

8 OFFICIAL IF THAT IS ONE OF THE OFFICIALS LISTED IN THE

9 STATUTE THOSE ARE JUST EXAMPLES THERE ARE OTHER

10 EXAMPLES THE STATE WOULD HAVE TO PROVE THAT

11 AGGRAVATING CIRCUMSTANCE BEFORE THE OPTION OF THE DEATH

12 PENALTY CAN EVEN BE PRESENTED DO YOU UNDERSTAND THAT?

13 A YES

14 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL

15 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I GIVE

16 IT TO YOU?

17 A YES

18 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH

19 WHAT I SAID THE LAW IS?

20 A I'D PROBABLY FEEL A LITTLE UNCOMFORTABLE GIVING

21 SOMEBODY THE DEATH PENALTY

22 Q COULD YOU FOLLOW THE LAW?

23 A YES

24 Q ALL RIGHT THERE'S NOTHING THAT I WILL TELL YOU

25 IN MY INSTRUCTIONS SAYING YOU MUST ---

STATE VS ALKEBULANYAHH

1 A \ OKAY

2 Q --- GIVE THE DEATH PENALTY OR YOU MUST GIVE A LIFE
3 SENTENCE THAT WOULD NEVER BE THE CASE I WOULD GIVE
4 YOU INSTRUCTIONS ABOUT WHEN THAT WOULD BE AN OPTION IF
5 CERTAIN THINGS ARE PROVEN DO YOU UNDERSTAND THAT?

6 A YES

7 Q BUT MY POINT IS, YOU HAVE TO FOLLOW THE LAW THAT I
8 GIVE TO YOU YOU CAN'T -- CAN'T COME UP WITH YOUR OWN
9 GAME RULES DO YOU UNDERSTAND THAT?

10 A OKAY

11 Q COULD YOU DO THAT?

12 A YES

13 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
14 THE EVIDENCE PRESENTED IN THE COURTROOM AND DISREGARD
15 ANYTHING YOU HAVE HEARD, READ OR SEEN ABOUT THIS CASE?

16 A YES

17 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
18 CASE?

19 A A WHILE AGO, YES

20 Q DO YOU REMEMBER ANYTHING?

21 A YES

22 Q COULD YOU TELL US?

23 A I REMEMBER THE NIGHT IT HAPPENED THERE WERE COPS
24 -- THERE WERE HELICOPTERS FLYING AROUND I LIVE NOT
25 TOO FAR DOWN THE ROAD FROM WHERE IT HAPPENED THERE

1 WERE JUST COPS RUNNING EVERYWHERE AND THE FACT
 2 SUPPOSEDLY HE'D SHOT AND KILLED TWO COPS I MEAN
 3 THAT'S PRETTY MUCH ALL I REMEMBER
 4 Q ALL RIGHT NOW, WOULD ANYTHING YOU HAVE READ,
 5 HEARD, OR SEEN IN ANY WAY AFFECT YOUR ABILITY TO GIVE
 6 THE DEFENDANT AND THE STATE A FAIR AND IMPARTIAL TRIAL
 7 IN THIS CASE?
 8 A NO
 9 Q HAVE YOU FORMED ANY OPINION ABOUT ANYTHING IN THIS
 10 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF THE
 11 DEFENDANT?
 12 A NO
 13 Q YOU'D BE ABLE TO LAY ASIDE ANYTHING THAT YOU HAVE
 14 HEARD?
 15 A YES
 16 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
 17 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
 18 A DEFENDANT DOES NOT HAVE TO DO ANYTHING THE
 19 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE DO YOU
 20 UNDERSTAND?
 21 A YES
 22 Q ALL RIGHT COULD YOU EQUALLY CONSIDER THE OPTIONS
 23 OF GUILTY OR NOT GUILTY?
 24 A YES
 25 Q ALL RIGHT HAVE YOU LOOKED AT THE JUROR TYPE

STATE VS ALKEBULANYAHH

1 SHEET? THE TYPE 1, TYPE 2, TYPE 3?

2 A YES

3 Q DO YOU THINK YOU FALL INTO ANY OF THOSE

4 CATEGORIES?

5 A I WANT TO SAY I'M NO 3 I DON'T KNOW HOW

6 COMFORTABLE I'D FEEL IN GIVING SOMEBODY THE DEATH

7 PENALTY, LIKE I SAID

8 Q ARE THERE ANY CIRCUMSTANCES IN WHICH YOU COULD

9 RETURN A VERDICT FOR THE DEATH PENALTY?

10 A I MEAN IF THERE WERE -- YOU KNOW, LIKE YOU SAID,

11 BEYOND A REASONABLE DOUBT

12 Q WELL, THE WHOLE CASE WOULD HAVE TO BE BEYOND A

13 REASONABLE DOUBT

14 A YES

15 Q YOU COULDN'T EVEN GET TO THE SECOND PHASE ---

16 A OKAY

17 Q --- IF THE STATE HAS NOT PROVEN THE CRIME OF

18 MURDER BEYOND A REASONABLE DOUBT

19 A YES

20 Q DO YOU UNDERSTAND THAT?

21 A YES

22 Q ALL RIGHT BUT IF YOU WERE GIVEN INSTRUCTIONS

23 ABOUT YOUR OPTIONS, ARE THERE ANY CIRCUMSTANCES IN

24 WHICH YOU COULD RETURN A SENTENCE OF DEATH?

25 A I THINK I CAN GO THROUGH THE FIRST PART SAYING

STATE VS ALKEBULANYAHH

1 GUILTY OR NOT GUILTY, BUT I WOULDN'T WANT TO BE
2 RESPONSIBLE FOR GIVING SOMEBODY THE DEATH PENALTY, YOU
3 KNOW

4 Q SO YOU COULD NOT DO THAT?

5 A NO

6 THE COURT ALL RIGHT ANY QUESTIONS?

7 MR MURDAUGH NO, SIR

8 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

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

10 (THE JUROR EXITS THE COURTROOM)

11 THE COURT JODI BEIL

12 MR MURDAUGH PANEL 12 WILL BE THE NEXT PANEL,

13 SIR?

14 THE COURT YES, SIR

15 MR MURDAUGH OKAY

16 MR ALKEBULANYAHH YOUR HONOR

17 THE COURT YES, SIR

18 MR ALKEBULANYAHH I THOUGHT PANEL 6 WAS SUPPOSED
19 TO BE THE NEXT PANEL

20 THE COURT DO YOU WANT TO GO BACK TO THE ORDER
21 THEY WERE IN?

22 MR ALKEBULANYAHH YES, SIR

23 THE COURT THAT'S FINE WITH ME IT WILL BE 6

24 MR MURDAUGH THAT WOULD BE GLORIA CAMPBELL, GAIL
25 SHIELDS?

1 THE COURT YES

2 MR MURDAUGH OKAY, SIR

3 (PAUSE)

4 THE COURT THAT LAST MATTER WAS WITHOUT
5 OBJECTION, IS THAT CORRECT?

6 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

7 MR MURDAUGH YES, SIR

8 (THE JUROR ENTERS THE COURTROOM)

9 JODI BEIL, HAVING BEEN
10 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
11 DIRECT EXAMINATION BY THE COURT.

12 Q ARE YOU JODI BEIL?

13 A YES

14 Q ALL RIGHT MS BEIL, I WANT TO THANK YOU FOR YOUR
15 PATIENCE THROUGHOUT THESE PROCEEDINGS I WANT TO
16 REMIND YOU, YOU'RE STILL UNDER OATH OKAY?

17 A YES

18 Q YOU NEED TO RESPOND WITHOUT NODDING YOUR HEAD
19 OKAY?

20 A OKAY

21 Q NOW, WE'RE AT THE PART OF THE CASE WE NEED TO ASK
22 YOU SOME QUESTIONS NOT TO INVADE YOUR PRIVACY WE
23 NEED TO KNOW CERTAIN INFORMATION AS WE PROCEED WITH
24 THIS MATTER THERE ARE NO RIGHT OR WRONG ANSWERS SO
25 PLEASE JUST ANSWER OPENLY HONESTLY, AND FULLY NO ONE

STATE VS ALKEBULANYAHH

1 IS CHALLENGING ANY VIEW THAT YOU MIGHT HAVE IF YOU
2 DON'T KNOW, SAY YOU DON'T KNOW OR IF YOU HAVE NO
3 OPINION, SAY YOU HAVE NO OPINION

4 AMONG OTHER THINGS, WE'LL BE DISCUSSING PENALTY
5 THE FACT THAT WE'RE ASKING QUESTIONS OR WE'RE
6 DISCUSSING A PENALTY IN THIS CASE DOES NOT IN ANY WAY
7 INDICATE ANYTHING ABOUT THE DEFENDANT HE IS PRESUMED
8 IN THE LAW TO BE INNOCENT DO YOU UNDERSTAND?

9 A YES

10 Q NOW DO YOU REMEMBER MY CONVERSATION ABOUT HOW
11 THESE CASES ARE HANDLED IN A TWO-PART FASHION?

12 A YES

13 Q NOW, SOME ADDITIONAL INFORMATION, I'LL TELL YOU
14 THAT A LOT OF PEOPLE THINK THAT THE DEATH PENALTY
15 APPLIES TO ALL MURDER CASES, BUT IT DOES NOT IT
16 APPLIES TO LIMITED TYPES OF SITUATIONS FOR EXAMPLE
17 IF THERE IS A KIDNAPPING PLUS A MURDER, OR A BURGLARY
18 PLUS A MURDER, OR IT MIGHT INVOLVE A PARTICULAR
19 OFFICIAL THAT THE STATUTE SAYS THE PENALTY IS
20 AVAILABLE THOSE ARE JUST EXAMPLES, AND THERE ARE
21 OTHERS A LOT OF PEOPLE HAVE THE MISCONCEPTION THEY
22 CAN APPLY ANY TIME I JUST WANTED TO EXPLAIN THAT TO
23 YOU DO YOU UNDERSTAND THAT?

24 A YES

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

STATE VS ALKEBULANYAHH

1 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
2 INSTRUCT IT TO YOU?

3 A YES

4 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
5 THE LAW?

6 A REPEAT THAT?

7 Q WELL, WHAT I'M TRYING TO EXPLAIN IS, IT'S MY JOB
8 TO TELL YOU THE LAW IN THE CASE YOU DON'T HAVE THE
9 ABILITY TO DECIDE THE LAW SAYS SOMETHING ELSE ---

10 A OKAY

11 Q --- OR SHOULD SAY SOMETHING ELSE DO YOU
12 UNDERSTAND THAT?

13 A YES

14 Q NOW, COULD YOU FOLLOW THE LAW AS I GIVE IT TO YOU,
15 REGARDLESS OF WHAT YOU THINK THE LAW IS OR OUGHT TO BE?

16 A YES

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

21 A YES

22 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
23 CASE?

24 A NO

25 Q HAVE YOU FORMED ANY OPINION ABOUT ANYTHING IN THIS

1 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
2 THIS DEFENDANT?

3 A NO

4 Q IN A CRIMINAL CASE, THE STATE HAS THE BURDEN OF
5 PROVING GUILT BEYOND A REASONABLE DOUBT THE DEFENDANT
6 HAS NO BURDEN TO PROVE ANYTHING THE DEFENDANT DOES
7 NOT HAVE TO PROVE INNOCENCE DO YOU UNDERSTAND THAT?

8 A YES, SIR

9 Q ALL RIGHT COULD YOU DEPENDING ON THE CASE AND
10 THE EVIDENCE AND THE LAW EQUALLY CONSIDER THE OPTION OF
11 GUILTY OR NOT GUILTY?

12 A YES

13 Q NOW, HAVE YOU LOOKED AT THE JUROR TYPE SHEET THAT
14 WE HANDED OUT?

15 A YES

16 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
17 CATEGORIES?

18 A 2

19 Q TYPE 2 THAT WOULD BE THE TYPE OF JUROR IF THE
20 CRIME HAS BEEN PROVEN AND YOU'RE CONSIDERING
21 PUNISHMENT, YOU WOULD GIVE THE DEATH PENALTY IN EACH
22 AND EVERY CASE?

23 A YES

24 Q AND YOU WOULD DO THAT NO MATTER WHAT THE
25 CIRCUMSTANCES ARE?

1 A I THINK SO

2 Q ALL RIGHT SO YOUR -- IT'S YOUR POSITION THAT NO

3 MATTER WHAT, IN EVERY CASE THE PERSON SHOULD GET THE

4 DEATH PENALTY?

5 A FOR MURDER

6 Q FOR A MURDER CASE ALL RIGHT

7 THE COURT ANY QUESTIONS?

8 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

9 MR MURDAUGH NO, SIR

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

11 THANK YOU

12 (THE JUROR EXITS THE COURTROOM)

13 THE COURT IS THAT WITHOUT OBJECTION?

14 MR MURDAUGH THAT'S CORRECT, YOUR HONOR

15 MR ALKEBULANYAHH YES SIR YOUR HONOR

16 THE COURT MICHAEL TREZEVANT

17 (THE JUROR ENTERS THE COURTROOM)

18 MICHAEL TREZEVANT, HAVING

19 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

20 DIRECT EXAMINATION BY THE COURT.

21 Q ARE YOU MICHAEL TREZEVANT?

22 A YES, SIR

23 Q ALL RIGHT SIR, PLEASE BE SEATED I JUST WANT TO

24 REMIND YOU, YOU'LL STILL BE UNDER OATH OKAY?

25 A OKAY

STATE VS ALKEBULANYAHH

L

1 Q ALL RIGHT AS YOU RESPOND TO MY QUESTIONS IF YOU
2 WOULD JUST VERBALIZE YOUR RESPONSE RATHER THAN NODDING
3 YOUR HEAD

4 A YES, SIR

5 Q ALL RIGHT THANK YOU NOW, WE'RE JUST HERE TO
6 ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR PRIVACY
7 JUST RELAX THERE'S NO RIGHT OR WRONG ANSWERS WE
8 JUST NEED YOU TO ANSWER FULLY, OPENLY, AND HONESTLY
9 IF YOU DON'T KNOW THE ANSWER, SAY THAT OR IF YOU HAVE
10 NO OPINION, SAY YOU HAVE NO OPINION NO ONE IS
11 CHALLENGING ANY VIEWS, JUST WE'RE REQUIRING CERTAIN
12 INFORMATION TO PROCEED WITH THIS MATTER

13 NOW, AMONG OTHER THINGS, WE'LL BE ASKING --
14 TALKING ABOUT A PENALTY NOW, THE FACT THAT WE'RE
15 ASKING QUESTIONS ABOUT DIFFERENT MATTERS OR TALKING
16 ABOUT A PENALTY IN NO WAY INDICATES ANYTHING ABOUT THIS
17 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
18 DO YOU UNDERSTAND?

19 A YES SIR

20 Q NOW, DO YOU REMEMBER MY CONVERSATION ABOUT HOW
21 THESE CASES ARE HANDLED IN A TWO-PART MANNER?

22 A YES, SIR

23 Q ALL RIGHT JUST SOME ADDITIONAL INFORMATION, A
24 LOT OF PEOPLE WHEN THEY GO THROUGH THIS PROCESS OR
25 EXPOSED TO THIS PROCESS -- A LOT OF PEOPLE THINK THAT

1 THE DEATH PENALTY APPLIES IN ANY AND EVERY MURDER CASE
2 THAT IS NOT CORRECT THIS IS A MISUNDERSTANDING OF THE
3 LAW IT REQUIRES SOMETHING MORE AND FOR EXAMPLE, IT
4 MIGHT BE A MURDER -- A BURGLARY PLUS A MURDER, OR A
5 KIDNAPPING PLUS A MURDER, OR IT MIGHT INVOLVE AN
6 OFFICIAL THAT'S LISTED IN THE STATUTE AS BEING ONE
7 WHERE THE PENALTY IS AVAILABLE IT HAS TO BE A
8 CIRCUMSTANCE THAT HAS TO BE PROVEN, AND THERE'S ONLY
9 LIMITED CIRCUMSTANCES THAT THE PENALTY WOULD EVEN BE
10 AVAILABLE 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 GIVE
14 IT TO YOU?

15 A YES SIR

16 Q NOW, COULD YOU DO THIS EVEN IF YOU DO NOT AGREE
17 WITH WHAT I SAID THE LAW IS IN THIS CASE?

18 A YES, SIR

19 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
20 THE EVIDENCE PRESENTED HERE IN THIS COURTROOM AND
21 DISREGARD ANYTHING YOU MAY HAVE HEARD, SEEN, OR READ
22 ABOUT THIS CASE?

23 A YES, SIR

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

- 1 A JUST EARLY ON THAT TWO POLICEMEN WERE KILLED
- 2 Q ALL RIGHT ANYTHING ELSE?
- 3 A NOT REALLY, NO, SIR JUST SOME HEADLINES
- 4 Q WOULD ANYTHING THAT YOU'VE READ, HEARD, OR SEEN IN
- 5 ANY WAY AFFECT YOUR ABILITY TO GIVE THE DEFENDANT AND
- 6 THE STATE A FAIR AND IMPARTIAL TRIAL?
- 7 A NO, SIR
- 8 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY
- 9 OPINION ABOUT THE GUILT OR INNOCENCE OF THE DEFENDANT?
- 10 A NO, SIR
- 11 Q IN A CRIMINAL CASE THE STATE HAS THE BURDEN OF
- 12 PROVING GUILT BEYOND A REASONABLE DOUBT THE DEFENDANT
- 13 HAS NO OBLIGATION TO DO ANYTHING THE DEFENDANT HAS NO
- 14 BURDEN TO PROVE INNOCENCE DO YOU UNDERSTAND THAT?
- 15 A YES, SIR
- 16 Q ALL RIGHT NOW, COULD YOU EQUALLY CONSIDER THE
- 17 VERDICT OPTIONS OF GUILTY OR NOT GUILTY?
- 18 A YES, SIR
- 19 Q ALL RIGHT HAVE YOU READ THAT JUROR TYPE SHEET
- 20 THAT WE PASSED OUT?
- 21 A YES, SIR
- 22 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
- 23 CATEGORIES?
- 24 A THE TYPE 3, THE LAST ONE
- 25 Q AND LET ME REVIEW THAT WITH YOU THAT WOULD BE A

1 SITUATION IF THE CRIME OF MURDER HAS BEEN PROVEN BEYOND
2 A REASONABLE DOUBT THE JUROR IS CONSIDERING
3 PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR MIND IN
4 ADVANCE ABOUT PUNISHMENT INSTEAD, YOU'D HAVE TO HEAR
5 ALL THE FACTS AND CIRCUMSTANCES INCLUDING ANY
6 CIRCUMSTANCES IN AGGRAVATION AND IN MITIGATION AND YOU
7 WOULD NEED TO HEAR THE LAW FROM THE COURT BEFORE YOU
8 MADE ANY DECISION ABOUT PUNISHMENT IS THAT CORRECT?

9 A YES, SIR

10 Q NOW, IF YOU WERE A JUROR IN A CASE THAT HAS MADE
11 IT TO THE SECOND PHASE, THE SENTENCING PHASE, COULD YOU
12 DEPENDING ON THE PARTICULAR FACTS AND CIRCUMSTANCES
13 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND ANY
14 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU
15 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

16 A I COULD

17 Q ALL RIGHT COULD YOU IN THAT SAME SITUATION, THE
18 SENTENCING PHASE OF THE CASE, COULD YOU DEPENDING UPON
19 THE PARTICULAR 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, I COULD

24 Q NOW, IN THAT LATTER SITUATION IF THE JURY WERE TO
25 RETURN A UNANIMOUS DECISION OF DEATH, WOULD YOU BE ABLE

STATE VS ALKEBULANYAHH

1 TO SIGN THE VERDICT FORM?

2 A YES SIR

3 THE COURT ALL RIGHT AT THIS POINT THEY WILL BE
4 ASKING YOU SOME QUESTIONS, SIR THANK YOU

5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

6 Q GOOD MORNING, MR -- MR ---

7 A TREZEVANT

8 Q --- TREZEVANT GOOD MORNING I'M ABDIYYAH BEN
9 ALKEBULANYAHH AND I'M THE DEFENDANT IN THIS CASE

10 A NICE TO MEET YOU, SIR

11 Q THANK YOU I'M GOING TO ASK YOU A FEW QUESTIONS
12 AND IT'S NOT MY INTENTION -- I'LL BE ASKING YOU A
13 VARIETY OF QUESTIONS AND THEY VARY, RELIGION YOUR
14 FAITH, RACIAL ISSUES, HOW YOU MAY FEEL ABOUT LAW
15 ENFORCEMENT, AND THINGS TO THAT NATURE BUT IT'S NOT
16 MY INTENTION TO OFFEND YOU BY ASKING ANY QUESTIONS THAT
17 MAY BE SEEM TOO PERSONAL

18 A YES SIR

19 Q I'M ONLY TO DRAW FROM YOU YOUR OPINION ABOUT THE
20 DEATH PENALTY AND DIFFERENT VIEWS -- DIFFERENT THINGS
21 THAT YOU MAY HOLD, TO SEE IF YOU WOULD BE A PROPER
22 JUROR I'M GOING TO START OFF BY ASKING THE FIRST
23 QUESTION WOULD YOU DESCRIBE YOUR VIEWS ON THE DEATH
24 PENALTY?

25 A I BELIEVE IN IT FOR CERTAIN CIRCUMSTANCES

STATE VS ALKEBULANYAHH

1 Q DO YOU HAVE ANY TYPE OF CIRCUMSTANCES THAT YOU
2 COULD REVEAL -- PARTICULAR CIRCUMSTANCES THAT YOU MAY
3 BE ABLE TO GIVE ME AN EXAMPLE?

4 A I DON'T THINK GIVING ANY SPECIFICS WOULD ACTUALLY
5 OUTLINE MY BELIEF

6 (PAUSE)

7 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
8 THE POSSIBILITY OF PAROLE IS JUST THAT?

9 A YES, SIR

10 THE COURT DID YOU SAY THERE WAS SOME DOUBT IN
11 YOUR MIND ABOUT THAT?

12 JUROR NO, NO DOUBT

13 THE COURT OKAY

14 JUROR IF SOMEBODY SAYS LIFE WITHOUT PAROLE,
15 THAT'S WHAT THEY MEAN

16 THE COURT OKAY

17 Q PRIOR TO YOUR FILLING OUT THE JUROR QUESTIONNAIRE,
18 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
19 TO FAMILY FRIENDS NEIGHBORS, OR CO-WORKERS?

20 A PROBABLY SO

21 Q WHAT DID YOU SAY AND TO WHOM?

22 A I CAN'T THINK OF A SPECIFIC INSTANCE, BUT I WOULD
23 IMAGINE I SAID THAT I EITHER BELIEVED IN IT OR DIDN'T
24 BELIEVE IN IT, DEPENDING ON THE CIRCUMSTANCE

25 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH

1 PENALTY?

2 A I WOULD HAVE NO EARTHLY IDEA, SIR

3 Q IN YOUR ENTIRE LIFE PRIOR TO YOUR JURY

4 QUESTIONNAIRE, HOW MUCH TIME HAVE YOU SPENT TALKING OR
5 THINKING ABOUT THE DEATH PENALTY?

6 A I WOULD NOT KNOW, SIR

7 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
8 OR POINT OF VIEW FROM YOURS COMMIT SUCH AN ACT, IS THE
9 DEATH PENALTY APPROPRIATE?

10 A I DON'T UNDERSTAND THE QUESTION IN THAT I DON'T
11 KNOW WHAT THE OPINION IS THAT WE'RE TALKING ABOUT

12 Q THE OPINION ABOUT ---

13 A YOU MEAN IF I WAS DEBATING SOMEBODY PRO AND CON ON
14 THE DEATH PENALTY, IS THAT WHAT ---

15 Q ON GIVING THE DEATH PENALTY, YES

16 A I REALLY DON'T KNOW

17 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
18 SUPPORT THE DEATH PENALTY?

19 A NO SIR

20 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
21 FAVORING THE DEATH PENALTY?

22 A NO, SIR

23 Q HAVE YOU EVER HAD A DIFFERENT VIEW ON THE DEATH
24 PENALTY?

25 A DIFFERENT FROM NOW?

- 1 Q YES
- 2 A NO, SIR
- 3 Q IF YOU FOUND A PERSON GUILTY OF INTENTIONALLY
- 4 MURDERING MANY PEOPLE, WOULD YOU ALWAYS VOTE FOR THE
- 5 DEATH PENALTY?
- 6 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
- 7 THAT, SIR
- 8 THE COURT I SUSTAIN THAT OBJECTION
- 9 Q WHEN YOU COME TO A INDEPENDENT DECISION, WILL YOU
- 10 STICK TO IT?
- 11 A DEPENDS ON IF MORE INFORMATION COMES
- 12 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
- 13 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
- 14 DECISION?
- 15 A IF I FELT IT WAS THE RIGHT ONE YES SIR
- 16 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
- 17 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTOR?
- 18 A I HAVE NO WANT OF EITHER ONE TO WIN AT THIS TIME,
- 19 NO, SIR
- 20 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
- 21 OR ABOUT RIGHT?
- 22 A I'VE NOT THOUGHT ABOUT THAT
- 23 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
- 24 THEN LATER FOUND OUT TO BE WRONG?
- 25 A YES, SIR

- 1 Q HOW DID YOU FEEL?
- 2 A ENLIGHTENED
- 3 Q COULD YOU DESCRIBE THE TYPE OF ENLIGHTENMENT YOU
- 4 FEEL? IS IT A EUPHOBIA-TYPE (PHONETIC) ENLIGHTENMENT?
- 5 A VERY GLAD, HAPPY TO BE INFORMED IN A CORRECT
- 6 MANNER
- 7 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
- 8 RIGHT TO PRIVACY IN THEIR HOME?
- 9 A YES SIR
- 10 Q DO YOU BELIEVE PROMISES ARE MEANT TO BE KEPT?
- 11 A YES, SIR
- 12 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 13 A I WOULD TRY MY VERY BEST
- 14 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
- 15 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
- 16 PROSECUTION DOES NOT PROVE TO YOU BEYOND A REASONABLE
- 17 DOUBT THE DEFENDANT IS GUILTY?
- 18 A YES, SIR THAT'S THE LAW
- 19 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
- 20 WRONG IS WRONG REGARDLESS?
- 21 A YES, SIR, I'VE HEARD THE SAYING
- 22 Q DO YOU AGREE WITH THAT SAYING?
- 23 A MOSTLY
- 24 Q DO YOU AGREE THAT THERE IS TWO SIDES TO EVERY
- 25 STORY?

1 A YES, SIR

2 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
3 TO JUDGE FAIRLY?

4 A YES, SIR

5 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
6 CO-WORKERS, OR LAW ENFORCEMENT ACCOST YOU AND ATTEMPT
7 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

8 A OH, YES, SIR

9 Q DO YOU KNOW ANYONE ON THE LAW ENFORCEMENT AGENCY
10 IN BEAUFORT?

11 A OH, YES, SIR I'VE LIVED HERE ALL MY LIFE I
12 KNOW A LOT OF PEOPLE IN BEAUFORT

13 Q WHO MAY THAT BE?

14 A MAJOR BAXLEY JIMMY WALTON -- HE'S ONE OF THE
15 COURT PEOPLE AROUND HERE SEVERAL OTHERS BY SIGHT,
16 NAMES I CAN'T REMEMBER RIGHT OFFHAND BUT WE DON'T
17 TRAVEL IN THE SAME SOCIAL CIRCLES, I JUST KNOW THEM

18 Q BY YOU KNOWING THEM, WOULD THAT AFFECT YOUR WAY --
19 AFFECT YOUR ABILITY TO GIVE A FAIR TRIAL?

20 A NO, SIR

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

23 A JUST THAT IT WAS QUITE A TRAGEDY

24 Q WOULDN'T YOU AGREE THAT BY YOU KNOWING SO MANY LAW
25 ENFORCEMENT OFFICIALS IN THE BEAUFORT COUNTY AREA AND

1 YOU KNOW SOME OF THESE LAW ENFORCEMENT IN THE BEAUFORT
2 COUNTY AREA AND BEEN HERE ALL YOUR LIFE, THAT IT WOULD
3 AFFECT YOUR ABILITY TO BE FAIR IN THIS CASE COULD BE
4 AFFECTED?

5 A NO, SIR

6 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
7 HAVE BROKE THE LAW?

8 A THEY SHOULD BE PROSECUTED TO THE EXTENT OF ANYBODY
9 ELSE OR EVEN FURTHER

10 Q HAVE YOU EVER HAD A RUN-IN WITH THE -- WITH THE
11 LAW?

12 A NOT SINCE I WAS A TEENAGER, NO, SIR

13 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
14 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
15 THE LAW?

16 A NO, SIR

17 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
18 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
19 OFFICIALS?

20 A THAT SHOULDN'T HAPPEN NO, SIR

21 Q IF THAT HAPPENED, HOW WOULD YOU FEEL?

22 A ANGRY

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

25 A NO, SIR

- 1 Q ARE NEWS MEDIA SOME TIMES DESIGNED TO BE
2 SENSATIONAL?
- 3 A YES, SIR PROBABLY MOST OF THE TIME
- 4 Q PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD IS IT A
5 SAFE PLACE?
- 6 A YES, SIR
- 7 Q DO PEOPLE OF DIFFERENT RACE LIVE THERE?
- 8 A DEPENDS ON WHAT YOU CONSIDER NEIGHBORHOOD MY
9 NEXT CLOSEST PEOPLE ARE ONLY FAMILY AND THEN THE NEXT
10 PEOPLE AFTER THAT LIVE 2 1/2 MILES AWAY YES, THERE
11 ARE MULTIPLE RACES IN OUR, QUOTE, NEIGHBORHOOD, YES,
12 SIR
- 13 Q IS YOUR WORK PLACE INTEGRATED?
- 14 A NO, SIR, I'M THE ONLY PERSON THAT WORKS THERE
- 15 Q DO YOU SUPERVISE PEOPLE OF OTHER RACES?
- 16 A NO, SIR
- 17 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
18 IN CRIME THAN WHITES?
- 19 A NO, SIR
- 20 MR ALKEBULANYAHH MR TREZ ---
21 JUROR TREZEVANT, YES SIR
- 22 MR ALKEBULANYAHH --- THANK YOU FOR BEING SO
23 FRANK I HAVE NO FURTHER QUESTIONS
- 24 CROSS EXAMINATION BY MR. MURDAUGH.
- 25 Q MR TREZEVANT, HOW ARE YOU DOING, SIR?

- 1 A GOOD, SIR
- 2 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,
3 WHO'S SEATED RIGHT HERE, WE WILL BE TRYING THIS CASE ON
4 BEHALF OF THE STATE NEED TO ASK YOU A FEW QUESTIONS,
5 SIR, TO FIND OUT FRANKLY, WHETHER I WANT YOU TO SIT ON
6 THE JURY OR NOT
- 7 A CERTAINLY
- 8 Q YOU RUN A PRODUCE STAND?
- 9 A YES, SIR
- 10 Q WHERE IS IT, SIR?
- 11 A ON HIGHWAY 17, ABOUT A HALF MILE NORTH OF GARDENS
12 CORNER, TOWARDS CHARLESTON
- 13 Q OKAY, SIR IN LISTENING TO YOUR ONE ANSWER THAT
14 YOU MADE TO -- IN RESPONSE TO MR ALKEBULANYAHH'S
15 QUESTION ---
- 16 A UH-HUH
- 17 Q --- MAKE SURE I UNDERSTAND YOUR FEELINGS ABOUT THE
18 DEATH PENALTY
- 19 A OKAY
- 20 Q YOU HAD ANSWERED TO THE JUDGE THAT YOU WOULD
21 CONSIDER EVERYTHING IN THIS COURTROOM -- AND I'M NOT
22 TALKING ABOUT THIS CASE PLEASE UNDERSTAND THAT
- 23 A RIGHT
- 24 Q I'M TALKING ABOUT A CASE IN GENERAL
- 25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q YOU SAID THAT YOU WOULD LISTEN TO EVERYTHING THAT
2 WAS SAID

3 A RIGHT

4 Q AND THAT YOU WOULD THEN MAKE A DECISION BASED UPON
5 THE LAW AND THE FACTS?

6 A RIGHT

7 Q OKAY, SIR DID I UNDERSTAND YOU TO SAY THAT YOU
8 COULD -- DEPENDING ON WHAT YOUR VIEW OF THE FACTS WERE,
9 THAT YOU COULD VOTE FOR LIFE IMPRISONMENT OR THE DEATH
10 PENALTY?

11 A EITHER ONE

12 Q OKAY

13 A JUST DEPENDING ON WHICH WAY IT WENT

14 Q OKAY, SIR AND IF THE CASE WERE BAD ENOUGH AND
15 YOU CONSIDERED EVERYTHING INCLUDING THE CIRCUMSTANCES
16 OF THE CRIME AND THE CHARACTERISTICS OF THE DEFENDANT,
17 THAT'S JUST HIS BACKGROUND, AND AGAIN IN A CASE NOT
18 THIS ONE, YOU COULD VOTE FOR THE DEATH PENALTY?

19 A I COULD, YES, SIR

20 MR MURDAUGH THANK YOU, SIR I HAVE NO FURTHER
21 QUESTIONS

22 THE COURT MR ALKEBULANYAHH, LET ME MAKE SURE I
23 UNDERSTOOD THE QUESTION TO WHICH I SUSTAINED THE
24 OBJECTION WERE YOU JUST TRYING TO ASK WHAT I'D
25 ALREADY EXPLAINED ABOUT IT NOT BEING AVAILABLE IN EVERY

STATE VS ALKEBULANYAHH

1 CASE OR WERE YOU TRYING TO ASK HIM THAT DOES HE THINK
2 THE DEATH PENALTY -- THAT HE THINKS THE DEATH PENALTY
3 SHOULD BE IN EVERY MURDER CASE? IS THAT WHAT YOU'RE
4 TRYING TO ASK?

5 MR ALKEBULANYAHH I DON'T RECALL YOUR HONOR
6 THE COURT BECAUSE THAT'S WHAT I'D ALREADY GONE
7 OVER WITH HIM, THAT'S WHY I SUSTAINED THAT

8 MR ALKEBULANYAHH WELL, IT WAS A QUESTION THAT
9 HAD NEVER -- IT HAD NEVER BEEN OBJECTED TO

10 THE COURT I KNOW I JUST WANTED TO MAKE SURE I
11 -- IT SOUNDED LIKE YOU WERE JUST ASKING HIM WHAT I'D
12 ALREADY BEEN OVER WITH HIM THAT'S WHY I SUSTAINED IT
13 DO YOU WANT TO LOOK AT IT?

14 MR ALKEBULANYAHH I DON'T KNOW WHAT THE QUESTION
15 WAS I DON'T RECALL IT

16 THE COURT ALL RIGHT YOU DON'T HAVE IT IN YOUR
17 NOTES?

18 MR ALKEBULANYAHH YES, BUT, YOU KNOW, I ASK SO
19 MANY QUESTIONS, YOU KNOW THEN I WAS JUST ASKING THE
20 JUROR -- I DON'T KNOW WHAT THE QUESTION REALLY WAS I
21 DON'T

22 THE COURT ALL RIGHT WELL, I THINK HE'S FLESHED
23 IT OUT WITH HIS ANSWERS ANYWAY

24 YOU DID NOT THINK IT SHOULD BE IN EVERY MURDER
25 CASE, DO YOU?

STATE VS ALKEBULANYAHH

1 JUROR NO, SIR
2 THE COURT THAT'S HOW I UNDERSTAND YOU OKAY
3 THANK YOU YOU MAY STEP OUT, SIR WE'LL BE WITH YOU
4 MOMENTARILY, IF YOU'LL STEP OUT TO THE HALLWAY
5 (THE JUROR EXITS THE COURTROOM)
6 THE COURT ANY OBJECTION TO HIS QUALIFICATION?
7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR MR
8 TREZ -- TREZEVANT IS A LONG-TIME BEAUFORT RESIDENT, AND
9 INDICATED HE KNEW MANY, MANY LAW ENFORCEMENT OFFICIALS
10 -- MAJOR BAXLEY, GENERAL WALTON AND MANY, MANY MORE
11 AND DUE TO THIS PARTICULAR CASE THAT MANY OFFICIALS
12 WITHIN THIS COUNTY -- THESE PEOPLE, THEY HOLD A GREAT
13 PREJUDICE AGAINST THE DEFENDANT IN THIS CASE BECAUSE
14 TWO LAW ENFORCEMENT WAS INVOLVED SO CLOSELY TO THEM
15 AND THERE'S A STRONG POSSIBILITY -- INDICATION THAT HIS
16 VIEWS MAY BE VERY TAINTED AND PREJUDICE TOWARD THE
17 DEFENDANT
18 AND I HAVE NOTHING ELSE TO SAY
19 MR MURDAUGH I THINK HE'S QUALIFIED, SIR HE
20 SAID THAT HE WOULD LISTEN TO -- LAY EVERYTHING ASIDE HE
21 KNEW AND THAT HE WOULDN'T BE AFFECTED BY LAW
22 ENFORCEMENT HE COULD CONSIDER EVERYTHING BOTH WAYS
23 THE COURT I AGREE I THINK HE QUALIFIED SINCE
24 HE'S INDICATED THAT BRING HIM BACK IN PLEASE
25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 THE COURT MR TREZEVANT, THE COURT FINDS YOU TO
2 BE QUALIFIED YOU WILL SIT ON THE POOL THAT DOESN'T
3 MEAN YOU'RE ON THE JURY YOU'LL BE PART OF THE POOL
4 FROM WHICH WE WILL DRAW THE JURY

5 WE HAVE BOTH YOUR NUMBERS, IS THAT CORRECT?

6 JUROR YES, SIR

7 THE COURT ALL RIGHT THANK YOU FOR BEING
8 PATIENT WITH US A FEW INSTRUCTIONS YOU MUST NOT
9 DISCUSS THIS CASE IN ANY WAY WITH ANYONE YOU MUST NOT
10 CONDUCT ANY INVESTIGATION ON YOUR OWN

11 AND YOU MUST NOT EXPOSE YOURSELF TO ANY TYPE OF
12 MEDIA COVERAGE, NEWSPAPER, T V , RADIO IF YOU START
13 TO HEAR ANYTHING, TURN IT OFF NEWSPAPER, DON'T READ
14 ANY STORIES ALL RIGHT? DO YOU UNDERSTAND?

15 JUROR YES, SIR

16 THE COURT ALL RIGHT WE WILL BE IN TOUCH WITH
17 YOU, POSSIBLY AS EARLY AS THIS AFTERNOON THANK YOU
18 VERY MUCH

19 (THE JUROR EXITS THE COURTROOM)

20 THE COURT PANEL 6 THE PANELS THAT WE SKIPPED
21 TO MOVE UNTIL TODAY, THEY'RE NOT HERE YET BECAUSE THEY
22 WERE ALL GIVEN SPECIFIC TIMES

23 MR ALKEBULANYAHH I'M SORRY?

24 THE COURT THE PANELS THAT WE MOVED UNTIL THIS
25 MORNING, THEY WERE GIVEN SPECIFIC TIMES FOR THIS

STATE VS ALKEBULANYAHH

1 MORNING, SO THEY'RE NOT HERE

2 MR ALKEBULANYAHH I WISH NOT TO PROCEED, YOUR
3 HONOR, UNTIL THEY GET HERE

4 THE COURT PANEL 6 WILL BE HERE AT 9 45 PANELS
5 12 THROUGH 17 ARE HERE

6 MR ALKEBULANYAHH I WISH NOT TO PROCEED UNTIL
7 PANEL 6 GET HERE

8 THE COURT ALL RIGHT DO YOU WISH TO GO AHEAD
9 AND LOOK AT PANEL 12 AND SEE IF YOU'RE ---

10 MR ALKEBULANYAHH NO SIR YOUR HONOR THE
11 PANEL'S BEEN MOVED AROUND TOO MUCH

12 THE COURT SEE IF ANYONE ON PANEL 6 -- SEE IF
13 MS CAMPBELL HAPPENS TO BE HERE SOME TIMES PEOPLE GET
14 HERE EARLY AS SOON AS SHE GETS HERE, WE CAN GO AHEAD
15 AND START

16 GO AHEAD AND CALL THE PEOPLE ON 7 AND 8, HAVE THEM
17 COME IN GET 7 AND 8

18 (PAUSE)

19 THE COURT DID YOU CHECK ON THE STATUS OF THAT
20 OTHER MATTER?

21 MR MURDAUGH MR STONE IS DOING THAT NOW, SIR

22 THE COURT ALL RIGHT

23 (A RECESS WAS TAKEN)

24 THE COURT ALL RIGHT DID YOU FIND OUT ANYTHING?

25 MR MURDAUGH YES, SIR, MR STONE ---

STATE VS ALKEBULANYAHH

1 THE COURT WAIT I'D RATHER DO IT AT SIDE BAR

2 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)

3 THE COURT ALL RIGHT NOW, FOR THE RECORD THE
4 JUROR IS QUALIFIED THEY INQUIRED ABOUT MR CLISHAM,
5 IS THAT CORRECT?

6 MR MURDAUGH THAT'S CORRECT, SIR

7 MR ALKEBULANYAHH YES, SIR

8 THE COURT ALL RIGHT SO HE'LL REMAIN ON HIS
9 PLACE ON THE LIST

10 MR ALKEBULANYAHH THAT'S FINE

11 THE COURT NOW, MS SHIELDS IS HERE, SHE'S NO 2
12 SINCE WE HAVE A FEW TO GO THROUGH, IS THAT OKAY TO GO
13 AHEAD AND START WITH HER?

14 MR ALKEBULANYAHH YES, MA'AM -- YES, SIR

15 THE COURT IS THAT OKAY WITH YOU?

16 MR MURDAUGH YES, SIR

17 THE COURT ALL RIGHT YOU KNOW, BY THE TIME WE
18 DO ONE, THE REST WILL PROBABLY BE HERE I WANTED
19 EVERYONE HERE, AND I FORGOT THAT WE HAD THESE FEW THAT
20 WE HAD ALREADY SCHEDULED AHEAD OF TIME THEY WERE
21 ACTUALLY HERE YESTERDAY SO THAT'S WHAT HAPPENED

22 ALL RIGHT BRING MS SHIELDS IN

23 (THE JUROR ENTERS THE COURTROOM)

24 GAIL SHIELDS, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU GAIL SHIELDS?

3 A YES, I AM

4 Q ALL RIGHT PLEASE TAKE A SEAT RIGHT THERE NOW,
5 MS SHIELDS, I NEED TO REMIND YOU, YOU WERE PREVIOUSLY
6 PLACED UNDER OATH AND YOU WILL REMAIN UNDER OATH DO
7 YOU UNDERSTAND?

8 A YES, I DO

9 Q ALL RIGHT NOW, WE'RE JUST IN THE PART OF THE
10 CASE WHERE WE NEED TO ASK YOU SOME INDIVIDUAL
11 QUESTIONS DON'T WORRY ABOUT THE QUESTION WE'RE NOT
12 TRYING TO INVADE YOUR PRIVACY IT'S JUST NECESSARY IN
13 THIS PROCEEDING THERE ARE NO RIGHT OR WRONG ANSWERS
14 IF YOU DON'T KNOW SOMETHING, SAY YOU DON'T KNOW IF
15 YOU DON'T HAVE AN OPINION ON IT YOU DON'T HAVE AN
16 OPINION WE NEED TO KNOW WHAT YOU'RE THINKING NO ONE
17 IS CHALLENGING ANY VIEWS OR ANSWERS YOU MIGHT HAVE
18 IT'S JUST THAT WE'RE TRYING TO ASCERTAIN CERTAIN
19 INFORMATION

20 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
21 PENALTY THE FACT THAT WE'RE ASKING QUESTIONS OR EVEN
22 TALKING ABOUT A PENALTY IN NO WAY INDICATES ANYTHING
23 ABOUT THIS DEFENDANT DO YOU UNDERSTAND, HE'S PRESUMED
24 TO BE INNOCENT?

25 A YES, I DO

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT NOW, SOME BACKGROUND INFORMATION DO
2 YOU REMEMBER THAT I EXPLAINED THE PROCESS OF HOW YOU
3 HAVE A TWO-PART TRIAL IN THIS SITUATION IF YOU GET
4 PAST THE GUILT OR INNOCENCE PHASE OF THE TRIAL, IT GOES
5 TO THE PENALTY PHASE DO YOU REMEMBER THAT DISCUSSION?

6 A CORRECT

7 Q ALL RIGHT NOW, I WANT TO JUST SHARE WITH YOU A
8 LITTLE BIT OF BACKGROUND INFORMATION ABOUT THE DEATH
9 PENALTY ITSELF A LOT OF PEOPLE THINK THE DEATH
10 PENALTY APPLIES TO EACH AND EVERY MURDER CASE, THAT IS
11 NOT A CORRECT STATEMENT OF THE LAW IT APPLIES TO
12 CERTAIN LIMITED KINDS OF MURDER CASES THE LAW OF THE
13 STATE LAYS OUT CERTAIN SCENARIOS IN WHICH THE STATE CAN
14 REQUEST THAT THE DEATH PENALTY BE AN OPTION FOR THE
15 JURY

16 NOW THE STATE WOULD HAVE TO PROVE THOSE
17 CIRCUMSTANCES FOR EXAMPLE, IT MIGHT BE A CASE WHERE
18 THERE IS A KIDNAPPING PLUS A MURDER, OR A BURGLARY PLUS
19 A MURDER, OR IT MIGHT INVOLVE ANOTHER CIRCUMSTANCE IN
20 THE STATUTE THOSE ARE JUST EXAMPLES I'M NOT SAYING
21 THEY APPLY TO THIS CASE I'M TRYING TO SHARE WITH YOU,
22 BECAUSE A LOT OF PEOPLE THINK THAT THE DEATH PENALTY IS
23 AVAILABLE IN EVERY CASE OF MURDER, THAT'S JUST NOT
24 CORRECT SO I WANTED TO SHARE THAT WITH YOU DO YOU
25 UNDERSTAND?

- 1 A I DO
- 2 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
- 3 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I GIVE
- 4 IT TO YOU, EVEN IF YOU -- THE LAW THAT I GIVE TO YOU?
- 5 A YES
- 6 Q COULD YOU DO THAT EVEN IF YOU DISAGREED WITH THAT?
- 7 A COULD YOU REPEAT THAT?
- 8 Q ALL RIGHT THAT QUESTION ALWAYS THROWS PEOPLE
- 9 OFF CAN YOU APPLY THE LAW EVEN IF YOU DO NOT AGREE
- 10 WITH THE LAW, BECAUSE IT'S MY JOB TO TELL YOU ---
- 11 A YES
- 12 Q --- WHAT THE LAW IS?
- 13 A I CAN
- 14 Q DO YOU UNDERSTAND THAT?
- 15 A YES
- 16 Q ALL RIGHT THE POINT IS, A JUROR DOESN'T GET TO
- 17 MAKE UP THEIR MINDS ON WHAT THE LAW IS THAT'S MY JOB
- 18 TO TELL YOU WHAT THE LAW IS
- 19 A OKAY
- 20 Q DO YOU UNDERSTAND?
- 21 A YES
- 22 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
- 23 ON THE EVIDENCE PRESENTED IN THIS COURT AND DISREGARD
- 24 ANYTHING YOU MAY HAVE HEARD READ, OR SEEN ABOUT THIS
- 25 CASE?

1 A I BELIEVE I COULD

2 Q DO YOU THINK YOU COULD SET ASIDE ANYTHING THAT
3 YOU'VE HEARD, READ, OR SEEN -- BECAUSE YOU WILL HAVE
4 FRONT ROW SEATS IN THIS CASE YOU WILL GET TO SEE THE
5 CASE FROM BEGINNING UNTIL THE END CAN YOU PUT ASIDE
6 ANYTHING THAT YOU'VE READ, HEARD, OR SEEN IN THIS CASE
7 START FROM SCRATCH AND GIVE EVERYONE INVOLVED, THE
8 DEFENDANT AND THE STATE, A FAIR AND IMPARTIAL TRIAL?

9 A I DON'T -- I DON'T KNOW IF I COULD OR NOT I HAVE
10 READ ALL THE ARTICLES

11 Q ALL RIGHT

12 A UP TO THE BEGINNING OF THIS WEEK

13 Q ALL RIGHT AND YOU UNDERSTAND THAT COVERAGE
14 OUTSIDE OF THE CASE DOESN'T NECESSARILY MEAN THAT'S
15 WHAT HAPPENED IN THE CASE?

16 A OKAY I DO I GUESS I UNDERSTAND THAT

17 Q YOU DO UNDERSTAND THAT?

18 A YES

19 Q ALL RIGHT BUT YOU'RE SAYING YOU CANNOT PUT ASIDE
20 THAT INFORMATION?

21 A I BELIEVE IT WOULD BE DIFFICULT

22 THE COURT ALL RIGHT YOU COULD NOT -- ALL
23 RIGHT ANY QUESTIONS?

24 MR ALKEBULANYAHH YES YES, SIR

25 THE COURT ALL RIGHT

1 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

2 Q MS SHIELDS ---

3 A YES

4 Q --- I'M ABDIYYAH BEN ALKEBULANYAHH, THE DEFENDANT
5 IN THE CASE

6 A OKAY

7 Q DO YOU FEEL LIKE THAT FROM THE READING OF THE
8 ARTICLES AND WHAT YOU HAVE SAID YOU READ THAT YOU FEEL
9 THAT THE ARTICLES HAS INFLUENCED YOU TO WHERE YOU COULD
10 NOT BE FAIR AND IMPARTIAL TOWARD THE DEFENDANT?

11 A I BELIEVE SOME OF THE ARTICLES POSSIBLY

12 Q POSSIBLY?

13 A UH-HUH

14 Q YOU DON'T FEEL THERE'S NO WAY POSSIBLE WHERE THAT
15 COULD JUST SET ASIDE WHAT YOU HAVE READ BECAUSE YOU
16 KNOW SOME -- DO YOU FEEL LIKE EVERYTHING YOU READ IS
17 TRUE?

18 A NO NO

19 Q IS IT POSSIBLE THAT YOU COULD CONCEDE THAT MOST OF
20 THE ARTICLES THAT YOU READ WAS NEWS MEDIA WAS SENSATION
21 -- TO SENSATIONALIZE THINGS?

22 A NO

23 Q COULD PERHAPS YOU SEE -- COME TO A UNDERSTANDING
24 THAT THE ARTICLES WERE MAYBE NOT TRUE, WHAT YOU READ?
25 COULD YOU CONCEDE ---

STATE VS ALKEBULANYAHH

1 A I GUESS ---

2 Q --- THAT BEING POSSIBLE?

3 A --- THAT COULD BE POSSIBLE

4 Q AND YOU COULD CONCEDE THAT, IS IT POSSIBLE THAT
5 YOU COULD SET ASIDE JUST TEMPORARILY FOR A MORAL JUST
6 ETHICAL REASON TO COME FORWARD WITH A CLEAR AND OPEN
7 MIND OUTSIDE OF THE ARTICLES SINCE YOU AGREE THAT THE
8 ARTICLES MAY NOT BE TRUE OR NOT TRUE, AND GIVE A PART
9 -- A IMPARTIAL AND FAIR TRIAL TO THE DEFENDANT?

10 A YOU KNOW, I COULD SAY I WOULD TRY, BUT IN MY
11 HEART I DON'T KNOW IF I COULD OR NOT

12 MR ALKEBULANYAHH THANK YOU, MS SHIELDS
13 THE COURT ANY FURTHER QUESTIONS?

14 (NO RESPONSE)

15 THE COURT ANY OBJECTION TO HER BEING EXCUSED?

16 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION

17 MR MURDAUGH NO OBJECTION

18 THE COURT I'LL EXCUSE YOU, MA'AM THANK YOU
19 THANK YOU FOR BEING PATIENT WITH THE PROCESS

20 (THE JUROR EXITS THE COURTROOM)

21 THE COURT IS MS CAMPBELL HERE YET?

22 OFFICER YES SIR

23 THE COURT SHE IS HERE THANK YOU THAT WAS MS
24 SHIELDS

25 GLORIA CAMPBELL, THE FIRST ON THE LIST

STATE VS ALKEBULANYAHH

1 (THE JUROR ENTERS THE COURTROOM)

2 GLORIA CAMPBELL, HAVING

3 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

4 DIRECT EXAMINATION BY THE COURT.

5 Q ARE YOU GLORIA CAMPBELL?

6 A YES

7 Q ALL RIGHT MS CAMPBELL, I JUST WANT TO REMIND

8 YOU, YOU WILL STILL BE UNDER OATH FROM THE OTHER DAY

9 ALL RIGHT?

10 A OKAY

11 Q I NEED YOU TO RESPOND INTO THAT MICROPHONE SO THE

12 COURT REPORTER CAN TAKE DOWN EVERYTHING FOR YOU OKAY?

13 A OKAY

14 Q NOW, SHE'S JUST RIGHT THERE IN FRONT OF YOU NOW,

15 MS CAMPBELL WE'RE JUST GOING TO ASK YOU SOME

16 QUESTIONS PLEASE DON'T WORRY ABOUT YOUR ANSWERS

17 WE'RE NOT TRYING TO INVAD E YOUR PRIVACY WE'RE TRYING

18 TO UNDERSTAND CERTAIN THINGS IF YOU DO NOT KNOW AN

19 ANSWER TO A QUESTION, JUST SAY THAT OR IF YOU HAVE NO

20 OPINION ABOUT THE QUESTION, YOU CAN SAY THAT YOU CAN

21 SAY RIGHT HERE FOR RIGHT NOW PLEASE DON'T WORRY ABOUT

22 ANY CAMERA OR ANYTHING IN THE COURTROOM THEY ARE

23 PROHIBITED FROM COVERING YOU IN ANYWAY WHATSOEVER

24 OKAY?

25 A (NODS HEAD)

STATE VS ALKEBULANYAHH

1 Q NOW, AGAIN, AS I SAID, THERE ARE NO RIGHT OR WRONG
2 ANSWERS WE'RE JUST GOING TO GO THROUGH A FEW THINGS
3 WITH YOU NOW, I WANT TO EXPLAIN TO YOU AS WE GO
4 THROUGH THESE QUESTIONS -- SOME OF THE QUESTIONS MIGHT
5 DEAL WITH PENALTY THE FACT WE'RE ASKING QUESTIONS AND
6 WE'RE TALKING ABOUT A PENALTY DOES NOT INDICATE
7 ANYTHING ABOUT THIS DEFENDANT THE DEFENDANT IS
8 PRESUMED TO BE INNOCENT DO YOU UNDERSTAND?

9 A (NODS HEAD)

10 Q YOU HAVE TO ---

11 A YES

12 Q THANK YOU I KNOW WHAT YOU'RE SAYING, BUT I HAVE
13 TO MAKE SURE SHE KNOWS ALL RIGHT NOW, DO YOU
14 REMEMBER MY CONVERSATION WITH THE WHOLE PANEL ABOUT HOW
15 THESE CASES ARE HANDED IN A TWO-PART FASHION FIRST YOU
16 GO THROUGH THE PHASE OF THE TRIAL WHERE YOU DETERMINE
17 THE INNOCENCE OR GUILT OF THE DEFENDANT AND THEN IF
18 YOU GET PAST THAT PHASE, THEN IT'S THE PENALTY PHASE
19 DO YOU REMEMBER THAT DISCUSSION?

20 A YES

21 Q ALL RIGHT NOW, I WANT TO SHARE A LITTLE MORE
22 INFORMATION WITH YOU, BECAUSE A LOT OF PEOPLE ARE
23 CONFUSED ABOUT THE DEATH PENALTY A LOT OF PEOPLE
24 THINK THAT THE DEATH PENALTY IS AVAILABLE IN EVERY CASE
25 OF MURDER, BUT IT IS NOT LET ME TELL YOU AS A MATTER

1 OF LAW, IT IS NOT IT'S AVAILABLE IN CERTAIN LIMITED
2 KINDS OF MURDER CASES FOR EXAMPLE, IT MIGHT BE -- AND
3 WHEN I SAY AVAILABLE, THAT MEANS IT CAN BE AN OPTION
4 FOR SENTENCING IF CERTAIN THINGS ARE PROVEN NOW, FOR
5 EXAMPLE IF KIDNAPPING PLUS A MURDER, OR A BURGLARY PLUS
6 A MURDER, OR IT MIGHT INVOLVE A CASE THAT INVOLVES THE
7 DEATH OF AN OFFICIAL THAT'S LISTED IN THE STATUTE
8 THERE ARE OTHER CIRCUMSTANCES THOSE ARE JUST
9 EXAMPLES I'M NOT SAYING THEY APPLY OR NOT APPLY
10 THOSE ARE JUST EXAMPLES DO YOU UNDERSTAND?

11 A YES

12 Q THAT IT'S NOT AVAILABLE IN EVERY MURDER CASE?

13 A YES

14 Q OKAY NOW, IF YOU WERE A JUROR IN A CRIMINAL
15 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I GIVE
16 IT TO YOU?

17 A YES

18 Q ALL RIGHT NOW, COULD YOU APPLY THAT LAW THAT I
19 AS THE JUDGE GIVE TO YOU, EVEN THOUGH YOU DISAGREE WITH
20 THAT LAW?

21 A YES

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

- 1 A YES
- 2 Q HAVE YOU HEARD READ OR SEEN ANYTHING ABOUT THIS
- 3 CASE?
- 4 A NOT, NOT -- WHEN IT FIRST HAPPENED, YOU KNOW
- 5 Q WHAT HAPPENED A WHILE BACK?
- 6 A YES
- 7 Q OKAY AND DO YOU REMEMBER ANYTHING IN PARTICULAR?
- 8 A NO, NOT REALLY
- 9 Q ALL RIGHT WOULD ANYTHING YOU HAVE HEARD, READ,
- 10 OR SEEN AFFECT YOUR ABILITY TO GIVE THE DEFENDANT AND
- 11 THE STATE A FAIR AND IMPARTIAL TRIAL?
- 12 A NO
- 13 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY
- 14 OPINION ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?
- 15 A NO
- 16 Q ALL RIGHT IN A CRIMINAL CASE, THE STATE HAS THE
- 17 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
- 18 BURDEN -- THE DEFENDANT NEVER HAS ANY BURDEN TO PROVE
- 19 INNOCENCE THE DEFENDANT DOESN'T HAVE TO DO ANYTHING
- 20 DO YOU UNDERSTAND?
- 21 A YES
- 22 Q ALL RIGHT NOW, COULD YOU EQUALLY CONSIDER A
- 23 VERDICT OPTION OF EITHER NOT GUILTY OR GUILTY?
- 24 A IN WHAT?
- 25 Q IN A CASE? COULD YOU EQUALLY CONSIDER THE OPTIONS

STATE VS ALKEBULANYAHH

1 OF NOT GUILTY OR GUILTY?

2 A YES

3 Q JUST MAKE SURE YOU DON'T HAVE ANY PRECONCEIVED
4 IDEAS ABOUT THAT NOW, DID YOU READ THAT JUROR TYPE
5 SHEET THAT WE HANDED OUT?

6 A YES

7 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
8 CATEGORIES?

9 A YES

10 Q WHICH ONE WOULD THAT BE?

11 A NO 3

12 Q ALL RIGHT LET'S JUST REVIEW NO 3 SO WE MAKE
13 SURE WE'RE TALKING ABOUT THE SAME THING THAT WOULD BE
14 THE SITUATION WHERE IF THE STATE HAS PROVEN THE OFFENSE
15 AND THE CASE GOES TO THE PUNISHMENT STAGE AND THE JUROR
16 IS CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP
17 YOUR MIND ABOUT IT INSTEAD, YOU WOULD NEED TO HEAR
18 ALL THE FACTS AND CIRCUMSTANCES INCLUDING ANY
19 CIRCUMSTANCES OF AGGRAVATION AND ANY CIRCUMSTANCES OF
20 MITIGATION AND YOU WOULD NEED TO HEAR THE LAW BEFORE
21 YOU MADE A DECISION IS THAT CORRECT?

22 A YES

23 Q ALL RIGHT LET'S JUST SAY THAT YOU ARE IN A CASE
24 THAT GOES TO THAT SECOND PHASE, THE SENTENCING PHASE
25 COULD YOU DEPENDING UPON THE PARTICULAR -- I'M JUST

STATE VS ALKEBULANYAHH

1 ASKING YOU IN GENERAL COULD YOU DEPENDING ON WHATEVER
2 THE PARTICULAR CIRCUMSTANCES AND FACTS ARE IN A CASE,
3 INCLUDING ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES
4 AND THE LAW THAT IS GIVEN TO YOU RETURN A SENTENCE OF
5 LIFE IMPRISONMENT WITHOUT PAROLE?

6 A YES

7 Q ALL RIGHT THE SAME SITUATION, YOU'RE A JUROR IN
8 A CASE THAT IS IN THE SENTENCING PHASE COULD YOU
9 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
10 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
11 MITIGATING CIRCUMSTANCES AND THE LAW THAT THE COURT
12 GIVES TO YOU RETURN A SENTENCE OF DEATH?

13 A YES

14 Q NOW, IN THAT LATTER SITUATION IF YOU WERE ON THE
15 JURY AND THE JURY MADE A UNANIMOUS DECISION TO RETURN A
16 VERDICT OF DEATH, COULD YOU SIGN THE VERDICT FORM?

17 A I COULDN'T ---

18 Q PARDON?

19 A I MEAN ---

20 Q THAT WOULD BE MY WAY OF KNOWING THAT EACH AND
21 EVERY JUROR MADE THAT DECISION WOULD YOU BE ABLE TO
22 SIGN THAT VERDICT FORM? THERE WOULD BE -- IT WOULD
23 SAY, WE THE JURY MAKE THIS DECISION AND THERE WOULD
24 BE A LINE FOR EACH AND EVERY JUROR ON THAT PIECE OF
25 PAPER AND EACH JUROR WOULD HAVE TO SIGN THAT PAGE

1 WOULD YOU BE ABLE TO SIGN THAT PAGE, THE VERDICT?

2 A YES

3 THE COURT OKAY NOW AT THIS POINT THEY'RE GOING
4 TO ASK YOU SOME QUESTIONS

5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

6 Q GOOD MORNING, MS CAMPBELL

7 A GOOD MORNING

8 Q I'M ABDIYYAH BEN ALKEBULANYAHH I'M THE DEFENDANT
9 IN THE CASE AND I WANT TO ASK YOU JUST A FEW
10 QUESTIONS AND MAYBE SOME OF THE QUESTIONS MAY BE
11 UNCOMFORTABLE I HOPE THAT ANY DOESN'T OFFEND YOU OR
12 ANYTHING TO AN EXTENT BUT IF THEY DO, IT'S NOT MY
13 INTENTION I WANT TO BEGIN BY ASKING HAVE YOU EVER
14 SIGNED A PETITION THAT ENCOURAGE OR SUPPORT THE DEATH
15 PENALTY?

16 A (NO RESPONSE)

17 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
18 SUPPORT THE DEATH PENALTY?

19 A YES

20 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
21 FAVORING THE DEATH PENALTY?

22 A NO

23 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
24 THEN LATER FOUND OUT YOU BEEN WRONG?

25 A NO WELL, CAN I ASK YOU SOMETHING THAT FIRST

STATE VS ALKEBULANYAHH

1 QUESTION THAT YOU ASKED ME, WHAT WAS THAT?

2 Q IT WAS, HAVE YOU EVER SIGNED A PETITION OR
3 ENCOURAGE -- I'M SORRY HAVE YOU EVER SIGNED A
4 PETITION THAT ENCOURAGE OR SUPPORT THE DEATH PENALTY?

5 A NO IT'S MORE LIKE PAROLE, TO KEEP SOMEONE IN
6 BECAUSE OF ---

7 Q THE OFFENSE AGAINST SOMEBODY?

8 A RIGHT

9 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE THE
10 RIGHT TO PRIVACY IN THEIR HOME?

11 A YES

12 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

13 A YES

14 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

15 A YES

16 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
17 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
18 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
19 DOUBT THE DEFENDANT IS GUILTY?

20 A YES

21 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
22 WRONG IS WRONG REGARDLESS?

23 A YES

24 Q DO YOU AGREE WITH THAT SAYING?

25 A YES

1 Q DO YOU AGREE THAT THERE'S TWO SIDES TO EVERY
2 STORY?

3 A YES

4 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
5 TO JUDGE FAIRLY?

6 A YES

7 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
8 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
9 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

10 A YES

11 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
12 HAVE BROKEN THE LAW?

13 A POLICE OFFICERS WHO HAVE BROKEN THE LAW? I THINK
14 THEY SHOULD PAY, YOU KNOW, FOR WHATEVER THEY DONE, YOU
15 KNOW

16 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
17 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
18 THE LAW?

19 A NO

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 NO

24 Q I'M GOING TO ASK YOU THAT QUESTION AGAIN IN YOUR
25 OPINION, DO YOU AGREE THAT NO PROSECUTOR SHOULD TRY OR

1 ATTEMPT TO COVER UP FOR CORRUPT POLICE OFFICERS?

2 A NO

3 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
4 THEIR REPORTING?

5 A NO

6 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
7 SENSATIONAL?

8 A MEANING WHAT? MAYBE TO -- TO MAKE IT SEEM WHAT
9 TRUE -- WHAT YOU SAID?

10 Q YES, MAKE IT MORE DRAMATICAL, TO MAKE IT ---

11 A I FEEL THAT AT CERTAIN PART

12 MR ALKEBULANYAHH MS CAMPBELL, THANK YOU I
13 HAVE NO FURTHER QUESTIONS

14 CROSS EXAMINATION BY MR. MURDAUGH.

15 Q MS CAMPBELL, HOW ARE YOU DOING?

16 A GOOD HOW ARE YOU?

17 Q I AM RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,
18 WHO'S SEATED RIGHT HERE, WE WILL BE PROSECUTING THIS
19 CASE ON BEHALF OF THE STATE NEED TO ASK YOU SOME
20 QUESTIONS ABOUT, FRANKLY, WHETHER I WANT YOU ON THE
21 JURY OR NOT YOU HAVE TOLD THE JUDGE THAT IN THE
22 PROPER CIRCUMSTANCES YOU COULD VOTE -- IF THE CASE WERE
23 BAD ENOUGH -- AND I'M NOT TALKING ABOUT THIS CASE,
24 PLEASE UNDERSTAND THAT I'M JUST TALKING ABOUT IN
25 GENERAL IF THE CASE WERE BAD ENOUGH, YOU COULD VOTE

1 FOR THE DEATH PENALTY?

2 A YES

3 Q WHAT ARE YOUR FEELINGS ABOUT THE DEATH PENALTY?

4 ARE YOU SORT OF IN FAVOR OF IT, OR ARE YOU STRONGLY IN
5 FAVOR OF IT, OR SOMEWHERE IN BETWEEN THERE?

6 A IT JUST DEPENDS ON THE TRIAL, YOU KNOW, THE
7 CIRCUMSTANCE OF WHAT TOOK PLACE OR WHATEVER

8 Q OKAY YOU LISTED ON YOUR RETURN THAT A MEMBER OF
9 YOUR FAMILY HAD BEEN ARRESTED?

10 A UH-HUH

11 Q MAY I ASK WHO THAT WAS?

12 A I DON'T WANT TO COMMENT ON THAT

13 Q CERTAINLY WOULD NOT ASK YOU IF YOU DON'T WANT TO

14 A OKAY

15 Q WOULD THE FACT THAT A MEMBER OF YOUR FAMILY HAD
16 BEEN ARRESTED HAVE ANY AFFECT IN YOUR MIND ABOUT GIVING
17 THE STATE OF SOUTH CAROLINA OR THE DEFENDANT A FAIR
18 TRIAL?

19 A NO

20 Q WOULDNT T AFFECT YOU?

21 A NO

22 THE COURT DO YOU WISH FOR US TO DISCUSS THAT
23 TOGETHER ON THE SIDE OVER HERE?

24 MR MURDAUGH NO, SIR NO, SIR I'M SATISFIED
25 WITH THE ANSWER

1 THE COURT ALL RIGHT
2 MR MURDAUGH AND I RESPECT HER REQUEST
3 THE COURT ALL RIGHT GO AHEAD
4 Q I UNDERSTAND THAT YOUR HUSBAND -- WHERE DOES HE
5 WORK?
6 A HE'S A PROJECT MANAGER AT THE COMMISSARY
7 Q ON ---
8 A PARRIS ISLAND
9 Q --- PARRIS ISLAND?
10 A UH-HUH
11 Q OKAY DOES HE ALSO HAVE A CHURCH?
12 A YES, HE ALSO HAVE A CHURCH
13 Q AND WHAT'S THE SIZE OF HIS CONGREGATION?
14 A 150
15 Q OKAY AND WHERE IS THAT CHURCH? WHAT'S THE NAME
16 OF IT?
17 A PORT ROYAL OLD PORT
18 Q PORT ROYAL OLD PORT?
19 A UH-HUH
20 Q AND IN WHAT DENOMINATION IS THAT?
21 A BAPTIST
22 Q BAPTIST HAVE YOU EVER HEARD OF THE DEFENDANT IN
23 THIS CASE, MR ALKEBULANYAHH, PRIOR TO THIS WEEK?
24 A NO ALL I HEARD WAS LIKE WHEN IT FIRST HAPPENED,
25 THAT WAS IT NO CONTACT WHATEVER MY FIRST TIME

1 SEEING HIM WAS WHEN THEY SHOW HIM ON T V

2 MR MURDAUGH OKAY THANK YOU I HAVE NO
3 QUESTIONS

4 MR ALKEBULANYAHH YES, YOUR HONOR, I HAVE THREE
5 MORE QUESTIONS COULD I?

6 THE COURT GO AHEAD

7 MR ALKEBULANYAHH THANK YOU

8 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q MS CAMPBELL, WHEN YOU COME TO AN INDEPENDENT
10 DECISION WILL YOU STICK TO IT?

11 A YES

12 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
13 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
14 DECISION?

15 A YES

16 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
17 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTOR?

18 A NO

19 MR ALKEBULANYAHH THANK YOU I HAVE NO FURTHER
20 QUESTIONS

21 THE COURT MS CAMPBELL, IF YOU COULD PLEASE WAIT
22 IN THE HALLWAY, WE'LL BE RIGHT WITH YOU THANK YOU

23 (THE JUROR EXTS THE COURTROOM)

24 THE COURT ANY OBJECTION TO HER QUALIFICATION?

25 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, I HAVE NO

1 OBJECTION

2 MR MURDAUGH I THINK SHE SAID THE RIGHT THING,

3 SIR

4 THE COURT ALL RIGHT BRING MS CAMPBELL BACK

5 IN

6 (THE JUROR ENTERS THE COURTROOM)

7 THE COURT MS CAMPBELL, THE COURT FINDS YOU TO

8 BE QUALIFIED I HAVE CERTAIN INSTRUCTIONS FOR YOU

9 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY YOU MUST

10 NOT TRY TO CONDUCT ANY INDEPENDENT INVESTIGATION YOU

11 MUST NOT EXPOSE YOURSELF TO ANY KIND OF MEDIA COVERAGE,

12 TELEVISION, NEWSPAPER OR RADIO DO YOU UNDERSTAND

13 THAT?

14 JUROR YES

15 THE COURT ALL RIGHT NOW, WHEN I SAY YOU'RE

16 QUALIFIED, THAT MEANS YOU'LL GO INTO THE POOL FROM

17 WHICH THE JURY WILL BE SELECTED YOU'RE NOT ACTUALLY

18 SELECTED FOR THE JURY YET DO YOU UNDERSTAND?

19 JUROR YES

20 THE COURT ALL RIGHT NOW, DO WE HAVE NUMBERS

21 THAT WE WILL BE ABLE TO REACH YOU ON IMMEDIATE NOTICE?

22 MADAM CLERK, DO YOU HAVE BOTH THOSE NUMBERS?

23 (PAUSE)

24 THE COURT ALL RIGHT SHE'LL COME OUT THERE SO

25 WE CAN CONFIRM WITH US BECAUSE WE'VE HAD SOME TROUBLE

STATE VS ALKEBULANYAHH

1 GETTING A HOLD OF SOME PEOPLE WITH THE NUMBERS THEY
2 LEFT US SO I'M JUST USING THAT PROCEDURE SO I DON'T
3 HAVE TO MAKE YOU WAIT BUT THERE'S A POSSIBILITY WE
4 MIGHT ACTUALLY GET BACK TO YOU ALL THIS AFTERNOON, BUT
5 I'M NOT SURE

6 SO IF YOU WILL GIVE HER YOUR NUMBERS THANK YOU
7 VERY MUCH

8 (THE JUROR EXITS THE COURTROOM)

9 THE COURT KELLY O'HANLON
10 OFFICER YOUR HONOR, THE REST OF THE PANEL IS
11 HERE

12 THE COURT THANK YOU KELLY O'HANLON

13 I UNDERSTAND THERE'S NO OBJECTION TO THE SEATING
14 OF MR CLISHAM, CORRECT?

15 MR MURDAUGH THAT IS CORRECT YOUR HONOR

16 MR ALKEBULANYAHH THAT'S CORRECT, YOUR HONOR

17 THE COURT ALL RIGHT

18 (PAUSE)

19 (THE JUROR ENTERS THE COURTROOM)

20 KELLY O'HANLON, HAVING BEEN
21 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

22 DIRECT EXAMINATION BY THE COURT.

23 Q ARE YOU KELLY O'HANLON?

24 A YES, SIR

25 Q ALL RIGHT MS O'HANLON, I JUST WANTED TO REMIND

STATE VS ALKEBULANYAHH

1 YOU, YOU WILL REMAIN UNDER OATH OKAY?

2 A YES

3 Q ALL RIGHT NOW, WE'RE HERE TO ASK YOU SOME
4 QUESTIONS, NOT TO INVADE YOUR PRIVACY, JUST TO FIND OUT
5 YOUR THOUGHTS ON CERTAIN MATTERS THERE MAY BE SOME
6 QUESTIONS YOU DON'T KNOW OR YOU HAVE NO OPINION ON
7 FEEL FREE TO TELL US THAT THERE ARE NO RIGHT OR WRONG
8 ANSWERS WE'RE NOT HERE TO CRITICIZE OR SCRUTINIZE
9 YOUR ANSWERS WE'RE JUST HERE TO SEEK SOME INFORMATION
10 TO ASSIST US IN THIS PROCESS DO YOU UNDERSTAND?

11 A YES SIR

12 Q ALL RIGHT NOW, AMONG OTHER THINGS, WE'LL BE
13 TALKING ABOUT PENALTY IN ADDITION TO OTHER QUESTIONS
14 NOW, THE FACT THAT WE'RE ASKING QUESTIONS OR WE'RE
15 TALKING ABOUT A PENALTY IN NO WAY INDICATES ANYTHING
16 ABOUT THIS DEFENDANT THE DEFENDANT IS PRESUMED TO BE
17 INNOCENT DO YOU UNDERSTAND?

18 A YES, SIR

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

21 A YES, SIR I'M SORRY, CAN I SAY SOMETHING FIRST?

22 Q YES, MA'AM

23 A SINCE WE'VE BEEN PRESENTED WITH THE WITNESSES IN
24 THIS CASE, I HAVE HAD A LITTLE BIT OF TIME TO THINK
25 ABOUT THINGS AND MY ABILITY TO BE FAIR -- AND WITH MY

STATE VS ALKEBULANYAHH

1 PREVIOUS EXPERIENCES WITH MR CHRIS ABELL AND WITH HIM
2 AND THE SHERIFF'S DEPARTMENT, I FEEL THAT IT IS VERY
3 POSSIBLE THAT I WILL NOT BE ABLE TO BE FAIR WITH HIM AS
4 A WITNESS BECAUSE OF MY PAST EXPERIENCES WITH HIM

5 Q SO ---

6 A AS A POLICE OFFICER FOR THIS COUNTY

7 Q YOU'VE HAD EXPERIENCES WITH THE DEFENDANT AND
8 POLICE OFFICERS?

9 A NO, NOT THE DEFENDANT

10 Q OH

11 A I'M SPEAKING OF MR ABELL I'VE HAD EXPERIENCES
12 WITH HIM AS A POLICE OFFICER

13 Q I SEE AND BECAUSE OF THAT YOU DON'T THINK YOU
14 CAN LAY ASIDE THOSE EXPERIENCES AND GIVE EVERYONE A
15 FAIR AND IMPARTIAL TRIAL?

16 A POSSIBLY NOT BECAUSE OF THE NATURE OF THE
17 INCIDENTS THAT I'VE HAD WITH MR ABELL

18 Q ALL RIGHT

19 A I JUST FELT SO IN THE BEGINNING, BUT I'VE HAD A
20 COUPLE OF DAYS TO PROCESS ALL THE INFORMATION AND TO
21 THINK ABOUT MY PAST EXPERIENCES WITH HIM, I JUST FEEL
22 THAT IT MIGHT NOT BE POSSIBLE TO BE ABSOLUTELY FAIR
23 THE COURT THAT'S FINE ANY OBJECTION TO HER
24 BEING EXCUSED?

25 MR ALKEBULANYAHH I HAVE SOME QUESTIONS ---

STATE VS ALKEBULANYAHH

1 MR MURDAUGH NO, SIR

2 MR ALKEBULANYAHH I WOULD LIKE TO ASK SOME

3 QUESTIONS

4 THE COURT GO AHEAD

5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

6 Q YES, MS O'HANLON, THE OFFICER IS CHRIS WHO?

7 A ABELL

8 Q CAN YOU SPELL THAT?

9 A A-B-E-L-L

10 Q OKAY MS O'HANLON, BEING THAT MR -- MR OR MS

11 ABELL

12 A MR

13 Q MR CHRIS ABELL HE'S NOT THE ONE THAT IS

14 PROSECUTING THIS PARTICULAR CASE MR CHRIS ABELL I

15 DON'T THINK HE HAVE ANY SIGNIFICANCE WITH THIS CASE TO

16 AN EXTENT THAT WOULD RESULT TO A BEARING ON HOW THE

17 OUTCOME OF THIS CASE WOULD BE

18 A I UNDERSTAND WHAT YOU'RE -- WHAT YOU'RE GETTING

19 AT AND I DON'T -- I DON'T KNOW HOW MUCH I WOULD GO

20 INTO DETAIL OF THE ---

21 THE COURT ARE YOU SAYING YOU'VE HAD

22 CONVERSATIONS WITH PEOPLE?

23 JUROR CONVERSATIONS ABOUT THIS SITUATION? ABOUT

24 ME BEING A JUROR?

25 THE COURT NO ABOUT -- ANYTHING ABOUT YOUR

1 EXPERIENCE IN THE PAST -- DID IT HAVE ANYTHING TO DO
2 WITH THIS CASE ---

3 JUROR IT DOESN'T -- IT DOESN'T HAVE TO DO WITH
4 THE CASE IT HAS TO DO WITH HIM AS AN INDIVIDUAL AND
5 AS A POLICE OFFICER

6 THE COURT OKAY NOW, BECAUSE OF YOUR EXPERIENCE
7 WITH HIM, YOU COULD NOT GIVE EVERYONE IN THIS CASE A
8 FAIR AND IMPARTIAL TRIAL?

9 JUROR I DON'T BELIEVE SO I DON'T -- I DON'T
10 FEEL THAT -- I DON'T FEEL THAT CHRIS ABELL HAS ANY
11 CREDIBILITY WITH ME AS AN OFFICER BECAUSE OF THE WAY
12 THAT HE HANDLED THE SITUATION WITH MY FAMILY

13 THE COURT ALL RIGHT SO BECAUSE OF THE WAY HE
14 HANDLED ANOTHER CASE YOU CANNOT GIVE EVERYONE A FAIR
15 AND IMPARTIAL TRIAL?

16 JUROR WELL, AS AN OFFICER COMING INTO THIS
17 COURT ---

18 THE COURT ANSWER THAT QUESTION

19 JUROR NO, I DON'T BELIEVE SO BECAUSE OF THE
20 INCIDENT -- BECAUSE OF HOW HE HANDLED MY CASE, HOW AM I
21 TO BELIEVE HIM THAT HE HANDLED ANOTHER CASE PROPERLY

22 THE COURT ALL RIGHT AND HE'S A WITNESS FOR
23 WHICH SIDE? IS HE SUBPOENAED?

24 MR MURDAUGH NO

25 THE COURT DID YOU SUBPOENA HIM?

STATE VS ALKEBULANYAHH

1 JUROR HE WAS THE FIRST ---
2 (PAUSE)
3 JUROR HE WAS THE FIRST NAME THAT WAS MENTIONED
4 THE COURT ALL RIGHT WELL, I REALIZE HE WAS
5 MENTIONED I WAS JUST TRYING TO FIGURE OUT WHO
6 SUBPOENAED HIM THE STATE SUBPOENAED HIM?
7 MR MURDAUGH I DON'T THINK SO, SIR
8 THE COURT APPARENTLY, THE STATE SUBPOENAED HIM
9 I DON'T KNOW IF YOU SUBPOENAED HIM, HE'S ON YOUR LIST
10 MR MURDAUGH BELL OH, I THOUGHT YOU SAID
11 ABELL
12 THE COURT ABELL
13 MR MURDAUGH THE SAME ONE, YES, SIR
14 THE COURT SO YOUR POSITION IS THAT YOU COULD NOT
15 BE FAIR BECAUSE THIS MAN WILL BE TESTIFYING IN THIS
16 CASE?
17 JUROR YES
18 THE COURT OKAY
19 MR ALKEBULANYAHH YES, COULD I HAVE A FOLLOW-UP
20 QUESTION?
21 THE COURT WHAT WOULD THAT BE?
22 MR ALKEBULANYAHH I WANT TO ASK DO SHE AS A
23 CITIZEN -- DO SHE FEEL LIKE SHE WOULD HOLD A PREJUDICE
24 AGAINST THE WHOLE SHERIFF'S DEPARTMENT ON ACCOUNT OF
25 ONE OFFICER ACTION

STATE VS ALKEBULANYAHH

1 JUROR YES

2 THE COURT THAT'S NOT -- THAT'S NOT AN ISSUE FOR
3 THIS THE QUESTION IS, IS IT BECAUSE OF THIS WITNESS,
4 COULD SHE NOT GIVE A FAIR AND IMPARTIAL TRIAL? AND
5 YOU'RE SAYING YOU CANNOT?

6 JUROR I CANNOT

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

9 (THE JUROR EXITS THE COURTROOM)

10 THE COURT TANYA GARRISON

11 BOTH SIDES AGREE SHE SHOULD BE EXCUSED?

12 MR MURDAUGH THE STATE DOES

13 MR ALKEBULANYAHH YES SIR

14 THE COURT ALL RIGHT

15 (THE JUROR ENTERS THE COURTROOM)

16 TANYA GARRISON, HAVING BEEN
17 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

18 DIRECT EXAMINATION BY THE COURT.

19 Q ARE YOU MS GARRISON?

20 A YES

21 Q ALL RIGHT NOW, LET ME MAKE SURE IS IT TANYA OR
22 TANYA?

23 A TANYA

24 Q OKAY TANYA ALL RIGHT MS GARRISON, I JUST
25 WANT TO REMIND YOU, YOU'RE STILL UNDER OATH OKAY?

STATE VS ALKEBULANYAHH

1 A UH-HUH

2 Q I NEED YOU TO RESPOND BY SAYING YES OR NO OR
3 VOCALIZING YOUR RESPONSES FOR THE COURT REPORTER RATHER
4 THAN ---

5 A OKAY

6 Q ALL RIGHT WE'RE HERE JUST TO ASK YOU SOME
7 QUESTIONS, NOT TO INVADE YOUR PRIVACY THERE ARE NO
8 RIGHT OR WRONG ANSWERS IF YOU DON T KNOW, SAY YOU
9 DON'T KNOW OR YOU HAVE NO OPINION ON THE SUBJECT
10 OKAY?

11 A OKAY

12 Q NO ONE WILL BE CHALLENGING YOUR ANSWERS IT'S
13 JUST WE'LL BE ELICITING INFORMATION NOW, AMONG OTHER
14 THINGS, WE'LL BE TALKING ABOUT A PENALTY NOW, THE
15 FACT THAT WE'RE ASKING QUESTIONS OR TALKING ABOUT A
16 PENALTY DOES NOT IN ANY WAY INDICATE ANYTHING ABOUT
17 THIS DEFENDANT THE DEFENDANT IS PRESUMED TO BE
18 INNOCENT DO YOU UNDERSTAND?

19 A YES

20 Q DO YOU REMEMBER WHEN WE HAD THE DISCUSSION WITH
21 THE WHOLE GROUP WHEN I TALKED ABOUT THE TWO-PART
22 PROCESS IF YOU GET THROUGH THE FIRST STAGE OF THE
23 TRIAL, THEN IT MOVES TO THE SECOND STAGE?

24 A YES

25 Q NOW, I WANT TO ADD ONE MORE THING, BECAUSE A LOT

STATE VS ALKEBULANYAHH

1 OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES IN EVERY
2 MURDER CASE, THAT IS NOT TRUE ALL RIGHT THERE HAS
3 TO BE SOMETHING EXTRA THE STATE WOULD HAVE TO PROVE A
4 CERTAIN CIRCUMSTANCE IN ORDER TO HAVE THE RIGHT TO
5 REQUEST THE OPTION FOR THE JURY AND IT WOULD STILL BE
6 JUST AN OPTION DO YOU UNDERSTAND THAT?

7 A YES

8 Q ALL RIGHT FOR EXAMPLE, IT MIGHT BE A KIDNAPPING
9 PLUS A MURDER, OR A BURGLARY PLUS A MURDER OR IT MIGHT
10 BE ONE OF THE OTHER CIRCUMSTANCES LISTED IN THE STATE
11 LAW I'M NOT SAYING THOSE APPLY TO THIS CASE I'M
12 JUST GIVING YOU EXAMPLES

13 A RIGHT

14 Q I WANT TO MAKE IT CLEAR, IT DOESN'T APPLY IN EVERY
15 MURDER CASE DO YOU UNDERSTAND THAT?

16 A YES

17 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
18 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I AS
19 THE JUDGE TELL YOU APPLIES?

20 A YES

21 Q ALL RIGHT NOW, CAN YOU DO THAT EVEN THOUGH YOU
22 MIGHT NOT AGREE WITH THAT LAW OR YOU MIGHT THINK THE
23 LAW SHOULD BE SOMETHING ELSE?

24 A YES

25 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON

STATE VS ALKEBULANYAHH

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

4 A YES

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

7 A VERY, VERY LITTLE

8 Q ALL RIGHT CAN YOU GIVE US AN EXAMPLE OF WHAT --
9 OR TELL US WHAT YOU MIGHT HAVE HEARD OR SEEN?

10 A BASICALLY, WHAT I KNOW IS WHAT I'VE HEARD HERE I
11 DON'T READ THE NEWSPAPER, UNFORTUNATELY AND MY
12 HUSBAND CONTROLS THE T V WE WATCH LEAVE IT TO BEAVER
13 AND MAYBERRY I DON'T REALLY -- I'M -- I'M NOT VERY
14 FAMILIAR WITH WHAT HAPPENED

15 Q ALL RIGHT SO ANYTHING YOU HAVE HEARD, READ OR
16 SEEN, WOULD THAT IN ANY WAY AFFECT YOUR ABILITY TO GIVE
17 THE DEFENDANT AND THE STATE A FAIR AND IMPARTIAL TRIAL
18 IN THIS CASE?

19 A NO

20 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
21 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
22 THIS DEFENDANT?

23 A NO, BECAUSE I DON'T KNOW ANY OF THE CIRCUMSTANCES
24 BEHIND IT

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

STATE VS ALKEBULANYAHH

1 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
2 THE DEFENDANT DOES NOT HAVE TO DO ANYTHING THE
3 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE DO YOU
4 UNDERSTAND THAT?

5 A YES

6 Q COULD YOU EQUALLY CONSIDER VERDICT OPTIONS OF
7 GUILTY OR NOT GUILTY?

8 A YES

9 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
10 TYPE SHEET WE PASSED OUT?

11 A YES

12 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
13 CATEGORIES?

14 A I THINK MORE TYPE 3

15 Q ALL RIGHT AND JUST TO REVIEW THAT WOULD BE THE
16 TYPE OF JUROR WHO IF THE STATE HAS PROVEN GUILT WHEN
17 CONSIDERING PUNISHMENT, THE JUROR WOULD NOT HAVE MADE
18 UP THE JUROR'S MIND INSTEAD, YOU WOULD NEED TO HAVE
19 ALL THE FACTS AND CIRCUMSTANCES INCLUDING AGGRAVATING
20 AND MITIGATING CIRCUMSTANCES AND THE LAW THAT THE COURT
21 GIVES YOU BEFORE YOU MAKE UP YOUR MIND ABOUT
22 PUNISHMENT?

23 A YES

24 Q ALL RIGHT NOW, LET'S JUST ASK YOU TO PLACE YOU
25 IN A SITUATION LET'S SAY YOU'RE IN A CASE THAT HAS --

STATE VS ALKEBULANYAHH

1 THAT IS IN THE SENTENCING PHASE OF THE CASE THAT
2 MEANS THE STATE HAS PROVEN THE CRIME NOW, IF YOU WERE
3 IN THAT PHASE, COULD YOU DEPENDING UPON THE PARTICULAR
4 FACTS AND CIRCUMSTANCES INCLUDING THE CONSIDERATION OF
5 ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE
6 LAW THAT IS GIVEN TO YOU RETURN A SENTENCE OF LIFE
7 IMPRISONMENT WITHOUT PAROLE?

8 A YES

9 Q ALL RIGHT IF YOU WERE IN THAT SAME SITUATION,
10 COULD YOU -- THE SENTENCING PHASE, COULD YOU DEPENDING
11 UPON THE FACTS AND CIRCUMSTANCES INCLUDING THE
12 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
13 CIRCUMSTANCES RETURN A SENTENCE OF DEATH?

14 A IF THE FACTS PROVED IT, YES

15 Q SO YOU'RE TELLING ME THAT DEPENDING UPON THE FACTS
16 AND CIRCUMSTANCES YOU COULD CONSIDER EITHER LIFE
17 IMPRISONMENT WITHOUT PAROLE OR DEATH?

18 A YES

19 Q OKAY NOW, IN THE LATTER SITUATION IF THE JURY
20 WERE TO UNANIMOUSLY DECIDE THAT THE DEATH PENALTY IS
21 APPROPRIATE -- AND, BY THE WAY, THAT IS -- WHATEVER THE
22 JURY'S DECISION WOULD BE IN THE SENTENCING PHASE IF
23 THEY GOT TO THAT POINT, LIFE OR DEATH THE COURT
24 FOLLOWS THAT RECOMMENDATION

25 A OKAY

1 Q THAT IS THE VERDICT WOULD YOU BE ABLE TO SIGN
2 THE VERDICT FORM IN THE EVENT OF A DEATH SENTENCE?

3 A YES

4 THE COURT OKAY NOW THEY'LL BE ASKING YOU SOME
5 QUESTIONS IF YOU'LL TURN YOUR ATTENTION TO THEM
6 THANK YOU

7 CROSS EXAMINATION BY MR. ALKEBULANYAHH

8 Q GOOD MORNING, MS GARRISON

9 A GOOD MORNING

10 Q I'M ABDIYYAH BEN ALKEBULANYAHH AND I'LL BE
11 ASKING YOU SOME QUESTIONS, IT MAY VARY -- THE SUBJECTS
12 IT'S NOT MY INTENTION TO OFFEND YOU IF ANY QUESTIONS
13 SEEM OFFENSIVE OKAY?

14 A OKAY

15 Q I'M GOING TO START OFF -- COULD YOU DESCRIBE YOUR
16 VIEWS ON THE DEATH PENALTY?

17 A I THINK THE DEATH -- DEATH PENALTY HAS ITS PLACE,
18 BUT THERE CAN'T BE ANY QUESTION OF GUILT OR INNOCENCE
19 I MEAN, GUILT HAS GOT TO BE PROVEN, BECAUSE IT'S NOT
20 SOMETHING YOU CAN TAKE BACK AND SAY I'M SORRY FOR WHEN
21 IT'S DONE

22 Q HAVE YOU EVER HELD A DIFFERENT VIEW ON THE DEATH
23 PENALTY?

24 A NO

25 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT

1 THE POSSIBILITY OF PAROLE IS JUST THAT?

2 A I DON'T KNOW I DON'T REALLY PAY THAT MUCH
3 ATTENTION TO THE NEWS BUT IT SEEMS TO ME THAT LIFE
4 WITHOUT THE POSSIBILITY OF PAROLE DOESN'T MEAN THAT ANY
5 MORE, THAT SOMEWHERE DOWN THE ROAD THE POTENTIAL IS
6 THERE FOR THAT PERSON TO BE RELEASED

7 Q SO IF THE PERSON RECEIVES LIFE WITHOUT THE
8 POSSIBILITY OF PAROLE, IN YOUR OPINION IT'S REALLY
9 NOT ---

10 A WELL, I DON'T KNOW

11 THE COURT MA'AM, IF I TOLD YOU AS A MATTER OF
12 LAW THAT LIFE WITHOUT PAROLE MEANS JUST THAT ---

13 JUROR OKAY

14 THE COURT --- WOULD YOU ACCEPT THAT?

15 JUROR YES

16 THE COURT WHAT THAT MEANS IN THIS STATE NOW --
17 BECAUSE I UNDERSTAND THERE HAS BEEN CONFUSION IN THE
18 PAST WHEN YOU SAY LIFE WITHOUT PAROLE, THAT MEANS THE
19 PERSON ACTUALLY WILL REMAIN IN JAIL FOR THE REST OF
20 THEIR NATURAL LIFE

21 JUROR OKAY

22 Q DID YOU UNDERSTAND THE INSTRUCTIONS THAT THE JUDGE
23 GIVE YOU?

24 A WELL, I UNDERSTAND NOW THAT LIFE WITHOUT PAROLE
25 MEANS LIFE WITHOUT PAROLE

1 Q DO YOU BELIEVE THAT A PERSON CAN RECEIVE A LIFE
2 WITHOUT PAROLE, THAT HE WILL NEVER BE ABLE TO BE
3 RELEASED FROM PRISON?

4 A YES

5 Q PRIOR TO YOUR FILLING OUT THE JURY QUESTIONNAIRE
6 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
7 TO FAMILY, FRIENDS, OR NEIGHBORS, OR CO-WORKERS?

8 A NO

9 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
10 SUPPORT THE DEATH PENALTY?

11 A NOT THAT I'M AWARE OF

12 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
13 FAVORING THE DEATH PENALTY?

14 A I'VE NEVER HAD A CONVERSATION WITH SOMEONE VOICING
15 AN OPINION EITHER WAY

16 Q WHEN YOU COME TO A INDEPENDENT DECISION, WILL YOU
17 STICK TO IT?

18 A AS LONG AS THE FACTS SUPPORT IT

19 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE --
20 OPPOSITE OPINION FROM YOU, GUILTY OR NOT GUILTY, WOULD
21 YOU STICK TO YOUR DECISION?

22 A AS LONG AS THE FACTS SUPPORTED MY DECISION

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

25 A I HAVE NO IDEA HOW OFTEN THE DEATH PENALTY HAS

- 1 BEEN ISSUED
- 2 Q HAVE YOU EVER HAS A STRONG OPINION ABOUT SOMETHING
- 3 THEN LATER FOUND OUT YOU BEEN WRONG?
- 4 A YES
- 5 Q HOW DID YOU FEEL?
- 6 A THAT I DIDN'T HAVE ENOUGH INFORMATION BEFORE I
- 7 MADE MY JUDGMENT
- 8 Q DID IT BRING OUT ANY NEGATIVE OR POSITIVE EMOTION
- 9 OUT OF YOU?
- 10 A I -- I ALWAYS TAKE RESPONSIBILITY FOR MY ACTION
- 11 AND IF I MAKE A MISTAKE, I FREELY ADMIT THAT I HAVE
- 12 MADE A MISTAKE AND THEN I FOLLOW-UP AS I NEED TO BE
- 13 WITH EMPLOYEES, FRIENDS APOLOGIZING, DOING WHATEVER IS
- 14 NECESSARY TO CORRECT THE SITUATION
- 15 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE THE
- 16 RIGHT TO PRIVACY IN THEIR HOME?
- 17 A YES
- 18 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 19 A YES
- 20 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 21 A YES
- 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?

STATE VS ALKEBULANYAHH

- 1 A YES
- 2 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
3 WRONG IS WRONG REGARDLESS?
- 4 A YES
- 5 Q DO YOU AGREE WITH THAT SAYING?
- 6 A YES
- 7 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
8 TO JUDGE FAIRLY?
- 9 A YES
- 10 Q IF ANY OF THE ALLEGE VICTIM FAMILY FRIENDS OR
11 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
12 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?
- 13 A DEFINITELY
- 14 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
15 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?
- 16 A I FELT BAD BECAUSE SOMEONE HAD BEEN KILLED I HAD
17 NOTHING TO DO WITH IT I'M SORRY FOR THEM, FOR THEIR
18 FAMILIES FOR THEIR KIDS BUT I CAN'T FIX IT I HAD
19 NOTHING TO DO WITH IT
- 20 Q DOES FEELING SORRY FOR THE FAMILY -- WOULD IT
21 INTERFERE WITH YOUR ABILITY TO GIVE THE DEFENDANT A
22 FAIR TRIAL?
- 23 A NO I FEEL SORRY FOR THE FAMILIES IN THE FACT
24 THAT THESE CHILDREN ARE GROWING UP WITHOUT FATHERS
25 OTHER THAN THAT, WHATEVER YOUR JOB IS, YOU KNOW THE

1 RISKS THAT GO ALONG WITH IT AS A POLICE OFFICER ONE
2 OF THE RISKS IS BEING SHOT WORKING IN A CONVENIENCE
3 STORE, ONE OF THE RISKS IS BEING ROBBED

4 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
5 HAVE BROKEN THE LAW?

6 A I DON'T THINK THAT ANYBODY IS ABOVE THE LAW THE
7 LAWS ARE WRITTEN FOR EVERYONE

8 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
9 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
10 THE LAW?

11 A I DON'T THINK THE LAW ENFORCEMENT PEOPLE HAVE THE
12 RIGHT TO BREAK THE LAW

13 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
14 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
15 OFFICERS?

16 A DEFINITELY

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 YES

23 Q HAVE YOU EVER BEEN A VICTIM OF A CRIME?

24 A YES

25 Q COULD YOU EXPLAIN?

1 A MY SON WAS MOLESTED BY HIS TEACHER

2 Q I'M SORRY TO HEAR THAT

3 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

4 THANK YOU

5 CROSS EXAMINATION BY MR. MURDAUGH.

6 Q MS GARRISON, HOW ARE YOU?

7 A GOOD

8 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE WE
9 WILL BE TRYING THIS CASE ON BEHALF OF THE STATE OF
10 SOUTH CAROLINA NEED TO ASK YOU ONE OR TWO QUESTIONS,
11 TO BE QUITE HONEST WITH YOU, TO FIND OUT IF I WANT YOU
12 TO SIT ON THE JURY OR NOT

13 A SURE

14 Q IN RESPONSE TO A QUESTION THE JUDGE ASKED YOU
15 ABOUT WHICH TYPE JUROR YOU WERE AND I THINK YOUR
16 RESPONSE WAS, I'M MOST LIKE NO 3, IS THAT CORRECT?

17 A YES

18 Q OKAY WHAT DOES MOST LIKE MEAN?

19 A WELL, WHEN THEY TALKED TO US ABOUT THAT PAPER,
20 THEY SAID NOT EVERYBODY FALLS INTO THESE

21 Q I UNDERSTAND

22 A SO I DON'T KNOW WHAT THE OTHER TYPES OF JURORS
23 ARE BASED ON THAT PAPER, I AM A TYPE 3

24 Q OKAY

25 A BUT IF THERE ARE OTHER TYPES ---

1 Q SURE, I UNDERSTAND I THINK I UNDERSTAND WHAT
2 YOU'RE SAYING DO YOU HAVE A STRONG LEANING TOWARDS
3 THE DEATH PENALTY OR NOT?

4 A I -- I REALLY DON'T HAVE ONE VIEW OR THE OTHER
5 THE DEATH PENALTY HAS ITS PLACE AS LONG AS IT'S BEEN
6 PROVEN BUT IF THERE'S DOUBT, HOW CAN YOU TAKE
7 SOMEONE'S LIFE IF YOU DON'T KNOW FOR A FACT THAT

8 Q OKAY I UNDERSTAND I HEARD THAT RESPONSE
9 WHERE DOES YOUR HUSBAND WORK?

10 A HE WORKS FOR GRAYBAR FENCE COMPANY

11 MR MURDAUGH OKAY THANK YOU

12 THE COURT ALL RIGHT MS GARRISON ---

13 MR MURDAUGH ONE QUESTION

14 THE COURT ALL RIGHT

15 Q MY UNDERSTANDING -- AND JUST SO I'LL BE CLEAR --
16 THAT YOU THINK THAT IF THE CASE -- THE FACTS OF THE
17 CASE NOT THIS CASE BUT ANY CASE WERE BAD ENOUGH, YOU
18 COULD VOTE FOR THE DEATH PENALTY?

19 A AS LONG AS THEY SUPPORTED IT YES

20 MR MURDAUGH OKAY THANK YOU MA'AM

21 THE COURT ALL RIGHT MA'AM, YOU CAN STEP OUT
22 INTO THE HALLWAY WE'LL BE RIGHT WITH YOU

23 (THE JUROR EXTS THE COURTROOM)

24 THE COURT ANY OBJECTION TO HER QUALIFICATION?

25 MR ALKEBULANYAHH NO, SIR YOUR HONOR, I HAVE NO

STATE VS ALKEBULANYAHH

1 OBJECTION

2 MR MURDAUGH NO, SIR

3 THE COURT BRING MS GARRISON IN PLEASE THE
4 COURT FINDS HER QUALIFIED

5 (THE JUROR ENTERS THE COURTROOM)

6 THE COURT MS GARRISON, THE COURT FINDS YOU TO
7 BE QUALIFIED TO BE IN THE JURY POOL IN THIS CASE OF
8 QUALIFIED JURORS THAT DOES NOT MEAN YOU'LL BE ON THE
9 JURY IT JUST MEANS YOU'LL BE IN THE POOL FROM WHICH
10 WE WILL SELECT THE JURY

11 I HAVE A COUPLE INSTRUCTIONS FOR YOU IN YOUR ROLE
12 AS JUROR YOU MUST NOT DISCUSS THIS CASE WITH ANYONE
13 YOU MUST NOT CONDUCT ANY TYPE OF INVESTIGATION YOU
14 MUST NOT EXPOSE YOURSELF TO ANY TYPE OF MEDIA NEWS,
15 T V , RADIO NEWSPAPER ETCETERA, TYPE OF COVERAGE DO
16 YOU UNDERSTAND THAT? ,

17 JUROR YES

18 THE COURT ALL RIGHT NOW, DO WE HAVE YOUR
19 NUMBERS?

20 JUROR (NODS HEAD)

21 THE COURT I APPRECIATE THE PATIENCE THE WHOLE
22 PANEL HAS GIVEN TO US THROUGHOUT THESE PROCEEDINGS

23 I HAVE TO ASK ONE MORE FAVOR YOU HAVE TO BE ON
24 KIND OF SHORT NOTICE, DEPENDING ON WHEN WE ARE GOING TO
25 ACTUALLY DRAW THIS JURY OKAY?

STATE VS ALKEBULANYAHH

1 JUROR YES

2 THE COURT SO THE NUMBERS THAT YOU PROVIDED WE
3 CAN DEFINITELY GET A HOLD OF YOU

4 JUROR YES

5 THE COURT WE'VE TRIED TO GET A HOLD OF A FEW AND
6 WE'RE HAVING DIFFICULTY SO YOU'LL BE ACCESSIBLE?

7 JUROR YES

8 THE COURT ALL RIGHT THANK YOU VERY MUCH

9 (THE JUROR EXITS THE COURTROOM)

10 THE COURT MELVIN DEMPSEY HOLD ON PLEASE

11 MR MURDAUGH YOU CAN GO AHEAD

12 THE COURT OKAY MELVIN DEMPSEY I THOUGHT YOU
13 NEEDED A BREAK

14 (THE JUROR ENTERS THE COURTROOM)

15 MELVIN DEMPSEY, HAVING BEEN
16 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY THE COURT.

18 Q ARE YOU MELVIN DEMPSEY?

19 A YES I AM

20 Q ALL RIGHT MR DEMPSEY, I JUST WANT TO REMIND
21 YOU, THAT YOU WILL REMAIN UNDER OATH OKAY?

22 A (NODS HEAD)

23 Q YOU'LL NEED TO RESPOND TO MY QUESTIONS WITHOUT
24 NODDING YOUR HEAD IF YOU DON'T MIND

25 A OKAY

STATE VS ALKEBULANYAHH

1 Q SO THE COURT REPORTER CAN TAKE DOWN ALL OF YOUR
2 RESPONSES

3 A OKAY

4 Q NOW, THERE ARE NO -- WE'RE GOING TO ASK YOU SOME
5 QUESTIONS THERE ARE NO RIGHT OR WRONG ANSWERS TO
6 THESE QUESTIONS IT'S JUST TO GATHER INFORMATION FOR
7 OUR USE IF YOU DON'T KNOW SOMETHING, SAY THAT IF
8 YOU DO NOT HAVE AN OPINION ON SOMETHING, JUST SAY THAT
9 THERE ARE NO RIGHT OR WRONG ANSWERS WE'RE JUST
10 ELICITING INFORMATION WE'RE NOT HERE TO CRITICIZE ANY
11 OF YOUR ANSWERS OR EVALUATE THEM IN THAT WAY

12 NOW, AMONG OTHER THINGS, WE'RE GOING -- IN THE
13 QUESTIONS WE MIGHT BE DISCUSSING PENALTY NOW, THE
14 FACT THAT WE'RE EVEN ASKING QUESTIONS OR THAT WE'RE
15 TALKING ABOUT A PENALTY AT TIMES DOES NOT INDICATE
16 ANYTHING WHATSOEVER ABOUT THIS DEFENDANT THE
17 DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
18 UNDERSTAND?

19 A I UNDERSTAND

20 Q ALL RIGHT NOW, DO YOU REMEMBER MY CONVERSATION
21 WHEN THE WHOLE PANEL WAS TOGETHER ABOUT HOW THESE CASES
22 ARE HANDLED IN A TWO-PART FASHION, THE FIRST PHASE OF
23 THE TRIAL DETERMINES GUILT OR INNOCENCE THE SECOND
24 PHASE, IF YOU GET TO THE SECOND PHASE IS ABOUT
25 PENALTY DO YOU REMEMBER THAT?

1 A I REMEMBER THAT

2 Q ALL RIGHT NOW, JUST TO GIVE YOU SOME BACKGROUND
3 INFORMATION, BECAUSE A LOT OF PEOPLE ARE CONFUSED OR
4 HAVE DIFFERENT PERSPECTIVES ON IT A LOT OF PEOPLE
5 THINK THAT THE DEATH PENALTY APPLIES IN EACH AND EVERY
6 MURDER CASE, THAT IS AN INCORRECT STATEMENT OF THE LAW
7 SO I WANT TO SHARE THAT WITH YOU

8 THE DEATH PENALTY CAN ONLY BE REQUESTED AS AN
9 OPTION IN LIMITED TYPES OF MURDER CASES AN EXAMPLE
10 MIGHT BE THAT IF IT'S A KIDNAPPING PLUS A MURDER, OR IF
11 IT'S A BURGLARY PLUS A MURDER, OR IT MIGHT INVOLVE SOME
12 OTHER AGGRAVATING CIRCUMSTANCE, AND THOSE ARE ALL
13 SPECIFICALLY DELINEATED IN THE LAW THE STATE WOULD
14 HAVE TO PROVE THAT BEFORE THE OPTION TO A JURY TO
15 CONSIDER IT COULD EVEN EXIST DO YOU UNDERSTAND THAT?

16 A I UNDERSTAND

17 Q ALL RIGHT I JUST WANTED TO MAKE SURE, BECAUSE A
18 LOT OF PEOPLE THINK IT'S JUST ANY MURDER CASE, AND
19 THAT'S NOT THE CASE

20 NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
21 YOU APPLY AND LISTEN TO THE LAW THAT I GIVE TO YOU AS
22 THE JUDGE OF THIS COURT?

23 A I COULD

24 Q COULD YOU DO THAT EVEN IF YOU DISAGREE WITH THE
25 LAW OR YOU THINK WE NEED OTHER LAWS?

STATE VS ALKEBULANYAHH

1 A I COULD

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

6 A I COULD

7 Q ALL RIGHT HAVE YOU HEARD, READ, OR SEEN ANYTHING
8 IN THIS CASE?

9 A ONLY THROUGH THE NEWSPAPER

10 Q ALL RIGHT COULD YOU GIVE US AN EXAMPLE? TELL US
11 WHAT YOU READ?

12 A JUST THE ISLAND PACKET I JUST READ WHAT'S BEEN
13 PRINTED IN THE ISLAND PACKET I DON'T NECESSARILY KNOW
14 IF IT'S CORRECT OR NOT BUT I JUST READ IT

15 Q I UNDERSTAND AND WOULD THAT INFORMATION IN ANY
16 WAY AFFECT YOUR ABILITY TO GIVE THE STATE AND THE
17 DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

18 A IT WOULDN'T

19 Q PARDON?

20 A IT WOULD NOT NO, IT WOULD NOT

21 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY
22 OPINION ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?

23 A I HAVE NOT

24 Q ALL RIGHT NOW, DO YOU UNDERSTAND -- BACK TO THE
25 LAW A LITTLE BIT -- THAT THE STATE HAS THE BURDEN OF

STATE VS ALKEBULANYAHH

1 PROVEN GUILT BEYOND A REASONABLE DOUBT THE DEFENDANT
2 DOES NOT HAVE TO DO ANYTHING THE DEFENDANT IS NEVER
3 REQUIRED TO PROVE INNOCENCE DO YOU UNDERSTAND THAT?

4 A I UNDERSTAND THAT

5 Q NOW, COULD YOU EQUALLY CONSIDER VERDICT OPTIONS OF
6 EITHER GUILTY OR NOT GUILTY?

7 A I COULD

8 Q ALL RIGHT NOW, DID YOU LOOK AT THIS TYPE SHEET
9 THAT WE HANDED OUT?

10 A I DID

11 Q ALL RIGHT THOSE WERE SUGGESTIONS DO YOU THINK
12 YOU FALL INTO ANY OF THOSE TYPES?

13 A GROUP 3

14 Q ALL RIGHT LET ME JUST REVIEW THAT WITH YOU
15 THAT WOULD BE THE TYPE JUROR WHO IF A CASE GETS TO THE
16 PUNISHMENT PHASE OF THE CASE AND THE JUROR IS
17 CONSIDERING PUNISHMENT, THE JUROR WOULD HAVE NOT MADE
18 UP THE JUROR'S MIND ABOUT PUNISHMENT INSTEAD, THE
19 JUROR WOULD NEED TO HAVE ALL THE FACTS AND
20 CIRCUMSTANCES BOTH IN AGGRAVATION AND IN MITIGATION AND
21 YOU WOULD NEED TO HEAR THE LAW FIRST BEFORE YOU COULD
22 MAKE A DECISION ABOUT PUNISHMENT?

23 A I WOULD

24 Q IS THAT CORRECT?

25 A I WOULD

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT NOW, LET'S JUST SAY THAT YOU WERE IN A
2 CASE THAT REACHED THE SECOND PHASE, THE SENTENCING
3 PHASE NOW, COULD YOU -- I REALIZE YOU DON'T HAVE ANY
4 FACTS AND CIRCUMSTANCES BUT COULD YOU DEPENDING UPON
5 THE FACTS AND CIRCUMSTANCES INCLUDING ANY AGGRAVATING
6 AND MITIGATING CIRCUMSTANCES RETURN A SENTENCE OF LIFE
7 IMPRISONMENT WITHOUT PAROLE?

8 A I COULD

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

15 A I COULD

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

19 A I WOULD

20 THE COURT ALL RIGHT AT THIS POINT, SIR, NOW
21 EACH SIDE WILL HAVE THE OPPORTUNITY TO ASK YOU SOME
22 QUESTIONS

23 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

24 Q GOOD MORNING, MR DEMPSEY

25 A GOOD MORNING

STATE VS ALKEBULANYAHH

1 Q I'M GOING TO ASK YOU A FEW QUESTIONS I'M
2 ABDIYYAH BEN ALKEBULANYAHH I'M THE DEFENDANT IN THE
3 CASE AND I'M GOING TO ASK YOU A FEW QUESTIONS, AND
4 I'LL MAKE IT AS BRIEF AS POSSIBLE

5 WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
6 HAVE BROKE THE LAW?

7 A WELL, THEY SHOULD BE DISMISSED FROM THEIR DUTIES,
8 FOR ONE THING

9 Q DO YOU IN YOUR OPINION AGREE THAT ONLY LAW
10 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
11 THE LAW?

12 A NO

13 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
14 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
15 OFFICIALS?

16 A NO THEY SHOULD NOT

17 MR ALKEBULANYAHH MR DEMPSEY, I HAVE NO FURTHER
18 QUESTIONS

19 CROSS EXAMINATION BY MR. STONE.

20 Q MR DEMPSEY MY NAME IS DUFFY STONE ALONG WITH
21 SOLICITOR MURDAUGH, WE WILL BE TRYING THIS CASE LET
22 ME ASK YOU SOMETHING JUST BRIEFLY YOU RUN THE
23 PLANTATION STORE?

24 A PLANTATION STATION, THAT'S CORRECT

25 Q WHERE?

1 A THAT'S IN SEA PINES PLANTATION

2 MR STONE OKAY THAT'S ALL I HAD TO ASK YOU

3 THANK YOU, SIR

4 THE COURT ALL RIGHT MR DEMPSEY, COULD YOU

5 PLEASE STEP OUT INTO THE HALLWAY MOMENTARILY

6 (THE JUROR EXITS THE COURTROOM)

7 THE COURT ANY OBJECTION TO HIS QUALIFICATION?

8 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR

9 HONOR

10 MR STONE NO, SIR, NOT FROM THE STATE

11 THE COURT ALL RIGHT THE COURT FINDS HIM TO BE

12 QUALIFIED

13 AT THIS POINT, THAT GIVES US ENOUGH JURY PANEL

14 MEMBERS TO HAVE TO HAVE 2 ALTERNATES

15 (PAUSE)

16 THE COURT I BELIEVE THAT'S ALL WE NEED IS 2

17 ALTERNATES I UNDERSTAND IT WOULD BE BETTER TO HAVE 3

18 ALTERNATES BUT I'M THINKING ABOUT A FEW DIFFERENT

19 OPTIONS IF WE GO AHEAD AND USE 2 ALTERNATES, WE COULD

20 SPEND THE AFTERNOON ON MOTIONS AND GETTING THINGS READY

21 TO GO FOR TOMORROW

22 MR MURDAUGH MIGHT I MAKE AN INQUIRY OF THE

23 COURT IN ANOTHER VEIN, SIR?

24 THE COURT YES, SIR

25 MR MURDAUGH IS IT YOUR INTENTION TO SEQUESTER

STATE VS ALKEBULANYAHH

1 THE JURY?

2 THE COURT YES, SIR

3 MR MURDAUGH OKAY, SIR WITH THAT, SIR, I HAVE
4 LESS CONCERN ABOUT THE 2 ALTERNATES THAN I WOULD HAVE
5 HAD IF THEY WERE ---

6 THE COURT THAT'S MY THOUGHTS TOO IF WE ONLY
7 HAVE 2 AND THEY'RE SEQUESTERED, THEN THAT WOULD GIVE US
8 -- WHAT I'M THINKING WE'LL PROBABLY DO IS -- IF I GO
9 WITH 2 ALTERNATES, WE COULD USE THIS AFTERNOON TO TAKE
10 CARE OF ANY MOTIONS THAT ARE KIND OF HANGING OUT OUT
11 THERE, GET EVERYTHING READY FOR TOMORROW, AND THEN
12 PROCEED WITH THE CASE

13 MR ALKEBULANYAHH SO WE GOT 2 THAT YOU WANT TO
14 -- GOT 2 MORE ON THE PANEL DO YOU WANT THEIR VOIR
15 DIRE TOO?

16 THE COURT NO NO WHAT I'M SAYING IS WE NOW
17 HAVE ENOUGH MEMBERS QUALIFIED THAT WE COULD DRAW THE
18 ENTIRE JURY PLUS 2 ALTERNATES IF I'M ADDING RIGHT -- AM
19 I ADDING CORRECTLY

20 MR MURDAUGH MY UNDERSTANDING, SIR, IT WOULD
21 TAKE US 27 TO GET MAIN PANEL 27 -- 31 TO GET 1
22 ALTERNATE 35 TO GET 2 ALTERNATES YES, SIR

23 THE COURT THAT'S WHAT I HAVE

24 CLERK THAT'S CORRECT, YOUR HONOR

25 THE COURT SO WHAT DO YOU THINK ABOUT THAT GAME

STATE VS ALKEBULANYAHH

1 PLAN, MR ALKEBULANYAHH? USE THIS AFTERNOON TO TRY TO
2 GET EVERYTHING READY

3 MR ALKEBULANYAHH THAT'S FINE

4 THE COURT PARDON?

5 MR ALKEBULANYAHH THAT'S FINE

6 THE COURT WHAT ARE YOUR THOUGHTS ABOUT STRIKING
7 THE JURY TOMORROW MORNING OR ---

8 MR MURDAUGH JUDGE, I WOULD THINK THAT IT
9 WOULDN'T TAKE ANY SUBSTANTIAL LENGTH OF TIME TO STRIKE
10 A JURY EITHER ONE WILL SUIT -- WHATEVER -- I'M AT
11 YOUR DISPOSAL

12 THE COURT WELL, LET ME ASK ONCE THE JURY --
13 ONCE I STRIKE THE JURY ARE WE GOING TO NEED TO
14 SEQUESTER THEM TONIGHT OR ---

15 MR MURDAUGH I THINK WE ---

16 THE COURT --- SEQUESTER THEM STARTING TOMORROW?

17 MR MURDAUGH I THINK WE WOULD IF WE STRIKE THEM
18 THIS AFTERNOON

19 THE COURT ALL RIGHT

20 MR MURDAUGH WE'D NEED TO SEQUESTER THEM

21 THE COURT UNLESS NO ONE HAS ANY PROBLEM WITH
22 THAT BUT I DON'T -- WE DON'T HAVE ARRANGEMENTS FOR
23 THEM UNTIL TOMORROW WOULD YOU ALL PREFER THAT WE
24 STRIKE THEM TOMORROW? YOU'RE THE ONE -- YOU HAD ASKED
25 FOR SEQUESTRATION

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR TOMORROW
2 THE COURT ALL RIGHT WELL, MADAM CLERK, THAT
3 WILL GIVE YOU TIME TO CALL EVERYONE AND TELL THEM TO BE
4 HERE ---
5 CLERK YES, YOUR HONOR
6 THE COURT --- BRIGHT AND EARLY IN THE MORNING
7 WE'LL STRIKE THE JURY
8 MR MURDAUGH 8 30, SIR?
9 THE COURT YEAH, 8 30
10 (PAUSE)
11 MR MURDAUGH JUDGE, DID YOU BRING MR DEMPSEY
12 BACK IN TO TELL HIM HE WAS QUALIFIED?
13 THE COURT DID I DO THAT?
14 MR ALKEBULANYAHH YES, YOU DID
15 THE COURT I THOUGHT I DID
16 MR MURDAUGH I COULDN'T REMEMBER
17 THE COURT MAYBE I DIDN'T
18 MR MURDAUGH I HONESTLY DON'T KNOW, SIR BUT IT
19 JUST ALL OF A SUDDEN -- I JUST COULDN'T REMEMBER YOU
20 HAVING DONE THAT
21 THE COURT I DON'T THINK I DID THANK YOU
22 (THE JUROR ENTERS THE COURTROOM)
23 THE COURT MR DEMPSEY COME FORWARD PLEASE I
24 APOLOGIZE, I STARTED TALKING ABOUT SOMETHING ELSE AND
25 FORGOT I HAD YOU OUT THERE WAITING I APOLOGIZE SIR

STATE VS ALKEBULANYAHH

1 MR DEMPSEY THE COURT FINDS YOU TO BE QUALIFIED
2 TO BE PART OF THIS POOL THAT DOES NOT MEAN YOU'LL BE
3 ON THE JURY THAT MEANS YOU'LL BE PART OF THE POOL
4 FROM WHICH WE WILL SELECT THE JURY

5 WE'VE NOW REACHED THE POINT WHERE WE HAVE
6 SUFFICIENT NUMBER OF QUALIFIED PEOPLE SO THAT WE CAN
7 SELECT A JURY OUR GAME PLAN IS TO BRING YOU IN
8 TOMORROW MORNING AT 8 30

9 BUT WHAT I'D LIKE YOU TO DO IS GO BACK -- I HAVE
10 SOME INSTRUCTIONS FOR YOU DO NOT DISCUSS THIS CASE IN
11 ANY WAY WITH ANYONE, INCLUDING ANYONE ON THE PANEL

12 DO NOT EXPOSE YOURSELF TO ANY TYPE OF MEDIA
13 COVERAGE, NEWSPAPER TELEVISION, OR RADIO AND DO NOT
14 CONDUCT ANY TYPE OF INVESTIGATION ON YOUR OWN DO YOU
15 UNDERSTAND?

16 JUROR YES, SIR

17 THE COURT ALL RIGHT NOW AT THIS POINT I'D
18 LIKE YOU TO GO -- THE CLERK WILL WALK OUT WITH YOU,
19 BECAUSE SHE'S GOING TO GO OVER SOME INFORMATION WITH
20 THE PEOPLE THAT ARE HERE THAT ARE A PART OF THE
21 QUALIFIED POOL

22 AND FOR YOU ALL, I'M GOING TO GO AHEAD AND BRING
23 IN ALL THE OTHER JURORS THAT ARE REMAINING AND GO AHEAD
24 AND GIVE THEM SOME INSTRUCTIONS THANK YOU

25 CLERK GIVE ME ABOUT 4 MINUTES, JUDGE

STATE VS ALKEBULANYAHH

1 (THE JUROR EXITS THE COURTROOM)
2 THE COURT OKAY
3 CLERK AND I'LL BRING THEM IN
4 MR ALKEBULANYAHH YOUR HONOR
5 THE COURT APPROACH
6 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)
7 (PAUSE)
8 THE COURT GENTLEMEN, WE DO HAVE 35 QUALIFIED
9 JURORS IS THAT CORRECT?
10 MR MURDAUGH THAT IS MY UNDERSTANDING, YES, SIR
11 MR ALKEBULANYAHH YES, SIR, MY UNDERSTANDING
12 THE COURT MADAM CLERK, DO YOU HAVE 35?
13 CLERK YES, SIR
14 THE COURT ALL RIGHT LET'S SEE I'M THINKING
15 THERE'S NO REASON TO KEEP THE PANEL ON HOLD FOR ANY
16 REASON, IS THERE OVERNIGHT?
17 MR MURDAUGH NO, SIR THE ONLY PROBLEM IS IF
18 SOMETHING SHOULD HAPPEN AND IN THE MORNING SOMEBODY
19 COMES IN AND SAYS I'VE CONSIDERED SOMETHING AND I'VE
20 HAD THAT HAPPEN BEFORE, SIR
21 CLERK IF I MAY, WE DO HAVE A JUROR MR HEWES,
22 CALLED OUR OFFICE AND INDICATED THAT HE HAD SOME
23 QUESTIONS, HE HAD SOME DOUBTS ABOUT, AND WANTED
24 SOMEBODY TO CALL HIM AND I BELIEVE HE IS ONE OF
25 THE ---

STATE VS ALKEBULANYAHH

1 THE COURT OH, WHEN DID HE CALL?
2 CLERK THIS MORNING AT 10 05
3 (PAUSE)
4 THE COURT WE NEED TO GO CALL HIM AND BRING HIM
5 OVER HERE BEFORE WE DO ANYTHING
6 MR MURDAUGH YES, SIR THAT WAS THE JUROR THAT
7 WAS EXTREMELY HESITANT I BELIEVE WE BETTER GET --
8 CALL HIM THE STATE HAS NO OBJECTION TO YOU RETURNING
9 HIS CALL, SIR, TO FIND OUT WHAT THE PROBLEM IS
10 MR ALKEBULANYAHH YOUR HONOR, COULD I REQUEST A
11 2 3 MINUTE BREAK?
12 THE COURT YES, SIR I'M JUST TRYING TO THINK,
13 IF WE GO AHEAD AND QUALIFY 1 OR 2 MORE AND EVERYBODY
14 JUST AGREES WE'LL JUST STRIKE IN THE ORDER IN WHICH
15 THEY'RE LISTED THAT WILL GIVE US SOME PROTECTION IF
16 ANYTHING HAPPENS OVERNIGHT OR SOMETHING
17 MR MURDAUGH YES, SIR
18 THE COURT IS THAT FINE WITH YOU?
19 MR ALKEBULANYAHH THAT'S FINE
20 THE COURT GO AHEAD AND TAKE YOUR BREAK GO CALL
21 MR HEWES WE MAY HAVE TO BRING HIM OVER
22 (A RECESS WAS TAKEN)
23 THE COURT BRING THE NEXT JUROR IN PLEASE, AMY
24 FOLKNER (PHONETIC)
25 NOW, EVERYONE HAD ALREADY AGREED WE WOULD STRIKE

STATE VS ALKEBULANYAHH

1 IN THE ORDER IN WHICH THEY'RE QUALIFIED, RIGHT?
2 MR ALKEBULANYAHH YES SIR
3 MR MURDAUGH THAT'S FINE WITH US
4 THE COURT SO WE'RE JUST DRAWING THESE EXTRAS IN
5 CASE SOMEONE -- SOMETHING HAPPENS OVERNIGHT WITH ONE OF
6 THESE PEOPLE ALL RIGHT SO THEY MAY NOT EVEN BE
7 USED ALL RIGHT IS THAT YOUR UNDERSTANDING?
8 MR ALKEBULANYAHH YES, SIR
9 THE COURT ALL RIGHT
10 (THE JUROR ENTERS THE COURTROOM)
11 AMY FOLKER, HAVING BEEN
12 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
13 DIRECT EXAMINATION BY THE COURT.
14 Q ARE YOU AMY FOLKNER (PHONETIC)?
15 A FOLKER
16 Q FOLKER I'M SORRY COULD YOU SPELL IT FOR ME?
17 A F-O-L-K-E-R
18 Q OKAY FOLKER GOT YOU MS FOLKER, I JUST WANT
19 TO REMIND YOU YOU'RE STILL UNDER OATH OKAY?
20 A (NODS HEAD)
21 Q ALL RIGHT WHEN YOU RESPOND TO ME, COULD YOU
22 VOCALIZE THAT WITHOUT NODDING YOUR HEAD, BECAUSE THE
23 COURT REPORTER HAS TO TAKE IT DOWN OKAY?
24 A YES
25 Q THANK YOU NOW, WE'RE HERE JUST TO ASK YOU SOME

STATE VS ALKEBULANYAHH

1 QUESTIONS, NOT TO INVADE YOUR PRIVACY OR ANYTHING
2 THERE ARE NO RIGHT OR WRONG ANSWERS IF YOU -- WE'RE
3 JUST TRYING TO ASCERTAIN YOUR THOUGHTS ABOUT CERTAIN
4 THINGS IF YOU DON'T KNOW, SAY YOU DON'T KNOW IF YOU
5 HAVE NO OPINION, SAY YOU HAVE NO OPINION AND THERE
6 ARE NO RIGHT OR WRONG ANSWERS

7 A OKAY

8 Q WE'LL BE TALKING A LITTLE BIT ABOUT PENALTY THE
9 FACT THAT WE'RE ASKING YOU QUESTIONS OR DISCUSSING A
10 PENALTY IN NO WAY INDICATES ANYTHING ABOUT THIS
11 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
12 DO YOU UNDERSTAND?

13 A YES

14 Q NOW, DO YOU REMEMBER MY CONVERSATION ABOUT HOW THE
15 CASE -- CASES IN GENERAL OF THIS NATURE THEY HAVE TWO
16 PHASES THE FIRST PHASE WOULD BE TO DETERMINE GUILT OR
17 INNOCENCE THE SECOND PHASE WOULD BE TO DETERMINE
18 PENALTY?

19 A YES

20 Q ALL RIGHT NOW, I WANT TO SHARE SOMETHING ELSE
21 WITH YOU ABOUT THE LAW PERTAINING TO DEATH PENALTY
22 CASES, BECAUSE A LOT OF PEOPLE ARE CONFUSED A LOT OF
23 PEOPLE THINK THE DEATH PENALTY APPLIES TO EACH AND
24 EVERY MURDER, THAT IS NOT A CORRECT STATEMENT OF THE
25 LAW THERE HAS TO BE SOME SPECIAL CIRCUMSTANCE THAT

1 HAS TO BE ESTABLISHED NOW, THIS MIGHT BE FOR EXAMPLE
 2 IF IT WERE A KIDNAPPING PLUS A MURDER, OR A BURGLARY
 3 PLUS A MURDER IT HAS TO BE SOME CIRCUMSTANCE THAT THE
 4 LAW PROVIDES THE OPPORTUNITY TO COME IN AND REQUEST
 5 THAT A JURY CONSIDER THE DEATH PENALTY IF THAT
 6 CIRCUMSTANCE HAS BEEN PROVEN BEYOND A REASONABLE DOUBT
 7 DO YOU UNDERSTAND THAT?

8 A YES, SIR

9 Q ALL RIGHT NOW, IT'S MY JOB TO BE THE JUDGE OF
 10 THE LAW IN THE CASE IF YOU WERE A JUROR IN A CRIMINAL
 11 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I GIVE
 12 TO YOU?

13 A YES, SIR

14 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
 15 THE LAW?

16 A YES, SIR

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

21 A YES, SIR

22 Q HAVE YOU HEARD, READ OR SEEN ANYTHING ABOUT THIS
 23 CASE?

24 A NO, SIR

25 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY

1 OPINION ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?

2 A NO, SIR

3 Q ALL RIGHT NOW, IN A CRIMINAL CASE -- BACK TO THE

4 LAW -- THE STATE HAS THE BURDEN OF PROVING A

5 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT A

6 DEFENDANT DOES NOT HAVE TO DO ANYTHING THE DEFENDANT

7 DOES -- HAS NO BURDEN TO PROVE INNOCENCE DO YOU

8 UNDERSTAND THAT?

9 A REPEAT THAT PLEASE

10 Q IN A CRIMINAL CASE THE STATE HAS TO COME IN AND

11 PROVE THE GUILT OF AN ACCUSED THE ACCUSED DOESN'T

12 HAVE TO LIFT A FINGER

13 A OKAY

14 Q HE HAS TO DO NOTHING THE DEFENDANT HAS NO BURDEN

15 WHATSOEVER TO PROVE INNOCENCE THEY'RE PRESUMED TO BE

16 INNOCENT DO YOU UNDERSTAND THAT?

17 A YES, SIR

18 Q ALL RIGHT NOW, COULD YOU EQUALLY CONSIDER THE

19 OPTIONS OF GUILTY OR NOT GUILTY?

20 A YES, SIR

21 Q ALL RIGHT HAVE YOU LOOKED AT THE JUROR TYPE

22 SHEET WE HANDED OUT?

23 A YES, SIR

24 Q DO YOU THINK YOU FALL INTO ANY OF THOSE

25 CATEGORIES?

STATE VS ALKEBULANYAHH

1 A YES, SIR

2 Q WHAT DO YOU THINK IT WOULD BE?

3 A TYPE 3

4 Q ALL RIGHT NOW, LET ME REVIEW THAT THAT WOULD
5 BE THE TYPE THAT IF THE STATE HAS PROVEN THE OFFENSE
6 AND THE CASE GOES TO THE SECOND PHASE AND CONSIDERING
7 PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR MIND ABOUT
8 PUNISHMENT INSTEAD, YOU WOULD NEED TO HEAR ALL THE
9 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN
10 MITIGATION AND YOU WOULD NEED TO HEAR THE LAW FROM THE
11 COURT BEFORE YOU MADE ANY DECISION ABOUT PUNISHMENT
12 IS THAT CORRECT?

13 A YES, SIR

14 Q NOW, IF YOU WERE A JUROR IN A SITUATION THAT THE
15 CASE MADE IT TO THE SENTENCING PHASE COULD YOU
16 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
17 OF THE CASE INCLUDING ANY AGGRAVATING AND MITIGATING
18 CIRCUMSTANCES AND THE LAW THAT IS GIVEN TO YOU RETURN A
19 VERDICT OF THE SENTENCE OF LIFE IMPRISONMENT WITHOUT
20 PAROLE?

21 A YES, SIR

22 Q ALL RIGHT THE SAME SITUATION, YOU'RE IN THE CASE
23 THAT IS AT THE SENTENCING PORTION OF THE CASE COULD
24 YOU DEPENDING UPON THE PARTICULAR FACTS AND
25 CIRCUMSTANCES AND THE CONSIDERATION OF ANY AGGRAVATING

1 AND MITIGATING CIRCUMSTANCES AS WELL AS THE LAW GIVEN
2 TO YOU RETURN A SENTENCE OF DEATH?

3 A YES, SIR

4 Q PARDON?

5 A YES, SIR

6 Q ALL RIGHT NOW, IN THAT LATTER SITUATION, IF THE
7 JURY WERE TO RETURN A UNANIMOUS DECISION OF THE DEATH
8 SENTENCE, WOULD YOU BE ABLE TO SIGN THAT VERDICT FORM?

9 A THAT IF ALLOWED ---

10 Q IF THE JURY GOT TO THAT POINT AND RETURNED A
11 UNANIMOUS DECISION THAT THE DEATH PENALTY IS THE
12 SENTENCE THAT WILL BE IMPOSED, WOULD YOU BE ABLE TO
13 SIGN THE VERDICT FORM?

14 A YES, SIR

15 Q THAT'S MY WAY OF KNOWING THAT EACH AND EVERY JUROR
16 MADE THAT DECISION, BECAUSE IT HAS TO BE A UNANIMOUS
17 VERDICT YOU WOULD BE ABLE TO DO THAT?

18 A YES, SIR

19 THE COURT ALL RIGHT NOW THEY'RE GOING TO ASK
20 YOU SOME QUESTIONS GO AHEAD

21 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

22 Q GOOD MORNING MA'AM

23 A HELLO

24 Q I'M GOING TO ASK YOU A FEW QUESTIONS AND I'M
25 ABDIYYAH BEN ALKEBULANYAHH I'M THE DEFENDANT IN THE

STATE VS ALKEBULANYAHH

1 CASE AND I'M JUST GOING TO ASK YOU A FEW QUESTIONS, A
2 VARIETY -- YOU KNOW, JUST A FEW

3 A OKAY

4 Q TO SEEK YOUR HONEST OPINION ABOUT SOME THINGS
5 ABOUT SEEING WHETHER OR NOT, YOU KNOW, I FEEL THAT YOU
6 KNOW -- I THINK YOU'RE QUALIFIED TO BE ON THE JURY

7 A OKAY

8 Q FIRST OF ALL, I'D LIKE TO ASK YOU WHAT IS YOUR
9 OPINION ABOUT POLICE OFFICERS WHO HAVE BROKE THE LAW?

10 A POLICE OFFICERS BREAKING THE LAW?

11 Q YES, MA'AM

12 A THEY WOULD BE TREATED AS IF ANYBODY WHO BROKE THE
13 LAW

14 Q IN YOUR OPINION -- IN YOUR OPINION DO YOU AGREE
15 THAT ONLY LAW ENFORCEMENT OFFICIALS SHOULD HAVE THE
16 RIGHT TO BREAK THE LAW?

17 A YOU TALKING ABOUT THE RIGHT TO BREAK THE LAW?

18 Q YES, MA'AM IN YOUR OPINION

19 A OKAY AS FAR AS THE CONSTITUTION, I DON'T BELIEVE
20 THERE'S ANY RIGHT TO BREAK A LAW PEOPLE CHOOSE TO
21 BREAK LAWS DOES THAT ANSWER YOUR QUESTION?

22 Q YES, MA'AM THANK YOU IN YOUR OPINION, DO YOU
23 AGREE THAT NO PROSECUTOR SHOULD TRY OR ATTEMPT TO COVER
24 UP FOR CORRUPT POLICE OFFICERS?

25 A REPEAT THAT PLEASE

1 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
2 SHOULD HAVE THE RIGHT TO TRY TO, ATTEMPT TO COVER UP
3 CORRUPT POLICE OFFICERS?

4 A PROSECUTION I BELIEVE SHOULD PRESENT THE CASE TO
5 THE BENEFIT OF WHOEVER THEY'RE TRYING SO I'M NOT
6 EXACTLY SURE IF IT'S RELATED TO WHAT YOU WERE ASKING
7 ME

8 Q IS IT -- WOULD YOU AGREE THAT THE PROSECUTION
9 SHOULD HAVE THE RIGHT TO TRY OR ATTEMPT TO COVER UP FOR
10 POLICE OFFICERS -- TO HIDE A WRONG-DOING IF A POLICE
11 OFFICER COMMITTED ONE?

12 A OKAY

13 Q DO YOU THINK THE PROSECUTOR SHOULD BE ABLE TO DO
14 THAT?

15 A LET ME ANSWER THAT A LITTLE BIT DIFFERENT WAY
16 WITNESSES COME IN AND GIVE THE FACTS I BELIEVE, ON
17 BOTH SIDES AND THE PROSECUTION IS HERE TO REPRESENT
18 WHOEVER, AND YOUR DEFENSE REPRESENTS YOUR DEFENSE SO
19 I BELIEVE -- I DON'T KNOW IF I'M ANSWERING THE QUESTION
20 TO WHAT YOU'RE SAYING BUT THE JURY IS SUPPOSED TO
21 TAKE THE FACTS AND THEN THEY'RE ALSO SUPPOSED TO SIFT
22 THROUGH WHAT THE PROSECUTION AND THE DEFENDANT AND MAKE
23 THE BEST DECISION WITH THE JUDGE'S LAW

24 Q DO YOU -- DO YOU -- DO YOU AGREE THAT THE PROS --
25 THE PROSECUTOR IS ALWAYS RIGHT?

- 1 A NO
- 2 Q OKAY WOULD YOU AGREE THAT EVERY PERSON SHOULD
- 3 HAVE THE RIGHT TO PRIVACY IN THEIR HOME?
- 4 A YES
- 5 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 6 A PROMISES?
- 7 Q YES, MA'AM
- 8 A PROMISES ARE BROKEN A LOT I'M NOT SURE WHAT
- 9 THAT'S IN RELATION TO
- 10 Q DO YOU BELIEVE THAT THEY ARE MEANT TO BE KEPT?
- 11 THEY'RE MEANT TO BE KEPT?
- 12 A IN LIGHT OF THE CONTENT OF THE PROMISE, YES
- 13 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 14 A YES
- 15 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
- 16 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
- 17 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
- 18 DOUBT THE DEFENDANT IS GUILTY?
- 19 A REPEAT THAT AGAIN
- 20 Q IF YOU WERE CHOSEN FOR JURY DUTY ---
- 21 A UH-HUH
- 22 Q --- DO YOU PROMISE TO STAND FIRM ON THE DEFENDANT
- 23 BEING INNOCENT IF THE PROSECUTOR DOES NOT PROVE TO YOU
- 24 BEYOND A REASONABLE DOUBT ---
- 25 A YES

1 Q --- THE DEFENDANT IS GUILTY?

2 A YES

3 MR ALKEBULANYAHH THANK YOU, MA'AM I HAVE NO
4 FURTHER QUESTIONS

5 CROSS EXAMINATION BY MR. MURDAUGH.

6 Q MS FOLKER, HOW YOU DOING?

7 A FINE, THANK YOU

8 Q I'M RANDOLPH MURDAUGH I'M THE SOLICITOR IN THIS
9 JUDICIAL CIRCUIT AND ALONG WITH DUFFY STONE, WHO'S
10 SEATED RIGHT HERE, WE WILL BE TRYING THIS CASE ON
11 BEHALF OF THE STATE

12 A OKAY

13 Q WHAT CHURCH DO YOU BELONG TO?

14 A GRACE COMMUNITY CHURCH

15 Q GRACE COMMUNITY?

16 A UH-HUH

17 Q I NOTICE ON YOUR QUESTIONNAIRE YOU LISTED THAT YOU
18 WERE A MEMBER OF THE P E O SISTERHOOD

19 A UH-HUH

20 Q AND THAT IS WHAT?

21 A IT'S AN EDUCATIONAL ORGANIZATION

22 Q OKAY IN LISTENING TO YOUR ANSWERS TO THE
23 QUESTIONS GIVEN TO YOU BOTH BY THE JUDGE AND BY MR
24 ALKEBULANYAHH, IT IS MY UNDERSTANDING THAT YOU WOULD
25 LISTEN TO EVERYTHING THAT WENT ON IN THIS COURTROOM AND

1 IN ACCORDANCE WOULD APPLY THE LAW AS THE JUDGE GIVE
2 YOU
3 A YES, SIR
4 Q AND IF YOU THOUGHT THIS CASE WAS BAD ENOUGH, YOU
5 COULD VOTE FOR THE DEATH PENALTY?
6 A BAD ENOUGH, OH
7 Q IF THE FACTS WERE OF SUCH A SEVERE NATURE YOU
8 COULD IN THAT CIRCUMSTANCE VOTE ---
9 A YES, SIR
10 Q --- FOR THE DEATH PENALTY? OR IF YOU DIDN'T THINK
11 IT WAS A DEATH PENALTY, YOU COULD VOTE FOR LIFE
12 IMPRISONMENT?
13 A YES, SIR ACTUALLY, IF I MAY EXPOUND ON THAT
14 Q I WOULD LIKE FOR YOU TO
15 A I CAME TO THE CONCLUSION I'M A TYPE 3 BUT AT A
16 CERTAIN POINT, I -- I GO BACK TO WHAT GOD WOULD SAY IN
17 RELATION -- THERE'S A BIBLE VERSE ABOUT VENGEANCE IS
18 MINE SAYETH THE LORD, AND THAT IS MEN TAKING THINGS
19 INTO THEIR OWN HANDS AND -- BUT THERE ARE ALSO THINGS
20 IN THE BIBLE THAT WARRANTED DEATH SO THAT'S HOW I
21 CAME TO TYPE 3 SO I HAD DEBATED A LITTLE BIT ON THAT
22 Q SO I WILL UNDERSTAND YOU, YOU COULD EITHER GIVE
23 DEATH OR LIFE DEPENDING ON WHAT YOUR VIEW OF THE FACTS
24 WERE?
25 A THE SEVERITY, UH-HUH

STATE VS ALKEBULANYAHH

1 Q YES, MA'AM, AND THE SEVERITY

2 A UH-HUH

3 MR MURDAUGH THANK YOU, MA'AM I APPRECIATE
4 YOUR HONESTY

5 THE COURT AND YOU WOULD ALSO CONSIDER THE LAW
6 FIRST THAT I GIVE YOU ABOUT THAT SUBJECT?

7 JUROR YES, SIR

8 THE COURT ALL RIGHT

9 JUROR I THINK THAT WAS MENTIONED BUT, YEAH

10 THE COURT YES, MA'AM, THAT'S FINE ALL RIGHT
11 IF YOU WOULD STEP OUT INTO THE HALLWAY PLEASE MA'AM
12 WE'LL BE RIGHT WITH YOU

13 (THE JUROR EXITS THE COURTROOM)

14 THE COURT ANY OBJECTION TO HER QUALIFICATION?

15 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
16 HONOR

17 MR MURDAUGH I THINK SHE'S QUALIFIED

18 THE COURT ALL RIGHT SHE'LL BE OUR FIRST BACK-
19 UP PERSON IF FOR SOME REASON SOMEONE FALLS OFF OF THIS
20 LIST BY TOMORROW MORNING

21 MR RODNEY MARSHALL PLEASE -- OH, BRING HER BACK
22 IN

23 (THE JUROR ENTERS THE COURTROOM)

24 THE COURT MS FOLKNER (SIC), THE COURT FINDS YOU
25 TO BE QUALIFIED TO SERVE IN THIS POOL I HAVE A COUPLE

1 OF INSTRUCTIONS FOR YOU YOU MUST NOT DISCUSS THIS
2 CASE WITH ANYONE YOU MUST NOT CONDUCT ANY TYPE OF
3 INVESTIGATION ALSO, YOU MUST NOT EXPOSE YOURSELF TO
4 ANY MEDIA COVERAGE, TELEVISION, NEWSPAPER, OR RADIO
5 IF YOU START TO HEAR SOMETHING, TURN IT OFF SEE THE
6 PAPER, DON'T READ IT THAT SORT OF THING DO YOU
7 UNDERSTAND?

8 JUROR YES

9 THE COURT ALL RIGHT THANK YOU VERY MUCH AND
10 THANK YOU FOR YOUR PATIENCE WITH US AS WE PROCEED
11 THROUGH THIS MATTER

12 DO YOU HAVE HER NUMBERS?

13 CLERK MS FOLKER, PLEASE BE SURE THAT MR
14 MARTINEZ HAS YOUR ACCURATE TELEPHONE NUMBERS BEFORE YOU
15 LEAVE

16 JUROR DO WE GET CALLED AS FAR AS WHEN WE COME
17 BACK IN?

18 THE COURT WHAT I WILL BE DOING -- RATHER THAN
19 KEEP YOU HERE -- YES MA'AM THANK YOU FOR SAYING
20 THAT I DON'T KNOW IF I EXPLAINED THAT

21 WE'LL BE CALLING YOU TO BRING YOU BACK IN IT'S
22 PROBABLY GOING TO BE TOMORROW MORNING AT -- ACTUALLY, I
23 CAN JUST GO AHEAD AND TELL YOU YOU NEED TO REPORT
24 BACK TOMORROW MORNING AT 8 30

25 JUROR OKAY

STATE VS ALKEBULANYAHH

1 THE COURT YES, MA'AM THANK YOU
 2 CLERK MS FOLKER, WE'LL BE CALLING YOU WITH
 3 COMPLETE INSTRUCTIONS, SO MAKE SURE YOUR PHONE NUMBERS
 4 ARE RIGHT
 5 JUROR OKAY
 6 THE COURT YES THERE WILL BE INSTRUCTIONS ABOUT
 7 WHAT TO BRING WITH YOU, ETCETERA ALL RIGHT?
 8 JUROR OKAY
 9 THE COURT ALL RIGHT THANK YOU
 10 (THE JUROR EXITS THE COURTROOM)
 11 THE COURT RODNEY MARSHALL
 12 (THE JUROR ENTERS THE COURTROOM)
 13 RODNEY MARSHALL, HAVING
 14 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
 15 DIRECT EXAMINATION BY THE COURT.
 16 Q ALL RIGHT ARE YOU RODNEY MARSHALL?
 17 A YES, SIR
 18 Q ALL RIGHT MR MARSHALL, I JUST WANT TO REMIND
 19 YOU, YOU'LL STILL BE UNDER OATH OKAY?
 20 A OKAY
 21 Q NOW, WE'RE HERE TO ASK YOU SOME QUESTIONS, NOT TO
 22 INVAD E YOUR PRIVACY OR ANYTHING OR TO OFFEND YOU JUST
 23 TRYING TO ASCERTAIN CERTAIN -- ASCERTAIN CERTAIN
 24 INFORMATION THERE ARE NO RIGHT OR WRONG ANSWERS IF
 25 YOU DON'T KNOW, SAY YOU DON'T KNOW OR IF YOU HAVE NO

STATE VS ALKEBULANYAHH

1 OPINION, THAT'S FINE TOO JUST TELL US WHAT YOU'RE
2 THINKING WE'RE NOT HERE TO CHALLENGE YOUR OPINION AND
3 YOUR ANSWERS, JUST TO APPLY IT TO THIS SITUATION

4 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
5 PENALTY, AND WE'LL BE ASKING YOU QUESTIONS THE FACT
6 THAT WE'RE ASKING YOU QUESTIONS OR TALK ABOUT A PENALTY
7 IN NO WAY INDICATES ANYTHING ABOUT THIS DEFENDANT HE
8 IS PRESUMED TO BE INNOCENT DO YOU UNDERSTAND?

9 A YES

10 Q NOW DO YOU REMEMBER MY DISCUSSION ABOUT HOW THE
11 WAY THESE CASES ARE HANDLED, YOU HAVE A PART ONE IN A
12 TRIAL AND THEN IF NECESSARY IT GOES TO PART TWO
13 ABOUT SENTENCING?

14 A YES

15 Q DO YOU UNDERSTAND THAT?

16 A YES

17 Q I'M GOING TO TELL YOU A LITTLE BIT MORE ABOUT THE
18 DEATH PENALTY TYPE SITUATION, BECAUSE A LOT OF PEOPLE
19 THINK THE DEATH PENALTY APPLIES TO ANY AND ALL MURDER
20 CASES IT DOES NOT IT ONLY APPLIES TO A LIMITED
21 SPECIFIC KIND OF SITUATION AND THOSE SITUATION ARE
22 DEFINED BY THE STATE LAW AND I UNDERSTAND YOU'RE NOT
23 NECESSARILY FAMILIAR WITH THAT, BUT THAT'S MY JOB TO
24 TELL YOU IN PARTICULAR CASES THE STATE HAS TO
25 ACTUALLY COME IN AND PROVE THE EXISTENCE OF THAT

STATE VS ALKEBULANYAHH

1 SPECIAL KIND OF SITUATION BEFORE A JURY CAN EVEN BE
 2 PRESENTED WITH THE OPTION OF CONSIDERING THE DEATH
 3 PENALTY AN EXAMPLE MIGHT BE OF THOSE SITUATIONS,
 4 KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER --
 5 THOSE ARE JUST EXAMPLES I'M NOT SAYING THEY APPLY TO
 6 THIS CASE I'M JUST GIVING YOU SOME EXAMPLES DO YOU
 7 UNDERSTAND WHAT I'M SAYING?

8 A YES, SIR

9 Q ALL RIGHT NOW, IF -- I'M THE JUDGE OF THE LAW IN
 10 THE CASE, THAT'S MY JOB TO TELL THE JURY WHAT THE LAW
 11 IS IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD YOU
 12 LISTEN TO AND APPLY THE LAW THAT I GIVE TO THE JURY?

13 A YES

14 Q COULD YOU DO THAT EVEN IF YOU DISAGREED WITH THE
 15 LAW OR YOU THINK THAT THEY SHOULD CHANGE THE LAW?

16 A YES, I COULD

17 Q PARDON?

18 A YES

19 Q ALL RIGHT DO YOU UNDERSTAND THAT'S MY ROLE TO
 20 TELL YOU THE LAW AND IT'S YOUR JOB AS A JUROR UNDER
 21 YOUR OATH TO ACCEPT THE LAW THAT I INSTRUCT IT TO BE?

22 A YES

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

STATE VS ALKEBULANYAHH

1 CASE?

2 A YES

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

4 CASE?

5 A YES, I DID

6 Q ALL RIGHT CAN YOU TELL US WHAT THAT IS?

7 A WELL, FROM WHAT PEOPLE SAID I'VE LISTENED

8 Q PARDON?

9 A FROM WHAT PEOPLE SAY I HEAR A LOT OF PEOPLE

10 TALKING OUT ON THE STREETS, BUT I DON'T COMMENT I

11 JUST LISTEN

12 Q ALL RIGHT TALKING JUST IN GENERAL?

13 A YES

14 Q FOR EXAMPLE, THAT TWO PEOPLE WERE -- CAN YOU TELL

15 US?

16 A HOW MANY PEOPLE THAT THEY HAVE ON JURY DUTY, HOW

17 MANY ARE PICKED, STUFF LIKE THAT

18 Q OH OKAY HAVE YOU HEARD ANYTHING SPECIFIC ABOUT

19 THIS CASE, THE DETAILS OF ---

20 A NOT REALLY NOT REALLY

21 Q ALL RIGHT WOULD ANYTHING YOU'VE HEARD, READ, OR

22 SEEN IN ANY WAY AFFECT YOUR ABILITY TO BE FAIR AND

23 IMPARTIAL TO BOTH THE DEFENDANT AND THE STATE?

24 A PROBABLY

25 Q FROM WHAT YOU'VE HEARD?

{ STATE VS ALKEBULANYAHH

1 A YES

2 Q YOU WOULD NOT BE ABLE TO LAY THAT ASIDE AND START

3 FROM SCRATCH?

4 A YES I COULD

5 Q YOU COULD DO THAT?

6 A YES

7 Q SO WHAT DID YOU MEAN WHEN YOU SAID PROBABLY WOULD

8 AFFECT YOU? DID YOU NOT UNDERSTAND MY QUESTION?

9 A WELL, FROM THE STUFF I HEARD HE DID, SHE DID,

10 STUFF LIKE THAT

11 Q ALL RIGHT

12 A STUFF I HEARD

13 Q ALL RIGHT NOW, DO YOU UNDERSTAND THAT IN A CASE

14 YOU HAVE A FRONT ROW SEAT?

15 A RIGHT

16 Q YOU GET TO HEAR FROM DAY ONE UNTIL THE VERY END?

17 A YES

18 Q THE MEDIA, BITS AND PIECES, SOUND BITES ALSO

19 WOULD YOU BE ABLE TO LAY ASIDE ANYTHING THAT YOU'VE

20 HEARD, START FROM SCRATCH, ONLY RELY ON WHAT YOU HEAR

21 IN THIS COURTROOM, AND GIVE EVERYONE A FAIR AND

22 IMPARTIAL TRIAL?

23 A YES SIR

24 Q YOU COULD DO THAT?

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q OKAY HAVE YOU FORMED ANY OPINION ABOUT THIS CASE
2 OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF THIS
3 DEFENDANT?
4 A NO, SIR
5 Q ALL RIGHT IN A CRIMINAL CASE -- TALK TO YOU
6 ABOUT THE LAW A LITTLE BIT -- THE STATE HAS THE BURDEN
7 OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
8 DEFENDANT HAS NO OBLIGATION TO DO ANYTHING THE
9 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE THE
10 DEFENDANT IS PRESUMED INNOCENT DO YOU UNDERSTAND?
11 A YES
12 Q ALL RIGHT COULD YOU EQUALLY CONSIDER THE VERDICT
13 OPTION OF EITHER GUILTY OR NOT GUILTY?
14 A YES
15 Q ALL RIGHT HAVE YOU LOOKED AT THIS JUROR TYPE
16 SHEET THAT WE HANDED OUT?
17 A YES, I DID
18 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
19 CATEGORIES?
20 A I THINK I FALL INTO TYPE 1
21 Q TYPE 1?
22 A YES
23 Q THAT WOULD BE THE TYPE OF JUROR IN CONSIDERING
24 PUNISHMENT, YOU WOULD NEVER BE ABLE TO GIVE THE DEATH
25 PENALTY, IS THAT CORRECT?

1 A YES, SIR

2 Q THERE ARE NO CIRCUMSTANCES UNDER WHICH YOU COULD
3 GIVE THE DEATH PENALTY?

4 A I DON'T THINK SO

5 THE COURT ALL RIGHT ANY QUESTIONS?

6 MR ALKEBULANYAHH YES, SIR

7 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

8 Q MR MARSHALL, HOW YOU DOING?

9 A ALL RIGHT

10 Q I'M ABDIYYAH BEN ALKEBULANYAHH I'M THE DEFENDANT
11 IN THIS CASE WOULD YOU CONSIDER GIVING THE DEATH
12 PENALTY IF IT WARRANTED -- THE CRIME WAS SO BAD?

13 A AT THIS MOMENT, I COULDN'T SAY

14 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

15 MR STONE NO SIR

16 THE COURT ALL RIGHT ANY OBJECTION TO HIM BEING
17 EXCUSED?

18 MR ALKEBULANYAHH NO, SIR

19 MR STONE NO, SIR

20 THE COURT SIR, YOU MAY BE EXCUSED THANK YOU

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT JERALD GREEN

23 (THE JUROR ENTERS THE COURTROOM)

24 JERALD GREEN, HAVING BEEN

25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU JERALD GREEN?

3 A YES, SIR

4 Q PLEASE TAKE A SEAT MR GREEN, I JUST WANT TO
5 REMIND YOU YOU WERE PREVIOUSLY PLACED UNDER OATH AND
6 YOU WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

7 A YES, SIR

8 Q ALL RIGHT NOW, WE'RE HERE TO ASK YOU SOME
9 QUESTIONS, NOT TO INVADE YOUR PRIVACY OR ANYTHING, JUST
10 TO ACQUIRE SOME INFORMATION DUE TO THE NATURE OF THESE
11 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
12 DON'T WORRY ABOUT YOUR RESPONSE OR ABOUT PLEASING
13 ANYONE WE'RE NOT HERE TO EVALUATE ANY VIEWS YOU MIGHT
14 HAVE IF YOU DON'T KNOW, SAY YOU DON'T KNOW IF YOU
15 HAVE NO OPINION, SAY YOU HAVE NO OPINION THAT'S OKAY
16 TOO

17 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
18 PENALTY NOW, THE MERE FACT THAT WE'RE ASKING
19 QUESTIONS OR TALKING ABOUT A PENALTY IN NO WAY
20 INDICATES ANYTHING ABOUT THE DEFENDANT DO YOU
21 UNDERSTAND?

22 A YES, SIR

23 Q THE DEFENDANT IS PRESUMED TO BE INNOCENT

24 A YES, SIR

25 Q ALL RIGHT NOW, DO YOU REMEMBER MY CONVERSATION

STATE VS ALKEBULANYAHH

1 ABOUT HOW THE CASES PROCEED, FIRST YOU HAVE STAGE ONE
2 TO DETERMINE GUILT OR INNOCENCE IF THERE IS A
3 DETERMINATION OF GUILT, IT GOES TO STAGE TWO ABOUT
4 PENALTY DO YOU REMEMBER THAT CONVERSATION?

5 A YES, SIR

6 Q ALL RIGHT NOW, I WANT TO GIVE YOU A LITTLE
7 BACKGROUND INFORMATION ON THE DEATH PENALTY A LOT OF
8 PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO ALL
9 MURDER CASES, BUT IT DOES NOT IT APPLIES TO A
10 SPECIFIED TYPE OF MURDER CASES, LIMITED SITUATIONS
11 THOSE SITUATIONS ARE CLARIFIED IN THE LAW THE STATE
12 WOULD HAVE TO COME IN AND PROVE THE EXISTENCE OF THAT
13 SITUATION BEFORE THE DEATH PENALTY CAN EVEN BE
14 PRESENTED TO THE JURY AS AN OPTION FOR SENTENCING DO
15 YOU UNDERSTAND THAT?

16 A YES, SIR

17 Q ALL RIGHT AN EXAMPLE MIGHT BE -- ONE OF THOSE
18 SPECIAL SITUATIONS WOULD BE IF YOU HAD A KIDNAPPING
19 PLUS A MURDER, OR IF YOU HAD A BURGLARY PLUS A MURDER,
20 OR IF IT INVOLVES THE DEATH OF AN OFFICIAL WHO IS
21 LISTED IN THE STATUTE THOSE ARE EXAMPLES DO YOU
22 UNDERSTAND THAT?

23 A YES, SIR

24 Q THOSE AREN'T ALL THE EXAMPLES AND I'M NOT SAYING
25 THEY APPLY I'M JUST GIVING YOU EXAMPLES DO YOU

STATE VS ALKEBULANYAHH

1 UNDERSTAND?

2 A YES SIR

3 Q ALL RIGHT AND I JUST WANTED TO SHARE THAT WITH
4 YOU BECAUSE PEOPLE DO HAVE THE PERSPECTIVE THAT IT
5 APPLIES IN ANY AND EVERY CASE

6 NOW, IN MY ROLE AS THE JUDGE, IT'S MY
7 RESPONSIBILITY TO DIRECT THE JURY ABOUT THE APPLICABLE
8 LAW IF YOU WERE ON A CRIMINAL CASE, COULD YOU LISTEN
9 TO AND APPLY THE LAW AS I GIVE IT TO YOU?

10 A YES, SIR

11 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
12 THE LAW?

13 A YES, SIR

14 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
15 ON THE EVIDENCE PRESENTED IN THIS COURT, 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 OVER T V

22 Q ALL RIGHT CAN YOU GIVE US WHAT YOU'VE HEARD?

23 A BEFORE I GOT -- CAME DOWN TO THE COURT, LIKE IT
24 WAS ON FRIDAY OR SATURDAY, SOMETHING LIKE THAT, ON THE
25 NEWS

- 1 Q ALL RIGHT DO YOU REMEMBER ANYTHING IN
2 PARTICULAR?
- 3 A NO, SIR
- 4 Q ALL RIGHT WOULD ANYTHING YOU HAVE READ, HEARD,
5 OR SEEN AFFECT YOUR ABILITY TO GIVE THE DEFENDANT AND
6 THE STATE A FAIR AND IMPARTIAL TRIAL?
- 7 A NO, SIR
- 8 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
9 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
10 THIS DEFENDANT?
- 11 A NO, SIR
- 12 Q ALL RIGHT NOW, I'LL TALK TO YOU A LITTLE ABOUT
13 THE THE LAW IN A CRIMINAL CASE, THE STATE HAS THE
14 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
15 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
16 UNDERSTAND THAT?
- 17 A YES, SIR
- 18 Q COULD YOU EQUALLY CONSIDER VERDICT OPTIONS OF
19 EITHER GUILTY OR NOT GUILTY?
- 20 A NO, SIR
- 21 Q YOU COULD NOT DO THAT?
- 22 A NO, SIR
- 23 Q IF YOU WERE SITTING ON A CRIMINAL CASE YOU COULD
24 NOT CONSIDER BOTH OPTIONS?
- 25 A NO, SIR

STATE VS ALKEBULANYAHH

- 1 Q SO IF YOU SAT AS A JUROR ON A CRIMINAL CASE --
2 WHICH OPTION WOULD YOU ONLY CONSIDER?
- 3 A IT'S LIKE IF -- GUILTY
- 4 Q SO JUST THE FACT THAT A CASE IS IN COURT YOU
5 WOULD THINK THAT THE PERSON IS GUILTY?
- 6 A NO, SIR
- 7 Q ALL RIGHT SO WHY WOULD YOU ONLY CONSIDER A
8 GUILTY VERDICT?
- 9 A I DON'T KNOW, SIR
- 10 Q DO YOU UNDERSTAND MY QUESTION?
- 11 A NO SIR
- 12 Q ALL RIGHT MAYBE I COULD EXPLAIN IT BETTER IF
13 AT THE END OF A CASE -- I'M NOT TALKING ABOUT -- JUST
14 TALKING ABOUT CASES IN GENERAL AT THE END OF THE CASE
15 I'M GOING TO SAY THESE ARE YOUR CHOICES LADIES AND
16 GENTLEMEN YOU CAN EITHER DECIDE THAT THE PERSON IS
17 GUILTY OF THE OFFENSE OR NOT GUILTY OF THE OFFENSE,
18 CHECK WHATEVER ONE OR WRITE IT ON THE FORM DO YOU
19 UNDERSTAND THAT?
- 20 A YES, SIR
- 21 Q NOW, I'M ASKING YOU, WOULD YOU BE ABLE TO EQUALLY
22 CONSIDER BOTH OPTIONS?
- 23 A YES, SIR
- 24 Q I CAN'T -- IT WOULD BE IMPROPER TO HAVE A JUROR
25 COME IN AND SAY THE ONLY THING I'M GOING TO THINK ABOUT

- 1 IS THAT THE PERSON IS GUILTY DO YOU UNDERSTAND THAT?
- 2 A YES, SIR
- 3 Q NOW, DO YOU UNDERSTAND MY QUESTION?
- 4 A YES, SIR
- 5 Q SO COULD YOU COME INTO THIS COURT WITH A FREE MIND
- 6 AND EQUALLY CONSIDER THE OPTION OF NOT GUILTY OR THE
- 7 OPTION OF GUILTY?
- 8 A YES, SIR
- 9 Q DO YOU UNDERSTAND THAT?
- 10 A YES, SIR
- 11 Q OKAY NOW, HAVE YOU LOOKED AT THAT JUROR TYPE
- 12 SHEET THAT I HANDED OUT?
- 13 A YES, SIR
- 14 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
- 15 CATEGORIES?
- 16 A YES, SIR
- 17 Q WHICH ONE WOULD THAT BE?
- 18 A NO 3
- 19 Q ALL RIGHT LET ME GO OVER THAT WITH YOU THIS
- 20 WOULD BE THE KIND OF JUROR WHO IF A CASE GETS TO THE
- 21 PUNISHMENT STAGE WOULD NOT HAVE MADE UP HIS MIND ABOUT
- 22 PUNISHMENT INSTEAD, YOU'D HAVE TO HEAR ALL THE FACTS
- 23 AND CIRCUMSTANCES INCLUDING CONSIDERING ANY AGGRAVATING
- 24 AND MITIGATING CIRCUMSTANCES AND YOU'D ALSO HAVE TO
- 25 HEAR THE LAW THAT COMES FROM THE COURT BEFORE YOU COULD

1 MAKE ANY DECISION ABOUT PUNISHMENT IS THAT CORRECT?

2 A YES SIR

3 Q NOW, LET ME ASK YOU, IF YOU WERE A JUROR IN A CASE
4 THAT MADE IT TO THE SENTENCING PHASE, PART TWO OF THE
5 TRIAL, IF IT GOT TO THAT POINT, COULD YOU DEPENDING
6 UPON THE FACTS AND CIRCUMSTANCES OF THE CASE INCLUDING
7 THE CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
8 CIRCUMSTANCES AND THE LAW THAT WAS GIVEN TO YOU RETURN
9 A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

10 A YES SIR

11 Q ALL RIGHT THE SAME SITUATION YOU'RE A JUROR IN
12 A CASE THAT MADE IT TO THE SENTENCING PHASE COULD YOU
13 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
14 INCLUDING THE EXISTENCE OF ANY AGGRAVATING AND
15 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU
16 RETURN A SENTENCE OF DEATH?

17 A YES SIR

18 Q ALL RIGHT NOW, IN THAT LATTER SITUATION, IF YOU
19 WERE ON A JURY THAT UNANIMOUSLY DECIDED THAT THE DEATH
20 PENALTY WAS APPROPRIATE, ALL THE JURORS AGREED WOULD
21 YOU BE ABLE TO SIGN YOUR NAME ON A FORM ALONG WITH THE
22 OTHER JURORS? WOULD YOU BE ABLE TO SIGN THAT VERDICT
23 FORM?

24 A NO SIR

25 Q YOU COULD NOT SIGN THAT FORM?

STATE VS ALKEBULANYAHH

- 1 A NO, SIR
- 2 Q AND CAN YOU EXPLAIN THAT TO ME? IF THAT WAS YOUR
3 DECISION THAT THE DEATH SENTENCE WAS APPROPRIATE, YOU
4 COULD NOT PUT YOUR NAME ON THE FORM TELLING ME THAT YOU
5 HAD DECIDED THAT?
- 6 A IF I HAD -- EXPLAIN IT?
- 7 Q OKAY WHAT I'M SAYING IS, IF YOU WERE ON THE
8 JURY ---
- 9 A UH-HUH
- 10 Q --- AND IF THE JURY -- YOU SAID THAT YOU COULD
11 CONSIDER THE OPTION OF THE DEATH PENALTY?
- 12 A YES, SIR
- 13 Q AND THAT IF YOU DECIDED THAT THE DEATH PENALTY WAS
14 APPROPRIATE I WAS ASKING YOU, WOULD YOU BE ABLE TO
15 SIGN THE PIECE OF PAPER TELLING ME THAT'S YOUR
16 DECISION, SO THAT I KNOW THAT'S YOUR DECISION?
- 17 A OH, YES, SIR YES, SIR
- 18 Q DO YOU UNDERSTAND MY QUESTION?
- 19 A YES, SIR
- 20 Q THERE WILL BE A VERDICT FORM AND IT SAYS, WE THE
21 JURY UNANIMOUSLY DECIDE THAT THE DEATH SENTENCE IS THE
22 SENTENCE THERE WOULD BE A LINE ON THAT FORM ON EACH
23 AND EVERY JUROR EVERYONE WOULD HAVE TO SIGN IT IF
24 THAT'S THEIR DECISION THAT TELLS ME EVERYONE AGREES,
25 BECAUSE IT CAN'T BE A MAJORITY DECISION EVERYONE HAS

1 TO AGREE DO YOU UNDERSTAND THAT?

2 A YES, SIR

3 Q AND YOU'D BE WILLING TO SIGN THAT FORM?

4 A YES, SIR

5 THE COURT OKAY NOW THEY'RE GOING TO ASK YOU
6 SOME QUESTIONS

7 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

8 Q GOOD MORNING, MR GREEN

9 A GOOD MORNING

10 Q I WANT TO ASK YOU A QUESTION I'LL MAKE IT VERY
11 SHORT DO YOU HAVE A FAMILY MEMBER WORKING FOR
12 BEAUFORT COUNTY SHERIFF'S OFFICE OR OFFICIAL OR
13 JAILHOUSE, ANYTHING LIKE THAT?

14 A YES, SIR

15 Q MAY I ASK WHO THAT MAY BE?

16 A PATRICIA STEEN (PHONETIC)

17 THE COURT WHAT DOES HE DO?

18 JUROR SHE WORK -- SHE WORKS OVER AT THE
19 JAILHOUSE, IN THE DETENTION CENTER

20 THE COURT ALL RIGHT IS SHE A GUARD OR IS SHE
21 JUST AN ADMINISTRATIVE EMPLOYEE OR COOK OR ---

22 JUROR SHE'S A GUARD, I GUESS

23 THE COURT A GUARD?

24 JUROR YES

25 THE COURT OKAY

1 Q \ BY YOUR FAMILY MEMBER WORKING FOR LAW ENFORCEMENT
2 WOULD THAT AFFECT YOUR ABILITY TO GIVE ME A FAIR AND
3 IMPARTIAL TRIAL?

4 A NO, SIR

5 Q SO YOU WOULDN'T TAKE THE SIDE OF LAW ENFORCEMENT
6 OFFICIALS OR, YOU KNOW, BECAUSE YOUR FAMILY MEMBER WORK
7 FOR THE LAW ENFORCEMENT OFFICIALS AND RULE AGAINST ME
8 -- YOU KNOW, JUST FEEL LIKE I'M GUILTY WOULD YOU JUST
9 JUDGE MY GUILT BY THE EVIDENCE THAT'S PRESENTED TO YOU,
10 THE FACTS THAT'S SHOWN TO YOU?

11 A THAT'S THE WAY I WOULD JUDGE YOUR GUILT, BY THE
12 EVIDENCE

13 MR ALKEBULANYAHH THANK YOU, SIR I HAVE NO
14 FURTHER QUESTIONS, YOUR HONOR

15 CROSS EXAMINATION BY MR. MURDAUGH.

16 Q MR GREEN, HOW ARE YOU DOING?

17 A FINE AND YOU?

18 Q I'M RANDOLPH MURDAUGH, THE SOLICITOR IN THIS
19 JUDICIAL CIRCUIT AND ALONG WITH DUFFY STONE, WHO SITS
20 AT THIS END OF THE TABLE, WE WILL BE PROSECUTING THIS
21 CASE ON BEHALF OF THE STATE WHO DID YOU SAY WORKED AT
22 THE CORRECTIONAL INSTITUTION?

23 A PATRICIA STEEN

24 Q AND THAT IS WHAT RELATIONSHIP TO YOU?

25 A MY FIRST COUSIN

1 Q YOUR FIRST COUSIN HAVE YOU EVER TALKED WITH HER
2 ABOUT THIS CASE?
3 A NO, SIR
4 Q OKAY WHAT ARE YOUR FEELINGS ABOUT THE DEATH
5 PENALTY? ARE YOU IN FAVOR OF IT, AGAINST IT, OR WHAT?
6 A AGAINST IT
7 Q AGAINST IT BUT YOU COULD UNDER CERTAIN
8 CIRCUMSTANCES VOTE IN FAVOR IT?
9 A YES, SIR
10 Q OR WOULD YOU ALWAYS VOTE AGAINST IT?
11 A CERTAIN CIRCUMSTANCES I WILL VOTE AGAINST IT
12 THE COURT DID YOU MEAN TO SAY IN CERTAIN
13 CIRCUMSTANCES YOU WOULD VOTE FOR IT?
14 JUROR FOR IT, I MEAN
15 Q OKAY
16 THE COURT OKAY
17 JUROR I'M SORRY
18 THE COURT I GUESS YOU'RE SAYING YOU COULD VOTE
19 FOR IT OR AGAINST IT ---
20 JUROR YES, SIR
21 THE COURT --- DEPENDING ON THE CIRCUMSTANCES?
22 JUROR YES, SIR
23 THE COURT DO YOU WANT TO FOLLOW-UP WITH THAT?
24 Q WHEN YOU SAY YOU'RE AGAINST IT, WOULD IT BE
25 DIFFICULT FOR YOU TO VOTE FOR THE DEATH PENALTY IN A

STATE VS ALKEBULANYAHH

1 CASE? AND I'M NOT TALKING ABOUT THIS CASE, PLEASE
2 UNDERSTAND

3 A NO, SIR

4 Q IT WOULD NOT BE DIFFICULT?

5 A NO, SIR

6 Q EVEN THOUGH YOU'RE AGAINST IT?

7 A YES, SIR

8 Q OKAY I NEED TO ASK YOU ONE LAST QUESTION AND
9 SOME TIMES YOU HAVE TO ASK QUESTIONS THAT ISN'T REAL
10 POPULAR WOULD THE FACT THAT THIS DEFENDANT IS BLACK
11 AND YOU ARE BLACK HAVE ANY PLAY IN YOUR DECISION --
12 WHATEVER DECISION YOU MAY MAKE?

13 A NO, SIR

14 Q WOULDN'T AFFECT YOU?

15 A NO, SIR

16 Q LET ME ASK YOU ONE OTHER QUESTION YOU MADE
17 MENTION THE OTHER DAY WHEN THE JURY WAS BEING QUALIFIED
18 THAT YOUR SON HAD A MEDICAL PROBLEM

19 A YES, SIR

20 Q HAVE YOU RESOLVED THAT NOW? I THINK YOU HAD TO
21 GET HIM TO THE HOSPITAL OR SOMETHING?

22 A NO, SIR HE -- I HAD -- HE'S AT HOME RIGHT NOW
23 BUT HE GOT TO TAKE TREATMENT EVERY 3 HOURS

24 Q BUT YOU'VE GOT SOMEBODY TO TAKE CARE OF THAT?

25 A NO, SIR MY WIFE WORKS I WORK HE'S -- HE'S IN

1 SCHOOL RIGHT NOW
2 Q COULD YOU ---
3 THE COURT HE'S IN SCHOOL RIGHT NOW WHO'S
4 HELPING HIM WITH HIS TREATMENT RIGHT NOW?
5 JUROR IT'S AT THE SCHOOL
6 THE COURT SO THE SCHOOL TAKES CARE OF IT?
7 JUROR YES, SIR
8 THE COURT NOW, WHO PICKS HIM -- SOMEONE PICKS
9 HIM UP EVERY DAY?
10 JUROR HE RIDES THE BUS BACK HOME
11 THE COURT ALL RIGHT AND WHO STAYS WITH HIM IN
12 THE AFTERNOON? IS IT YOUR WIFE?
13 JUROR SOME TIME SOME TIME I BE THERE
14 THE COURT ALL RIGHT
15 JUROR DEPENDS WHO GET HOME FIRST
16 THE COURT AND IF YOU'RE A JUROR IN THIS CASE, IS
17 YOUR WIFE GOING TO TAKE CARE OF THE SITUATION?
18 JUROR NO SIR
19 THE COURT WHO'S GOING TO TAKE ---
20 JUROR I DON'T KNOW
21 THE COURT ALL RIGHT ALL RIGHT IF YOU'LL STEP
22 OUTSIDE MOMENTARILY, SIR THANK YOU HOW OLD IS YOUR
23 CHILD?
24 JUROR 12
25 THE COURT 12 OKAY THANK YOU LET ME ASK YOU

STATE VS ALKEBULANYAHH

1 ONE MORE THING IF -- IF YOU ARE SELECTED THOUGH, WILL
2 YOUR WIFE BE -- YOUR WIFE BE ABLE TO TAKE CARE OF HIM
3 IF SHE HAS TO?

4 JUROR I GUESS SO I GUESS SO

5 THE COURT WHAT TIME DOES SHE GET OFF OF WORK?

6 JUROR SHE USUALLY -- DEPENDS ON THE HOURS THAT
7 SHE GOES IN

8 THE COURT LET'S SAY YOU'RE SITTING ON THIS JURY,
9 IS SHE GOING TO BE ABLE TO DO IT?

10 JUROR SHE GOING TO HAVE TO, I GUESS

11 THE COURT ALL RIGHT I JUST WANT TO MAKE SURE
12 THAT THAT'S AVAILABLE ALL RIGHT THANK YOU

13 (THE JUROR EXITS THE COURTROOM)

14 THE COURT ALL RIGHT ANY OBJECTION TO HIS
15 QUALIFICATION?

16 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
17 HONOR

18 MR MURDAUGH JUDGE, I THOUGHT THAT HIS RESPONSES
19 WERE EQUIVOCABLE AND TO BE HONEST WITH YOU, I HAVE NO
20 IDEA RIGHT NOW WHAT -- I KNOW THE WORDS THAT CAME OUT,
21 BUT THEY WERE CONTRASTING WORDS AND I THINK HE SHOULD
22 BE EXCUSED

23 THE COURT WELL, I THINK THAT HE -- YOU KNOW,
24 THAT ONE TIME HE SAID THAT HE WAS -- DEPENDING ON THE
25 FACTS AND CIRCUMSTANCES HE COULD VOTE AGAINST IT AND

STATE VS ALKEBULANYAHH

1 I THINK YOU WERE ASKING HIM ABOUT FOR IT BUT I THINK
2 WHAT HE REALLY MEANT TO SAY WAS THE FACTS AND
3 CIRCUMSTANCES AND IT SEEMS TO ME THAT HE SAID HE
4 COULD CONSIDER BOTH OPTIONS

5 MORE OF A PROBLEM WOULD BE IF HE HAD ANY PROBLEM
6 WITH HIS CHILD BUT I'M GOING TO FIND HIM QUALIFIED

7 MR MURDAUGH WE DID NOT ---

8 THE COURT YES, SIR

9 MR MURDAUGH --- TAKE UP WITH HIM THE FACT THAT
10 HE WOULD BE SEQUESTERED, SIR DO YOU THINK PERHAPS --
11 AND -- AND WHATEVER YOU THINK ABOUT THAT HE IS NOT
12 AWARE THAT HE'S GOING TO BE OUT OF HAND FOR ---

13 THE COURT I THOUGHT I TOLD THE JURY
14 QUALIFICATIONS THAT THIS CASE WAS GOING TO TAKE THEIR
15 TIME FOR THE NEXT COUPLE WEEKS

16 MR MURDAUGH YOU DID SAY THAT, SIR BUT -- I'M
17 SORRY

18 (PAUSE)

19 THE COURT WELL I THINK I CAN STILL FIND HIM TO
20 BE QUALIFIED I CAN DEAL WITH THAT TOMORROW WHEN WE
21 GET TO THE ---

22 MR MURDAUGH YES, SIR

23 THE COURT IF WE HAVE ANY PROBLEM SO BRING HIM
24 BACK IN PLEASE

25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 THE COURT MR MARSHALL (SIC), THE COURT FINDS
2 YOU TO BE QUALIFIED TO BE PART OF THE POOL THAT DOES
3 NOT MEAN YOU'RE ON THE JURY IT MEANS YOU'LL BE PART
4 OF THE POOL FROM WHICH WE WILL DRAW THIS JURY YOU
5 WILL NEED TO REPORT TOMORROW AT 8 30 FOR JURY
6 SELECTION

7 A COUPLE INSTRUCTIONS YOU MUST NOT DISCUSS THIS
8 CASE IN ANY WAY WHATSOEVER YOU MUST NOT TRY TO
9 INVESTIGATE IT IN ANY WAY YOU MUST NOT EXPOSE
10 YOURSELF TO ANY TYPE OF MEDIA COVERAGE, NEWSPAPER,
11 TELEVISION, RADIO IN REGARD TO THIS CASE IF YOU HEAR
12 SOMETHING, TURN IT OFF NEWSPAPER, DON'T READ THE
13 STORY DO YOU UNDERSTAND?

14 JUROR YES, SIR

15 THE COURT WE'LL SEE YOU TOMORROW AT 8 30 THANK
16 YOU VERY MUCH DO WE HAVE YOUR PHONE NUMBERS?

17 JUROR YES, SIR

18 THE COURT ALL RIGHT THE CLERK WILL BE CALLING
19 YOU ABOUT MAKING ARRANGEMENTS ABOUT BEING ON THIS JURY
20 FOR THE NEXT COUPLE WEEKS THANK YOU -- THAT'S IF YOU
21 ARE SELECTED ALL RIGHT THANK YOU

22 (PAUSE)

23 MR MURDAUGH THAT WAS GREEN WAS IT NOT, SIR?

24 THE COURT I'M SORRY DID I -- I'M SORRY I
25 CALLED YOU MR MARSHALL YOU'RE MR GREEN I

STATE VS ALKEBULANYAHH

1 APOLOGIZE
2 JUROR IT'S ALL RIGHT
3 THE COURT I APOLOGIZE I WAS LOOKING AT THE
4 WRONG PIECE OF PAPER THANK YOU, MR GREEN WE'LL SEE
5 YOU TOMORROW
6 (THE JUROR EXITS THE COURTROOM)
7 THE COURT WE'RE STILL WAITING FOR THE OTHER
8 JUROR TO GET HERE, SO WE MIGHT AS WELL TRY ONE MORE
9 CARLENE LAZENBY
10 (PAUSE)
11 MR ALKEBULANYAHH YOUR HONOR, HOW MANY DO YOU
12 INTEND TO SET ASIDE FOR THIS CASE?
13 THE COURT WE'LL JUST DO THIS LAST ONE
14 MR ALKEBULANYAHH I THOUGHT YOU SAID TWO
15 THE COURT OH, NO WE ALREADY HAVE ENOUGH TO
16 HAVE TWO ALTERNATES
17 MR ALKEBULANYAHH OKAY
18 THE COURT I'M JUST DOING THIS IN CASE SOMETHING
19 HAPPENS OVERNIGHT TO ANYONE
20 MR ALKEBULANYAHH WHAT TWO ADDITIONALS WE'RE
21 JUST DOING?
22 THE COURT WELL ---
23 MR ALKEBULANYAHH WE'VE GOT TWO ALTERNATES, AND
24 THEN WE GOT TWO MORE DO YOU WANT TO DO THE WHOLE
25 PANEL?

STATE VS ALKEBULANYAHH

1 THE COURT NO, WE'RE JUST DOING ONE MORE, JUST IN
2 AN ABUNDANCE OF CAUTION

3 MR ALKEBULANYAHH OKAY

4 THE COURT THEY MAY NOT BE NEEDED AT ALL WE MAY
5 NOT GET TO ANY OF THEM

6 (THE JUROR ENTERS THE COURTROOM)

7 THE COURT COME FORWARD PLEASE

8 CARLENE LAZENBY, HAVING
9 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
10 DIRECT EXAMINATION BY THE COURT.

11 Q ARE YOU CARLENE LAZENBY?

12 A YES

13 Q MS LAZENBY, I JUST WANT TO REMIND YOU, YOU WILL
14 REMAIN UNDER OATH OKAY?

15 A OKAY

16 Q WE'RE JUST HERE TO ASK YOU SOME QUESTIONS, NOT TO
17 INVADE YOUR PRIVACY IN ANY WAY IT'S JUST NECESSARY
18 DUE TO THE NATURE OF THESE PROCEEDINGS THERE ARE NO
19 RIGHT OR WRONG ANSWERS JUST FEEL FREE TO ANSWER WE
20 NEED YOU TO ANSWER OPENLY, HONESTLY, AND FULLY NO ONE
21 IS CHALLENGING ANY VIEW IF YOU DON'T KNOW SOMETHING,
22 SAY YOU DON'T KNOW IF YOU HAVE NO OPINION, SAY YOU
23 DON'T HAVE ANY OPINION ON THAT

24 AMONG OTHER THINGS, WE'LL BE DISCUSSING A PENALTY
25 NOW, THE FACT WE'RE ASKING QUESTIONS OR EVEN TALKING

STATE VS ALKEBULANYAHH

1 ABOUT A PENALTY IN NO WAY INDICATES ANYTHING ABOUT THE
2 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
3 DO YOU UNDERSTAND?

4 A YES

5 Q NOW, DO YOU REMEMBER OUR CONVERSATION ABOUT HOW
6 THESE CASES GO?

7 A UH-HUH

8 Q YOU HAVE A FIRST PHASE AND IF NECESSARY, YOU
9 HAVE A SECOND PHASE

10 A UH-HUH

11 Q ALL RIGHT NOW, I WANT TO ASK YOU ABOUT -- TELL
12 YOU A LITTLE BIT ABOUT THE DEATH PENALTY, BECAUSE A LOT
13 OF PEOPLE COME IN HERE AND THEY HAVE A MISCONCEPTION
14 ABOUT THE DEATH PENALTY THEY THINK IT APPLIES TO ANY
15 AND ALL MURDER CASES IT DOES NOT THERE IS ONLY A
16 SPECIFIC, LIMITED CIRCUMSTANCES IN WHICH THE STATE CAN
17 COME FORWARD AND SAY WE WOULD REQUEST THE DEATH
18 PENALTY AND THEN THE STATE WOULD HAVE TO PROVE THE
19 EXISTENCE OF THAT SPECIAL CIRCUMSTANCE BEFORE THE JURY
20 EVEN HAS THE OPTION TO CONSIDER THAT AS A PENALTY DO
21 YOU UNDERSTAND?

22 A UH-HUH

23 Q YOU NEED TO SAY ---

24 A YES, SIR

25 Q THANK YOU SHE HAS TO TAKE IT DOWN

STATE VS ALKEBULANYAHH

1 A SORRY

2 Q AN EXAMPLE WOULD BE IF YOU HAVE A KIDNAPPING PLUS
3 A MURDER, OR YOU HAVE A BURGLARY PLUS A MURDER, OR IF
4 IT INVOLVES THE DEATH OF A CHILD UNDER THE AGE OF 11,
5 THAT'S AN EXAMPLE OF A SPECIAL CIRCUMSTANCE THAT THEY
6 CAN COME FORWARD AND REQUEST THAT OPTION DO YOU
7 UNDERSTAND THAT?

8 A YES, SIR

9 Q NOT SAYING THAT THEY APPLY TO THIS CASE, I'M JUST
10 GIVING YOU SOME EXAMPLES OKAY?

11 A YES, SIR

12 Q NOW, I SIT AS THE JUDGE OF THE LAW IN A CASE
13 IT'S MY JOB TO TELL THE JURY WHAT THE LAW IS IF YOU
14 WERE A JUROR IN A CRIMINAL CASE, COULD YOU LISTEN TO
15 AND APPLY THE LAW AS I INSTRUCT IT TO BE?

16 A (PAUSE)

17 Q DO YOU UNDERSTAND MY QUESTION?

18 A YES YES

19 Q WILL YOU APPLY THE LAW AS I INDICATE THE LAW IS TO
20 YOU?

21 A EVEN IF YOU'RE TRYING TO MISLEAD ME?

22 Q WELL, FIRST OF ALL, IT'S NOT MY POSITION TO
23 MISLEAD YOU ABOUT THE LAW

24 A OKAY

25 Q SECONDLY, EVEN IF I WERE INCORRECT ABOUT THE LAW,

STATE VS ALKEBULANYAHH

- 1 YOU STILL HAVE TO FOLLOW THE LAW THAT I GIVE TO YOU
- 2 A OKAY
- 3 Q THAT'S MY ROLE I HAVE THAT SPECIAL ROLE YOU
- 4 HAVE THE ROLE THAT YOU GET TO DECIDE THE FACTS,
- 5 WHATEVER YOU WANT TO DECIDE ABOUT THE FACTS I DON'T
- 6 SIT UP HERE AND DECIDE THE FACTS MY JOB IS TO GIVE
- 7 YOU THE LAW AS I UNDERSTAND THE LAW AND THE WAY OUR
- 8 SYSTEM WORKS IS YOU HAVE TO ACCEPT THAT EVEN IF YOU
- 9 DON'T LIKE IT OR EVEN IF YOU DISAGREE WITH THE LAW WE
- 10 MIGHT HAVE PEOPLE COME THAT DON'T LIKE THE LAW THEY
- 11 MIGHT NOT AGREE WITH THE FACT THAT THE LEGISLATURE HAS
- 12 PASSED A CERTAIN KIND OF OFFENSE AS A CRIME
- 13 YOU DON'T GET TO SUPERSEDE THAT, BUT YOUR JOB AS A
- 14 JUROR IS TO APPLY THAT LAW TO THE FACTS AND DECIDE
- 15 WHETHER THIS CASE -- OR THE CASE THAT YOU WOULD BE
- 16 SITTING ON IF YOU WERE JUST A JUROR GENERALLY MET THE
- 17 CRITERIA AND THAT THE STATE HAS PROVEN THAT CRIME
- 18 BEYOND A REASONABLE DOUBT DO YOU UNDERSTAND THAT?
- 19 A YES, SIR
- 20 Q ALL RIGHT COULD YOU DO THAT EVEN IF -- COULD YOU
- 21 ACCEPT THE LAW AS I INSTRUCT IT TO BE?
- 22 A YES, SIR
- 23 Q COULD YOU DO IT EVEN IF YOU DID NOT AGREE WITH IT?
- 24 A YES
- 25 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON

STATE VS ALKEBULANYAHH

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

4 A COULD I DISREGARD EVERYTHING I'VE SEEN AND HEARD?
5 YES

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

8 A YES

9 Q ALL RIGHT CAN YOU TELL US WHAT THAT IS?

10 A BASICALLY, JUST THE NIGHT THAT IT HAPPENED OTHER
11 THAN THAT, YOU KNOW ---

12 Q THAT WAS SOME TIME AGO?

13 A UH-HUH, LAST JANUARY

14 Q ALL RIGHT AND YOU HAVEN'T HEARD, READ, OR SEEN
15 ANYTHING RECENTLY?

16 A NO, SIR

17 Q ALL RIGHT NOW, WOULD YOU BE ABLE TO SET ASIDE
18 ANYTHING YOU HAVE HEARD, READ OR SEEN AND GIVE
19 EVERYONE IN THIS CASE, THE DEFENDANT AND THE STATE, A
20 FAIR AND IMPARTIAL TRIAL?

21 A YES, SIR

22 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY
23 OPINION ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?

24 A NO, SIR

25 Q ALL RIGHT LET ME EXPLAIN SOMETHING ELSE ABOUT

1 THE LAW TO YOU IN A CRIMINAL CASE THE STATE HAS THE
2 BURDEN OF PROVING GUILT THE BURDEN OF PROVING GUILT
3 IS BEYOND A REASONABLE DOUBT THE DEFENDANT HAS NO
4 BURDEN TO PROVE HIS INNOCENCE HE'S PRESUMED TO BE
5 INNOCENT DO YOU UNDERSTAND THAT?

6 A YES, SIR

7 Q ALL RIGHT COULD YOU EQUALLY CONSIDER VERDICT
8 OPTIONS OF EITHER GUILTY OR NOT GUILTY?

9 A COULD I MYSELF CONSIDER IT? YES, SIR

10 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR TYPE
11 SHEET?

12 A YES, SIR

13 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
14 CATEGORIES?

15 A I BELIEVE I'M NO 3

16 Q ALL RIGHT LET ME GO OVER THAT WITH YOU THAT
17 WOULD BE THE TYPE OF JUROR WHO IF THE CRIME OF MURDER
18 HAS BEEN PROVEN BY THE STATE AND THE CASE GOES TO THE
19 SECOND PHASE, YOU WOULD NOT HAVE MADE UP YOUR MIND
20 ABOUT PUNISHMENT?

21 A RIGHT

22 Q INSTEAD, YOU WOULD NEED TO HEAR ALL THE FACTS AND
23 CIRCUMSTANCES INCLUDING ANY AGGRAVATING AND MITIGATING
24 CIRCUMSTANCES AND YOU WOULD NEED TO HEAR THE LAW FROM
25 THE COURT BEFORE YOU MADE UP ANY DECISION ABOUT

STATE VS ALKEBULANYAHH

1 PUNISHMENT IS THAT CORRECT?

2 A THAT'S CORRECT

3 Q ALL RIGHT LET ME ASK YOU TO THINK FOR A SECOND
4 IF YOU WERE IN A CASE THAT GOT PAST THAT FIRST STAGE
5 AND IT CAME TO THE SECOND STAGE ABOUT SENTENCING, COULD
6 YOU DEPENDING ON THE PARTICULAR FACTS AND CIRCUMSTANCES
7 INCLUDING THE EXISTENCE -- THE CONSIDERATION OF ANY
8 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
9 THAT I GIVE TO YOU RETURN A SENTENCE OF LIFE
10 IMPRISONMENT WITHOUT PAROLE?

11 A IF THAT WAS YOUR DECISION?

12 Q NO NO NO NO COULD YOU IF YOU ---

13 A WOULD I HAVE A PROBLEM ---

14 Q I DON'T MAKE A DECISION ABOUT THE SENTENCE THE
15 JURY MAKES THAT DECISION WHAT I'M ASKING YOU COULD
16 YOU DEPENDING UPON THE FACTS AND CIRCUMSTANCES -- I'M
17 NOT SAYING WHAT THOSE ARE, I'M JUST SAYING IF YOU HAD
18 CERTAIN FACTS AND CIRCUMSTANCES AND YOU CONSIDERED ALL
19 THE AGGRAVATING AND MITIGATING CIRCUMSTANCES AND YOU
20 CONSIDERED THE LAW THAT I GIVE TO YOU, COULD YOU
21 ACTUALLY RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT
22 PAROLE?

23 A YES

24 Q OKAY I'M GOING TO ASK YOU THE SAME EXACT
25 SCENARIO YOU'RE A JUROR IN A CASE -- I'M NOT TALKING

1 ABOUT THIS CASE, JUST TALKING ABOUT IN A CASE ---

2 A RIGHT

3 Q --- THAT REACHES THE SENTENCING PHASE COULD YOU
4 DEPENDING ON THOSE PARTICULAR FACTS AND CIRCUMSTANCES
5 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
6 MITIGATING CIRCUMSTANCES AND CONSIDERING THE LAW THAT
7 HAS BEEN GIVEN TO YOU, COULD YOU RETURN A SENTENCE OF
8 DEATH?

9 A YES

10 Q ALL RIGHT NOW, IF YOU WERE IN THAT LATTER
11 SITUATION AND THE JURY UNANIMOUSLY DECIDED -- EVERYONE
12 HAS DECIDED THAT THE DEATH SENTENCE IS APPROPRIATE,
13 WOULD YOU BE ABLE TO SIGN THE VERDICT FORM SAYING THAT
14 IS YOUR DECISION?

15 A YES

16 THE COURT ALL RIGHT NOW AT THIS POINT THEY'RE
17 GOING TO ASK YOU SOME QUESTIONS, MA'AM IF YOU WILL
18 TURN YOUR ATTENTION TO THEM THANK YOU
19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q GOOD MORNING, MS LAZENBY

21 A GOOD MORNING

22 Q I'M THE DEFENDANT IN THE CASE, MR ABDIYYAH BEN
23 ALKEBULANYAHH AN I'M JUST GOING TO ASK YOU TO ONE
24 PARTICULAR QUESTION

25 DO YOU BELIEVE THAT YOU CAN GIVE THE DEFENDANT A

STATE VS ALKEBULANYAHH

1 FAIR AND IMPARTIAL TRIAL?

2 A YES I DO

3 MR ALKEBULANYAHH THANK YOU, MA'AM I HAVE NO
4 OTHER QUESTIONS

5 CROSS EXAMINATION BY MR MURDAUGH.

6 Q MS LAZENBY?

7 A LAZENBY

8 Q LAZENBY MS LAZENBY, I'M RANDOLPH MURDAUGH HOW
9 ARE YOU DOING?

10 A FINE

11 Q I AM THE SOLICITOR OF THE FOURTEENTH JUDICIAL
12 CIRCUIT OF WHICH BEAUFORT IS ONE OF THE COUNTIES
13 ALONG WITH DUFFY STONE WE WILL BE TRYING THIS CASE ON
14 BEHALF OF THE STATE I'VE GOT SOME QUESTIONS I HAVE TO
15 ASK YOU AND, PLEASE UNDERSTAND I DO NOT ASK THEM TO
16 EMBARRASS YOU, BUT IT'S I NEED THE ANSWERS AND I NEED
17 THEM HONESTLY FROM YOU

18 I LISTENED TO YOUR ANSWERS IN REGARD TO THE DEATH
19 PENALTY IT'S MY UNDERSTANDING THAT IF THE CASE -- IF
20 YOU CONSIDERED THE CASE BAD ENOUGH, YOU COULD VOTE FOR
21 THE DEATH PENALTY?

22 A YES, SIR

23 Q OKAY YOU WERE ARRESTED IN MARCH OF LAST YEAR?

24 A YES, SIR

25 Q FOR WHAT?

1 A I HAD -- I CAN'T REMEMBER THE WORD A
2 PRESCRIPTION ---
3 THE COURT HOLD ON A SECOND APPROACH THE SIDE
4 BAR PLEASE
5 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)
6 Q JUST TELL ME WHAT THE CHARGE WAS, NOT WHAT YOU
7 DID, BUT WHAT WERE YOU CHARGED WITH?
8 A I DON'T KNOW WHAT THEY CALLED IT, SIR
9 Q WAS IT A DRUG VIOLATION?
10 A YES, PRESCRIPTION
11 Q OKAY HAS THAT CASE BEEN DISPOSED OF?
12 A YES, SIR
13 Q AND IT WAS THROWN OUT?
14 A I DON'T KNOW IF IT WAS EXPUNGED -- IS THAT WHAT
15 IT'S CALLED, YES, SIR
16 Q YES, MA'AM WOULD THAT -- MY OFFICE WOULD HAVE TO
17 HAD TO HAVE PROSECUTED IT WOULD THAT GIVE YOU ANY
18 PROBLEMS IN BEING FAIR AND IMPARTIAL TO BOTH THE STATE
19 AND THE DEFENDANT?
20 A YOU MEAN BECAUSE I WAS ARRESTED OR ---
21 Q YES, MA'AM
22 A --- BECAUSE ---
23 Q BECAUSE THE CASE WAS HANDLED BY MY OFFICE
24 A NO, NOT AT ALL
25 Q OKAY YOU WORK WITH VICKY TRACY?

1 A TRACE, I THINK
2 MR MURDAUGH THANK YOU, MA'AM
3 MR ALKEBULANYAHH I HAVE ONE LAST QUESTION
4 THE COURT YES, SIR
5 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.
6 Q WHO IS TRACY, MS LAZENBY?
7 A SHE'S DOWN AT THE P T I OFFICE, PRETRIAL
8 INTERVENTION
9 Q THAT'S LAW ENFORCEMENT?
10 A I DON'T KNOW IF IT'S CONSIDERED LAW ENFORCEMENT
11 THE COURT YOU WORK IN THAT OFFICE?
12 JUROR NO, UH-HUH YOU ASKED ME IF I WORKED WITH
13 HER YOU MEANT ---
14 MR MURDAUGH SHE ENTERED PRETRIAL INTERVENTION
15 THE COURT OH YES YOU WERE ENROLLED IN THAT
16 PROGRAM?
17 JUROR RIGHT
18 THE COURT I SEE HE'S JUST TRYING TO FIND OUT
19 IF YOU WORKED FOR ANY OF THOSE AGENCIES
20 JUROR OH NO, SIR
21 MR ALKEBULANYAHH OKAY
22 THE COURT ALL RIGHT MA'AM, IF YOU COULD STEP
23 OUT INTO THE HALLWAY PLEASE, WE'LL BE WITH YOU
24 MOMENTARILY
25 (THE JUROR EXITS THE COURTROOM)

1 THE COURT THAT GIVES US ENOUGH -- THAT SHOULD BE
2 ENOUGH TO GET US THROUGH THE PROCESS TOMORROW

3 MR MURDAUGH YES, SIR, WE HADN'T QUALIFIED HER
4 YET THOUGH, SIR

5 THE COURT YES THAT'S TRUE BRING HER BACK IN
6 PLEASE

7 MR ALKEBULANYAHH I HAVE NO OBJECTION

8 MR MURDAUGH I HAVE -- NEITHER ONE OF US HAVE AN
9 OBJECTION

10 THE COURT ALL RIGHT IS THAT CORRECT?

11 MR ALKEBULANYAHH YES, SIR, THAT'S CORRECT

12 MR MURDAUGH AND I AGREE WITH YOUR STATEMENT,
13 SIR

14 (THE JUROR ENTERS THE COURTROOM)

15 THE COURT MS LAZENBY ---

16 JUROR YES

17 THE COURT --- I FIND YOU TO BE QUALIFIED TO BE
18 IN THE POOL THAT DOESN'T MEAN YOU'LL BE ON THE JURY,
19 YOU'LL BE PART OF THE POOL WE WILL DRAW THAT JURY
20 TOMORROW AT 8 30 YOU WILL NEED TO REPORT BACK HERE AT
21 8 30

22 BEFORE YOU LEAVE, THEY'RE GOING TO GET YOUR PHONE
23 NUMBERS TO MAKE SURE WE HAVE THE MOST CURRENT
24 INFORMATION

25 I HAVE A FEW INSTRUCTIONS FOR YOU YOU MUST NOT

STATE VS ALKEBULANYAHH

1 DISCUSS THIS CASE IN ANYWAY WHATSOEVER YOU MUST NOT
2 INVESTIGATE IT IN ANY KIND OF WAY ON YOUR OWN YOU
3 MUST NOT EXPOSE YOURSELF TO ANY KIND OF NEWS OR MEDIA
4 COVERAGE, TELEVISION, RADIO, NEWSPAPER IF YOU START
5 TO HEAR SOMETHING, TURN IT OFF SEE SOMETHING IN THE
6 PAPER, DON'T READ IT, ETCETERA DO YOU UNDERSTAND?

7 JUROR YES

8 THE COURT ALL RIGHT THANK YOU FOR BEARING,
9 BEING PATIENT WITH US THROUGH THIS LONG PROCESS WE'RE
10 MOVING INTO THE PHASE NOW WE'RE GETTING THE JURY AND
11 THE TRIAL GOING SO IF YOU WILL REPORT BACK AT 8 30

12 MADAM CLERK, DID YOU ALL NEED TO CHECK WITH HER
13 BEFORE SHE LEAVES?

14 CLERK NO, SIR WE ARE GOING TO CALL ALL OF THEM
15 ANYWAY

16 THE COURT ALL RIGHT DO YOU HAVE THEIR NUMBERS?

17 CLERK JUST MAKE SURE ---

18 JUROR I'D LIKE TO ADD A NUMBER TO THAT

19 CLERK MR MARTINEZ HAS GOT THE LIST WITH HIM

20 JUROR OKAY

21 (PAUSE)

22 THE COURT ALL RIGHT THANK YOU, MA'AM, WE'LL
23 SEE YOU TOMORROW AT 8 30 IF YOU'LL GIVE MR MARTINEZ
24 YOUR MOST CURRENT NUMBER BUT IN EITHER EVENT, WE'LL
25 SEE YOU TOMORROW AT 8 30

STATE VS ALKEBULANYAHH

1 (THE JUROR EXITS THE COURTROOM)

2 MR ALKEBULANYAHH YOUR HONOR, I NEED TO TAKE A
3 BREAK

4 THE COURT OKAY THAT'S FINE GO AHEAD AND
5 TAKE A BREAK

6 (A RECESS WAS TAKEN)

7 THE COURT ALL RIGHT WHAT I WOULD LIKE TO DO
8 NOW IS BRING EVERYONE ELSE THAT'S BEEN WAITING IN TO
9 EXCUSE THEM AND I WILL PROBABLY DEAL WITH THE ISSUE
10 OF THAT ONE JUROR HE SHOULD BE HERE BY THEN AND
11 THEN WE'LL BREAK FOR LUNCH I'M GOING TO GIVE YOU A
12 LITTLE LONGER AT LUNCH SO YOU CAN GET ORGANIZED

13 MR ALKEBULANYAHH YOUR HONOR, COULD WE SEE --
14 COULD I SEE YOU AT THE SIDE BAR?

15 THE COURT YES, SIR

16 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)

17 THE COURT YES, SIR, COME UP HERE

18 (PAUSE)

19 LADY I JUST -- A LAW ENFORCEMENT OFFICER BACK
20 HERE HAS APPARENTLY -- THAT LAW ENFORCEMENT HAS HAD
21 SOME CONTACT WITH THE GENTLEMAN WITH A MENTAL ILLNESS,
22 AND HE'S BEEN TRANSPORTED TO SOME PSYCHIATRIC PLACE AS
23 SUICIDAL AND THAT SORT OF THING AND I JUST WANTED TO
24 MAKE THE COURT AND THE SOLICITOR AWARE OF THAT

25 THE COURT THAT OFFICER?

STATE VS ALKEBULANYAHH

1 LADY YES, THIS OFFICER
2 OFFICER YES, SIR
3 THE COURT STATE YOUR NAME PLEASE
4 OFFICER DEPUTY BAGEL (PHONETIC), BEAUFORT COUNTY
5 SHERIFF'S OFFICE
6 THE COURT ALL RIGHT YES, MA'AM
7 OFFICER THE INDIVIDUAL I BELIEVE THAT'S THE ONE
8 WHO CAME OVER HERE AND ADDRESSED THE COURT -- YOU
9 HANDED THE LETTER BACK
10 THE COURT YES
11 OFFICER WE'VE HAD -- HE LIVES IN BLUFFTON, AND
12 WE'VE HAD SEVERAL RUN-INS WITH HIM WITH SUICIDAL
13 TENDENCIES AND BEING SCHIZOPHRENIC AND WE'VE ACTUALLY
14 HAD TO TRANSPORT HIM TO MUSC OR THE MENTAL HEALTH IN
15 HILTON HEAD
16 MR MURDAUGH MAY I ASK WHEN?
17 THE COURT GO AHEAD
18 MR MURDAUGH MAY I ASK HER WHEN THIS OCCURRED?
19 OFFICER THEY'VE ALL BEEN WITHIN THE LAST YEAR
20 MR MURDAUGH MORE THAN 6 MONTHS AGO? MORE THAN
21 8 MONTHS AGO? LESS THAN 6 MONTHS?
22 OFFICER I WOULD SAY -- I'VE BEEN OFF THE ROAD
23 FOR 4 MONTHS WITH THE DRUG TASK FORCE SO IT WAS MORE
24 THAN 4 MONTHS AGO
25 THE COURT OKAY

STATE VS ALKEBULANYAHH

1 MR MURDAUGH JUDGE, I THINK HE'S QUALIFIED BUT I
2 WILL DO SOME INVESTIGATION AND ---
3 THE COURT THE ONLY THING IS, YOU KNOW, ON ONE
4 HAND I HATE TO DEPRIVE HIM THE RIGHT TO SIT ON THE JURY
5 BECAUSE OF A DISABILITY
6 LADY I THINK HE WAS CONCERNED ABOUT THE
7 SEQUESTRATION, THAT -- TO MAKE SURE THAT WITH THIS KIND
8 OF A TRIAL, MIGHT HAVE SOME PROBLEMS
9 (PAUSE)
10 MR MURDAUGH JUDGE, GIVE ME 30 MINUTES AND I MAY
11 BE ABLE TO RESOLVE THIS
12 THE COURT ALL RIGHT LET'S DEAL WITH -- ALL
13 RIGHT TAKE CARE OF THAT THANK YOU FOR BRINGING THAT
14 TO MY ATTENTION LET'S DEAL WITH THE DOCTOR FIRST
15 CLERK HE'S HERE
16 MR MURDAUGH YES, SIR
17 (PAUSE)
18 THE COURT BRING MR HEWES IN PLEASE
19 (PAUSE))
20 (THE JUROR ENTERS THE COURTROOM)
21 THE COURT ALL RIGHT MR HEWES, YOU WERE
22 QUALIFIED TO SERVE ON THIS PANEL AND YOU REMAIN UNDER
23 OATH I UNDERSTAND YOU HAVE SOME CONCERN?
24 JUROR HEWES YES, SIR
25 THE COURT WHAT WOULD THAT BE?

STATE VS ALKEBULANYAHH

1 JUROR HEWES WHEN I WAS ANSWERING ON TUESDAY
2 AFTERNOON, EVENING WITH MY MIND -- I WAS TRYING TO DO
3 WHAT I WOULD AS A GOOD CITIZEN IN THAT JOB WOULD NEEDED
4 TO BE DONE AS A JUROR SINCE THAT TIME, KIND OF MY
5 HEAD I COULD DO IT, BUT MY HEART, I HAVEN'T BEEN ABLE
6 TO SLEEP I HAVEN'T BEEN ABLE TO, YOU KNOW, THINK
7 CLEARLY AND I JUST FEEL THAT I WOULDN'T BE ABLE TO DO
8 A GOOD JOB AS A JUROR JUST BECAUSE OF THE STRESS THAT
9 I'M FEELING FROM THE IMPACT OF THE QUESTIONS THAT WERE
10 ASKED AND ACTUALLY A BUNCH OF REALITIES AND THINGS I
11 PROBABLY HADN'T THOUGHT MUCH ABOUT

12 AND FIRST ASKED I ANSWERED AND I THINK MY BODY
13 IS TELLING ME THAT I AS A PHYSICIAN WOULD HAVE A VERY
14 HARD TIME DOING WHAT NEEDED TO BE DONE AS A JUROR

15 THE COURT WELL I'M NOT SURE WHAT YOU MEAN BY
16 DOING WHAT NEEDS TO BE DONE THERE'S NO -- NO COURSE
17 OF ACTION THAT'S SET IN STONE ABOUT WHAT -- THE JURY
18 GETS TO DECIDE WHAT THE JURY WANTS TO DO

19 JUROR HEWES OKAY

20 THE COURT WHAT I NEED TO KNOW -- OBVIOUSLY, A
21 LOT OF THESE QUESTIONS' ARE TOUGH QUESTIONS PEOPLE
22 AREN'T ALWAYS CALLED UPON TO THINK ABOUT THESE THINGS
23 AND WHAT WE NEED TO FIGURE OUT IS BACK TO WHAT YOU
24 ORIGINALLY INDICATED

25 OBVIOUSLY, YOU'RE IN A SITUATION WHERE FIRST AND

STATE VS ALKEBULANYAHH

1 FOREMOST YOU DO NOT KNOW WHAT THE FACTS AND
2 CIRCUMSTANCES ARE GOING TO BE

3 SECONDLY, YOU DO NOT KNOW WHAT I'M GOING TO TELL
4 YOU THE LAW IS AT THIS POINT ABOUT WHEN CERTAIN THINGS
5 CAN BE AVAILABLE OR AN OPTION

6 AND UNTIL YOU HAVE ALL THE FACTS AND CIRCUMSTANCES
7 AND THE LAW, I'M NOT SURE IF THAT'S PART OF WHAT YOUR
8 PROBLEM IS RIGHT NOW OR NOT WHAT WE'RE TRYING TO FIND
9 OUT IS GENERALLY -- JUST IN GENERAL, AND MAYBE I'M
10 JUMPING THE GUN I'M ASSUMING THIS HAS TO DO WITH THE
11 POSSIBILITY OF THE DEATH PENALTY IS THAT WHAT THIS IS
12 ABOUT?

13 JUROR HEWES IT HAS TO DO WITH THE BIFURCATED
14 TRIAL

15 THE COURT OKAY

16 JUROR HEWES BUT IT HAS -- GO AHEAD, FINISH

17 THE COURT NO IF YOU WANT TO BE MORE SPECIFIC

18 JUROR HEWES I GUESS I WOULD BE MORE SPECIFIC
19 SAYING THAT WITH MY FEELINGS RIGHT NOW MY ABILITY TO
20 THINK CLEARLY WHAT A JUROR SHOULD DO AND -- IN OTHER
21 WORDS TO BE ABLE TO LISTEN AND RESPOND TO WHAT YOU'RE
22 SAYING AND TO APPLY WHAT YOU SAY AND TO LISTEN TO THE
23 FACTS, I FIND I'M -- I'M NOT ABLE TO CONCENTRATE
24 BECAUSE OF THE PSYCHOSOMATIC EFFECT IT'S HAVING ON MY
25 BODY

STATE VS ALKEBULANYAHH

1 I'VE TRIED TO WORK AND I LOVE WORK AND IT'S
2 BEEN HANGING ON ME IT'S VERY HARD TO CONCENTRATE ON
3 SOMETHING THAT I DO VERY WELL IF I HAVE TO DO
4 SOMETHING THAT IS NEW, IT WOULD BE -- I WOULD BE NOT
5 BEING FAIR

6 THE COURT WELL, IS IT JUST BECAUSE YOU HAVEN'T
7 DONE THIS BEFORE THAT YOU'RE HAVING SOME ANXIETY ABOUT
8 IT, BECAUSE I CAN TELL YOU, THAT WOULD BE NORMAL AND
9 I'M SURE AS A DOCTOR YOU WOULD KNOW THAT ---

10 JUROR HEWES I UNDERSTAND

11 THE COURT --- SITUATION WOULD MAKE THAT A NORMAL
12 FEELING

13 JUROR HEWES THIS IS -- THIS IS MORE THAN THAT
14 I'M SORRY TO SAY I'VE GONE THROUGH IT MAYBE ONCE OR
15 TWICE IN MY LIFE, AND IT'S THE KIND OF FEELING THAT --
16 IT'S LIKE YOUR CONSCIENCE SAYS IT'S NOT RIGHT

17 THE COURT DO YOU FEEL THAT BECAUSE YOU DON'T
18 KNOW WHAT -- LET'S JUST SAY YOU WERE A JUROR IN THE
19 SECOND PART OF THE CASE, THE PENALTY PHASE, IT'S MY
20 GUESS IS THAT THAT HAS SOMETHING TO DO WITH WHAT YOU'RE
21 TALKING ABOUT ARE YOU STRUGGLING WITH THE FACT THAT
22 YOU DON'T KNOW WHAT YOU WANT TO DO IN THAT SITUATION?

23 JUROR HEWES I JUST THINK THE -- THOSE QUESTIONS
24 TRIGGERED MY MIND

25 THE COURT I UNDERSTAND AND THAT'S NORMAL BUT

STATE VS ALKEBULANYAHH

1 THE FACT OF THE MATTER IS YOU DON'T KNOW WHAT THE
2 EVIDENCE IS GOING TO BE, NUMBER ONE A COUPLE THINGS
3 GOING ON WE WEREN'T TALKING ABOUT THIS CASE IN
4 SPECIFIC FIRST AND FOREMOST, THERE HAS TO BE A
5 DETERMINATION MADE BY THE JURY THAT WOULD EVEN GET THE
6 CASE TO PART TWO THAT'S FIRST AND FOREMOST I NEED
7 TO MAKE THAT CLEAR

8 SECONDLY, WHEN YOU GET TO THAT PART, THEN YOU GET
9 TO HEAR MORE ABOUT THE LAW AND EVERYTHING FROM THE
10 COURT AGAIN ABOUT THE CONCEPT OF SENTENCING AND WHAT
11 THE JURY'S ROLE IS AND WHAT -- WHAT HAS TO BE PROVEN BY
12 THE STATE BEFORE A DEATH PENALTY OPTION IS EVEN
13 AVAILABLE TO THE JURY

14 THEN -- NOTWITHSTANDING ALL OF THAT, IF THAT IS
15 DONE, IF THE STATE HAS MET THEIR BURDEN OF PROVING THE
16 EXISTENCE OF THE AGGRAVATING CIRCUMSTANCE, THE DECISION
17 OF THE JURY IS JUST THAT IT'S THE OPTION BETWEEN
18 EITHER PENALTY DO YOU UNDERSTAND THAT?

19 JUROR HEWES YES

20 THE COURT ALL RIGHT NOW IS IT THE FACT THAT
21 YOU JUST HAVE NOT COME TO GRIPS WITH WHETHER OR NOT YOU
22 COULD EVER IMPOSE THE DEATH PENALTY?

23 JUROR HEWES AS I'VE THOUGHT MORE ABOUT IT, I
24 THINK THAT IS IT

25 THE COURT OKAY

STATE VS ALKEBULANYAHH

1 JUROR HEWES AND THEN THAT TRIGGERS THE REST
2 THE COURT ALL RIGHT AND YOU SAY THAT CONFLICTS
3 WITH YOUR ROLE AS A JUROR, BECAUSE YOU FEEL THAT AS A
4 JUROR, YOU SHOULD BE ABLE TO CONSIDER BOTH OPTIONS
5 EQUALLY AND RIGHT NOW YOU'RE NOT FEELING THAT YOU CAN
6 CONSIDER BOTH EQUALLY IS THAT WHAT'S GOING ON?

7 JUROR HEWES I THINK THAT'S TRUE
8 THE COURT ALL RIGHT AND THAT'S BECAUSE YOU'RE
9 A DOCTOR?

10 JUROR HEWES THAT'S AN AWFUL LOT OF MY PREMISE
11 WHEN WE STARTED TALKING THE OTHER -- YOU KNOW, THE VOIR
12 DIRE WAS -- WHAT'S THE RIGHT WORD FOR IT? WAS, YOU
13 KNOW, I'M IN THE HEALING ARTS AND I HAVE A HARD TIME
14 WORKING -- AND LOOKING, THINKING, I'M ALSO GOING TO BE
15 DECIDING GUILT OR INNOCENCE IN THIS KIND OF A CASE
16 AND THEN, YOU KNOW, THE IMPLICATION OF THAT

17 THE COURT WELL, DECIDING GUILT OR INNOCENCE IN
18 THIS TYPE OF CASE IS NO DIFFERENT THAN DECIDING GUILT
19 OR INNOCENCE IN ANOTHER TYPE OF MURDER CASE WHAT
20 MAKES THIS CASE DIFFERENT IS IF CERTAIN THINGS ARE
21 ESTABLISHED, THEN THE JURY HAS THE RIGHT TO CONSIDER
22 THOSE TWO OPTIONS

23 AND WHAT MAKES THIS CASE DIFFERENT IS THAT THE
24 JURY DECIDES THE PUNISHMENT AS OPPOSED TO IN A REGULAR
25 CASE, I WOULD DECIDE THE PUNISHMENT

STATE VS ALKEBULANYAHH

1 BUT WHAT I NEED TO ASK YOU THOUGH IS HAVE YOU
2 RECONCILED IN YOUR MIND THAT THERE ARE JUST NO
3 CIRCUMSTANCES UNDER WHICH YOU WOULD EVER IMPOSE -- AND
4 VOTE FOR THE DEATH PENALTY?

5 JUROR HEWES THAT'S TRUE I DON'T THINK I WOULD
6 BE ABLE TO

7 THE COURT ALL RIGHT ANY QUESTIONS FROM COUNSEL
8 IN RESPONSE TO THIS OR MR ALKEBULANYAHH?

9 MR ALKEBULANYAHH YES DOCTOR, YOU PRETTY MUCH
10 -- ARE YOU -- ARE YOU SAYING THAT THERE IS NO -- DID
11 YOU FEEL THAT THERE'S NO CRIME WHERE ONE WOULD BE
12 WORTHY TO BE PUT TO DEATH? FOR EXAMPLE -- FOR EXAMPLE
13 WOULD YOU THINK OSAMA BIN LADEN BE PUT TO DEATH?

14 MR MURDAUGH YOUR HONOR, PLEASE ---

15 THE COURT I'M GOING TO GIVE HIM A LITTLE LEEWAY,
16 JUST TO THE PECULIAR SITUATION HERE GO AHEAD

17 JUROR HEWES FOR MY -- INTELLECTUALLY, I CAN
18 ANSWER IT ONE WAY BUT TO TELL YOU WHAT I FEEL TO
19 ACTUALLY SAY I NEEDED TO BE THE ONE OR HE NEEDED TO BE,
20 YOU KNOW, PUT TO DEATH, I WOULD NOT BE ABLE TO DO THAT,
21 NO

22 MR ALKEBULANYAHH SO YOU DON'T BELIEVE THAT
23 THERE IS NO CRIME WORTHY FOR ANYONE TO BE PUT TO DEATH,
24 IS THAT CORRECT?

25 JUROR HEWES THAT'S CORRECT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO CRIME?
2 JUROR HEWES NO CRIME
3 MR ALKEBULANYAHH WHETHER IT WAS OSAMA BIN
4 LADEN, SADAM HUSSAIN, ADOL (PHONETIC) HITLER, ANY OF
5 THEM TYPE OF INDIVIDUALS, YOU WOULD NOT HAVE THE
6 ABILITY TO -- YOU FEEL LIKE THEY WOULD NEVER DESERVE
7 DEATH, IS THAT CORRECT?
8 JUROR HEWES I WOULD NOT BE ABLE TO
9 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
10 THE COURT ALL RIGHT MR HEWES, COULD YOU STEP
11 OUT INTO THE HALLWAY THANK YOU
12 (THE JUROR EXITS THE COURTROOM)
13 THE COURT ALL RIGHT ANY?
14 MR MURDAUGH YES, SIR, I THINK HE SHOULD BE
15 EXCLUDED
16 THE COURT DO YOU AGREE?
17 MR ALKEBULANYAHH I LEAVE IT IN THE DISCRETION
18 OF THE COURT
19 THE COURT ALL RIGHT BASED ON HIS CHANGE, THAT
20 HE COULD NEVER DO IT -- HE'S COME TO THE PHILOSOPHICAL
21 DECISION THAT IT WOULD NEVER BE APPROPRIATE EVEN UNDER
22 THOSE EXTREME CIRCUMSTANCES THAT YOU HAD INDICATED, MR
23 ALKEBULANYAHH I WILL EXCUSE HIM
24 SO WHAT THAT MEANS IS MS FOLKNER (SIC) MOVES UP
25 ONE SHE IS NOW ON THE PRIMARY LIST

STATE VS ALKEBULANYAHH

1 JUST SCRATCH HIM OFF THE LIST, AND WE'LL GO
2 STRAIGHT DOWN THE LIST IN THE ORDER WHAT I'M GOING TO
3 GET YOU TO DO, IS RE-WRITE A NEW LIST, MADAM CLERK
4 AND NOW WE HAVE TO DEAL WITH THE OTHER ISSUE
5 I'LL COME DOWN THERE AGAIN

6 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)
7 THE COURT ALL RIGHT COULD YOU BRING DR HEWES
8 IN PLEASE

9 (THE JUROR ENTERS THE COURTROOM)
10 THE COURT DR HEWES AT THIS POINT WE'VE MADE A
11 DECISION, WE'LL EXCUSE YOU FROM THIS PANEL

12 JUROR HEWES THANK YOU

13 THE COURT THANK YOU FOR BEING FORTHRIGHT AND
14 HONEST WITH US HAVE A GOOD DAY THANK YOU FOR YOUR
15 PATIENCE

16 (THE JUROR EXITS THE COURTROOM)

17 THE COURT ALL RIGHT FOR THE RECORD, EVERYONE
18 AGREED TO THAT?

19 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

20 MR MURDAUGH YES, SIR

21 THE COURT AND THAT MOVES EVERYONE UP ONE ON THE
22 STRIKING ORDER

23 CAN EVERYONE AGREE THAT WE HAVE A SUFFICIENT
24 NUMBER PLUS ONE EXTRA TO PROCEED WITH THIS TRIAL WITH 2
25 ALTERNATES, IS THAT CORRECT?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I SURE HOPE SO, SIR
2 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
3 THE COURT ALL RIGHT THAT JUST LEAVES ME TO
4 EXCUSE THE PANEL ALL RIGHT BRING THE PANEL IN
5 ALTERNATIVELY, I COULD HAVE THEM CALL ---
6 MR MURDAUGH I'M SORRY
7 THE COURT ALTERNATIVELY, I COULD HAVE THEM CALL
8 BACK BETWEEN 12 00 AND 1 00 TOMORROW -- JUST TO BE
9 SAFE, THE WHOLE PANEL I DON'T KNOW WHAT ELSE COULD GO
10 WRONG SHOULD I DO THAT?
11 MADAM CLERK, COULD WE DO THAT?
12 CLERK SURE
13 THE COURT HAVE THEM CALL BETWEEN 12 00 AND 1 00
14 CLERK YES, SIR
15 MR MURDAUGH I DIDN'T THINK OF THAT THAT
16 PROBABLY WOULD BE A WISE DECISION
17 (THE PANEL ENTERS THE COURTROOM)
18 THE COURT IS THAT EVERYONE? ALL RIGHT LADIES
19 AND GENTLEMEN, A FEW ANNOUNCEMENTS TO MAKE I WANT TO
20 FIRST THANK YOU ALL VERY MUCH FOR YOUR PATIENCE THE
21 WAY THIS PROCESS WORKS YOU NEVER CAN TELL HOW LONG
22 IT'S GOING TO TAKE WHEN YOU START ENGAGING IN
23 INDIVIDUAL QUESTIONS OF EACH JUROR, IT DEPENDS ON THE
24 RESPONSES BEFORE YOU CAN KNOW HOW LONG THOSE QUESTIONS
25 WILL LAST AND YOU NEVER CAN TELL WITH ANY CERTAINTY

STATE VS ALKEBULANYAHH

1 HOW LONG THE PROCESS WILL GO ON

2 BUT I UNDERSTAND YOU'VE BEEN A GREAT PANEL AND I
3 JUST REALLY APPRECIATE THE FACT THAT YOU'VE PUT UP WITH
4 THE LONG DELAYS AND EVERYTHING ELSE, AS FAR AS THE USE
5 OF YOUR TIME

6 AT THIS POINT, WE DO HAVE ENOUGH QUALIFIED JURORS
7 THAT I DO NOT NEED TO GO THROUGH THE PROCESS ANY MORE
8 WE TRIED TO QUALIFY THE REST OF THE PANEL HOWEVER I
9 DO NEED TO DO ONE THING WE WILL BE STRIKING THIS JURY
10 TOMORROW MORNING AND IN AN ABUNDANCE OF CAUTION, ALL
11 OF YOU I BELIEVE HAVE THAT CALL-IN NUMBER IF YOU
12 DON'T, JONI WILL BE IN THE BACK WITH CARDS TO HAND YOU
13 A CARD I'M GOING TO ASK THAT YOU CALL THE NUMBER
14 BETWEEN 11 00 A M TOMORROW AND 12 00 NOON WE WILL
15 HAVE A -- IS IT A RECORDER?

16 CLERK JUDGE IT'S THE NUMBER IN THE SMALL BOX AT
17 THE BOTTOM

18 THE COURT IT'S THE NUMBER IN THE SMALL BOX ON
19 THE BOTTOM OF THIS CARD THERE WILL BE A RECORDING
20 INDICATING WHETHER OR NOT WE NEED YOU ANY FURTHER
21 DON'T COME IN JUST CALL THAT NUMBER DON'T CALL IT
22 EARLIER JUST CALL IT BETWEEN 11 00 A M AND 12 00
23 NOON

24 IF FOR SOME REASON SOMETHING HAPPENS -- I DON'T
25 EXPECT THAT TO HAPPEN, BECAUSE I BELIEVE WE HAVE ENOUGH

STATE VS ALKEBULANYAHH

1 PEOPLE THAT WOULD ONLY BE IF SOMETHING HAPPENED
2 UNFORTUNATE TO ONE OF -- SOMETHING UNFORTUNATE HAPPENED
3 TO ONE OF THESE INDIVIDUALS OVERNIGHT OR SOMETHING,
4 THEN I WOULD NEED TO BRING YOU BACK IN TOMORROW AFTER
5 LUNCH PROBABLY

6 SO, AGAIN, I DON'T EXPECT IT BUT IN AN ABUNDANCE
7 OF CAUTION -- WE'VE BEEN THROUGH THIS ENTIRE PROCESS
8 I DON'T WANT TO COMPLETELY RELEASE YOU UNTIL I ACTUALLY
9 KNOW WE'RE UP AND RUNNING

10 BUT I DO WANT TO THANK YOU AGAIN FOR ALL YOUR
11 PATIENCE ACTUALLY I'D LIKE TO WALK TO THE BACK OF
12 THE COURTROOM AS YOU LEAVE SO I CAN THANK YOU
13 PERSONALLY AS YOU HEAD OUT BUT IF YOU WOULD PLEASE
14 MAKE SURE YOU HAVE THAT CARD AND CALL BETWEEN 11 00
15 AND 12 00 NOON TOMORROW

16 IF WE DO NOT NEED YOU, THE MESSAGE WILL SAY YOU'RE
17 EXCUSED AND THANK YOU VERY MUCH

18 ALL RIGHT AT THIS POINT I CAN LET YOU GO -- IS
19 THERE ANYONE IN THE ROOM THAT WAS ACTUALLY QUALIFIED?
20 I DON'T KNOW IF ANYONE STAYED BEHIND

21 (NO RESPONSE)

22 THE COURT ALL RIGHT NOW, AT THIS POINT I'M
23 GOING TO WALK TO THE BACK DOOR SO I CAN PERSONALLY
24 THANK YOU

25 (PAUSE)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT AT THIS POINT I'D LIKE TO
2 JUST GO AHEAD AND BREAK FOR LUNCH IF WE COULD COME
3 BACK AT 2 00 YOU'RE GOING TO CHECK INTO WHATEVER YOU
4 NEED TO CHECK INTO THAT WILL GIVE YOU A LITTLE TIME
5 TO GET A LITTLE ORGANIZED OVER THERE

6 MAYBE I SHOULD PRE-TRY IT -- DO YOU NEED TIME TO
7 GET SOME PEOPLE OVER HERE? ARE THERE ANY OTHER ISSUES
8 WITNESSES THAT ARE NEEDED FOR ANY OF THESE HEARINGS?

9 MR MURDAUGH I DON'T KNOW I WANTED TO ASK YOU
10 THAT WHAT HEARINGS ARE WE GOING TO HAVE?

11 THE COURT I'D LIKE TO JUST GO AHEAD AND GET
12 EVERYTHING DONE THAT WE NEED TO TAKE CARE OF AS FAR AS
13 -- I LEFT THAT ISSUE OPEN ABOUT THE SUPPRESSION AND
14 THEN HE FILED TWO MORE MOTIONS TO SUPPRESS I BELIEVE WE
15 DIDN'T GET TO LAST NIGHT BECAUSE YOU HAD NOT BEEN
16 SERVED WITH THEM YET

17 MR MURDAUGH YES, SIR, THAT ---

18 THE COURT WE COULD TAKE THOSE UP I DON'T KNOW
19 IF YOU NEED WITNESSES FOR ANY OF THESE IF YOU NEED
20 SOME EXTRA TIME TO GET PEOPLE TOGETHER I DON'T MIND
21 STARTING BACK AT 2 30 WHATEVER YOU THINK IS
22 APPROPRIATE AS FAR AS GETTING THESE PEOPLE TOGETHER

23 MR MURDAUGH I NEED BUSTER EDWARDS -- IS IN
24 CHARLESTON I NEED TO GET HIM HERE I DON'T THINK
25 THAT WILL BE A PROBLEM

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT

2 MR MURDAUGH THAT WOULD BE IN ONE OF THE
3 MOTIONS IN THE OTHER ONE -- MATT AVERILL AND BILL
4 GREEN, THAT'S NO PROBLEM LET ME DOUBLE CHECK
5 SOMETHING

6 THE COURT WHILE HE'S LOOKING, WHAT OTHER MATTERS
7 DO YOU THINK OF, MR ALKEBULANYAHH?

8 MR ALKEBULANYAHH I JUST WANT TO ADDRESS THE
9 ISSUE ABOUT -- ABOUT THE PETITION ABOUT THE PRIOR
10 CONVICTION

11 THE COURT YES, BUT I INDICATED I'D PROBABLY DEAL
12 WITH THAT ---

13 MR ALKEBULANYAHH OKAY I'M SORRY
14 (PAUSE)

15 MR ALKEBULANYAHH ABOUT THE RELIGIOUS ---

16 THE COURT I'LL THINK ABOUT THAT BUT AT THE
17 SAME TIME, WE HAVE A SEQUESTERED JURY AT YOUR REQUEST
18 AND A LOT OF PEOPLE ARE GOING TO ARGUE I HAVE TO HOLD
19 COURT ON SUNDAY TOO BUT I'LL THINK ABOUT THAT DURING
20 LUNCH

21 MR ALKEBULANYAHH WELL, SATURDAY IS MINE

22 THE COURT I UNDERSTAND BUT IF EVERYONE HAS US
23 DO THAT, THEN I THINK THAT'S VERY FAIR, BECAUSE OTHER
24 PEOPLE ARE HAVING TO DO IT ON SUNDAY

25 MR ALKEBULANYAHH OF COURSE, I WANT TO EXERCISE

STATE VS ALKEBULANYAHH

1 MY RIGHT TO MY RELIGION

2 THE COURT I'LL SEE WHAT I CAN FIND ON THAT
3 SUBJECT YOU ALL RESEARCH THAT DURING THE BREAK TOO
4 PLEASE

5 (PAUSE)

6 MR ALKEBULANYAHH YOUR HONOR, IF I MAY, I WANT
7 TO ALSO IF IT'S THE APPROPRIATE TIME TO ADDRESS THE
8 ISSUE ABOUT ALLOTING SOME ADDITIONAL FUNDS FOR DONNA
9 COSBY (PHONETIC) WHO I INQUIRED ---

10 THE COURT WHO'S THAT?

11 MR ALKEBULANYAHH THE FORENSIC THAT WOULD GIVE
12 TESTIMONY IN MY BEHALF

13 THE COURT WELL, THAT STUFF WE DO OUTSIDE THE
14 PRESENCE OF THE ---

15 MR ALKEBULANYAHH YES, SIR

16 THE COURT FUNDING, WE DO INDIVIDUALLY

17 MR ALKEBULANYAHH THERE'S ANOTHER ISSUE THAT I
18 WANT TO ADDRESS TO MAKE SURE THAT -- THE PROSECUTOR
19 WAS SPEAKING ABOUT THE TAPE AND THE TRANSCRIPT BEING
20 STIPULATED INTO EVIDENCE THE 9-1-1 DISPATCH, THE TAPES
21 AND THE TRANSCRIPT TOGETHER I DON'T KNOW IF HE HAD
22 SPOKE JUST ABOUT THE TRANSCRIPT ITSELF BUT I WANT THE
23 TAPES AND THE TRANSCRIPTS

24 THE COURT ALL RIGHT

25 MR ALKEBULANYAHH STIPULATED INTO EVIDENCE

STATE VS ALKEBULANYAHH

1 MR MURDAUGH WE'RE GOING TO HAVE GWEN DUHON HERE
2 WHO WILL HAVE THE TAPES AND A TRANSCRIPT OF THE TAPE
3 THE COURT ALL RIGHT

4 MR MURDAUGH ISN'T THAT CORRECT? (PAUSE) AND
5 THAT WOULD BE FROM THE CALL THAT STRAWBERRY WASHINGTON
6 INITIALLY MADE TO THE LAW ENFORCEMENT, THE DISPATCH, UP
7 UNTIL THE 9-1-1 CALL WENT IN BY STRAWBERRY WASHINGTON,
8 IS THAT CORRECT?

9 MR ALKEBULANYAHH YES, SIR

10 MR MURDAUGH UP UNTIL THE TIME HE IS
11 APPREHENDED WE DO NOT HAVE THE DISPATCH -- WELL I
12 GUESS WE COULD GET THEM (PAUSE) WE DO NOT HAVE A
13 TRANSCRIPTION OF THE DISPATCH TAPES AFTER HE IS
14 APPREHENDED, SIR

15 THE COURT ALL RIGHT

16 MR ALKEBULANYAHH I ALSO WANT TO KNOW IF IT WAS
17 WITHIN THE COURT'S POWER THAT BEING THE 9-1 (SIC)
18 RECEIVER OF THE DISPATCH, BEING THE TYPE OF CASE THAT
19 THIS IS AND THE COURT HAVE POWER TO COMPEL THE RECEIVER
20 OF THE 9-1 (SIC) DISPATCH TO BE SUBPOENAED TO BE CROSS
21 EXAMINED LIVE

22 MR MURDAUGH WE HAVE THE TAPE, SIR WE DON'T
23 HAVE A TRANSCRIPT

24 MR ALKEBULANYAHH I WOULD RATHER -- I WOULD
25 RATHER BE ABLE TO CROSS EXAMINE ---

STATE VS ALKEBULANYAHH

1 THE COURT WHY CAN'T YOU SUBPOENA THE PERSON?

2 MR ALKEBULANYAHH I THINK THEY FIRED THE PERSON
3 OR SOMETHING LIKE THAT

4 THE COURT WELL, THAT DOESN'T STOP YOU FROM
5 SUBPOENAING THE PERSON

6 MR STONE YOUR HONOR, IF I MAY THERE ARE FOUR
7 PEOPLE IN THIS TAPE THAT ARE PEOPLE THAT HE MIGHT
8 POTENTIALLY BE SPEAKING ABOUT IF HE COULD TELL US WHO
9 -- MY UNDERSTANDING IS I THINK HE HAS SUBPOENAED IN
10 FACT AT LEAST ---

11 MR ALKEBULANYAHH JENNIFER KELLY

12 MR STONE SHE'S IN THAT TAPE

13 MR ALKEBULANYAHH EXCUSE ME IT'S JENNIFER
14 KELLY

15 MR STONE SHE'S IN THAT TAPE WHETHER OR NOT
16 HE'S BEEN ABLE TO SUBPOENA HER OR NOT, I DO NOT KNOW
17 WE DON'T HAVE ANY ---

18 THE COURT DID YOU SUBPOENA HER?

19 MR ALKEBULANYAHH I TRIED

20 MR STONE I'LL TELL YOU YOUR HONOR, THAT
21 EVERYTHING THAT THESE PEOPLE SAY -- ALL THAT STUFF IS
22 ON THE TAPE I THINK ---

23 THE COURT SHE'S ON THE WITNESS LIST SO I DON'T
24 KNOW IF YOU'VE SUBPOENAED HER OR NOT

25 MR ALKEBULANYAHH YES, I SUBPOENAED -- TRIED TO

STATE VS ALKEBULANYAHH

1 SUBPOENA HER AND I JUST WANTED TO, YOU KNOW --
2 BECAUSE SHE'S SO CRITICAL TO THE CASE

3 THE COURT WAS SHE SERVED WITH A SUBPOENA?
4 (PAUSE)

5 MR ALKEBULANYAHH OH, SHE MOVED TO ANOTHER
6 STATE

7 THE COURT THERE ARE PROCEDURES FOR DOING -- DID
8 YOU CONSULT WITH YOUR ATTORNEYS ABOUT THAT? THAT'S
9 WHAT -- I THINK WE WENT OVER THAT, DIDN'T WE?

10 MR THORNTON YOUR HONOR, WE DID CONSULT THIS
11 WAS A WITNESS WHO DID MOVE OUT OF STATE WE DID
12 CONSULT WITH HIM AT THAT TIME IT WAS MY UNDERSTANDING
13 THAT MR ALKEBULANYAHH WAS SATISFIED WITH THE
14 INTRODUCTION OF THE TAPES AND NOT NEEDING THE WITNESS
15 NOW, THAT MAY JUST BE MY MISINTERPRETATION

16 THE COURT THAT WAS MY UNDERSTANDING TOO, BECAUSE
17 YOU ASKED THEM TO INTRODUCE THE TAPE AND YOU SAID
18 YOU'D GET IT THROUGH SOME OTHER MEANS OR SOMETHING

19 MR ALKEBULANYAHH WHAT I WANTED WAS PRIORITY --
20 WAS TO BE ABLE TO CROSS EXAMINE THIS PARTICULAR WITNESS
21 BECAUSE OF THE GRAVITY OF THE -- OF THE ---

22 THE COURT BUT THE WAY WE LEFT IT AT THE LAST
23 HEARING WAS YOU WOULD GET IT THROUGH SOME OTHER MEANS
24 YOU WOULD MOVE OFF FROM IT -- YOU DROPPED THAT ISSUE

25 MR ALKEBULANYAHH WHAT MY UNDERSTANDING WAS AT

STATE VS ALKEBULANYAHH

1 THAT TIME WAS THAT THERE WAS A MISUNDERSTANDING ABOUT
2 ME AND MY COUNSEL YOU KNOW, ABOUT -- COULD THIS
3 WITNESS BE SUBPOENAED AND I WAS UNDER THE IMPRESSION
4 THAT THIS WITNESS COULD NOT BE SUBPOENAED UNDER NO
5 CIRCUMSTANCES AND I WANT TO KNOW ---

6 THE COURT I SPECIFICALLY TOLD YOU THAT THERE IS
7 A PROCEDURE FOR THAT, AND YOU COULD GET WITH THEM FOR
8 DOING THAT THEN YOU SAID YOU WOULD MOVE ON

9 MR ALKEBULANYAHH BUT THE GUIDANCE THEY GIVE ME
10 MUST BEEN INCORRECT THEN THE GUIDANCE THAT THEY GIVE
11 ME IN REFERENCE TO THAT ISSUE AND I APOLOGIZE TO THE
12 COURT THEN IF I MOVED FORWARD ON THEIR GUIDANCE THAT
13 THEY GAVE ME CONCERNING THIS PARTICULAR WITNESS THAT I
14 REALLY FIND THE MOST ESSENTIAL WITNESS IN THIS WHOLE
15 CASE

16 THE COURT IF THAT WAS THE MOST ESSENTIAL WITNESS
17 IN THIS WHOLE CASE, THEN WHY DID YOU SAY YOU WOULD JUST
18 DROP IT FOR NOW AT THE LAST HEARING?

19 MR ALKEBULANYAHH BECAUSE UNDER THE GUIDANCE OF
20 MY COUNSEL ---

21 THE COURT NO WHY WOULD YOU JUST SAY, DROP IT?
22 THAT WAS BEFORE YOU EVEN TALKED TO YOUR COUNSEL I
23 SAID YOU COULD GET WITH YOUR ATTORNEYS ABOUT THE
24 PROCEDURE FOR THAT AND YOU ASKED THEM IF THEY WOULD
25 INTRODUCE THE WHOLE TRANSCRIPT -- THE WHOLE TAPE, AND

STATE VS ALKEBULANYAHH

1 YOU SAID THAT WILL BE OKAY I'LL GET IT FROM SOME
2 OTHER MEANS

3 MR ALKEBULANYAHH BEFORE THAT ISSUE CAME UP, MY
4 COUNSEL AND THEM HAD GIVEN ME INFORMATION BEFORE THAT
5 EVEN WAS ADDRESSED TO THE COURT IT WAS BEFORE --
6 BECAUSE THEY BROUGHT THE ISSUE TO ME

7 THE COURT ALL RIGHT WELL, I'LL LEAVE IT BACK
8 TO WHERE WE INDICATED THAT YOU ALL HAVE THE MEANS OF
9 FOLLOWING THE PROCEDURES FOR TRYING TO GET THAT
10 TESTIMONY AND DEAL WITH -- THAT'S HOW WE LEFT IT
11 BEFORE AND IT'S MY UNDERSTANDING, YOU -- YES, SIR

12 MR MURDAUGH MAY I INQUIRE WHEN WE HAD THE
13 HEARING IN CHARLESTON, HE MADE INQUIRY ABOUT THE TAPES
14 AND WANTED TO SUBPOENA SOMEBODY AND I MADE THE
15 STATEMENTS THAT I WOULD HAVE THE TAPES AND THE
16 TRANSCRIPT THAT I HAD AVAILABLE

17 THE COURT YES, SIR

18 MR MURDAUGH AND IT IS MY -- BASED UPON THAT
19 CONVERSATION -- AND I TOLD HIM THAT I WOULD INTRODUCE
20 THEM

21 THE COURT YES SIR

22 MR MURDAUGH BASED UPON THAT, I INTEND TO PUT IN
23 THE CALL THAT STRAWBERRY WASHINGTON MADE TO -- NOT TO
24 DISPATCH, BUT TO THE LAW ENFORCEMENT -- THE DISPATCH
25 RECORD AND THE 9-1-1 TAPE THAT WAS MADE BY STRAWBERRY

STATE VS ALKEBULANYAHH

1 WASHINGTON AFTER SHE HEARD THE SHOTS

2 IF -- IF HE DOESN'T WANT TO DO THAT, THEN I NEED
3 TO MAKE SOME DIFFERENT ARRANGEMENTS, BECAUSE I HAD
4 INTENDED TO DO THAT FOR HIM

5 MR ALKEBULANYAHH WELL, YOUR HONOR, I FEEL
6 DECEIVED AND IF I CAN HAVE THAT WITNESS HERE TO
7 TESTIFY, THEN I WILL BE ABLE TO GET THE TRANSCRIPT AND
8 THE TAPES INTO EVIDENCE MYSELF PROPERLY -- THE PROPER
9 PROCEDURE

10 THE COURT WELL, WHAT IS ---

11 MR ALKEBULANYAHH WITHOUT -- WITHOUT HIM HAVING
12 TO DO THAT I CAN DO THAT -- I CAN DO THAT BY BEING
13 ABLE TO ---

14 MR MURDAUGH I'LL STIPULATE THE TAPES

15 MR ALKEBULANYAHH --- PUT THE WITNESS ON THE
16 STAND AND CROSS EXAMINE THE WITNESS BUT I WOULD LIKE
17 TO PREFER TO BE ABLE TO CROSS EXAMINE THE PHYSICAL
18 WITNESS ITSELF

19 THE COURT WELL IT WAS YOUR IDEA THAT THEY
20 INTRODUCE THE TAPE YOU WERE THE ONE THAT REQUESTED
21 THAT THE STATE INTRODUCE THE TAPE

22 MR ALKEBULANYAHH AS I SAID ---

23 THE COURT NOBODY DECEIVED YOU IT WAS YOUR
24 REQUEST YOU ASKED THE STATE IF YOU INTRODUCE THE
25 TAPE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I WAS MADE TO BELIEVE THAT IT
2 WAS IMPOSSIBLE THAT THIS COURT OR ANYONE ELSE COULD
3 MAKE WAY TO WHERE I CAN HAVE THIS WITNESS PRESENT TO BE
4 CROSS EXAMINED AND THAT'S -- THAT'S WHAT THE
5 SITUATION WAS I APOLOGIZE TO THE COURT AT THAT
6 PARTICULAR TIME BUT THEN UPON FURTHER INVESTIGATING,
7 IT WAS BROUGHT TO MY ATTENTION IT'S A POSSIBILITY THAT
8 I COULD AND SHOULD HAVE THE RIGHT TO BE ABLE TO CROSS
9 EXAMINE THIS PARTICULAR WITNESS AND I ONLY WENT THAT
10 WAY BECAUSE I THOUGHT THERE WAS NO OTHER OPTION BUT
11 BEING THAT MY FIRST OPTION THAT I WANTED -- IF I COULD
12 HAVE IT THAT WAY THEN I WOULDN'T NEED THE ASSISTANCE
13 OF THE PROSECUTOR TO ALLOW ANYTHING TO BE STIPULATED,
14 BECAUSE I'M DOING THROUGH THE PROPER PROCEDURE IN THE
15 COURT PROCEEDINGS

16 THE COURT YES, SIR

17 MR ALKEBULANYAHH IT IS POSSIBLE

18 THE COURT YES, SIR

19 MR KELLY YOUR HONOR, IF IT PLEASE THE COURT
20 THE LADY WHO S THE DISPATCHER, I BELIEVE SHE RESIDES
21 OUT OF STATE WE DISCUSSED THIS WITH THE DEFENDANT
22 WE TOLD HIM THAT SHE WAS OUT OF STATE AND THAT WE
23 BELIEVED THAT THE PROCESS BY WHICH SHE COULD BE ABLE
24 TO BE SERVED A SUBPOENA IS A COMPLICATED PROCESS, AND
25 THAT HE WOULD NEED THE ASSISTANCE OF THE BENCH IN ORDER

1 TO ACTUALLY ACCOMPLISH THAT

2 THE COURT YES, SIR

3 MR KELLY IT'S OUR ---

4 THE COURT MAKE AN ORDER, FIND THAT YOU THINK

5 IT'S A NECESSARY PERSON, ETCETERA, ETCETERA

6 MR KELLY YES, SIR

7 THE COURT AND THEN ---

8 MR KELLY YOUR HONOR, WE DID NOT -- I WILL TELL
9 YOU FRANKLY FOR THE RECORD, THAT THE COUNSEL ON STAND-
10 BY DO NOT BELIEVE SHE'S AN ESSENTIAL PERSON I DON'T
11 KNOW -- I DON'T KNOW WHAT THAT OFFERING WOULD BE BUT
12 IT APPEARS TO ME THAT THE ONLY THING THAT COULD BE
13 OFFERED IN COURT WOULD BE HER WORDS, WHICH ARE ON THE
14 TAPE AND WAS TRANSCRIBED

15 I ASSUME THAT THE DEFENDANT MUST BE SAYING THAT
16 SHE DIDN'T SAY THOSE WORDS I CAN'T IMAGINE WHAT ELSE
17 IT WOULD BE

18 AND, THEREFORE, YOUR HONOR WITH ALL RESPECT, I
19 THINK BEFORE WE GET THE SUBPOENA TO GET SOMEBODY FROM
20 OUT OF STATE, WE WOULD NEED TO KNOW WHAT IS THE
21 ESSENTIAL NEED ON THE PART OF THE DEFENDANT

22 AS WE'VE SAID PREVIOUSLY, YOUR HONOR, WE WILL DO
23 WHAT THE COURT ORDERS US TO DO

24 THE COURT YES, SIR

25 MR KELLY BUT IN A SITUATION SUCH AS THIS, THE

STATE VS ALKEBULANYAHH

1 BENCH IS GOING TO HAVE TO COME FORWARD AND HELP US
2 ACCOMPLISH THIS MATTER

3 MR ALKEBULANYAHH YOUR HONOR, MAY I?

4 THE COURT YES, SIR I DON'T WANT TO GET INTO A
5 DISCUSSION ABOUT WHAT -- WHAT YOU ALL'S DISCUSSIONS
6 WERE THE QUESTION IS WHAT WOULD BE THE ABILITY TO
7 GET THIS WITNESS HERE IF NECESSARY? AND WHEN YOU SAY
8 YOU NEED THE ASSISTANCE OF THE COURT, IF A MOTION IS
9 FILED AND IT'S APPROPRIATE TO GRANT THE MOTION, THEN
10 THAT'S WHAT HAPPENS

11 AND IF YOU NEED -- HE NEEDS THE ASSISTANCE OF
12 GETTING THE WITNESS, YOU FILE THE MOTION IF THE COURT'S
13 ASSISTANCE IS NEEDED TO MAKE A FINDING ABOUT THAT
14 PERSON, WHETHER OR NOT -- I'LL MAKE THE FINDING ABOUT
15 WHETHER I THINK IT'S NECESSARY OR NOT BUT IT HAS TO
16 BE DONE BY A MOTION, DOES IT NOT?

17 MR KELLY YES, SIR AND UNDER OUR RULES, WE
18 COULD MAKE THAT MOTION AS I'M DOING IT NOW AND I AM
19 MAKING THAT MOTION INTO THE RECORD YOUR HONOR, IN THE
20 SITUATION WHICH WE FIND OURSELVES, THERE'S NO NEED FOR
21 PAPER IN SUCH A MATTER

22 MR ALKEBULANYAHH MAY I, YOUR HONOR?

23 THE COURT YES, SIR

24 MR ALKEBULANYAHH THE DEFENDANT JUST KNOWS AND
25 FEELS THAT THIS PARTICULAR WITNESS IS PERTINENT TO THE

STATE VS ALKEBULANYAHH

1 DEFENSE OF THE DEFENDANT, BECAUSE THIS PARTICULAR
2 WITNESS WITHOUT A SHADOW OF A DOUBT TO THE DEFENSE THAT
3 CAN SHOW OTHERWISE THAT THIS IS NOT -- OR SHOULD NOT
4 HAVE BEEN A MURDER CASE

5 (PAUSE)

6 THE COURT WHO IS THAT WITNESS?

7 MR ALKEBULANYAHH JENNIFER KELLY

8 THE COURT AND WHO IS MR MONK?

9 MR ALKEBULANYAHH HE'S A OFFICER, A DEPUTY

10 THE COURT I DON'T EVEN SEE THAT WE DISCUSSED
11 THAT PARTICULAR WITNESS AT THE HEARING WE DISCUSSED
12 MR MONK

13 MR ALKEBULANYAHH THEY DISCUSSED ---

14 THE COURT I DON'T EVEN KNOW THAT YOU RAISED
15 THAT

16 MR ALKEBULANYAHH THEY DISCUSSED -- IF I RECALL,
17 I THINK MR KEENAN AND ANOTHER AGENT, I THINK THEY ARE
18 CIA OR DEA

19 THE COURT YOU SAID YOU WOULD ---

20 MR ALKEBULANYAHH BUT IN -- IN REFERENCE TO MS
21 JENNIFER KELLY, PER SE, I DON'T THINK WE BROUGHT UP HER
22 NAME AT THAT TIME

23 THE COURT NO, THERE WAS NO DISCUSSION

24 MR ALKEBULANYAHH EXACTLY I DIDN'T SAY I
25 DISCUSSED IT WITH THE COURT I DISCUSSED IT ---

STATE VS ALKEBULANYAHH

1 THE COURT WELL, THE PROBLEM IS YOU TELL ME NOW
2 AS IF YOU HAVE THIS PROBLEM AND I'M ALWAYS ASKING
3 YOU, WHAT DO WE NEED TO TAKE CARE OF?

4 I'M LOOKING AT THE TRANSCRIPT ALL YOU DID WAS
5 JUMP RIGHT TO THE FACT, I WOULD LIKE TO ASK THE COURT
6 TO STIPULATE AND PUT INTO EVIDENCE THE DISPATCH
7 TRANSCRIPT AND TAPES, BECAUSE THIS PARTICULAR WITNESS
8 WAS THE ONE THAT RECEIVED THE 9-1-1 CALL

9 MR ALKEBULANYAHH BECAUSE I WAS UNDER ADVISEMENT
10 THAT IT WOULD BE IMPOSSIBLE FOR -- FOR THIS COURT TO BE
11 ABLE TO HAND DOWN ANY ASSISTANCE OR ANY -- ANY -- ANY
12 MATTER -- OR BE -- OR I WOULD BE ABLE TO BRING THIS
13 PARTICULAR WITNESS IN AND THIS PARTICULAR WITNESS IS
14 -- AS I SAID, YOU KNOW, THIS PARTICULAR WITNESS CAN
15 CHANGE THE COURSE OF WHETHER THIS BEING A MURDER CASE

16 THE COURT WELL, WHERE IS THIS WITNESS AT?

17 MR KELLY YOUR HONOR, MAY IT PLEASE THE COURT
18 IF IT'S IN THE TRANSCRIPT -- IN ORDER TO FIND ANY
19 DISCUSSION OF THE WITNESS, YOU WOULD HAVE TO LOOK IN
20 THE RECORD PRIOR TO WHERE YOU'RE LOOKING NOW IT WAS
21 AFTER THE DISCUSSION THAT TOOK PLACE THAT HE MADE THE
22 MOTION

23 THE COURT AFTER WHICH PART? I'M NOT SURE I SEE
24 IT

25 MR KELLY YOUR HONOR WHERE HE -- WHERE THE

STATE VS ALKEBULANYAHH

1 DEFENDANT SPOKE INTO THE RECORD SAYING THAT HE
2 REQUESTED THE STIPULATION

3 THE COURT YES RIGHT

4 MR KELLY IS AFTER HE HAD BROUGHT THE ISSUE
5 FORWARD ABOUT THIS WITNESS, AND WISHED TO HAVE IN
6 COURT

7 THE COURT SO THAT STATEMENT WAS AFTER THAT?

8 MR KELLY THE ONE THAT YOU'RE REFERRING TO

9 THE COURT SO I NEED TO LOOK EARLIER IN THE
10 TRANSCRIPT?

11 MR KELLY CORRECT, YOUR HONOR THAT'S MY
12 RECOLLECTION THE STIPULATION OF THE RECORD WAS THE
13 RESOLUTION OF THE MATTER

14 (PAUSE)

15 THE COURT WHILE I'M DOING THIS, DID YOU SEND
16 SOMEONE BACK TO CALL YOUR WITNESSES? I DON'T WANT TO
17 DELAY THAT ANY LONGER WHATEVER WITNESSES YOU'RE GOING
18 TO NEED AFTER LUNCH YOU NEED TO GET SOMEONE WORKING ON
19 THAT ---

20 MR MURDAUGH NO, SIR I HAVEN'T

21 THE COURT --- WHILE WE'RE TALKING ABOUT THESE
22 OTHER ISSUES

23 WHY WOULD THAT NOT BE APPROPRIATE IF THIS PERSON
24 WHO RECEIVED THIS INFORMATION -- IF THE INFORMATION
25 MIGHT NOT BE CORRECT, I'M NOT SURE WHY IT WOULD NOT BE

STATE VS ALKEBULANYAHH

1 APPROPRIATE

2 MR KELLY I HAVE NO ANSWER TO THAT, YOUR HONOR

3 THERE'S NO INDICATION TO COUNSEL THAT THE TAPE ---

4 THE COURT HOLD ON A SECOND I THINK THAT ---

5 (PAUSE)

6 THE COURT ALL RIGHT WHAT'S THE STATE'S

7 POSITION ON THAT? I MEAN, I THINK THAT HE MAY -- THEY

8 CAN GET THE PERSON HERE

9 MR STONE EXACTLY WE HAD TO SUBPOENA OUT OF

10 STATE WITNESSES WE WENT THROUGH THE PROCEDURE TO DO

11 THAT, AND WE HAVE DONE THAT THEY CAN CERTAINLY DO THE

12 SAME THING

13 I WILL TELL YOU, JUST FOR YOUR KNOWLEDGE OF THE

14 SITUATION JENNIFER KELLY IS THE FIRST VOICE ON THE --

15 ON THE ENTIRE TAPE, THAT WAS THE PROCESS -- THAT WAS

16 THE MATERIAL THAT WE HAD NOT PLANNED ON PUTTING IN, BUT

17 WILL IN ACCOMMODATION OF HIM SHE IS ACTUALLY

18 RECEIVING THE CALL FROM THE SHERIFF'S DEPARTMENT THE

19 NEXT CALL IS THE 9-1-1 ---

20 THE COURT WELL, DO YOU PLAN TO HAVE MS KELLY

21 HERE?

22 MR STONE I DO NOT I THINK EVERYTHING

23 FALLS UNDER GWEN DUHON, WHO IS THE COMMUNICATIONS

24 CHIEF, AND SHE -- ALL OF THIS OPERATES OUT OF THE SAME

25 ROOM THE SAME COMMUNICATION SYSTEM AND SHE CAN

STATE VS ALKEBULANYAHH

1 TESTIFY TO HOW ALL THESE CALLS COME IN THROUGH
2 DISPATCH

3 SO MY INTENTION WAS TO PUT GWEN DUHON UP TO COVER
4 ALL OF THIS

5 THE COURT WHERE IS MS KELLY AT?

6 MR ALKEBULANYAHH MAINE AND ---

7 THE COURT ARE YOU ALL FAMILIAR WITH THE
8 PROCEDURE -- YOU CAN GO OVER WITH HIM THE PROCEDURE FOR
9 DOING THAT

10 MR KELLY YES, YOUR HONOR

11 MR ALKEBULANYAHH YOUR HONOR MY INTENTION IS --
12 THE DEFENSE POSITION IS MS KELLY IS THE PRIMARY
13 RESPONSIBLE PERSON FOR THE LIFE OF THE DEPUTIES BEING
14 TAKEN, AND THAT'S MY POSITION

15 THE COURT ALL RIGHT

16 MR ALKEBULANYAHH SHE'S THE NUMBER ONE PRIMARY

17 THE COURT YOU ASKED THAT THE TAPE BE STIPULATED
18 INTO EVIDENCE

19 MR ALKEBULANYAHH WELL ---

20 THE COURT SO THAT TAPE WILL BE IN EVIDENCE WITH
21 THAT CONVERSATION IN IT AND YOU WANT HER HERE TO SAY
22 THAT THAT WAS NOT THE CONVERSATION?

23 MR ALKEBULANYAHH YES, IF SHE WAS HERE, THE
24 TAPES WOULD BE INTO EVIDENCE WHEN SHE GET HERE, BECAUSE
25 I TAKE THE NECESSARY PROCEDURE I THINK I'M COMPETENT,

STATE VS ALKEBULANYAHH

1 I WILL BE ABLE TO GET THE TAPES INTO EVIDENCE BY HER
2 BEING HERE BUT BY HER PHYSICALLY BEING HERE ---

3 THE COURT THE STATE CAN MOVE THOSE TAPES IN
4 EVIDENCE

5 MR ALKEBULANYAHH NO THE STATE -- BUT THE
6 STATE -- THE STATE DON'T WANT MS JENNIFER KELLY TO BE
7 THERE TO ATTEST WHETHER THAT'S THE ACTUAL CONVERSATION
8 AND WHAT TRANSPIRED, THAT'S WHY THEY SAY THEY DIDN'T
9 WANT HER -- THEY WASN'T GOING TO SUBPOENA HER OR BRING
10 HER IN THE COURTROOM, BECAUSE -- I THINK THE STATE IS
11 AWARE -- THIS IS SPECULATION -- THAT SHE IS RESPONSIBLE
12 FOR THE DEATH -- THE LOSS OF LIFE OF THE TWO OFFICERS,
13 AND THAT'S WHY THEY DON'T WANT HER HERE

14 THE COURT WELL, BUT THEY'RE GOING TO TRY --
15 THEY'RE GOING TO MOVE THESE TAPES IN BASED ON THE FACT
16 THEY'RE GOING TO HAVE THE PERSON HERE TO TESTIFY THESE
17 ARE THE 9-1-1 TAPES THAT HAVE COME IN, AND WE MAINTAIN
18 THESE, THESE ARE PART OF OUR RECORDS, ETCETERA

19 MR ALKEBULANYAHH IF ---

20 THE COURT PLUS YOU ALREADY STIPULATED THAT YOU
21 WANTED THOSE IN SO I'M KIND OF AT A LOSS, BUT I DON'T
22 SEE A PROBLEM WITH AUTHORIZING -- STARTING THAT
23 PROCESS BUT YOU KNOW, THEY JUST DIDN'T -- DIDN'T YOU
24 ALL JUST DO ONE A DAY OR TWO AGO?

25 MR MURDAUGH YESTERDAY, SIR

STATE VS ALKEBULANYAHH

1 THE COURT THEY JUST STARTED ONE YESTERDAY

2 MR ALKEBULANYAHH MS KELLY -- IN MY BELIEF, MS
3 KELLY PERHAPS WOULD BE -- GET UP ON THE STAND -- GET UP
4 ON THE STAND ---

5 THE COURT I'M GRANTING YOUR REQUEST

6 MR ALKEBULANYAHH AND -- YES, SIR AND JUST
7 TESTIFY ---

8 THE COURT WHEN YOU WIN, YOU WIN YOU STOP

9 MR ALKEBULANYAHH OKAY THANK YOU

10 THE COURT THAT'S A CARDINAL RULE IN THE COURT

11 MR ALKEBULANYAHH THANK YOU YOUR HONOR

12 THE COURT YOU STOP I'M JUST GIVING YOU SOME
13 ADVICE

14 MR ALKEBULANYAHH THANK YOU YOUR HONOR

15 THE COURT I'LL GRANT THAT REQUEST GIVE ME THE
16 APPROPRIATE PAPERWORK TO GET THAT PROCESS GOING IF
17 YOU NEED THE FORMS, THE STATE HAS GOT SOME FORMS THAT
18 THEY CAN LOAN YOU TO EXPEDITE THE PROCESS

19 MR ALKEBULANYAHH THANK YOU YOUR HONOR

20 THE COURT ALL RIGHT WHAT AMOUNT OF TIME DO WE
21 NEED ABOUT GETTING HERE, ETCETERA, OR AT LEAST TO GET
22 STARTED?

23 MR MURDAUGH YOUR HONOR, I THINK 2 30 WOULD BE
24 AMPLE I'VE GOT TO GET ONE FROM COLUMBIA AND ONE FROM
25 CHARLESTON WE ARE TALKING ABOUT TWO MOTIONS TO

STATE VS ALKEBULANYAHH

1 SUPPRESS AND ONE BASED ON THE SEARCH WARRANT OF THE
2 HOUSE AND THE OTHER ---
3 THE COURT AND I LEFT OPEN THE OTHER ISSUE ABOUT
4 THE GUN
5 MR MURDAUGH YES, SIR SCOTT JOHNSON -- I HAVE
6 HIM AVAILABLE WE CAN START THAT AT -- ANY TIME
7 THE COURT ALL RIGHT
8 MR MURDAUGH NOW
9 MR ALKEBULANYAHH YOUR HONOR ---
10 THE COURT WELL I'M GOING TO BREAK FOR LUNCH
11 MR MURDAUGH YES, SIR
12 MR ALKEBULANYAHH YOUR HONOR, JUST ONE MORE
13 THING IF WE -- WE ARE TO RETURN BACK TO THE COURT, IS
14 IT POSSIBLE THAT THE DEFENDANT -- THE DEFENDANT CAN
15 COME BACK ABOUT 15 MINUTES TO A HALF HOUR BEFORE?
16 THE COURT I'LL INSTRUCT THEM TO LET THEM IN
17 EARLY SO, YEAH
18 MR ALKEBULANYAHH THERE ARE SOME THINGS I WANT
19 TO DISCUSS WITH THEM
20 THE COURT WHAT TIME -- A QUARTER UNTIL 2 00
21 O'CLOCK? CAN YOU ALL BRING HIM BACK IN THE COURTROOM
22 AT 2 00 O'CLOCK PLEASE THEY'LL BRING YOU BACK IN AT
23 2 00 O'CLOCK
24 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
25 THE COURT ALL RIGHT WE'LL BE ADJOURNED UNTIL

STATE VS ALKEBULANYAHH

1 2 30

2 (PAUSE)

3 THE COURT I DIDN'T FINISH ANSWERING YOUR
4 QUESTION THAT'S ALL I KNOW THAT'S OUTSTANDING IS
5 THERE ANYTHING ELSE OUTSTANDING?

6 MR MURDAUGH I'M NOT AWARE OF ---

7 MR ALKEBULANYAHH I -- I -- I HAVEN'T SEEN
8 ANYTHING ELSE, YOUR HONOR

9 THE COURT ALL RIGHT

10 MR MURDAUGH JUST A SECOND

11 (PAUSE)

12 MR MURDAUGH YOUR HONOR PLEASE THERE IS ONE
13 OTHER MATTER LASSANDRA YOUNG, I RELEASED HER, PUT HER
14 BACK ON THERE I NOW HAVE GOT MILDRED FIELDS, AND I
15 CAN RELEASE HER SO SHE CAN ASSIST THE CLERK

16 THE COURT ALL RIGHT YOU DON'T HAVE ANY PROBLEM
17 WITH THAT DO YOU?

18 MR ALKEBULANYAHH LASSANDRA YOUNG?

19 MR MURDAUGH LASSANDRA YOUNG, WHO WILL TESTIFY
20 TO YOUR CONVICTION IN BEAUFORT COUNTY

21 THE COURT YOU'RE ASKING SOMEONE ELSE TO DO THAT?

22 MR MURDAUGH YES, SIR, I'M GOING TO ASK MILDRED
23 FIELDS

24 THE COURT HE'S JUST PULLING SOMEONE OUT OF THE
25 CLERK'S OFFICE TO SAY THIS IS THE OFFICIAL RECORD

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH ABOUT MY CONVICTIONS?

2 THE COURT WELL, IF THAT COMES IN, ETCETERA BUT
3 WHAT HE WANTS TO DO IS PUT ANOTHER PERSON FROM THE
4 OFFICE IN AND LET GO THE ONE HE WAS GOING TO HAVE DO
5 IT

6 MR ALKEBULANYAHH OKAY YES, SIR

7 THE COURT ANY PROBLEM WITH THAT?

8 MR ALKEBULANYAHH I DON'T HAVE A PROBLEM WITH
9 THAT

10 THE COURT OKAY SO LASSANDRA YOUNG IS RELEASED
11 FROM HER SUBPOENA AND YOU'RE NOW GOING TO USE ANOTHER
12 PERSON?

13 MR MURDAUGH YES, SIR

14 THE COURT ALL RIGHT

15 MR MURDAUGH THE REASON FOR THAT IS WE'VE GOT
16 TWO COURTS NEXT WEEK, AND SHE NEEDS TO BE IN ONE OF THE
17 TWO -- IN THIS COURT, AND JONI NEEDS TO BE IN THE
18 OTHER

19 THE COURT ALL RIGHT

20 MR ALKEBULANYAHH YOUR HONOR, I JUST WANT TO
21 BRING AN ISSUE UP AND THE TIME PASS BEFORE YOU
22 ARRIVED DOWN IN THE BEAUFORT COUNTY AREA, ABOUT THE
23 SEATING ARRANGEMENT FOR MY FAMILY PERHAPS YOU COULD
24 CONSIDER THAT AND BRINGING THAT BACK UP AT ANOTHER
25 TIME

STATE VS ALKEBULANYAHH

1 THE COURT OH, HOW MANY FAMILY MEMBERS DO YOU
2 HAVE?

3 MR ALKEBULANYAHH WELL, I WAS LOOKING FOR
4 SOMEWHERE BETWEEN 25 TO 40

5 THE COURT WELL, GENERALLY, I JUST LET EVERYONE
6 SIT WHERE EVER THEY WANT THERE ISN'T SEATING
7 ARRANGEMENTS FOR ANYONE EXCEPT THE FIRST TWO ROWS ARE
8 CLOSED OFF FOR SECURITY PURPOSES I ALWAYS DO THAT

9 MR ALKEBULANYAHH COULD I HAVE THREE ROWS?

10 THE COURT HAS THERE BEEN ANY PROBLEM WITH ANYONE
11 FINDING SEATS?

12 MR ALKEBULANYAHH YES

13 THE COURT WHEN WAS THAT?

14 MR ALKEBULANYAHH BEFORE -- THAT WAS WHEN, YOU
15 KNOW, THEY TRIED TO COME DOWN LIKE PRELIMINARY HEARING
16 AND DIFFERENT EVENTS THE COURTROOM WAS -- THE
17 CAPACITY WAS SO LARGE THAT MY FATHER AND MY SISTER
18 THEY WASN'T EVEN ABLE TO GET UP BECAUSE THE DEPUTIES
19 WOULDN'T LET THEM UP, SAYING THERE -- THEY WOULDN'T --
20 THEY WOULDN'T BE ABLE TO GET IN -- INTO THE COURTROOM
21 SO THEY WAS TURNED BACK SO I WANT TO MEDIATE THAT
22 PROBLEM AS FAR AS -- ESPECIALLY MY BEING ---

23 THE COURT WAS THAT IN A SMALL COURTROOM THOUGH?

24 MR ALKEBULANYAHH IT WAS IN THIS -- I THINK THIS
25 VERY COURTROOM

STATE VS ALKEBULANYAHH

1 THE COURT THIS VERY COURTROOM?

2 MR MURDAUGH I WAS HERE, SIR AND THAT JUST IS
3 NOT A TRUE STATEMENT OF FACT, SIR THERE WAS PLENTY OF
4 ROOM IN HERE FOR ANYBODY THAT WANTED TO COME TO SEE

5 THE COURT ALL RIGHT

6 MR ALKEBULANYAHH YOUR HONOR ---

7 THE COURT WELL, WHAT I'LL DO IS WE'LL SEE HOW IT
8 GOES THE FIRST DAY OR TWO AND IF THERE'S A PROBLEM,
9 THEN I'LL ADDRESS IT OKAY?

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT I MEAN, I JUST ---

12 MR ALKEBULANYAHH I MEAN, IF THEY -- IF THEY
13 COME -- IF THEY COME TO SUPPORT ME, I WANT TO BE ABLE
14 TO AT LEAST BE ABLE TO COME FORTH AND THEY -- IF THEY
15 GET STOPPED BY ANY OF THE DEPUTIES AS THEY DID BEFORE,
16 WHICH ---

17 THE COURT NOBODY IS GOING TO BE STOPPED BECAUSE
18 THEY'RE ---

19 MR ALKEBULANYAHH BUT I MEAN, THEY WERE
20 PREVENTED THEY WAS SAID THE COURTROOM IS FILLED TO
21 CAPACITY, THERE'S NO MORE

22 THE COURT WELL, IF THE COURTROOM IS FILLED,
23 THAT'S A DIFFERENT THING

24 MR ALKEBULANYAHH THAT'S WHAT I'M SAYING

25 THE COURT THEY NEED TO GET HERE EARLY ENOUGH TO

STATE VS ALKEBULANYAHH

1 GET A SEAT

2 MR ALKEBULANYAHH RIGHT WHEN THEY -- WHEN THEY
3 -- WHEN THE COURT DID -- THERE'S A LOT OF PEOPLE I
4 GUESS WANT TO SEE WHAT'S GOING ON

5 THE COURT BUT THERE'S A LOT OF PEOPLE ON EACH
6 SIDE OF THE CASE THAT WANT TO SEE

7 MR ALKEBULANYAHH RIGHT

8 THE COURT SO IF I SET ASIDE A CERTAIN AMOUNT,
9 THEN THEY MAY NOT GET A CERTAIN AMOUNT IF I DO FOR
10 YOU, I HAVE TO DO IT FOR THEM AND WHAT I'D LIKE TO DO
11 IS SEE HOW IT GOES FOR THE FIRST DAY OR TWO IF YOU
12 FIND THAT THEY'RE HAVING PROBLEMS, THEN I'LL ADDRESS
13 IT OKAY?

14 MR ALKEBULANYAHH OKAY

15 THE COURT I MEAN THAT SEEMS FAIR TO ME IF
16 THERE'S NO PROBLEM ---

17 MR ALKEBULANYAHH AT LEAST COULD I GET A ROW?

18 THE COURT A WHAT?

19 MR ALKEBULANYAHH A ROW? BECAUSE I HAVE MY
20 FATHER AND MY MOTHER AND THEM THEY -- THEY HAVE
21 DIFFERENT TYPE OF SCHEDULES AND I KNOW MY FATHER IS
22 LIKE A MAINTENANCE SUPERVISOR WITH A BUSINESS IN
23 BEAUFORT AND HE MAY BE COMING OUT OF HIS BUSINESS AND
24 COMING IN BECAUSE HE'S A BUSY PERSON BUT I KNOW HE
25 HAS ASKED ME TO MAKE SURE IF IT'S POSSIBLE THAT HE COME

STATE VS ALKEBULANYAHH

1 AFTER HE FINISH DOING HIS TASK FOR THESE PEOPLE THAT HE
2 SUPERVISE AND WORK FOR, THAT HE BE ABLE TO, YOU KNOW,
3 GET IN AND SHOW SOME SUPPORT

4 THE COURT I'LL TELL YOU WHAT THE THIRD ROW ON
5 THIS SIDE WILL BE FOR ANYONE IN THE FAMILY THE THIRD
6 ROW WILL BE ANYONE FROM YOUR FAMILY ALL RIGHT? THIRD
7 ROW THEN ANYONE ELSE CAN SIT ANYWHERE THEY WANT,
8 EXCEPT THE PRESS YOU STAY IN THE BACK CORNER

9 IF THE FAMILY DOESN'T WANT TO SIT THERE, THEY CAN
10 SIT WHERE EVER THEY WANT OF COURSE

11 ALL RIGHT THANK YOU 2 30

12 (COURT IS IN RECESS FOR LUNCH)

13 MR MURDAUGH WITH THE COURT'S PERMISSION COULD
14 I -- THE ORDER THAT WE HAVE THESE -- DO THE BALANCE OF
15 THE ONE ON THE GUN ITSELF WHICH WOULD BE SCOTT
16 JOHNSON THE FANNY PACK THAT WAS TAKEN FROM HIM WHEN
17 HE WAS ARRESTED AND THEN THE 21 RILEY ROAD SEARCH
18 WARRANT

19 THE COURT THAT'S FINE

20 MR MURDAUGH MY REASON FOR THAT, SIR, ONE OF MY
21 AGENTS HAD A BUSTED OR BLEW OUT A TIRE AND THEY'RE
22 GOING TO GET HIM

23 THE COURT ALL RIGHT THAT'S FINE BEFORE WE
24 GET STARTED, I'M THINKING ABOUT YOUR REQUEST MR
25 ALKEBULANYAHH WHEN I WAS ASKED BEFORE ABOUT HOLDING

STATE VS ALKEBULANYAHH

1 COURT ON SATURDAY, WHY DIDN'T YOU BRING THAT TO MY
2 ATTENTION?

3 MR ALKEBULANYAHH I DIDN'T ---

4 THE COURT THE SOLICITOR SPECIFICALLY ASKED IF I
5 WAS GOING TO BE HOLDING COURT ON SATURDAY

6 MR ALKEBULANYAHH I DIDN'T -- I DIDN'T -- I
7 DIDN'T -- I DIDN'T HEAR I WASN'T, YOU KNOW -- AT THE
8 TIME, I DON'T THINK IT WAS DURING THE PROCESS OF ---

9 THE COURT MY PROBLEM ---

10 MR ALKEBULANYAHH --- COURT ITSELF

11 THE COURT THE PROBLEM WE'RE LOOKING AT -- I
12 MEAN, THAT DOESN'T MEAN I'VE MADE UP MY MIND BUT, YOU
13 KNOW, WE ALLOCATED A CERTAIN TIME FOR THIS CASE AND
14 IT SEEMS TO ME THAT WE'RE GOING TO NEED EVERY MINUTE OF
15 THAT TIME BASED ON THE NUMBER OF WITNESSES AND THE
16 WEEK AFTER I HAVE ALLOCATED FROM THE TIME OF THIS CASE
17 -- I HAVE SEVERAL COMPLEX CASES THAT ARE ALL BEING
18 RESOLVED TOGETHER DURING THAT WEEK, THAT THEY'RE ALL
19 WAITING -- PLANNING TO DO THAT WEEK

20 AND TELL ME EXACTLY -- I'M NOT GOING TO HEAR
21 ARGUMENTS NOW, BECAUSE I WANT TO LOOK INTO IT BUT
22 TELL ME EXACTLY WHAT YOUR RELIGIOUS PREFERENCE IS AND
23 WHAT IT REQUIRES ---

24 MR ALKEBULANYAHH YOUR HONOR ---

25 THE COURT --- FROM YOUR PERSPECTIVE?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR YOUR HONOR, I'M ---
2 THE COURT I DON'T WANT TO HEAR ARGUMENTS ON THE
3 MOTION I JUST WANT TO UNDERSTAND WHAT YOUR RELIGION
4 IS AND WHAT IT REQUIRES OF YOU OKAY?
5 MR ALKEBULANYAHH I'M JUST GOING TO STATE FOR
6 THE RECORD THAT I'M HEBREW, AND MY RELIGION IS
7 YAHWEHISM AND IT WOULD JUST CONFLICT WITH THE
8 PRACTICE OF -- IN DIFFERENCE TO THE VIOLATION OF -- OF
9 MY RELIGIOUS BELIEF AS FAR AS THE HOLY SABBATH IS
10 CONCERNED, THE HOLY DAY TO GIVE REVERENCE TO MY GOD
11 THE COURT AND IT DOES NOT ALLOW YOU TO BE -- TO
12 DO -- WHAT DOES IT PRESCRIBE? CAN YOU DO ANYTHING ON
13 THAT DAY?
14 MR ALKEBULANYAHH NO IT DOESN'T -- JUST
15 BASICALLY IT'S NOT TO -- IT'S NOT REALLY ANYTHING THAT
16 I CAN DO ON THAT DAY
17 THE COURT I MEAN, IS THERE A PRESCRIPTION
18 AGAINST WORK?
19 MR ALKEBULANYAHH YES, IT IS IT'S -- IT'S --
20 IT'S EXCLUSIVELY AGAINST ANY TYPE OF WORK
21 THE COURT I UNDERSTAND THAT BUT WHY WOULD WORK
22 APPLY TO THIS CONTEXT?
23 MR ALKEBULANYAHH BECAUSE IN THIS CONTEXT, YOU
24 KNOW, I WOULD BE WORKING, YOU KNOW
25 THE COURT IS THAT WHAT ---

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I WOULDN'T BE ABLE TO FUNCTION
2 AND GIVE REVERENCE TO MY GOD ON THAT DAY LIKE I
3 NORMALLY DO I TAKE THAT DAY AND FAST

4 THE COURT WELL, WHAT IF I TRIED TO ACCOMMODATE
5 IN PART AND WE WORK ONLY PART OF THE DAY?

6 MR ALKEBULANYAHH THAT WOULDN'T BE SUFFICIENT TO
7 ME, YOUR HONOR

8 THE COURT WELL, I MEAN, I MIGHT HAVE TO BALANCE
9 AND TRY TO ACCOMMODATE EVERYBODY'S NEEDS AS FAR AS THE
10 SCHEDULING NEEDS OF THE COURT AND IF I OFFER YOU THAT
11 ALTERNATIVE, YOU CAN START THINKING ABOUT IT I
12 HAVEN'T MADE A DECISION, BUT I HAVE A PROBLEM AS FAR AS
13 OUR SCHEDULE IS CONCERNED AND THE TIME THAT WE'VE
14 ALLOCATED THIS CASE AND THAT WAS NEVER BROUGHT TO MY
15 ATTENTION BEFORE WHEN I BLOCKED AWAY THE TIME FOR THIS
16 CASE

17 MR ALKEBULANYAHH I DIDN'T -- I DIDN'T -- I
18 DIDN'T -- I DIDN'T THINK THAT YOU ADDRESSED ME ABOUT
19 IT IF YOU ADDRESSED THE PROSECUTOR, NO ONE ADDRESSED
20 ME DIRECTLY OR I WOULD HAVE BROUGHT IT TO YOUR
21 ATTENTION

22 THE COURT I DIDN'T ADDRESS THE PROSECUTOR HE
23 ASKED THE COURT

24 MR ALKEBULANYAHH HE DID WELL, I WASN'T
25 LISTENING TO HIM I WASN'T PAYING HIM NO ATTENTION

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT I CAN'T ---

2 MR ALKEBULANYAHH I MEAN, BECAUSE, YOU KNOW ---

3 THE COURT I CAN'T BE RESPONSIBLE FOR WHEN YOU
4 DON'T LISTEN OKAY? I'M NOT CRITICIZING YOU I'VE
5 NOT MADE A DECISION

6 MR ALKEBULANYAHH WELL ---

7 THE COURT BUT IT'S IMPORTANT THAT YOU LISTEN,
8 BECAUSE HE SPECIFICALLY ASKED ME ABOUT SCHEDULING
9 PURPOSES

10 MR ALKEBULANYAHH AND DID YOU SAY YOU WOULD AT
11 THAT TIME?

12 THE COURT YES, I DID I SAID I PLANNED ON
13 WORKING THAT TIME, YES

14 MR ALKEBULANYAHH AGAIN AS I STATE, YOUR HONOR,
15 IT WOULD CONFLICT WITH MY RELIGIOUS BELIEF

16 THE COURT I'M NOT GOING TO -- WELL ---

17 MR ALKEBULANYAHH WELL, I'M NOT MAKING NO
18 ARGUMENT TO IT, I MEAN I'M JUST SAYING I'M NOT -- I'M
19 NOT -- PERSONALLY I'M NOT GOING TO ---

20 THE COURT I UNDERSTAND I'M GOING TO DO WHAT I
21 CAN TO ACCOMMODATE IT'S NOT THAT I'M OPPOSED TO THAT
22 BUT THE PROBLEM IS I HAVE TO MAKE A DECISION TO BALANCE
23 THE -- ALL COMPETING NEEDS, YOUR RIGHT TO EXERCISE YOUR
24 RELIGIOUS PREFERENCES, WHICH I GREATLY RESPECT

25 MR ALKEBULANYAHH THANK YOU

STATE VS ALKEBULANYAHH

1 THE COURT SECONDLY, THOUGH, I HAVE TO RECONCILE
2 THE INTEREST OF THE SYSTEM, THE -- THE INTEREST OF
3 FINISHING THIS CASE AND IT'S NOT JUST FINISHING THIS
4 CASE IF I COULD HAVE BUILT THAT INTO THE CALCULATION
5 THAT WE WOULD NOT BE WORKING THAT TIME, THEN THESE
6 OTHER CASES THAT WERE SCHEDULED WOULD NOT HAVE BEEN
7 PLANNED THAT WAY I WOULD HAVE -- WHEN I -- WE HAD A
8 DISCUSSION IN COURT ABOUT WHETHER OR NOT WE THOUGHT
9 THIS CASE WOULD TAKE THREE WEEKS IF I HAD KNOWN THAT,
10 THEN I PROBABLY WOULD HAVE ALLOCATED FOUR WEEKS TO IT

11 SECONDLY, BASED ON THAT INFORMATION TOO -- OR THAT
12 GAME PLAN, LET'S JUST CALL IT THAT -- THE JUROR
13 ARRANGEMENTS HAVE BEEN MADE AND WE'VE HAD A GREAT
14 DEAL OF DIFFICULTY IN TRYING TO GET ROOMS FOR THESE
15 JURORS

16 ONE OF THE REASONS THAT WE ARE STARTING TOMORROW
17 IN FACT IS BECAUSE WE HAVE NO WAY OF GETTING ROOMS FOR
18 THE JURORS TONIGHT AND THOSE ARRANGEMENTS FOR THE
19 JURORS WERE MADE I THINK AFTER OUR LAST HEARING
20 PERHAPS I'M NOT SURE, THE CLERK'S NOT IN HERE BUT I
21 DON'T KNOW THAT THAT MATTERS

22 WHEN I HAVE TO BALANCE ALL THOSE NEEDS, IT MAY BE
23 THAT I HAVE TO CONSIDER WHATEVER THE LEAST RESTRICTIVE
24 ALTERNATIVE WILL BE IN ORDER TO ACCOMPLISH ALL OF THE
25 NEEDS, INCLUDING YOUR RIGHT TO YOUR RELIGIOUS

STATE VS ALKEBULANYAHH

1 PREFERENCE AND I DO -- YOU'LL JUST HAVE TO ACCEPT
2 WHAT I SAY I DO RESPECT THAT A LOT AND I HAVE TO
3 FIGURE OUT WHETHER OR NOT WE CAN COME UP WITH SOMETHING
4 THAT WILL RESOLVE ALL OF THIS

5 BUT I MAY HAVE TO INQUIRE OF THE CLERK OF COURT
6 ABOUT HOUSING ARRANGEMENTS FOR THESE JURORS THEY HAVE
7 ALREADY BEEN BOOKED INTO ROOMS FOR THAT PERIOD OF TIME
8 AND WE WOULD ACTUALLY BE LOSING -- UNDER THE GAME PLAN
9 -- SIX TRIAL DAYS AND THAT ADDS ANOTHER WEEK TO THIS
10 PROCEEDING, WHICH I HAVE NOT ALLOCATED TO THIS

11 FOR THE RECORD, THIS COURT PLANNED ON HOLDING
12 COURT SATURDAY AND SUNDAY, BUT WANTED TO COME UP WITH
13 SOME KIND OF A COMPROMISE TO ADDRESS EVERYONE'S
14 RELIGIOUS PREFERENCES INSOFAR AS JURORS ALSO AND
15 THAT'S AN INQUIRY I HAVEN'T MADE OF THE JURORS YET
16 ONCE THEY'RE SELECTED WE'RE JUST GOING TO DEAL WITH ANY
17 REQUEST THAT THEY HAD ABOUT THEIR RELIGIOUS PREFERENCES
18 ALSO

19 BUT I DON'T WANT TO -- LIKE I SAY, I DON'T WANT TO
20 HEAR ARGUMENTS NOW I HAVE REVIEWED SOME CASES THAT
21 INDICATE THAT THAT BALANCING PROCESS IS APPROPRIATE

22 BUT AT THE SAME TIME I'LL JUST HAVE TO GATHER MORE
23 INFORMATION ABOUT WHAT MY ALTERNATIVES ARE I JUST
24 WANTED TO UNDERSTAND MORE ABOUT THE EXACT PARAMETERS OF
25 YOUR RELIGIOUS REQUEST AND THAT -- IT'S YOUR OPINION

STATE VS ALKEBULANYAHH

1 THAT BEING IN COURT WOULD CONSTITUTE WORK UNDER YOUR
2 RELIGION?

3 MR ALKEBULANYAHH YES, SIR

4 THE COURT AND UNDER YOUR RELIGION YOU CAN'T DO
5 ANYTHING ON SATURDAY?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT STAY HOME?

8 MR ALKEBULANYAHH YES, SIR

9 THE COURT ALL RIGHT OKAY WHICH MATTER IS
10 GOING FIRST?

11 MR MURDAUGH YOUR HONOR, PLEASE, WITH YOUR
12 PERMISSION I'D LIKE TO TAKE UP THE MATTER OF THE
13 SUPPRESSION OF THE GUN, BECAUSE OF THE STATEMENT

14 THE COURT YES, SIR DO YOU HAVE A WITNESS?

15 MR MURDAUGH WE CALL SCOTT JOHNSON

16 THE COURT THIS IS A CONTINUATION OF A HEARING WE
17 HAD IN CHARLESTON COME FORWARD PLEASE, SIR

18 MR MURDAUGH YOUR HONOR, PLEASE, HE WILL NEED TO
19 BE SWORN

20 THE COURT YES, SIR

21 SCOTT JOHNSON, BEING FIRST
22 DULY SWORN, TESTIFIED AS FOLLOWS

23 THE COURT STATE YOUR NAME FOR THE RECORD

24 WITNESS SCOTT JOHNSON

25 THE COURT SPELL YOUR LAST NAME

STATE VS ALKEBULANYAHH

1 WITNESS J-O-H-N-S-O-N

2 THE COURT THANK YOU

3 DIRECT EXAMINATION BY MR. MURDAUGH.

4 Q MR JOHNSON, BY WHOM ARE YOU EMPLOYED?

5 A THE BEAUFORT COUNTY SHERIFF'S OFFICE

6 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED BY THEM?

7 A I'M A LIEUTENANT IN CHARGE OF THE SWAT TEAM AND
8 THE K-9 UNIT

9 Q OKAY, SIR DIRECTING YOUR ATTENTION TO JANUARY 8
10 2002, DO YOU RECALL THAT BEING THE DATE THAT THE TWO
11 OFFICERS WERE KILLED?

12 A YES, SIR, I DO

13 Q WERE YOU INVOLVED IN THE INVESTIGATION IN THAT
14 CASE?

15 A YES, SIR I WAS

16 Q WAS A PART OF YOUR DUTIES TO LOCATE THE GUN THAT
17 HE HAD?

18 A YES, SIR

19 Q AND TELL ME, HOW DID IT COME ABOUT THAT YOU
20 LOCATED -- WHAT DID YOU DO IN ORDER TO LOCATE THE GUN?

21 A SIR, WHAT I DID WAS I COMBINED ALL THE WITNESS AND
22 EVIDENCE INFORMATION, AND I CREATED A ROUTE THAT THE
23 DEFENDANT POSSIBLY COULD HAVE TAKEN

24 Q OKAY, SIR AND DO YOU HAVE IN YOUR POSSESSION NOW
25 A MAP ON WHICH THOSE WITNESSES AND ROUTES ARE

1 DESIGNATED?

2 A YES, SIR, I DO

3 Q AND MAY I ---

4 MR MURDAUGH MAY I APPROACH, JUDGE?

5 THE COURT YES, SIR

6 Q MAY I SEE THAT?

7 A YES, SIR

8 Q WILL YOU EXPLAIN FOR HIS HONOR WHAT YOU'RE TALKING

9 ABOUT THAT YOU LOOKED AT?

10 A DO YOU WANT ME TO STAND, SIR?

11 THE COURT THAT WILL BE FINE

12 Q WOULD YOU EXPLAIN TO HIM WHAT IT IS -- WHO YOU

13 INTERVIEWED AND WHAT YOU LOOKED FOR?

14 A YES SIR WHO I INTERVIEWED WAS KIM BLAKE,

15 CARMON, FRANKLIN AND HOLLOWAY

16 Q THAT'S MATTHEW CARMON JAMES HOLLOWAY AND CECIL

17 FRANKLIN?

18 A CECIL FRANKLIN, YES, SIR

19 Q OKAY, SIR

20 THE COURT HOLD ON A SECOND

21 WITNESS HOWEVER

22 THE COURT MR ALKEBULANYAHH, CAN YOU SEE?

23 MR ALKEBULANYAHH NO, SIR, I CAN'T SEE

24 MR MURDAUGH WOULD YOU WANT ME TO HOLD IT HERE?

25 THE COURT YES, IF YOU COULD HOLD IT UP LET HIM

STATE VS ALKEBULANYAHH

1 POINT THERE YOU GO THAT WILL BE GOOD OKAY

2 WITNESS YOUR HONOR, WHAT I DID WAS I TOOK 21
3 RILEY ROAD AND I ACTUALLY HAD KIM BLAKE WALK IT WITH
4 ME

5 Q FOR THE RECORD, SEE IF -- FOR THE RECORD, WHAT IS
6 21 RILEY ROAD?

7 A THAT IS THE INCIDENT LOCATION

8 Q OKAY

9 A SHE WALKED WITH ME ACROSS BROAD RIVER ROAD INTO A
10 SMALL PATCH OF WOODS, ACROSS DAWSON CAMP, ONTO VANITA
11 ROAD -- ONTO VANITA, INTO A MARSH AREA AND THEN THIS
12 IS WHERE SHE TURNED BACK SHE TOLD ME SHE TURNED BACK
13 AT -- BASICALLY OUT OF THE SITUATION AT THAT POINT

14 Q WHERE?

15 A I BELIEVE IT WAS VANITA ROAD -- 21 VANITA ROAD

16 Q THAT'S THE POINT THAT'S MARKED "C" ON THE MAP?

17 A YES, SIR, "C"

18 Q OKAY

19 A THEN WHAT I DID WAS, I TOOK THE ---

20 Q AT THAT POINT DO YOU KNOW ACCORDING TO THE
21 INFORMATION YOU HAD WHETHER OR NOT THE GUN WAS IN HIS
22 POSSESSION?

23 A YES, IT WAS, THROUGH FRANKLIN'S INTERVIEW

24 Q OKAY, SIR

25 A AND THEN FROM THERE, WITH THE INTERVIEW OF THE

1 WITNESS HOLLOWAY ON EVERGREEN, WHO SIGHTED THE SUSPECT
2 WITHOUT THE GUN, WHAT WE DID, WE JUST MAPPED THAT ROUTE
3 OUT, WHAT WE THOUGHT THAT HE TOOK AND THEN WHEN I
4 COMBINED THE INFORMATION, THAT'S WHERE I DIRECTED MY
5 K-9 UNIT AND MY SEARCH TEAM TO SEARCH FOR THE WEAPON

6 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD ASK
7 THAT THIS BE MARKED FOR THIS HEARING

8 THE COURT ALL RIGHT MARK IT FOR IDENTIFICATION
9 PURPOSES ONLY

10 (LARGE AERIAL VIEW OF CRIME SCENE MARKED FOR
11 IDENTIFICATION AS STATE'S EXHIBIT NO 1)

12 Q OKAY SIR NOW, AFTER YOU HAD ---

13 THE COURT THAT'S JUST FOR I D PURPOSES ONLY
14 IT'S NOT IN EVIDENCE IT'S JUST FOR PURPOSES OF THIS
15 HEARING

16 Q AFTER YOU HAD MAPPED OUT THE ROUTE AND HAD WALKED
17 WITH KIMBERLY BLAKE ---

18 A YES, SIR

19 Q WALKED WITH KIMBERLY BLAKE, DID YOU THEN SEARCH
20 THAT AREA?

21 A YES, SIR WHAT WE DID WAS WE ---

22 Q AND WOULD THAT HAVE BEEN ON THE 9TH?

23 A THE FIRST NIGHT THAT I WALKED WITH HER WAS ON THE
24 8TH, THE NIGHT OF THE INCIDENT

25 Q OKAY

1 A AND THEN THE NEXT DAY, THE 9TH, IS WHEN I PUT A
2 HASTY SEARCH TEAM TOGETHER WHO SEARCHED THAT ROUTE ON
3 THAT PARTICULAR DAY, WE FOUND A MAGAZINE

4 Q OKAY

5 A AND THEN ON THE 10TH IS WHEN I HAD A LARGE SEARCH
6 PARTY -- VERY, VERY LARGE I HAD K-9 UNITS FROM A
7 COUPLE DIFFERENT AGENCIES AND I PLACED THEM IN AREAS
8 ALONG THIS ROUTE THAT RESULTED IN THE FINDING OF THE
9 WEAPON

10 Q OKAY WAS KARL SMITH OF CHARLESTON THERE WITH HIS
11 DOG?

12 A YES, HE WAS

13 Q OKAY SIR DID YOU INDICATE TO HIM WHERE HE
14 SHOULD SEARCH?

15 A ABSOLUTELY

16 Q AND DID YOU RECEIVE A CALL FROM HIM LATER SAYING
17 HE HAD FOUND ---

18 A YES, SIR ---

19 Q --- ANYTHING?

20 A --- I DID

21 Q AND WAS HIS DOG THERE AT THE PLACE WHERE HE FOUND
22 SOMETHING?

23 A YES, IT WAS

24 Q WHAT DID HE FIND?

25 A HE FOUND A LONG RIFLE

1 Q OKAY SIR NOW, WAS THE SEARCH BASED UPON ANY
2 STATEMENT THAT ANYBODY OTHER THAN KIMBERLY BLAKE, CECIL
3 FRANKLIN, AND JAMES HOLLOMAN (SIC) MADE?

4 A NO, SIR

5 Q OKAY, SIR DID THE FACT THAT HE MADE A STATEMENT
6 SAYING, I THREW THE GUN IN THE WOODS LINE HAVE ANYTHING
7 TO DO WITH YOU ALL FINDING THE GUN?

8 A ABSOLUTELY NOT

9 MR MURDAUGH OKAY, SIR I HAVE NO FURTHER
10 QUESTIONS

11 (PAUSE)

12 MR MURDAUGH EXCUSE ME, I DO HAVE SOME FURTHER
13 QUESTIONS

14 Q DID YOU DETERMINE OR DO YOU HAVE AN ESTIMATE OF
15 HOW FAR THAT WOULD BE FROM 21 RILEY ROAD?

16 A THE WEAPON SIR?

17 Q YES SIR

18 A A HALF A MILE, GIVE OR TAKE

19 MR MURDAUGH OKAY, SIR

20 THE COURT ANY QUESTIONS, MR ALKEBULANYAHH?

21 MR ALKEBULANYAHH YES SIR YOUR HONOR

22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

23 Q GOOD AFTERNOON, MR JOHNSON

24 A AFTERNOON

25 Q DID YOU ACTUALLY DISCOVER THAT PARTICULAR WEAPON?

STATE VS ALKEBULANYAHH

1 A NO, SIR, I DID NOT

2 Q WAS YOU ACTUALLY PRESENT WHEN THAT PARTICULAR
3 WEAPON WAS DISCOVERED?

4 A NO, SIR, I WAS NOT

5 Q DID YOU VIEW THE WEAPON WHEN IT WAS BACK INTO
6 EVIDENCE?

7 A NO, SIR, I JUST SAW IT AS IT WAS LAYING ON THE
8 GROUND

9 Q DID YOU WRITE ANYWHERE IN YOUR SUPPLEMENTAL REPORT
10 AS FAR AS YOUR INSTRUCTION TO MR CHARLES (SIC) SMITH
11 OF CHARLESTON?

12 A (NODS HEAD)

13 Q WHERE DID YOU GO LOOK FOR THE WEAPON AND ANY
14 INDICATION TO THAT?

15 A NO SIR, I DON'T THINK I INDICATED IN MY REPORT
16 THAT I DIRECTED HIM INTO THAT AREA

17 Q SO AS OF -- AS OF -- JUST AT THIS PARTICULAR TIME
18 IS THE FIRST TIME YOU ACTUALLY MADE IT KNOWN THAT YOU
19 INDICATED TO MR CHARLES (SIC) ---

20 A IT WAS -- IT WAS APPARENT -- I MEAN, THAT DAY I
21 GAVE DIRECTION TO A COUPLE DIFFERENT K-9 UNITS AT
22 DIFFERENT POSITIONS IT JUST SO HAPPENS HE HAPPENED TO
23 BE THE ONE THAT FOUND IT

24 Q BUT YOU DIDN'T REPORT THAT IN YOUR SUPPLEMENTAL
25 REPORT OR INCIDENT REPORT?

- 1 A THAT WHERE I DIRECTED THESE TEAMS AT?
- 2 Q RIGHT
- 3 A NO, SIR
- 4 Q OR ANY INFORMATION ABOUT WHICH DISCOVERED THE GUN
- 5 AND THIS AND THAT?
- 6 A OKAY SAY THAT ONE MORE TIME?
- 7 Q WHERE YOU DISCOVER THE GUN AT?
- 8 A BECAUSE OF THE ROUTE -- I PLACED THE K-9 UNITS
- 9 ALONG THAT ROUTE BUT I DID NOT DOCUMENT WHERE I TOLD
- 10 THEM TO LOOK AT
- 11 Q YOU STATED THAT THE GUN WAS IN MR ALKEBULANYAHH
- 12 POSSESSION, IS THAT A SPECULATION OR ---
- 13 A SAY THAT ONE MORE TIME?
- 14 Q YOU SAY THE GUN WAS IN THE POSSESSION OF MR
- 15 ALKEBULANYAHH THE DEFENDANT, ME?
- 16 A IN MY REPORT?
- 17 Q NO JUST A MINUTE AGO DURING YOUR TESTIMONY
- 18 A THROUGH WITNESS STATEMENTS, YES
- 19 Q THROUGH WITNESS STATEMENT?
- 20 A YES
- 21 Q AND THESE WITNESS, HAVE THEY MADE A POSITIVE
- 22 IDENTIFICATION OF MR ALKEBULANYAHH?
- 23 A I CAN'T ANSWER THAT I HAVE NO IDEA
- 24 Q SO IT WAS JUST A SPECULATION THAT YOU SAID WHEN
- 25 YOU SAID THE GUN WAS IN MY POSSESSION THAT'S NOT TRUE?

1 A I WAS JUST TAKING -- THEY TOLD ME THAT, AND THAT'S
2 WHAT I WENT WITH

3 Q SO THAT COULD BE FALSE INFORMATION THAT YOU
4 TESTIFY ---

5 A YES ---

6 Q --- TESTIFY AS FAR AS ---

7 A --- I GUESS IT COULD BE

8 Q --- MR ALKEBULANYAHH? OKAY WAS YOU IN THE
9 LOCATION ON JANUARY 8, 2002 WHEN THE ARREST OF MR
10 ALKEBULANYAHH TOOK PLACE?

11 A YES, SIR, I WAS

12 Q WAS YOU PART OF THAT ARREST?

13 A NO, SIR, I WASN'T

14 Q WAS YOU THERE AT THE DETAINMENT OF MR
15 ALKEBULANYAHH?

16 A FOR 5 MINUTES MAYBE

17 Q WAS YOU THERE IN THE INITIAL DETAINMENT?

18 A YES, I WAS THERE AS THE DEFENDANT WAS PULLED OUT
19 FROM UNDER THE BRIDGE

20 Q COULD YOU TELL ME WHAT DID YOU SEE AND WHAT DID
21 YOU DO AND WHAT DID YOU HEAR?

22 A I -- I WALKED UP AND THE DEFENDANT WAS CUFFED, AND
23 HE LAID THERE I LOOKED AT THE DEFENDANT AND THEN I
24 HAD TO GO ON, DO WHAT I -- WHAT MY JOB WAS

25 Q DID YOU HEAR ANYONE SAY ANYTHING?

STATE VS ALKEBULANYAHH

1 A NO SIR, I DIDN'T AS FAR AS OFFICERS THE
2 DEFENDANT OR ---

3 Q OFFICERS, THE DEFENDANT DID YOU HEAR ANYBODY
4 HAVE ANY CONVERSATION OR ANYTHING?

5 A THE ONLY THING I HEARD WAS A BLACK FEMALE OFF ON
6 THE SIDE SCREAMING AND YELLING, THAT'S THE ONLY THING I
7 HEARD

8 Q SO IN ACTUALITY ONLY THROUGH YOUR TESTIMONY TODAY
9 IS YOU ABLE TO SAY THAT -- THAT IT IS YOUR BELIEF THAT
10 MR CHARLES (SIC) SMITH OUT OF CHARLESTON COUNTY K-9
11 TEAM DISCOVERED THIS WEAPON AS A RESULT OF YOUR ACTION,
12 IS THAT WHAT YOU'RE SAYING -- TAKE CREDIT FOR THAT
13 ACTION?

14 A I TAKE CREDIT FOR RESEARCHING THE ROUTE PLACING
15 THE K-9 UNITS THAT FOUND THE WEAPON, YES, SIR

16 Q SO IF MR CHARLES (SIC) SMITH WOULD HAVE FOUND
17 THAT WEAPON IN THE WATER, IN THE MARSH, OR BEHIND A
18 HOUSE THEN YOU WOULD ALSO RECEIVE THAT SAME CREDIT, IS
19 THAT CORRECT?

20 A NO I DIDN'T -- I DIDN'T LOCATED THE WEAPON SO I
21 CAN'T RECEIVE CREDIT FOR THAT

22 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH FOR
23 THE MAP PURPOSE?

24 THE COURT APPROACH

25 Q IN THIS MAP HERE, WHERE'S THE RILEY ROAD RESIDENCE

- 1 LOCATED?
- 2 THE COURT HOLD IT UP SO I CAN SEE PLEASE
- 3 A RIGHT HERE, SIR
- 4 Q RIGHT HERE OKAY SO MS BLATE (PHONETIC) SHE
- 5 GIVE YOU INSTRUCTIONS -- SHE GIVE YOU INSTRUCTION FROM
- 6 HERE SHE TOOK YOU -- COULD YOU POINT TO THE ---
- 7 A YEAH, THE ROUTE THAT SHE WALKED ME IS IN YELLOW,
- 8 SIR
- 9 Q IN YELLOW?
- 10 A TO THAT POINT THERE?
- 11 Q TO THIS POINT HERE?
- 12 A YES, SIR
- 13 Q OUTSIDE OF THIS ROUTE WAS THE WEAPON FOUND?
- 14 A OUTSIDE OF THIS ROUTE?
- 15 Q YES, SIR WHERE SHE TOOK YOU?
- 16 A YES SIR IT WAS
- 17 Q SO ACTUALLY, YOU DID NOT -- THE RIFLE WAS NOT
- 18 DISCOVERED WITHIN THE ROUTE THAT MS BLATE (PHONETIC)
- 19 GIVE YOU THE KNOWLEDGE?
- 20 A NO
- 21 Q SO THEREFORE, MS BLATE (PHONETIC) WOULD NOT KNOW
- 22 IN THIS AREA WHICH ROUTE ---
- 23 A IT WASN'T MS BLAKE'S INFORMATION THAT LEAD ME FOR
- 24 THIS ROUTE
- 25 Q OKAY

1 A IT WAS -- IT WAS WITNESS STATEMENTS -- IT WAS
2 WITNESS STATEMENTS THAT LEAD ME -- WHAT WE DID IS WE
3 WALKED THIS WHOLE AREA AND THEN WHEN WE COME OUT ON
4 EVERGREEN, WE MET WITH MR HOLLOWAY, WHO STATED HE SAW
5 THE DEFENDANT DOWN AT THIS END OF THE ROAD HERE THIS
6 IS EVERGREEN BEHIND BROAD RIVER ELEMENTARY AND THE
7 DEFENDANT DID NOT HAVE A WEAPON AT THAT TIME SO WHAT
8 I DID WAS, OBVIOUSLY -- OUR SEARCH STARTED FROM THE
9 DEFENDANT'S LAST KNOWN POINT THERE, TO OBVIOUSLY ONTO
10 JOE FRAZIER ROAD

11 Q WAS ANYWHERE IN THESE AREAS WERE SEARCHED OUTSIDE
12 OF THIS PARTICULAR AREA?

13 A NO, SIR, BECAUSE WE STUCK TO WHAT OUR WITNESSES
14 TOLD US AND THE LIKELY ROUTE THAT THE DEFENDANT WOULD
15 HAVE TAKEN

16 Q SO IF THERE WAS EVIDENCE OUTSIDE OF THIS ROUTE, IT
17 WOULD HAVE NEVER BEEN DISCOVERED IS THAT CORRECT?

18 A PROBABLY NOT PROBABLY NOT NOT UNLESS A WITNESS
19 OR OTHER INFORMATION RAISED THAT WOULD MAKE US GO AND
20 LOOK AT THOSE AREAS

21 Q ISN'T IT TRUE THAT YOU SOME DISCOVERED SOME FOOT
22 TRACKS?

23 A YES, IN BACK OF 21 RILEY ROAD

24 Q IN BACK OF 21 RILEY ROAD?

25 A YES

1 Q WAS A CAST OR ANYTHING MADE OF THOSE FOOT TRACKS?

2 A I CAN'T ANSWER THAT I HAVE NO IDEA

3 Q DID YOU REPORT THAT?

4 A ABSOLUTELY

5 Q AND YOU SAY IT WAS IN THE BACK OF 21 RILEY ROAD?

6 A YES, THIS IS A PLOWED FIELD RIGHT HERE, AND
7 THERE'S FRESH FOOTPRINTS GOING RIGHT ACROSS THE PLOWED
8 FIELD

9 Q DID YOU THINK IT WAS IMPORTANT TO REPORT THAT?

10 A ABSOLUTELY ABSOLUTELY

11 Q WAS IT SECURED -- WAS THE AREA WHERE YOU ---

12 A ABSOLUTELY ABSOLUTELY

13 Q AND THAT WAS THE ONLY PLACE THAT YOU DISCOVERED
14 FOOT TRACKS, IS THAT CORRECT?

15 A THAT IS CORRECT

16 MR ALKEBULANYAHH THANK YOU

17 REDIRECT EXAMINATION BY MR. MURDAUGH.

18 Q I THINK I MAY HAVE -- WHERE DID YOU FIND THE GUN?

19 A THE GUN IS MARKED HERE WITH NO 2, WHICH IS BEHIND
20 BROAD RIVER ELEMENTARY SCHOOL ON EVERGREEN ROAD, ABOUT
21 10 FEET INTO THE WOODS -- 15 FEET INTO THE WOODS
22 SOMETHING LIKE THAT

23 Q JUST FOR REFERENCE CAN YOU TELL ME WHAT "F" IS?

/ 24 A "F" IS WHERE THE SUSPECT WAS APPREHENDED AT

25 Q OKAY AND "E"?

1 A "E" IS WHERE CARMON, THE WITNESS, SAW HIM COME OUT
2 OF THE MARSH AT

3 Q "D"?

4 A "D" IS WHERE HOLLOWAY OBSERVED HIM AT ON
5 EVERGREEN

6 Q "C"?

7 A "C" IS WHERE HIS LAST KNOWN LOCATION WAS, AND THAT
8 WAS ALSO THE WITNESS FRANKLIN SAW HIM AT

9 Q "1"?

10 A "1" IS WHERE THE MAGAZINE WAS FOUND "B" IS WHERE
11 THE WITNESS SAW HIM CROSS DAWSON CAMP ROAD

12 Q THAT'S JAKELLE CHAPLIN?

13 A YES, SIR

14 MR MURDAUGH OKAY THANK YOU SIR

15 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.

16 Q MR JOHNSON, WHAT WAS "D"?

17 A "D" IS WHERE THE WITNESS -- WHERE WITNESS HOLLOWAY
18 OBSERVED YOU AT

19 Q AND WHAT IS "2"?

20 A "2" IS WHERE THE WEAPON WAS FOUND

21 MR ALKEBULANYAHH OKAY

22 MR MURDAUGH THAT WOULD CONCLUDE MY QUESTIONING

23 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE A
24 MOMENT WITH COUNSEL?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 THE COURT ANYTHING ELSE?

3 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

4 THE COURT YES, SIR ON THIS MOTION I'M TALKING
5 ABOUT

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT OKAY

8 RECROSS EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

9 Q MR JOHNSON, YOU DID INDICATE THAT YOU WAS NOT --
10 YOU DIDN'T HEAR OR WITNESS THE DEFENDANT OR ANY OF THE
11 OFFICERS DETAIN THE DEFENDANT IN ANY CONVERSATION OR
12 ANYTHING, IS THAT CORRECT?

13 A NOT THAT I CAN RECALL NOTHING OTHER THAN JUST
14 GENERAL TALK OF GETTING THINGS -- THE PERIMETER
15 TIGHTENED UP AND THAT KIND OF CONVERSATION

16 Q IF A COMRADE IN A INVESTIGATION CAME UPON ANY
17 INFORMATION OR SOMETHING IN THE PROCESS OF INFORMATION
18 IS IT STANDARD PROCEDURE OR TO RELAY THAT INFORMATION
19 TO OTHERS OFFICER OR A INVESTIGATIVE OFFICER SUCH AS
20 YOURSELF TO HELP YOU APPREHEND A SUSPECT OR GATHER
21 EVIDENCE AND SO FORTH?

22 A IF IT'S PERTINENT, ABSOLUTELY

23 Q AND IF A COMRADE DID NOT DO THAT, THEN IT WOULD BE
24 -- IT WOULD BE OUTSIDE OF PROCEDURE, STANDARD, WOULD
25 YOU -- WOULD YOU SAY?

STATE VS ALKEBULANYAHH

- 1 A I WOULD SAY, YES
- 2 Q OKAY AND NO ONE HAD INFORMED OR GAVE YOU ANY
- 3 KNOWLEDGE AS -- AS FAR AS ANY EVIDENCE FROM A COMRADE
- 4 IN REFERENCE TO A POSSIBILITY OF WHAT EVIDENCE MAY BE
- 5 DISCOVERED?
- 6 A THE ONLY THING THAT DURING MY INVESTIGATION -- AND
- 7 I CAN'T TELL YOU WHO IT WAS -- MENTIONED THAT THE
- 8 DEFENDANT SAID SOMETHING ABOUT IT'S IN THE WOODS
- 9 Q WOULD THEY -- DID THEY SAY THE TREE LINE?
- 10 A I DON'T RECALL A TREE LINE I JUST REMEMBER
- 11 WOODS
- 12 Q YOU JUST SAY IT WAS IN THE WOODS?
- 13 A YES, SIR
- 14 Q AND YOU DON'T RECALL TREE LINE BUT THE ONE WHO
- 15 GIVE YOU THAT INFORMATION, YOU SAY YOU DON'T REMEMBER
- 16 THE NAME?
- 17 A I DO NOT REMEMBER
- 18 Q BUT YOU WAS GIVEN INFORMATION AS FAR AS A POSSIBLE
- 19 LOCATION OF A WEAPON, IS THAT CORRECT?
- 20 A NOT A POSSIBLE LOCATION, BECAUSE THAT'S MORE OF A
- 21 NARROWER TYPE -- JUST WOODS AND THERE WAS A LOT OF
- 22 WOODS ALONG THIS ROUTE
- 23 Q RIGHT BUT IT WOULD BE OPPOSITE TO THEM SAYING
- 24 THAT IT WAS IN THE MARSH?
- 25 A I NEVER GOT ANY INFORMATION ABOUT THE MARSH

STATE VS ALKEBULANYAHH

1 Q OR IT WAS ON THE SCHOOL GROUND?

2 A I NEVER -- THE ONLY -- THE ONLY INFORMATION I
3 REMEMBER RECEIVING WAS THAT THE DEFENDANT SAID IT WAS
4 IN THE WOODS

5 Q OKAY AND YOU DON'T KNOW WHO GIVE YOU THAT
6 INFORMATION?

7 A I CANNOT RECALL

8 MR ALKEBULANYAHH OKAY I HAVE NO FURTHER
9 QUESTIONS

10 MR MURDAUGH YOU MAY COME DOWN

11 YOUR HONOR, PLEASE, THAT'S ALL THE TESTIMONY THE
12 STATE WOULD WISH TO OFFER

13 THE COURT YOU MAY STEP DOWN, SIR

14 (THE WITNESS LEAVES THE WITNESS STAND)

15 THE COURT YES SIR

16 MR MURDAUGH THE STATE TAKES FOUR POSITIONS,
17 SIR NUMBER ONE, IF IT ISN'T HIS GUN, HE CAN'T MOVE TO
18 SUPPRESS IT

19 NUMBER TWO, IT'S ABANDONED PROPERTY WHEN HE LEFT
20 IT OUT THERE IN THE WOODS

21 NUMBER THREE, THE STATEMENT THAT'S ATTRIBUTED TO
22 HIM -- THE STATEMENT THAT WAS ATTRIBUTED TO HIM IS NOT
23 A STATEMENT EXCEPT A STATEMENT FROM THE -- BY THE
24 OFFICERS -- TO THE OFFICERS WHO WERE TRYING TO PROTECT
25 THEMSELVES, WHERE IS THE GUN? THEY WANTED TO MAKE SURE

STATE VS ALKEBULANYAHH

1 IT WASN'T ON HIM

2 BUT, LASTLY, AND MOST IMPORTANTLY -- WELL, TWO
3 MORE POSITIONS TO START OFF WITH, THE SEARCH WAS DONE
4 NOT BASED ON WHAT HE SAID AT ALL, BUT BASED UPON
5 FINDING A ROUTE THAT HE HAD TAKEN FROM CECIL FRANKLIN
6 TO HOLLOMAN (SIC), BY WALKING WITH KIMBERLY BLAKE WE
7 KNOW HE HAD THE GUN UP TO THE POINT WHERE HE GOT WITH
8 CECIL FRANKLIN, AND CECIL FRANKLIN TOLD HIM THAT HE SAW
9 HIM -- SAW HIM GO IN THAT DIRECTION THEY FOLLOWED
10 HIM AND THE ROUTE THAT THEY SEARCHED WAS FROM THERE
11 TO WHERE HOLLOMAN (SIC) SAID HE SAW HIM, WHICH HAD
12 NOTHING TO DO WITH THE STATEMENT ITSELF

13 BUT EVEN IF THE STATEMENT WAS INVOLVED -- STATE
14 VERSUS WILLIAMS CITED AT 351 S C AT 591 SAYS THAT EVEN
15 IN THE WORST-CASE SCENARIO THAT THAT HAD SOMETHING TO
16 DO WITH IT, THAT IT IS SUFFICIENTLY DISTINGUISHABLE,
17 THEN THAT TAKES IT OUT OF THE FRUIT OF THE POISONOUS
18 TREE, SIR

19 THAT'S OUR POSITION ON THAT

20 THE COURT YOU'RE SAYING IT'S SUFFICIENTLY
21 DISTINGUISHABLE BECAUSE IT WOULD HAVE BEEN FOUND?

22 MR MURDAUGH NO, SIR SAID THAT EVEN IF -- IF
23 THE REASON THAT IT WAS FOUND IS SUFFICIENTLY
24 DISTINGUISHABLE BETWEEN THE FINDING OF IT AND THE
25 STATEMENT GIVEN THAT THAT WOULD REMOVE IT FROM THE

STATE VS ALKEBULANYAHH

1 FRUIT OF THE POISONOUS TREE, SIR

2 THE COURT DO YOU WISH TO RESPOND?

3 MR ALKEBULANYAHH YES, SIR, YOUR HONOR YOUR
4 HONOR, THIS PARTICULAR INVESTIGATOR HAS NO KNOWLEDGE OF
5 THE PLACE OR THE EXACT DATE OR TIME THAT THE ALLEGED
6 WEAPON WAS DISCOVERED

7 THIS PARTICULAR OFFICER HAD NO KNOWLEDGE AS TO
8 STATEMENTS THAT WAS SAID OR DONE AT THE APPREHENSION OF
9 THE DEFENDANT ABOUT HIS MEMORANDA (SIC) RIGHTS WAS
10 READ BUT HE DOES OMIT (SIC) THAT HE WAS INFORMED THAT
11 THE SUSPECT HAD LEFT IT IN THE WOODS

12 SO HE OMIT (SIC) THAT INFORMATION CAME FROM THE
13 SUSPECT FROM ANOTHER OFFICER THAT THE WEAPON WAS FOUND
14 IN THE WOODS, WHICH WAS A INDICATION THAT FROM THAT
15 INFORMATION HE WAS ABLE TO NARROW DOWN OR BE ABLE TO GO
16 TO THE AREA WHERE THE WEAPON POSSIBLY COULD BE FOUND

17 YET, SEVERAL OFFICERS WHO DETAINED THE SUSPECT
18 SAID IT WAS IN THE TREE LINE SO THE TREE LINE IS THE
19 WOODS, BUT NOT IN COMPARISON WHERE HE SAY JUST IN THE
20 WOODS HE DID NOT WRITE IN HIS REPORT -- IN HIS
21 SUPPLEMENTAL REPORT OR INCIDENT REPORT OR ANY TYPE OF
22 RECORD THAT ANOTHER OFFICER TOLD HIM THAT THE ALLEGED
23 WEAPON WAS IN THE WOODS

24 AND THERE IS NO OTHER SUPPLEMENTAL REPORT OR
25 INCIDENT REPORT FROM ANY OTHER OFFICER ON THE BEAUFORT

STATE VS ALKEBULANYAHH

1 COUNTY SHERIFF'S DEPARTMENT OR FROM THE CHARLESTON
2 COUNTY SHERIFF'S DEPARTMENT WHO STATED THAT THE SUSPECT
3 SAID THE WEAPON WAS IN THE WOODS OR THAT THEY TOLD THE
4 INVESTIGATOR, LIEUTENANT JOHNSON, THAT THE WEAPON WAS
5 IN THE WOODS

6 SO THE INVESTIGATOR HERE HAS COME UP WITH
7 INFORMATION THAT ONLY HE POSSESS NO ONE CAN --
8 THERE'S NO REPORT OR NO ONE ELSE WHO CAN SUPPORT HIS
9 STATEMENT HIS TESTIMONY, TODAY AS FAR AS HOW HE COME
10 ABOUT FINDING THE WEAPON

11 THE COURT BUT IF THEY WENT DOWN THIS PATH WITH
12 ANOTHER INDIVIDUAL THAT WALKED THEM DOWN THIS PATH
13 AND THEY LOCATED THE GUN, AND THEY'RE NOT ATTEMPTING TO
14 USE THE STATEMENT ABOUT THE GUN, THEN WHAT STOPS THEM
15 FROM SAYING, WE FOUND THE GUN AS A RESULT OF US WALKING
16 DOWN THIS PATH -- WHETHER OR NOT THEY MAKE THE
17 CONNECTION BETWEEN THAT GUN AND SOME PARTICULAR
18 INDIVIDUAL IS A DIFFERENT QUESTION, IS IT NOT?

19 IT'S MY UNDERSTANDING THAT STATEMENT IS NOT BEING
20 USED

21 MR MURDAUGH WE DO NOT INTEND TO ADMIT IT SIR
22 THE COURT SO IN THE NORMAL COURSE OF EVENTS IF
23 THEY'RE WALKING DOWN THIS PATH AND A WITNESS IS SHOWING
24 THEM -- NOT A WITNESS, BUT SOMEONE HAS TESTIFIED THAT
25 THE WITNESS SHOWED THEM THIS PATH -- YES, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE I SAID WE DID
2 NOT INTEND TO USE IT I DO NOT INTEND TO USE IT IN MY
3 CASE IN CHIEF

4 THE COURT I UNDERSTAND

5 MR MURDAUGH PERHAPS IF HE TAKES THE WITNESS
6 STAND AND DENIES IT UNDER HARRIS VERSUS NORTH CAROLINA,
7 I BELIEVE IT IS, I MAY HAVE A RIGHT TO ASK HIM THAT
8 QUESTION

9 THE COURT ALL RIGHT BACK TO WHAT I WAS SAYING
10 THOUGH THEY WENT DOWN THIS PATH THE INDIVIDUAL TOOK
11 THEM DOWN THIS PATH WHETHER OR NOT THEY CAN MAKE THAT
12 CONNECTION SEEMS TO BE A SEPARATE QUESTION WHY IS THE
13 FACT THAT YOU MADE THAT STATEMENT THAT THEY DO NOT
14 INTEND TO USE IN THEIR CASE IN CHIEF JUSTIFY ITS
15 SUPPRESSION WHEN THAT ITEM WOULD HAVE BEEN FOUND DUE TO
16 THIS WALKING DOWN THE PATH WITH THIS INDIVIDUAL?

17 MR ALKEBULANYAHH IT'S NOT -- IT IS NOT TRUE
18 THAT THE ITEM WOULD HAVE BEEN FOUND

19 THE COURT IS THERE ANYTHING TO INDICATE IT WOULD
20 NOT HAVE BEEN FOUND BUT FOR THIS STATEMENT?

21 MR ALKEBULANYAHH IS THERE ANYTHING THAT COULD
22 BE FOUND TO SAY THAT IT COULD BE FOUND OTHER THAN HE
23 SAYING THAT HE TOOK THAT ROUTE AS A RESULT OF SEEING
24 SOMEONE IN THAT PARTICULAR AREA

25 THE COURT WELL, THAT WAS JUST PART OF THE

STATE VS ALKEBULANYAHH

1 INVESTIGATION THOUGH

2 MR ALKEBULANYAHH EXACTLY

3 THE COURT IF THEY FOUND SOMETHING, THEY FOUND
4 SOMETHING IF THEY DIDN'T, THEY DIDN'T BUT WHAT
5 WOULD STOP AN INDIVIDUAL FROM WALKING THAT ROUTE?

6 MR ALKEBULANYAHH LET'S SAY -- LET'S SAY IF HE
7 -- WHAT'S TO SAY IF THE WEAPON WOULD HAVE EVER BEEN
8 FOUND?

9 THE COURT, YES, SIR

10 MR ALKEBULANYAHH YES, SIR WHO WOULD SAY IF
11 THE WEAPON WOULD EVER BEEN FOUND? THE WEAPON MAY NOT
12 NEVER HAVE BEEN FOUND IF IT WASN'T FROM THE RESULTS OF
13 AN OFFICER SAYING THAT THE ALLEGE VICTIM (SIC) SAID
14 WHERE THE WEAPON TO BE DISCOVERED AND IF HE RECEIVED
15 THAT INFORMATION ---

16 THE COURT HOW DOES THE ALLEGED VICTIM SAY WHERE
17 THE WEAPON WAS GOING TO BE DISCOVERED?

18 MR ALKEBULANYAHH I MEAN, THE ALLEGE SUSPECT
19 THE COURT OH, SO YOU'RE TALKING ABOUT THE
20 STATEMENT?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT BUT HE DID NOT INDICATE THAT THAT'S
23 WHY THEY FOUND THE GUN BECAUSE OF THAT STATEMENT

24 MR ALKEBULANYAHH HE CANNOT INDICATE BECAUSE HE
25 DIDN'T FOUND (SIC) THE GUN HE HAS NO KNOWLEDGE OF THE

STATE VS ALKEBULANYAHH

1 GUN OR WHETHER THE GUN -- HIS TESTIMONY REALLY COULD BE
2 -- IT'S NOT REALLY TOO RELEVANT TO THE FACTS OF THIS,
3 BECAUSE YOU CAN TAKE ANY OFFICER TO GET UP AND SAY WHAT
4 HE SAID A PART OF HIS INVESTIGATION -- BECAUSE OF HIS
5 INVESTIGATION THERE IS NOTHING THAT OTHER THAN HE
6 SAYING, I SAID ---

7 THE COURT I SEE

8 MR ALKEBULANYAHH --- CONTRIBUTED

9 THE COURT WELL WHERE'S THE OFFICER THAT FOUND
10 THE GUN? WHY IS HE NOT BEING PRESENTED?

11 MR MURDAUGH HE IS IN CHARLESTON, SIR AND TO
12 BE HONEST WITH YOU, I DIDN'T KNOW -- I DIDN'T KNOW
13 WHETHER WE WERE GOING TO BE DRAWING A JURY TOMORROW
14 JUST TIME LIMITATIONS, SIR

15 THE COURT I MEAN THAT'S NOT A BAD POINT THAT
16 THE PERSON TESTIFYING IS RELYING JUST ON SOMETHING THAT
17 WAS -- IT'S NOT THE PERSON THAT FOUND THE GUN

18 MR MURDAUGH HE'S NOT THE PERSON THAT FOUND THE
19 GUN BUT HE CALLED -- ACCORDING TO THE TESTIMONY OF
20 SCOTT JOHNSON, HE CALLED HIM TO THE AREA AND HE WENT
21 TO THE AREA, AND IT WAS THERE UNDISTURBED ACCORDING TO
22 SCOTT JOHNSON'S TESTIMONY

23 THE COURT ALL RIGHT ANYTHING FURTHER?

24 MR MURDAUGH NO, SIR

25 THE COURT ANYTHING FURTHER FROM YOU?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES SIR, JUST ONE MORE POINT
2 AGAIN, AS I STATED, ACCORDING TO SCOTT JOHNSON
3 TESTIMONY, IT JUST TESTIMONY
4 THE COURT ALL RIGHT
5 MR ALKEBULANYAHH THERE'S NOTHING TO GO WITH
6 JUST TESTIMONY
7 THE COURT ALL RIGHT I'LL NOTIFY YOU OF MY
8 DECISION AFTER WE SEQUESTER THE JURY
9 MR ALKEBULANYAHH YES, SIR
10 THE COURT NEXT MOTION?
11 MR MURDAUGH NEXT MOTION, SIR, THAT I WOULD
12 APPRECIATE THE COURT TAKING UP IS THAT OF THE FANNY
13 PACK THAT WAS TAKEN OFF OF THE DEFENDANT
14 THE COURT IS THAT MOTION ---
15 MR MURDAUGH THAT WOULD BE MOTION NO 1
16 THE COURT ALL RIGHT
17 MR MURDAUGH I THINK, SIR
18 THE COURT MOTION TO SUPPRESS THIS IS THE ONE
19 THAT WAS RECENTLY FILED
20 MR MURDAUGH YES, SIR
21 THE COURT DATED OCTOBER 3, 2003, IS THAT IT, AT
22 THE TOP? THE TOP LINE, OCTOBER 3?
23 MR MURDAUGH YES, SIR, THAT'S CORRECT
24 THE COURT ALL RIGHT DO YOU WANT TO TELL ME
25 WHAT YOUR MOTION IS MR ALKEBULANYAHH? DO YOU SEE

STATE VS ALKEBULANYAHH

1 WHICH ONE?

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT MOTION NO 1, OCTOBER 3, YOUR NEW
4 MOTIONS

5 MR ALKEBULANYAHH MOTION TO SUPPRESS NO 1 I
6 WANT TO SHOW THE COURT OF THESE PARTICULAR GROUNDS WHY
7 I WANTED THIS PARTICULAR EVIDENCE SUPPRESSED

8 ON JANUARY 8, 2002 ALLEGE PROPERTY COLLECTED OR
9 SEIZED OFF THE DEFENDANT WAS SEIZED IN VIOLATION OF THE
10 DEFENDANT'S UNITED STATES CONSTITUTION LAW, FIFTH AND
11 FOURTEENTH AMENDMENT

12 AND, TWO THE DEFENDANT WAS NOT READ HIS MEMORANDA
13 (SIC) RIGHTS BEFORE AND AFTER THE SEIZURE OF ALLEGE
14 ITEMS

15 NO 3, THE ALLEGE ITEMS FROM DEPUTY STAFF SERGEANT
16 AVERILL -- AVERILL -- A-V-E-R-I-L-L -- SUPPLEMENTAL
17 REPORT DATED JANUARY THE 1ST -- JANUARY THE 12TH, I'M
18 SORRY JANUARY THE 12TH, 2002, THIS ONE BROWN POCKET
19 KNIFE WITH A FOLDING BLADE, NO 2 A BLACK -- A PAIR OF
20 BLACK GLOVES NO 3, QUALCOM CELLULAR TELEPHONE, NO 4,
21 AT-A-GLANCE ADDRESS BOOK NO 5, A GREAT NECK STAINLESS
22 STEEL MULTI TOOL, NO 6, ONE 4-INCH BRICKMAN
23 FLASHLIGHT, NO 7, ONE PAIR OF BLACK AND BLUE
24 SUNGLASSES, AND, NO 8, A BLACK FANNY PACK CONTAIN 8
25 7 62 TIMES 39 WOLF HOLLOW POINT ROUNDS, AND 31 LUGAR 9

STATE VS ALKEBULANYAHH

1 MILLIMETER ROUNDS

2 BECAUSE IT IS ALLEGED THAT THIS FANNY PACK
3 AFTER ---

4 THE COURT IS THIS SOMETHING THAT WAS ON YOU AT
5 THE TIME OR WAS THIS FOUND ---

6 MR ALKEBULANYAHH WHAT THEY SAY -- IS WHAT THEY
7 ALLEGE THEY ALLEGE THAT THIS PARTICULAR FANNY PACK
8 WAS ON THE GROUND AND ---

9 THE COURT NOW, WHAT I'M ASKING WAS WHEN I SAID
10 ON YOU, AT THE TIME OF THE ARREST WAS THIS SOMETHING
11 THAT THEY CLAIM WAS ON YOUR PERSON?

12 MR ALKEBULANYAHH YES

13 THE COURT OR IS THIS SOMETHING THAT IS CLAIMED
14 TO HAVE BEEN FOUND IN THE AREA?

15 MR ALKEBULANYAHH I THINK THEY CLAIM THAT IT WAS
16 ON MY PERSON

17 THE COURT AT THE TIME YOU WERE ARRESTED?

18 MR ALKEBULANYAHH RIGHT, AT THE TIME I WAS
19 ARRESTED

20 THE COURT OKAY ALL RIGHT AND YOU'RE SAYING
21 THAT BECAUSE YOU WERE IMPROPERLY ARRESTED, THEY DID NOT
22 HAVE THE RIGHT -- IF THEY FOUND THIS ON YOU, TO USE
23 THIS, IS THAT WHAT YOUR ARGUMENT IS?

24 MR ALKEBULANYAHH RIGHT AND TO ---

25 THE COURT I'M TRYING TO BE VERY CAREFUL WITH MY

STATE VS ALKEBULANYAHH

1 WORDS

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT LET ME ASK THE STATE

4 MR MURDAUGH YES, SIR

5 THE COURT OUT OF THIS LIST OF ITEMS, ARE THERE
6 ANY OF THESE ITEMS THAT THE STATE SEEKS TO USE?

7 MR MURDAUGH YES, SIR, IT IS

8 THE COURT WHICH ITEMS?

9 MR MURDAUGH NO 8, THE 8 7 62 WOLF HOLLOW POINT
10 ROUNDS

11 THE COURT ALL RIGHT ANY OF THESE OTHER ITEMS?

12 MR MURDAUGH NO, SIR

13 THE COURT SO EACH AGREE SINCE THEY'RE NOT
14 PLANNING TO USE ANY OF THESE OTHER ITEMS, THE ONLY
15 THING WE'D BE TALKING ABOUT IS NO 8 THEY AGREE THAT
16 THEY'RE NOT USING THOSE OTHER ITEMS OKAY?

17 MR ALKEBULANYAHH OKAY

18 THE COURT SO THAT'S THE EQUIVALENT OF BEING
19 SUPPRESSED THEY AGREE THEY'RE NOT USING THEM
20 CORRECT?

21 MR MURDAUGH THAT'S CORRECT, SIR

22 THE COURT OKAY I'M JUST GOING TO MARK THOSE
23 OFF THEY ARE SUPPRESSED, MR ALKEBULANYAHH THEY'RE
24 NOT USING THEM

25 MR ALKEBULANYAHH WELL, THE -- THE -- THE -- THE

STATE VS ALKEBULANYAHH

1 DEFENDANT WOULD LIKE ALL SUPPRESSED

2 THE COURT I UNDERSTAND THAT WHAT I'M SAYING
3 IS ALL I NEED TO NOW FOCUS ON IS NO 8, BECAUSE THE
4 REST OF THEM THEY'RE NOT USING SO YOUR MOTION TO
5 SUPPRESS WOULD STOP THEM FROM USING THEM IN THE CASE

6 MR ALKEBULANYAHH RIGHT

7 THE COURT THEY'RE AGREEING THEY'RE NOT USING 1
8 THROUGH 7 SO THE ONLY THING I NEED TO HEAR ARGUMENTS
9 ON WILL BE NO 8

10 MR ALKEBULANYAHH OKAY

11 THE COURT DO YOU SEE WHAT I'M SAYING?

12 MR ALKEBULANYAHH RIGHT BUT LET'S SAY IF -- IF
13 -- IF THE DEFENDANT DECIDES HE WANTS TO -- IF ALL THE
14 EVIDENCE CANNOT BE SUPPRESSED THEN THE DEFENDANT MAY
15 WANT TO USE SOME OF THIS PARTICULAR EVIDENCE FOR HIS
16 DEFENSE

17 THE COURT NOTHING STOPS YOU FROM USING IT

18 MR ALKEBULANYAHH OKAY

19 THE COURT THEY'VE AGREED THAT THEY'RE NOT USING
20 IT

21 MR ALKEBULANYAHH YES, SIR

22 MR MURDAUGH THAT'S CORRECT SIR NOT BECAUSE
23 WE THINK IT'S SUPPRESSIBLE, BUT WE THINK IT'S NOT OF
24 ANY EVIDENTIARY VALUE

25 THE COURT ALL RIGHT I UNDERSTAND THAT SO THE

STATE VS ALKEBULANYAHH

1 ONLY THING I NEED TO HEAR ARGUMENT ON IS NO 8

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT WHETHER OR NOT YOU CAN USE THOSE ITEMS
4 IS A WHOLE DIFFERENT STORY, THAT'S NOT A MATTER BEFORE
5 ME RIGHT NOW

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT?

8 MR ALKEBULANYAHH YES, SIR, I UNDERSTAND

9 THE COURT SO LET ME HEAR ABOUT THE FANNY PACK

10 MR MURDAUGH DO YOU WANT ME TO PUT TESTIMONY UP,
11 SIR?

12 THE COURT YES, SIR

13 MR MURDAUGH BILL GREEN PLEASE

14 WILLIAM D GREEN, BEING
15 FIRST DULY SWORN TESTIFIED AS FOLLOWS

16 THE COURT PLEASE STATE YOUR FULL NAME FOR THE
17 RECORD

18 WITNESS WILLIAM DAVY GREEN

19 THE COURT SPELL YOUR LAST NAME FOR THE COURT
20 REPORTER

21 WITNESS G-R-E-E-N

22 THE COURT THANK YOU YOU MAY TAKE THE STAND

23 DIRECT EXAMINATION BY MR. MURDAUGH.

24 Q MR GREEN, ARE YOU EMPLOYED BY THE SHERIFF'S
25 DEPARTMENT?

STATE VS ALKEBULANYAHH

1 A NO, SIR, I'M RETIRED AT THIS TIME

2 Q OKAY, SIR AND WERE YOU SO EMPLOYED -- WERE YOU
3 EMPLOYED BY THE SHERIFF'S DEPARTMENT ON JANUARY 8,
4 2002?

5 A YES SIR, I WAS

6 Q THAT'S THE DATE THE TWO OFFICERS WERE KILLED?

7 A YES, SIR

8 Q OKAY, SIR DID YOU TALK WITH A FELLOW -- RECEIVE
9 INFORMATION FROM A FELLOW BY THE NAME OF CARMON
10 CLAYTON?

11 A YES, SIR, I DID

12 Q AND AS A RESULT OF RECEIVING THAT INFORMATION THAT
13 NIGHT, WHAT DID YOU DO?

14 A I RESPONDED TO A LOCATION ON JOE FRAZIER ROAD TO A
15 BRIDGE WHERE THE DEFENDANT WAS FOUND UNDERNEATH THE
16 BRIDGE

17 Q OKAY, SIR AND DID YOU GET HIM OUT FROM UNDER THE
18 BRIDGE?

19 A YES, SIR, I DID

20 Q AT THE TIME HE CAME OUT FROM UNDER THE BRIDGE OR
21 HE WAS REMOVED FROM UNDER THE BRIDGE, DID HE HAVE
22 ANYTHING AROUND HIS WAIST?

23 A YES, SIR, HE HAD A FANNY PACK AROUND HIS WAIST

24 Q I SHOW YOU AN ITEM AND ASK YOU ---

25 MR MURDAUGH MAY I APPROACH?

1 THE COURT YES, SIR

2 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN
3 RECOGNIZE THAT?

4 A IT'S SIMILAR TO THE ONE THAT HE HAD ON, SIR

5 Q OKAY I ASK YOU, IN YOUR PRESENCE, WAS THAT CUT
6 OFF OF HIS BODY?

7 A YES, SIR, IT WAS

8 Q AND IS THIS ONE CUT -- THE STRAP?

9 A YES, SIR, IT IS

10 Q OKAY, SIR DID YOU SEE ANYBODY RETRIEVE THIS
11 FANNY PACK?

12 A YES SIR, DETECTIVE MATT AVERILL RETRIEVED THAT
13 ALMOST IMMEDIATELY

14 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
15 THIS FOR THE PURPOSE OF THIS HEARING

16 (BLACK FANNY PACK MARKED FOR IDENTIFICATION AS
17 STATE'S EXHIBIT NO 2)

18 MR MURDAUGH THANK YOU, SIR I HAVE NO FURTHER
19 QUESTIONS

20 (PAUSE)

21 THE COURT DO YOU HAVE ANY QUESTIONS MR
22 ALKEBULANYAHH?

23 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

24 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

25 Q GOOD AFTERNOON, MR GREEN

STATE VS ALKEBULANYAHH

1 A GOOD AFTERNOON

2 Q WAS YOU THE ONE RESPONSIBLE FOR THE INITIAL ARREST
3 OF THE DEFENDANT?

4 A I WAS THE PERSON WHO APPREHENDED YOURSELF

5 Q BUT YOU NEVER ARRESTED THE DEFENDANT, IS THAT
6 CORRECT?

7 A I DIDN'T ARREST YOU, SIR NO, SIR

8 Q OKAY COULD YOU TELL ME HOW YOU COME ABOUT
9 ARRESTING THE DEFENDANT?

10 A YES, SIR, YOU WERE ---

11 THE COURT HOLD ON A SECOND DID YOU ASK HIM HOW
12 DID HE ---

13 MR ALKEBULANYAHH THE ARREST COME ABOUT

14 THE COURT THE ARREST ITSELF COME ABOUT, NOT THAT
15 HE ARRESTED YOU?

16 MR ALKEBULANYAHH RIGHT HE SAID HE NEVER
17 ARRESTED ME

18 THE COURT THAT'S RIGHT GO AHEAD

19 A REPEAT THE QUESTION PLEASE

20 Q COULD YOU TELL ME HOW IT COME ABOUT THE
21 APPREHENSION -- OR HOW YOU APPREHENDED THE DEFENDANT?

22 A YES, SIR, YOU WERE UNDERNEATH THE BRIDGE ON JOE
23 FRAZIER ROAD HIDING WHEN I CALLED DOWN UNDER THE BRIDGE
24 WITH COLONEL BROWN ON THE FAR SIDE AND I TOLD YOU TO
25 LET ME SEE YOUR HANDS YOU WERE -- YOU HAD YOUR HANDS

STATE VS ALKEBULANYAHH

1 UP UNDERNEATH YOUR BODY I WAS CHECKING FOR A WEAPON
2 I HAD -- CALLED YOU OUT FROM UNDERNEATH THE BRIDGE
3 YOU CAME OUT I STRADDLED YOUR BACK I PLACED YOU IN
4 HANDCUFFS I CARRIED YOU UP TO THE ROAD, ALONG WITH
5 COLONEL BROWN, WHERE THAT BLACK BAG WAS CUT OFF OF YOUR
6 BODY

7 Q WHEN YOU SAY THAT THE DEFENDANT CAME OUT, YOU MEAN
8 HE WALKED OUT?

9 A NO YOU CAME CRAWLING OUT

10 Q CRAWLING OUT?

11 A YOU CRAWLED OUT YOU WERE TRYING TO HIDE UP
12 UNDERNEATH THE BRIDGE

13 Q SO WAS HE CRAWLING TO YOU OR AWAY FROM YOU?

14 A YOU CRAWLED ALMOST STRAIGHT TO ME

15 Q WAS IT IN THE COURSE AWAY FROM YOU, TO THE LEFT,
16 OR TO THE RIGHT, OR DIRECTLY TOWARDS YOU?

17 A YOU CAME DIRECTLY TOWARD ME YOU CAME EXACTLY --
18 YOU DID EXACTLY WHAT I TOLD YOU TO DO COME TO ME

19 Q SO HE WASN'T CRAWLING BEFORE YOU GIVE HIM ANY
20 INSTRUCTION, IS THAT CORRECT?

21 A NO YOU PUT YOUR HANDS OUT FROM UNDERNEATH YOU,
22 SO THAT I COULD SEE THAT YOU DIDN'T HAVE A WEAPON

23 Q AND THEN YOU INSTRUCTED ---

24 A I INSTRUCTED YOU TO COME OUT FROM UNDERNEATH
25 THERE, AND YOU CRAWLED OUT ON YOUR BELLY AND YOU WERE

1 WHINING

2 Q AND THEN YOU DID WHAT?

3 A I PUT THE GUN OVER ON TOP OF YOU, AND I PUT THE
4 HANDCUFFS ON YOU

5 Q AND YOU DID WHAT?

6 A THEN WE CARRIED YOU UP THE HILL TO WHERE THEY TOOK
7 THE BAG OFF YOU

8 Q DID YOU WRITE A REPORT OF YOUR ACTIONS THAT TOOK
9 PLACE ON THAT DAY?

10 A NO I WAS TOLD I DIDN'T NEED TO

11 Q SO IT'S NOT THE POLICY OF THE BEAUFORT COUNTY
12 SHERIFF'S DEPARTMENT FOR OFFICERS TO WRITE A INCIDENT
13 REPORT OR SUPPLEMENTAL REPORT WHEN THEY'RE INVOLVED IN
14 SUCH A -- ANY TYPE OF CASE, BUT ESPECIALLY A SERIOUS
15 CASE SUCH AS THIS MATTER?

16 A NO, I DIDN'T

17 Q SO IN YOUR OPINION ONLY YOUR TESTIMONY -- YOUR
18 WORDS IS SUFFICIENT ENOUGH TO BE CREDIBLE AS FAR AS
19 WHAT TOOK PLACE ON THAT DATE, IF IT'S NOT FOR YOU
20 SAYING WHAT YOU SAYING TODAY, THEN THERE WOULD BE NO
21 EVIDENCE THAT YOU WAS EVEN INVOLVED IN THIS CASE, IS
22 THAT CORRECT?

23 A THERE WAS TWO OTHER OFFICERS STANDING THERE WHEN I
24 PUT THE HANDCUFFS ON YOU

25 Q SO, THEREFORE, YOU WOULD NEED SOME HELP OR SOME

1 ASSISTANCE WITH MAKING YOUR STORY CREDIBLE ABOUT WHAT
2 ACTUALLY TOOK PLACE, IS THAT CORRECT?

3 A NO

4 Q THEN WHAT WOULD YOU NEED TO MAKE YOUR STORY
5 CREDIBLE OUTSIDE OF YOUR WORD?

6 A YOU'RE THE SUBJECT THAT I APPREHENDED THAT DAY

7 Q AND BEING JUST YOU SAYING IT, THAT YOU COMING
8 FORTH AND GIVING TESTIMONY THAT YOU SAYING IT?

9 A YES

10 Q AND IS THAT THE POLICY AND STANDARD OF THE
11 BEAUFORT COUNTY SHERIFF'S DEPARTMENT?

12 A FOR THAT DAY I WAS TOLD I DIDN'T NEED TO WRITE A
13 REPORT

14 Q WRITE NO REPORT NO INCIDENT -- OF NONE OF YOUR
15 INVOLVEMENT IN THIS CASE?

16 A NO, SIR

17 Q SO ACTUALLY WE COULD PRESUME THAT THEY WAS TRYING
18 TO CONCEAL YOU FROM BEING INVOLVED IN THIS CASE, IS
19 THAT CORRECT?

20 A NO I BELIEVE MY NAME IS IN THE REPORT SEVERAL
21 TIMES

22 Q IN WHAT REPORT?

23 A THAT THE OTHER OFFICER WROTE

24 Q BUT THE OTHER OFFICERS CANNOT GIVE TESTIMONY TO
25 ANYTHING THAT YOU DISCOVERED OR YOU SEEN, IS THAT

- 1 CORRECT?
- 2 A I BELIEVE MATT AVERILL CAN I BELIEVE COLONEL
3 BROWN CAN I BELIEVE DEPUTY DENHAM CAN THEY WERE ALL
4 THERE
- 5 Q SO THAT IS A BELIEF?
- 6 A NO IT'S THE TRUTH
- 7 Q CAN YOU READ AND WRITE?
- 8 A SURE CAN
- 9 Q IS IT POSSIBLE THAT YOU WRITE SO BAD THAT YOU
10 CANNOT WRITE A REPORT?
- 11 A NO
- 12 Q COULD YOU -- COULD YOU HAVE GOTTEN SOMEONE ELSE TO
13 WRITE A REPORT FOR YOU AND YOU JUST SIGN IT OF THE
14 THINGS THAT HAPPENED?
- 15 A NO
- 16 Q DID YOU GIVE A TAPE RECORDING OR A STATEMENT TO
17 ANY OF THE OTHER OFFICERS OR OFFICIALS TO VERIFY -- TO
18 VERIFY YOUR ACTIONS ON THAT DAY?
- 19 A NO
- 20 Q IT'S POSSIBLE THAT YOU COULD HAVE PUT THAT FANNY
21 PACK THERE, ISN'T IT?
- 22 A NO
- 23 Q WHY NOT? YOU DIDN'T WRITE A REPORT SAYING YOU
24 DIDN'T
- 25 A I DIDN'T PUT THAT FANNY PACK ON YOU YOU HAD IT

1 ON YOU

2 Q HOW ARE WE TO KNOW THAT YOU DID NOT PUT THAT FANNY
3 PACK THERE IF YOU DID NOT WRITE A REPORT THAT YOU
4 DIDN'T?

5 A I DON'T THINK I DID

6 Q YOU DON'T THINK YOU DID?

7 A NO

8 Q SO YOU GIVING TESTIMONY WITHOUT ANY SUPPORT EXCEPT
9 BELIEVE ME, I SAY SO IS THAT CORRECT?

10 A THE FANNY PACK WAS FOUND ON YOU, SIR, THAT'S ALL I
11 KNOW

12 Q AND THAT'S BASED ON YOU SAYING I SAY SO, AND
13 THAT'S THE WAY IT IS?

14 A ALONG WITH THE OTHER OFFICERS THAT WERE THERE WHEN
15 IT WAS TAKEN OFF OF YOU

16 Q BUT THE OTHER OFFICERS WAS NOT THERE TO SUPPORT
17 YOUR STATEMENT THEY -- WAS THEY THERE WHEN THE --
18 WHEN THE SUSPECT CRAWL OUT FROM UNDER THE BRIDGE?

19 A YES, KAREN DENHAM WAS THERE

20 Q SO THE OTHER -- WOULD THE OTHER OFFICER ALSO SAY
21 WHAT HAPPENED WHEN YOU FIRST CAME IN CONTACT WITH THE
22 SUSPECT?

23 A YES

24 Q SO YOU WASN'T THE ONLY ONE WHO DISCOVERED THE
25 SUSPECT, IS THAT CORRECT?

- 1 A I WAS THE INITIAL OFFICER THAT FOUND YOU
2 UNDERNEATH THE BRIDGE
- 3 Q WHEN YOU SAY INITIAL, DO YOU MEAN FIRST?
- 4 A YEAH
- 5 Q SO THAT MEANS YOU WAS ALONE, IS THAT CORRECT?
- 6 A NO COLONEL BROWN WAS THERE AND DENHAM WAS THERE
7 ALSO
- 8 Q SO COLONEL BROWN AND MR (SIC) DENHAM WOULD BE
9 ABLE TO GIVE TESTIMONY OF THE INITIAL CONTACT WHICH YOU
10 HAD WITH THE SUSPECT, IS THAT CORRECT?
- 11 A YES
- 12 Q SO WHEN YOU SAY THAT YOU DISCOVERED THE SUSPECT
13 INITIALLY, THEN THAT'S A LIE, BECAUSE YOU HAD COLONEL
14 BROWN AND MR (SIC) DENHAM THERE WITH YOU ACCORDING TO
15 YOUR TESTIMONY JUST A MINUTE AGO IS THAT CORRECT?
- 16 A THEY WERE THERE
- 17 Q BUT IT'S A LIE?
- 18 A NO, IT'S NOT A LIE
- 19 Q NOT A LIE THAT YOU WASN'T THE INITIAL -- AS YOU
20 SPOKE AGAIN -- CAME IN CONTACT WITH THE SUSPECT?
- 21 A WHEN I CAME IN CONTACT WITH YOU, MR ROBERTS, YOU
22 WERE UNDERNEATH THE BRIDGE LOOKING OUT, HIDING
- 23 Q WOULD YOU SAY THAT ---
- 24 A THAT TO ME IS THE INITIAL OFFICER FINDING YOU
25 OKAY?

1 Q OKAY

2 A I'M THE OFFICER THAT APPREHENDED YOU I DID NOT
3 ARREST YOU

4 Q OKAY WHAT I'M TRYING TO GET TO, MR GREEN IS
5 THAT WHEN YOU SAY YOU WAS THE INITIAL OFFICER THERE AND
6 THEN YOU SAY YOU HAVE OTHER OFFICERS TO SUPPORT THAT
7 YOU WAS THE INITIAL OFFICER, BUT YET IF YOU THE INITIAL
8 OFFICER, THEN YOU ARE ALONE BECAUSE WOULD IT -- IT
9 DOESN'T SAY ANYWHERE IN ANY OTHER DOCUMENTS WHAT THE
10 OTHER OFFICER SAID THAT THEY WAS THE INITIAL OFFICER
11 THEY ALL SAY, MR GREEN WAS BY HIMSELF WHEN HE CAME IN
12 CONTACT WITH THE SUSPECT -- WHICH SEEM TO CONTRADICT
13 YOUR STATEMENT THAT YOU'RE MAKING HERE TODAY,
14 ESPECIALLY WITHOUT A WRITTEN REPORT

15 A NO, SIR

16 Q SO IT WOULDN'T BE A LIE THAT YOU WAS THE INITIAL
17 OFFICER WHO HAD CONTACT WITH THE SUSPECT?

18 A NO, SIR

19 Q SO DO YOU HAVE ANY SUPPORT OR EVIDENCE -- ANYBODY
20 TO SUPPORT YOU TO VERIFY THAT YOU WAS THE INITIAL
21 OFFICER?

22 A THE OFFICER THAT WAS STANDING THERE WHEN I PUT THE
23 HANDCUFFS ON YOU KAREN DENHAM

24 Q SO THEY CANNOT GIVE TESTIMONY THAT YOU DID NOT PUT
25 THAT FANNY PACK THERE, IS THAT CORRECT?

1 A I DID NOT PUT THAT FANNY PACK ON YOU

2 Q COULD THEM OFFICERS THAT YOU SAY WAS THERE WITH
3 YOU -- COULD THEY GIVE A REPORT THAT YOU DID NOT PUT
4 THAT FANNY PACK THERE?

5 A I HAVE NO KNOWLEDGE OF THAT SIR I MEAN, THE
6 FANNY PACK WAS TAKEN FROM YOUR BODY

7 Q IS IT BECAUSE THAT THEY WASN'T THERE WHEN YOU MADE
8 INITIAL CONTACT WITH THE SUSPECT?

9 A THEY WERE THERE -- KAREN DENHAM WAS THERE WHEN I
10 MADE CONTACT WITH YOU, YES HER HANDCUFFS WERE THE
11 ONES THAT WERE PLACED ON YOU

12 Q AND THEREFORE WAS KAREN DENHAM AT THE SAME TIME
13 YOU DID ALSO SAW THE SUSPECT AT SIMULTANEOUS TIME, AT
14 THE SAME TIME?

15 A YES

16 Q SO ACTUALLY YOU DIDN'T -- YOU WASN'T THE INITIAL
17 PERSON CAME IN CONTACT WITH THE SUSPECT, IT WAS TWO OF
18 YOU, ISN'T THAT CORRECT?

19 A I'M THE INITIAL OFFICER THAT FOUND YOU UNDER THE
20 BRIDGE

21 Q YOU JUST SAID THAT DEPUTY DENHAM ---

22 A DENHAM

23 Q THAT DEPUTY DENHAM WAS WITH YOU AT THE SAME TIME?

24 A SHE WAS THERE WHEN THE HANDCUFFS WERE PLACED ON
25 YOU

1 Q BUT SHE WASN'T THERE WHEN YOU CAME IN CONTACT WITH
2 THE SUSPECT?

3 A WHEN I MADE PHYSICAL CONTACT WITH YOU, SHE WAS
4 THERE

5 Q WAS SHE OR WAS SHE NOT THERE WHEN YOU MADE INITIAL
6 CONTACT?

7 A THERE WAS PEOPLE STANDING THERE I'M NOT SURE WHO
8 EXACTLY WAS STANDING BEHIND ME

9 Q MR GREEN, IS IT -- HOW LONG HAVE YOU BEEN ON THE
10 POLICE DEPARTMENT?

11 A I WAS ON THE SHERIFF'S DEPARTMENT FOR 13 YEARS

12 Q AND IN YOUR 13 YEARS, IT IS THE POLICY OF, I WOULD
13 SAY THE SHERIFF P J TANNER THAT FOR OFFICER SUCH AS
14 YOURSELF, DOES NOT HAVE TO WRITE INCIDENT REPORTS OR
15 SUPPLEMENTAL REPORTS ANY TIME YOU IS INVOLVED IN A
16 ARREST OR A DETAINMENT OR A INCIDENT? IS THAT PART OF
17 THE POLICY? HIS POLICY?

18 A THAT DAY I WAS TOLD I DIDN'T NEED TO WRITE
19 ANYTHING

20 Q WHO TOLD YOU THAT?

21 A COLONEL BROWN

22 Q COLONEL BROWN TOLD YOU NOT TO WRITE A INCIDENT
23 REPORT OF ANY OF YOUR ACTION THAT DAY?

24 A DIDN'T NEED TO

25 Q WHY DID YOU -- DIDN'T YOU NEED TO?

- 1 A I HAD NO IDEA WHY HE TOLD ME NOT TO
- 2 Q YOU SAY YOU DIDN'T NEED TO I WAS WONDERING WHY
- 3 YOU DIDN'T NEED TO APPARENTLY YOU SAY YOU DIDN'T NEED
- 4 TO YOU SHOULD KNOW WHY YOU DIDN'T NEED TO?
- 5 A DON'T KNOW, SIR
- 6 Q JUST DON'T KNOW YOU REALLY DON'T KNOW NOTHING,
- 7 IS THAT CORRECT?
- 8 A I KNOW THAT YOU ARE THE MAN THAT I APPREHENDED
- 9 Q YOU DON'T HAVE NO EVIDENCE OF THAT, CORRECT?
- 10 A YES, SIR, YOU WERE APPREHENDED AND PLACED IN THE
- 11 BEAUFORT COUNTY DETENTION CENTER
- 12 Q YOU DON'T HAVE ANY EVIDENCE OF THAT?
- 13 A I KNOW THAT YOU'RE THE GENTLEMAN THAT I ARRESTED
- 14 THAT DAY -- OR APPREHENDED THAT DAY
- 15 Q DO YOU HAVE ANY EVIDENCE THAT I AM THE ONE THAT
- 16 YOU APPREHENDED?
- 17 A TYREE ROBERTS
- 18 Q THAT'S A NAME NO I'M ABDIYYAH BEN
- 19 ALKEBULANYAHH
- 20 A YOU'RE THE SUBJECT THAT I APPREHENDED THAT DAY
- 21 Q COULD YOU DESCRIBE THE SUBJECT THAT YOU
- 22 APPREHENDED THAT DAY, SIR?
- 23 A SMILE FOR ME?
- 24 Q (COMPLIED)
- 25 A YES

- 1 Q COULD YOU GIVE A DESCRIPTION -- GIVE A DESCRIPTION
2 OF THE ---
- 3 A BLACK MALE, DREDLOCKS JUST LIKE YOU GOT ON, DIRTY,
4 MUDDY CLOTHES FROM WHEN YOU WERE TAKEN OUT FROM
5 UNDERNEATH THE BRIDGE
- 6 Q ANY OTHER DESCRIPTION OR HEIGHT, SKIN COLOR?
- 7 A YOUR FACE WAS COVERED WITH MUD BECAUSE YOU'VE BEEN
8 TRYING TO HIDE IN THE MUD
- 9 Q SKIN COLOR?
- 10 A COULDN'T TELL BECAUSE YOUR FACE WAS COVERED WITH
11 MUD
- 12 Q MUSTACHE? BEARD?
- 13 A YOUR FACE WAS COVERED WITH MUD
- 14 Q TOTAL MUD SO YOU CAN'T -- YOU DIDN'T ACTUALLY
15 SEE THE SUSPECT THAT DAY, YOU COULD NOT RECOGNIZE THE
16 SUSPECT SO IT WOULD BE A LIE IF YOU SAID -- IF I THE
17 PERSON AND YOU COULDN'T RECOGNIZE ME?
- 18 A I KNOW YOU FROM THE STREET, MR ROBERTS
- 19 Q IT WOULD BE A LIE -- IS IT TRUE THAT YOU ARE LYING
20 WHEN YOU SAY THAT YOU RECOGNIZE THE SUSPECT THAT YOU
21 DETAIN THAT DAY? THAT IS A LIE BECAUSE YOU SAY MUD
22 PREVENTED YOU FROM BEING ABLE TO RECOGNIZE, IS THAT
23 CORRECT?
- 24 A THAT'S NOT CORRECT
- 25 Q SO WHAT EVIDENCE DO YOU HAVE TO SUPPORT THAT THE

1 INDIVIDUAL YOU ARRESTED WAS ABDIYYAH BEN ALKEBULANYAHH?
2 A THE SUBJECT I APPREHENDED WAS TYREE ROBERTS
3 Q AND HOW DID YOU KNOW ---
4 A THE SUBJECT STANDING THERE WITH HIS ARMS FOLDED
5 Q HOW DID YOU KNOW THAT?
6 A I KNOW YOU FROM THE STREET, MR ROBERTS
7 Q DO YOU KNOW THE PERSON THAT YOU PULLED OR YOU SAY
8 YOU APPREHENDED FROM UNDER THAT BRIDGE?
9 A YOUR NAME IS TYREE ROBERTS YOU USED TO LIVE IN
10 GRAYS HILL
11 Q DO YOU KNOW THE PERSON ---
12 A YES I DO
13 Q AND COULD YOU GIVE A DESCRIPTION OF THE PERSON?
14 A HE HAD DREDLOCKS JUST LIKE YOU DO RIGHT NOW
15 Q OKAY DID YOU -- DID YOU GIVE ANYONE THE NAME OF
16 THE SUSPECT THAT YOU PULLED OUT FROM UNDER THAT BRIDGE?
17 A I IDENTIFIED YOU AS TYREE ROBERTS WHEN WE WERE ON
18 THE TOP OF THE ROADWAY
19 Q WHEN YOU SAY YOU -- YOU PULLED A SUSPECT OUT FROM
20 UNDER THE BRIDGE WITH MUD ON HIS FACE AND ALL THIS --
21 DID YOU WRITE A REPORT AND PUT THAT IN YOUR REPORT?
22 A NO, I DIDN'T
23 Q WHY DIDN'T YOU?
24 MR MURDAUGH YOUR HONOR, PLEASE THAT QUESTION
25 HAS BEEN ASKED AT LEAST ---

1 THE COURT I AGREE
2 MR MURDAUGH --- SEVEN OR EIGHT TIMES
3 THE COURT I AGREE I SUSTAIN THAT OBJECTION
4 Q WAS THE DEFENDANT ARMED WHEN YOU ARRESTED HIM?
5 A NO
6 Q DID YOU READ THE -- DID YOU READ THE SUSPECT HIS
7 MEMORANDA (SIC) RIGHTS?
8 A THERE WAS NO NEED TO
9 Q AND YOU SAY THERE WAS NO OTHER WITNESS PRESENT AT
10 THAT TIME, IS THAT CORRECT?
11 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S THE
12 FIFTH OR SIXTH TIME THAT QUESTION HAS BEEN ASKED
13 THE COURT YES, SIR MOVE ON
14 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
15 YOUR HONOR
16 MR MURDAUGH YOU MAY COME DOWN
17 (THE WITNESS LEAVES THE WITNESS STAND)
18 MR MURDAUGH I CALL DAVE BROWN
19 DAVID BROWN, BEING FIRST
20 DULY SWORN, TESTIFIED AS FOLLOWS
21 THE COURT THANK YOU PLEASE STATE YOUR NAME FOR
22 THE RECORD
23 WITNESS DAVID BROWN
24 DIRECT EXAMINATION BY MR. MURDAUGH.
25 Q MR BROWN -- OR COLONEL BROWN, I BELIEVE IT IS, IS

STATE VS ALKEBULANYAHH

1 THAT CORRECT?

2 A YES SIR

3 Q YOU'RE EMPLOYED BY THE BEAUFORT COUNTY SHERIFF'S
4 DEPARTMENT AND ARE YOU A COLONEL WITH THEM?

5 A YES, I AM

6 Q AND ARE YOU THE THIRD RANKING OFFICER IN THE
7 DEPARTMENT?

8 A YES, SIR, I AM

9 Q OKAY, SIR AND THAT'S BEHIND SHERIFF TANNER AND
10 CHIEF DEPUTY HATFIELD?

11 A YES, SIR

12 Q OKAY SIR I ASK YOU WHETHER OR NOT ON JANUARY 8,
13 2002 YOU WERE INVOLVED IN THE INVESTIGATION INTO THE
14 TWO DEATHS THAT OCCURRED AT 21 RILEY ROAD?

15 A YES I WAS

16 Q AT SOME POINT IN TIME DID YOU GET TO THE BRIDGE
17 ACROSS JOE FRAZIER ROAD?

18 A YES, SIR

19 Q WILL YOU TELL US WHAT HAPPENED WHILE YOU WERE
20 THERE?

21 A AFTER LEAVING THE INVESTIGATION SCENE TO CHECK THE
22 PERIMETER, I WAS OUT CHECKING ON MY DEPUTIES THAT WAS
23 ON PERIMETER, SAW THE PERIMETER DOWN JOE FRAZIER ROAD
24 WAS A LITTLE WEAK, AND WENT DOWN TO REQUEST THAT
25 ADDITIONAL PERSONNEL BE ASSIGNED TO THAT AREA

STATE VS ALKEBULANYAHH

1 Q OKAY

2 A UPON MY ARRIVAL THERE, A YOUNG PERSON, APPEARED TO
3 BE A MARINE APPROACH MY VEHICLE AND STATED THAT HE HAD
4 SEEN SOMEONE AROUND OR UNDER THE BRIDGE AREA

5 Q OKAY AND WHAT HAPPENED THEN?

6 A AT THAT POINT IN TIME I EXITED MY VEHICLE WITH MY
7 ASSAULT RIFLE AND AFTER BRIEFLY TALKING WITH SERGEANT
8 GREEN UPON MY INITIAL ARRIVAL ---

9 Q BILL GREEN?

10 A YES, SIR

11 Q WILLIAM GREEN?

12 A RIGHT, SIR AND THEN I EXITED MY VEHICLE AND
13 ONCE WITH THE INFORMATION THAT WAS RELAYED FROM THE
14 YOUNG MAN ON THE BRIDGE, SERGEANT GREEN AS YOU'RE
15 FACING DOWN JOE FRAZIER ROAD FROM THE AIR STATION SIDE,
16 HE WENT TO THE LEFT SIDE OF THE BRIDGE, AND I
17 APPROACHED IT FROM THE RIGHT

18 Q OKAY, SIR WHAT HAPPENED?

19 A SHORTLY THEREAFTER I HEARD SERGEANT GREEN STATE
20 THAT HE HAD IDENTIFIED SOMEONE ON THAT SIDE OF THE
21 BRIDGE AND I MOVED TO THE OTHER SIDE OF THE BRIDGE TO
22 ACT AS COVERING OFFICER FOR SERGEANT GREEN

23 Q OKAY, SIR AND DID HE PULL SOMEBODY OUT FROM
24 UNDER THE BRIDGE?

25 A YES, SIR, WE BOTH DID

- 1 Q AND WERE HANDCUFFS PUT ON HIM?
- 2 A YES, SIR, AS SOON AS WE GOT HIM DOWN, SAW HE WAS
3 UNARMED, WE IMMEDIATELY PLACED THE HANDCUFFS ON HIM
- 4 Q AND WERE THERE A NUMBER OF OTHER OFFICERS THERE BY
5 THAT TIME?
- 6 A ON THE WAY COMING IN, WE MOVED HIM OUT OF THE AREA
7 BECAUSE IT WAS MARSHY AND WET -- UP ON THE BANK WHERE
8 IT WAS A LITTLE DRYER
- 9 Q OKAY AND DID AN OFFICER CUT ANYTHING OFF OF HIS
10 WAIST?
- 11 A YES, SIR, A FANNY PACK
- 12 Q OKAY, SIR I SHOW YOU AN ITEM THAT'S BEEN MARKED
13 STATE'S EXHIBIT NO 2 FOR IDENTIFICATION AND ASK YOU IF
14 YOU CAN IDENTIFY THIS?
- 15 A YES SIR, IT APPEARS TO BE THE SAME FANNY PACK,
16 THE SAME TYPE THAT I SAW THE DAY OF ---
- 17 Q OKAY, SIR WHEN THE OFFICER CUT THAT OFF OF HIM,
18 WAS IT IN YOUR PRESENCE?
- 19 A YES, SIR
- 20 Q AND DID MATT AVERILL IMMEDIATELY PICK IT UP TAKE
21 POSSESSION OF IT?
- 22 A YES, SIR
- 23 Q OKAY, SIR DID YOU PLACE HIM UNDER ARREST?
- 24 A YES SIR
- 25 Q AND WHO DID YOU PLACE UNDER ARREST?

STATE VS ALKEBULANYAHH

- 1 A I PLACED THE DEFENDANT UNDER ARREST AT THAT TIME
- 2 Q AND WHO IS THE DEFENDANT?
- 3 A THE DEFENDANT IS THE GENTLEMAN SITTING THERE
- 4 Q TALKING ABOUT THE FELLOW IN THE BLUE SHIRT?
- 5 A YES, SIR
- 6 Q WHY DID YOU PLACE HIM UNDER ARREST?
- 7 A BECAUSE ---
- 8 Q FOR WHAT?
- 9 A --- TO PARTICULAR FACTS AND CIRCUMSTANCES THAT HAD
- 10 ALREADY BEEN RELAYED AND THE EVIDENCE THAT WAS AT HAND
- 11 LED ME TO BELIEVE AT THAT TIME THAT HE WAS THE SUSPECT
- 12 Q LET ME ASK YOU ONE FURTHER QUESTION
- 13 A YES, SIR
- 14 Q DID HE HAVE ANY INJURIES TO HIM?
- 15 A YES, SIR
- 16 Q DO YOU RECALL WHAT THOSE WERE?
- 17 A YES, SIR, PARTICULARLY NOTICEABLE WAS A SHOULDER
- 18 WOUND AND IN THE AREA OF HIS SHOULDER WOUND WAS SOME
- 19 KIND OF TATOO THAT LOOKED TO BE A FADED-TYPE SUN RAYS
- 20 OR SOMETHING OF THAT AND ALSO APPEARED TO BE A WOUND
- 21 TO THE UPPER THIGH AREA
- 22 Q GUNSHOT WOUND? OR YOU COULDN'T ---
- 23 A COULDN'T -- COULDN'T REALLY SAY I JUST KNOW HE
- 24 WAS WOUNDED
- 25 Q OKAY, SIR AND WAS EMS IMMEDIATELY CALLED ---

- 1 A IMMEDIATELY CALLED
- 2 Q --- TO THE SCENE?
- 3 A YES, SIR
- 4 MR MURDAUGH THANK YOU, SIR
- 5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 6 Q MR BROWN HOW DID YOU COME ABOUT WHEN YOU FIRST
- 7 CAME IN CONTACT WITH THE SUSPECT ON JANUARY 8, 2002 AND
- 8 WHERE WAS IT AT?
- 9 A THIS WAS ON JOE FRAZIER ROAD UNDER THE BRIDGE,
- 10 DOWN FROM THE CAUTION LIGHT AT JOE FRAZIER ROAD
- 11 Q WAS YOU THE INITIAL OFFICER WHO CAME IN CONTACT
- 12 WITH THE SUSPECT?
- 13 A NO, SIR I WAS THE SECOND OFFICER
- 14 Q WHO WAS THE FIRST?
- 15 A IT WAS SERGEANT GREEN
- 16 Q WAS ANYBODY WITH SERGEANT GREEN?
- 17 A YES I IMMEDIATELY MOVED TO THE OTHER SIDE TO BE
- 18 HIS COVERING OFFICER
- 19 Q WHEN THE INITIAL CONTACT WAS MADE, WAS YOU WITH
- 20 HIM?
- 21 A NO, I WASN'T
- 22 Q WAS -- DID YOU NOTICE ANY OTHER OFFICER WITH HIM
- 23 WHEN THE INITIAL CONTACT WAS MADE?
- 24 A NOT AT THAT PARTICULAR TIME
- 25 Q WHEN YOU SAY YOU COVERED, WAS YOU OBSERVING MR

1 BROWN (SIC) WHEN HE MADE THE ARREST OR THE DETAINMENT
2 OF THE SUSPECT?

3 A NO I WAS THERE ASSISTING WHEN WE ARREST YOU AND
4 MOVE YOU OUT OF THE MARSH AREA AND PUT YOU ON THE BANK

5 Q OKAY WHEN YOU ARREST THE SUSPECT, DID YOU READ
6 HIM HIS MEMORANDA (SIC) RIGHTS?

7 A NO, I DIDN'T AT THAT TIME THE SUSPECT DRIFTED
8 OUT OF CONSCIOUSNESS SHORTLY AFTER HE WAS PLACED UNDER
9 ARREST

10 Q DID YOU OBSERVE SERGEANT GREEN READ THE SUSPECT
11 HIS MEMORANDA (SIC) RIGHTS?

12 A NO I DIDN'T I DID NOT

13 Q DID YOU OBSERVE DEPUTY DENHAM -- IF I'M CORRECT,
14 DENHAM ---

15 MR MURDAUGH FOR THE PURPOSE OF THIS HEARING WE
16 WILL STIPULATE THAT NO MIRANDA WARNINGS WERE GIVEN
17 SIR

18 THE COURT IS THAT FINE?

19 MR ALKEBULANYAHH NO, SIR

20 THE COURT ALL RIGHT GO AHEAD

21 Q DID YOU KNOW THAT DEPUTY DENHAM READ THE MEMORANDA
22 (SIC) RIGHTS TO THE SUSPECT?

23 A NO, I DID NOT

24 Q DID YOU OBSERVE ANY OF THE DEPUTIES THAT DAY READ
25 MEMORANDA (SIC) RIGHTS TO THE SUSPECT?

1 A NO I DID NOT

2 Q AND YOU WAS THE SECOND INDIVIDUAL TO COME UPON THE
3 SUSPECT AFTER MR SERGEANT GREEN DISCOVERED THE SUSPECT
4 UNDER THE BRIDGE, IS THAT CORRECT?

5 A IMMEDIATELY

6 Q WAS THE SUSPECT COVERED IN MUD TO WHERE HE WAS
7 UNRECOGNIZABLE?

8 A NO, HE WAS NOT YOU WAS COVERED IN MUD, BUT YOU
9 WERE VERY RECOGNIZABLE

10 Q WAS YOU ABLE TO SEE THE FACE OF THE SUSPECT?

11 A YES I WAS

12 Q CLEARLY?

13 A VERY CLEARLY

14 Q COULD ANYBODY SEEN IT CLEARLY THE FACE OF THE
15 SUSPECT?

16 A IF THEY WERE STANDING WHERE SERGEANT GREEN AND
17 MYSELF WAS, YES

18 Q YOU CAN -- SO THERE WAS NOTHING TO BAR AN OFFICER
19 FROM HAVING A VERY CLEAR PICTURE OF THE SUSPECT THEY
20 WAS LOOKING AT AND WHO HE IS AND THE COLOR HE IS AND
21 DESCRIPTION HE IS THERE WAS NOTHING TO INTERFERE WITH
22 HIS DESCRIPTION?

23 A NOTHING AT ALL I WAS LOOKING AT HIM THROUGH A
24 RIFLE SITE

25 Q OKAY PHYSICAL DESCRIPTION -- WAS ANYTHING ABOUT

1 HIS PHYSICAL DESCRIPTION?

2 A DREDLOCK HAIRDO, THE SAME AS YOURS, APPROXIMATELY
3 5'6" TO 5'8", APPROXIMATELY 165 POUNDS AGAIN, STATE
4 THAT A FADED-LOOKING PRISON-TYPE TATOO WAS ON OR NEAR
5 THE GUNSHOT WOUND AND ON THE CHEST

6 Q WAS THE SUSPECT -- THE SUSPECT HAVE ANY PHYSICAL
7 -- BLOODY MOUTH OR BEARD, MUSTACHE, CUT EAR, OR
8 ANYTHING LIKE THAT IN YOUR DESCRIPTION?

9 A LIGHT BEARD, DREDLOCKS, BROWN SKIN MALE, THAT WAS
10 YOU

11 Q SO THE DREDLOCKS AND LIGHT BEARD, DREDLOCKS WAS
12 CLEARLY DEFINED?

13 A CLEARLY DEFINED, AND ESPECIALLY THE TATOO ON THE
14 CHEST

15 Q AND THERE WAS NOTHING THAT COULD OBSTRUCT THAT
16 DESCRIPTION, IS THAT CORRECT?

17 A NOTHING AT ALL

18 Q SO YOU -- SO THAT DESCRIPTION -- YOU PRETTY MUCH
19 UP UNTIL THIS VERY DAY, IT'S VIVID?

20 A VERY VIVID

21 Q WHEN YOU -- WHEN THE SUSPECT WAS BROUGHT UP OUT
22 FROM UNDER THE BRIDGE WHAT DID YOU DO FROM THERE?
23 WHAT WAS YOUR ACTION WHEN -- WHEN THE SUSPECT WAS
24 BROUGHT OUT FROM UNDER THE BRIDGE AND HE WAS DETAINED,
25 ARRESTED? DID YOU STEP BACK? DID YOU STEP UP OR WAS,

1 YOU KNOW ANY OTHER OFFICERS COME UP FROM THERE? DO
2 YOU KNOW ANY OF THE NAMES OF THE OTHER OFFICERS THAT
3 COME UP OR ASSISTED WITH ANY OBSERVATIONS THAT YOU MADE
4 AT THAT TIME?

5 A YES, I DID YOU WAS TAKEN FROM THE BRIDGE YOU
6 WAS BROUGHT OUT IMMEDIATELY YOU WAS MUDDY, DIRTY IT
7 WAS VISIBLY THAT YOU WAS INJURED YOU WAS HANDCUFFED
8 AT THAT TIME YOU WAS MOVED A SHORT DISTANCE UP THE
9 BRIDGE, ALONG THE SIDE OF THE BRIDGE ON A HILL OTHER
10 OFFICERS STARTED TO ARRIVING AT THAT TIME AT THAT
11 TIME I DID STEP BACK AND CLEAR MY WEAPON, WHICH WAS TO
12 MAKE IT SAFE AND AT THAT TIME THE FANNY PACK WAS
13 TAKEN OFF, AND THE EMS PEOPLE -- OTHER PEOPLE STARTED
14 TO ARRIVE

15 MR ALKEBULANYAHH THANK YOU, MR BROWN I HAVE
16 NO FURTHER QUESTIONS, YOUR HONOR

17 MR MURDAUGH YOU MAY COME DOWN

18 (THE WITNESS LEAVES THE WITNESS STAND)

19 MR MURDAUGH I CALL MATT AVERILL

20 MATT AVERILL, BEING FIRST
21 DULY SWORN, TESTIFIED AS FOLLOWS

22 DIRECT EXAMINATION BY MR. MURDAUGH.

23 Q YOUR NAME IS MATT AVERILL?

24 A THAT'S CORRECT, SIR

25 Q SPELL YOUR NAME FOR THE LADY PLEASE

STATE VS ALKEBULANYAHH

1 A FIRST NAME IS MATTHEW -- M-A-T-T-H-E-W LAST NAME
2 IS AVERILL -- A-V-E-R-I-L-L
3 Q OKAY MR AVERILL, ARE YOU EMPLOYED BY THE
4 BEAUFORT COUNTY SHERIFF'S DEPARTMENT?
5 A YES, I AM
6 Q WERE YOU SO EMPLOYED ON JANUARY 8, 2002?
7 A YES I WAS
8 Q AND WHAT CAPACITY ARE YOU EMPLOYED BY THEM AND
9 WHAT CAPACITY WERE YOU IN ON THAT DAY?
10 A CURRENTLY, I AM THE POLYGRAPH EXAMINER AND THE
11 INTERNAL AFFAIRS OFFICERS FOR THE SHERIFF'S OFFICE ON
12 JANUARY 8TH OF THAT YEAR I WAS IN CHARGE OF
13 INVESTIGATIONS NORTH OF THE BROAD RIVER
14 Q HOW LONG HAD YOU BEEN WITH INVESTIGATIONS, SIR?
15 A AT THAT POINT?
16 Q YES SIR
17 A PROBABLY 3 YEARS
18 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON THE NIGHT
19 OF JANUARY 8, 2002 YOU HAD AN OCCASION TO GO TO THE
20 BROAD RIVER BRIDGE -- EXCUSE ME TO THE BRIDGE OVER JOE
21 FRAZIER -- DID YOU HAVE AN OPPORTUNITY TO GO SOMEWHERE?
22 A YES, I DID
23 Q AND WHERE DID YOU GO, SIR?
24 A I WENT TO THE FIRST BRIDGE AS YOU TURN ONTO JOE
25 FRAZIER ROAD

STATE VS ALKEBULANYAHH

- 1 Q JOE FRAZIER ROAD OKAY SIR AND TELL US WHAT
2 YOU SAW WHEN YOU GOT THERE?
- 3 A WHEN I ARRIVED THERE, THERE WERE NUMEROUS PATROL
4 VEHICLES OF EVERY SHAPE AND SIZE, OBVIOUSLY AND ON
5 THE RIGHT-HAND SIDE OF JOE FRAZIER ROAD AS YOU TURN
6 ONTO THE ROAD, DRIVE UP A LITTLE BIT AND THERE'S A --
7 THERE'S A SMALL BRIDGE THERE AND RIGHT -- RIGHT TO
8 THE RIGHT AT THE BRIDGE I SAW THE DEFENDANT, AND
9 COLONEL BROWN, SERGEANT GREEN, AND CAPTAIN KARR WITH
10 THE PORT ROYAL POLICE DEPARTMENT
- 11 Q OKAY SIR AND DID YOU SEE ANYTHING AROUND THE
12 DEFENDANT'S WAIST?
- 13 A YES, HE HAD A BLACK FANNY PACK, I GUESS YOU WOULD
14 CALL IT
- 15 Q OKAY WAS THAT CUT OFF OF HIM?
- 16 A YES, IT WAS
- 17 Q OKAY, SIR AND DID YOU RECOVER THE ITEM THAT WAS
18 CUT OFF OF HIS WAIST?
- 19 A YES, I DID
- 20 Q I SHOW YOU STATE'S EXHIBIT NO 2, WHICH IS RIGHT
21 IN FRONT -- YOU NOW HAVE YOUR HAND ON AND ASK YOU IF
22 YOU CAN IDENTIFY THAT?
- 23 A YES, THAT'S IT
- 24 Q EXCUSE ME, SIR?
- 25 A YES, SIR THAT'S -- THAT'S THE BAG

1 Q OKAY, SIR DID IT CONTAIN ANYTHING AT THE TIME
2 YOU RECOVERED IT?

3 A YES, IT DID

4 Q AND WHAT DID IT -- EXCUSE ME LET ME ASK YOU
5 THIS DID IT CONTAIN 7 62 ROUNDS?

6 A YES, IT DID

7 Q OKAY, SIR AND HOW MANY?

8 A EIGHT

9 Q I SHOW YOU AN ITEM AND ASK YOU IF THIS IS A
10 PORTION OF THE CONTENTS OF THAT BAG?

11 A YES, SIR, THEY ARE

12 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD MARK
13 THIS AS 3 FOR IDENTIFICATION

14 THE COURT ALL RIGHT, SIR

15 (SMALL BROWN BAG CONTAINING 8 7 62 X 39 WOLF
16 HOLLOW POINT ROUNDS MARKED FOR IDENTIFICATION AS
17 STATE'S EXHIBIT NO 3)

18 Q MR AVERILL, IN ADDITION TO THE 7 62 ROUNDS
19 THAT WERE FOUND IN THERE, WERE THERE NUMEROUS OTHER
20 ITEMS?

21 A YES, THERE WERE

22 MR MURDAUGH OKAY THANK YOU ANSWER ANY
23 QUESTIONS THESE GENTLEMEN -- EXCUSE ME, THE DEFENDANT
24 MAY HAVE

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

2 Q MR AVERILL ---

3 A YES

4 Q --- SIR, YOU STATED A MOMENT AGO THAT WHEN YOU
5 ARRIVED ON THE SCENE, THAT YOU OBSERVED THE DEFENDANT
6 WITH -- I THINK THAT PARTICULAR BAG OR A BAG SIMILAR TO
7 THAT AROUND HIS WAIST, IS THAT CORRECT?

8 A THAT'S CORRECT

9 Q AND YOU COLLECTED SOME PROPERTY OUT OF THAT BAG,
10 IS THAT CORRECT?

11 A YES, IT IS

12 Q COULD YOU STATE FOR ME THE PROPERTY IF YOU KNOW
13 THAT YOU COLLECTED OUT OF THAT BAG?

14 A I SURE COULD I'LL READ IT OFF THE LIST IF YOU
15 WANT ME TO

16 Q YES, SIR, IF IT'S FINE

17 A SURE IT WAS INSIDE -- INSIDE THE BAG THERE WAS
18 ONE BROWN -- BROWN HANDLE LOCKING KNIFE, AND THE BLADE
19 ON IT WAS APPROXIMATELY 4 INCHES LONG THERE WERE A
20 PAIR OF BLACK LEATHER GLOVES THERE WAS ONE QUALCOM
21 Q C P 2760 CELLULAR TELEPHONE IN THERE THERE WAS A
22 SMALL ADDRESS BOOK, BRAND NAME AT-A-GLANCE THERE WAS
23 ONE GREAT NECK -- THAT'S ALSO A BRAND NAME STAINLESS
24 STEEL MULTI-TOOL THERE WAS ONE 4 INCH BREAKMAN
25 FLASHLIGHT ONE BROKEN PAIR OF BLACK SUNGLASSES --

1 BLACK AND BLUE AND THE FANNY PACK OBVIOUSLY ITSELF
2 AND THERE WERE 8 7 62 BY 39 WOLF HOLLOW POINT ROUNDS
3 AND 31 9 MILLIMETER LUGAR ROUNDS

4 Q THANK YOU WHEN YOU ARRIVED ON THE SCENE AND
5 OBSERVE THE SUSPECT, DID YOU OBSERVE ANYONE READING THE
6 SUSPECT HIS MEMORANDA (SIC) RIGHTS?

7 A NO, I DIDN'T

8 Q DID YOU?

9 A NO

10 Q DID YOU OBSERVE ANYBODY ELSE?

11 A NO SIR

12 Q WHEN THE PROSECUTOR ASKED YOU THAT WHEN YOU
13 ARRIVED ON THE SCENE THAT YOU OBSERVED THE SUSPECT WITH
14 THAT BLACK FANNY PACK AROUND HIS WAIST IS THAT
15 CORRECT?

16 A THAT'S CORRECT

17 Q AND WHEN THE DEFENDANT ASKED YOU A MOMENT AGO DID
18 YOU OBSERVE THAT BLACK PANNY (SIC) PACK AROUND THE
19 SUSPECT WAIST YOU SAID THAT IS CORRECT, IS THAT
20 CORRECT?

21 A THAT'S CORRECT

22 Q WAS YOU THERE AND OBSERVE WHEN THE SUSPECT WAS
23 TAKEN IN A AMBULANCE?

24 A I WAS STILL ON THE SCENE I DIDN'T ACTUALLY SEE
25 THEM PUT YOU IN THE AMBULANCE

- 1 Q OKAY DID YOU KNOW WHO RODE WITH ME IN THE
2 AMBULANCE?
- 3 A NO, I DON'T
- 4 Q OKAY WHEN YOU WAS -- YOU DID ATTEND SCHOOL WHEN
5 YOU BECAME AN OFFICER ON WRITING REPORTS AND COLLECTING
6 EVIDENCE AND THINGS TO THAT NATURE, IS THAT CORRECT?
- 7 A CORRECT
- 8 Q IS IT PRETTY MUCH YOUR AREA OF EXPERTISE IN
9 COLLECTING EVIDENCE?
- 10 A I WOULDN'T SAY I WAS AN EXPERT
- 11 Q I MEAN, YES, SIR, BUT IN -- IN THAT PARTICULAR ---
- 12 A THAT'S WHAT CRIMINAL INVESTIGATORS DO, YES
- 13 Q YES, SIR IN SCHOOL DID THEY TEACH YOU ALL ABOUT
14 WRITING ACCURATE REPORTS?
- 15 A YES
- 16 Q IS ACCURATE REPORTS CRITICAL TO CASES?
- 17 A CRITICAL I DON'T UNDERSTAND WHAT YOU MEAN
- 18 Q IS ACCURATE REPORT SIGNIFICANT IN PART OF A
19 INVESTIGATION IN DETERMINING THE TRUTH?
- 20 A ABSOLUTELY
- 21 Q ON JANUARY 1 -- I'M SORRY EXCUSE ME ON JANUARY
22 12, 2002, YOU WROTE A REPORT, IS THAT CORRECT?
- 23 A THAT'S CORRECT
- 24 Q AND IT WAS A 4-PAGE REPORT, IS THAT CORRECT?
- 25 A THAT'S CORRECT

- 1 Q AND YOUR BADGE NUMBER IS -- YOUR UNIT NUMBER IS
2 88456, IS THAT CORRECT?
- 3 A THAT'S CORRECT
- 4 Q DO YOU HAVE THAT REPORT WITH YOU?
- 5 A I SURE DO
- 6 Q AND YOUR OBSERVATION -- I MEAN, I'M SORRY IN
7 OFFICER ACTION IN PARAGRAPH 3, FOUR LINES DOWN YOU
8 SPOKE -- YOU SAID, EMS WAS PREPARING TO EMBARK WITH
9 SUSPECT TO BEAUFORT MEMORIAL HOSPITAL, IS THAT CORRECT?
- 10 A YES, THAT'S WHAT IT SAYS
- 11 Q AND I WAS INFORMED BY SERGEANT WILLIAM GREEN AND
12 CAPTAIN KARR OF PORT ROYAL POLICE DEPARTMENT, RIGHT?
- 13 A CORRECT
- 14 Q THAT THE PROPERTY ON THE GROUND BESIDE THE SUSPECT
15 WAS TAKEN OFF THE SUSPECT IS THAT CORRECT?
- 16 A CORRECT
- 17 Q WOULDN'T YOU SAY THAT STATEMENT CONTRADICT THE
18 TESTIMONY THAT YOU JUST GAVE TO THE PROSECUTOR AND
19 MYSELF BEING THAT YOU JUST GIVE TESTIMONY SAYING THAT
20 YOU OBSERVED THAT BAG ON THE SUSPECT THREE TIMES, BUT
21 IN YOUR REPORT YOU SAID THE BAG WAS ON THE GROUND
22 BESIDE THE SUSPECT AND THAT SERGEANT WILLIAM GREEN AND
23 CAPTAIN KARR OF PORT ROYAL INFORMED YOU OF THAT, IS
24 THAT CORRECT?
- 25 A THEY TOLD ME IT WAS ON THE -- THAT WAS THE ITEM ON

1 THE GROUND YES

2 Q SO IT WASN'T ON THE SUSPECT AS YOU ---

3 A YES, IT WAS AS I'M WALKING ---

4 Q --- SPOKE ---

5 A AS I'M WALKING -- WELL, WE WERE PARKED AS WE
6 WERE WALKING TO WHERE YOU WERE LOCATED WITH THE OTHER
7 OFFICERS, I OBSERVED THE BAG ACTUALLY GETTING CUT OFF
8 CAPTAIN KARR IS THE ONE THAT ACTUALLY CUT THE BAG OFF
9 OF YOU THEY DIDN'T KNOW THAT I SAW THAT SO WHEN I
10 ARRIVED PHYSICALLY RIGHT UP TO WHERE YOU WERE, THEY
11 LOOKED UP AND SAID THIS IS -- WE JUST TOOK THIS OFF OF
12 HIM RIGHT HERE AND THAT'S WHEN I TOOK CUSTODY OF IT

13 Q SO IN YOUR REPORT YOU DIDN'T WRITE THAT YOU
14 OBSERVED THE BAG ON THE SUSPECT, IS THAT CORRECT?

15 A CORRECT

16 Q AND THERE IS NO EVIDENCE OR ANYTHING TO PROVE THAT
17 YOU OBSERVED THAT BAG ON THE SUSPECT, IS THAT CORRECT?
18 DO YOU HAVE ANYTHING TO SUBSTANTIATE YOUR STORY THAT
19 THE BAG WAS ON THE SUSPECT THAT YOU OBSERVED THE BAG
20 ON THE SUSPECT?

21 A JUST THAT I SAW IT

22 Q JUST BECAUSE YOU SAY BUT IN YOUR REPORT YOU JUST
23 STATE DEFINITELY THAT I WAS INFORMED BY SERGEANT
24 WILLIAM GREEN AND CAPTAIN KARR THAT THE PROPERTY ON THE
25 GROUND BESIDE THE SUSPECT WAS TAKEN OFF THE SUSPECT,

1 THAT THEY TOLD YOU THAT THE PROPERTY ON THE GROUND --
2 THIS WAS THE PROPERTY THAT WAS TAKEN OFF THE SUSPECT,
3 AND THAT'S WHEN YOU TOOK THAT PROPERTY OFF THE GROUND,
4 IS THAT CORRECT AND STARTED TO BAG IT UP INTO EVIDENCE?

5 A COULD YOU REPEAT THAT?

6 Q WHEN SERGEANT WILLIAM GREEN AND CAPTAIN KARR -- AS
7 IN YOUR REPORT -- INFORMED YOU THAT THE PROPERTY ON THE
8 GROUND BESIDE THE SUSPECT WAS TAKEN OFF THE SUSPECT --
9 THEY INSTRUCT YOU THAT THE PROPERTY ON THE GROUND WAS
10 TAKEN OFF THE SUSPECT, AND THAT'S WHEN YOU STARTED TO
11 GATHER THAT PROPERTY AND COLLECT IT -- COLLECT THAT
12 PROPERTY?

13 A RIGHT

14 Q DID YOU PUT ALL THAT PROPERTY IN ONE BAG?

15 A AT THAT TIME, YES

16 MR ALKEBULANYAHH OKAY I HAVE NO FURTHER
17 QUESTIONS, YOUR HONOR

18 MR MURDAUGH I HAVE NO FURTHER QUESTIONS THAT
19 WOULD CONCLUDE THE TESTIMONY, YOUR HONOR, PLEASE

20 THE COURT YOU MAY STEP DOWN

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 MR MURDAUGH WE WOULD ASK FOR THE INTRODUCTION
23 OF STATE'S EXHIBITS 2 AND I THINK 3

24 THE COURT ALL RIGHT MARK THEM FOR I D
25 PURPOSES FOR THIS HEARING

1 (STATE'S EXHIBIT NOS 2 AND 3 WERE PREVIOUSLY
2 MARKED)

3 THE COURT ALL RIGHT I'LL HEAR YOUR ARGUMENTS
4 ON THAT ANYTHING ELSE ON THAT?

5 MR MURDAUGH NO, SIR

6 THE COURT ARGUMENT?

7 MR ALKEBULANYAHH YOUR HONOR, ALL OF THE
8 INDIVIDUALS THAT WAS BROUGHT FORTH TO GIVE TESTIMONY
9 THEY ALL ATTEST TO THAT THE DEFENDANT WAS DETAINED,
10 ARRESTED NO MEMORANDA (SIC) RIGHTS READ TO ANY EXTENT
11 AND THE DISCREPANCY IN TESTIMONY IS VERY CLEAR AS FAR
12 AS THE EVIDENCE THE PERSON THEY ARREST -- OR DO THEY
13 REALLY KNOW THEY ARREST AND IT SEEMS IT'S -- IT'S A
14 BIG MESS THAT WHERE IT'S SO UNPROFESSIONAL THAT I
15 CAN'T YOU KNOW, JUST COMPREHEND THE THINGS THAT TOOK
16 PLACE AND THE WAY THEY CONDUCTED THEMSELVES TO BE
17 PROFESSIONAL IN THAT ASPECT

18 BUT EVERYTHING THAT THEY SAID AND EVERYTHING THEY
19 DO SUPPORT THE GROUNDS WHY THIS EVIDENCE AND THE OTHER
20 EVIDENCE SHOULD BE SUPPRESSED, BECAUSE THE SUSPECT WAS
21 DENIED HIS FIFTH AND HIS FOURTEENTH AMENDMENT
22 CONSTITUTION RIGHTS NO MORE THAN THE EVIDENCE ITSELF
23 IS SUFFICIENT FOR ME AND I PRAY THAT THE COURT RULE
24 IN THAT BEHALF FOR THE DEFENSE ABOUT THIS MATTER

25 THE COURT STATE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE HE WAS UNDER
2 ARREST AND THAT WAS TAKEN FROM HIM PURSUANT TO THE
3 ARREST, AND THAT MAKES IT ADMISSIBLE

4 THE COURT ALL RIGHT THE NEXT MATTER?

5 MR MURDAUGH THE NEXT MATTER, BUSTER EDWARDS
6 BUSTER EDWARDS PLEASE

7 THIS WILL BE THE SUPPRESSION OF THE CONTENTS OF 21
8 RILEY ROAD, SIR

9 THE COURT ALL RIGHT

10 BUSTER EDWARDS, BEING FIRST
11 DULY SWORN, TESTIFIED AS FOLLOWS

12 THE COURT SPELL YOUR LAST NAME FOR THE COURT
13 REPORTER

14 WITNESS EDWARDS, E-D-W-A-R-D-S

15 THE COURT THANK YOU

16 DIRECT EXAMINATION BY MR MURDAUGH.

17 Q MR EDWARDS, ARE YOU EMPLOYED BY THE SOUTH
18 CAROLINA LAW ENFORCEMENT DIVISION?

19 A THAT'S CORRECT, SIR

20 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED BY THEM?

21 A SUPERVISORY SPECIAL AGENT, RANK OF LIEUTENANT

22 Q HOW LONG HAVE BEEN WITH SLED?

23 A 16 YEARS, SIR

24 Q OKAY, SIR ON JANUARY 8, 2002 DID YOU HAVE AN
25 OCCASION TO COME TO BEAUFORT?

- 1 A THAT'S CORRECT, SIR
- 2 Q AND WERE YOU INVOLVED IN THE INVESTIGATION INTO
- 3 THE DEATHS OF THE TWO OFFICERS?
- 4 A YES, SIR, I WAS
- 5 Q OKAY, SIR AS A RESULT OF INFORMATION THAT YOU
- 6 OBTAINED DURING THE NIGHT FROM VARIOUS AND SUNDRY OTHER
- 7 PEOPLE AND ON YOUR OWN, DID YOU GO BEFORE A MAGISTRATE
- 8 AND OBTAIN A SEARCH WARRANT?
- 9 A THERE WAS A SEARCH WARRANT OBTAINED, YES, SIR
- 10 Q OKAY SIR AND DID YOU SIGN THE AFFIDAVIT? I
- 11 SHOW ---
- 12 MR MURDAUGH MAY I APPROACH?
- 13 THE COURT YES, SIR
- 14 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
- 15 THAT?
- 16 A YES SIR, IT HAS MY SIGNATURE ON IT
- 17 Q OKAY, SIR AND DID YOU SIGN THE AFFIDAVIT FOR THE
- 18 SEARCH WARRANT FOR 21 RILEY ROAD BASED UPON INFORMATION
- 19 THAT YOU YOURSELF HAD OBTAINED AND THAT YOU HAD
- 20 GATHERED FROM OTHER OFFICERS?
- 21 A THAT'S CORRECT, SIR
- 22 Q AND IS THAT THE SEARCH WARRANT? A COPY OF IT?
- 23 A YES, SIR, IT IS
- 24 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
- 25 THAT AS AN EXHIBIT

STATE VS ALKEBULANYAHH

1 THE COURT YOU UNDERSTAND THESE ARE ALL JUST FOR
2 I D PURPOSES FOR THIS HEARING?

3 MR ALKEBULANYAHH SIR?

4 THE COURT DO YOU UNDERSTAND ALL THESE ARE JUST
5 FOR IDENTIFICATION FOR THIS HEARING, RIGHT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT

8 MR ALKEBULANYAHH I WOULD HAVE THE OPTION TO
9 SUBPOENA THOSE EVIDENCE IN THE TRIAL, IS THAT CORRECT?

10 MR MURDAUGH YOU DON'T NEED TO SUBPOENA IT
11 I'LL GIVE IT TO HIM

12 THE COURT WELL, HE'LL GIVE IT TO YOU IF YOU NEED
13 IT

14 MR ALKEBULANYAHH ALL THE EVIDENCE I JUST WANT
15 TO MAKE SURE

16 THE COURT GO AHEAD

17 (SEARCH WARRANT 4 PAGES MARKED FOR IDENTIFICATION
18 AS STATE'S EXHIBIT NO 4)

19 MR MURDAUGH THAT'S ALL THE QUESTIONS I HAVE

20 THE COURT DO YOU HAVE ANY QUESTIONS?

21 MR ALKEBULANYAHH YES, SIR, I DO

22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

23 Q YOU ARE MR BUSTER EDWARDS?

24 A THAT'S CORRECT, SIR

25 Q YES, SIR THE SEARCH WARRANT THAT YOU HAVE IN

- 1 YOUR POSSESSION -- DO YOU HAVE A COPY OF THAT SEARCH
2 WARRANT?
- 3 A I DO NOT HAVE IT, NO, SIR
- 4 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?
5 THE COURT YES, SIR
- 6 A NOW I HAVE IT
- 7 Q OKAY IS THIS SEARCH WARRANT LABELED -- MR
8 EDWARDS, THERE'S A NUMBER IN THE CORNER OF THE SEARCH
9 WARRANT COULD YOU READ THAT NUMBER TO ME?
- 10 A WHAT PAGE ARE WE TALKING, SIR?
- 11 Q THE FIRST PAGE, THE FACE
- 12 A A NUMBER?
- 13 Q YES, SIR IT LOOKS LIKE A NUMBER THAT LABELS THE
14 SEARCH WARRANT
- 15 A I DO NOT SEE THE ONLY NUMBER I SEE, SIR, IS
16 1/8/02, THE DATE
- 17 Q 1/8/02?
- 18 A THAT'S CORRECT
- 19 Q IS THAT -- CAN YOU TURN TO THE AFFIDAVIT?
- 20 A ALL RIGHT, SIR
- 21 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH HIM
22 AND ASK ---
- 23 THE COURT YES
- 24 Q SIR IS THIS THE SAME SEARCH WARRANT THAT YOU ARE
25 LOOKING AT?

1 A YES, SIR, IT APPEARS TO BE THE SAME
2 Q OKAY FOR THE RECORD, ARE WE LOOKING AT THE SAME
3 SEARCH WARRANT, MR EDWARDS?
4 A IT APPEARS TO BE THE SAME, YES, SIR
5 Q AND THAT IS YOUR AFFIDAVIT, IS THAT CORRECT?
6 A THAT'S CORRECT
7 Q IT'S DATED JANUARY 8, 2002, IS THAT CORRECT?
8 A THAT'S CORRECT
9 Q AND IS THE SEARCH WARRANT ON THE NEXT PAGE -- IS
10 THAT CORRECT?
11 A YOU ASKING ME?
12 Q YES, SIR ON THE NEXT PAGE CONCERNING THE SEARCH
13 WARRANT ITSELF?
14 A ALL RIGHT, SIR
15 Q IT'S LABELED THE SEARCH WARRANT AT THE TOP, IS
16 THAT CORRECT?
17 A I'M NOT -- I'M NOT FOLLOWING WHAT YOU'RE SAYING
18 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH
19 AGAIN?
20 THE COURT YES, SIR
21 A THIS IS THE SAME PAGE WE'RE LOOKING AT YES, SIR,
22 IT'S THE SAME PAGE
23 Q OKAY
24 MR MURDAUGH LOUD ENOUGH SO THE COURT REPORTER
25 CAN HEAR YOU ALSO

- 1 THE COURT CAN YOU REPEAT THAT ANSWER SIR?
- 2 MR ALKEBULANYAHH I WAS GOING TO ASK HIM
- 3 THE COURT OKAY GO AHEAD
- 4 Q AT THE BOTTOM OF THE PAGE BEHIND THE AFFIDAVIT,
- 5 THE SEARCH WARRANT IS THAT THE SAME PAGE AS THE DEFENSE
- 6 HAS THAT YOU'RE LOOKING AT?
- 7 A IT APPEARS TO BE THE SAME PAGE THAT YOU'RE LOOKING
- 8 AT, SIR
- 9 Q AND IT'S DATED JANUARY 8, 2002, IS THAT CORRECT?
- 10 A THAT'S CORRECT, SIR THE BOTTOM
- 11 Q OKAY AND THE FOLLOWING PAGE IS THE RETURN, IS
- 12 THAT CORRECT?
- 13 A THAT'S CORRECT, SIR
- 14 Q AND IT'S DATED JANUARY 8 2002, IS THAT CORRECT?
- 15 A AT THE TOP OF THE PAGE, YES, SIR
- 16 Q YES, SIR, AT THE TOP OF THE PAGE WAS YOU PART OF
- 17 THIS SEARCH AND RETURN INCIDENT?
- 18 A I SIGNED THE SEARCH WARRANT
- 19 Q YES, SIR
- 20 A THE SEARCH WARRANT WAS -- WAS INITIATED BY ONE OF
- 21 OUR AGENTS
- 22 Q OKAY ONE OF YOUR AGENTS OKAY AND WHO WAS
- 23 THAT SEARCH WARRANT INITIATED BY?
- 24 A SPECIAL AGENT DIANE BODIE
- 25 Q DIANE BODIE?

1 A IT WAS GIVEN TO HER BY ME

2 Q OKAY AND YOU WASN'T PART OF THE COLLECTING OF
3 ANY OF THE EVIDENCE INVOLVED IN THAT INCIDENT?

4 A NO, SIR, I WAS NOT

5 Q SO YOU WOULDN'T REALLY HAVE ANYTHING RELEVANT TO
6 OFFER IN REFERENCE TO THE COLLECTION OF ANY EVIDENCE ON
7 YOUR SEARCH WARRANT, IS THAT CORRECT?

8 A NO SIR, I WILL NOT

9 Q SO REALLY -- OKAY SO THAT SPEAKS FOR ITSELF
10 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
11 YOUR HONOR

12 MR MURDAUGH YOU MAY COME DOWN

13 (THE WITNESS LEAVES THE WITNESS STAND)

14 MR MURDAUGH WE CALL DIANE BODIE PLEASE

15 DIANE BODIE BEING FIRST

16 DULY SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY MR. MURDAUGH.

18 Q YOUR NAME PLEASE?

19 A DIANE WATTS BODIE, B-O-D-I-E

20 Q OKAY MS BODIE, ARE YOU EMPLOYED BY THE SOUTH
21 CAROLINA LAW ENFORCEMENT DIVISION?

22 A YES, SIR, I AM

23 Q IN WHAT CAPACITY?

24 A I'M SPECIAL AGENT ASSIGNED TO THE LATENT PRINT
25 CRIME SCENE UNIT IN THE FORENSIC LAB

STATE VS ALKEBULANYAHH

1 Q OKAY ARE PART OF YOUR DUTIES TO INVESTIGATE WHEN
2 A VIOLENT CRIME TAKES PLACE AND IT'S REQUESTED BY THE
3 SHERIFF?
4 A YES, SIR, ONE OF OUR PRIMARY RESPONSIBILITY IS
5 RESPONDING TO CRIME SCENES ALL OVER THE STATE AS
6 REQUESTED BY THE LOCAL AGENCIES
7 Q OKAY AND I ASK YOU WHETHER OR NOT YOU WERE
8 CONTACTED ON JANUARY 8, 2002 TO RESPOND TO AN INCIDENT
9 THAT OCCURRED ON 21 RILEY ROAD IN BEAUFORT COUNTY?
10 A YES, SIR, I WAS
11 Q OKAY
12 MR ALKEBULANYAHH YOUR HONOR, I'M SORRY EXCUSE
13 ME COULD SHE SPEAK FOR THE MIKE -- SPEAK LOUDER INTO
14 THE MIKE SO WE CAN HEAR
15 Q SPEAK INTO THE BLACK ONE THERE
16 A OKAY
17 MR ALKEBULANYAHH THANK YOU
18 Q SAY SOMETHING TO ME
19 A HI
20 MR MURDAUGH IS THAT BETTER?
21 MR ALKEBULANYAHH YES SIR, THANK YOU
22 Q OKAY THANK YOU, MA'AM ON THAT DATE DID YOU
23 COME TO BEAUFORT COUNTY?
24 A YES, SIR, I DID
25 Q OKAY AT SOME POINT IN TIME WERE YOU GIVEN THE

STATE VS ALKEBULANYAHH

1 ITEM THAT IS MARKED ---

2 MR MURDAUGH MAY I APPROACH?

3 THE COURT YES, SIR

4 Q --- STATE'S EXHIBIT NO -- STATE'S EXHIBIT NO 4
5 FOR IDENTIFICATION?

6 A YES, SIR, I WAS

7 Q AND I'M TALKING ABOUT THAT WHOLE THING THERE,
8 THAT'S A COPY OF -- IS THAT A COPY OF WHAT YOU WERE
9 GIVEN?

10 A YES, SIR

11 Q OKAY DID YOU -- AND THAT IS A SEARCH WARRANT
12 THAT HAD BEEN OBTAINED BY BUSTER EDWARDS, IS IT NOT?

13 A YES SIR, IT IS

14 Q AND ISSUED BY RITA SIMMONS I BELIEVE -- OR BY A
15 JUDGE, MAGISTRATE?

16 A YES, SIR

17 Q OKAY DID YOU EXECUTE THAT SEARCH WARRANT ON 21
18 RILEY ROAD?

19 A YES, SIR, I DID

20 Q AND WERE YOU ALONG WITH AL STUCKEY AND KIMBERLY
21 BLACK PRIMARILY RESPONSIBLE FOR THE GATHERING OF
22 EVIDENCE IN THAT RESIDENCE?

23 A AND ONE OTHER AGENT DAN DEFREESE

24 Q DAN DEFREESE OKAY

25 A YES, SIR

1 Q OF THE EVIDENCE THAT YOU GATHERED IN THAT
2 RESIDENCE, IS IT LISTED ON THE RETURN ON THE BACK OF
3 THAT STATE'S EXHIBIT NO 4?

4 A YES, SIR, IT'S LISTED ON THE RETURN

5 Q AND IS THAT SIGNED BY YOU?

6 A YES, SIR, IT IS

7 MR MURDAUGH OKAY ANSWER ANY QUESTIONS HE HAS
8 FOR YOU

9 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

10 Q HELLO, MS BODIE

11 A GOOD AFTERNOON

12 Q MS BODIE, YOU ARE AN INVESTIGATOR FOR THE SOUTH
13 CAROLINA LAW ENFORCEMENT DIVISION IS THAT CORRECT?

14 A YES, SIR

15 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
16 THE COURT YES

17 Q I WANT TO CONFIRM THAT'S THE STATEMENT THAT I HAVE
18 IS THE SAME THAT YOU HAVE

19 A YES, SIR ON THIS FORM I ACTUALLY HAVE MY LAB
20 NUMBER, MY INITIALS, AND PAGE NUMBER AT THE TOP OF EACH
21 FORM

22 Q AND THE LAB NUMBER ---

23 MR MURDAUGH I CAN'T HEAR THE DEFENDANT

24 MR ALKEBULANYAHH YES, SIR

25 THE COURT CAN YOU ---

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR
 2 THE COURT --- STATE YOUR QUESTION
 3 Q YES COULD YOU TELL ME WHAT'S THE LAB NUMBER?
 4 A THE LAB NUMBER IS L-02353
 5 Q OKAY THANK YOU DOES THEM FORMS -- IS
 6 CONSISTENT WITH THE FORMS THAT YOU HAVE IN YOUR
 7 PRESENCE?
 8 A THIS FORM?
 9 Q STATE'S EXHIBIT NO ---
 10 A IS STATE'S EXHIBIT 4
 11 Q OKAY THANK YOU
 12 A YES, SIR
 13 Q MS BODIE, YOU COLLECTED THE EVIDENCE AT THE 21
 14 RILEY ROAD RESIDENCE, IS THAT CORRECT?
 15 A YES, SIR I DID
 16 Q ON THIS RETURN IT STATES AT THE TOP THAT YOU
 17 RECEIVED THE ATTACHED SEARCH WARRANT ON JANUARY 8,
 18 2002, IS THAT CORRECT?
 19 A YES, SIR
 20 Q AND IT WAS EXECUTED ON JANUARY 8, 2002, IS THAT
 21 CORRECT?
 22 A YES, SIR
 23 Q AT 7 30 P M , IS THAT CORRECT?
 24 A THAT'S CORRECT, SIR
 25 Q AND IT FURTHER STATES THAT I SEARCHED THE PERSON

1 DESCRIBED IN THE WARRANT AND THE PREMISES, IS THAT
2 CORRECT?

3 A YES, SIR

4 Q OKAY AND YOU ALSO -- IS ALSO STATED THAT I LEFT
5 A COPY OF THE WARRANT WITH MR ISAAC RILEY, IS THAT
6 CORRECT?

7 A YES, SIR

8 Q DID YOU DO THAT?

9 A A COPY WAS LEFT AT THE TRAILER IT WASN'T -- IT
10 WAS A DAY LATER ACTUALLY IT WAS OVER 30 HOURS LATER

11 Q SO THE COPY -- WHEN YOU LEFT THIS, IT DOESN'T
12 CONFIRM WITH THE ACTUAL RETURN, IS THAT CORRECT,
13 BECAUSE YOU LEFT A COPY ON THE 9TH?

14 A NO THE COPY WAS SIGNED ON THE 9TH BY THE JUDGE

15 Q OKAY

16 A THE MAGISTRATE

17 Q OKAY AND YOU LEFT THE -- A COPY OF THIS WITH MR
18 RILEY, IS THAT CORRECT?

19 A A COPY WAS LEFT AT THE TRAILER OF ISAAC RILEY

20 Q OKAY AND THE EVIDENCE -- AND THE EVIDENCE THAT
21 WAS INVENTORIED AND TAKEN ON JANUARY 8, 2002 AT 7 30
22 O'CLOCK -- 7 30 P M , YOU LISTED ITEMS IN THE
23 INVENTORY, IS THAT CORRECT?

24 A YES, SIR

25 Q COULD YOU GO OVER THEM ITEMS WITH ME PLEASE,

1 MA'AM?

2 A YES, SIR

3 Q WOULD YOU MIND BY READING THEM?

4 A YES, SIR 1 RUG, FLORAL PRINT BORDER, 1 QUALCOM

5 CELL PHONE, 1 MAG LIGHT, 1 GLOCK 22 AND MAGAZINE

6 BELONGING TO OFFICER TATE, 1 FIRED CARTRIDGE IN

7 CHAMBER, AND 6 UNFIRED CARTRIDGES, 1 GLOCK 22 AND

8 MAGAZINE BELONGING TO OFFICER COURSEN, 15 CARTRIDGES IN

9 MAGAZINE AND 1 IN CHAMBER, 1 BLACK NYLON HOLSTER, 1

10 S K S HIGH CAPACITY MAGAZINE, 9 SWABS, 2 G S R KITS

11 -- OFFICER TATE AND COURSEN, A G S R SAMPLE ON DOOR,

12 GREEN PARKA LINER 11 HANGERS WITH GARMENTS, GREEN

13 CURTAIN 2 PIECES OF GLASS FROM T V , 1 PIECE OF METAL,

14 1 PIECE OF WOOD, 9 40 CALIBER CARTRIDGE CASES, 20 7 62

15 BY 39 CARTRIDGE CASES 17 BULLETS OR FRAGMENTS, AND

16 CLOSET DOOR

17 Q AND THANK YOU IN THIS -- WHEN YOU TOOK THIS

18 INVENTORY, WHO WAS THE OTHER LAW ENFORCEMENT OFFICIALS

19 THAT WAS WITH YOU IN YOUR PRESENCE AT THIS TIME? I SEE

20 THEM LISTED IN THIS RETURN

21 A AT THE BOTTOM OF THE RETURN?

22 Q YES, MA'AM

23 A IT STATES, THIS INVENTORY WAS MADE IN THE PRESENCE

24 OF -- IT WOULD BE AGENT DAN DEFREESE, AGENT KIMBERLY

25 BLACK, AGENT AL STUCKEY

1 Q AND THEY ALL WORK WITH THE SOUTH CAROLINA LAW
2 ENFORCEMENT DIVISION, IS THAT CORRECT?
3 A YES, SIR, WE ARE ALL EMPLOYED BY THE SOUTH
4 CAROLINA LAW ENFORCEMENT DIVISION IN THE FORENSIC
5 LABORATORY
6 Q COULD YOU READ THE LAST SENTENCE IN THE BODY OF
7 THAT AFTER ---
8 A I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED
9 ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT
10 Q AND IT WAS SWORN BEFORE THE ---
11 A IT WAS JUDGE SMITH
12 Q AND WHAT IS THAT DATE AND TIME ON IT? IS A DATE
13 AND SOMETHING COULD YOU READ THAT FOR ME PLEASE,
14 MA'AM?
15 A JANUARY 9, 2002
16 Q AND THAT'S JUDGE SMITH, IS THAT CORRECT?
17 A YES SIR
18 Q AND THE SIGNATURE OF THE OFFICER EXECUTING THIS
19 WARRANT -- AND THAT WAS YOURSELF, MS BODIE, IS THAT
20 CORRECT?
21 A THAT'S CORRECT
22 Q THAT'S ON THE LINE BELOW
23 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
24 MR MURDAUGH NOR DO I, SIR
25 THE COURT ALL RIGHT

1 MR MURDAUGH YOU MAY COME DOWN

2 THE COURT STEP DOWN

3 MR MURDAUGH YOUR HONOR, PLEASE, IF THE SEARCH

4 WARRANT IS PROPER -- HE'S GOT TO MAKE AN ARGUMENT

5 FIRST I APOLOGIZE

6 THE COURT GO AHEAD

7 MR MURDAUGH YOU MAY COME DOWN

8 (THE WITNESS LEAVES THE WITNESS STAND)

9 THE COURT ARGUMENTS?

10 MR ALKEBULANYAHH YOUR HONOR, THE DEFENSE JUST

11 ASK THAT AS STATED BY THE -- MS DIANE BODIE OF THE

12 SOUTH CAROLINA LAW ENFORCEMENT OFFICIAL CONCERNING THE

13 RETURN ON JANUARY 8 2002 SIGNED BY JUDGE SMITH THAT

14 ANY OF THE EVIDENCE -- OR ALL EVIDENCE SOUGHT TO BE

15 INCLUDED IN RELATION -- RELATION TO THIS MATTER IN THIS

16 RETURN HERE BE NOT ADDED AND TO THIS ANY EVIDENCE

17 OUTSIDE OF ANY -- ANYTHING TAKEN OUTSIDE OF THIS RETURN

18 THAT IT BE SUPPRESSED, AND THAT THE PROSECUTOR DO NOT

19 BRING ANYTHING ELSE AT THE TRIAL OTHER THAN THE THINGS

20 THAT WAS SWORN TO AND SIGNED BY JUDGE SMITH

21 THE COURT YES, SIR

22 MR MURDAUGH DO I TAKE IT, SIR, THAT HE HAS NOW

23 ASKED THAT THE SUPPRESSION MOTION BE WITHDRAWN EXCEPT

24 TO THE ITEMS THAT ARE ENUMERATED IN THE SEARCH WARRANT?

25 THE COURT IS THAT CORRECT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR
2 MR MURDAUGH THEN WE'RE THROUGH, SIR
3 THE COURT PARDON?
4 MR MURDAUGH I SAID, WE'RE THROUGH
5 THE COURT SO ESSENTIALLY THERE'S NOTHING?
6 MR ALKEBULANYAHH YES, SIR
7 THE COURT ALL RIGHT
8 MR MURDAUGH I COULD HAVE -- WE COULD HAVE SAVED
9 TWO WITNESSES A LOT OF TIME IF HE'D HAVE TOLD ME THAT,
10 SIR
11 THE COURT ALL RIGHT DID YOU MAKE THAT DECISION
12 AFTER YOU HEARD THAT INFORMATION?
13 MR ALKEBULANYAHH YES, SIR
14 THE COURT ALL RIGHT ALL RIGHT
15 (PAUSE)
16 THE COURT I'LL MARK THAT ONE WITHDRAWN
17 ANYTHING ELSE THAT I NEED TO HEAR?
18 MR ALKEBULANYAHH I WANTED TO ADDRESS THE COURT
19 ABOUT SOME ADDITIONAL FUNDS ABOUT THE FORENSIC SCIENCE
20 THAT I MENTIONED EARLIER TODAY FOR HIS TESTIMONY
21 THE COURT AFTER WE'RE DONE TODAY I CAN DEAL WITH
22 THAT WITHOUT THEIR HAVING TO WAIT FOR THAT
23 MR ALKEBULANYAHH YES, SIR
24 THE COURT WHAT ELSE?
25 (NO RESPONSE)

STATE VS ALKEBULANYAHH

1 THE COURT WHAT ELSE? ANYTHING?

2 (NO RESPONSE)

3 THE COURT WE STRIKE THE JURY AT 8 30 TOMORROW
4 MORNING I NEED TO CHECK WITH THE CLERK AND MAKE SURE
5 EVERYONE WAS CALLED

6 MR ALKEBULANYAHH I HAVE NOTHING ELSE, YOUR
7 HONOR

8 MR MURDAUGH IF YOUR HONOR, PLEASE WE HAVE
9 SOMETHING THAT THE COURT MAY WANT TO GO INTO NOW MR
10 STONE WILL BRING IT TO THE COURT'S ATTENTION

11 WE HAVE A NUMBER -- TWO SEPARATE SETS OF PEOPLE --
12 EXCUSE ME WE HAVE PEOPLE AT THE CORRECTION DEPARTMENT
13 OVER HERE THAT HEARD A STATEMENT MADE BY HIM
14 UNSOLICITED, AND YOU MAY WANT TO GO INTO THAT

15 THE COURT YOU MEAN, HEARD IN THE LAST FEW DAYS?

16 MR MURDAUGH NO, SIR IT WAS MADE WHEN -- LET
17 -- LET ME TURN IT OVER TO MR STONE AND LET HIM ---

18 MR STONE MAY IT PLEASE THE COURT, YOUR HONOR

19 THE COURT DON'T TELL ME WHAT THE STATEMENT WAS

20 MR STONE ON SEPTEMBER THE 6TH HE MADE A
21 STATEMENT WHILE HE WAS IN THE DETENTION CENTER OVER
22 HERE HE ALSO MADE A STATEMENT AT THE DETENTION CENTER
23 IN CHARLESTON, THAT WAS MADE ON JANUARY 10, 2002

24 NEITHER ONE OF THESE STATEMENTS -- IT MAY NOT TAKE
25 US MUCH TIME TO GO INTO THOSE HEARINGS I DON'T

STATE VS ALKEBULANYAHH

1 BELIEVE IT'S A MIRANDA ISSUE I THINK THEY'RE
2 SPONTANEOUS STATEMENTS THERE IS NO INTERROGATION ON
3 THE PART OF ANY OF THESE OFFICERS

4 BUT I WANTED TO BRING THAT TO YOUR ATTENTION NOW
5 I DIDN'T WANT TO WAIT UNTIL WE GOT THERE

6 I DON'T KNOW THAT IT WOULD TAKE A LOT OF TIME JUST
7 TO DO IT IN THE COURSE OF THE TRIAL ITSELF

8 THE COURT WE'LL DO THAT OBVIOUSLY, IF HE WAS
9 IN CUSTODY AT THE TIME, I'D PREFER TO GO AHEAD AND HAVE
10 A HEARING

11 MR STONE WOULD YOU LIKE TO HAVE A HEARING NOW?

12 THE COURT NO, WE DON'T NEED TO DO THAT NOW

13 MR STONE OKAY, SIR

14 THE COURT BEFORE YOU USE THOSE STATEMENTS,
15 THOUGH, WE NEED TO HAVE A HEARING

16 MR STONE I WILL

17 MR MURDAUGH IF YOUR HONOR, PLEASE, ONE LAST
18 THING IN RELATION TO -- IN REGARD TO -- I CAN'T
19 REMEMBER HIS NAME CLISHAM THE JUROR ---

20 MR ALKEBULANYAHH CHISOLM (PHONETIC)

21 MR MURDAUGH MR CHISOLM?

22 THE COURT CLISHAM

23 MR MURDAUGH CLISHAM

24 THE COURT I HAD ---

25 MR MURDAUGH WE HAVE TALKED TO TWO

STATE VS ALKEBULANYAHH

1 PSYCHIATRISTS, AND THEY WILL NOT GIVE ME A BLACK AND
2 WHITE ANSWER, BUT SAID THAT IT DOES NOT SOUND LIKE A
3 GOOD IDEA

4 THE COURT ALL RIGHT WELL, I PREFER TO DEAL
5 WITH THAT TOMORROW WE MIGHT HAVE ANOTHER PROBLEM

6 MR MURDAUGH OKAY, SIR

7 THE COURT ONE OF THE JURORS APPARENTLY HAS A
8 DOCTOR'S APPOINTMENT FOR A PROBLEM -- A MEDICAL PROBLEM
9 THAT HE HAD BEFORE, AND HE HAS TO GO NEXT WEDNESDAY
10 I'M GOING TO FIND OUT MORE ABOUT THAT TOMORROW WHEN HE
11 COMES, AND BEFORE I LET MR CLISHAM GO I DON'T KNOW
12 THAT I'M GOING TO DO THAT IF WE HAVE A PROBLEM WITH ANY
13 JURORS

14 MR MURDAUGH OKAY, SIR NOW THAT I'VE GOT A
15 LITTLE MORE TIME, THE DOCTORS INFORMED ANGIE TANNER
16 THAT THEY COULD CALL HIS DOCTOR AND TALK WITH HIM AND
17 MAYBE GIVE US A MUCH MORE DEFINITIVE ANSWER AND WE'LL
18 ASK THEM -- IS THAT NOT ---

19 MS TANNER THAT'S NOT WHAT ---

20 MR MURDAUGH EXCUSE ME, SIR I MISUNDERSTOOD
21 WHAT SHE SAID

22 THE COURT I DON'T KNOW THAT THEY WOULD DO THAT
23 UNLESS HE AGREED TO IT

24 (PAUSE)

25 MR MURDAUGH OKAY, SIR I'M MISTAKEN ABOUT

STATE VS ALKEBULANYAHH

1 WHAT I SAID

2 THE COURT RIGHT NOW HE HAS TAKEN THE POSITION
3 THAT HE IS PERFECTLY FINE SO I PREFER TO SEE WHAT
4 HAPPENS TOMORROW BEFORE MAKING A DECISION ON THAT

5 MR MURDAUGH I HAD JUST TOLD YOU THAT I WOULD
6 LOOK INTO IT, I THOUGHT I NEEDED TO REPORT BACK TO YOU
7 SIR

8 THE COURT ALL RIGHT I WILL PROBABLY ASK HIM
9 SOME MORE ABOUT THAT TOMORROW WHEN HE'S HERE

10 MR MURDAUGH YES, SIR

11 THE COURT ALL RIGHT WE WILL SEE EVERYONE AT
12 8 30 TOMORROW MORNING BRIGHT AND EARLY

13 MR MURDAUGH THANK YOU, SIR

14 THE COURT MAKE SURE THE DEFENDANT IS BROUGHT IN
15 THE COURTROOM AT 8 00 A M THANK YOU

16 (THE FOLLOWING TOOK PLACE IN CAMERA IN THE
17 COURTROOM)

18 MR THORNTON YOUR HONOR, I HAVE ONE EX PARTE OFF
19 THE RECORD THING I'D LIKE TO APPROACH YOU ABOUT IF I
20 MIGHT

21 THE COURT YES, SIR

22 (PAUSE)

23 THE COURT YOU'LL NEED TO REMAIN, MR
24 ALKEBULANYAHH

25 MR ALKEBULANYAHH SIR?

STATE VS ALKEBULANYAHH

1 THE COURT YOU'LL NEED TO REMAIN FOR NOW
2 MR ALKEBULANYAHH I'M SORRY?
3 THE COURT YOU'LL NEED TO STAY ---
4 MR ALKEBULANYAHH OKAY
5 THE COURT --- IF WE'RE GOING TO GO OVER THAT
6 REQUEST
7 MR ALKEBULANYAHH OKAY
8 (PAUSE)
9 THE COURT YES, SIR
10 MR THORNTON YOUR HONOR, MY MATTER IS JUST A
11 HOUSEKEEPING MATTER, I'LL WAIT UNTIL THIS MATTER IS
12 TAKEN CARE OF
13 THE COURT YES SIR
14 MR ALKEBULANYAHH THE MATTER THAT I HAD ABOUT
15 THE -- I WANTED SOME ADDITIONAL FUNDS ALLOTTED TO THE
16 FORENSIC EXPERT THAT I ACQUIRED FOR MY TEAM TO COME AND
17 GIVE TESTIMONY JUST FOR THE -- FOR THE TRIAL AND ---
18 THE COURT HOW MUCH MORE ARE YOU TALKING ABOUT?
19 MR ALKEBULANYAHH YOUR HONOR, I DON'T HAVE A
20 AMOUNT AT THIS PRESENT TIME BUT IF YOU -- YOU MAY,
21 WOULD YOU PLEASE ALLOW ME UNTIL TOMORROW TO -- TO SOME
22 TIME ANOTHER, TO GET THAT INFORMATION TO YOU
23 THE COURT ALL RIGHT I'LL DO THAT
24 MR ALKEBULANYAHH THANK YOU, SIR
25 THE COURT ANYTHING ELSE?

STATE VS ALKEBULANYAHH

1 MR KELLY YOUR HONOR, IN REFERENCE TO THAT, I
2 THINK HE'S SPEAKING OF THE EXPERT MR COLEMAN
3 (PHONETIC) THE INITIAL ORDER FOR PAYMENT ON HIS
4 ESTIMATE OF HOW MUCH THE PROPOSED COST MIGHT BE WAS
5 \$7500 YOU SIGNED THAT ORDER VOUCHER AND I'VE SENT
6 THAT TO COLUMBIA THE MONEY HASN'T COME BACK YET
7 HE'S ISSUED A BILL TO THIS POINT OF LESS THAN
8 \$5,000
9 THE COURT THERE'S STILL 2500 LEFT?
10 MR KELLY THAT BILL CAME IN PROBABLY 15 DAYS
11 AGO, SO I DON'T REALLY DON'T KNOW BUT THAT'S THE
12 BILLING UP TO THIS POINT -- I WOULD SAY PROBABLY IT'S
13 \$4500 THE MONEY FROM COLUMBIA IS NOT BACK YET AND
14 THAT'S ALL I KNOW ABOUT IT
15 THE COURT ALL RIGHT YOU NEED TO VERIFY THAT
16 AMOUNT IF HE'S NOT EXCEEDED THE AMOUNT I'VE ALREADY
17 APPROVED I DON'T NEED TO APPROVE ANYTHING MORE
18 MR ALKEBULANYAHH YES SIR I WILL
19 THE COURT ALL RIGHT ANYTHING ELSE?
20 MR THORNTON I'D LIKE TO APPROACH ON A
21 HOUSEKEEPING MATTER, YOUR HONOR
22 THE COURT YES, SIR
23 (PAUSE)
24 THE COURT ALL RIGHT THANK YOU ALL RIGHT
25 THERE BEING NOTHING FURTHER, WE'LL BE ADJOURNED THANK

STATE VS ALKEBULANYAHH

1 YOU

2 MR THORNTON THANK YOU, YOUR HONOR

3 MR KELLY THANK YOU, YOUR HONOR

4 (COURT IS IN RECESS)

5 (FRIDAY, OCTOBER 10, 2003)

6 THE COURT ALL RIGHT GOOD MORNING, EVERYONE

7 MR MURDAUGH GOOD MORNING

8 MR STONE GOOD MORNING

9 THE COURT DO WE HAVE ANY LAST-MINUTE THINGS WE

10 NEED TO PATCH UP?

11 MR MURDAUGH YES, SIR

12 THE COURT YES SIR

13 MR MURDAUGH ON YESTERDAY THE MOTION ON THE 21

14 RILEY ROAD, THE CONTENTS THAT WERE FOUND THEREIN, I HAD

15 MADE A STATEMENT THAT I WOULD ONLY ASK FOR THINGS OUT

16 OF THERE THAT WERE ON THE RETURN I FOUND OUT LAST

17 NIGHT -- AND I FRANKLY HAD NOT RECALLED IT -- THAT

18 THERE WAS A BOX OF 7 62 SHELLS THAT WERE FOUND, LIVE

19 ROUNDS, FULL BOX, IN THE HOUSE, THAT WAS NOT PUT ON THE

20 RETURN

21 I TALKED WITH DIANE BODIE WHO MADE THE RETURN

22 SHE WROTE A LETTER TO THE JUDGE WITHIN THE 10 DAY

23 PERIOD AND I WOULD LIKE THE OPPORTUNITY WHEN SHE

24 TESTIFIES -- YOU CAN LOOK AT IT, SIR, AND IF IT'S

25 PROPER, FINE IF NOT, THAT'S FINE

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT

2 (PAUSE)

3 MR MURDAUGH YOUR HONOR, PLEASE, WE INTEND TO
4 PUT IN THE 9-1-1 TAPE THAT HAS BEEN TRANSCRIBED AND
5 WE INTEND TO -- WITH THE COURT'S PERMISSION, TO PLAY
6 IT, THE TRANSCRIPTION ON THERE AS THE TAPE IS PLAYED

7 THE COURT HOLD ON LET ME FIND OUT WHERE THIS
8 CAME FROM SOMEONE MOVED ALL MY STUFF I NEED TO GET
9 MY JUROR INFORMATION

10 (PAUSE)

11 MR MURDAUGH JUDGE

12 THE COURT YES SIR

13 MR MURDAUGH MAY I INQUIRE OF THE COURT HAVE
14 YOU MADE A DECISION ABOUT WORKING ON SATURDAY YET?

15 THE COURT I'M GOING TO HEAR EVERYONE --YES SIR
16 HEAR EVERYONE OUT ON THAT AFTER WE GET THE JURY
17 WE'LL TAKE CARE OF THAT

18 MR MURDAUGH OKAY SIR I JUST NEEDED TO GET MY
19 PEOPLE SO THEY CAN NOTIFY THEM WHEN TO COME BACK

20 THE COURT ALL RIGHT ANY MATTERS BEFORE WE GET
21 THE JURY SELECTION, BECAUSE WE NEED TO GET THIS JURY
22 WE NEED TO DO IT BEFORE THOSE PEOPLE START CALLING IN
23 AT 11 00 O'CLOCK

24 MR MURDAUGH I'M PREPARED, SIR

25 THE COURT ALL RIGHT ARE YOU READY?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH (NO RESPONSE)
2 (PAUSE)
3 THE COURT NOW, WE DECIDED THAT AS FAR AS I'M
4 CONCERNED, WE SHOULD JUST LEAVE THE PARTICULAR JUROR ON
5 THAT WE TALKED ABOUT YESTERDAY
6 MR MURDAUGH YES SIR
7 MR ALKEBULANYAHH WE SHOULD?
8 THE COURT WE LEAVE HIM ON
9 MR MURDAUGH HAVE YOU ALL PREPARED A LIST FOR US
10 TO STRIKE FROM?
11 CLERK YES SIR
12 THE COURT OKAY
13 MR ALKEBULANYAHH YOUR HONOR ---
14 THE COURT YES, SIR
15 MR ALKEBULANYAHH --- THAT PARTICULAR JUROR, I
16 DO HAVE -- I DO -- I DO STILL OBJECT TO HIM BEING ON
17 THE JURY
18 THE COURT ALL RIGHT THE COURT FOUND HIM TO BE
19 QUALIFIED YOU'RE CERTAINLY WELCOME TO USE A
20 PREEMPTORY IF YOU THINK IT'S APPROPRIATE
21 MR ALKEBULANYAHH YOUR HONOR ---
22 THE COURT YES, SIR
23 MR ALKEBULANYAHH --- THERE WAS ONE OTHER ISSUE
24 THAT I WOULD LIKE TO ASK THE COURT TO -- TO ADDRESS
25 IT WAS A MOTION FILED ON OCTOBER THE 1, 2003, MOTION

STATE VS ALKEBULANYAHH

1 FOR DISMISSAL OF CHARGES
2 THE COURT WELL, I'M TALKING ABOUT JUST JURY
3 MATTERS NOW
4 MR ALKEBULANYAHH OKAY
5 THE COURT WE CAN TAKE CARE OF EVERYTHING ELSE --
6 I HAVE TO SEE IF WE GET A JURY SELECTED BEFORE I LET
7 THOSE PEOPLE GO AT 11 00 O'CLOCK
8 MR ALKEBULANYAHH ALL RIGHT
9 THE COURT READY TO PROCEED ON JURY SELECTION?
10 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE ABOUT
11 2 MINUTES
12 THE COURT YES, SIR
13 MR ALKEBULANYAHH THANK YOU
14 MR MURDAUGH THE STATE IS
15 (PAUSE)
16 THE COURT FOR JURY SELECTION, COULD EVERYONE
17 MOVE TO THE SIDES OF THE COURTROOM THANK YOU
18 MR MURDAUGH JUDGE MAY I INQUIRE SIR WHEN WE
19 ARE STRIKING THE JURY WILL WE BRING THE JUROR THAT'S
20 ON THE LIST UP?
21 THE COURT YES, SIR
22 MR MURDAUGH OKAY, SIR THANK YOU
23 (PAUSE)
24 THE COURT THE CLERK IS CALLING THE ROLL OVER
25 THERE AS SOON AS SHE'S DONE, WE'LL PROCEED WITH JURY

STATE VS ALKEBULANYAHH

1 SELECTION

2 MR MURDAUGH JUDGE, WHILE SHE'S DOING THAT, MAY
3 I MAKE ONE INQUIRY WHEN WE START THE TRIAL, WILL WE
4 START BACK AT EXHIBIT NO 1 FOR THE TRIAL?

5 THE COURT YES, SIR

6 MR MURDAUGH OKAY

7 THE COURT THOSE OTHER ITEMS WERE FOR COURT I D
8 ONLY

9 (THE JURY PANEL ENTERS THE COURTROOM AT 8 50 A M)

10 BAILIFF THE JURY IS PRESENT, YOUR HONOR

11 THE COURT THANK YOU GOOD MORNING, LADIES AND
12 GENTLEMEN

13 JURORS GOOD MORNING

14 THE COURT FIRST, I WANT TO THANK YOU FOR YOUR
15 PATIENCE THROUGHOUT THIS WHOLE WEEK YOU SAW AS WE
16 WENT THROUGH THE PROCESS, IT'S A LONG PROCESS AND
17 OFTENTIMES IT DEPENDS ON HOW THOSE QUESTIONS GO YOU
18 CAN'T EXACTLY TIME IT IN ANY KIND OF PERFECT FASHION

19 WE'RE READY TO GO AT THIS POINT WHAT WILL HAPPEN
20 NEXT IS WE WILL CALL YOUR NAME OUT YOU'LL COME
21 FORWARD, AND YOU'LL JUST TURN AND FACE THE DIRECTION IN
22 WHICH YOU'RE SITTING NOW

23 AND I'M GOING TO ASK YOU ONE QUESTION THOUGH AS
24 YOU COME UP MY ONE QUESTION WILL BE HAVE YOU BEEN
25 EXPOSED TO ANY TYPE OF MEDIA OR TELEVISION OR NEWSPAPER

STATE VS ALKEBULANYAHH

1 COVERAGE SINCE I LAST ASKED YOU THAT QUESTION? I NEED
2 TO MAKE SURE THAT EVERYONE ADHERED TO MY RULES, AND
3 MAKE SURE NO ONE HAS BEEN EXPOSED TO ANYTHING
4 INDIRECTLY OR BY ACCIDENT OR WHATEVER SO PLEASE THINK
5 ABOUT THAT

6 ALL RIGHT WE'RE READY TO BEGIN AT THIS TIME IS
7 THE STATE READY TO PROCEED?

8 MR MURDAUGH THE STATE IS
9 THE COURT DEFENSE READY TO PROCEED?

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT ALL RIGHT CALL THE FIRST JUROR,
12 MADAM CLERK

13 CLERK LADIES AND GENTLEMEN, AS I CALL YOUR NAME,
14 COULD YOU PLEASE PROCEED THROUGH EITHER GATE WHICH IS
15 CLOSEST TO YOU, TURN AND STAND IN FRONT OF ME AND FACE
16 THE SOLICITOR AND THE DEFENSE

17 JUROR EDITH OWENS

18 (THE JUROR COMES FORWARD)

19 CLERK GENTLEMEN WE ARE STRIKING 5 AND 10 THE
20 STATE STRIKING FIRST

21 THE COURT ALL RIGHT MADAM CLERK, BEFORE WE DO
22 THAT

23 MS OWENS, I NEED TO ASK YOU HAVE YOU BEEN
24 EXPOSED TO ANY ADDITIONAL TYPE OF MEDIA COVERAGE,
25 TELEVISION, NEWSPAPER, RADIO, OR ANYONE TALKING TO YOU?

STATE VS ALKEBULANYAHH

1 JUROR NO, SIR
2 THE COURT THANK YOU, MA'AM YOU MAY PROCEED
3 WITH STRIKING
4 CLERK THANK YOU, JUDGE
5 WHAT SAY THE STATE?
6 MR MURDAUGH EXCUSE THE JUROR
7 CLERK YOU MAY HAVE A SEAT
8 (THE JUROR RETURNS TO THEIR SEAT)
9 CLERK JUROR DAVID TEMPEL
10 (THE JUROR COMES FORWARD)
11 THE COURT MR TEMPEL, HAVE YOU BEEN EXPOSED TO
12 ANY TYPE OF ADDITIONAL MEDIA COVERAGE OR ANY
13 CONVERSATION ABOUT THIS CASE?
14 JUROR NO, I HAVEN'T
15 THE COURT THANK YOU, SIR
16 CLERK WHAT SAY THE STATE?
17 MR MURDAUGH PRESENT THE JUROR
18 CLERK WHAT SAY THE DEFENSE?
19 MR ALKEBULANYAHH STRIKE THE JUROR
20 CLERK PLEASE HAVE A SEAT, YOU ARE EXCUSED
21 (THE JUROR RETURNS TO THEIR SEAT)
22 CLERK JUROR VERONICA JACKSON
23 (THE JUROR COMES FORWARD)
24 THE COURT MS JACKSON, HAVE YOU BEEN EXPOSED TO
25 ANY TYPE OF ADDITIONAL MEDIA, NEWS, TELEVISION, RADIO,

STATE VS ALKEBULANYAHH

1 NEWSPAPER COVERAGE, OR ANY CONVERSATION ---
2 JUROR NO, I HAVEN'T
3 THE COURT --- ABOUT THIS CASE?
4 JUROR NO, I HAVEN'T
5 THE COURT THANK YOU, MA'AM
6 CLERK WHAT SAY THE STATE?
7 MR MURDAUGH PRESENT THE JUROR
8 CLERK WHAT SAY THE DEFENSE?
9 MR ALKEBULANYAHH SEAT THE JUROR
10 THE COURT IS THAT PRESENT THE JUROR?
11 MR ALKEBULANYAHH YES, SIR, PRESENT THE JUROR
12 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX
13 (THE JUROR TAKES A SEAT IN THE JURY BOX)
14 JUROR STEPHANIA MCDANIEL
15 (THE JUROR COMES FORWARD)
16 THE COURT COUNSEL, AND MR ALKEBULANYAHH, JUST
17 SO WE CAN BE STRAIGHT ON THE TERMINOLOGY AND THERE'S NO
18 AMBIGUITY, IF YOU'LL EITHER SAY PRESENT OR EXCUSE THE
19 JUROR THANK YOU
20 MR ALKEBULANYAHH YES, SIR
21 THE COURT MS MCDANIEL, HAVE YOU BEEN EXPOSED TO
22 ANY TYPE OF NEWSPAPER, TELEVISION, RADIO, OR ANY OTHER
23 MEDIA COVERAGE IN THIS CASE OR CONVERSATIONS ABOUT THIS
24 CASE?
25 JUROR NO

STATE VS ALKEBULANYAHH

1 THE COURT SINCE WE LAST SPOKE?
2 JUROR NO
3 THE COURT THANK YOU, MA'AM
4 CLERK WHAT SAY THE STATE?
5 MR MURDAUGH PRESENT THE JUROR
6 CLERK WHAT SAY THE DEFENSE?
7 MR ALKEBULANYAHH STRIKE THE JUROR -- EXCUSE
8 HER, I'M SORRY, YOUR HONOR EXCUSE THE JUROR
9 THE COURT THAT'S ALL RIGHT THANK YOU
10 IF YOU'LL JUST GO BACK TO YOUR SEAT FOR NOW
11 THANK YOU
12 (THE JUROR RETURNS TO THEIR SEAT)
13 CLERK JUROR MAMIE CLARKE
14 (THE JUROR COMES FORWARD)
15 THE COURT MS CLARKE HAVE YOU BEEN EXPOSED TO
16 ANY ADDITIONAL TELEVISION, NEWSPAPER, RADIO, OR
17 CONVERSATION ABOUT THIS CASE?
18 JUROR NO, SIR
19 THE COURT THANK YOU, MA'AM
20 CLERK WHAT SAY THE STATE?
21 MR MURDAUGH PRESENT THE JUROR
22 CLERK WHAT SAY THE DEFENSE?
23 MR ALKEBULANYAHH PRESENT THE JUROR
24 CLERK HAVE A SEAT IN THE JURY BOX
25 (THE JUROR TAKES A SEAT IN THE JURY BOX)

STATE VS ALKEBULANYAHH

1 CLERK JUROR STACEY DUREN
2 (THE JUROR COMES FORWARD)
3 THE COURT MS DUREN, HAVE YOU BEEN EXPOSED TO
4 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
5 RADIO, OR ANY CONVERSATIONS ABOUT THIS CASE?
6 JUROR NO, SIR
7 THE COURT THANK YOU, MA'AM
8 CLERK WHAT SAY THE STATE?
9 MR MURDAUGH PRESENT THE JUROR
10 CLERK WHAT SAY THE DEFENSE?
11 MR ALKEBULANYAHH EXCUSE THE JUROR
12 CLERK YOU'RE EXCUSED
13 (THE JUROR RETURNS TO THEIR SEAT)
14 CLERK JUROR MATTHEW YOUNG
15 (THE JUROR COMES FORWARD)
16 THE COURT MR YOUNG, HAVE YOU BEEN EXPOSED TO
17 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
18 RADIO, OR ANY CONVERSATIONS ABOUT THIS CASE?
19 JUROR NO SIR
20 THE COURT THANK YOU
21 MR MURDAUGH EXCUSE THE JUROR
22 CLERK MR YOUNG, YOU'RE EXCUSED FROM THE CASE
23 (THE JUROR RETURNS TO THEIR SEAT)
24 CLERK JUROR STANLEY LEAVITT
25 (THE JUROR COMES FORWARD)

STATE VS ALKEBULANYAHH

1 THE COURT MR LEAVITT, HAVE YOU BEEN EXPOSED TO
2 ANY ADDITIONAL NEWSPAPER, TELEVISION, RADIO, OR MEDIA
3 COVERAGE, OR ANY CONVERSATIONS ABOUT THIS CASE?

4 JUROR NO, I HAVE NOT

5 THE COURT ALL RIGHT NOW -- APPROACH SIDE BAR
6 PLEASE

7 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
8 OUT OF THE HEARING OF THE JURY)

9 (MR LEAVITT JOINS THE SIDE BAR CONFERENCE)

10 THE COURT DID I ALREADY ASK HIM ABOUT THE MEDIA
11 COVERAGE? MR LEAVITT, DID I ASK YOU ABOUT MEDIA
12 COVERAGE?

13 JUROR YES, SIR

14 THE COURT DID I ALREADY ASK YOU ABOUT MEDIA
15 COVERAGE?

16 JUROR YES, SIR

17 THE COURT OKAY THANK YOU

18 CLERK WHAT SAY THE STATE?

19 MR MURDAUGH PRESENT THE JUROR

20 CLERK WHAT SAY THE DEFENSE?

21 MR ALKEBULANYAHH PRESENT THE JUROR

22 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX

23 (THE JUROR TAKES A SEAT IN THE JURY BOX)

24 CLERK JUROR AMY SMITH

25 (THE JUROR COMES FORWARD)

STATE VS ALKEBULANYAHH

1 THE COURT MS SMITH HAVE YOU BEEN EXPOSED TO
2 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER TELEVISION,
3 RADIO, OR ANY CONVERSATIONS ABOUT THIS CASE?

4 JUROR NO, SIR

5 THE COURT THANK YOU

6 CLERK WHAT SAY THE STATE?

7 MR MURDAUGH PRESENT THE JUROR

8 CLERK WHAT SAY THE DEFENSE?

9 MR ALKEBULANYAHH PRESENT THE JUROR

10 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX

11 (THE JUROR TAKES A SEAT IN THE JURY BOX)

12 CLERK JUROR COLENE MURRAY

13 (THE JUROR COMES FORWARD)

14 THE COURT MS MURRAY, HAVE YOU BEEN EXPOSED TO
15 ANY ADDITIONAL MEDIA COVERAGE, TELEVISION, NEWSPAPER,
16 RADIO OR ANY CONVERSATIONS ABOUT THIS CASE?

17 JUROR NO SIR I HAVE NOT

18 THE COURT THANK YOU MA'AM

19 CLERK WHAT SAY THE STATE?

20 MR MURDAUGH PRESENT THE JUROR

21 CLERK WHAT SAY THE DEFENSE?

22 MR ALKEBULANYAHH PRESENT THE JUROR

23 CLERK HAVE A SEAT IN THE JURY BOX

24 (THE JUROR TAKES A SEAT IN THE JURY BOX)

25 CLERK JUROR ANTWOINE CROSSON

STATE VS ALKEBULANYAHH

1 (THE JUROR COMES FORWARD)
2 THE COURT MR CROSSON, HAVE YOU BEEN EXPOSED TO
3 ANY ADDITIONAL MEDIA COVERAGE, TELEVISION, NEWSPAPER,
4 RADIO, OR ANY CONVERSATION ABOUT THIS CASE?
5 JUROR NO, SIR
6 THE COURT THANK YOU
7 CLERK WHAT SAY THE STATE?
8 MR MURDAUGH EXCUSE THE JUROR
9 CLERK YOU ARE EXCUSED FROM THIS CASE HAVE A
10 SEAT
11 (THE JUROR RETURNS TO THEIR SEAT)
12 CLERK JUROR MICHELLE WILSON
13 THE COURT MS WILSON, HAVE YOU BEEN EXPOSED TO
14 ANY ADDITIONAL TELEVISION, NEWSPAPER RADIO, NEWSPAPER,
15 OR ANY CONVERSATIONS ABOUT THIS CASE?
16 JUROR NO, SIR
17 THE COURT THANK YOU
18 CLERK WHAT SAY THE STATE?
19 MR MURDAUGH PRESENT THE JUROR
20 CLERK WHAT SAY THE DEFENSE?
21 MR ALKEBULANYAHH EXCUSE THE JUROR
22 CLERK YOU'RE EXCUSED FROM THIS CASE
23 (THE JUROR RETURNS TO THEIR SEAT)
24 CLERK JUROR BRUCE BATASTINI
25 (THE JUROR COMES FORWARD)

STATE VS ALKEBULANYAHH

1 THE COURT MR BATASTINI HAVE YOU BEEN EXPOSED
2 TO ANY ADDITIONAL NEWSPAPER TELEVISION, RADIO, OR ANY
3 TYPE COVERAGE, OR ANY CONVERSATION ABOUT THIS CASE?

4 JUROR NO, JUDGE

5 THE COURT THANK YOU

6 CLERK WHAT SAY THE STATE?

7 MR MURDAUGH PRESENT THE JUROR

8 CLERK WHAT SAY THE DEFENSE?

9 MR ALKEBULANYAHH PRESENT THE JUROR

10 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX

11 (THE JUROR TAKES A SEAT IN THE JURY BOX)

12 CLERK JUROR CYNTHIA MILANESI

13 (THE JUROR COMES FORWARD)

14 THE COURT MS MILANESI, DID I PRONOUNCE THAT
15 CORRECTLY THAT TIME?

16 JUROR YES, YOU DID

17 THE COURT HAVE YOU BEEN EXPOSED TO ANY
18 ADDITIONAL NEWSPAPER, TELEVISION, RADIO, OR OTHER MEDIA
19 COVERAGE OR ANY CONVERSATIONS ABOUT THIS CASE?

20 JUROR NO, SIR

21 THE COURT THANK YOU, MA'AM

22 CLERK WHAT SAY THE STATE?

23 MR MURDAUGH PRESENT THE JUROR

24 CLERK WHAT SAY THE DEFENSE?

25 MR ALKEBULANYAHH PRESENT THE JUROR

STATE VS ALKEBULANYAHH

1 CLERK HAVE A SEAT IN THE JURY BOX
2 (THE JUROR TAKES A SEAT IN THE JURY BOX)
3 CLERK JUROR BARBARA WINGO
4 (THE JUROR COMES FORWARD)
5 THE COURT MS WINGO, HAVE YOU BEEN EXPOSED TO
6 ANY ADDITIONAL TELEVISION, NEWSPAPER, RADIO, OR OTHER
7 MEDIA COVERAGE, OR ANY CONVERSATIONS ABOUT THIS CASE?
8 JUROR NO, SIR
9 THE COURT THANK YOU MA'AM
10 CLERK WHAT SAY THE STATE?
11 MR MURDAUGH PRESENT THE JUROR
12 CLERK WHAT SAY THE DEFENSE?
13 MR ALKEBULANYAHH EXCUSE THE JUROR
14 CLERK YOU ARE EXCUSED FROM THIS CASE
15 (THE JUROR RETURNS TO THEIR SEAT)
16 CLERK JUROR JEANNINE SAVAGE
17 (THE JUROR COMES FORWARD)
18 THE COURT MS SAVAGE, HAVE YOU BEEN EXPOSED TO
19 ANY ADDITIONAL MEDIA COVERAGE, TELEVISION, NEWSPAPER,
20 RADIO OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
21 CASE?
22 JUROR NO, SIR
23 THE COURT THANK YOU
24 CLERK WHAT SAY THE STATE?
25 MR MURDAUGH PRESENT THE JUROR

STATE VS ALKEBULANYAHH

1 CLERK WHAT SAY THE DEFENSE?
2 MR ALKEBULANYAHH PRESENT THE JUROR
3 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX
4 (THE JUROR TAKES A SEAT IN THE JURY BOX)
5 CLERK JUROR JOY SMITH
6 (THE JUROR COMES FORWARD)
7 THE COURT MS SMITH, HAVE YOU BEEN EXPOSED, TO
8 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
9 RADIO OR OTHERWISE OR ANY CONVERSATIONS ABOUT THIS
10 CASE?
11 JUROR NO, SIR
12 THE COURT THANK YOU
13 CLERK WHAT SAY THE STATE?
14 MR MURDAUGH PRESENT THE JUROR
15 CLERK WHAT SAY THE DEFENSE?
16 MR ALKEBULANYAHH PRESENT THE JUROR
17 (THE JUROR TAKES A SEAT IN THE JURY BOX)
18 CLERK JUROR VERONICA HOLLINGSWORTH
19 (THE JUROR COMES FORWARD)
20 THE COURT MS HOLLINGSWORTH, HAVE YOU BEEN
21 EXPOSED TO ANY ADDITIONAL MEDIA COVERAGE, TELEVISION,
22 NEWSPAPER, RADIO, OR OTHERWISE, OR ANY CONVERSATIONS
23 ABOUT THIS CASE?
24 JUROR NO
25 THE COURT THANK YOU

STATE VS ALKEBULANYAHH

1 CLERK WHAT SAY THE STATE?
2 MR MURDAUGH EXCUSE THE JUROR
3 CLERK YOU'RE EXCUSED FROM THIS CASE
4 (THE JUROR RETURNS TO THEIR SEAT)
5 CLERK JUROR KRISTEN LINSDAY
6 (THE JUROR COMES FORWARD)
7 THE COURT MS LINSDAY, HAVE YOU BEEN EXPOSED TO
8 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION
9 RADIO, OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
10 CASE?
11 JUROR NO, SIR
12 THE COURT THANK YOU
13 CLERK WHAT SAY THE STATE?
14 MR MURDAUGH PRESENT THE JUROR
15 CLERK WHAT SAY THE DEFENSE?
16 MR ALKEBULANYAHH PRESENT THE JUROR
17 (THE JUROR TAKES A SEAT IN THE JURY BOX)
18 CLERK JUROR ISSAC BUCKNER
19 (THE JUROR COMES FORWARD)
20 THE COURT MR BUCKNER, HAVE YOU BEEN EXPOSED TO
21 ANY ADDITIONAL MEDIA COVERAGE, TELEVISION, NEWSPAPER,
22 RADIO, OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
23 CASE?
24 JUROR NO, I HAVEN'T
25 THE COURT THANK YOU, SIR

STATE VS ALKEBULANYAHH

1 CLERK WHAT SAY THE STATE?
2 MR MURDAUGH PRESENT THE JUROR
3 CLERK WHAT SAY THE DEFENSE?
4 MR ALKEBULANYAHH PRESENT THE JUROR
5 (THE JUROR TAKES A SEAT IN THE JURY BOX)
6 CLERK JUROR JEFFREY BARBIC
7 (THE JUROR COMES FORWARD)
8 THE COURT MR BARBIC, HAVE YOU BEEN EXPOSED TO
9 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
10 RADIO, OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
11 CASE?
12 JUROR (SHAKES HEAD)
13 THE COURT THANK YOU
14 CLERK WHAT SAY THE STATE?
15 MR MURDAUGH PRESENT THE JUROR
16 CLERK WHAT SAY THE DEFENSE?
17 MR ALKEBULANYAHH EXCUSE THE JUROR
18 (THE JUROR RETURNS TO THEIR SEAT)
19 CLERK JUROR KENNETH BURR
20 (THE JUROR COMES FORWARD)
21 THE COURT MR BURR, HAVE YOU BEEN EXPOSED TO ANY
22 ADDITIONAL MEDIA COVERAGE, NEWSPAPER TELEVISION,
23 RADIO, OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
24 CASE?
25 JUROR NO, SIR

STATE VS ALKEBULANYAHH

1 THE COURT THANK YOU
2 CLERK WHAT SAY THE STATE?
3 MR MURDAUGH PRESENT THE JUROR
4 CLERK WHAT SAY THE DEFENSE?
5 MR ALKEBULANYAHH EXCUSE THE JUROR
6 (THE JUROR RETURNS TO THEIR SEAT)
7 CLERK JUROR LINDA ROSSETTI
8 (THE JUROR COMES FORWARD)
9 THE COURT MS ROSSETTI, HAVE YOU BEEN EXPOSED TO
10 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
11 RADIO, OR OTHERWISE, OR ANY CONVERSATIONS ABOUT THIS
12 CASE?
13 JUROR I HAVE NOT
14 THE COURT THANK YOU
15 CLERK WHAT SAY THE STATE?
16 MR MURDAUGH PRESENT THE JUROR
17 CLERK WHAT SAY THE DEFENSE?
18 MR ALKEBULANYAHH EXCUSE THE JUROR
19 (THE JUROR RETURNS TO THEIR SEAT)
20 CLERK JUROR KELLY O'CONNELL
21 (THE JUROR COMES FORWARD)
22 THE COURT MS O'CONNELL, HAVE YOU BEEN EXPOSED
23 TO ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER
24 TELEVISION, RADIO, OR OTHERWISE, OR ANY CONVERSATIONS
25 ABOUT THIS CASE?

STATE VS ALKEBULANYAHH

1 JUROR NO SIR, I HAVEN'T
2 THE COURT THANK YOU
3 CLERK WHAT SAY THE STATE?
4 MR MURDAUGH PRESENT THE JUROR
5 CLERK WHAT SAY THE DEFENSE?
6 MR ALKEBULANYAHH EXCUSE THE JUROR
7 (THE JUROR RETURNS TO THEIR SEAT)
8 CLERK JUROR LINDA GILLET
9 (THE JUROR COMES FORWARD)
10 THE COURT MS GILLET, HAVE YOU BEEN EXPOSED TO
11 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
12 RADIO, OR OTHERWISE OR ANY CONVERSATIONS ABOUT THIS
13 CASE?
14 JUROR NO
15 THE COURT THANK YOU
16 CLERK WHAT SAY THE STATE?
17 MR MURDAUGH PRESENT THE JUROR
18 CLERK WHAT SAY THE DEFENSE?
19 MR ALKEBULANYAHH EXCUSE THE JUROR
20 (THE JUROR RETURNS TO THEIR SEAT)
21 THE COURT MADAM CLERK, HAVE YOU CONFIRMED THE
22 STRIKES?
23 CLERK THE DEFENDANT HAS USED ALL OF HIS 10
24 STRIKES
25 THE COURT THE STATE HAS?

STATE VS ALKEBULANYAHH

1 CLERK 1 STRIKE LEFT
2 THE COURT ALL RIGHT
3 CLERK JUROR JACK KEENER
4 (THE JUROR COMES FORWARD)
5 CLERK THE STATE HAS USED UP 4 STRIKES, AND THE
6 DEFENSE HAS USED ALL 10 STRIKES
7 THE COURT MR KEENER, HAVE YOU BEEN EXPOSED TO
8 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
9 RADIO OR OTHERWISE?
10 JUROR NO, SIR
11 THE COURT OR HAD ANY CONVERSATIONS ABOUT THIS
12 CASE?
13 JUROR NO, SIR
14 THE COURT THANK YOU
15 CLERK WHAT SAY THE STATE?
16 MR MURDAUGH PRESENT THE JUROR
17 CLERK YOU MAY HAVE A SEAT IN THE JURY BOX
18 THE COURT ANY CHALLENGE FOR CAUSE?
19 MR ALKEBULANYAHH YES
20 THE COURT APPROACH THE SIDE BAR
21 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
22 OUT OF THE HEARING OF THE JURY)
23 THE COURT MR KEENER, YOU MAY TAKE YOUR SEAT IN
24 THE JURY BOX THANK YOU
25 (THE JUROR TAKES A SEAT IN THE JURY BOX)

STATE VS ALKEBULANYAHH

1 (PAUSE)
2 THE COURT GO AHEAD AND DO THAT THAT'LL BE
3 FINE WE'LL WAIT THANK YOU
4 (PAUSE)
5 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH
6 THE COURT YES, SIR
7 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
8 OUT OF THE HEARING OF THE JURY)
9 THE COURT WE'LL PROCEED TO SEAT THE ALTERNATES
10 CLERK GENTLEMEN, STRIKING 1 AND 2 WITH THE FIRST
11 ALTERNATE
12 THE COURT ALL RIGHT CALL THE NEXT NAME
13 CLERK JUROR JANNIE 'GLOVER
14 (THE JUROR COMES FORWARD)
15 THE COURT MS GLOVER, HAVE YOU BEEN EXPOSED TO
16 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
17 RADIO, OR OTHERWISE?
18 JUROR NO SIR
19 THE COURT ANY CONVERSATIONS ABOUT THIS CASE?
20 JUROR NO, SIR
21 THE COURT THANK YOU
22 CLERK WHAT SAY THE STATE?
23 (PAUSE)
24 MR MURDAUGH PRESENT THE JUROR
25 CLERK WHAT SAY THE DEFENSE?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH PRESENT THE JUROR
2 (THE JUROR TAKES A SEAT IN THE JURY BOX)
3 THE COURT ALL RIGHT NEXT ONE
4 CLERK GENTLEMEN, STRIKING 1 AND 2 FOR ALTERNATE
5 NO 2 JUROR KERRIE BROWN
6 (THE JUROR COMES FORWARD)
7 THE COURT MS BROWN, HAVE YOU BEEN EXPOSED TO
8 ANY ADDITIONAL MEDIA COVERAGE, NEWSPAPER, TELEVISION,
9 RADIO, OR OTHERWISE?
10 JUROR NO
11 THE COURT ALL RIGHT
12 MR MURDAUGH EXCUSE THE JUROR
13 CLERK YOU MAY HAVE A SEAT
14 (THE JUROR RETURNS TO THEIR SEAT)
15 CLERK JUROR STEPHEN CLISHAM
16 (THE JUROR COMES FORWARD)
17 THE COURT MR CLISHAM, HAVE YOU BEEN EXPOSED TO
18 ANY ADDITIONAL NEWSPAPER, MEDIA --
19 JUROR NO, I HAVEN'T
20 THE COURT --- TELEVISION, OR MEDIA COVERAGE?
21 JUROR NO, I HAVEN'T
22 THE COURT THANK YOU
23 CLERK WHAT SAY THE STATE?
24 MR MURDAUGH PRESENT THE JUROR
25 CLERK WHAT SAY THE DEFENSE?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH PRESENT THE JUROR

2 (THE JUROR TAKES A SEAT IN THE JURY BOX)

3 (THE JURY WAS EMPANELED AT 9 24 A M)

4 THE COURT ANY MATTERS OR MOTIONS PERTAINING TO
5 THE JURY SELECTION PROCESS OR AS TO THE SELECTED JURY?
6 IF YOU HAVE A MATTER FOR THE COURT, JUST INDICATE YOU
7 HAVE A MATTER FOR THE COURT

8 MR ALKEBULANYAHH YES, SIR, THE DEFENSE HAVE A
9 MATTER FOR THE COURT

10 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'M
11 GOING TO SEND YOU TO THE JURY ROOM FOR RIGHT NOW UNTIL
12 I TAKE UP THIS MATTER IF EVERYONE ELSE WILL PLEASE
13 REMAIN IN YOUR SEATS

14 WE WILL GO BACK INTO THIS BACK ROOM FOR THIS
15 HEARING PLEASE, IT'S EASIER THAT WAY

16 GO AHEAD AND TAKE THE JURY

17 (THE JURY RETIRES TO THE JURY ROOM AT 9 25 A M)

18 THE COURT ALL RIGHT IF YOU ALL WILL COME BACK
19 TO THIS HEARING ROOM BACK HERE

20 (THE FOLLOWING TAKES PLACE IN THE HEARING ROOM)

21 THE COURT ALL RIGHT THE COURT ASKED IF THERE
22 WERE ANY MATTERS OR MOTIONS PERTAINING TO THE JURY
23 SELECTION PROCESS OR THE SELECTED JURY YOU INDICATED
24 YOU HAD A MATTER FOR THE COURT

25 MR ALKEBULANYAHH YES, SIR, I WANT TO RAISE A

STATE VS ALKEBULANYAHH

1 MOTION FOR THE BATSON HEARING

2 THE COURT ALL RIGHT LET'S SEE THE STATE
3 STRUCK JUROR NO 286, THAT WAS THEIR FIRST STRIKE, IS
4 THAT CORRECT?

5 MR ALKEBULANYAHH YES, SIR

6 THE COURT EDITH OWENS

7 MR MURDAUGH YES, SIR

8 THE COURT CAN YOU GIVE ME YOUR REASON FOR
9 STRIKING HER?

10 MR MURDAUGH IF YOUR HONOR, PLEASE, IN OBSERVING
11 HER DURING THE VOIR DIRE, I HAD THE IMPRESSION THAT SHE
12 WAS AFRAID OF THE DEFENDANT SHE WAS WEAK ON THE DEATH
13 PENALTY BUT MOST IMPORTANT, SHE MADE THE STATEMENT
14 THAT I KNOW NOTHING ABOUT THIS CASE, WHICH CONCERNED
15 ME SIR

16 THE COURT ALL RIGHT I FIND THAT'S A FACIALLY
17 NEUTRAL REASON IS THERE ANYTHING YOU HAVE TO SHOW
18 THAT'S PRETEXTUAL?

19 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

20 THE COURT DID HE SEAT SOMEONE WITH SIMILAR
21 CHARACTERISTICS?

22 MR ALKEBULANYAHH YES, IF HE SEAT SOMEONE
23 WITH SIMILAR CHARACTERISTIC, BEING THAT, YOU KNOW --
24 THAT ---

25 THE COURT YOU HAVE TO GIVE ME THE JUROR

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WITH -- WITH THE SAME TYPE OF
2 JUROR?

3 THE COURT YES

4 (PAUSE)

5 MR ALKEBULANYAHH YOUR HONOR, I BELIEVE KRISTEN
6 LINSDAY

7 THE COURT KRISTEN LINSDAY?

8 MR ALKEBULANYAHH YES, SIR

9 (PAUSE)

10 THE COURT WHAT WAS HER SIMILAR CHARACTERISTICS?
11 SHE SAID SHE HAD READ AN ARTICLE, SHE HAD NOT FORMED AN
12 OPINION WHAT CHARACTERISTICS DOES SHE HAVE THAT ARE
13 SIMILAR?

14 MR ALKEBULANYAHH WELL, THE CHARACTERISTICS THAT
15 SHE HAD THAT WAS SIMILAR WAS PRETTY MUCH TO THE EXTENT
16 THAT SHE SEEMED LIKE THAT SHE WAS MORE -- I WOULDN'T
17 WANT TO USE THE CHARACTERISTIC -- AFRAID OF THE
18 PROSECUTION BUT IN SIMILARITY AS FAR AS SHE WOULD NOT
19 BE -- WOULD FEEL INTIMIDATED BY THE PROSECUTION --
20 AUTHORITY OF THE PROSECUTION

21 THE COURT I DON'T THINK THOSE ARE -- I DON'T
22 THINK THOSE CHARACTERISTICS ARE SIMILAR TO WHAT WAS
23 ARTICULATED BY THE STATE

24 I DENY THAT MOTION AS TO THAT JUROR
25 THE NEXT JUROR?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH MR ---
2 THE COURT I DON'T THINK YOU'VE MET YOUR BURDEN
3 MR ALKEBULANYAHH 397
4 THE COURT NO 397 IS MATTHEW YOUNG WHAT IS THE
5 STATE'S REASON FOR THAT?
6 MR MURDAUGH MATTHEW YOUNG STATED IN HIS VOIR
7 DIRE THAT HE KNEW A DEFENSE WITNESS NAMED JABARI HE
8 ALSO STATED THAT HE HEARD ABOUT THIS INCIDENT ON THE
9 STREET
10 THE COURT I FIND THAT'S FACIALLY ---
11 MR STONE HE'S WEAK ON THE DEATH PENALTY TOO
12 MR MURDAUGH YES, SIR
13 THE COURT I THINK THAT'S A FACIALLY NEUTRAL
14 REASON DO YOU HAVE ANYTHING TO SHOW THAT HE SAT
15 ANYONE WITH SIMILAR CHARACTERISTICS? DID THEY SEAT
16 ANYONE ELSE THAT KNEW A DEFENSE WITNESS?
17 MR MURDAUGH YOUR HONOR, PLEASE HE ALSO SAID
18 THAT IT WOULD BE HARD FOR ME -- EVEN THOUGH HE MET THE
19 CRITERIA, HE SAID IT WOULD BE HARD FOR ME TO GIVE THE
20 DEATH PENALTY IT WAS -- IT WAS NOT WITHIN ME -- EVEN
21 THOUGH HE ULTIMATELY MET THE PROPER CRITERIA
22 THE COURT I UNDERSTAND
23 (PAUSE)
24 THE COURT DO YOU HAVE ANYTHING TO SHOW IT'S
25 PRETEXTUAL?

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 MR ALKEBULANYAHH YOUR HONOR IF IT'S POSSIBLE,
3 I COULD PAUSE FOR A MINUTE TO RUN AND GET A NOTE THAT I
4 HAVE

5 THE COURT WHAT IS THAT?

6 MR ALKEBULANYAHH IT WAS A SHEET WHERE I HAD PUT
7 TOGETHER ABOUT THE DIFFERENT WITNESSES, AND THE
8 PARTICULAR WITNESSES HAD CHARACTERISTICS SUCH AS HE
9 SAID KNOWING THE INDIVIDUAL THIS -- THIS PARTICULAR
10 WITNESS KNEW POLICE OFFICERS ON THE POLICE DEPARTMENT,
11 WHICH IS THE SAME EQUIVALENT TO SAYING THAT THIS
12 PARTICULAR WITNESS KNOWING A WITNESS MR JABARI -- BUT
13 MR JABARI IS NOT A WITNESS OF MINE AND ---

14 THE COURT WAS HE ON YOUR WITNESS LIST?

15 MR ALKEBULANYAHH EXCUSE ME?

16 THE COURT WHAT YOU'D BE LOOKING FOR IS IF HE
17 SAT ---

18 MR ALKEBULANYAHH NO HE'S NOT ON MY WITNESS
19 LIST

20 THE COURT YOU HAD HIM DOWN ON YOUR WITNESS LIST
21 ISN'T THIS YOUR WITNESS LIST?

22 MR MURDAUGH I HAVE NEVER BEEN FURNISHED ONE
23 BUT I AM RELATIVELY SURE THAT I HEARD YOU CALL HIS NAME
24 OUT

25 THE COURT DO YOU HAVE HIM SUBPOENAED? IS HE ON

STATE VS ALKEBULANYAHH

1 YOUR WITNESS LIST?

2 MR ALKEBULANYAHH NO SIR

3 THE COURT GO GET IT

4 (PAUSE)

5 MR MURDAUGH IN ADDITION TO THAT, THIS BOY,

6 MATTHEW YOUNG, SAID, I KNOW A WITNESS FOR THE DEFENDANT

7 NAMED JABARI

8 THE COURT YES, I UNDERSTAND I UNDERSTAND

9 THAT'S YOUR REASON

10 MR MURDAUGH AS I SAID, I HAVE NOT BEEN

11 FURNISHED A WITNESS LIST TO DATE, BUT I'M RELATIVELY

12 SURE I HEARD YOU CALL HIS NAME OUT, BUT I'M NOT

13 POSITIVE

14 (PAUSE)

15 THE COURT I DON'T SEE A JABARI -- UNLESS IT'S

16 SPELLED WRONG IS THAT HIS FIRST NAME OR LAST NAME?

17 MS TANNER FIRST NAME

18 THE COURT OH, FIRST NAME DO YOU KNOW HIS LAST

19 NAME?

20 MS TANNER I BELIEVE IT STARTS WITH AN "M", BUT

21 I'M NOT SURE HE WAS ONE OF THE LAST WITNESSES CALLED

22 THE COURT ONE OF THE LAST ONES CALLED

23 MS TANNER YES SIR HE WAS A TALL, THIN MAN,

24 DREDLOCKS RIGHT ABOVE HIS EARS

25 THE COURT HE ACTUALLY STOOD UP WHEN WE CALLED

STATE VS ALKEBULANYAHH

1 HIS NAME?
2 MS TANNER YES, SIR
3 THE COURT IS HIS LAST NAME MONK?
4 MS TANNER NO, SIR
5 THE COURT I REMEMBER THE GUY THAT STOOD UP, BUT
6 I CAN'T REMEMBER -- HOW DO YOU SPELL JABARI?
7 MR MURDAUGH JUDGE ---
8 THE COURT BUT YOUR REASON IS THAT HE SAID HE
9 KNEW A WITNESS?
10 MR MURDAUGH THAT'S CORRECT, SIR AND IF HE
11 ISN'T ON THE LIST THAT MAKES IT EVEN WORSE, BECAUSE
12 HE'S RECEIVED INFORMATION ---
13 THE COURT I DON'T THINK IT MATTERS
14 MR MURDAUGH YES, SIR
15 THE COURT IS HIS LAST NAME WOODWARD?
16 MR MURDAUGH JUDGE I DON'T KNOW, SIR
17 THE COURT WE HAVE A J WOODWARD
18 MR STONE NO THAT'S JOEY WOODWARD
19 THE COURT I'M NOT SO SURE IT MATTERS IF THE
20 JUROR STOOD UP AND SAID HE KNEW ONE OF THE DEFENSE
21 WITNESSES, THAT COMES INTO BEING OR NOT INTO BEING, I
22 DON'T THINK THAT THAT MATTERS IF THE STATE RELIED ON
23 THAT, THAT'S A FACIALLY NEUTRAL REASON
24 DO YOU HAVE ANYTHING TO SHOW THAT THEY SEATED
25 ANYONE THAT INDICATED THAT THEY KNEW A DEFENSE WITNESS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, MS JEANNINE -- MS
2 JEANNINE SAVAGE
3 THE COURT JEANNINE SAVAGE
4 MR ALKEBULANYAHH YOUR HONOR ---
5 THE COURT WHICH JUROR IS SHE?
6 MS TANNER 321 JUROR NO 8
7 THE COURT 321 YOU SAID INDICATED SHE KNEW A
8 DEFENSE WITNESS?
9 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
10 RETRIEVE MY ---
11 THE COURT ALL RIGHT TAKE HIM OUT THERE PLEASE
12 (PAUSE)
13 THE COURT I'M LOOKING AT YOUR LIST JABARI
14 MOKETSI IT HAD MONETSI AND HE CORRECTED IT AND SAID
15 IT WAS MOKETSI PAGE 3 OF YOUR WITNESS LIST
16 MR MURDAUGH THE JUROR SAID THAT HE KNEW A
17 DEFENSE WITNESS, JABARI
18 THE COURT I UNDERSTAND I STILL THINK THAT'S A
19 FACIALLY NEUTRAL REASON I WAS JUST LETTING YOU KNOW
20 MR MURDAUGH YES, SIR I MIGHT TELL YOU, SIR,
21 THAT IN PREPARING THAT -- I TOOK EVERY NAME THAT I
22 THOUGHT POTENTIALLY COULD BE A WITNESS I'VE NEVER
23 TALKED TO HIM -- BY GOING THROUGH THE FILE
24 THE COURT ANYONE ELSE INDICATED THAT THEY KNEW A
25 DEFENSE WITNESS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES SIR MS COLENE MURRAY
2 THE COURT COLENE MURRAY DID YOU SKIP TO SAVAGE
3 AND NOW YOU DECIDE SHE DIDN'T?
4 MR ALKEBULANYAHH MS SAVAGE, SHE KNEW A LAW
5 ENFORCEMENT OFFICIAL AT THAT TIME
6 THE COURT ALL RIGHT WELL, WE'RE TALKING ABOUT
7 DEFENSE WITNESSES
8 MR ALKEBULANYAHH SPECIFICALLY ---
9 THE COURT COLENE MURRAY?
10 MR ALKEBULANYAHH YES AFTER CHECKING MY -- MY
11 -- MY EXACT NOTES
12 MR MURDAUGH COLENE MURRAY WHO IS SHE?
13 THE COURT THAT'S JUROR NO 273
14 MR ALKEBULANYAHH 273
15 (PAUSE)
16 THE COURT YOU SAID MS MURRAY INDICATED THAT SHE
17 KNEW A DEFENSE WITNESS?
18 MR ALKEBULANYAHH YES, SIR
19 THE COURT WHO IS THAT? I DON'T HAVE THAT IN MY
20 NOTES
21 MR ALKEBULANYAHH SHE SAID SHE KNEW MR STONE
22 THE COURT DO YOU HAVE THAT IN YOUR NOTES?
23 MR STONE THAT WOULD BE ME, YOUR HONOR
24 THE COURT OH
25 (PAUSE)

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH BUT SHE DID INDICATE THAT SHE
2 DID KNOW MR STONE

3 THE COURT YES, BUT THAT'S NOT A DEFENSE WITNESS

4 MR ALKEBULANYAHH SHE'S NOT?

5 THE COURT THAT'S NOT A DEFENSE WITNESS, THAT'S
6 THE PROSECUTOR THE REASON THEY GAVE FOR STRIKING THEM
7 IS THEY THOUGHT THE PERSON KNEW ONE OF YOUR WITNESSES
8 THAT'S A FACIALLY NEUTRAL REASON, THEN IT BECOMES
9 INCUMBENT UPON YOU TO SHOW WHETHER OR NOT THEY SAT
10 ANYONE WITH A SIMILAR CHARACTERISTICS OF THAT THEY
11 DON'T HAVE ANY PROBLEM -- THEY'RE NOT GOING TO WANT TO
12 STRIKE SOMEONE THAT KNOWS THEIR WITNESSES I MEAN,
13 THAT'S NOT THEIR OBLIGATION

14 MR ALKEBULANYAHH WHAT I'M SAYING IS THEY USED
15 TO SAY THAT THEY STRUCK HER BECAUSE THEY KNEW ONE OF
16 THE WITNESSES

17 THE COURT NOT ONE OF THE WITNESSES, BECAUSE HE
18 SAID HE KNEW A DEFENSE WITNESS, AND THEY THOUGHT HE
19 DID THAT'S FACIALLY NEUTRAL REASON IT'S NOT
20 DISCRIMINATORY TO SAY, I STRUCK SOMEONE BECAUSE I
21 THOUGHT THEY KNEW ONE OF THE DEFENSE'S WITNESSES THE
22 LAW CALLS THAT FACIALLY NEUTRAL

23 THEN IT SHIFTS TO YOU TO SHOW THAT THERE IS
24 SOMETHING TO INDICATE TO ME THAT IT WAS PRETEXTUAL OR
25 WHATEVER, THAT THEY EXERCISED THEIR STRIKE IN A

STATE VS ALKEBULANYAHH

1 DISCRIMINATORY MANNER IF YOU COULD SHOW ME THAT THEY
2 SAT SOMEONE WITH A SIMILAR CHARACTERISTICS, THEN I'LL
3 GIVE THEM THE OPPORTUNITY TO RESPOND TO THAT

4 MR ALKEBULANYAHH WELL ---

5 THE COURT THAT'S YOUR BURDEN UNDER THE LAW
6 IT'S NOT TO ARGUE ABOUT WHAT THE LAW IS THAT IS THE
7 LAW

8 MR ALKEBULANYAHH RIGHT

9 THE COURT NOW YOU HAVE TO GO THROUGH YOUR LIST
10 AND TELL ME IF THERE IS SOMEONE WITH SIMILAR
11 CHARACTERISTICS ON THAT

12 MR ALKEBULANYAHH THAT THAT ---

13 THE COURT OKAY IT'S BECAUSE -- MS MURRAY
14 YOU'RE SAYING IS YOUR WITNESS?

15 MR ALKEBULANYAHH RIGHT

16 THE COURT ALL RIGHT I DENY IT BASED ON THAT
17 ANYTHING FURTHER?

18 MR ALKEBULANYAHH YES, ANTWOINE CROSSON

19 THE COURT ANTWOINE CROSSON WHAT WAS YOUR
20 REASON FOR STRIKING MR CROSSON?

21 MR MURDAUGH YOUR HONOR, PLEASE HE IS FROM THE
22 TOWN OF VARNVILLE, WHERE I LIVE I KNOW ANTWOINE
23 CROSSON I KNOW HIS BROTHER MICHAEL CROSSON MY WIFE
24 TAUGHT HIM -- IF YOU LOOK AT HIS JUROR RETURN HE WENT
25 TO NORTH DISTRICT SCHOOL, AND MY WIFE HAS TAUGHT THERE

STATE VS ALKEBULANYAHH

1 FOR 20-SOME-ODD YEARS, SIR AND HE JUST ISN'T A GOOD
2 JUROR HIS BROTHER WAS CONVICTED FOR CRIMINAL SEXUAL
3 CONDUCT, AND I PROSECUTED THAT CASE, SIR

4 THE COURT ALL RIGHT I FIND THAT'S A FACIALLY
5 NEUTRAL REASON DID HE SEAT ANYONE WITH SIMILAR
6 CHARACTERISTICS?

7 MR ALKEBULANYAHH YOUR HONOR, I CAN'T SEE
8 BECAUSE THESE INDIVIDUALS ARE BLACK, AND THE
9 CHARACTERISTICS OF THESE INDIVIDUALS HAVE CANNOT BE
10 COMPARED CONSIDERING THAT THEY ARE BLACK

11 THE COURT THEN WHEN I SAY, DOES SOMEONE HAVE A
12 SIMILAR CHARACTERISTIC I MEAN TO THAT REASON THAT HE
13 ARTICULATED DID HE SEAT ANYONE THAT WOULD REFUTE THAT
14 THAT'S A GOOD REASON? THAT'S WHAT YOU'RE LOOKING FOR
15 WE'RE ALREADY HAVING THE HEARING BECAUSE THEY'RE BLACK,
16 THAT'S WHY YOU GET THE HEARING, THAT'S TAKEN AS A
17 GIVEN THAT PUTS THE BURDEN -- THAT PUTS IT ON THEM TO
18 GIVE THE -- NEED THEIR EXPLANATION

19 ONCE THEY GIVE ME THEIR EXPLANATION AND I FIND
20 IT'S FACIALLY NEUTRAL, THEN IT'S INCUMBENT UPON YOU TO
21 NOW SHOW ME THAT THAT'S PRETEXTUAL IN SOME WAY, THAT
22 THEY SAT SOMEONE WITH SIMILAR CHARACTERISTIC IT'S NOT
23 WHITE OR BLACK AT THAT POINT IT'S WHAT CHARACTERISTIC
24 WE'RE TALKING ABOUT AND WHETHER OR NOT THAT'S A
25 SUFFICIENT REASON

STATE VS ALKEBULANYAHH

1 DID HE SEAT ANYONE ELSE THAT HE PROSECUTED THEIR
2 FAMILY? THAT'S THE CHARACTERISTIC THAT WE'RE TALKING
3 ABOUT

4 (PAUSE)

5 MR ALKEBULANYAHH I'M NOT SURE AT THIS TIME,
6 YOUR HONOR

7 THE COURT ALL RIGHT WELL, THIS IS YOUR
8 OPPORTUNITY TO DO THAT YOU CAN'T RAISE IT AGAIN ALL
9 RIGHT I DENY THE MOTION

10 NEXT? ARE THERE ANY OTHER JURORS THAT YOU'RE
11 CHALLENGING?

12 (PAUSE)

13 THE COURT THEY STRUCK ONE OF THE BLACK
14 ALTERNATES KERRIE BROWN, NO 45 DO YOU WANT TO TELL
15 ME YOUR REASON FOR THAT?

16 MR MURDAUGH SHE HAS A PENDING CRIMINAL DOMESTIC
17 VIOLENCE, AND THIS ENTIRE CASE STARTED FROM A CRIMINAL
18 DOMESTIC VIOLENCE, SIR

19 THE COURT ALL RIGHT I'LL FIND THAT'S FACIALLY
20 NEUTRAL ANYTHING FROM THE DEFENDANT TO SHOW THAT'S
21 PRETEXTUAL?

22 MR MURDAUGH YOUR HONOR, PLEASE, THERE'S ONE
23 OTHER THING THAT I WOULD LIKE TO PUT ON THE RECORD I
24 HAD STATED EARLIER IN ONE OF THE THINGS, THE WITNESSES
25 -- THIS WOMAN SAYS THAT SHE HAD NOT HEARD ABOUT THIS

STATE VS ALKEBULANYAHH

1 CASE AND THAT WAS ANOTHER REASON IN ADDITION TO THE
2 C D V

3 THE COURT ALL RIGHT

4 (PAUSE)

5 THE COURT ALL RIGHT I THINK THAT THE C D V IS
6 A FACIALLY NEUTRAL REASON JUST THE FACT THAT SOMEONE
7 HAS NOT HEARD ANYTHING IS A SUFFICIENT REASON
8 ANYTHING TO REFUTE THAT?

9 MR ALKEBULANYAHH NO, SIR, I DON'T I JUST --
10 STILL -- WASN'T CLEAR ABOUT THE JABARI ISSUE

11 THE COURT THEY EXERCISED THEIR STRIKE BELIEVING
12 THAT THE INDIVIDUAL INDICATED THAT HE KNEW A DEFENSE
13 WITNESS, THAT IN ITSELF IS FACIALLY NEUTRAL, EVEN
14 THOUGH THEY MAY HAVE ACTED BASED ON WRONG INFORMATION
15 THEY DIDN'T ACT ON IT IN A DISCRIMINATORY MANNER AND
16 SO IF YOU COULD SHOW ME THAT THEY SEATED SOMEONE WITH
17 THAT KIND OF CHARACTERISTICS, THEN ---

18 MR ALKEBULANYAHH THAT KNEW A DEFENSE WITNESS?

19 THE COURT YES, SIR

20 MR ALKEBULANYAHH THAT SOMEBODY ELSE THAT KNEW A
21 DEFENSE WITNESS?

22 THE COURT YES, SIR, THAT'S WHAT I'VE ALREADY
23 ASKED YOU

24 (PAUSE)

25 THE COURT ALL RIGHT I DENY THE MOTION YOU

STATE VS ALKEBULANYAHH

1 HAVE NOT MET YOUR BURDEN
2 THANK YOU
3 (END OF IN CAMERA HEARING)
4 (THE FOLLOWING PROCEEDINGS TAKE PLACE IN OPEN
5 COURT)
6 THE COURT ALL RIGHT ANY FURTHER MATTERS OR
7 MOTIONS PERTAINING TO THE SELECTION PROCESS OR THE
8 SELECTED JURY THE STATE?
9 MR MURDAUGH NOT FROM THE STATE
10 THE COURT DEFENSE?
11 MR ALKEBULANYAHH NO, SIR, NOT THE DEFENSE
12 THE COURT ALL RIGHT MADAM CLERK, SWEAR THE
13 JURY PLEASE I'M SORRY BRING THE JURY IN -- THAT
14 WOULD HELP THAT WOULD DEFINITELY HELP
15 (THE JURY RETURNS TO THE COURTROOM AT 9 58 A M)
16 THE COURT ALL RIGHT THANK YOU LADIES AND
17 GENTLEMEN AT THIS TIME, LADIES AND GENTLEMEN, WE'RE
18 READY TO HAVE THE JURY SWORN MR BATASTINI, I'M GOING
19 TO DESIGNATE YOU AS THE FOREPERSON OF THE JURY YOU'LL
20 JUST USE THAT SEAT THROUGHOUT THE TRIAL THANK YOU
21 THE REST OF YOU CAN SIT ANYWHERE YOU WOULD LIKE,
22 IF YOU WOULD PLEASE STAND AND BE SWORN BY THE
23 CLERK
24 YES, AND THE ALTERNATES, YOU WILL SIT IN THE BACK
25 ROW THANK YOU

STATE VS ALKEBULANYAHH

1 CLERK DO YOU SOLEMNLY SWEAR OR AFFIRM THAT YOU
2 SHALL WELL AND TRULY TRY AND TRUE DELIVERANCE MAKE
3 BETWEEN THE STATE OF SOUTH CAROLINA AND THE ACCUSED AT
4 THE BAR AND A TRUE VERDICT GIVE ACCORDING TO THE
5 EVIDENCE SO HELP YOU GOD?

6 (THE JURY WAS SWORN AT 9 59 A M)

7 JURORS I DO

8 CLERK THANK YOU

9 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I
10 NEED TO TAKE CARE OF A FEW MATTERS, SO I AM GOING TO
11 SEND YOU BACK WE'LL BE WITH YOU AS SOON AS WE CAN
12 THANK YOU VERY MUCH DO NOT DISCUSS THIS CASE IN ANY
13 WAY

14 (THE JURY RETIRES TO THE JURY ROOM AT 10 00 A M)

15 THE COURT ALL RIGHT LADIES AND GENTLEMEN, THE
16 REST OF YOU THAT ARE ON THE PANEL, I WANT TO THANK YOU
17 VERY MUCH I HAD THE OPPORTUNITY YESTERDAY TO THANK
18 EVERYONE ELSE THAT SHOWED UP YESTERDAY FOR THE
19 REMAINDER OF THE JURY SELECTION PROCEEDINGS

20 AT THIS TIME I DO WANT TO THANK YOU YOU'VE BEEN
21 VERY PATIENT WITH US THROUGHOUT THE WEEK I KNOW IT'S
22 BEEN A LONG PROCESS, AND WE HAD MANY DELAYS AND,
23 AGAIN, THEY'RE HARD TO PREDICT BUT THE SYSTEM COULD
24 NOT WORK WITHOUT YOUR WILLINGNESS TO PARTICIPATE IN
25 THIS PROCESS

STATE VS ALKEBULANYAHH

1 THANK YOU VERY MUCH AND I HOPE YOU HAVE A FINE
2 DAY YOU ARE EXCUSED AT THIS TIME YOU'RE WELCOME TO
3 WATCH THE TRIAL IF YOU SO DESIRE THANK YOU

4 (THE JURY PANEL EXITS THE COURTROOM)

5 THE COURT IF SOME OF YOU ALL WANTED TO MOVE
6 BACK, THE THIRD ROW ON THIS LEFT SIDE -- MY LEFT, WOULD
7 BE FOR THE FAMILY OF THE VICTIMS AND THE THIRD ROW ON
8 THIS SIDE FOR THE FAMILY OF THE DEFENDANT IF SECURITY
9 WOULD PLEASE MAINTAIN THAT

10 MR ALKEBULANYAHH, DID YOU NOTIFY YOUR ---

11 MR ALKEBULANYAHH YES, SIR, I SURE DID

12 THE COURT I INDICATED I WOULD GIVE YOU ALL A
13 SHORT BREAK BEFORE WE STARTED YOU NEED TO GO AHEAD
14 AND TAKE YOUR SHORT BREAK WE'LL GET STARTED THANK
15 YOU

16 MR MURDAUGH THANK YOU, SIR

17 MR KELLY THANK YOU, YOUR HONOR

18 (A RECESS WAS TAKEN)

19 THE COURT ALL RIGHT READY TO PROCEED?

20 MR MURDAUGH YES SIR

21 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE ABOUT
22 2 MINUTES PLEASE?

23 THE COURT ALL RIGHT WHILE YOU ALL ARE GETTING
24 ORGANIZED, AT THIS POINT I'M GOING TO DENY THE MOTION
25 TO SUPPRESS THE GUN, DENY THE MOTION TO DISMISS ABOUT

STATE VS ALKEBULANYAHH

1 ENTERING THE RESIDENCE

2 HOWEVER, YOU HAVE THE RIGHT TO REVISIT THAT ISSUE
3 AT THE CONCLUSION OF THE STATE'S CASE AT THE DIRECTED
4 VERDICT STAGE

5 THE MOTION TO SUPPRESS THE FANNY PACK IS DENIED

6 BEFORE YOU DO ANYTHING WITH THAT LAST ISSUE RAISED
7 ABOUT REVISING THE RILEY ROAD RESIDENCE, BRING THAT TO
8 MY ATTENTION

9 MR MURDAUGH THAT'S THE BOX OF CARTRIDGES?

10 THE COURT YES, SIR

11 MR MURDAUGH YES, SIR

12 (PAUSE)

13 THE COURT ONE OTHER THING I HAVE THE RIGHT TO
14 EXERCISE SUCH DISCRETION AS APPROPRIATE ON THE OPENING
15 STATEMENTS I DON'T INTEND TO DO THAT AT THIS POINT
16 I'M GENERALLY NOT ONE TO FAVOR LENGTHY OPENING
17 STATEMENTS BUT THE OPENING STATEMENT SHOULD BE
18 CONFINED TO WHAT YOU BELIEVE THE EVIDENCE WILL SHOW
19 ALL RIGHT?

20 MR MURDAUGH YES, SIR

21 MR ALKEBULANYAHH YES, SIR

22 MR MURDAUGH IN MY OPENING STATEMENT CAN I GIVE
23 THEM A LAY DEFINITION OF THE OFFENSE OF MURDER?

24 THE COURT YES, SIR

25 MR MURDAUGH OKAY, SIR

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH AND ALSO, YOUR HONOR, IN MY
2 OPENING STATEMENT CAN I PRESENT THEM MY VIEWS ON THE
3 CIRCUMSTANCES -- CIRCUMSTANTIAL EVIDENCE AND FACTS OF
4 THE CASE?

5 THE COURT YOU CAN TELL THEM WHAT YOU THINK THE
6 EVIDENCE WILL SHOW, NOT YOUR TESTIMONY

7 MR ALKEBULANYAHH NO, NOT TESTIMONY TO THAT
8 EXTENT BUT IN DEFINING ---

9 THE COURT DEFINING WHAT CIRCUMSTANTIAL EVIDENCE
10 MEANS?

11 MR ALKEBULANYAHH YES, PRETTY MUCH JUST GOING
12 INTO IT

13 THE COURT ARE YOU TALKING ABOUT LEGAL
14 DEFINITION?

15 MR ALKEBULANYAHH WELL, PRETTY MUCH MY VIEW --
16 MAKING CLARIFICATION ABOUT THE PARTICULAR -- SOME
17 PARTICULAR WORDS IN REFERENCE THAT WE USE IN THIS CASE

18 THE COURT SUCH AS?

19 MR ALKEBULANYAHH SUCH AS REASONABLE DOUBT

20 THE COURT REASONABLE DOUBT IS DEFINED BY THE
21 COURT, A DOUBT THAT WOULD CAUSE A REASONABLE PERSON TO
22 HESITATE TO ACT, THAT IS THE DEFINITION I'VE GIVEN THE
23 JURY

24 MR ALKEBULANYAHH RIGHT

25 THE COURT YOU CAN USE THAT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH OKAY

2 THE COURT A DOUBT THAT WOULD CAUSE A REASONABLE
3 PERSON TO HESITATE TO ACT I DON'T GIVE THE VICTOR
4 VERSUS NEBRASKA CHARGE, THAT'S THE MANNING CHARGE,
5 THAT'S WHAT I GIVE ALL RIGHT?

6 MR ALKEBULANYAHH YES

7 THE COURT ALL RIGHT THAT'S REASONABLE DOUBT,
8 THAT'S NOT THE DEFINITION ---

9 MR ALKEBULANYAHH I UNDERSTAND

10 THE COURT --- OF CIRCUMSTANTIAL EVIDENCE

11 MR ALKEBULANYAHH RIGHT THAT WAS REASONABLE
12 DOUBT I MEAN, JUST OTHER -- NOT JUST REASONABLE DOUBT
13 IN ITSELF I JUST WANT TO KNOW IN THAT AREA

14 THE COURT YOU CERTAINLY CAN TALK ABOUT WHETHER
15 OR NOT -- YOU CAN CERTAINLY THROW IN THERE, YOU KNOW,
16 YOUR THOUGHT ABOUT WHETHER OR NOT THE STATE IS GOING TO
17 BE ABLE TO PROVE THIS CASE BEYOND A REASONABLE DOUBT
18 I'M NOT GOING TO LIMIT THAT

19 MR ALKEBULANYAHH RIGHT JUST NOT -- JUST --
20 I'M NOT SAYING I'LL DEFINE OR PUT MYSELF INTO THAT
21 PARTICULAR SUBJECT ITSELF, YOU KNOW, JUST REASONABLE
22 DOUBT, YOU KNOW

23 THE COURT I WANT TO USE THIS OPPORTUNITY AGAIN
24 TO NOTIFY YOU, WARN YOU, CAUTION YOU, WHATEVER WORD IS
25 APPROPRIATE, THAT OBVIOUSLY, YOU'RE IN A CRIMINAL CASE

STATE VS ALKEBULANYAHH

1 YOU DO NOT HAVE THE OBLIGATION TO TESTIFY IN ANY WAY
2 WHATSOEVER YOU DO UNDERSTAND THAT, RIGHT?

3 MR ALKEBULANYAHH YES, SIR

4 THE COURT YOU HAVE THE RIGHT TO REMAIN SILENT
5 DO YOU UNDERSTAND THAT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT YOU ALSO UNDERSTAND THAT YOU'RE
8 WEARING THESE DUAL HATS OF ATTORNEY AND DEFENDANT DO
9 YOU UNDERSTAND THAT?

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT ALL RIGHT I JUST WANT TO CAUTION
12 YOU THAT BE CAREFUL ABOUT THE STATEMENTS THAT YOU MAKE
13 OR BE PREPARED TO STAND BY THE STATEMENTS YOU MAKE,
14 DEPENDING ON WHATEVER YOUR STRATEGY MIGHT BE BECAUSE
15 THEY MAY OR MAY NOT BE USED AGAINST YOU I DON'T KNOW
16 WHAT THEY MAY BE OKAY? YOU SHOULD REMEMBER THAT AT
17 ALL TIMES DO YOU UNDERSTAND WHAT I'M TELLING YOU?

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT ALL RIGHT

20 MR ALKEBULANYAHH THERE WAS AN ADDITIONAL MATTER
21 ALSO I WANT TO ASK THE COURT THAT WHEN THE WITNESSES
22 TAKE THE STAND, THAT THEY USE MY NAME, BEFORE I WAS
23 INCARCERATED MY LEGAL NAME BECAUSE THE NAME THAT THEY
24 ARE USING IS NOT A NAME THAT THEY KNEW ME BY OR ANY OF
25 THE WITNESSES KNEW ME BY PREVIOUSLY TO MY

STATE VS ALKEBULANYAHH

1 INCARCERATION THAT COME BY THE PROSECUTION OFFICE AND
2 THE MEDIA BUT NO ONE EVER KNEW ME BY THAT NAME HERE
3 IN BEAUFORT COUNTY -- OF ANY OF THE WITNESSES THAT
4 COMES ON THAT STAND

5 MR MURDAUGH IF YOUR HONOR PLEASE, I DON'T SEE
6 HOW WE CAN -- WE CAN TELL A WITNESS NOT TO SAY WHAT
7 THEY KNOW, SIR

8 THE COURT YES I AGREE I CAN'T TELL THE
9 WITNESS WHAT TO SAY BUT THE STATE CAN REFER TO YOU AS
10 MR ALKEBULANYAHH OR MR DEFENDANT

11 MR MURDAUGH AND I HAVE DONE THAT, SIR

12 THE COURT YES, SIR YOU HAVE

13 MR ALKEBULANYAHH I JUST WANT -- YOU KNOW, I
14 FEEL THAT THE COURT CANNOT, YOU KNOW, INSTRUCT THEM OF
15 CONCERNING MY NAME, THEN I SHOULD HAVE ALSO THE LEEWAY
16 TO CALL THEM WHATEVER I THINK IS APPROPRIATE -- WHAT I
17 MAY KNOW THEM BY TOO, AS WELL, AS THEY SIT ON THAT
18 WITNESS STAND

19 THE COURT YOU'RE FREE TO ASK THE WITNESS IF THEY
20 GO BY ANOTHER NAME

21 MR ALKEBULANYAHH WELL ---

22 THE COURT --- IF IT HAS SOME RELEVANCE TO THE
23 CASE

24 MR ALKEBULANYAHH --- I'M NOT GOING TO ASK THEM
25 I'LL JUST -- I'LL JUST USE THAT NAME I WANT TO BE

STATE VS ALKEBULANYAHH

1 ABLE TO JUST USE THAT NAME I'M NOT GOING TO ASK THEM
2 ABOUT NO ANOTHER NAME IT'S NOT TO MY INTEREST,
3 BECAUSE I HAVE A NAME

4 THE COURT I'D HAVE TO DEAL WITH THAT AS IT COMES
5 UP I MEAN, BUT YOU SHOULD TAKE INTO CONSIDERATION YOU
6 DON'T WANT TO OFFEND ANY WITNESSES EITHER

7 MR MURDAUGH YOUR HONOR, PLEASE, JUST A THOUGHT
8 AND I SHOULD HAVE THOUGHT ABOUT THIS EARLIER THE
9 INDICTMENTS ON THE OUTSIDE IS RETURNED AS TYREE
10 ROBERTS AND I WOULD ASK THAT THEY BE AMENDED AND I
11 THINK THIS IS WHAT HE WANTS -- TO REFLECT ---

12 THE COURT WELL, THE INDICTMENTS SAY TYREE
13 ROBERTS, ALSO KNOWN AS ABDIYYAH BEN ALKEBULANYAHH

14 MR MURDAUGH INTERIOR BUT THE OUTSIDE MERELY
15 SAYS TYREE ROBERTS

16 THE COURT YES, SIR

17 MR ALKEBULANYAHH WHAT I BASICALLY WANT IS THAT
18 MY LEGAL NAME WHO I AM, TO BE ACKNOWLEDGED, TO BE
19 USED, AND RECOGNIZED BY WITNESSES STATE, AND ANYTHING
20 OTHER I DON'T WANT TO BE LABELED OR HAVE -- HAVE --
21 HAVE ANOTHER NAME GIVEN TO ME OR PEOPLE CALLING ME
22 SOMETHING THAT I AM NOT

23 THE COURT I CAN'T CONTROL -- THERE'S 160
24 WITNESSES IN THIS CASE THERE'S NO WAY I COULD PREDICT
25 WHAT EVERY WITNESS IS GOING TO REFER TO YOU BY

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WELL, I'M SAYING THE COURT
2 SHOULD DIRECT THEM WHO I AM, NOT WHAT THEY REFER TO ME
3 BY

4 THE COURT I'M NOT GOING TO DO THAT IN EVERY --
5 I'M NOT GOING TO SIT UP HERE AND EVERY WITNESS SAY,
6 PLEASE CALL YOU THIS I DON'T KNOW WHAT THEY PLAN ON
7 CALLING YOU AT THAT POINT IF YOU WANT TO INTRODUCE
8 YOURSELF LIKE YOU HAVE WITH THE JURORS AND SAY, MY NAME
9 IS ABDIYYAH BEN ALKEBULANYAHH, THAT'S FINE I DON'T
10 HAVE ANY PROBLEM WITH THAT OKAY?

11 MR ALKEBULANYAHH OKAY

12 THE COURT THE BODY OF THE INDICTMENT ITSELF SAYS
13 TYREE ROBERTS ALSO KNOWN AS

14 MR MURDAUGH YES, SIR

15 THE COURT AND SO I THINK THE BODY IS
16 CONTROLLING I DON'T THINK IT MAKES ANY LEGAL
17 SIGNIFICANCE

18 MR MURDAUGH YES, SIR

19 THE COURT NOW, HOW MUCH TIME DO YOU EXPECT IN
20 YOUR OPENING STATEMENT?

21 MR MURDAUGH JUDGE, BECAUSE OF THE AMOUNT OF
22 FORENSIC EVIDENCE, IT'S PROBABLY GOING TO TAKE ME A
23 LITTLE LONGER THAN NORMAL I'D SAY 10 MINUTES

24 THE COURT ALL RIGHT

25 MR ALKEBULANYAHH I'D SAY AN HOUR

STATE VS ALKEBULANYAHH

1 THE COURT I'LL GIVE YOU 30 MINUTES, MR
2 ALKEBULANYAHH
3 AND YOU'RE GOING TO USE 10 MINUTES?
4 MR MURDAUGH GIVE ME 30 MINUTES I THINK I'LL
5 USE 10
6 THE COURT I'LL GIVE YOU EACH 30 MINUTES
7 MR MURDAUGH OKAY, SIR I HONESTLY DO NOT
8 BELIEVE I'LL BE MUCH MORE THAN 10 MINUTES
9 THE COURT ALL RIGHT
10 MR MURDAUGH IF THAT LONG WE'RE GOING TO GO
11 DIRECTLY INTO TESTIMONY?
12 THE COURT YES, SIR
13 MR MURDAUGH WHILE YOU GET THE JURY, MAY I RUN
14 OUT HERE AND TEND TO A LITTLE MATTER?
15 THE COURT GO AHEAD AND TAKE CARE OF THAT FIRST
16 (PAUSE)
17 MR ALKEBULANYAHH YOUR HONOR
18 THE COURT HOLD ON HE'S NOT HERE CAN HE GO
19 AHEAD WITHOUT HIM?
20 MR STONE YES, SIR
21 THE COURT GO AHEAD
22 MR ALKEBULANYAHH WE GOING TO START THE TRIAL
23 NOW AND BEGIN WITH OPENING STATEMENTS?
24 THE COURT YES, SIR
25 MR ALKEBULANYAHH COULD I HAVE A LITTLE BIT

STATE VS ALKEBULANYAHH

1 LONGER BEFORE WE BEGIN?

2 THE COURT WHAT FOR?

3 MR ALKEBULANYAHH I WANT TO ORGANIZE SOME THINGS
4 ABOUT THE WITNESS LIST THAT I JUST RECEIVED ABOUT WHO
5 THE PROSECUTOR PLAN TO CALL FIRST ON THE WITNESS LIST
6 I WAS UNDER THE EXPECTATION OF ANOTHER -- HOW HE WAS
7 GOING TO GO DOWN THE LIST OF WITNESSES WHO WAS GOING TO
8 COME FORTH FIRST

9 THE COURT I'LL GIVE YOU A FEW MINUTES, BUT I'M
10 NOT GOING TO DO THIS THROUGHOUT THE TRIAL YOU'RE
11 GOING TO HAVE TO BE READY THAT'S WHY I BROKE EARLY
12 YESTERDAY

13 MR ALKEBULANYAHH OKAY THANK YOU

14 (PAUSE)

15 THE COURT YOU READY?

16 MR ALKEBULANYAHH I AM

17 THE COURT YOU ARE READY?

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT ALL RIGHT YOU ALL ARE READY TO
20 PROCEED?

21 MR MURDAUGH THE STATE IS

22 THE COURT ALL RIGHT BRING THE JURY IN PLEASE

23 (THE JURY RETURNS TO THE COURTROOM AT 10 37 A M)

24 THE COURT ALL RIGHT LADIES AND GENTLEMEN, THE
25 FIRST ORDER OF BUSINESS I NEED TO SWEAR IN ALL THE

STATE VS ALKEBULANYAHH

1 OFFICERS IF YOU CAN GATHER ALL THE OFFICERS TOGETHER
2 PLEASE

3 (PAUSE)

4 THE COURT ALL THE COURTROOM SECURITY PLEASE
5 MR BAILIFF, YOU CAN PARTICIPATE IN THIS

6 PLEASE RAISE YOUR RIGHT HANDS DO YOU SOLEMNLY
7 SWEAR OR AFFIRM THAT YOU SHALL KEEP THESE JURORS SWORN
8 FOR THIS CASE AND SUFFER NO PERSON TO SPEAK TO THEM OR
9 SPEAK TO THEM YOURSELVES WITHOUT LEAVE OF THIS COURT
10 AND TO FOLLOW THE INSTRUCTIONS OF THIS COURT IN REGARDS
11 TO SECURITY AND THE HANDLING OF THIS JURY IN ALL WAYS
12 WHATSOEVER IF SO PLEASE SAY I DO

13 SECURITY OFFICERS I DO

14 THE COURT ALL RIGHT THANK YOU

15 ALL RIGHT LADIES AND GENTLEMEN, AT THIS POINT
16 WE'RE READY TO BEGIN GO AHEAD AND HAND THOSE OUT,
17 THAT'S FINE

18 (PADS OF PAPER AND PENCILS WERE DISTRIBUTED TO THE
19 JURY)

20 THE COURT SORRY, LADIES AND GENTLEMEN I
21 THOUGHT YOU ALREADY HAD THOSE

22 (PAUSE)

23 THE COURT EVERYONE HAVE A NOTE PAD?

24 JURORS YES, SIR

25 THE COURT ALL RIGHT LADIES AND GENTLEMEN, AS I

STATE VS ALKEBULANYAHH

1 INDICATED, WE'RE READY TO BEGIN A FEW PRELIMINARY
2 MATTERS BEFORE WE BEGIN, AND THEN I'LL TELL YOU A
3 LITTLE BIT ABOUT HOW THIS TRIAL WILL PROCEED

4 FIRST, I WANT TO TELL YOU THAT YOU MAY NOTICE THAT
5 THERE ARE MEDIA REPRESENTATIVES IN THE COURTROOM, YOU
6 MAY SEE A CAMERA FROM TIME TO TIME PLEASE DO NOT LET
7 THAT AFFECT YOU IN ANY WAY WHATSOEVER KEEP YOUR
8 ATTENTION ON THE PROCEEDINGS AS THEY'RE PRESENTED RIGHT
9 UP HERE IN THIS AREA

10 COURT RULES ARE SPECIFIC AND VERY STRICT CAMERAS
11 CANNOT FILM YOU AT ANY TIME WHATSOEVER SO PLEASE
12 DON'T LET THAT PLAY ON YOU IN ANY WAY WHATSOEVER THEY
13 ARE PROHIBITED FROM TAPING JURORS

14 ANOTHER THING I WANT TO TELL YOU IS THAT AS I
15 INDICATED EARLIER IN THIS CASE UNDER -- THE STATE IS
16 SEEKING THE DEATH PENALTY AS AN OPTION IN THIS CASE

17 AS I INDICATED DURING THE QUALIFICATION PART OF
18 THE TRIAL -- OR THE CASE, THAT THESE ARE USUALLY
19 HANDLED IN A BIFURCATED FASHION, A TWO-PART FASHION
20 FIRST THE TRIAL IS HELD BEFORE A JURY TO DETERMINE THE
21 GUILT OR INNOCENCE OF A DEFENDANT AND THAT IS THE
22 PHASE OF THE TRIAL WE ARE PRESENTLY GETTING INTO

23 AT THE CONCLUSION OF THE FIRST PHASE OF THE TRIAL,
24 SHOULD THE VERDICT OF THE JURY BE NOT GUILTY THEN THE
25 CASE WOULD STOP

STATE VS ALKEBULANYAHH,

1 SHOULD THE VERDICT OF THE JURY BE GUILTY -- AND I
2 MAKE NO RECOMMENDATION TO YOU REGARDING ANY VERDICT,
3 I'M JUST EXPLAINING TO YOU THE PROCESS THEN A SECOND
4 PROCEEDING WILL BE HELD

5 THE SECOND PROCEEDING IS THE MITIGATING OR
6 SENTENCING PROCEEDING AT WHICH EXTENUATING AGGRAVATING
7 AND MITIGATING CIRCUMSTANCES MAY BE INTRODUCED INTO
8 EVIDENCE AND CONSIDERED BY THE JURY

9 SHOULD SUCH A PROCEEDING BE NECESSARY, I WILL
10 FURTHER INSTRUCT YOU ABOUT THAT PROCEEDING AT THAT
11 TIME

12 NOW, AGAIN, PLEASE DERIVE NO INFERENCE WHATSOEVER
13 WHAT I SAID TO YOU ABOUT THE PROCEDURE IN THIS CASE
14 THERE'S NO INFERENCE TO BE DRAWN ABOUT YOUR VERDICT
15 THE PURPOSE OF MY TELLING YOU ABOUT THIS TWO-STAGE
16 PROCESS IS TO EMPHASIZE THAT YOU ARE NOT TO CONSIDER
17 PUNISHMENT OR SENTENCE IN ANY WAY WHATSOEVER DURING
18 THIS PHASE OF THE TRIAL YOU ARE ONLY TO DETERMINE THE
19 INNOCENCE OR GUILT OF THE DEFENDANT BASED ON THE
20 EVIDENCE THAT IS INTRODUCED IN THE TRIAL OF THIS CASE

21 NOW, BEFORE I BEGIN EVERY CASE, I GENERALLY GIVE
22 YOU A LITTLE BIT OF AN OUTLINE JUST TO HELP YOU
23 UNDERSTAND HOW THE TRIAL WILL PROCEED

24 FIRST EACH SIDE WILL MAKE AN OPENING STATEMENT
25 NOW, AN OPENING STATEMENT IS NOT EVIDENCE IT IS

STATE VS ALKEBULANYAHH

1 SIMPLY AN OUTLINE TO HELP YOU UNDERSTAND WHAT THE
2 PARTIES EXPECT THE EVIDENCE WILL SHOW

3 FOLLOWING THE OPENING STATEMENTS, YOU WILL HEAR
4 THE EVIDENCE AND THE TESTIMONY IN THIS CASE THIS WILL
5 CONSIST OF EVIDENCE FROM THE WITNESSES AS WELL AS ANY
6 PHYSICAL EXHIBITS OR STIPULATIONS WHICH MAY BE
7 INTRODUCED INTO EVIDENCE DURING THE COURSE OF THE
8 TRIAL

9 NOW, THERE ARE RULES OF EVIDENCE WHICH CONTROL
10 WHAT CAN BE RECEIVED INTO EVIDENCE WHEN A LAWYER ASKS
11 A QUESTION OR WHEN A QUESTION IS ASKED OR A PARTY
12 OFFERS AN EXHIBIT INTO EVIDENCE AND SOMEONE ON THE
13 OTHER SIDE DOES NOT THINK THAT IT IS PERMITTED BY THE
14 RULES OF EVIDENCE OR PROCEDURE THAT PERSON MAY OBJECT

15 IF I OVERRULE THE OBJECTION, THAT MEANS I DO NOT
16 BELIEVE THERE IS A LEGAL BASIS FOR THAT OBJECTION, THEN
17 THE QUESTION MAY BE ANSWERED OR THE EXHIBIT MAY BE
18 RECEIVED INTO EVIDENCE

19 IF I SUSTAIN THE OBJECTION, THAT MEANS I BELIEVE
20 THERE IS A LEGAL BASIS FOR THAT OBJECTION, THEN THE
21 QUESTION CANNOT BE ANSWERED OR THE EXHIBIT CANNOT BE
22 RECEIVED INTO EVIDENCE

23 WHENEVER I SUSTAIN AN OBJECTION TO A QUESTION OR
24 DENY A MOTION TO ADMIT AN ITEM INTO EVIDENCE AS AN
25 EXHIBIT, YOU MUST NOT GUESS OR SPECULATE WHAT THE

STATE VS ALKEBULANYAHH

1 ANSWER WOULD HAVE BEEN OR WHAT THE EXHIBIT WOULD HAVE
2 SHOWN

3 NOW, IF DURING THE PROCESS OF A QUESTION OR AN
4 ANSWER PART OF -- IF DURING THE PROCESS OF A QUESTION
5 PART OF AN ANSWER IS HEARD AND THE OBJECTION IS MADE
6 AND I ULTIMATELY SUSTAIN THAT OBJECTION, THEN, OF
7 COURSE, LADIES AND GENTLEMEN, YOU MUST DISREGARD ANY
8 SUCH PART OF AN ANSWER AS YOU MAY HAVE HEARD, AND MUST
9 NOT CONSIDER IT IN ANY WAY WHATSOEVER DURING YOUR
10 DELIBERATION

11 THIS IS NOT ANY ATTEMPT TO HIDE ANYTHING FROM YOU
12 LADIES AND GENTLEMEN IT'S JUST THAT EVERYONE HERE HAS
13 THE RIGHT TO HAVE THIS CASE PRESENTED IN ACCORDANCE
14 WITH OUR RULES AND PROCEDURES THOSE RULES AND
15 PROCEDURE ARE DESIGNED TO MAKE SURE CASES ARE PRESENTED
16 IN A FAIR AND AN ORDERLY FASHION

17 NOW THERE MAY BE TIMES WHEN I CALL EVERYONE UP TO
18 THE BENCH WE MAY WHISPER AT THE SIDE BAR OVER HERE OR
19 UP FRONT WE MAY BE DISCUSSING AN EVIDENTIARY MATTER
20 WE MAY BE DISCUSSING A SCHEDULING MATTER SOMETHING --
21 GENERALLY IT'S SOMETHING THAT I BELIEVE WILL JUST TAKE
22 A FEW BRIEF MOMENTS TO RESOLVE WE CAN DO IT UP HERE,
23 AND THAT AVOIDS MY HAVING TO SHUFFLE YOU IN AND OUT OF
24 THE JURY ROOM ON AN EXPEDITED BASIS

25 IF IT'S ANYTHING THAT'S GOING TO TAKE AN EXTENDED

STATE VS ALKEBULANYAHH

1 PERIOD OF TIME, THEN I'LL JUST GO AHEAD AND SEND YOU TO
2 THE JURY ROOM SO YOU CAN TAKE A BREAK WHILE WE TAKE THE
3 PARTICULAR MATTER UP

4 NOW, IF SOMEONE DOES MAKE AN OBJECTION DURING THE
5 COURSE OF THE TRIAL, YOU CERTAINLY SHOULD NOT INTERPRET
6 ANYTHING FROM THAT OBJECTION, THAT IS THE FORMAL
7 MECHANISM THAT MUST BE USED TO SEEK MY GUIDANCE ON A
8 PARTICULAR MATTER

9 NOW, FOLLOWING THE COMPLETION OF THE TESTIMONY,
10 THE PARTIES WILL AGAIN HAVE AN OPPORTUNITY TO MAKE
11 WHAT'S CALLED A CLOSING STATEMENT OR A CLOSING ARGUMENT
12 TO YOU THIS IS AN OPPORTUNITY FOR EACH SIDE TO
13 SUMMARIZE THE EVIDENCE FROM THEIR RESPECTIVE POINTS OF
14 VIEW, TO PUT THE PIECES OF THE PUZZLE TOGETHER SO TO
15 SPEAK

16 AGAIN, THESE ARGUMENTS, JUST LIKE THE OPENING
17 STATEMENTS ARE NOT TO BE CONSIDERED AS EVIDENCE IN ANY
18 WAY WHATSOEVER BY YOU

19 NOW, FOLLOWING THOSE STATEMENTS, I WILL THEN
20 INSTRUCT YOU ON THE LAW AS IT APPLIES TO THIS CASE
21 AND THEN ONCE I'VE COMPLETED MY INSTRUCTIONS TO YOU,
22 YOU WILL THEN BE RELEASED TO BEGIN YOUR DELIBERATION

23 NOW, I WILL INSTRUCT YOU ON THE LAW AT THE
24 CONCLUSION OF THE CASE

25 AS A PRELIMINARY MATTER, I NOW INSTRUCT YOU THAT A

STATE VS ALKEBULANYAHH

1 DEFENDANT IS PRESUMED IN LAW INNOCENT OF ANY CHARGE
2 CONTAINED IN AN INDICTMENT

3 AN INDICTMENT IS NOT EVIDENCE THE FACT THAT A
4 GRAND JURY RETURNED AN INDICTMENT IS OF NO CONSEQUENCE
5 TO YOU IT IS MERELY THE METHOD BY WHICH THE STATE
6 BRINGS THIS CASE TO COURT FOR YOUR REVIEW

7 THE STATE HAS THE BURDEN OF PROOF IN THIS CASE,
8 AND MUST PROVE THE DEFENDANT'S GUILT BEYOND A
9 REASONABLE DOUBT

10 CONSISTENT WITH THE STATE'S BURDEN, THE
11 PRESUMPTION OF A DEFENDANT'S INNOCENCE IS SUFFICIENT TO
12 COMPEL A VERDICT OF NOT GUILTY UNLESS THE JURY
13 CONCLUDES THAT THE STATE HAS SATISFIED ITS OBLIGATION
14 TO PROVE THE DEFENDANT GUILTY BEYOND A REASONABLE
15 DOUBT, WHICH IS A DOUBT THAT WOULD CAUSE A REASONABLE
16 PERSON TO HESITATE TO ACT

17 NOW, IT IS VERY IMPORTANT FOR YOU TO PAY CLOSE
18 ATTENTION BECAUSE IT WILL BE YOUR DUTY AND YOUR DUTY
19 ALONE TO DECIDE WHAT THE FACTS ARE IN THIS CASE, AND
20 THEN TO APPLY THOSE FACTS TO THE LAW THAT I GIVE TO
21 YOU

22 AS I INDICATED DURING THE QUESTIONING PROCESS
23 IT'S MY RESPONSIBILITY TO TELL YOU ABOUT THE LAW YOU
24 MUST FOLLOW THE LAW THAT I GIVE TO YOU

25 YOU HAVE THE VERY IMPORTANT RESPONSIBILITY TO

STATE VS ALKEBULANYAHH

1 DECIDE THE FACTS IN THIS CASE I DO NOT SIT UP HERE
2 AND TELL YOU WHAT I THINK ABOUT THE CASE OR WHAT I
3 THINK ABOUT THE FACTS

4 AS A MATTER OF FACT, YOU MAY SEE THINGS
5 DIFFERENTLY THAN I SEE THINGS SO IT DOESN'T MATTER
6 HOW I SEE THE FACTS

7 YOU MIGHT BELIEVE ONE PERSON, I MIGHT BELIEVE
8 ANOTHER PERSON THAT'S WHY WE HAVE JURIES, SO THAT YOU
9 CAN COLLECTIVELY AND UNANIMOUSLY DECIDE WHAT YOU THINK
10 THE FACTS ARE, WHO AND WHAT YOU WANT TO BELIEVE, PUT
11 ALL THOSE TOGETHER THEN TAKE THE LAW AS I GIVE IT TO
12 YOU, AND REACH YOUR DECISION WHEN YOU APPLY THOSE FACTS
13 TO THE LAW

14 SO IF AT ANY POINT YOU DO NOT HEAR SOMETHING,
15 DON'T BE AFRAID TO RAISE YOUR HAND AND THEN I WILL
16 GET THE QUESTION REPEATED OR THE ANSWER REPEATED FOR
17 YOU, BECAUSE YOU DO HAVE THAT IMPORTANT FUNCTION

18 ONCE THIS CASE IS OVER, I WILL NOT BE ABLE TO
19 ANSWER SPECIFIC FACTUAL QUESTIONS FROM YOU, LADIES AND
20 GENTLEMEN I GET THAT FROM TIME TO TIME A JURY WILL
21 SEND ME A NOTE AND ASK ME WHAT I THINK ABOUT A FACTUAL
22 MATTER AND GENERALLY, I JUST SEND THE NOTE BACK
23 SAYING, I CANNOT ANSWER FACTUAL QUESTIONS, LADIES AND
24 GENTLEMEN

25 SO PLEASE PAY CLOSE ATTENTION AS THIS CASE IS

STATE VS ALKEBULANYAHH

1 PRESENTED TO YOU

2 NOW, YOU HAVE BEEN PROVIDED WITH NOTE PADS FOR
3 YOUR USE DURING THE TRIAL YOU DO NOT HAVE TO USE THEM
4 IF YOU DO NOT DESIRE TO USE THEM THEY'RE THERE FOR
5 YOUR OWN USE IF YOU WANT TO USE THEM

6 YOU SHOULD REMEMBER THAT NOTES ARE INTENDED FOR
7 THE NOTE TAKER'S PERSONAL USE IN REFRESHING HIS OR HER
8 MEMORY OR RECOLLECTION OF THE EVIDENCE THEY SHOULD
9 NOT TAKE PRECEDENCE OVER THE -- THE FACT THAT ONE
10 PERSON HAS TAKEN NOTES SHOULD NOT TAKE PRECEDENCE OVER
11 ANOTHER PERSON'S INDEPENDENT RECOLLECTION AND MEMORY OF
12 THE EVIDENCE AS I INDICATED THE NOTES ARE INTENDED
13 FOR THE NOTE TAKER'S PERSONAL USE IN REFRESHING HIS OR
14 HER MEMORY OR RECOLLECTION OF THE EVIDENCE

15 IF AT SOME POINT YOU NEED A BREAK, ALSO PLEASE
16 RAISE YOUR HAND I'LL BE HAPPY TO ACCOMMODATE YOU

17 I HAVE A COUPLE OF INSTRUCTIONS FOR YOU
18 THROUGHOUT THE TRIAL YOU ARE SPECIFICALLY INSTRUCTED,
19 YOU MUST NOT DISCUSS THIS CASE WITH ANYONE INCLUDING
20 YOURSELVES UNTIL SUCH TIME AS I DIRECT YOU TO BEGIN
21 YOUR DELIBERATIONS YOU MUST NOT TRY TO CONDUCT ANY
22 TYPE OF AN INVESTIGATION

23 YOU ARE SEQUESTERED IN THAT CASE, SO THAT'S NOT
24 GOING TO BE LIKELY

25 BUT, LADIES AND GENTLEMEN YOU MUST NOT DISCUSS

STATE VS ALKEBULANYAHH

1 THIS CASE AMONG YOURSELVES IN ANY WAY WHATSOEVER, AS WE
2 GO THROUGH THIS CASE

3 NOW, I THINK THAT COVERS IT AS FAR AS MY
4 INTRODUCTORY COMMENTS TO YOU

5 ARE YOU READY TO BEGIN WITH YOUR OPENING
6 STATEMENTS?

7 MR MURDAUGH THE STATE IS

8 MR ALKEBULANYAHH DEFENSE IS READY, YOUR HONOR
9 THE COURT ALL RIGHT YOU MAY PROCEED

10 MR MURDAUGH MAY IT PLEASE THE COURT

11 THE COURT YES, SIR

12 OPENING STATEMENTS BY MR. MURDAUGH

13 ON BEHALF OF THE STATE.

14 MR FOREMAN AND LADIES AND GENTLEMEN OF THE JURY,
15 AS YOU HAVE HEARD ON NUMEROUS, NUMEROUS OCCASIONS, THE
16 CASE THAT WE ARE ABOUT TO BEGIN TO TRY IS THAT OF THE
17 STATE AGAINST MR ALKEBULANYAHH

18 HE IS -- HE IS CHARGED WITH MURDER IN THIS CASE
19 AND I NEED TO TELL YOU THE LAY DEFINITION OF MURDER
20 AND PLEASE UNDERSTAND THAT HIS HONOR WILL AT THE END OF
21 THIS TRIAL WILL TELL YOU ALL IN HIS TERMS THE TOTAL
22 LEGAL DEFINITION OF MURDER IF ANYTHING THAT I SAY OR
23 ANYBODY ELSE SAYS THAT DIFFERS FROM WHAT HIS HONOR
24 SAYS, YOU LISTEN TO WHAT HE SAYS, BECAUSE HE IS THE
25 SOLE JUDGE OF THE LAW

STATE VS ALKEBULANYAHH

1 JUST AS YOU ARE THE SOLE JUDGES OF THE FACTS -- I
2 CAN'T TELL YOU ALL WHAT THE FACTS ARE I CAN PRESENT
3 EVIDENCE AS WELL AS ANYBODY ELSE CAN TO -- FOR YOU TO
4 LISTEN TO I CAN IN ARGUMENT SUGGEST TO YOU WHAT THOSE
5 FACTS, CONCLUSIONS THEY LEAD TO BUT I CAN'T TELL YOU
6 WHAT THE TRUTH IS, AND THAT'S WHAT YOU'VE GOT TO DO

7 YOU HAVE GOT TO REACH A VERDICT -- VERDICT IS
8 DERIVED FROM THE LATIN WORD VEREDICTO, WHICH MEANS TO
9 SPEAK THE TRUTH AND THAT'S WHAT YOU HAVE TO DO, IS
10 FIND THE TRUTH IN THIS CASE

11 NOW, OPENING ARGUMENTS -- I LIKEN IT TO HIS HONOR
12 SAID THAT IT WAS -- WHAT IT ACTUALLY IS IS A ROAD MAP
13 FOR YOU TO FOLLOW DURING THIS TRIAL

14 MURDER IS DEFINED AS THE UNLAWFUL KILLING OF
15 ANOTHER PERSON WITH MALICE AFORETHOUGHT, AND THAT'S
16 WHAT YOU NEED TO LOOK AT DURING THIS TRIAL THERE ARE
17 -- CHARGED WITH TWO MURDERS, THAT OF THE MURDER OF DANA
18 TATE AND DYKE COURSEN -- UNLAWFUL KILLING ANOTHER
19 PERSON WITH MALICE AFORETHOUGHT

20 MALICE IS DEFINED AS A WICKED OR EVIL HEART YOU
21 CAN INFER MALICE THROUGH THE USE OF A DEADLY WEAPON,
22 SUCH AS A GUN

23 AFORETHOUGHT -- AFORETHOUGHT MEANS THAT AT THE
24 TIME THE KILLING TOOK PLACE, THE PERSON COMMITTING THE
25 KILLING HAD TO HAVE HAD IT IN HIS MIND THAT HE INTENDED

/

STATE VS ALKEBULANYAHH

1 TO KILL

2 HIS HONOR WILL CHARGE YOU THAT THE LAW DOES NOT
3 SAY THAT YOU HAVE TO HAVE IT IN A WEEK AHEAD OF TIME,
4 AN HOUR AHEAD OF TIME, A MINUTE AHEAD OF TIME, BUT AT
5 THE TIME IT HAPPENED, HE HAD TO HAVE HAD IN HIS MIND
6 THAT HE INTENDED TO DO THE KILLING

7 NOW, YOU WILL HEAR A CONSIDERABLE AMOUNT OF
8 TESTIMONY IN THIS CASE SOME OF IT WILL BE DIRECT
9 TESTIMONY DIRECT EVIDENCE IS EVIDENCE THAT YOU SEE,
10 HEAR TOUCH FEEL, TASTE, THINGS THAT YOU SEE HAPPEN

11 YOU WILL ALSO HEAR OF CIRCUMSTANTIAL EVIDENCE
12 CIRCUMSTANTIAL EVIDENCE IS A SET OF FACTS WHICH YOU CAN
13 DRAW A CONCLUSION, SUCH AS AN EXAMPLE WOULD BE THAT IF
14 A HOUSE WAS BROKE INTO, THERE WAS A WINDOW BROKEN AND
15 BLOOD ON THAT WINDOW THAT WAS BROKE YOU LATER FOUND A
16 PERSON TOOK HIS BLOOD AND COMPARED IT TO BLOOD ON THE
17 WINDOW, AND IT MATCHED IT'S CIRCUMSTANTIAL EVIDENCE
18 THAT HE IS THE ONE THAT CUT HIS HAND ON THAT WINDOW

19 AND CIRCUMSTANTIAL EVIDENCE HIS HONOR WILL CHARGE
20 YOU IS JUST AS GOOD AS EVIDENCE AS DIRECT EVIDENCE,
21 IT'S JUST A DIFFERENT KIND OF EVIDENCE

22 NOW, IN THIS CASE YOUR JOB IS TO JUDGE THE
23 CREDIBILITY OF THE WITNESSES AND FINDING THE TRUTH I
24 ASSUME THAT HIS HONOR WILL CHARGE YOU THAT YOU ARE THE
25 PEOPLE THAT HAVE TO MAKE THAT DETERMINATION, AND THAT

STATE VS ALKEBULANYAHH

1 YOU CAN USE -- IN MAKING THAT DETERMINATION EVERYTHING
2 THAT YOU HAVE GAINED THROUGH YOUR ENTIRE LIFE, TO LEARN
3 -- WE DON'T WANT JURORS TO COME IN WITH THEIR MINDS
4 BLANK WE WANT YOU TO BRING INTO THE COURTROOM
5 EVERYTHING THAT YOU HAVE LEARNED DURING YOUR LIFE IN
6 MAKING A DETERMINATION HOW THE WITNESS STOOD UP AND
7 PUT HIS LEFT HAND ON THE BIBLE, HELD UP HIS RIGHT HAND
8 AND SWORE TO TELL THE TRUTH, HOW HE APPEARED TO
9 TESTIFY WHETHER HE WAS HESITANT IN HIS TESTIMONY
10 HIS HONOR WILL CHARGE YOU THAT YOU'VE GOT A RIGHT
11 TO BELIEVE 1 WITNESS AGAINST 10, 10 WITNESSES AGAINST
12 1 YOU'VE GOT A RIGHT TO BELIEVE ALL OF WHAT A WITNESS
13 SAY OR PART OF WHAT A WITNESS SAID IN OTHER WORDS
14 YOU USE YOUR GOOD, COMMON SENSE IN DETERMINING WHAT THE
15 TRUTH IS
16 NOW, IN THIS CASE YOU WILL HEAR TESTIMONY THAT ON
17 JANUARY 8, 2002 TWO OFFICERS WERE DISPATCHED TO A PLACE
18 CALLED 21 RILEY ROAD A PLACE IN BEAUFORT COUNTY AND
19 HOPEFULLY YOU WILL HEAR THE DISPATCH TAPE OF ALL OF
20 THIS GOING ON YOU WILL HEAR THEM REPORT THAT THEY
21 ARRIVED AT 21 RILEY ROAD YOU WILL THEN HEAR THAT THEY
22 ATTEMPTED TO BE CONTACTED AND CANNOT CONTACT THEM,
23 WHICH ALERTED DISPATCH THAT MAYBE SOMETHING WAS WRONG
24 THEY DISPATCHED AN OFFICER AROUND THERE
25 YOU WILL HEAR MICHAEL STETTMIER TELL YOU THAT HE

STATE VS ALKEBULANYAHH

1 WAS THE FIRST OFFICER THAT ARRIVED AT 21 RILEY ROAD
2 HE WILL TELL YOU WHAT HE OBSERVED WHEN HE GOT THERE

3 YOU WILL HEAR RICKY ROPER, HE'S A CAPTAIN WITH THE
4 SHERIFF'S DEPARTMENT, HE WAS THE SECOND PERSON AND THE
5 FIRST OFFICER TO ARRIVE THERE WHEN I SAY OFFICER,
6 HE'S A CAPTAIN -- EVEN THOUGH WE CALL ALL OF THEM
7 OFFICERS, DON'T WE?

8 BUT ANYHOW, RICKY ROPER WILL TELL YOU THAT HE
9 ARRIVED THERE THAT HE LOOKED AT THEM AND HE KNEW THAT
10 BOTH COURSEN AND TATE WERE DEAD

11 YOU WILL THEN HEAR -- AND HE WILL SAY THAT HE
12 SECURED THE -- THE BUILDING THE DWELLING, 21 RILEY
13 ROAD HE WILL TELL YOU THAT CERTAIN OTHER PEOPLE CAME
14 IN, SUCH AS THE CORONER, EMS, THE FORENSIC TEAM

15 HE WILL TELL YOU THE CONDITION -- HOW THE OFFICERS
16 WERE DRESSED, WHAT THEY HAD ON THEIR BODY AT THE TIME
17 HE GOT THERE HE WILL TELL YOU THAT HE FOUND ON THE
18 FLOOR WITHOUT DISTURBING THEM A CARTRIDGE CASING, A
19 SPENT CARTRIDGE WHEN YOU SHOOT SOMETHING, WHAT COMES
20 OUT OF THE GUN IS A SPENT CARTRIDGE HE WILL TELL YOU
21 THAT HE FOUND A NUMBER OF THOSE ON THE FLOOR WITHOUT
22 DISTURBING THEM, AND THAT THEY WERE -- WENT TO A 7 62
23 -- 7 62 GUN

24 HE WILL DESCRIBE -- AND HE RUNS A -- HE WILL
25 TESTIFY THAT HE RUNS A GUN STORE AND HE KNOWS A LITTLE

STATE VS ALKEBULANYAHH

1 BIT ABOUT GUNS AND HE WILL TESTIFY WHAT TYPE OF GUN
2 THAT IS GENERALLY

3 YOU WILL THEN HEAR TESTIMONY, AS I SAID, FROM THE
4 EMS MAN, FROM THE CORONER

5 YOU WILL THEN HEAR TESTIMONY FROM THE PATHOLOGIST
6 THE PATHOLOGIST WILL COME INTO THE COURTROOM AND THE
7 PATHOLOGIST WILL TELL YOU WHAT HER FINDINGS WERE, WHAT
8 SHE THINKS CAUSED THE DEATH, WHERE THE WOUNDS WERE
9 SHE WILL TESTIFY THAT SHE REMOVED CERTAIN BULLETS --
10 FOR WANT OF A BETTER EXPRESSION -- FROM THE BODIES OF
11 BOTH COURSEN AND TATE AND THAT SHE TURNED THEM OVER TO
12 A FELLOW BY THE NAME OF BRETT BAKER, WHO TOOK THEM TO
13 SLED FOR THE FORENSIC PEOPLE TO MAKE TESTS ON

14 YOU WILL THEN HEAR AT THIS POINT, HOPEFULLY, THE
15 9-1-1 TAPE, THE CALL THAT ORIGINATED DISPATCHING THESE
16 TWO OFFICERS OUT TO 21 RILEY ROAD YOU WILL HEAR THE
17 DISPATCH ALL THE WAY THROUGH THE ARREST OF THE
18 DEFENDANT AND YOU WILL HEAR A 9-1-1 TAPE THAT WAS
19 MADE BY A LADY, STRAWBERRY WASHINGTON, WHO WAS A FRIEND
20 OF KIMBERLY BLAKE, KIMBERLY BLAKE BEING THE GIRL WHO
21 WAS INSIDE OF THE HOUSE AND WHO ORIGINATED GETTING THE
22 POLICE AROUND THERE

23 BUT YOU WILL HEAR ALL OF THAT IN DETAIL

24 AFTER HEARING THE 9-1-1 TAPE, YOU WILL HEAR FROM
25 -- WE'RE GOING TO INTRODUCE A MAP TO SHOW YOU AN

STATE VS ALKEBULANYAHH

1 OVERALL VIEW OF THE ENTIRE AREA, WHICH WILL SHOW 21
2 RILEY ROAD AND NUMEROUS OTHER PLACES

3 YOU WILL THEN HEAR FROM STRAWBERRY WASHINGTON AND
4 FROM KIMBERLY BLAKE AS I SAID, STRAWBERRY WASHINGTON
5 IS THE GIRL THAT CALLED THE SHERIFF'S DEPARTMENT AND
6 TOLD THEM CERTAIN THINGS

7 KIMBERLY BLAKE HAD CALLED STRAWBERRY YOU WILL
8 HEAR TESTIMONY OF THIS -- AND TOLD HER A SET OF FACTS
9 WHICH STRAWBERRY REPORTED TO THE SHERIFF'S DEPARTMENT
10 YOU WILL HEAR EVERYTHING THAT THEY HAD TO SAY
11 KIMBERLY BLAKE WAS IN THE TRAILER, HAD BEEN THERE SINCE
12 THE SATURDAY BEFORE THIS HAPPENED, I THINK I'M NOT
13 POSITIVE WHEN SHE GOT THERE, BUT SOME THREE, FOUR, FIVE
14 DAYS

15 SHE WILL TELL YOU EVERYTHING THAT OCCURRED IN THAT
16 TRAILER WHILE SHE WAS THERE, AND ALL OF THAT SHE IS
17 THE MOTHER OF TYREE'S BABY -- EXCUSE ME, MR
18 ALKEBULANYAHH'S BABY

19 YOU WILL THEN HEAR A SERIES OF WITNESSES WHO AFTER
20 THE SHOOTING WAS OVER WITH -- STRAWBERRY CALLED IN AND
21 SAID, I JUST HEARD SHOTS

22 EVERYBODY GOES AROUND TO THAT HOUSE

23 THEN THERE IS A SERIES OF WITNESSES THAT SAW
24 EITHER ALKEBULANYAHH LEAVING 21 RILEY ROAD AND GOING IN
25 A DIRECTION THEY WILL SHOW ON THE MAP WHERE I SAW

STATE VS ALKEBULANYAHH

1 HIM SOME OF THEM SAW KIMBERLY AND ALKEBULANYAHH
2 TOGETHER SOME OF THEM JUST SAW ALKEBULANYAHH
3 A FELLOW BY THE NAME OF CECIL FRANKLIN WILL
4 TESTIFY THAT HE LIVES ON THE MARSH, THAT KIMBERLY AND
5 ALKEBULANYAHH CAME BY, THAT ALKEBULANYAHH WAS USING A
6 RIFLE AS A CRUTCH, THAT THEY THEN LEFT HIS AREA AND
7 WENT A LITTLE BIT FURTHER, THAT RIGHT AFTER THAT,
8 KIMBERLY BLAKE CAME BACK BY HIM GOING BACK SOMEWHERE
9 HE DOESN'T KNOW WHERE, BUT FROM THE DIRECTION THAT THEY
10 HAD ORIGINALLY GONE -- COME FROM THAT ALKEBULANYAHH
11 CONTINUED GOING ON DOWN
12 YOU WILL THEN HEAR TESTIMONY FROM A FELLOW BY THE
13 NAME OF JAMES HOLLOMAN (SIC) WHO SAYS THAT HE SAW A
14 PERSON THAT MATCHES ALKEBULANYAHH'S DESCRIPTION WALKING
15 IN THE ROAD BEHIND THE BROAD RIVER GRAMMAR SCHOOL --
16 MIDDLE SCHOOL -- A SCHOOL, AND THAT HE DID NOT HAVE A
17 GUN
18 SO WE KNEW THAT HE HAD GONE FROM HERE TO HERE TO
19 HERE TO HERE HE WAS LATER SEEN BY A MARINE BY THE
20 NAME OF CARMON AND ANOTHER YOUNG MAN BY THE NAME OF
21 NAGEL RIGHT AT THE PLACE WHERE THE ARREST WAS MADE
22 YOU WILL SEE ON THE MAP WHERE THE ARREST WAS MADE
23 YOU WILL SEE WHAT HIS ACTIONS WERE IN GOING TO THE
24 PLACE THAT THE ARREST WAS MADE
25 YOU WILL HEAR TESTIMONY THAT THEY STARTED A SEARCH

STATE VS ALKEBULANYAHH

1 FOR THE GUN THEY KNEW THAT IT WAS A RIFLE, BECAUSE OF
2 RICKY ROPER HAVING SEEN THE SPENT CARTRIDGES ON THE
3 GROUND THEY STARTED A SEARCH THEY COULDN'T FIND THE
4 GUN

5 YOU WILL HEAR TESTIMONY THAT THEY GOT A DOG FROM
6 CHARLESTON THE DOG CAME DOWN HERE -- AND IT'S A DOG
7 THAT'S SUPPOSED TO SNIFF OUT EXPLOSIVE, BUT IT CAN DO
8 GUNSHOT AS WELL

9 HE AND ANOTHER OFFICER WERE WALKING SOME SEVERAL
10 YARDS APART -- A NUMBER OF YARDS APART, THAT ONE WOULD
11 CALL THE DOG OVER THERE AND WHEN HE GOT OVER THERE, THE
12 OTHER ONE WOULD CALL HIM BACK AND THEY WALKED THROUGH
13 THE WOODS AND FINALLY THE DOG ALERTED ON SOMETHING,
14 AND IT TURNED OUT TO BE THE GUN

15 YOU WILL THEN SEE THE GUN

16 YOU WILL HEAR THAT AT THE TIME OF THE ARREST OF
17 MR ALKEBULANYAHH AT THE BRIDGE, I THINK, ON JOE
18 FRAZIER ROAD THAT HE HAD A FANNY PACK ON HIM

19 YOU WILL HEAR TESTIMONY THAT IN ADDITION TO OTHER
20 THINGS THAT HE HAD IN THAT FANNY PACK WERE 8 7 62
21 ROUNDS OF AMMUNITION

22 YOU WILL HEAR TESTIMONY THAT THAT RIFLE SHOOTS
23 7 62 ROUNDS

24 YOU WILL HEAR TESTIMONY THAT HE HAD A WOUND -- I
25 THINK ALKEBULANYAHH DID A WOUND TO HIS HIP, A WOUND

STATE VS ALKEBULANYAHH

1 TO HIS SHOULDER

2 YOU WILL HEAR TESTIMONY THAT DURING THE SEARCH A
3 MAGAZINE THAT FITS THE 7 62 RIFLE THAT WAS FOUND IN THE
4 WOODS BY KARL SMITH, THE OFFICER FROM CHARLESTON, WAS
5 FOUND YOU WILL FIND OUT FROM THE PEOPLE THAT FOUND
6 IT, WHETHER IT WAS LOADED, WHETHER IT WAS NOT LOADED
7 YOU WILL FIND OUT A LITTLE BIT ABOUT THAT

8 YOU WILL HEAR TESTIMONY THAT ALKEBULANYAHH AFTER
9 HE WAS ARRESTED WAS TAKEN TO THE HOSPITAL HE WAS
10 CHECKED INTO THE HOSPITAL UNDER THE NAME OF NZURI BATH
11 AND YOU WILL HEAR TESTIMONY THAT THE REASON HE WAS
12 ADMITTED TO THE HOSPITAL UNDER THAT NAME WAS BECAUSE
13 THAT WAS THE NAME OF THE IDENTIFICATION THAT THEY HAD
14 ON HIM

15 YOU WILL HEAR TESTIMONY THAT THE PERSON THAT WAS
16 CHECKED IN UNDER THE NAME OF NZURI BATH WAS MR
17 ALKEBULANYAHH

18 YOU WILL HEAR TESTIMONY THAT A LADY BY THE NAME OF
19 REGINA ATKINS DREW BLOOD FROM ALKEBULANYAHH YOU WILL
20 HEAR TESTIMONY THAT THAT BLOOD WAS SEIZED BY THE LAW
21 ENFORCEMENT OFFICERS AND YOU WILL HEAR TESTIMONY FROM
22 A PERSON -- EXPERT AT SLED THAT THEY PERFORMED DNA ON
23 SOME BLOOD THAT WAS FOUND ON THE GUN, THE MAGAZINE THAT
24 I TALKED ABOUT, IN THE ROOM WHERE THE KILLINGS TOOK
25 PLACE, AND ON A STICK WHERE THE GUN WAS FOUND, AND THAT

STATE VS ALKEBULANYAHH

1 EACH OF THOSE FOUR BLOOD SWABS MATCHED ALKEBULANYAHH,
2 THE DEFENDANT IN THIS CASE

3 YOU WILL ALSO HOPEFULLY SEE A MODEL AND A FLOOR
4 PLAN OF THE ROOM WHERE THIS TOOK PLACE

5 YOU WILL HEAR TESTIMONY OF DAN DEFREESE AND DINA
6 GRAY, WHO WENT IN AND TRACED THE -- WHEN A PROJECTILE
7 GOES THROUGH A WALL, THERE ARE TWO PARTS TO IT YOU
8 CAN DETERMINE THE TRAJECTORY OF THAT BULLET THEY WILL
9 TELL YOU THAT THEY WENT IN AND THEY EXAMINED IT,
10 RECOVERED THE PROJECTILES, MADE A SKETCH OF -- NOT A
11 SKETCH TOOK A LINE, A ROD, AND RAN WHAT THE
12 TRAJECTORY WOULD BE SHOWING WHERE CERTAIN BULLETS CAME
13 FROM, THE 7 62 BULLETS

14 THEY WILL TELL YOU THAT THEY ALSO FIND IN THERE --
15 AND THIS IS A LADY DIANE BODIE, WHO IS A FORENSIC
16 SPECIALIST WITH SLED, SAYS THAT SHE FOUND 40 CALIBER
17 BULLETS AND YOU WILL HEAR THAT THAT'S THE GUN THAT
18 DANA TATE HAD ON HIM -- OR NOT ON HIM, HAD OUT, AND IT
19 HAD BEEN SHOT

20 7 62 -- YOU WILL HEAR TESTIMONY FROM KIMBERLY
21 BLAKE THAT THAT GUN WAS ON ALKEBULANYAHH AND THAT HE --
22 WHEN THE OFFICERS CAME TO THE HOUSE, HE GOT IN A CLOSET
23 AND HID, AND THIS IS WHEN ALL THIS HAPPENED

24 YOU WILL HEAR DAN DEFREESE TESTIFY THAT THE 7 62,
25 THE GUN THAT WAS FOUND IN THE WOODS WITH

STATE VS ALKEBULANYAHH

1 ALKEBULANYAHH'S BLOOD ON IT, THAT HE WAS USING AS A
2 CRUTCH UNTIL HE GOT TO CECIL FRANKLIN'S HOUSE, WAS THE
3 GUN THAT KILLED TATE AND COURSEN

4 YOU WILL HEAR OTHER TESTIMONY THAT I HAVE NOT
5 ENUMERATED AT THIS POINT IN TIME FROM THIS TESTIMONY,
6 AS I SAID, YOU MUST REACH A VERDICT -- VERDICT BEING
7 DERIVED FROM THE LATIN WORD VEREDICTO, WHICH MEANS TO
8 SPEAK TO TRUTH AND LET YOUR VERDICT SPEAK THE TRUTH
9 IN THIS CASE

10 INDULGE ME JUST ONE SECOND

11 (PAUSE)

12 MR MURDAUGH THANK YOU, MR FOREMAN LADIES AND
13 GENTLEMEN OF THE JURY

14 THE COURT ON THE OTHER SIDE, MR ALKEBULANYAHH
15 OPENING STATEMENTS BY MR. ALKEBULANYAHH
16 ON BEHALF OF THE DEFENDANT.

17 GOOD MORNING LADIES AND GENTLEMEN I'M MR
18 ABDIYYAH BEN ALKEBULANYAHH AND I'LL BE REPRESENTING
19 MYSELF IN THIS CASE

20 YOU HEARD THE PROSECUTOR PRESENT HIS CASE TO YOU
21 ALL IN HIS OPENING STATEMENTS AND IT'S MY INTENTIONS
22 TO GIVE YOU ALL THE ABSOLUTE TRUTH ABOUT THE MATTERS
23 THAT THEY INTEND TO PRESENT TO YOU, BECAUSE THEY ARE
24 NOT THE TRUTH, IN WHICH THEY ALLEGE WHAT REALLY
25 HAPPENED

STATE VS ALKEBULANYAHH

1 NOW, I KNOW YOU HAVE READ A LOT AND SEEN A LOT IN
2 THE MEDIA ABOUT MR ALKEBULANYAHH YOU HAVE HEARD ME
3 BEEN REFERRED BY MANY NAMES YOU HEARD ME REFERRED TO
4 AS BEING A MURDERER, A PERSON THAT AMBUSH POLICE
5 OFFICERS AND SO FORTH TO THAT NATURE

6 BUT BEFORE THIS CASE IS OVER WITH YOU WILL SEE
7 THAT ALL OF THAT UNTRUE, AND IT WAS A ONE-SIDED STORY

8 AND THE MEDIA, THEY DIDN'T DO IT ANY JUSTICE IN
9 BRINGING THE TRUTH TO THE PUBLIC ABOUT IT WAS A ONE-
10 SIDED STORY

11 MR ALKEBULANYAHH HAD NOT KILLED ANYONE NOT --
12 AND THERE WILL BE NOT ONE SINGLE -- NOT ONE SINGLE
13 PIECE OF EVIDENCE THAT WOULD EVEN SUGGEST THAT MR
14 ALKEBULANYAHH KILLED ANYONE

15 AND YOU WILL HEAR WITNESSES THAT GET UP HERE --
16 WILL SHOW THAT AND WILL TESTIFY THAT MR ALKEBULANYAHH
17 NEVER KILLED ANYONE AND NO WITNESS WILL SAY THAT MR
18 ALKEBULANYAHH WAS THE MAN THAT HAD A GUN NO WITNESS
19 IS GOING TO GET UP HERE AND SAY MR ALKEBULANYAHH
20 PULLED A TRIGGER

21 I SAY, NO AND THE REASON I SAY THIS IS BECAUSE
22 THAT I AM CONFIDENT THAT THIS JUROR (SIC) WILL BE ABLE
23 TO SEE THESE FACTS AND I WANT YOU ALL TO KEEP THAT IN
24 MIND DURING THE WHOLE COURSE THAT YOU LISTENING TO ALL
25 THE STATEMENTS, ALL THE THINGS THAT ARE GOING TO BE

STATE VS ALKEBULANYAHH

1 SAID BY OFFICERS AND NON-OFFICERS THEY ARE GOING TO
2 SAY A LOT OF THINGS BUT THERE AIN'T NOBODY GOING TO
3 SAY THEY SAW MR ALKEBULANYAHH SHOOT SOMEBODY, OR IS
4 THE EVIDENCE GOING TO SAY THAT ACCORDING TO THEIR
5 DESCRIPTIONS THAT MR ALKEBULANYAHH POSSESS A GUN

6 AGAIN, I JUST PRAY THAT YOU ALL WIPE OUT THINGS
7 THAT WAS REVEALED TO YOU FROM THE MEDIA AND ABOUT THIS
8 CASE

9 BECAUSE, AGAIN, THE MEDIA DID NOT BRING THE TRUTH
10 THEY ONLY BROUGHT ONE SIDE STORY

11 THE CREDIBILITY OF WITNESS THERE'S GOING TO BE
12 WITNESSES WHO TAKE THIS STAND -- AND IT IS UP TO YOU
13 LADIES AND GENTLEMEN, TO WHETHER YOU WILL BELIEVE THEM
14 OR NOT BUT I WILL ASSURE YOU THAT -- THAT THE THINGS
15 THAT THE WITNESSES WILL SAY UP HERE -- SOME OF THE
16 WITNESSES -- YOU WILL KNOW WITHOUT A SHADOW OF A DOUBT
17 THEY ARE LYING

18 YOU WILL SEE WITHOUT A SHADOW OF A DOUBT, THEY
19 WILL CONTRADICT EACH OTHER

20 YOU'RE GOING TO SEE WITHOUT A SHADOW OF A DOUBT,
21 THEY GOING TO HAVE A SESSION -- OR A SESSION (SIC) TO
22 MAKE YOU BELIEVE SOMETHING THAT IS TOTALLY AGAINST THE
23 LIFE OF WHAT IT IS REALLY IS THAT EVIDENCE WILL COME
24 OUT, AND MR ALKEBULANYAHH WILL SHOW THIS JUROR (SIC)
25 THAT THESE THINGS WILL COME OUT, LIES, DISCREPANCY WILL

STATE VS ALKEBULANYAHH

1 COME OUT

2 NOW, YOU WILL HAVE SOME WITNESSES THAT WILL COME
3 UP HERE AND SOME WITNESSES HAVE BEEN INTIMIDATED
4 THEY WAS INTIMIDATED BY LAW ENFORCEMENT OFFICIALS,
5 BECAUSE THEY BEEN AFRAID SOME WITNESS DIDN'T WANT TO
6 GO TO JAIL THEY DIDN'T WANT BAD THINGS HAPPENING TO
7 THEM BECAUSE THEY KNEW THAT THE LAW ENFORCEMENT
8 OFFICIAL WAS ANGRY -- HOT, AND THEY WANTED TO CONVICT
9 SOMEBODY AND THEY WANTED TO SOLVE THIS AND -- AND --
10 AND A FELLOW OFFICER HAD -- HAS AND DIED THAT'S THE
11 NATURAL WAY FOR SOMEONE TO FEEL BECAUSE WITHOUT LAW
12 AND ORDER, IT WOULD BE ANARCHY AND WE CANNOT LIVE IN
13 A SOCIETY OF ANARCHY

14 BUT, YET, WE CANNOT LIVE IN A TYPE OF COMMUNIST
15 SOCIETY WHERE WE LET LAW ENFORCEMENT BE MARSHALL LAW TO
16 THE EXTENT THAT OFFICIALS CAN SAY OR DO ANYTHING TO
17 CITIZEN IN THEIR HOME, IN THEIR REPORT, IN EVERYTHING
18 THAT THEY DO WE CAN'T LIVE IN THAT TYPE OF SOCIETY
19 IT WOULD NOT WORK

20 NOW, I HAVE GREAT REMORSE FOR THE LOSS OF THE
21 OFFICER LIVE AND THE FAMILY, AS EVERYONE ELSE WOULD
22 BECAUSE ANY TIME A LIFE IS TAKEN I -- ACCORDING TO MY
23 BELIEFS -- DON'T FEEL LIKE NO ONE SHOULD HAVE THE RIGHT
24 TO TAKE ANYONE LIFE

25 BUT, YET, UNDERSTAND THE CIRCUMSTANCES THAT TOOK

STATE VS ALKEBULANYAHH

1 PLACE AT THIS 21 RILEY ROAD RESIDENCE MR
2 ALKEBULANYAHH HAD NO KNOWLEDGE OF ANY OFFICERS GOING TO
3 ARRIVE TO THIS RESIDENCE AND THE WITNESSES IS GOING
4 TO BEAR WITNESS TO THIS HAD A PERFECT DAY ALL
5 MORNING WALK INTO HIS HOME AND WITHIN 5 TO 10
6 MINUTES HIS WHOLE LIFE -- HIS WHOLE WORLD CHANGED
7 FOREVER IN THE BEDROOM OF HIS HOME HIS WHOLE WORLD
8 CHANGED FOREVER

9 MR ALKEBULANYAHH WASN'T HOLDING ANY HOSTILITY
10 AGAINST ANYONE MR ALKEBULANYAHH -- HE -- YOU WILL
11 HEAR TESTIMONY THAT HE BEEN A MINISTER HE WAS HAVING
12 A CHURCH AND HE WAS HELPING YOUTH AND HE WAS
13 TALKING TO PEOPLE YES, YES, THESE THINGS ARE TRUE
14 MR ALKEBULANYAHH HAD HIS OWN BUSINESS MR
15 ALKEBULANYAHH WAS DOING CONSTRUCTIVE THINGS

16 YOU WILL HEAR TESTIMONY ABOUT MR ALKEBULANYAHH
17 PAST YES, MR ALKEBULANYAHH HAS A PAST OF MISCONDUCT,
18 OF BREAKING THE LAW BUT PEOPLE CHANGE WITH MATURITY,
19 WITH UNDERSTANDING, BEING BETTER ABOUT THE WORLD AND
20 THIS IS WHAT THEN HAPPENS

21 NOW, I WANT YOU LADIES AND GENTLEMEN TO LOOK AT
22 THE EVIDENCE -- PLENTY EVIDENCE YOU'RE GOING TO SEE
23 OFFICERS DOING THINGS THAT THERE WILL BE NO DOUBT ABOUT
24 THAT THEY PLANTED EVIDENCE THEY PUT THINGS DOWN
25 THEY MOVED THINGS, BECAUSE THEY WANT TO SOLIDIFY THEIR

STATE VS ALKEBULANYAHH

1 CASE, THEIR POSITION

2 THEY WANT TO QUELL THE INTEREST OF THE PEOPLE
3 ABOUT THEY'RE GOING TO SOLVE THIS CASE THIS IS GOING
4 TO BE HANDLED IT WAS A WRONG-DOING THERE WAS
5 SOMETHING WRONG ABOUT THIS AND THEY WANTED TO GAIN
6 THE CONFIDENCE OF THE COMMUNITY, THAT THEY WAS ON TOP
7 OF THINGS, AND THEY WAS DOING THE RIGHT THINGS,
8 EVERYTHING LEGALLY

9 BUT THEY WAS NOT DOING EVERYTHING LEGALLY AND
10 THE EVIDENCE IS GOING TO SHOW THAT THEY WAS NOT DOING
11 ANYTHING LEGAL -- DOING EVERYTHING LEGALLY AS THEY
12 SUPPOSED TO HAVE BEEN DOING, BECAUSE IF THEY WAS DOING
13 EVERYTHING LEGALLY, WE WOULD NOT EVEN BE HERE TODAY
14 AND THAT EVIDENCE WILL BE SHOWN AND WITNESS WILL
15 TESTIFY TO IT

16 AS THE PROSECUTOR SPOKE ABOUT, A YOUNG LADY
17 STRAWBERRY WASHINGTON MS WASHINGTON IS THE YOUNG
18 LADY THAT MADE -- ALLEGEDLY MADE THE CALL TO THE 9-1-1
19 DISPATCHER

20 MR MURDAUGH YOUR HONOR, I'M HESITANT TO OBJECT
21 BUT I THINK HE HAS GOTTEN AWAY FROM WHAT HE INTENDS TO
22 PROVE, SIR

23 THE COURT CONFINE YOUR ARGUMENTS TO WHAT YOU
24 BELIEVE THE EVIDENCE WILL INDICATE, SIR

25 MR ALKEBULANYAHH AND WHAT THIS WILL PROVE IS,

STATE VS ALKEBULANYAHH

1 IT WILL PROVE THAT MS STRAWBERRY WASHINGTON, SHE NEVER
2 MADE A CALL TO DISPATCH SAYING SHE WAS GOING TO REPORT
3 A DOMESTIC DISTURBANCE OR ALLEGE KIDNAPPING AS IS
4 ALLEGED BY THE PROSECUTOR SHE NEVER MADE -- WHEN YOU
5 HEAR THE TRANSCRIPT, AND PERHAPS YOU MAY GET TO HEAR
6 THE ONE WHO RECEIVED THE CALL IN PERSON BEFORE THIS
7 TRIAL IS OUT -- AND THEY WILL SAY, NEVER AND SHE WILL
8 SAY SHE NEVER TOLD THEM IT WAS A DOMESTIC DISTURBANCE
9 AT 21 RILEY ROAD, NOR WAS ANYBODY BEEN KIDNAPPED THERE
10 AND THIS WILL PROVE THAT

11 FURTHERMORE, THERE WAS NO IMMINENT DANGER THERE,
12 BECAUSE WHEN SHE MADE THIS CALL, SHE SAID SHE WAITED
13 HOUR OR SO AFTER SHE GET OFF WORK FROM A CALL -- PHONE
14 CALL SHE SAID ALLEGEDLY WAS MADE BY A YOUNG LADY,
15 KIMBERLY BLATE (PHONETIC), THAT WAS AT THE RESIDENCE AT
16 THE TIME

17 NOW, MS KIMBERLY BLATE (PHONETIC) SHE'S THE
18 YOUNG LADY THAT WAS AT THE HOME SHE WAS MY FORMER
19 GIRL FRIEND SHE HAS A CHILD BY ME AND SHE WAS
20 STRUGGLING AND HAD SOME PROBLEMS WITH HER FAMILY AND
21 PROVIDING FOR THE CHILD AT THIS TIME

22 BUT BEFORE THAT, THIS CHILD -- MS BLATE
23 (PHONETIC) HAD TOLD MR ALKEBULANYAHH THE CHILD WAS NOT
24 HIS BUT THROUGH OTHER INFORMATION, THE CHILD CAME TO
25 LOOK -- AND LOOKED, HALLELUJAH, THANK GOD -- LOOKED

STATE VS ALKEBULANYAHH

1 LIKE ME, AND RESEMBLED ME, AND I WAS HAPPY

2 SO LEARNING ABOUT HER CONDITION -- I WAS MARRIED
3 ME AND MY WIFE HAD BEEN SEPARATED WHEN -- AT THE TIME
4 THAT MS KIMBERLY BLATE (PHONETIC) BECAME PREGNANT, AND
5 WE HAD LIVED TOGETHER BEFORE WE LIVED ON 21 RILEY ROAD
6 -- ME AND MS KIMBERLY BLATE (PHONETIC) AT THIS TIME
7 BUT THEN MY WIFE, WE GOT BACK TOGETHER AND AMENDED
8 (SIC) THINGS

9 KIMBERLY BLATE (PHONETIC) NEEDED HELP -- NEEDED
10 SOME ASSISTANCE SHE WANTED TO GET OUT OF A BAD
11 SITUATION AT HOME AND AT OTHER LOCATIONS SHE WAS
12 LIVING AND EVIDENCE IS GOING TO SHOW THAT SHE WAS NOT
13 LIVING AT THE HOME AS THEY SAY SHE THINK SHE WAS LIVING
14 WITH HER PARENTS OR WITH HER MOTHER TO THIS EXTENT

15 THERE WAS A LOT OF PRESSURE ON HER BECAUSE SHE WAS
16 GETTING AID FROM THE GOVERNMENT, THE SOCIAL SERVICE
17 PEOPLE, THE DEPARTMENT OF SOCIAL SERVICE PEOPLE SHE
18 WAS GETTING LIKE WELFARE AND STUFF THAT GOES WITH THAT
19 AND SHE HAD TOOK OUT CHILD SUPPORT WHICH WAS PART OF
20 THE STIPULATION FOR HER NOT -- HER NOT KNOWING WHO HER
21 BABY'S FATHER WAS BUT SHE KNEW WHO HER BABY'S FATHER
22 WAS

23 AND I THINK HER FRIEND THAT KNEW THIS, THAT SHE
24 HAD THIS -- TOOK OUT THIS, BUT IS HELPING, THIS AID
25 AND THEN BY HER BEING THERE WITH HER BABY'S FATHER, SHE

STATE VS ALKEBULANYAHH

1 DIDN'T REALLY WANT THE OFFICERS INVOLVED IN IT BECAUSE
2 SHE WAS UNDER THE ASSUMPTION SHE WOULD GO TO JAIL

3 AND THIS IS WHY SHE -- YOU SEE HER STATEMENT AND
4 EVERYTHING THAT GOING TO BE SO CONTRADICTORY AND
5 EVERYTHING AND THAT WAS A LOT OF PRESSURE ON HER AT
6 THAT TIME

7 BUT BEFORE SHE CAME TO 21 RILEY ROAD SHE ASKED ME
8 ABOUT HELPING HER SISTER AND GETTING HER APARTMENT
9 AND PERHAPS SHE WILL ---

10 MR MURDAUGH YOUR HONOR ---

11 MR ALKEBULANYAHH --- GO AHEAD AND CONFESS ---

12 MR MURDAUGH --- PLEASE

13 MR ALKEBULANYAHH --- AND SAY ABOUT GETTING HER
14 APARTMENT OR GET HER SOMETHING

15 MR MURDAUGH HE'S TESTIFYING AND NOT ---

16 THE COURT MR ALKEBULANYAHH, DO NOT TESTIFY
17 YOU'RE JUST SAYING WHAT YOU EXPECT THE EVIDENCE WILL
18 SHOW

19 MR ALKEBULANYAHH AND WHAT THIS EVIDENCE WILL
20 SHOW, IT WILL SHOW THAT KIMBERLY BLATE (PHONETIC) WAS
21 IN A VERY, VERY BAD SITUATION SHE HAD A LOT OF
22 PRESSURE ON HER FROM HER FAMILY, FROM FRIENDS, AND THE
23 SITUATION WITH HER BEFORE SHE CAME OUT THERE

24 KIMBERLY BLATE (PHONETIC) -- THE EVIDENCE WILL
25 SHOW THAT MS BLATE (PHONETIC) WHEN SHE CAME TO 21

1 RILEY ROAD -- SHE WAS NOT SUPPOSED TO BE THERE THAT
2 LONG SHE WAS NOT SUPPOSED TO BE THERE LONG, ONLY
3 TEMPORARY UNTIL SHE GOT APARTMENT IN ABOUT A WEEK'S
4 TIME WITH HELP FROM ME

5 IT WASN'T MY DOING FOR HER TO COME TO 21 RILEY
6 ROAD IT WAS MY WIFE DOING, BECAUSE I TOLD HER, ASK MY
7 WIFE COULD SHE COME OUT THERE, BECAUSE I HUNG WITH
8 FRIENDS AND LIVE AT OTHER PLACES

9 SO MY WIFE SAID, YEAH SHE WOULD ALLOW KIMBERLY
10 BLATE (PHONETIC) TO COME THERE BECAUSE THEY BECAME
11 FRIENDS AND EVERYTHING AND THEN SHE SAID, YOU KNOW,
12 TAKE ON THE RESPONSIBILITY HELP HER OUT AND SHE JUST
13 WANT TO GET APARTMENT, THEN SHE BE GONE FRIDAY OR
14 WHATEVER, THAT'S WHAT THE EVIDENCE WILL SHOW

15 NOW, MS KIMBERLY BLATE (PHONETIC) THE EVIDENCE IS
16 GOING TO SHOW YOU THAT SHE DONE SOMETHING BAD, AND SHE
17 -- AND THE EVIDENCE IS GOING TO SHOW THAT SHE DID NOT
18 WANT TO GO TO JAIL THE EVIDENCE IS GOING TO SHOW THAT
19 SHE DID NOT WANT TO COOPERATE WITH THE POLICE OFFICERS
20 THE EVIDENCE IS GOING TO SHOW SHE DID NOT WANT TO LEAVE
21 21 RILEY ROAD THE EVIDENCE IS GOING TO SHOW THIS
22 SHE SHOULD TESTIFY TO THIS SO SHE WAS NEVER ABUSED,
23 KIDNAPPED, HELD HOSTAGE THE EVIDENCE WILL SHOW THAT
24 THE EVIDENCE WILL SHOW WHEN THE OFFICERS ARRIVED
25 AT 21 RILEY ROAD, THAT MR AND MRS -- WHEN MR AND

STATE VS ALKEBULANYAHH

1 MRS RILEY -- AND MR ISAAC RILEY, HE DECEASED NOW
2 MAY -- MAY GOD HAVE MERCY UPON HIM BUT HIS WIFE IS
3 STILL LIVING, AND PERHAPS SHE WILL BE ABLE TO TESTIFY
4 TODAY

5 BUT THE EVIDENCE WILL SHOW THAT THEY ADAMANTLY
6 TOLD THE OFFICERS THERE WAS NO PROBLEM AT THAT HOME
7 THERE WAS NO KIDNAPPING THERE WAS NO DOMESTIC
8 DISTURBANCE THERE WAS NO ARGUING THERE WAS NO
9 FUSSING THERE WAS NO FIGHTING

10 BUT IN THE ASSISTANCE -- INSISTENCE OF MS
11 STRAWBERRY WASHINGTON, A FRIEND OF KIMBERLY BLATE
12 (PHONETIC) WHO MR ALKEBULANYAHH DID NOT NO LONGER
13 WANT HER TO BE AROUND EVIDENCE WILL SHOW YOU THAT,
14 BECAUSE SHE HAD A RESPONSIBILITY WITH A CHILD AND THE
15 EVIDENCE WILL SHOW THAT MR ALKEBULANYAHH DID NOT NO
16 LONGER WANT HER GOING OUT TO CLUBS AND RUNNING THE
17 STREETS AND LEAVING A 5, 6 MONTH OLD BABY WITH WHOEVER
18 WILL BABYSIT THE BABY THE EVIDENCE WILL SHOW THAT
19 THE EVIDENCE WILL SHOW THAT WHEN THE OFFICER
20 ARRIVED AT 21 RILEY ROAD, THAT THERE WAS NO
21 DISTURBANCE THEY DIDN'T KNOW WHO THEY WAS LOOKING
22 FOR THEY DIDN'T CALL IN AND SAY, WE GOT A BLACK MALE
23 HERE WE WANT TO CHECK OUT OR WE GOT A ARGUMENT HERE
24 WE GOT A FIGHT HERE WE GOT A KIDNAP SITUATION HERE
25 NONE OF THAT THERE WILL BE NO EVIDENCE FROM NO WHERE

STATE VS ALKEBULANYAHH

1 OF ANY ALTERCATION, ANY PROBLEM THAT WAS TAKING PLACE
2 AT 21 RILEY ROAD THERE WILL BE NO EVIDENCE OF IT
3 THE PROSECUTOR STATED THAT WITNESSES SEEN MR
4 ALKEBULANYAHH WITH A GUN WITH MS BLATE (PHONETIC)
5 WHEN THE WITNESSES TAKE THE STAND AND YOU PUT
6 TOGETHER WHAT THEY SEEN AND WHAT -- AND -- AND -- AND
7 WHO MR ALKEBULANYAHH IS, YOU WILL SEE -- AND I WILL
8 GUARANTEE YOU WITHOUT A DOUBT THAT THE CONSISTENCY OF
9 THEIR WITNESS STATEMENT WILL PUT SOMEBODY ELSE WITH
10 KIMBERLY BLATE (PHONETIC) OTHER THAN MR ALKEBULANYAHH
11 -- WITHOUT A DOUBT
12 MS BLATE (PHONETIC), SHE DIDN'T WANT -- THE
13 TESTIMONY -- THE EVIDENCE WILL SHOW THAT MS BLATE
14 (PHONETIC), SHE DID NOT WANT TO GO TO JAIL TESTIMONY
15 WILL SHOW THAT SHE TOLD AUTHORITY OVER AND OVER AND
16 OVER AGAIN TO MANY INVESTIGATION -- THREE, FOUR, FIVE
17 INVESTIGATORS, MR ALKEBULANYAHH NEVER POSSESSED A GUN
18 MR ALKEBULANYAHH NEVER SPOKE BAD ABOUT THE POLICE
19 BUT EVIDENCE WILL SHOW THAT AFTER THE CHILD -- A 6
20 MONTH OLD CHILD WAS TAKEN INTO CUSTODY, AND THAT THE
21 NEWSPAPER -- AND THAT THE JUDGE IN THE FAMILY COURT WAS
22 LIED TO BY LAW ENFORCEMENT OFFICIAL SAYING THIS CHILD
23 WAS ABANDONED, LEFT ALONE WITHOUT ANYONE BEING THERE
24 NAKED, JUST A PAMPER IT'S A LIE
25 THE EVIDENCE WILL BE PRESENTED TO SHOW YOU IT WAS

STATE VS ALKEBULANYAHH

1 A LIE, BECAUSE THIS BABY -- EVIDENCE WILL SHOW THAT
2 THIS BABY WAS USED AS A LEVERAGE TO GET KIMBERLY BLATE
3 (PHONETIC) TO MAKE INCRIMINATING STATEMENT AGAINST MR
4 ALKEBULANYAHH, BECAUSE SHE HAD BEEN PERSISTENT TELLING
5 THEM THE TRUTH A WITNESS, HE HAD NO GUN I NEVER
6 SEEN HIM WITH A GUN I'VE NEVER SEEN HIM TALK ABOUT
7 THE POLICE

8 BUT WHEN IT WAS TIME FOR HER TO GO TO THE FAMILY
9 COURT AND THEY WERE GOING TO TAKE THE BABY BECAUSE THEY
10 SAY IT'S POSSIBLE SHE WILL BE CHARGED WITH A CRIME --
11 POSSIBLY BE CHARGED WITH A CRIME SHE HAD -- THE
12 EVIDENCE WILL SHOW SHE HAD EVERY RIGHT TO BELIEVE SHE
13 WOULD BE CHARGED WITH A CRIME, BECAUSE THEY ALREADY --
14 THEY LOCKED MR ALKEBULANYAHH WIFE UP, AND SHE WASN'T
15 EVEN PRESENT AT THE HOME, NEVER EVEN SEEN, NEVER KNEW
16 WHAT HAPPENED THE EVIDENCE WILL SHOW THAT THE
17 EVIDENCE WILL SHOW THAT

18 AND IF SHE WAS DIRECTLY INVOLVED AND SHE SEE THAT
19 MR ALKEBULANYAHH WIFE WAS NO WHERE AROUND KNEW
20 NOTHING ABOUT THE INCIDENT AND WAS LOCKED UP AND PUT UP
21 IN JAIL FOR TWO COUNTS TO ACCESSORY TO MURDER, AND
22 SHE'S BEEN INVOLVED AND SHE ASSISTED MR ALKEBULANYAHH
23 IN HELPING HIM TO BE ABLE TO MOVE HIS BODY AFTER HE
24 BEEN SHOT

25 SHE CHANGED HER STATEMENT TWO DAYS LATER THE

STATE VS ALKEBULANYAHH

1 EVIDENCE WILL SHOW THAT SHE WILL SAY, MR ALKEBULANYAHH
2 -- THE LAST TIME I SEEN MR ALKEBULANYAHH HE WAS
3 STANDING IN FRONT OF THE T V , HE HAD NO WEAPON, HE HAD
4 NO GUN

5 THEN A STATEMENT WILL COME AFTER THAT, OH, THE
6 LAST TIME I SEEN MR ALKEBULANYAHH, HE WAS STANDING IN
7 FRONT OF THE T V HE HAD A RIFLE IN HIS HAND, HIS FEET
8 SPREAD APART HANDS ON THE BARREL, POINTED AT THE DOOR

9 AND THEN A MONTH LATER SHE COME AND SAY, NO, NO,
10 THAT WASN'T IT THE LAST TIME I SEEN MR ALKEBULANYAHH
11 HE WAS HIDING IN A CLOSET BECAUSE SHE KEPT CHANGING
12 HER STORY SO THAT IT FIT THE THEORY OF THE PROSECUTION

13 WHAT WAS IT? WAS HE STANDING THERE WITHOUT A GUN,
14 NO WEAPON THE LAST TIME YOU SEEN HIM? WAS HE STANDING
15 THERE IN FRONT OF THE T V AS YOU READ IN THE NEWSPAPER
16 WITH HIS RIFLE -- WITH HIS HAND ON THE RIFLE LIKE -- A
17 -- A -- A -- A GORILLA WARFARE, OR SOMEBODY WAITING TO
18 SHOOT SOMEBODY IN HIS OWN BEDROOM? WAS IT?

19 AND THEN YOU WAIT MONTHS LATER, AFTER THEY PUT
20 THEIR THEORY TOGETHER, THEY'RE GOING TO SHOW THIS
21 DIAGRAM THE MODEL, AND SAY NO, HE WASN'T THERE, HE
22 WAS IN A CLOSET

23 SOMETHING IS VERY SERIOUSLY WRONG BECAUSE SHE CAN
24 DO THAT SHE HAS -- WHAT YOU WOULD SAY -- A LICENSE TO
25 LIE, THAT'S WHAT THE EVIDENCE IS GOING TO SHOW YOU

STATE VS ALKEBULANYAHH

1 SHE HAS A LICENSE TO LIE SHE HAS A LICENSE TO GIVE
2 FALSE INFORMATION TO AUTHORITIES BECAUSE IF ANY OTHER
3 CITIZENS GIVE THAT MUCH FALSE INFORMATION TO
4 AUTHORITIES, THEY WILL BE CHARGED, BECAUSE IT IS
5 AGAINST THE LAW -- IT'S AGAINST THE LAW TO LIE TO
6 AUTHORITIES KNOWINGLY

7 BUT HAS SHE BEEN CHARGED? NO THE EVIDENCE WILL
8 SHOW, NO

9 SO THEREFORE, SHE GAINS HER FREEDOM SHE GAINS
10 HER CHILD BACK AND ALL SHE HAVE TO DO IS JUST
11 COOPERATE AND SAY WHATEVER THE PROSECUTOR AND THEM WANT
12 HER TO SAY, AND THAT'S WHAT THE EVIDENCE WILL SHOW

13 THERE'S A MODEL OF THE HOME WHICH THE PROSECUTOR
14 PLAN TO PRESENT AND WE WILL SEE OF THE HOME AND IT'S
15 GOING TO SHOW WHAT BULLETS WENT THIS WAY, AND BULLETS
16 WENT THAT WAY BULLETS WENT IN THIS PLACE, BULLETS WENT
17 IN THAT PLACE

18 BUT ONCE YOU SEE THAT MODEL -- AND MR
19 ALKEBULANYAHH IS GOING TO POINT OUT TO YOU THE MODEL --
20 YOU WILL SEE, IT WILL BE IMPOSSIBLE FROM THE EVIDENCE
21 THAT MR ALKEBULANYAHH WAS IN THE MIDST OF THAT MUCH
22 SHOOTING BECAUSE MR ALKEBULANYAHH WAS SHOT AND HE
23 FLEED (PHONETIC)

24 AND THE EVIDENCE WILL SHOW THAT FROM THIS MODEL,
25 FROM THE BLOOD OF MR ALKEBULANYAHH BEING IN THIS

STATE VS ALKEBULANYAHH

1 HOUSE THIS IS NOT NO DISTURBANCES OF THE BLOOD THAT'S
2 IN THIS ROOM, BECAUSE MR ALKEBULANYAHH NEVER SAID HE
3 WASN'T IN THE ROOM HE NEVER SAID HE WASN'T THERE IN
4 HIS HOME

5 HE SAID HE ENCOUNTERED THE LAW ENFORCEMENT
6 OFFICIAL YES, AND HE WAS SHOT AND HE FLEE

7 AND WHEN YOU LOOK AT THE -- THE EVIDENCE, THE
8 EVIDENCE WILL SHOW WITHOUT A DOUBT THAT MR
9 ALKEBULANYAHH COULD NOT HAVE BEEN -- BEEN THE SHOOTER
10 OR PERSON WHO SHOT THEM OFFICERS AND I AM CONFIDENT
11 THAT THIS JUROR (SIC) WILL BE ABLE TO SEE THIS EVIDENCE
12 JUST AS IT IS

13 MR ALKEBULANYAHH WAS THERE

14 NOW, THESE OFFICERS LOST THEIR LIFE, AND IT WAS A
15 TRAGEDY STILL, YET YOU WILL SEE THE EVIDENCE WILL
16 SHOW YOU THAT THESE OFFICERS WAS IN THE WRONG IF THEY
17 WOULD HAVE BEEN FOLLOWING THEIR CODE, THEIR PROCEDURES,
18 AND THE LAW, THEY WOULDN'T HAVE LOST THEIR LIFE THE
19 EVIDENCE WILL SHOW THIS

20 THE EVIDENCE WILL SHOW YOU THEY ENTERED THE HOME
21 TO RESPOND TO A DOMESTIC DISTURBANCE OR A KIDNAPPING OR
22 ALLEGE HOSTAGE SITUATION BUT, YET, THEY WAS NOT EVEN
23 CONCERNED ABOUT THE PERSON THAT WHEN THEY GOT THERE,
24 WHO THEY SUPPOSED BEEN COMING TO THE AID OF THEY COME
25 INTO THE HOME AND WALK PAST THAT PERSON AND WENT

STATE VS ALKEBULANYAHH

1 STRAIGHT FROM ROOM TO ROOM, SEARCHING THIS IS WHAT
2 THE EVIDENCE IS GOING TO SHOW

3 AND MS KIMBERLY BLATE (PHONETIC) HERSELF IS GOING
4 TO GIVE TESTIMONY THAT THEY WASN'T CONCERNED ABOUT HER
5 THEY JUST ASK HER HER NAME AND WENT TO SEARCHING THIS
6 IS WHAT MS KIMBERLY BLATE (PHONETIC) -- THIS IS WHAT
7 THE TESTIMONY IS GOING TO GIVE

8 AND AS CITIZEN, IF YOU HAD A COMPLAINT OR YOU WAS
9 IN A SITUATION -- WHETHER YOU'RE A MAN A WOMAN --
10 SOMEONE ABUSING YOU, HAD YOU HOSTAGE OR KIDNAP -- AND
11 THE OFFICER RESPOND TO YOUR HOME, YOU WOULD WANT THEM
12 OFFICER TO TAKE YOU TO SAFETY FIRST GET ME OUT OF
13 HERE AND TALK TO ME SO I CAN TELL YOU WHAT'S GOING ON

14 THE EVIDENCE WILL SHOW THEY NEVER EVER ASKED HER,
15 ARE YOU KIDNAPPED? ARE YOU HELD HOSTAGE? ARE YOU
16 BEING ABUSED? HAVE YOU BEEN HIT?

17 BECAUSE IF THEY WOULD HAVE ASKED HER THAT WHEN
18 THEY ENCOUNTER HER SHE WOULD HAVE SAID, NO NO NO
19 AND THE EVIDENCE WILL SHOW THAT

20 THE PROSECUTOR SPOKE TO YOU ABOUT THE APPREHENSION
21 OF MR ALKEBULANYAHH MR ALKEBULANYAHH HAD TO FLEE
22 HIS HOME MR ALKEBULANYAHH -- YES, HE BEEN SHOT
23 TWICE

24 BUT WHO CAN MR ALKEBULANYAHH CALL? THERE'S TWO
25 OFFICERS THAT SHOT MR ALKEBULANYAHH TWICE AND YOU'LL

STATE VS ALKEBULANYAHH

1 SEE WHEN HE GETS OUT OF HIS HOME, HE SEE POLICE CARS,
2 OFFICERS CARS IS MR ALKEBULANYAHH IS TO CALL THE
3 POLICE? HE DON'T KNOW WHAT'S GOING ON HE DON'T KNOW
4 SOMEONE TRY TO ASSASSINATE HIM, KILL HIM HE DON'T
5 KNOW WHAT THE -- WHAT THE DEAL IS HE DON'T EVEN KNOW
6 THESE OFFICERS NEVER SAID, WE POLICE, WE OFFICERS
7 ALL MR ALKEBULANYAHH KNEW IS IN HIS REST ROOM,
8 USING THE TOILET, LOOK UP AND SEE A OFFICER WITH A GUN
9 IN HIS FACE THIS IS WHAT THE EVIDENCE WILL SHOW
10 BUT WHO IS MR ALKEBULANYAHH? YES MR
11 ALKEBULANYAHH WAS FLEE -- HE'S NOT FLEEING, TRY TO
12 ELUDE POLICE HE'S TRYING TO FLEE TO SOME SECURITY
13 WITH SOME LAW ABIDING PEOPLE IN A PUBLIC PLACE BECAUSE
14 HE ALREADY BEEN SHOT DOWN IN HIS HOME IN THE BEDROOM
15 HE CANNOT BE NO WHERE IF THE OFFICER RUN UP ON HIM AND
16 SEE HIM BEHIND A HOUSE OR IN THE HOUSE WHEN THEY GET
17 TO HIM, HE DON'T KNOW WHAT THE OFFICER MAY DO HE
18 DON'T KNOW
19 BUT ONE THING IS, HE'S GOT TO GET TO A PUBLIC
20 PLACE THIS IS WHAT THE EVIDENCE IS GOING TO SHOW
21 MAYBE MR ALKEBULANYAHH WILL BLEED TO DEATH IN THE
22 WOODS SOMEWHERE, IN THE SPRING SOMEWHERE
23 BUT HE CANNOT COME OUT TO THE POINT THAT HE CAN GO
24 TO A OFFICER AND SAY, I'M MR ALKEBULANYAHH I JUST
25 BEEN SHOT BY OTHER OFFICERS IT'S DANGER IT'S

STATE VS ALKEBULANYAHH

1 DANGER MR ALKEBULANYAHH DON'T HAVE NO IDEA WHY THE
2 OFFICERS ARE THERE EVIDENCE WILL SHOW THE EVIDENCE
3 WILL SHOW THAT MR ALKEBULANYAHH DIDN'T EVEN KNOW WHY
4 THE OFFICERS WAS AT HIS HOME

5 HE KNOW HE HAD NOT BROKEN THE LAW OR OFFENDED
6 ANYONE THE EVIDENCE WILL SHOW THAT

7 THE PROSECUTOR SPOKE ABOUT THIS IDENTIFICATION IN
8 WHICH MR ALKEBULANYAHH WAS PUT IN THE HOSPITAL UNDER
9 THE NAME NZURI -- NZURI BATH ALKEBULANYAHH HE SAID TO
10 YOU ALL A MINUTE AGO, HE SAID, MR ALKEBULANYAHH
11 POSSESS THE I D OF MS NZURI BATH ALKEBULANYAHH, AND
12 THAT'S HOW HE ENDED UP IN THE HOSPITAL UNDER THAT NAME
13 THAT IS A LIE AND I ASK THE JURY NOT TO ACCEPT THE
14 LIE

15 THERE WILL BE NO TESTIMONY -- THERE WILL BE NO
16 EVIDENCE TO SHOW THAT MR ALKEBULANYAHH POSSESS THE
17 I D OF MS NZURI BATH ALKEBULANYAHH BUT THERE WILL
18 BE TESTIMONY AND EVIDENCE TO SHOW YOU THAT THEY WAS
19 TAKING THINGS FROM OTHER PEOPLE AND CONTRIBUTING THEM
20 -- PUTTING EVIDENCE ON MR ALKEBULANYAHH

21 SHOULD THAT BE TOLERATED BY LAW ENFORCEMENT
22 OFFICIALS, WHERE THEY CAN TAKE EVIDENCE FROM ONE PERSON
23 AND PUT IT ON ANOTHER PERSON AND THEN CONTRIBUTE IT?
24 WHERE IS ALL THIS EVIDENCE COMING FROM? YOU PUT I D 'S
25 ON ME YOU PUT POCKET -- WRAPPERS, WHATEVER HE SAID, A

STATE VS ALKEBULANYAHH

1 FANNY PACK, AND OTHER ITEMS THAT ARE GOING TO COME --
2 THAT'S GOING TO BE POINTED OUT TO YOU CLEARLY WITHOUT A
3 DOUBT, MR ALKEBULANYAHH WILL POINT OUT TO YOU AND SHOW
4 YOU THAT EVIDENCE WAS BEING ADDED, AND EVIDENCE WAS
5 BEING TAKEN AWAY, TO MAKE MR ALKEBULANYAHH -- TO
6 SOLIDIFY THE CASE THAT THE PROSECUTOR HAVE AGAINST MR
7 ALKEBULANYAHH

8 NOW, YOU MAY HEAR TESTIMONY FROM JAIL HOUSE
9 WORKERS -- GUARDS THEY GOING TO SAY MR
10 ALKEBULANYAHH, HE SAID THIS, HE SAID THAT

11 WELL, MR ALKEBULANYAHH HASN'T SAID NOTHING THE
12 EVIDENCE IS GOING TO SHOW MR ALKEBULANYAHH HASN'T SAID
13 NOTHING MR ALKEBULANYAHH MADE NO STATEMENTS MR
14 ALKEBULANYAHH AIN'T SPOKE TO NOBODY, BECAUSE MR
15 ALKEBULANYAHH WAS OFFENDED -- MR ALKEBULANYAHH WAS
16 OFFENDED BECAUSE HE COULDN'T SEE HOW HE COULD BE
17 CHARGED WITH TWO COUNTS OF MURDER WITHOUT ANYBODY
18 ASKING HIM NO QUESTIONS WHO WAS THERE? WHO DID IT?
19 OR WHAT?

20 SO MR ALKEBULANYAHH DON'T SPEAK TO NOBODY,
21 BECAUSE OF THE IMMINENT DANGER IS GOING ON

22 YOU WON'T BE ABLE TO READ ANYBODY MR
23 ALKEBULANYAHH WROTE AND SAY HE DID ANYTHING OR HE WAS
24 THERE OR HE DID ANYTHING OR WHATEVER THESE JAIL HOUSE
25 -- JAIL HOUSE GUARDS SHALL COME FORTH AND SAY THINGS --

STATE VS ALKEBULANYAHH

1 AND THEY'RE NOT TELLING THE TRUTH THEY'RE NOT --
2 BECAUSE THEY HAD PROBLEMS WITH ME OR DISAGREE WITH ME
3 ABOUT CERTAIN ISSUES AND THINGS

4 YOU'RE GOING TO HEAR -- THE EVIDENCE IS GOING TO
5 SHOW YOU ABOUT FOUR JAIL HOUSE OR FIVE JAIL HOUSE
6 GUARDS IN CHARLESTON THEY'RE GOING TO COME IN -- HE
7 TOLD US HE KILLED TWO COPS AND HE DID THIS, AND HE WAS
8 GOING TO GET THE DEATH PENALTY BUT ALL THEIR
9 STATEMENTS ARE GOING TO BE DIFFERENT

10 ONE GOING TO SAY HE SAID THIS ONE GOING TO SAY
11 HE SAID THAT BUT THEY'RE ALL GOING TO BE DIFFERENT
12 AND IT ALWAYS DOES, BECAUSE OF A PICTURE -- BECAUSE A
13 GUY TOLD ME -- TOLD MR ALKEBULANYAHH, DON'T SMILE
14 AND THAT'S WHAT IT RESULTED FROM

15 BUT YOU'RE GOING TO HEAR THESE DEPUTIES GET UP
16 HERE AND GIVE TESTIMONY BUT YOU'RE GOING TO NOTICE,
17 ONE OF THE DEPUTIES THAT WAS THERE WHO INITIATED THE
18 LIES HE'S NOT GOING TO BE -- HE'S NOT GOING THE
19 TESTIFY THE EVIDENCE -- EVIDENCE WILL SHOW THAT AND
20 THEY SHOULD TESTIFY AND SAY HE WAS THERE, BECAUSE HE'S
21 THEIR BOSS BUT HE HAD ALL THEM TO -- TO -- TO MAKE
22 THE TESTIMONY -- STATEMENTS ABOUT BUT HE DIDN'T DO IT
23 HIMSELF, AND HE THE ONE BROUGHT IT UP

24 THE JUDGE INSTRUCT YOU ABOUT CIRCUMSTANTIAL
25 EVIDENCE THE PROSECUTOR SPOKE TO YOU ABOUT

STATE VS ALKEBULANYAHH

1 CIRCUMSTANTIAL EVIDENCE THE MERE FACTS OF
2 CIRCUMSTANTIAL EVIDENCE OR SUSPICION OF A PERSON GUILT
3 -- THE COURT SAYS IT'S NOT PROBABLE OR SUFFICIENT TO
4 SUSTAIN THAT ONE IS GUILTY, BECAUSE YOU SAY, WELL, I
5 BELIEVE THAT HE'S GUILTY -- IT'S THE SUSPICION THAT HE
6 IS THAT LAW NOT ENOUGH, BECAUSE SUSPICION OR BELIEF
7 -- ALL THAT EVIDENCE SHOULD POINT TO MR ALKEBULANYAHH,
8 TO EXCLUDE ANY OTHER HYPOTHESES THAT SOMEONE ELSE IS
9 GUILTY

10 AND IN THIS CASE, MR ALKEBULANYAHH INTENDS TO
11 SHOW YOU THROUGH EVIDENCE THAT ALL THE EVIDENCE POINT
12 TO SOMEONE ELSE AS BEING GUILTY OF SHOOTING THE
13 OFFICERS

14 NOW, WHY DON'T MR ALKEBULANYAHH SAY, WELL, GUILTY
15 OF MURDERING THE OFFICER MANSLAUGHTER THE OFFICER, OR
16 SOMETHING LIKE THIS? BECAUSE THERE NEVER WAS A MURDER,
17 THAT'S THE TITLE THAT THEY GAVE

18 THERE WAS NO PREMEDITATION THERE WAS NO MALICE
19 THE PEOPLE AT THE HOUSE WAS SURPRISED THAT THE
20 OFFICER CAME UP ON THEM THE OFFICERS -- THE EVIDENCE
21 WILL SHOW THAT THESE OFFICERS HAD NO SEARCH WARRANT TO
22 ENTER THE HOUSE, TO SEARCH THEY HAD NO ARREST WARRANT
23 TO ENTER THE HOUSE AND SEARCH THE EVIDENCE WILL SHOW
24 THIS

25 THE EVIDENCE WILL SHOW THAT ALTHOUGH AFTER TWO

STATE VS ALKEBULANYAHH

1 YEARS MS KIMBERLY BLATE (PHONETIC) DOESN'T HAVE THE
2 POWER AND AUTHORITY TO CONSENT OR SAY THE OFFICER COME
3 IN AND SEARCH -- AFTER TWO YEARS, UP UNTIL RECENTLY,
4 ABOUT 20, 21, 22 MONTHS -- AFTER ALL THE STATEMENTS
5 WRITTEN AND ALL THE INTERVIEWS SAYING, WELL, THEY ASK
6 ME CAN THEY SEARCH AND I SAID, YES AFTER 22 MONTHS
7 EVIDENCE WILL SHOW THAT

8 BUT IF SHE DID, SHE DIDN'T HAVE THAT AUTHORITY
9 SHE DIDN'T HAVE A KEY TO THE HOME TO COME AND GO AS SHE
10 WANT -- IN AND OUT OF THE HOME SHE WAS ONLY THERE
11 TEMPORARY

12 BUT THE EVIDENCE WILL SHOW THE ACTUAL ADULTS WHO
13 LIVED IN THIS HOME -- THERE IS NO STATEMENT AND NO
14 INTERVIEWS WHERE OF THEM SAID THEY EVER TOLD THE
15 OFFICER TO COME IN AND SEARCH, TO ENTER THE HOME

16 SO THEIR CONDUCT WAS ILLEGAL

17 THE THEORY OF AMBUSH INVADERS IN YOUR OWN HOME?
18 IT'S INCONCEIVABLE PEOPLE THAT DON'T HAVE -- THE
19 EVIDENCE WILL SHOW THEY HAD NO LAWFULLY RIGHT TO BE
20 THERE THIS IS WHAT THE EVIDENCE SHALL SHOW

21 MR ALKEBULANYAHH PLANS TO SHOW THIS JUROR (SIC)
22 THE TRUTH TO THIS MATTER AND I ASK EACH AND EVERY ONE
23 OF YOU TO TAKE SERIOUS NOTE AND MAKE COMPARISON WHEN
24 THESE WITNESSES GET UP HERE ABOUT THE THINGS AND EVENTS
25 THAT TOOK PLACE BECAUSE EVEN FROM THE OFFICER THAT

STATE VS ALKEBULANYAHH

1 ARRIVED AT THE 21 RILEY ROAD, THE EVIDENCE IS GOING TO
2 SHOW YOU THAT THEY BEEN LYING FROM THE BEGINNING WHEN
3 THEY GOT THERE THEY'VE BEEN COVERING UP FROM THE
4 BEGINNING THAT THEY GOT THERE -- NOT FOR MR
5 ALKEBULANYAHH SAY -- BECAUSE MR ALKEBULANYAHH DON'T
6 HAVE TO PROVE THIS CASE ABOUT WHAT I SAY I PLAN TO
7 PROVE THIS CASE BY WHAT THE EVIDENCE SAY

8 FROM THE VERY ARRIVAL, FROM THE BEGINNING OF THIS
9 CASE WAS CONSTRUCTED AROUND LIES AND DECEPTION FROM
10 THE TIME THE OFFICERS CALLED IN AND ARRIVED THERE,
11 INFORMATION THAT THEY GIVE IS A LIE

12 YOU THE JURY, WILL HAVE TO DETERMINE DO YOU WANT
13 PART LIES, SOME LIES OR DO YOU WANT THE WHOLE TRUTH?
14 OR YOU DO AND SAY WELL I JUST FORGET ABOUT THIS PART
15 AND OVERLOOK THIS LIE AND I'LL BELIEVE THIS LIE HERE

16 EVERYBODY INVOLVED IS GOING TO BE LYING AND
17 COVERING ABOUT 80 PERCENT OF THE PEOPLE GOING TO GET
18 UP THERE -- AND MR ALKEBULANYAHH GOING TO POINT IT OUT
19 ABOUT THE INFORMATION THAT THEY SAY

20 AND THEN YOU MAKE A COMPARISON TO THE INFORMATION
21 THAT YOU RECEIVE, FROM THE EVIDENCE THAT YOU RECEIVE,
22 YOU WILL SEE DISCREPANCY INCONSISTENCIES, AND LIES
23 AND IT'S NOT RIGHT, BECAUSE THE PEOPLE, THE CITIZENS
24 DESERVE THE TRUTH

25 WHAT HAPPENED TO MR ALKEBULANYAHH CAN HAPPEN TO

STATE VS ALKEBULANYAHH

1 YOU, YOU, YOU AND YOU ANY ONE OF US IT'S NOT THEIR
2 FACE IT'S NOT SAY WELL BECAUSE MR ALKEBULANYAHH IS
3 AFRICAN-AMERICAN THIS HAPPENED TO YOU, OR BECAUSE THIS
4 PERSON IS ASIAN NO, BECAUSE, IT CAN HAPPEN TO YOU
5 IRREGARDLESS BECAUSE YOU DEALING WITH LAW ENFORCEMENT
6 OFFICIALS AND THEY HAVE THE AUTHORITY TO GOVERN ALL
7 OF US, TO SEE OVER ALL OF YOU, TO SERVE AND PROTECT ALL
8 OF US

9 SO FOR ME TO LOSE THIS RIGHT, IS ALSO FOR YOU TO
10 LOSE THIS RIGHT AND THAT'S WHAT MR ALKEBULANYAHH ASK
11 YOU TO CONSIDER WHEN YOU CONSIDER ALL THE EVIDENCE THAT
12 WILL BE PRESENTED TO YOU AND THAT'S WHY I'M CONFIDENT
13 THAT I HAVE TO COME BEFORE THIS JURY AND EXPLAIN THE
14 SITUATION AND GIVE IT TO YOU IN TRUTH, BECAUSE THE ARM
15 OF CORRUPTION, IT IS LONG IT REACH FAR IT REACH
16 FAR AND MOST OF THE TIME PEOPLE THINK THAT COMMON
17 CITIZENS ARE REALLY BLIND TO THE TRUTH OR CAN'T DISCERN
18 THE TRUTH THEY HAVE TO BE TOLD, THIS IS TRUE

19 AND THAT'S ANOTHER THING THAT YOU WILL HEAR
20 YOU'RE GOING TO HEAR PEOPLE COME UP HERE AND SAY, I
21 SAID THIS, AND JUST BELIEVE ME THAT'S WHAT THEY'RE
22 GOING TO TELL YOU, BECAUSE I SAY

23 BUT AS FAR AS REPORTS OR ANYBODY WITNESSES TO IT,
24 THEY WON'T BE ABLE TO PROVE IT IT'S BECAUSE I SAID
25 IT THIS IS THE WAY IT WAS

STATE VS ALKEBULANYAHH

1 AND YOU SHOULD DEMAND -- THIS JUROR (SIC) SHOULD
2 DEMAND MORE WHEN A MAN IS BEING PROSECUTED FOR TWO
3 COUNTS OF MURDER FOR WHICH HE DID NOT COMMIT, NOR THE
4 ACT WAS COMMITTED, NOR DID HE SHOOT ANYONE

5 BUT THIS IS WHAT I AM GOING TO TELL THE JURY
6 WHEN THIS IS OVER, WHEN IT GETS TO THE END, YOU WILL
7 KNOW WITHOUT A SHADOW OF A DOUBT, IT WILL BE TOLD TO
8 YOU WHO WAS IN THAT BEDROOM AND YOU WILL PUT THE
9 EVIDENCE -- I WILL ASK YOU TO PUT THE EVIDENCE ABOUT
10 ALL THE PARTIES THAT WAS THERE, AND YOU WILL SEE THAT
11 THERE WOULD BE NO WHAT WHATSOEVER THE PROSECUTOR OR ANY
12 WITNESS CAN SAY OTHERWISE, BECAUSE THE EVIDENCE IS
13 GOING TO SHOW YOU CONTRARY TO WHAT THE PROSECUTOR
14 WANT YOU TO BELIEVE, THAT MR ALKEBULANYAHH WAS IN
15 THERE AND SHOT UP THESE POLICES (SIC) ALL BY HIMSELF
16 AND -- AND -- AND HE PULLED THE GUN AND HE HAD THE
17 TRIGGER, AND -- AND -- AND DID ALL THESE THINGS THAT HE
18 SAY ALONE

19 EVIDENCE WILL SHOW YOU THAT THERE WAS OTHER PEOPLE
20 THERE EVIDENCE WILL SHOW YOU BY THEIR REPORTS OTHER
21 PEOPLE CONFESSING OR WITNESSES TELLING PEOPLE WHO WAS
22 THERE, BUT THEY DIDN'T WANT TO PURSUE IT THE EVIDENCE
23 WILL SHOW YOU THEY DID NOT WANT TO PURSUE IT THEY
24 MADE NO EFFORT TO PURSUE

25 EVIDENCE WILL SHOW THAT THEY HAD PERSONS THAT WAS

STATE VS ALKEBULANYAHH

1 THERE DETAINED THAT WAS THERE IN THE HOME, BUT THEY DID
2 NOT PURSUE IT THEY LET THEM GO

3 AND ONE OF THE -- ONE OF THE INDIVIDUALS WAS
4 CAUCASIAN, SO IT BLINDED THE INVESTIGATION, BECAUSE I
5 GUESS THEY WAS UNDER THE ASSUMPTION THAT MR
6 ALKEBULANYAHH AND THE PEOPLE THAT HE AFFILIATE WITH DID
7 NOT SOCIALIZE OR -- OR -- OR -- OR SOCIALIZE WITH A
8 GROUP OF CAUCASIAN AMERICANS I GUESS THAT S WHAT THEY
9 ASSUME

10 BUT MR ALKEBULANYAHH HAS MANY FRIENDS AND
11 SOCIALIZE -- SOCIALIZE REGULARLY, HIM AND HIS WIFE,
12 WITH CAUCASIAN MY WIFE WAS A NAIL TECHNICIAN 80
13 PERCENT OF HER CLIENTS WAS CAUCASIAN

14 BUT THE PROSECUTOR THOUGH, THEY DON'T WANT -- THEY
15 WANT THE PEOPLE TO BELIEVE THAT THIS WAS SOME RADICAL
16 GUY, SOME JAMAICA GUY, OR SOME POOR BLACK, RACIST-TYPE,
17 MILITANT-TYPE OF GUY TO BLIND THE PUBLIC -- TO BRING
18 OUT ALL THIS HATE, THE RESENTMENT TOWARD MR
19 ALKEBULANYAHH TO SOLIDIFY THEIR CASE THEY JUST
20 CHARACTER ASSASSINATE MR ALKEBULANYAHH AND HIS FAMILY
21 AND THAT'S THE WORD FOR IT, CHARACTER ASSASSINATION

22 I WOULD ASK THIS JUROR (SIC) AND I PRAY THAT YOU
23 PAY ATTENTION TO ALL THE DETAILS OF THIS CASE

24 AND AS I STATED BEFORE, THERE WILL BE NO EVIDENCE
25 -- NO EVIDENCE THAT MR ALKEBULANYAHH PULLED A TRIGGER

STATE VS ALKEBULANYAHH

1 AND THERE FURTHER WILL BE NO EVIDENCE, NONE THAT THERE
2 WAS MURDER, PREMEDITATED, PLANNED, AND MALICIOUS
3 KILLING, OR TAKING THE LIFE OF ANYONE NONE THERE IS
4 NO EVIDENCE

5 YOU GOING TO HEAR SPECULATION, CONJECTURES,
6 THEORIES YOU'RE GOING TO HEAR ALL OF THAT, BUT YOU'RE
7 NOT GOING TO SEE OR HEAR ANY FACTS YOU'RE NOT GOING
8 TO SEE IT YOU'RE GOING TO HEAR A VOICE, BUT YOU'RE
9 NOT GOING TO SEE THE EVIDENCE YOU'RE GOING TO HEAR
10 SOMETHING SAID, BUT YOU'RE NOT GOING TO SEE EVIDENCE

11 IF THE FACTS DON'T ADD UP BASED ON THE FACTS, MR
12 ALKEBULANYAHH ASK THIS JURY TO FIND HIM GUILTY (SIC)
13 FIND HIM -- EXCUSE ME, I'M SORRY, I APOLOGIZE FIND
14 HIM NOT GUILTY IF THE FACTS DON'T ADD UP IF ALL THEM
15 FACTS DON'T COME TOGETHER, I PRAY THAT THIS JURY HAVE
16 THE MORAL AND THE STRENGTH AND THE RESOLVE TO DO WHAT
17 IS RIGHT, BECAUSE IT'S GOING TO TAKE THE PROSECUTOR TO
18 CONVINCE YOU ALL ACCORDING TO THE LAW AS YOUR HONOR,
19 THE JUDGE, SPOKEN, BEYOND A REASONABLE DOUBT

20 AND MR ALKEBULANYAHH ASSURE YOU AND SAYS WITH
21 CONFIDENCE, IT WILL BE IMPOSSIBLE FOR YOU NOT TO HAVE
22 DOUBT BY THE EVIDENCE PRESENTED

23 AND THIS SHOULD BE UPON ALL OF YOU ALL AND THE
24 DETERMINATION OF MR ALKEBULANYAHH GUILT OR INNOCENT
25 MR ALKEBULANYAHH DO STATES WITH CONFIDENCE, LITERALLY

STATE VS ALKEBULANYAHH

1 IMPOSSIBLE -- IMPOSSIBLE THAT THE EVIDENCE WILL POINT
2 DIRECTLY TO MR ALKEBULANYAHH NO DOUBT IN YOUR MIND
3 THAT MR ALKEBULANYAHH IS GUILTY (SIC) OF PULLING THE
4 TRIGGER AND SHOOTING ANYBODY AND FURTHERMORE, THERE
5 WILL BE NO DOUBT THAT THERE WAS NOT MURDER,
6 PREMEDITATED, MALICIOUS PLANNING, AND THE TAKING OF THE
7 LIFE OF ANYONE

8 THANK YOU ALL FOR BEING PATIENT AND BEING ABLE TO
9 BE HERE -- TO BE HERE ON THIS JUROR (SIC) AND I
10 BELIEVE AND CONFIDENT THAT YOU THE JURORS FROM THE
11 QUESTIONS THAT WE ASKED YOU ABOUT YOU SETTING ASIDE
12 IMPARTIAL (SIC) AND PREJUDICE VIEWS THAT WAS ACQUIRED
13 THROUGH THE MEDIA AND THINGS TO THAT NATURE, TO GIVE
14 MR ALKEBULANYAHH A FAIR TRIAL, BECAUSE I BELIEVE THIS
15 JUROR (SIC) IS STRONG, AND I BELIEVE THIS JUROR (SIC)
16 WILL RESOLVE, AND I BELIEVE THIS JUROR (SIC) WILL NOT
17 TAKE SIDES BUT DO ASK THIS JUROR (SIC) ANSWERED WHICH
18 THIS JUROR -- ALL OF YOU ANSWERED THAT YOU COULD SET
19 ASIDE ANY DIFFERENCES OR IMPARTIALITY (SIC) ANYTHING
20 INVOLVED WITH POLICE OFFICER OR THEIR FAMILY, TO GIVE
21 THE LAW, TO BE COMMITTED TO THE TRUTH -- TO BE
22 COMMITTED TO THE FACTS, AND THAT'S ALL I ASK THAT'S
23 ALL MR ALKEBULANYAHH ASK, TO JUDGE THIS CASE ON THE
24 FACTS, JUDGE THIS CASE ON THE TRUTH, AND DO NOT ALLOW A
25 WITNESS TO BRING SOMETHING TO YOU TO UNDERMINE THE

STATE VS ALKEBULANYAHH

1 INTELLIGENCE OR INSULT THE INTELLIGENCE OF THIS JUROR
2 (SIC)

3 THANK YOU ALL AND GOD WITH ALL OF US

4 THE COURT CALL YOUR FIRST WITNESS

5 MR MURDAUGH CALL MICHAEL STETTMIER RICKY
6 ROPER WILL BE THE NEXT ONE

7 IF YOUR HONOR, PLEASE, IS IT OKAY IF I GET MY NEXT
8 WITNESS FAR ENOUGH AWAY FROM THE DOOR WHERE THEY CAN'T
9 HEAR, BUT A LITTLE BIT CLOSER?

10 THE COURT YES, SIR IF YOU ALL WOULD MOVE THAT
11 LECTERN TOWARDS THE WITNESS STAND OR DO YOU WANT TO
12 LEAVE IT RIGHT THERE?

13 MR MURDAUGH IT MAKES NO DIFFERENCE

14 THE COURT THAT'S FINE

15 (PAUSE)

16 THE COURT LADIES AND GENTLEMEN, I'M GOING TO
17 SEND YOU BACK TO THE JURY ROOM I'M GOING TO GO AHEAD
18 AND ORDER LUNCH FOR YOU SO WE'LL GET IT WHILE WE'RE
19 GOING THROUGH THE TESTIMONY IF YOU'LL JUST GO BACK,
20 THEY'LL HAVE SOME SHEETS FOR YOU TO FILL OUT, THEN
21 WE'LL BRING YOU RIGHT BACK IN

22 DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU
23 VERY MUCH

24 (THE JURY EXITS THE COURTROOM AT 11 55 A M)

25 (A RECESS WAS TAKEN)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT I BELIEVE THE JURY HAS
2 ORDERED IS THAT CORRECT?

3 CLERK YES SIR

4 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
5 (THE JURY RETURNS TO THE COURTROOM AT 12 09 P M)

6 THE COURT ALL RIGHT THANK YOU PLEASE BE
7 SEATED

8 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY NOW
9 TO PROCEED WITH THE FIRST WITNESS ORIGINALLY I DID
10 NOT KNOW YOU HAD NOT ORDERED YET SO WE'LL GO AS FAR
11 AS WE CAN WHEN YOUR ORDER COMES IN, WE'LL STOP AND
12 TAKE A BREAK FOR LUNCH, AND THEN WE'LL GET MOVING WITH
13 EVERYTHING

14 GO AHEAD, SIR

15 MR MURDAUGH MICHAEL STETTMIER

16 MICHAEL STETTMIER BEING
17 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

18 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
19 THE COURT

20 WITNESS MICHAEL A STETTMIER, S-T-E-T-T-M-I-E-R

21 DIRECT EXAMINATION BY MR. MURDAUGH.

22 Q MR STETTMIER, BY WHOM ARE YOU EMPLOYED?

23 A BEAUFORT COUNTY SHERIFF'S OFFICE

24 Q AND HOW LONG HAVE YOU BEEN SO EMPLOYED?

25 A 14 YEARS

STATE VS ALKEBULANYAHH

1 Q OKAY, SIR ON DIRECTING YOUR ATTENTION TO JANUARY
2 8, 2002, DID YOU HAVE AN OCCASION TO GO TO 21 RILEY
3 ROAD?

4 A I DID

5 Q WHY?

6 A I WAS -- DISPATCH NOTIFIED OFFICERS THAT THEY WERE
7 UNABLE TO MAKE CONTACT WITH TWO OFFICERS ON SITE

8 Q OKAY, SIR AND WERE YOU THE FIRST OFFICER THAT
9 ARRIVED AT 21 RILEY ROAD?

10 A YES, I WAS

11 Q WILL YOU TELL THESE LADIES AND GENTLEMEN ON THE
12 JURY WHAT HAPPENED WHEN YOU GOT THERE AND WHAT YOU
13 OBSERVED?

14 A UPON MY ARRIVAL I MADE CONTACT WITH THREE
15 INDIVIDUALS A BLACK MALE BLACK FEMALE, AND I BELIEVE
16 IT WAS A LITTLE JUVENILE AND WHEN I EXITED MY
17 VEHICLE, I HAD SPOKEN WITH THEM AND ASKED THEM WHERE
18 THE TWO OFFICERS WERE LOCATED

19 THEY INDICATED THAT SHOTS HAD BEEN FIRED AT THE
20 REAR OF THE BUILDING

21 SO AT THAT TIME I ASKED FOR AN EMERGENCY NET, AND
22 MY BACKUP WAS IN ROUTE AND I PROCEEDED AROUND TO THE
23 BACK OF THE TRAILER AND TOOK UP A POSITION BEHIND A
24 VEHICLE

25 Q OKAY, SIR WHAT HAPPENED THEN?

1 A AT THE TIME I WAS LISTENING, CALLING OUT TO FIND
2 OUT WHO WAS ON SITE, WHO WERE THE TWO OFFICERS
3 INVOLVED, AND WHO WAS IN THE RESIDENCE I DETECTED THE
4 ODOR OF GUN POWDER IN THE AIR, AND A LIGHT FOG OR A
5 MIST OR WHATEVER YOU WOULD CALL IT IN THE AIR

6 Q OKAY, SIR WHAT THEN?

7 A I BELIEVE -- I'M NOT SURE WHICH TWO OFFICERS
8 ARRIVED ON NEXT BUT STAFF SERGEANT GEORGE WHITE
9 BACKED ME UP AT THE CORNER, AND STAFF SERGEANT
10 ZANELOTTI WENT AROUND TO THE FAR SIDE, ACROSS FROM ME
11 ON THE BACK SIDE OF THE RESIDENCE

12 Q OKAY, SIR AND AT SOME POINT DID YOU GO INTO
13 THAT RESIDENCE?

14 A YES, I DID, AFTER WE MADE A DETERMINATION THROUGH
15 DISPATCH THE NAME OF THE OFFICERS, AND NEVER GOT A
16 RESPONSE BY THEIR NAME, CAPTAIN ROPER AUTHORIZED AN
17 ENTRY AT WHICH TIME MYSELF ---

18 Q WAS CAPTAIN ROPER -- THAT'S RICKY ROPER?

19 A YES SIR CAPTAIN ROPER WAS THE SENIOR MAN ON
20 SITE

21 Q AND HE WAS THERE THEN?

22 A YES, SIR I'M NOT SURE WHEN HE ROLLED IN

23 Q OKAY TELL ME WHAT YOU ALL DID?

24 A WHEN WE DECIDED -- WE WERE AUTHORIZED TO MAKE
25 ENTRY MYSELF AND GEORGE WHITE AND OFFICER ZANELOTTI

1 AND I BELIEVE KELLY COTNER WE MADE -- SET UP ON THE
2 DOOR I WAS ON THE RIGHT SIDE OF THE DOOR SERGEANT
3 WHITE WAS ON THE LEFT-HAND SIDE OF THE DOOR AND WE
4 MADE -- AFTER WE WERE ALL SET UP, WE MADE A
5 DETERMINATION WE'D SET OFF IMMEDIATELY, AT WHICH TIME I
6 MADE ENTRY AND WENT TO THE LEFT AND THEN STAFF
7 SERGEANT WHITE WENT RIGHT

8 Q OKAY, SIR

9 A AND AS I ENTERED THE ROOM -- WHERE AS I ENTERED,
10 BREAK THROUGH THE DOOR, I OBSERVED A BODY -- THAT'S ALL
11 I COULD SAY ABOUT IT AND I CONTINUED TO MY LEFT,
12 BECAUSE MY AREA OF RESPONSIBILITY WAS LEFT AND
13 SERGEANT WHITE -- AND I'M NOT SURE WHO THE NEXT OFFICER
14 WAS -- CONTINUED RIGHT

15 Q OKAY AND DID YOU ALL THEN COME OUT OF THE
16 TRAILER AFTER ROPER HAD GONE INTO THE ROOM?

17 A AFTER WE ALL CLEARED THE ROOM, I BELIEVE IT WAS
18 SERGEANT ZANELOTTI BACKED ME UP ON THE FAR END OF THE
19 ROOM, BECAUSE I HAD SOME SPOTS I COULD NOT CLEAR
20 SAFELY ONCE WE CLEARED THAT SIDE OF THE ROOM,
21 EVERYBODY EXITED, AND WE SET UP A SECURITY PERIMETER
22 AND MADE NOTIFICATION TO THE ON-DUTY BOSSES

23 Q DID YOU OBSERVE ANYTHING ABOUT THE INTERIOR OF THE
24 RESIDENCE AT 21 RILEY ROAD AND THE EXTERIOR?

25 A THE EXTERIOR WAS ---

1 Q WAS IT A TRAILER?

2 A IT WAS A TRAILER, YES, SIR, WITH A WOODEN ENCLOSED
3 BACK PORCH THE REAR DOOR OF THE TRAILER WAS OPEN
4 AND INSIDE WAS IN DISARRAY, THAT'S ALL I CAN RECALL OF
5 IT

6 Q DID YOU SEE ANY HOLES MADE BY BULLETS THERE?

7 A I HAD THERE WAS HOLES ON THE BACK SIDE I
8 WASN'T A HUNDRED PERCENT SURE THEY WERE BULLETS OR NOT

9 MR MURDAUGH OKAY, SIR THANK YOU, SIR ANSWER
10 ANY QUESTIONS HE HAS FOR YOU

11 THE COURT ANY QUESTIONS?

12 MR ALKEBULANYAHH YES, SIR

13 (PAUSE)

14 THE COURT DO YOU HAVE A MATTER FOR THE COURT?

15 MR ALKEBULANYAHH NO, SIR

16 THE COURT OKAY QUESTIONS OF THIS WITNESS?

17 MR ALKEBULANYAHH YES SIR

18 THE COURT ALL RIGHT

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH

20 Q MR STETTMIER, HOW YOU DOING?

21 A FINE

22 Q ON JANUARY 8, 2002, DID YOU RESPOND TO 21 RILEY
23 ROAD FOR AN ALLEGE DOMESTIC DISTURBANCE AND KIDNAPPING?

24 A I DID RESPOND -- NO CALL OF THAT SUCH I
25 RESPONDED TO OFFICERS NOT MAKING CONTACT ON RADIO AND

STATE VS ALKEBULANYAHH

1 THEN SHOTS FIRED

2 Q DID YOU WRITE A SUPPLEMENTAL INCIDENT REPORT IN
3 REGARDS TO THIS MATTER?

4 A I WAS THE INITIAL RESPONDING OFFICER I WROTE THE
5 INITIAL REPORT

6 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
7 THE COURT YES

8 Q COULD YOU TELL ME IF THIS IS THE REPORT THAT YOU
9 WROTE?

10 MR MURDAUGH IF YOUR HONOR PLEASE, I CAN'T HEAR
11 HIM WHEN HE GETS OVER THERE, SIR

12 THE COURT ALL RIGHT YOU NEED TO SPEAK UP WHEN
13 YOU'RE OVER THERE

14 MR ALKEBULANYAHH YES, SIR

15 A THIS IS PAGE 1 I NEED TO SEE THE FRONT SHEET

16 Q FRONT SHEET?

17 A THERE'S A FRONT SHEET TO THIS

18 Q WHAT DOES IT CONSIST OF?

19 A THE INCIDENT

20 Q INCIDENT IS THAT ---

21 A THIS IS MY REPORT IT WAS TYPED OUT, YES

22 Q 1 AND 2?

23 A 1 AND 2

24 Q AND WHAT'S AT THE CAP OF THE PAPER?

25 A THE INCIDENT TYPE?

STATE VS ALKEBULANYAHH

1 Q YES THIS PARTICULAR REPORT?

2 A THIS IS A SUPPLEMENTAL YES

3 Q AND THAT IS YOUR SUPPLEMENTAL REPORT, TRUE?

4 A YES I DON'T SEE THE ORIGINAL

5 Q IS THE INFORMATION IN IT -- IS IT -- IS IT

6 ATTRIBUTE TO YOU, THE INFORMATION THAT'S IN IT?

7 A YES

8 Q IS THAT YOUR SIGNATURE AT THE BOTTOM?

9 A THAT IS MINE

10 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO

11 ENTER THIS INTO EVIDENCE

12 THE COURT ANY OBJECTION?

13 MR MURDAUGH MAY I SEE WHAT HE HAS, SIR?

14 THE COURT YES, SIR

15 (PAUSE)

16 MR MURDAUGH THIS IS WHAT YOU WANT ENTERED IN?

17 MR ALKEBULANYAHH YES, SIR

18 (PAUSE)

19 THE COURT ANY OBJECTION? THE OFFICER IDENTIFIED

20 IT AS HIS REPORT

21 MR MURDAUGH NO, SIR, I HAVE NO OBJECTION

22 THE COURT ALL RIGHT DEFENDANT'S 1 IN EVIDENCE

23 WITHOUT OBJECTION

24 (SUPPLEMENTARY REPORT, STETTMIER, 2 PAGES, MARKED

25 IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 1)

1 Q MR STETTMIER, DO YOU HAVE A COPY OF THAT REPORT
2 WITH YOU?

3 A I DO NOT

4 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

5 THE COURT YES

6 MR ALKEBULANYAHH WILL THAT BE FINE?

7 THE COURT YES

8 (PAUSE)

9 Q MR STETTMIER, IN THIS SUPPLEMENTAL REPORT THAT
10 YOU ACKNOWLEDGE WAS YOURS, WHAT DID YOU STATE THE TYPE
11 OF INCIDENT THIS WAS?

12 A THE INCIDENT HERE IS MURDER TIMES 2, DOMESTIC
13 DISTURBANCE AND KIDNAPPING ALLEGED

14 Q DID YOU EVER ASCERTAIN WHERE THE INFORMATION COME
15 THAT IT WAS A DOMESTIC DISTURBANCE?

16 A THIS WAS THE INITIAL REPORT THAT OFFICERS TATE AND
17 COURSEN RESPONDED TO

18 Q OKAY AND THE KIDNAPPING ALSO WAS -- WAS IN THE
19 INITIAL REPORT THAT OFFICERS COURSEN AND TATE RESPONDED
20 TO IS THAT CORRECT, SIR?

21 A I BELIEVE SO, YES, SIR

22 Q DO YOU HAVE ANY KNOWLEDGE WHETHER OR NOT A MS
23 KIMBERLY BLATE (PHONETIC) REPORTED A DOMESTIC
24 DISTURBANCE AND KIDNAPPING?

25 A I'M NOT FAMILIAR WITH THAT NAME AT THIS TIME

1 Q OKAY HOW ABOUT -- WHAT'S THE INITIAL COMPLAINT
2 IN YOUR SUPPLEMENTAL REPORT?

3 A INITIAL COMPLAINT IS MS WASHINGTON

4 Q SO MS WASHINGTON IS WHO YOU HAVE INCORPORATED
5 INTO YOUR SUPPLEMENTAL REPORT AS THE INITIAL COMPLAINT?

6 A THAT'S WHERE THE INITIAL COMPLAINT CAME THROUGH
7 THROUGH DISPATCH TO COURSEN AND TATE

8 Q AND THAT WAS ALLEGED DOMESTIC DISTURBANCE AND
9 KIDNAPPING, IS THAT CORRECT?

10 A YES

11 Q SERGEANT STETTMIER DID YOU ACTUALLY ENTER THE
12 BEDROOM OF THE HOME -- IN THE BACK DOOR OR THE FRONT
13 DOOR?

14 A I ENTERED THROUGH THE BACK DOOR, THAT I ASSUME IS
15 THE BACK DOOR

16 Q DID YOU TAKE ANY PRECAUTIONARY MEASURES TO PREVENT
17 FROM CONTAMINATING THE ALLEGE CRIME SCENE?

18 A WHICH PORTION OF THE CRIME SCENE, ARE WE
19 CONSIDERING THE ACTUAL INCIDENT WHERE THE SHOOTINGS HAD
20 TAKEN PLACE?

21 Q YES, SIR

22 A I NEVER MADE ENTRY INTO THAT SECTION OF THE
23 RESIDENCE

24 Q WHERE THE ACTUAL SHOOTING TOOK PLACE?

25 A NO SIR

1 Q YOU NEVER TRIED TO ENTER THAT AREA AT ALL OKAY
2 I WANT TO ASK YOU, DID YOU OBSERVE MR COTNER OR
3 SERGEANT WHITE OR SERGEANT ZANELOTTI OR CAPTAIN ROPER
4 USING ANY FOOTWEAR OR BOOTIES ENTERING AND EXITING THE
5 ALLEGE CRIME SCENE AT ANY TIME?

6 A I CANNOT ANSWER THAT I WASN'T PAYING ATTENTION
7 TO THEIR FEET I WAS IN PROCESS OF SECURING THE
8 RESIDENCE

9 Q WHEN YOU ARRIVED ON THE ALLEGE CRIME SCENE, WHAT
10 WAS YOUR ACTION WHEN YOU INITIALLY ARRIVED? WHERE DID
11 YOU GO? WHAT WAS THE STEPS THAT YOU TOOK WHEN YOU
12 INITIALLY ARRIVED?

13 A UPON MY ARRIVAL BY DISPATCHER ON SCENE, WERE THREE
14 SUBJECTS REQUESTED AN EMERGENCY NET, ASKED THE
15 SUBJECTS THAT WERE STANDING OUTSIDE THE RESIDENCE WHERE
16 THE TWO OFFICERS WERE

17 THEY POINTED TO THE BACK, INDICATED THE SHOTS WERE
18 FIRED FROM THERE

19 I TOOK UP A POSITION BEHIND A VEHICLE IN THE
20 BACKYARD

21 Q AND WHAT TYPE OF VEHICLE DID YOU TAKE COVER
22 BEHIND?

23 A I COULDN'T TELL YOU THE MAKE OR MODEL IT WAS OLD
24 AND RUSTED, IT HAD BEEN THERE FOR QUITE A WHILE, THAT'S
25 ALL I COULD TELL YOU

1 Q HOW CLOSE PROXIMITY WAS THE VEHICLE FROM THE HOME
2 THAT YOU TOOK COVER BEHIND?

3 A I WOULD SAY 15 16 FEET FROM ONE CORNER OF THE
4 RESIDENCE, AND ABOUT 30 FEET FROM THE REAR DOOR ---

5 Q COULD THAT ---

6 A --- APPROXIMATELY

7 Q COULD THAT VEHICLE BE VIEWED FROM THE -- FROM THE
8 STREET THAT RUNS IN FRONT -- THE ROAD THAT RUNS IN
9 FRONT OF THIS HOME?

10 A IF THEY WERE ALL STANDING TO THE LEFT OF THE
11 STRUCTURE AS YOU FACE IT, YES YOU COULD SEE THE
12 VEHICLE

13 Q SO IF YOU WAS COMING -- IF YOU WAS COMING INTO 21
14 RILEY ROAD, TOWARD THE HOME, THEN THAT VEHICLE WOULD BE
15 IN YOUR VIEW AS YOU DROVE UP TO THE HOME, IS THAT
16 CORRECT?

17 A IF YOU LOOK TO YOUR LEFT HARD, YES

18 Q I MEAN, BECAUSE IF YOU COME FROM THE RIGHT, THE
19 VEHICLE WOULD BE ON THE OPPOSITE SIDE OF THE HOME, IS
20 THAT CORRECT?

21 A NEED SOME CLARIFICATION I'M LOOKING AT THE FRONT
22 OF THE STRUCTURE, LEFT IS TO MY LEFT OF THE FRONT DOOR,
23 RIGHT IS TO THE RIGHT IT WAS ON THE LEFT SIDE FACING
24 FROM THE FRONT OF THE BUILDING

25 Q THE LEFT SIDE?

- 1 A YES
- 2 Q SO AS YOU PULLED UP ---
- 3 A FROM THE FRONT
- 4 Q --- YOU COULDN'T POSSIBLY VIEWED -- SEEN THAT
- 5 VEHICLE, IS THAT CORRECT?
- 6 A I DID SEE IT BECAUSE I STOPPED I BELIEVE THERE
- 7 WAS A FENCE THERE, AND I STOPPED BECAUSE OF THE OPEN
- 8 AREA
- 9 Q SO THE VEHICLE WAS INSIDE THE FENCE, IS THAT
- 10 CORRECT?
- 11 A THERE WAS A FENCE THERE I DON'T RECALL A FENCE
- 12 BEING AROUND THE STRUCTURE TOTALLY I DON'T RECALL
- 13 THAT
- 14 Q WAS THAT THE ONLY VEHICLE YOU OBSERVED ON THE --
- 15 AT THE PREMISES?
- 16 A THERE WAS ALSO TWO DEPUTY SHERIFF'S VEHICLES
- 17 THERE
- 18 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
- 19 YOUR HONOR THANK YOU
- 20 THE COURT ANYTHING ELSE?
- 21 REDIRECT EXAMINATION BY MR. MURDAUGH.
- 22 Q MR STETTMIER, I SHOW YOU AN ITEM AND ASK YOU IF
- 23 YOU CAN IDENTIFY THAT, SIR?
- 24 A THAT'S THE CRIME SCENE, THE TRAILER AND THE
- 25 VEHICLE I HAD TAKEN POSITION UP FROM

1 MR MURDAUGH YOUR HONOR PLEASE, I WOULD OFFER
2 THIS AS ---

3 Q IS THIS A FAIR REPRESENTATION OF WHAT IT LOOKED
4 LIKE THAT DAY?

5 A YES, SIR, MINUS A FEW OF THE VEHICLES THE DEPUTY
6 SHERIFFS

7 THE COURT ANY OBJECTION?

8 (PAUSE)

9 MR ALKEBULANYAHH I WOULD LIKE TO ASK SOME
10 QUESTIONS

11 THE COURT GO AHEAD WHAT IS YOUR OBJECTION?

12 MR ALKEBULANYAHH I WOULD LIKE TO ASK SOME
13 QUESTIONS IN PARTICULAR THAT PICTURE THE THINGS IN IT
14 TO MR STETTMIER

15 MR MURDAUGH BEFORE OR AFTER ---

16 THE COURT ARE YOU TALKING ABOUT IN FOLLOW-UP?

17 MR ALKEBULANYAHH YES, SIR

18 THE COURT ALL RIGHT YOU CAN DO THAT
19 AFTERWARDS

20 I'LL ALLOW THAT IN EVIDENCE

21 (SMALL AERIAL PHOTO MARKED IN EVIDENCE AS STATE'S
22 EXHIBIT NO 1)

23 Q MR STETTMIER ---

24 MR MURDAUGH EXCUSE ME MAY I APPROACH THE
25 WITNESS?

1 THE COURT YES

2 MR MURDAUGH I'M ALREADY UP THERE WHEN I ASKED

3 Q CAN YOU SEE IN THIS STATE'S EXHIBIT NO 1 THE

4 VEHICLE THAT YOU WERE TALKING ABOUT, SIR?

5 A THE ONE I USED AS COVER, YES, SIR

6 Q PUT YOUR FINGER ON IT?

7 A (COMPLIED)

8 Q AND WOULD THAT BE TO THE LEFT OF THE TRAILER

9 FACING BACK OUT TO THE ROAD?

10 A IT WILL BE ON THE RIGHT SIDE, TAKEN LEFT IT'S

11 LEFT OF THE FRONT DOOR

12 MR MURDAUGH MAY I BRING HIM DOWN JUST TO SHOW

13 THEM SIR?

14 THE COURT YES SIR

15 Q COME DOWN

16 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

17 Q PLEASE SPEAK LOUD ENOUGH WHILE YOU'RE DOWN HERE SO

18 EVERYBODY CAN HEAR

19 A YES, SIR

20 MR MURDAUGH AND MAY I DO THIS ON THREE PLACES

21 ON HERE IT'S SO SMALL?

22 THE COURT YES

23 Q SHOW ME PLEASE -- WHAT IS THIS PICTURE, SIR?

24 A THIS -- THIS IS THE PICTURE OF 21 RILEY ROAD AND

25 THIS IS RILEY ROAD THAT CIRCLES AROUND THIS IS THE

1 TRAILER THIS IS THE BACK DOOR, AND THIS IS THE FRONT
2 THIS VEHICLE RIGHT HERE IN THE LEFT-HAND CORNER ABOUT
3 7 00 O'CLOCK ON THE PHOTO IS THE ONE I USED AS COVER

4 Q ONE MORE TIME PLEASE EXPLAIN AGAIN, SIR

5 A ALL RIGHT THIS IS 21 RILEY ROAD THIS IS RILEY
6 ROAD, THE DIRT INTERSECTION -- OR DIRT ROAD SHOULD I
7 SAY THIS IS THE FRONT THIS IS THE REAR WHERE I MADE
8 ENTRY THIS IS THE VEHICLE, ABOUT 7 00 O'CLOCK ON THE
9 PHOTO THAT I HAD TAKEN UP A POSITION OF COVER

10 Q ONE MORE TIME PLEASE, SIR

11 A THIS IS 21 RILEY ROAD, THE STRUCTURE THIS IS
12 RILEY ROAD, THE DIRT ROAD THIS IS THE FRONT THIS IS
13 THE REAR WHERE I MADE ENTRY AND THIS VEHICLE IS ABOUT
14 7 00 O'CLOCK ON THE PHOTO IS THE ONE I USED AS COVER

15 Q HAVE A SEAT BACK UP THERE

16 (THE WITNESS RETURNS TO THE WITNESS STAND)

17 MR MURDAUGH THANK YOU, MR STETTMIER, I HAVE NO
18 FURTHER QUESTIONS ANSWER ANY QUESTIONS HE MAY HAVE

19 THE COURT ANYTHING ELSE?

20 MR ALKEBULANYAHH MAY I APPROACH?

21 THE COURT YES, SIR

22 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

23 Q MR STETTMIER, THIS IS THE VEHICLE RIGHT HERE?

24 A YES

25 Q SO IF YOU WAS COMING TO THE TRAILER THIS WAY, IS

1 THAT CORRECT?

2 A YES

3 Q YOU WOULD BE ABLE TO VIEW THAT VEHICLE?

4 A ON MY -- TO MY LEFT, YES

5 Q OKAY IF ANYONE WERE TO ENTER INTO THIS
6 RESIDENCE, THEY WOULD BE ABLE TO SEE THIS VEHICLE, IS
7 THAT CORRECT? IF YOU DROVE UP AND WANTED TO GO INTO
8 THE FRONT DOOR OR SO FORTH, YOU WOULD MORE THAN LIKELY
9 VIEW THAT VEHICLE BACK THERE?

10 A FROM THE FRONT DOOR?

11 A YES, SIR

12 Q ONLY IF THEY ENTERED THIS SIDE, BECAUSE IF YOU
13 LOOK AT THE ANGLE I BELIEVE, THAT SHOULD BE THE FRONT
14 PORCH THERE'S NO WAY TO VIEW THE VEHICLE FROM THE
15 FRONT

16 Q SO ---

17 A UNLESS YOU COME TO THE LEFT OF IT

18 Q OKAY SO WHERE WAS THE TWO DEPUTIES' VEHICLE
19 PARKED?

20 A I BELIEVE IT WAS ON THE ROAD I'M NOT A HUNDRED
21 PERCENT SURE WHEN I FINALLY CAME BACK OUT, THERE WAS
22 A LOT OF VEHICLES AROUND RIGHT HERE WAS APPROXIMATELY
23 WHERE I STOPPED

24 Q OKAY

25 A RIGHT AT THE ENTRANCE I THINK WAS A LITTLE DIRT

1 DRIVE

2 Q YOU COULDN'T SAY EXACTLY WHERE THE DEPUTIES'

3 VEHICLES WAS PARKED ---

4 A NO, SIR

5 Q --- IS THAT CORRECT?

6 A NO

7 MR ALKEBULANYAHH THANK YOU THAT WILL BE ALL

8 YOUR HONOR

9 THE COURT YOU MAY STEP DOWN

10 (THE WITNESS LEAVES THE WITNESS STAND)

11 MR MURDAUGH MAY HE BE EXCUSED SIR?

12 THE COURT ANY OBJECTION?

13 MR ALKEBULANYAHH NO, SIR

14 THE COURT YOU MAY BE EXCUSED, SIR

15 MR MURDAUGH THE NEXT WILL BE JOE SCHEAFER

16 RICHARD ROPER, BEING FIRST

17 DULY SWORN TESTIFIED AS FOLLOWS

18 DIRECT EXAMINATION BY MR MURDAUGH.

19 Q GIVE US YOUR FULL NAME PLEASE AND SPELL YOUR LAST

20 NAME?

21 A RICHARD EUGENE ROPER, R-O-P-E-R

22 Q BETTER KNOWN AS RICKY?

23 A YES, SIR

24 Q OKAY SIR MR ROPER, BY WHOM ARE YOU EMPLOYED?

25 A BEAUFORT COUNTY SHERIFF'S OFFICE

- 1 Q AND DO YOU HAVE ANY RANK WITH THEM?
- 2 A I'M A CAPTAIN AT THIS TIME
- 3 Q AND WHAT WAS -- WHAT DO YOU DO WITH THE SHERIFF'S
- 4 DEPARTMENT?
- 5 A I AM THE ADMINISTRATIVE CAPTAIN IN CHARGE OF CIVIL
- 6 PROCESS, WARRANTS, SCHOOL RESOURCE OFFICER PROGRAM
- 7 COURTHOUSE SECURITY, THAT'S BASICALLY IT
- 8 Q OKAY, SIR AND WHAT WERE YOUR DUTIES WITH THE
- 9 SHERIFF'S DEPARTMENT ON JANUARY 8, 2002?
- 10 A THE SAME AS TODAY, SIR
- 11 Q OKAY, SIR MR ROPER, I ASK YOU WHETHER OR NOT
- 12 YOU RECEIVED A CALL TO GO TO 21 RILEY ROAD ON THAT
- 13 DATE?
- 14 A NO, SIR I DIDN'T ACTUALLY RECEIVE THE CALL
- 15 Q HOW IS IT -- DID YOU GO TO 21 RILEY ROAD?
- 16 A YES I DID SIR
- 17 Q HOW IS IT THAT YOU HAPPENED TO GO THERE?
- 18 A I WAS TRAVELING DOWN HIGHWAY 21 AND GOT IN FRONT
- 19 OF BERNARD TIRE, OUT IN THE BURTON AREA, AND HEARD THE
- 20 DISPATCHER CALLING OUR TWO UNITS OVER THE RADIO,
- 21 CONTINUOUSLY
- 22 Q YOU SAY TWO UNITS WHO ARE YOU TALKING ABOUT?
- 23 A COURSEN AND TATE
- 24 Q OKAY WERE THOSE THE TWO THAT HAD BEEN DISPATCHED
- 25 TO 21 RILEY ROAD?

STATE VS ALKEBULANYAHH

- 1 A THAT IS CORRECT, SIR
- 2 Q OKAY
- 3 A AND AS A RESULT OF THAT, I HEARD STAFF SERGEANT
- 4 ZANELOTTI, WHO WAS THE STAFF SERGEANT RUNNING THAT
- 5 SHIFT THAT DAY, STATING THAT HE WAS IN ROUTE TO CHECK
- 6 ON HIS MEN
- 7 VERY SHORTLY AFTER THAT IS WHEN DISPATCH CAME
- 8 ACROSS THE RADIO AGAIN AND STATED THAT NEIGHBORS IN THE
- 9 AREA HAD HEARD SHOTS FIRED AND IT WAS AT THAT POINT
- 10 IN TIME THAT I WAS APPROACHING BERNARD TIRE, AND I
- 11 RADIOED THE DISPATCH THAT I WOULD ALSO BE RESPONDING
- 12 Q OKAY, SIR WHEN YOU ARRIVED AT 21 RILEY ROAD, WAS
- 13 OFFICER STETTMIER THERE?
- 14 A YES, HE WAS, SIR
- 15 Q OKAY, SIR AND AFTER -- TELL ME WHAT YOU ALL DID?
- 16 A AT THE TIME THAT STETTMIER ARRIVED, I WAS JUST
- 17 TURNING ONTO RILEY ROAD, WHICH WAS A DIRT ROAD, AND
- 18 THERE WAS A LOT OF DUST ON IT STAFF SERGEANT GEORGE
- 19 WHITE, WHO DRIVES A UNIFORM TRUCK HE WAS IN FRONT OF
- 20 ME SO HE PULLED UP I NEVER SEEN STAFF SERGEANT
- 21 STETTMIER UNTIL ACTUALLY I GOT TO THE TRAILER
- 22 Q YES, SIR
- 23 A I JUST HEARD HIM OVER THE RADIO SAYING THAT HE HAD
- 24 SIGNED OUT THERE
- 25 Q YES, SIR

1 A WHEN STAFF SERGEANT WHITE STOPPED ON THE DIRT ROAD
2 TO THE ENTRANCE TO THE DRIVEWAY, I STOPPED IN BEHIND
3 HIM IT WAS AT THAT POINT IN TIME THAT I GOT OUT OF MY
4 CAR AND THREW ON MY BULLET PROOF VEST

5 STAFF SERGEANT WHITE STARTED APPROACHING THE
6 TRAILER AT 21 RILEY ROAD AND I HEARD STETTMIER
7 TELLING STAFF SERGEANT WHITE AT THAT TIME, I'M AT THE
8 BACK DOOR HE MENTIONED SOMETHING THAT I REMEMBER
9 ABOUT HE -- HE COULD SEE SOMEBODY OR SEE SOMETHING, AND
10 HE COULD SMELL GUN POWDER

11 Q YES, SIR

12 A IT WAS AT THAT TIME THAT STETTMIER KNEW THAT I WAS
13 ON THE SCENE, BECAUSE HE HEARD FROM MY RADIO TRAFFIC,
14 ASKING FOR PERMISSION TO ENTER THE TRAILER, WHICH I DID
15 NOT GIVE HIM AT THAT TIME UNTIL ME AND STAFF SERGEANT
16 WHITE GOT RIGHT THERE NEXT TO HIM, SO WE HAD PLENTY OF
17 BACKUP TO GO IN

18 SO WE WENT IN THE BACK DOOR AREA OF THIS TRAILER
19 THAT HAD A -- LIKE A WOODEN PORCH WAS BUILT ON THE BACK
20 OF IT STAFF SERGEANT STETTMIER WENT IN AND WENT ---

21 Q IS THAT PORCH THAT YOU ARE TALKING ABOUT SHOWN ON
22 STATE'S EXHIBIT NO 1, WHICH I NOW HAND YOU? DO YOU
23 WANT MY GLASSES?

24 A I'VE GOT A SET, SIR YES, SIR THAT'S THE WOODEN
25 PORCH

1 Q OKAY SIR GO AHEAD

2 A STAFF SERGEANT STETTMIER ACTUALLY ENTERED THE DOOR
3 FIRST AND WENT TOWARDS THE LEFT AT THIS POINT IN
4 TIME, THAT WAS LIKE GOING DOWN A HALLWAY TOWARDS A
5 LIVING ROOM AREA OF THE TRAILER

6 MYSELF AND STAFF SERGEANT WHITE WENT TO THE RIGHT
7 WHICH JUST HAPPENED TO BE A BEDROOM RIGHT THERE
8 IMMEDIATELY WHEN YOU -- WHEN YOU COME IN THE DOORWAY

9 IT WAS AT THAT POINT IN TIME THAT I FOUND DEPUTY
10 SHERIFF COURSEN, WHO ---

11 Q CAN YOU DESCRIBE WHERE HE WAS AND HOW HE WAS --
12 WHAT HE -- WHAT HE WAS DOING?

13 A DEPUTY SHERIFF COURSEN WAS IN A SLUMPED POSITION,
14 KIND OF LIKE A KNEELING-TYPE POSITION AND HE WAS
15 DECEASED I -- I PUT MY HAND UP AGAINST HIS NECK, AND
16 THERE WAS NO HEART BEAT OR NO PULSE

17 Q WHAT DID YOU THEN DO, SIR?

18 A IT WAS AT THAT TIME THAT STAFF SERGEANT WHITE HAD
19 MADE HIS WAY A LITTLE BIT FURTHER INTO THIS BEDROOM,
20 AND HIS COMMENT TO ME WAS, RICKY, THIS ---

21 Q DON'T TELL ME WHAT HE SAID

22 A OKAY

23 Q BUT WHAT DID YOU THEN DO?

24 A AT THAT POINT I JUMPED ON TOP OF A BED TO MAKE IT
25 OVER TO STAFF SERGEANT WHITE

1 Q OKAY

2 A WHO WAS AT THAT POINT FIXING TO MAKE ENTRY INTO A

3 BATHROOM AREA OF THIS BEDROOM IT'S THERE THAT THE TWO

4 OF US COME UPON DEPUTY SHERIFF TATE

5 Q OKAY, SIR AND CAN YOU DESCRIBE TO THE LADIES AND

6 GENTLEMEN OF THE JURY WHAT HIS POSITION WAS?

7 A DEPUTY SHERIFF TATE WAS ACTUALLY IN A LAID-DOWN,

8 SLUMPED-OVER POSITION I LITERALLY HAD TO ROLL DEPUTY

9 SHERIFF TATE OVER TO DETERMINE WHETHER OR NOT THERE WAS

10 ANY PULSE THERE

11 Q WAS THERE A PULSE?

12 A NO, SIR

13 Q OKAY, SIR WHAT -- AFTER FINDING OUT THAT COURSEN

14 HAD NO PULSE AND THAT TATE HAD NO PULSE, WHAT DID YOU

15 THEN DO, SIR?

16 A WE FINISHED -- AT THAT POINT IN TIME OUR GUNS WERE

17 DRAWN AND AT THAT POINT IN TIME WE CONTINUED TO

18 SECURE THIS ROOM AND MAKE -- THERE WAS A -- THERE WAS A

19 LITTLE NOOK WHERE THE COMMODE AND ALL WAS IN THIS

20 BATHROOM, SO WE SWEEPED THAT FROM A PROTECTIVE-TYPE

21 SWEEP /

22 Q RIGHT

23 A AND WE CAME OUT -- WE CAME OUT OF THAT BATHROOM

24 MYSELF AND STAFF SERGEANT WHITE HAD SOME CONVERSATION

25 AND ---

1 Q WITHOUT TELLING ME WHAT YOU ALL TALKED ABOUT DID
2 YOU SEE ANYTHING IN THAT ROOM THAT WOULD INDICATE WHAT
3 WAS THE CAUSE OF THE WOUNDS IN TATE AND COURSEN?
4 A YES, I DID, SIR AT THAT TIME WHEN I GOT BACK
5 OVER DEPUTY SHERIFF TATE, I REALIZED THAT THERE WAS NO
6 FIREARM IN HIS HOLSTER
7 Q IN?
8 A IN DEPUTY SHERIFF TATE'S HOLSTER
9 Q OKAY
10 A COURSEN'S FIREARM WAS STILL IN HIS HOLSTER
11 SO ---
12 Q WAS THE SNAP ON IT?
13 A YES, SIR
14 Q OKAY
15 A SO ON COURSEN, I STARTED LOOKING AROUND AND FOUND
16 HIS FIREARM LAYING -- LAYING DOWN UP UNDERNEATH HIM
17 Q ON WHO?
18 A ON TATE
19 Q TATE
20 A AS A RESULT OF THAT, THERE WAS ALSO BULLET CASINGS
21 ON THE FLOOR UP UNDERNEATH HIM I IMMEDIATELY
22 IDENTIFIED THE CASES AS BEING A RIFE CASING, 7 62 BY 39
23 RIFLE CASING AND I ALSO IDENTIFIED THERE WAS SOME 40
24 CALIBER CASINGS
25 Q OKAY SIR NOW, LET ME ASK YOU A QUESTION HOW

STATE VS ALKEBULANYAHH

1 DO YOU KNOW ABOUT CASINGS?

2 A I ---

3 Q WHAT EXPERIENCE DO YOU HAVE SIR?

4 A WELL, I'VE BEEN WITH THE -- WITH THE SHERIFF'S

5 OFFICE, I'M IN MY NINETEENTH YEAR

6 Q YES, SIR

7 A I'VE BEEN A FIREARMS INSTRUCTOR SINCE 1987 AND I

8 HAVE BEEN INVOLVED IN THE GUN BUSINESS FOR ABOUT 10 OR

9 11 YEARS NOW ALSO

10 Q YOU IN FACT RUN A GUN STORE?

11 A YES, SIR

12 Q DO YOU ALSO IN ADDITION TO SELLING GUNS REPAIR

13 THEM AND ---

14 A THAT'S MORE SO WHAT I DO, SIR I'M IN THE REPAIR

15 GUN BUSINESS

16 Q OKAY NOW UPON FINDING THESE -- WHAT -- A 7 62,

17 WHAT IS THAT, SIR?

18 A IT'S LIKE A -- IT'S A SHORT CALIBER RIFLE

19 CARTRIDGE IT'S NOT A -- IT'S NOT A LARGE HUNTING

20 RIFLE CARTRIDGE IT'S A -- IT'S A SHORT CALIBER IT'S

21 MORE SO USED BY MILITARY FORCES, RUSSIA, CHINESE, AND

22 PLACES LIKE THAT ARE WHO USE THE 7 62 ROUND

23 Q OKAY NOW DID YOU THEN SEND OUT INFORMATION OVER

24 THE RADIO THAT THERE WAS -- WHAT THE WEAPON MAY HAVE

25 BEEN?

STATE VS ALKEBULANYAHH

1 A I DID SIR AT THAT POINT IN TIME I KEYED THE
2 MIKE TO INFORM ALL OF OUR UNITS THAT WERE EITHER
3 RESPONDING OR IN THE AREA, THAT ANY SUSPECT, WHOEVER AT
4 THAT POINT WE WERE LOOKING FOR, WAS ARMED WITH A HIGH
5 POWERED RIFLE I ALSO STATED OVER THE RADIO THAT I
6 BELIEVED WHOEVER WE WERE LOOKING FOR AT THAT POINT IN
7 TIME COULD HAVE BEEN WOUNDED

8 Q OKAY, SIR CAN YOU DESCRIBE FOR ME THE TYPE OF
9 CLOTHING THAT TATE AND COURSEN WERE WEARING?

10 A THEY WERE IN OUR CLASS "C" STANDARD ISSUE UNIFORM,
11 THE B D U TYPE PANTS

12 Q WHAT DOES B D U MEAN?

13 A I DON'T REALLY KNOW THAT, SIR

14 Q OKAY, SIR

15 A I JUST KNOW THE NAME BRAND, THAT THEY'RE B D U
16 THEY HAVE THE SIDE POCKETS ON THEM, KIND OF LIKE WHAT
17 THE MILITARY WEARS

18 Q OKAY

19 A JUST A STANDARD GREEN OLIVE COLOR, OUR TAN SHIRTS
20 THAT WE WEAR -- UNIFORM SHIRTS FULL DUTY BELT, YOU
21 KNOW, BLACK LEATHER GEAR THE BLACK BOOTS WE WEAR, THE
22 BLACK ROCKY BOOTS

23 Q WAS THERE ANYTHING ON THE SHIRT TO INDICATE THAT
24 THEY WERE POLICE OFFICERS?

25 A YES, SIR, THEIR BADGE, AND EVERYTHING ELSE WAS

STATE VS ALKEBULANYAHH

1 DISPLAYED WE HAVE OUR PATCHES ON OUR SHIRTS

2 Q OKAY, SIR NOW, AFTER YOU HAD DETERMINED THAT
3 BOTH OFFICERS WERE DEAD AND THAT THERE WERE 7 62 SPENT
4 CARTRIDGES IN THAT TRAILER, WAS THE TRAILER THEN
5 SECURED?

6 A I STAYED INSIDE THE TRAILER AS THE COMMAND
7 OFFICER AT THAT POINT IN TIME ON THE SCENE, UNTIL THE
8 TRAILER WAS RELEASED OVER TO SLED

9 Q OKAY DID JOE SCHEAFER WITH EMS COME IN?

10 A YES, SIR

11 Q AND DID CURT COPELAND, THE CORONER, COME IN?

12 A THAT IS CORRECT, SIR

13 Q OKAY NOW, THE PLACE WHERE THIS TOOK PLACE, 21
14 RILEY ROAD CAN YOU TELL ME WHAT COUNTY IT IS IN, SIR?

15 A IT'S WITHIN BEAUFORT COUNTY

16 MR MURDAUGH THANK YOU SIR ANSWER ANY
17 QUESTIONS HE MAY HAVE

18 (PAUSE)

19 MR MURDAUGH NO, SIR I'LL PUT IT IN OR LET YOU
20 PUT IT IN

21 MR ALKEBULANYAHH YOU'RE NOT ---

22 MR MURDAUGH I'M NOT AGREEING TO THAT NOW
23 THAT'S THE TRANSCRIPT ---

24 THE COURT HOLD ON A SECOND IF YOU ALL NEED TO
25 ADDRESS ME, YOU ADDRESS ME NOT EACH OTHER APPROACH

STATE VS ALKEBULANYAHH

1 THE SIDE BAR

2 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
3 OUT OF THE HEARING OF THE JURY)

4 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
5 THE COURT THE WITNESS?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT YES, SIR

8 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q HOW YOU DOING?

10 A FINE

11 Q MR ROPER, COULD YOU IDENTIFY WHAT THAT IS? DO
12 YOU KNOW WHAT THAT IS?

13 A IT LOOKS LIKE A TRANSCRIPT OF ---

14 MR MURDAUGH TALK LOUD PLEASE

15 THE COURT YOU HAVE TO SPEAK UP

16 A LOOKS LIKE A TRANSCRIPT POSSIBLY OF -- OR PREPARED
17 OFF OF A RADIO LOG

18 Q OKAY SO YOU'RE FAMILIAR WITH THIS, IS THAT
19 CORRECT?

20 A I'VE NEVER SEEN THIS BEFORE, SIR

21 Q YOU NEVER SEEN IT BUT IT LOOKS LIKE PREPARED ---

22 A YES, SIR

23 Q --- BY RADIO DISPATCH?

24 MR ALKEBULANYAHH YOUR HONOR, COULD I INTRODUCE
25 THIS IN EVIDENCE?

1 THE COURT HE CAN'T IDENTIFY THAT NO, SIR, NOT
2 AT THIS STAGE YOU CAN BRING IT IN THROUGH ANOTHER
3 WITNESS

4 MR ALKEBULANYAHH OKAY

5 Q MR ROPER

6 A YES, SIR

7 Q WHEN YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE
8 WAS THERE ANY OTHER OFFICERS THERE WHEN YOU ARRIVED?

9 A THERE WAS, SIR

10 Q COULD YOU TELL ME WHO THOSE OFFICERS WERE?

11 A STAFF SERGEANT STETTMIER, STAFF SERGEANT GEORGE
12 WHITE -- THAT I WAS AWARE OF AT THAT POINT IN TIME WHEN
13 I ARRIVED

14 Q JUST SERGEANT STETTMIER AND SERGEANT WHITE?

15 A AT THAT TIME YES SIR

16 Q BEFORE YOU ENTER THE RESIDENCE, WHAT DID YOU DO
17 UPON YOU FIRST ARRIVE AT THE 21 RILEY ROAD RESIDENCE?

18 A WHEN I FIRST ARRIVED AT THE 21 RILEY ROAD, I GOT
19 OUT OF MY PATROL CAR AND PLACED MY BULLET PROOF VEST
20 ON

21 Q WHAT DID YOU DO NEXT?

22 A I RAN TOWARD THE BACK OF THE TRAILER, TOWARD THAT
23 WOODEN PORCH

24 Q COULD YOU OBSERVE ANY OTHER OFFICER IN THAT
25 VICINITY?

1 A I WAS DIRECTLY BEHIND STAFF SERGEANT WHITE STAFF
2 SERGEANT WHITE WAS APPROACHING THE BACK PORCH, AND I
3 WAS PROBABLY 10 OR 15 FEET BEHIND HIM

4 Q WHAT DID YOU DO NEXT?

5 A WE WENT ABOARD TO WOODEN DECK OF THE PORCH, MADE
6 CONTACT REAL QUICK WITH STAFF STETTMER AND LIKE I
7 TESTIFIED BEFORE, WE ACTUALLY DEvised A PLAN IN HOW WE
8 WERE GOING TO ENTER THE TRAILER

9 Q DID YOU NOTIFY ANYBODY ON THE RADIO DISPATCH THAT
10 YOU WAS GOING INTO THE TRAILER?

11 A I DID

12 Q WAS IT NECESSARY THAT YOU ADVISE ANYBODY THAT YOU
13 WAS GOING INTO THE TRAILER?

14 A ON HIGH RISK ENTRY INTO A -- INTO THE ATMOSPHERE
15 IN WHICH WE WERE GOING INTO, IT WAS ADVISED AT THAT
16 TIME FOR -- THROUGH MY EXPERIENCE AS A COMMAND OFFICER
17 TO LET SOMEBODY KNOW WHAT I WAS AUTHORIZING TO BE DONE

18 Q AT THAT PARTICULAR TIME DID YOU HAVE ANY KNOWLEDGE
19 OF -- WHEN YOU SAY HIGH RISK YOU REFERRING TO, THAT
20 THERE WAS CIRCUMSTANCES THAT WAS KNOWN TO YOU TO MAKE
21 IT HIGH RISK?

22 A THERE WERE IN FACT, SIR

23 Q COULD YOU STATE THOSE CIRCUMSTANCES, SIR?

24 A AS I ORIGINALLY TESTIFIED, I WAS BASICALLY HEADED
25 ON MY WAY HOME THAT DAY ON HIGHWAY 21 AND WHEN I WAS

1 COMING ABOARD AND APPROACHING BERNARD TIRE JUST FROM
2 BEING IN LAW ENFORCEMENT, YOU PAY ATTENTION TO THE
3 RADIO AND I ZEROED IN ON THE FACT THAT THE DISPATCHER
4 WAS HAVING A PROBLEM GETTING TWO OFFICERS TO COME UP ON
5 THE RADIO

6 LIKE I STATED, AFTER THAT I REMEMBERED HEARING
7 STAFF SERGEANT ZANELOTTI, WHO BY THE WAY -- IF I CAN
8 CORRECT MYSELF I BELIEVE STAFF SERGEANT ZANELOTTI WAS
9 ON THE SCENE ALSO, SIR HE WAS AT THE BACK OF THAT
10 TRAILER AT ONE POINT IN TIME THAT I REMEMBER SEEING
11 HIM

12 Q SO IT WASN'T JUST YOU, STAFF SERGEANT STETTMIER --
13 DEPUTY STETTMIER AND DEPUTY WHITE THERE ALSO WAS
14 STAFF SERGEANT ZANENOTTI (PHONETIC), IS THAT CORRECT?

15 A ZANELOTTI THAT IS CORRECT

16 Q SO IT WAS THREE OF YOU ALL?

17 A THAT IS CORRECT AND I APOLOGIZE FOR NOT
18 MENTIONING HIM BEFORE BUT WHEN HE RADIOED IN THAT HE
19 WAS GOING TO CHECK ON HIS MEN, LIKE I STATED VERY
20 SHORTLY THEREAFTER IS WHEN DISPATCH COME BACK ACROSS
21 THE RADIO, AND INFORMED US THAT SOME -- SOMEBODY ELSE
22 HAD CALLED IN AND STATED THERE WAS SHOTS FIRED IN THE
23 AREA AND IT WAS AT THAT POINT IN TIME THAT I LET
24 DISPATCH KNOW THAT I WAS ALSO RESPONDING AS A BACKUP
25 OFFICER

1 SO, YOU KNOW, AT THAT POINT IN TIME IS WHEN YOU
2 REALIZE WELL, YOU KNOW, WE HAD TWO OFFICERS AT THE
3 SCENE CONDUCTING WHATEVER POLICE BUSINESS THEY WERE
4 DOING I WAS NOT AWARE OF WHY THEY WERE THERE IN THE
5 -- IN THE BEGINNING

6 SO -- BUT AS A RESULT OF HEARING WHAT TRANSPIRED
7 WITH SOMEBODY CALLED IN AND SAYING GUNSHOTS WERE FIRED,
8 THEN OBVIOUSLY IT'S PART OF MY JOB -- LIKE IT IS EVERY
9 ONE OF US OUT THERE -- TO GO AHEAD AND BACK UP OUR
10 OFFICERS IF WE'RE CLOSE TO THEM

11 Q LET ME ASK YOU A QUESTION THIS QUESTION HERE, IF
12 YOU WAS JUST WITHOUT THE CIRCUMSTANCES BASED AROUND
13 HEARING THAT -- OVER THE RADIO THAT THERE WAS OFFICERS,
14 YOU KNOW, GUN FIRING, OFFICERS INVOLVED AND IT WAS
15 JUST REGULAR REPORTING TO A HOME, IS THIS THE NORMAL
16 PROCEDURE FOR YOU OR THE DEPARTMENT THAT YOU WORK FOR
17 TO NOTIFY THE RADIO DISPATCH THAT YOU WOULD BE ENTERING
18 A HOME BEFORE YOU ENTERED?

19 A NO SIR, NOT NECESSARILY

20 Q NOT NECESSARY SO IT'S NOT JUST NORMAL PROCEDURE
21 FOR ANY OFFICER IF THEY DECIDE TO GO INTO A HOME OR A
22 BUILDING ON A CALL, SOME TYPE OF EMERGENCY CALL OR
23 SOMETHING OR INVESTIGATION OR SO FORTH WHEN THEY
24 ARRIVE, TO LET THEM KNOW THEIR ACTION OR THE STEP THAT
25 THEY ARE TAKING?

1 A THAT'S BASED UPON THE CIRCUMSTANCES IN WHICH --
2 THAT WOULD BE AN INDIVIDUAL CIRCUMSTANCE THAT EACH
3 OFFICER HAS TO TAKE UPON HIMSELF TO DETERMINE WHETHER
4 OR NOT HE NEEDS TO NOTIFY DISPATCH OF WHAT HE'S GOT
5 GOING ON

6 AND AS I STATED EARLIER, IN THIS SITUATION,
7 STETTMIER, I BELIEVE, IF I REMEMBER CORRECTLY ---

8 Q EXCUSE ME I WASN'T REALLY, YOU KNOW, INTERESTED,
9 EXCUSE ME, ABOUT MR STETTMIER AT THIS PARTICULAR
10 TIME I'M JUST SPEAKING OF JUST YOU, PARTICULARLY
11 YOURSELF WHEN YOU ARRIVED AT THE PARTICULAR SITUATION,
12 WAS IT PART OF -- YOU KNOW, STANDARD PROCEDURE OF A
13 POLICE OFFICER IF HE ARRIVED AT A HOME, PREMISES, OR
14 SOMEWHERE JUST DISPATCH OUT -- HE ARRIVED AT A HOME,
15 HE SAID, I'M AT 85 LOVE LANE BOULEVARD, I'M GOING IN
16 THE RESIDENCE, I SEE SOME RESIDENTS, I TALK TO SOME
17 PEOPLE, OR SOMETHING TO THAT EXTENT IF IT WAS A CALL
18 GOING OUT, WOULD YOU JUST ADVENTURE (SIC) YOURSELF INTO
19 THE HOME OR PREMISES UNKNOWN TO YOU WITHOUT INFORMING
20 BACKUP OR RADIO DISPATCH OF THE COURSE THAT YOU ARE
21 TAKING?

22 A YOU'RE REALLY MAKING THIS A LENGTHY ---

23 Q OKAY

24 A --- QUESTION FOR ME TO ANSWER

25 THE COURT JUST RESPOND TO THE QUESTION SIR

1 Q YES, SIR

2 A NO, SIR

3 Q YOU WOULDN'T?

4 A NO, SIR

5 Q SO ---

6 WITNESS BUT, YOUR HONOR, I WOULD LIKE TO EXPLAIN

7 MY ANSWER

8 THE COURT YOU CAN EXPLAIN YOUR ANSWER, SIR

9 Q OKAY

10 A AS I ORIGINALLY STATED ---

11 Q YES, SIR

12 A --- I REMEMBER STAFF SERGEANT STETTMIER WHICH IS

13 TYPICAL FOR A STAFF SERGEANT, WHO THERE'S A COMMAND

14 OFFICER ON THE SCENE, TO ASK WHETHER OR NOT -- BECAUSE

15 OF THE THREAT AND CIRCUMSTANCES THAT WERE INVOLVED IN

16 THIS INCIDENT COULD HE GO INSIDE?

17 AND I WOULD NOT ALLOW HIM TO GO INSIDE UNTIL THERE

18 WAS ENOUGH OF US AT THE BACK DOOR TO GAIN ENTRY

19 Q WHO WAS THE FIRST OFFICER TO ENTER INTO THE

20 BEDROOM?

21 A THE BEDROOM?

22 Q YES, SIR, WHERE THE ALLEGE CRIME TOOK PLACE

23 A MYSELF AND STAFF SERGEANT WHITE

24 Q WHO WENT THROUGH THE DOOR FIRST? YOU OR STAFF

25 SERGEANT WHITE?

- 1 A STAFF SERGEANT WHITE, I BELIEVE
- 2 Q YOU BELIEVE STAFF SERGEANT WHITE?
- 3 A YES, SIR
- 4 Q AND IS IT CORRECT THAT AS I -- I WANT TO ASK YOU
- 5 DID YOU NOTIFY -- I DON'T KNOW IF I ASKED YOU THIS
- 6 QUESTION PREVIOUSLY WE WAS TALKING ABOUT DISPATCH DID
- 7 YOU NOTIFY DISPATCH BEFORE YOU WENT INTO THE RESIDENCE?
- 8 A YES, I DID, SIR
- 9 Q AND BACK TO WHEN YOU ENTER THE ALLEGE CRIME SCENE
- 10 YOU SAID DEPUTY COURSEN, IF I'M CORRECT -- YOU SAID YOU
- 11 FOUND HIS FIREARM IN HIS HOLSTER, IS THAT CORRECT?
- 12 A THAT IS CORRECT, SIR
- 13 Q DOES THE HOLSTER HAVE ATTACHMENT TO LATCH IN OR
- 14 LATCH OUT OR CONCEAL OR PROTECT IT TO STAY INSIDE THE
- 15 HOLSTER?
- 16 A IT DOES, SIR
- 17 Q DID YOU NOTICE WHETHER THE LATCH WAS OFF OR THE
- 18 ATTACHMENT ON IT WAS OPEN?
- 19 A THE -- THE FIREARM WAS IN THE HOLSTER AND
- 20 COMPLETELY STRAPPED DOWN
- 21 Q IT WAS COMPLETELY STRAPPED DOWN?
- 22 A YES, IT WAS, SIR
- 23 Q YOU MENTION THAT YOU FOUND SOME CASINGS COULD
- 24 YOU TELL ME EXACTLY THE CASING AND THE LOCATION EXACTLY
- 25 WHERE YOU FOUND THE CASINGS?

1 A I DIDN'T ACTUALLY MOVE ANY OF THE CASES SO TO
2 GIVE YOU AN EXACT DETERMINATION OF WHERE THEY WERE ALL
3 FOUND, I CAN'T ANSWER THAT, SIR IN ANSWERING YOUR
4 QUESTION, I CAN STATE THAT WHEN I ROLLED OFFICER TATE
5 OVER, I -- IN FINDING HIS FIREARM UNDERNEATH HIS BODY,
6 THERE WERE BRASS CASINGS ON THE FLOOR THOSE BRASS
7 CASINGS THAT WERE UNDERNEATH HIM, I CAN STATE WAS --
8 WERE OUR ISSUED 40 CALIBER CASINGS, AND THERE WERE
9 SOME RIFLE-STYLE BULLET CASINGS THAT WERE 7 62 BY 39

10 Q AND THEY WAS LOCATED IN THE BATHROOM AREA?

11 A THEY WERE ---

12 Q NEXT TO HIM -- YOU SAY MR TATE WAS LOCATED THERE,
13 IS THAT CORRECT?

14 A ACTUALLY, IF I CAN EXPLAIN IT, THE BATHROOM AND
15 THE BEDROOM WERE -- THEY -- THEY REALLY WERE ONE AND
16 THE SAME, BUT THERE WAS A FAIRLY LARGE OPENING IT
17 WASN'T JUST LIKE A DOOR OPENING IT WAS A LARGER
18 OPENING BETWEEN THE BEDROOM AND THE BATHROOM AND
19 THAT'S WHERE OFFICER TATE WAS ACTUALLY LAYING SO A
20 PORTION OF HIS BODY WAS -- YOU CAN PROBABLY STATE FROM
21 LOOKING AT THE TRAILER, WAS PROBABLY STILL IN THE
22 BEDROOM A LITTLE BIT ALSO SO WHAT I FOUND WAS FOUND
23 IN THAT AREA RIGHT THERE

24 Q SO A PORTION OF HIS BODY WAS BETWEEN THE THRESHOLD
25 OF THE BATHROOM AND THE BEDROOM, IS THAT CORRECT?

1 A YES, THAT'S A -- YES, SIR

2 Q SO HE WAS LAYING IN THE DOORWAY BETWEEN THE
3 BATHROOM AND THE BEDROOM, IS THAT CORRECT?

4 A I WOULD SAY THAT THE UPPER PART OF HIS BODY WAS
5 INSIDE THE BATHROOM THE LOWER PART OF HIS BODY WAS --
6 HIS LEGS AND ALL WERE STILL IN WHAT I WOULD CLASSIFY AS
7 THE BEDROOM AREA

8 Q AND THE PARTICULAR 7 62 TIMES 39 CASING WAS IN THE
9 BATHROOM AREA OR WERE THEY IN THE BEDROOM AREA?

10 A I HONESTLY DON'T -- I HONESTLY CAN'T ANSWER THAT
11 I JUST DON'T REMEMBER, SIR

12 Q ONCE YOU WAS INSIDE THE HOME, INSIDE THE ALLEGE
13 CRIME AREA OF THE BEDROOM, DID YOU TAKE ANY PRECAUTIONS
14 TO PREVENT -- FROM TRACKING UP THE ALLEGE CRIME SCENE,
15 DO YOU RECALL?

16 A TO THE BEST OF MY ABILITY, I DID, SIR

17 Q COULD YOU TELL ME THE STEP THAT YOU TOOK?

18 A MYSELF AND STAFF SERGEANT GEORGE WHITE WERE
19 ACTUALLY IN THIS BEDROOM AND IN THIS BATHROOM THE
20 BEDROOM CARPET NEXT TO COURSEN WAS SOILED WITH BLOOD
21 THE BATHROOM FLOOR AND UNDERNEATH DEPUTY SHERIFF TATE
22 WERE SOILED IN BLOOD I WAS WEARING PLAIN CLOTHES THAT
23 DAY I HAD A PAIR OF BLACK LOAFERS ON
24 AND I -- MY COP INTUITION TOLD ME DON'T LEAVE
25 THIS RESIDENCE WITH ALL THIS BLOOD ON OUR FEET SO I

1 ORDERED STAFF SERGEANT WHITE NOT TO GO NO FURTHER THAN
2 THE PORCH AND I DID NOT GO NO FURTHER THAN THE PORCH
3 I COULD HEAR THE RADIO TRAFFIC THAT THEY WERE TRYING TO
4 GET DOGS -- THE DOG TEAM IN THE AREA SO I LEFT MY
5 SHOES AND STAFF SERGEANT WHITE LEFT HIS BOOTS ON THE
6 BACK PORCH UNTIL LATER INTO THAT EVENING WHEN THEY WERE
7 BROUGHT BACK TO US

8 Q SO ONCE YOU ENTERED THE BEDROOM AND BECAUSE OF THE
9 VAST AMOUNT OF BLOOD THAT WAS ON THE FLOOR AND
10 EVERYTHING, BLOOD ACCUMULATED UP UNDER YOUR FOOT, THEN
11 YOU EXITED THE BEDROOM, IS THAT CORRECT?

12 A WE STOOD ON THE -- WE STOOD ON THE BACK PORCH

13 Q DID YOU EXIT THE BACK PORCH AND THE BEDROOM -- DID
14 YOU EXIT THE BEDROOM?

15 A I DID, SIR

16 Q YOU EXIT THE BEDROOM?

17 A AT A CERTAIN POINT I DID, YES, SIR

18 Q OKAY BUT WHEN YOU EXIT THE BEDROOM, YOU HAD THE
19 SHOES THAT YOU HAD ON WHEN YOU FIRST ARRIVED, IS THAT
20 CORRECT?

21 A THAT IS CORRECT

22 Q AND ONCE YOU EXIT THE BEDROOM, WHEN YOU STEPPED
23 OUTSIDE THE THRESHOLD OF THE BEDROOM, ARE YOU STEPPING
24 RIGHT ONTO THE PORCH?

25 A YES SIR, BECAUSE OF THE WAY THE TRAILER WAS SET

1 UP, THE WAY THAT BACK DOOR WAS, IF YOU WALKED OUT OF
2 THAT BEDROOM DOOR, YOU DIDN'T HAVE TO WALK BUT ANOTHER
3 STEP AND YOU WERE ON THAT PORCH

4 Q AND IF YOU WALKED DOWN THE STEP, WAS YOU IN A
5 PARTICULAR AREA OUTSIDE OF THE BACK PORCH IF YOU WALK
6 ANOTHER STEP -- WHATEVER THAT OTHER STEP WAS THAT YOU
7 ALLEGING -- WITH THAT OTHER STEP -- WHAT WAS THE AREA
8 -- IF YOU TOOK ANOTHER STEP BEFORE YOU GOT TO THE BACK
9 PORCH?

10 A I DON'T UNDERSTAND WHAT YOU'RE ASKING ME, SIR

11 Q YOU SAY -- YOU EXPLAIN TO ME -- YOU TOLD ME THAT
12 YOU WAS IN THE BEDROOM?

13 A YES, SIR

14 Q THEN YOU SAY YOU LEFT THE THRESHOLD OF THE DOOR OF
15 THE BEDROOM -- EXIT THE BEDROOM, IS THAT CORRECT?

16 A I DID, SIR

17 Q OKAY THEN YOU SAID ALL YOU DO, YOU HAVE TO TAKE
18 ANOTHER STEP AND THEN YOU'RE OUT OF -- ON THE BACK
19 PORCH?

20 A THAT'S CORRECT

21 Q THAT ONE STEP WHEN YOU OPEN THE DOOR -- WHEN YOU
22 OPEN THE DOOR TOOK A STEP OUT YOU BE ON THE BACK
23 PORCH THEN? SO THE BEDROOM IS ADJACENT OR SHARE THE
24 SAME DOOR AS THE BACK PORCH?

25 A I DON'T REMEMBER ANY DOORS I DID NOT HAVE TO

1 OPEN ANY DOORS

2 Q WHEN YOU OPEN ---

3 A I DID NOT HAVE TO OPEN ANY DOORS ALL THE DOORS
4 WERE OPEN BEFORE I GOT THERE

5 Q OKAY AND SO ONCE YOU ENTERED THE HOME THROUGH
6 THE BACK DOOR, THEN YOU WAS AUTOMATICALLY IN THE
7 BEDROOM, IS THAT CORRECT?

8 A ONCE YOU ENTER THAT BACK DOOR, THE BEDROOM WAS TO
9 YOUR RIGHT, LESS THAN -- I WOULD SAY PROBABLY 2 FEET, 2
10 OR 3 FEET YOU WERE -- YOU WERE AUTOMATICALLY ALREADY
11 ENTERING THE BEDROOM DOOR -- THE BEDROOM THRESHOLD

12 Q ONCE YOU ENTER THE BACK DOOR AND THE BEDROOM WAS
13 TO YOUR RIGHT, WHAT WAS BETWEEN THE BACK DOOR AND THE
14 BEDROOM? THAT -- THAT'S WHAT I WOULD LIKE TO KNOW IF
15 YOU KNOW

16 A BETWEEN THE BACK DOOR AND THE BEDROOM WAS A -- WAS
17 PROBABLY ABOUT A 2- OR 3-FOOT AREA AT ITS GREATEST
18 POINT

19 Q WHERE IS THAT AREA LOCATED AT? OR WHAT IS IT
20 CALLED?

21 A A HALLWAY

22 Q A HALL?

23 A A HALLWAY

24 Q SO WOULD YOU SAY IT'S A HALL? I MEAN, I'M ASKING
25 YOU IS IT A HALLWAY?

- 1 A I WOULD SAY THAT WOULD BE A HALLWAY
- 2 Q SO WE COULD SAY NOW THAT YOU LEFT THE BEDROOM THE
- 3 AREA WHERE THE ALLEGE CRIME TOOK PLACE, THE BLOODY
- 4 FEET, EVERYTHING, BECAUSE OF THE MASS AMOUNT OF BLOOD
- 5 -- AND WHEN YOU LEFT THE THRESHING HOLD (SIC) OF THE
- 6 BEDROOM, YOU ENTERED THE HALLWAY, IS THAT CORRECT?
- 7 A THAT WOULD BE CORRECT
- 8 Q AND THEN LEAVING THE HALLWAY, YOU ENTERED THE BACK
- 9 PORCH, IS THAT CORRECT?
- 10 A THAT IS CORRECT
- 11 Q SO BETWEEN THE TIME YOU LEFT THE BEDROOM UNTIL YOU
- 12 WENT TO THE HALLWAY, UNTIL YOU GOT TO THE BACK PORCH,
- 13 YOU WAS IN, LET'S SAY, THREE SEPARATE AREAS, IS THAT
- 14 CORRECT? YOU TRAVELED TO TWO SEPARATE AREAS OUTSIDE OF
- 15 THE BEDROOM?
- 16 A THAT WOULD BE A TRUE STATEMENT
- 17 Q NOW, ONCE YOU WAS ON THE BACK PORCH YOU LEFT YOUR
- 18 SHOES, IS THAT CORRECT, ON THE BACK PORCH?
- 19 A THAT IS CORRECT, SIR
- 20 Q WHAT PARTICULAR AREA DID YOU LEAVE YOUR SHOES?
- 21 A JUST SITTING RIGHT ON THE FLOOR, ON THE BACK
- 22 PORCH I MEAN, THERE WAS JUST A WOODEN PORCH, AND I
- 23 JUST -- I -- THERE MIGHT HAVE BEEN A CHAIR THERE OR
- 24 THERE MIGHT HAVE BEEN SOMETHING I REMEMBER SITTING
- 25 DOWN AND PULLING MY LOAFERS OFF

1 Q OKAY AND THEN YOU WALKED OUT?

2 A NO ACTUALLY, SIR, I CALLED OUTSIDE TO SOME OTHER
3 OFFICERS AND TOLD THEM THAT I HAD A SPARE PAIR OF JUMP
4 BOOTS IN MY TRUNK, WOULD THEY PLEASE BRING ME MY BOOTS
5 TO ME SO THAT I WOULDN'T CONTAMINATE THE AREA AND TRACK
6 OUT BLOOD INTO THE AREA IN WHICH WE WERE HUNTING A
7 SUSPECT

8 Q DID YOU -- DID YOU MAKE OBSERVATION OF SERGEANT
9 DEPUTY STETTMIER OR WHITE OR ZANOTTI (PHONETIC) AS THEY
10 ENTERED THE AREA? DID THEY COME OUT WITH YOU INTO THE
11 BACK PORCH?

12 A I REMEMBER STAFF SERGEANT ZANELOTTI BEING ON THE
13 BACK PORCH I DON'T REMEMBER STAFF SERGEANT ZANELOTTI
14 EVER GOING INTO THE TRAILER HE MIGHT HAVE, BUT I'M
15 NOT -- I'M NOT AWARE OF IT PERSONALLY

16 STETTMIER -- STAFF SERGEANT STETTMIER AS I
17 ORIGINALLY STATED, HE WENT IN AND WENT TO THE LEFT
18 AND WE ALL MET BACK OUT ON THAT BACK PORCH AT A POINT
19 IN TIME DURING THIS INCIDENT

20 Q BEFORE YOU LEFT WITH YOUR EXTRA PAIR OF PROTECTIVE
21 SHOES?

22 A ACTUALLY, I DIDN'T LEAVE FOR QUITE SOME TIME, SIR
23 WHEN THE BOOTS WERE BROUGHT TO ME AT THE BACK PORCH, I
24 PUT THE BOOTS ON AND I STAYED THERE ON THAT BACK
25 PORCH AREA AND I WENT BACK INTO THE BEDROOM SEVERAL

1 TIMES BEFORE I ACTUALLY LEFT THAT SCENE

2 Q DID DEPUTY STETTMIER OR DEPUTY WHITE OR DEPUTY
3 ZANOTTI (PHONETIC) LEAVE THE AREA BEFORE YOU DID OR
4 AFTER? DO YOU RECALL?

5 A STAFF SERGEANT WHITE VERY SHORTLY AFTER WE
6 ENTERED THIS ROOM AND SECURED THE ROOM AND DID WHAT WE
7 DID -- STAFF SERGEANT WHITE, I REMEMBER, LEAVING THE
8 AREA I THINK HE GOT ASSIGNED TO ANOTHER POINT TO GO
9 DO SOME MORE WORK AND I BELIEVE STAFF SERGEANT
10 STETTMIER LEFT SHORTLY THEREAFTER ALSO

11 Q BEFORE YOU ACTUALLY LEFT, IS THAT CORRECT?

12 A I DIDN'T LEAVE FOR QUITE SOME TIME, SIR

13 Q OKAY DID THEY LEAVE THEIR SHOES ON THE BACK
14 PORCH WITH YOURS?

15 A I BELIEVE STAFF SERGEANT WHITE DID, SIR

16 Q YOU BELIEVE STAFF SERGEANT WHITE DID?

17 A I DO NOT BELIEVE THAT STAFF SERGEANT STETTMIER
18 DID, BECAUSE STAFF SERGEANT STETTMIER NEVER ENTERED
19 THAT ONE PARTICULAR BEDROOM

20 Q HOW ABOUT DEPUTY ZANOTTI (PHONETIC) -- ZANOTTI ---

21 A STAFF SERGEANT ZANELOTTI I DON'T BELIEVE EVER
22 ENTERED INTO THAT BEDROOM NOT WHILE I WAS THERE
23 ANYHOW, SIR

24 Q DID YOU OBSERVE ANY OF THE OTHER OFFICERS CALL IN,
25 CALL OUT AND GET PROTECTIVE FOOTWEAR OR ANYTHING BEFORE

1 THEY LEFT?

2 A NO, SIR, NOT THAT I WAS AWARE OF

3 Q WHEN -- WHEN YOU WENT TO THE CAR, YOU DID -- WHEN
4 YOU LEFT THE AREA, YOU WENT OUT TO THE CAR, IS THAT
5 CORRECT?

6 A I WENT OUT TO MY PATROL CAR YES I DID, SIR

7 Q AND THEN YOU PUT YOUR SHOES ON AND YOU CAME BACK,
8 IS THAT CORRECT?

9 A NO, SIR I -- I HAD MY BOOTS TAKEN OUT OF MY
10 TRUNK AND BROUGHT TO ME ON THE BACK PORCH THE SHOES
11 WERE ACTUALLY TAKEN AND HELD -- OR THEY WERE LEFT ON
12 THE BACK PORCH FOR A CONSIDERABLE AMOUNT OF TIME BEFORE
13 I WENT BACK AND RETRIEVED THEM AND I REALLY BELIEVE
14 THAT I RETRIEVED THEM MYSELF SOMEBODY BROUGHT THEM
15 BACK TO ME, AND I THINK IT WAS THE FOLLOWING MORNING

16 Q LET ME ASK YOU WHEN YOU WAS INTO THE BEDROOM --
17 YOU BEEN THERE A PARTICULAR TIME -- DID AT ANY TIME YOU
18 SEE ANY PAPERS OR DOCUMENTS SUCH AS ON -- ON EITHER
19 DEPUTY TATE OR ON DEPUTY COURSEN OR ON THE FLOOR OR
20 ANYTHING -- DID YOU EVER SEE ANY DOCUMENTS -- DID YOU
21 SEE ANY ARREST WARRANT?

22 A NO, SIR, I DIDN'T

23 Q DID YOU OBSERVE A SEARCH WARRANT?

24 A NO, SIR, I DIDN'T

25 Q LET ME ASK YOU IF YOU WAS RESPONDING -- YOU WAS

1 RESPONDING TO A DOMESTIC DISTURBANCE CALL, COULD YOU
2 TELL ME THE STEPS THAT YOU WOULD TAKE?

3 A IF I WAS RESPONDING TO A DOMESTIC CALL, WHAT WOULD
4 BE MY STEPS THAT I WOULD TAKE?

5 Q YES, SIR

6 A WELL, IF I WAS DISPATCHED TO A DOMESTIC CALL,
7 THERE WOULD OBVIOUSLY BE DISPATCH BACKUP TO RESPOND
8 WITH ME UPON MY ARRIVAL, DETERMINE THE CIRCUMSTANCES
9 WHEN I GOT ON THE SCENE AND WHETHER OR NOT I HEARD
10 ANYTHING GOING ON, WHETHER OR NOT THERE WAS ANY
11 SCREAMING OR YELLING GOING ON INSIDE THE TRAILER, I
12 WOULD PROBABLY WAIT FOR MY BACKUP TO ARRIVE BEFORE I
13 WENT IN UNLESS I HEARD SOMETHING GOING ON, THEN I
14 WOULD OBVIOUSLY GO INSIDE, WHETHER IT BE AN APARTMENT,
15 A HOUSE, MOBILE HOME WHATEVER, I'D GO INSIDE TO SEE IF
16 I COULD STOP WHATEVER WAS GOING ON

17 IS THAT ---

18 Q IF YOU HAD NOT HEARD NOTHING, WHAT WAS -- WHAT
19 WOULD BE YOUR STEPS?

20 A IF I DIDN'T HEAR ANYTHING GOING ON WHEN I
21 RESPONDED AND GOT OUT OF THE CAR, I WOULD PROBABLY WAIT
22 ON MY BACKUP

23 Q AND THEN WHAT WOULD BE YOUR NEXT STEP?

24 A WHEN -- WHEN BACKUP GOT THERE, WE WOULD APPROACH
25 THE DOOR, KNOCK ON THE DOOR, MAKE ENTRY INTO THE -- THE

1 RESIDENCE HOUSE APARTMENT, WHATEVER IT MIGHT BE AND
2 NORMALLY YOU TRY TO SEPARATE THE PARTIES WHEN IT'S A
3 DOMESTIC-TYPE SITUATION YOU TRY AND SEPARATE THEM, GET
4 THEM IN TWO DIFFERENT PARTS OF THE HOME SO THAT ONE
5 OFFICER CAN FIND OUT WHAT'S GOING ON ON THIS END, WHILE
6 YOU FIND OUT THE OTHER

7 Q SO WHEN YOU SAY YOU MAKE ENTRY, ONCE YOU KNOCK ON
8 THE DOOR, YOU SAY YOU WOULD JUST MAKE ENTRY WHAT
9 WOULD YOU -- YOU WOULD -- IS THERE ANYTHING YOU WOULD
10 DO BEFORE YOU MAKE THAT ENTRY? WOULD YOU MAKE ANY
11 INQUIRY OR ANYTHING LIKE THAT OR YOU JUST MAKE ENTRY BY
12 -- BY OPENING THE DOOR, JUST WALKING -- WALKING INTO
13 THE HOME?

14 A WELL, IT WOULD ALL DEPEND UPON THE CIRCUMSTANCES
15 IN WHICH -- IS -- IS TRANSPIRING AT THAT TIME WHEN
16 YOU'RE THERE YOU'RE EITHER INVITED IN OR IF YOU HEAR
17 SOMETHING GOING ON AND YOU FEEL THAT SOMEBODY IS IN
18 IMMEDIATE DANGER, THEN YOU MAKE ACCESS IN OF COURSE,
19 AT THAT POINT IN TIME YOU'RE -- YOU'RE YELLING OUT
20 THAT THIS IS THE SHERIFF'S DEPARTMENT, AND YOU'RE
21 COMING IN

22 Q SO YOU -- YOU -- YOU -- YOU PRETTY MUCH USING THE
23 ANNOUNCE RULES THAT -- LIKE KNOCK AND ANNOUNCE RULES,
24 YOU KNOW -- WITH THE SHERIFF'S DEPARTMENT, WITH THE
25 POLICE COMING IN, JUST COME INTO THE RESIDENCE?

- 1 A I DON'T THINK YOU UNDERSTAND WHAT I MEANT IT
2 ALL DEPENDS UPON THE CIRCUMSTANCES
- 3 Q OKAY JUST ---
- 4 A I MEAN ---
- 5 Q THE CIRCUMSTANCES I EXPLAINED TO YOU WAS THIS IS
6 NOT A CIRCUMSTANCE -- YOU DON'T HAVE NO KNOWLEDGE --
7 YOU DON'T HAVE NO INTIMATE (SIC) -- YOU DON'T SEE
8 ANYTHING, THERE'S NO CIRCUMSTANCES THAT SHOWS THAT
9 ANYONE IS -- LET'S SEE, FOR EXAMPLE -- YELLING,
10 HOLLERING, FIGHTING YOU DON'T HAVE NO CIRCUMSTANCES
- 11 A WE DID ON THAT DAY, SIR
- 12 Q YOU HAD THAT DAY? WHAT -- WHAT ---
- 13 A WHEN I RESPONDED, I DID, SIR
- 14 Q WHEN YOU RESPONDED YOU GOT HERE FOR THAT
15 PARTICULAR INCIDENT?
- 16 A THAT IS CORRECT
- 17 Q OKAY NOW, I'M NOT SPEAKING OF THAT INCIDENT IN
18 PARTICULAR I WAS SPEAKING OF A REGULAR QUARREL NOT
19 THINKING ABOUT THAT INCIDENT AT ALL I'M NOT THINKING
20 ABOUT THAT INCIDENT THE CONCEPT THAT YOU WOULD TAKE
21 WHEN RESPONDING TO A DOMESTIC VIOLENCE -- YOU WALK OUT
22 THIS DOOR AND YOU HAVE A CALL FOR A DOMESTIC VIOLENCE,
23 ALLEGE DOMESTIC VIOLENCE, WHAT IS THE STEPS YOU WOULD
24 TAKE IN GOING AND HANDLING ACCORDING TO PROCEDURES AND
25 RULES AND THEN ALL THE WAY UNTIL YOU EXIT THAT

1 SITUATION?

2 A PROCEDURES AND RULES WOULD DICTATE THAT YOU WOULD
3 KNOCK ON THE DOOR YOU WOULD BE INVITED IN YOU'D
4 SEPARATE THE PARTIES YOU DETERMINE WHAT'S GOING ON,
5 WHETHER OR NOT YOU COULD RECTIFY WHY HUSBAND, WIFE,
6 BROTHER, SISTER, OR WHATEVER IS HAVING A DISPUTE
7 THAT'S ONE SCENARIO

8 NOW, WE COULD CARRY THESE SCENARIOS ---

9 Q LET'S TAKE THAT SCENARIO LET'S JUST SAY -- WE'RE
10 JUST GOING TO SAY IN A SITUATION -- LET'S SAY YOU WAS
11 INVITED IN, AND LET'S SAY IT WAS A HUSBAND AND WIFE
12 SITUATION AND ONCE YOU CAME IN YOU ENCOUNTERED THE
13 WIFE WHAT WOULD BE YOUR FIRST STEP THAT YOU DO? WHAT
14 WOULD YOU DO NEXT?

15 A IF WE -- IF I ENCOUNTERED THE WIFE?

16 Q YES, SIR

17 A WOULD BASICALLY BE TO ASK HER, YOU KNOW, WHAT'S
18 GOING ON YOU KNOW, WHY DID YOU CALL US? WHY, YOU
19 KNOW -- IS THERE SOMEBODY ELSE IN THE HOME? YOU KNOW,
20 WHY ARE YOU ALL FIGHTING? WHY ARE YOU ALL ARGUING? I
21 MEAN, THAT WOULD BE YOUR FIRST QUESTIONS, YOU KNOW,
22 BESIDES IDENTIFYING YOURSELF AND ARE YOU OKAY? DO YOU
23 NEED EMS?

24 Q AND IF SHE SAID SHE WASN'T

25 A SHE WASN'T?

1 Q ALL RIGHT, THAT SHE NEEDED ASSISTANCE AND ANY
2 HELP, WHAT WOULD YOU DO FROM THERE?

3 A I WOULD DETERMINE WHAT TYPE OF ASSISTANCE OR HELP
4 THAT SHE NEEDED

5 Q OKAY WOULD YOU ESCORT HER OUT OF THE HOUSE OR
6 YOU WOULD KEEP HER IN THE HOME?

7 A THERE, AGAIN, THAT DEPENDS UPON THE -- THE
8 CIRCUMSTANCES THAT ARE GOING ON AT THAT POINT IN TIME
9 WHETHER OR NOT I NEED TO REMOVE HER FROM THE HOME I
10 WOULD -- I WOULD SAY IF SHE NEEDED EMS OR SOMETHING
11 FROM A COMFORT STANDPOINT OR TO KEEP HER AS COMFORTABLE
12 AS I COULD, I WOULD LEAVE HER IN HER HOME UNTIL EMS
13 COME AND CHECKED HER OUT

14 Q BUT YOU WOULD PROTECT HER WOULD BE ONE OF YOUR
15 FIRST OBLIGATION ONCE YOU ARRIVED THERE IF YOU LEARNED
16 THAT THE CALL CAME FROM HER AFTER YOUR INVESTIGATING
17 INTO THE INQUIRY -- INQUIRY TO HER ABOUT WHAT'S GOING
18 ON -- AS YOU SAY, WHAT'S GOING ON? WHAT'S THE PROBLEM?
19 DID YOU CALL US, IS THAT CORRECT?

20 A THAT IS CORRECT

21 Q AND THEN FROM THERE YOU WOULD TRY TO -- OR YOU
22 WOULD PROTECT HER ---

23 A YES, I WOULD

24 Q --- FROM DANGER OR WHATSOEVER, IS THAT CORRECT?

25 A THAT IS CORRECT, SIR

1 Q AS YOU DETERMINE WHO WAS THE OTHER PARTY, IS HE
2 AROUND, AND SO FORTH LIKE THAT, IS THAT CORRECT?

3 A THAT IS CORRECT

4 Q WOULD YOU SAY THAT'S THE NORMAL AND PROPER
5 PROCEDURE THAT EVERY LAW ENFORCEMENT OFFICER SHOULD
6 TAKE THEM PARTICULAR STEPS WHEN RESPONDING TO A
7 DOMESTIC DISTURBANCE?

8 A YES, I WOULD, SIR

9 Q MR ROPER, I WOULD LIKE TO -- IF -- IF -- IF YOU
10 CAN CLARIFY THIS FOR ME COULD YOU TELL ME IN THE
11 POLICE LAW ENFORCEMENT CODES WITHIN THIS VICINITY,
12 AREA THE DEPARTMENT THAT YOU WORK FOR -- WHAT IS THE
13 MEANING OF A CODE -- ONE CALLED ON THE RADIO TO YOU AND
14 SAID, 10-21? COULD YOU TELL ME WHAT THAT WOULD MEAN, A
15 10-21?

16 A A 10-21 IS A PHONE CALL

17 Q SO 10-21 WOULD MEAN THAT I'M CALLING SOMEONE?

18 A WELL, IT ALL DEPENDS ON WHAT SIDE OF THE
19 CONVERSATION -- IF DISPATCH CALLS YOU AND TELLS YOU TO
20 GIVE THEM 10-21, THAT MEANS THEY WANT YOU TO CALL THEM
21 ON THE TELEPHONE

22 IF I CALL AN OFFICER INDIVIDUALLY OVER THE RADIO
23 AND TELL HIM TO GIVE ME A 10-21, THEN I'M ASKING HIM TO
24 CALL ME ON MY CELL PHONE, MOBILE PHONE

25 Q SO 10-21 IS TO GIVE A CALL, IS THAT CORRECT?

- 1 A THAT IS CORRECT
- 2 Q WHAT ABOUT A 10-23?
- 3 A 10-23, I BELIEVE IS ARRIVING ON THE SCENE
- 4 Q ARRIVING ON THE SCENE?
- 5 A THAT IS CORRECT, SIR
- 6 Q 10-16?
- 7 A 10-16 IS A DOMESTIC DISPUTE
- 8 Q HOW ABOUT 10-31?
- 9 A 10-31 I BELIEVE IS IN PROGRESS
- 10 Q IN PROGRESS WHAT'S IN PROGRESS, A CRIME OR YOUR
- 11 OFFICER ---
- 12 A WHATEVER YOU'RE BEING DISPATCHED TO
- 13 Q OKAY
- 14 A AS YOU ASKED ME EARLIER ABOUT LIKE 10-16, A 10-16
- 15 BEING A DOMESTIC DISPUTE THE DISPATCHER WOULD
- 16 AUTOMATICALLY SAY, 10-16 10-31 MEANING DOMESTIC
- 17 DISPUTE IN PROGRESS
- 18 Q OKAY SO IT'S LIKE MAYBE ACTUALLY TAKING PLACE
- 19 RIGHT NOW?
- 20 A RIGHT
- 21 Q ACTUALLY TAKING PLACE RIGHT NOW AND A 10-17?
- 22 A 10-17 IS A COMPLAINANT
- 23 Q COMPLAINANT?
- 24 A COULD BE -- COULD BE ALSO A VICTIM 10-17 CAN BE
- 25 A COMPLAINANT OR A VICTIM

1 Q 10-21?

2 A IS A TELEPHONE CALL

3 Q I'M SORRY EXCUSE ME 10-61?

4 A I BELIEVE 10-61 IS, ARE YOU OKAY?

5 Q ARE YOU OKAY?

6 A THAT'S -- THAT'S THE DISPATCHER CALLING BACK TO AN

7 OFFICER SAYING, 10-61? AND THE OFFICER IS SUPPOSED TO

8 SAY 10-4, MEANING, ARE YOU OKAY?

9 Q WAS YOU PART OF THE GATHERING OF -- OF ANY

10 EVIDENCE AT THE 21 RILEY ROAD RESIDENCE ON THAT

11 PARTICULAR DAY?

12 A NO, SIR

13 Q DID YOU HAVE HAPPEN TO TALK WITH ANY OF THE

14 RESIDENTS, PEOPLE THAT RESIDED OR WAS AT THAT RESIDENCE

15 ON THAT DAY?

16 A NO, SIR

17 Q WHEN YOU WAS AT THE RESIDENCE THAT DAY AND WHEN

18 YOU FINALLY DEPARTED WHERE DID YOU GO?

19 A MEANING, WHEN I JUST LEFT THE ACTUAL RESIDENCE OR

20 WHEN I LEFT THE ACTUAL AREA?

21 Q WHEN YOU ACTUALLY LEFT THE AREA?

22 A I WENT HOME TO MY FAMILY

23 Q OKAY WHEN YOU ACTUALLY LEFT THE RESIDENCE?

24 A WHEN I LEFT THE RESIDENCE, I WAS REQUIRED BY MY

25 POSITION TO STAY ON SCENE AND I STAYED IN THE

1 DRIVEWAY AREA OUT BY MY PATROL VEHICLE FOR SEVERAL
2 HOURS I MEAN, IT WAS 4 OR 5 HOURS I WAS THERE AFTER
3 MY INITIAL ARRIVING THERE I DIDN'T LEAVE FOR 4 OR 5
4 HOURS AND IT COULD HAVE BEEN LONGER THAN THAT, I'D
5 HAVE TO LOOK AT MY DISPATCH LOG

6 Q WAS YOU INVOLVED IN SECURING THE ALLEGE CRIME
7 SCENE?

8 A ACTUALLY, FROM BEING THE FIRST COMMAND OFFICER ON
9 THE SCENE, IT WAS MY RESPONSIBILITY TO SEE THAT
10 EVERYTHING STAYED IN PLACE AND EVERYTHING WAS BEING
11 ORDERED OR REQUESTED I BELIEVE I REQUESTED SLED
12 FORENSICS AND THE HELICOPTER, I BELIEVE, PRIOR TO ME
13 LEAVING THE TRAILER -- LEAVING THE BEDROOM, I BELIEVE I
14 REQUESTED THEM

15 AS THE DUTY OFFICER I HAD CERTAIN
16 RESPONSIBILITIES AND I STAYED WITH THOSE
17 RESPONSIBILITIES UNTIL I WAS RELIEVED BY THE SLED
18 FORENSIC TEAM PEOPLE ACTUALLY, WE HAD AN INVESTIGATOR
19 -- ONE OF OUR INVESTIGATORS WAS ACTUALLY ASSIGNED TO OR
20 ACTUALLY GIVEN ACCESS TO THIS TRAILER ALONG WITH SLED,
21 I BELIEVE

22 Q DID AT THE TIME WHEN YOU HAD THIS -- WHEN YOU WAS
23 DOING THIS SECURING, YOU KNOW, HAD THE ACTUAL CONTROL
24 OF THE ACTUAL CRIME SCENE UNTIL IT WAS RELEASED FROM
25 YOU, DID YOU TAKE ANY STEPS AS FAR AS PUTTING UP ANY

1 CRIME SCENE TAPE?

2 A NO, I DIDN'T PERSONALLY SIR

3 Q YOU DIDN'T PUT ANY CRIME SCENE TAPE DID YOU
4 NOTICE ANYBODY ELSE PUTTING UP ANY CRIME SCENE TAPE?

5 A TO BE PERFECTLY HONEST WITH YOU, I DON'T REMEMBER,
6 SIR

7 Q AND WHEN YOU LEFT ---

8 A I -- I -- I DIDN'T ORDER ANY CRIME SCENE TAPE TO
9 BE PUT UP

10 Q DID YOU TAKE ANY EVIDENCE OR ALLEGE EVIDENCE AWAY
11 FROM THE BEDROOM WHEN YOU -- WHEN YOU DEPARTED?

12 A NO, SIR, I DIDN'T

13 Q DID YOU OBSERVE ANYBODY ELSE TAKE ANY EVIDENCE
14 FROM THE BEDROOM WHEN THEY DEPARTED?

15 A NOT EVIDENCE, SIR, NO

16 Q WHAT DID THEY TAKE IF YOU RECALL?

17 A I BELIEVE EITHER SHERIFF TANNER OR CORNER COPELAND
18 ASKED FOR THE IDENTITIES OR THE POLICE CREDENTIAL PACKS
19 OF THE TWO OFFICERS THEIR CREDENTIAL WALLETS I
20 BELIEVE I REMOVED FROM THE OFFICERS TO TURN OVER TO THE
21 CORONER BUT I DON'T REMEMBER WHICH ONE ASKED FOR IT

22 Q SHERIFF TANNER WAS THERE WHEN YOU WAS INSIDE THE
23 HOUSE OR ON THE BACK PORCH OR OUT IN THE YARD? WHEN
24 DID YOU FIRST COME IN CONTACT WITH SHERIFF TANNER?

25 A SEVERAL HOURS LATER WHEN THE HELICOPTERS WERE

1 FLYING AROUND WOULD HAVE BEEN THE FIRST TIME THAT I
2 SEEN SHERIFF TANNER

3 Q COULD YOU TELL US WHERE YOU ALL WAS AT?

4 A WE WERE ON THE DIRT ROAD OF RILEY ROAD, AND HE
5 APPROACHED ME AND ASKED ME IF I WAS DOING OKAY

6 Q SO YOU WAS STANDING OUT OF THE DIRT ROAD?

7 A I WAS -- THAT IS CORRECT, SIR

8 Q AND HE GOT OUT OF HIS VEHICLE AND WAS STANDING ---

9 A HE PULLED UP NEXT TO ME HE ASKED ME IF I WAS
10 OKAY THAT IS CORRECT

11 Q WHAT DID HE DO AFTER -- AFTER -- AFTER THAT?

12 A I BELIEVE HE MET WITH THE CORONER, SIR

13 Q MET WITH THE CORONER THE CORONER WAS ALREADY
14 THERE?

15 A THE CORONER WAS ALREADY THERE, YES, SIR THE
16 CORONER HAD BEEN THERE FOR QUITE SOME TIME BEFORE I
17 ACTUALLY HAD ANY CONTACT WITH SHERIFF TANNER

18 Q DID YOU OBSERVE SHERIFF TANNER GO INTO THE
19 RESIDENCE?

20 A NO, SIR

21 Q YOU DIDN'T DID YOU OBSERVE HIM LEAVE THE
22 RESIDENCE, THE AREA THAT YOU WAS AT OR AT ANY TIME DID
23 YOU OBSERVE HIM COME BACK OR WALK BACK? DID YOU --
24 WHEN YOU WAS WITH HIM, DID YOU OBSERVE HIM WALK AWAY
25 FROM YOU?

1 A AND HE APPROACHED CORONER COPELAND, I BELIEVE
2 AND AFTER THAT, I DIDN'T HAVE NO MORE CONTACT WITH HIM

3 Q WHERE WAS THEN WHEN HE APPROACHED?

4 A RIGHT THERE AT -- I BELIEVE THERE WAS A CHAIN LINK
5 FENCE AND A LITTLE DRIVEWAY THAT PULLED INTO 21 RILEY
6 ROAD, AND THAT'S WHERE THE TWO OF THEM MET WAS RIGHT
7 THERE IN THAT DRIVEWAY ENTRANCE POINT

8 Q OKAY AND YOU DID NOT SEE HIM COME BACK OUT FROM
9 THAT AREA FROM THAT DIRECTION, BECAUSE YOU WAS A LITTLE
10 FURTHER DOWN THE ROAD?

11 A NO I -- I STAYED RIGHT THERE IN THE YARD AREA
12 FOR QUITE SOME TIME

13 Q OKAY AND MR TANNER STAYED OUT THERE WITH YOU IN
14 THAT YARD AREA?

15 A AFTER -- LIKE I SAY AFTER HE MADE CONTACT WITH
16 CORONER COPELAND I DON'T KNOW WHERE HE WENT SIR

17 Q YOU DON'T KNOW WHERE HE WENT?

18 A NO, SIR

19 Q OKAY DID YOU RECEIVE ANY INFORMATION ABOUT THE
20 SUSPECTS THAT YOU WAS -- THAT POSSIBLY COULD BE LOOKING
21 FOR IN THIS INCIDENT?

22 A I WAS NOT PART OF ANY OF THAT THERE WAS -- I
23 MEAN, I HAVE KNOWLEDGE OF AN ENORMOUS AMOUNT OF RADIO
24 TRAFFIC THAT WAS GOING ON DURING THIS TIME WHILE THEY
25 WERE STILL HUNTING FOR THE SUSPECT BUT I HAD NO

1 PERSONAL INFORMATION AND SHARED NO PERSONAL INFORMATION
 2 WITH ANYBODY
 3 MR ALKEBULANYAHH THANK YOU, MR ROPER
 4 MR MURDAUGH THANK YOU, SIR, YOU MAY COME DOWN
 5 MAY MR ROPER BE EXCUSED?
 6 THE COURT ANY OBJECTION? ANY OBJECTION?
 7 MR ALKEBULANYAHH NO, SIR
 8 THE COURT YOU MAY BE EXCUSED, SIR
 9 LET ME FIND OUT THE STATUS OF THEIR LUNCH
 10 YOU MAY STEP DOWN, SIR
 11 (THE WITNESS LEAVES THE WITNESS STAND)
 12 MR MURDAUGH JOE SCHEAFER
 13 THE COURT HOLD ON LET US FIND OUT ABOUT THE
 14 STATUS OF THEIR LUNCH
 15 MR MURDAUGH OH I'M SORRY SIR
 16 THE COURT ALL RIGHT THIS WILL PROBABLY BE A
 17 GOOD TIME TO BREAK
 18 (PAUSE)
 19 THE COURT LADIES AND GENTLEMEN, I BELIEVE YOUR
 20 LUNCH IS HERE LET ME CHECK TO MAKE SURE, RATHER THAN
 21 START THE NEXT WITNESS AND HAVE TO STOP I KNOW YOU'RE
 22 PROBABLY HUNGRY AT THIS POINT LET ME STEP OUT I'LL
 23 BE RIGHT BACK WITH YOU, LADIES AND GENTLEMEN
 24 (PAUSE)
 25 THE COURT ALL RIGHT LUNCH IS HERE SO I'M

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