

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 IV OF XI

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INDEX

INDEX	1
RECORD ON APPEAL	1
APPLICATION FOR POST-CONVICTION RELIEF	4535
RETURN	4569
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	4562
AMENDED RETURN	4545
POST-CONVICTION RELIEF HEARING TRANSCRIPT	4599
EXHIBITS TO POST-CONVICTION RELIEF HEARING	4921
ORDER OF DISMISSAL	5176
MOTION TO REMAND FOR ADDITIONAL POST-CONVICTION PROCEEDINGS	5230
RESPONSE IN OPPOSITION TO MOTION TO REMAND FOR ADDITIONAL POST-CONVICTION PROCEEDINGS	5261
REPLY TO RESPONSE TO MOTION TO REMAND FOR ADDITIONAL POST-CONVICTION PROCEEDINGS	5282
ORDER DENYING MOTION TO REMAND FOR ADDITIONAL POST-CONVICTION PROCEEDINGS	5297
MOTION FOR RECUSAL	5299
ORDER DENYING MOTION FOR RECUSAL	5303

1 GOING TO SEND YOU TO YOUR LUNCH WE'LL TAKE AN HOUR
2 FOR LUNCH WE'LL BREAK UNTIL 2 30

3 PLEASE DO NOT DISCUSS THIS CASE IN ANY WAY
4 WHATSOEVER THANK YOU VERY MUCH IF YOU WILL GO WITH
5 THE BAILIFF

6 (THE JURY RETIRES TO THE JURY ROOM AT 1 31 P M)

7 (COURT IS IN RECESS FOR LUNCH)

8 THE COURT READY TO PROCEED?

9 MR MURDAUGH YES, SIR JUDGE

10 THE COURT YES, SIR

11 MR MURDAUGH I HATE TO KEEP BUGGING YOU, SIR
12 BUT HAVE YOU REACHED A DECISION ABOUT TOMORROW'S
13 SCHEDULE YET?

14 THE COURT YES, SIR I HAVE DECIDED THAT WE WILL
15 HOLD COURT TOMORROW

16 MR MURDAUGH STARTING AT?

17 THE COURT I'M NOT ---

18 MR MURDAUGH I NEED TO GET MY WITNESSES HERE,
19 SIR

20 THE COURT 9 00 A M I'VE CONSIDERED THE REQUEST
21 MADE BY THE DEFENDANT AS I INDICATED YESTERDAY, I
22 NEEDED TO BALANCE THE INTEREST OF THE SYSTEM IN
23 COMPLETING THIS CASE, THE SCHEDULE THAT HAS BEEN
24 IMPOSED ON THIS CASE INDICATED I HAD PREVIOUSLY
25 BROUGHT TO EVERYONE'S ATTENTION THAT I WAS GOING TO

STATE VS ALKEBULANYAHH

1 HOLD COURT ON THE WEEKEND

2 APPARENTLY, MR ALKEBULANYAHH DID NOT HEAR THAT
3 CONVERSATION

4 BUT I PERSONALLY KNOW THAT I HAVE SCHEDULED A
5 CONSOLIDATION OF SEVERAL TRIALS FOR CHARLESTON THAT
6 WEEK AFTER THAT WE HAD ORIGINALLY PLANNED FOR THIS
7 CASE AND THOSE PEOPLE HAVE BEEN EXPECTING THAT FOR A
8 LONG TIME, AND HAVE BEEN GEARING UP AND BEING READY FOR
9 THAT

10 THE COURT IS WILLING TO OFFER ANY ALTERNATIVES, AS
11 FAR AS TIMES, BUT THAT DID NOT SEEM TO BE SOMETHING
12 THAT COULD BE RESOLVED APPARENTLY FROM THE DEFENDANT'S
13 PERSPECTIVE THE WHOLE DAY IS NOT DESIRED BUT I
14 COULD NOT -- I COULD NOT ACCOMMODATE THAT REQUEST

15 THE COURT'S INTENTION IS TO WORK BOTH DAYS ON THE
16 WEEKEND

17 WHILE I RESPECT THE REQUEST MADE BY THE DEFENDANT
18 AS I INDICATED, SIR, I MADE SOME PLANS DEPENDING ON
19 THAT DISCUSSION AND IT WOULD BE TOO DIFFICULT TO
20 ACCOMMODATE ALL OF THE DIFFERENT INTERESTS THAT ARE
21 INVOLVED IN THIS CASE

22 I PERSONALLY HAVE HAD TROUBLE GETTING ROOMS IN MY
23 HOTEL FOR THIS EVENT

24 I DO THINK THAT WE COULD PROBABLY ACCOMMODATE THE
25 JURORS AS FAR AS THEIR HOTEL ROOMS ARE CONCERNED BUT

STATE VS ALKEBULANYAHH

1 AS I INDICATED YESTERDAY THIS WILL ADD -- THIS COULD
2 TAKE AWAY 6 TRIAL DAYS, AND THAT WOULD PUT US INTO
3 ANOTHER WEEK, THAT WILL TAKE US AWAY FROM THE CASES
4 THAT I'VE ALREADY SCHEDULED FOR SOME TIME NOW

5 I'VE REVIEWED SOME OF THE CASES ON THIS SUBJECT
6 AND I THINK THAT THE RIGHT OF THE INDIVIDUAL IS
7 DEFINITELY IMPORTANT BUT I THINK THAT THE COMPETING
8 INTERESTS IN THIS CASE DO OUTWEIGH THE ABILITY TO
9 ACCOMMODATE THE DEFENDANT'S REQUEST IN THIS CASE

10 I AM NOT SURE THAT -- DEPENDING ON HOW THE TRIAL
11 GOES, I WILL MAKE THAT DETERMINATION AS WE PROCEED
12 THROUGHOUT THE PERIOD OF TIME IF WE MAKE SOME
13 PROGRESS THAT COULD CHANGE THAT ON ANOTHER PARTICULAR
14 WEEKEND, THEN WE CAN CONSIDER THAT BUT AT THIS POINT
15 I INTEND TO PROCEED AS SCHEDULED

16 MR MURDAUGH BUT FOR TOMORROW AND THIS COMING
17 SUNDAY, DO YOU -- DO YOU HAVE A ---

18 THE COURT FOR ONLY TOMORROW I WANT TO GET WITH
19 THE JURY I WANT TO SEE HOW YOU KNOW -- HOW TIRED
20 EVERYONE IS WE'RE DEFINITELY HOLDING COURT ON SUNDAY

21 MR MURDAUGH YES, SIR

22 THE COURT I DON'T KNOW WHAT THE STARTING TIME
23 WILL BE

24 MR MURDAUGH AND, AGAIN, I HATE TO KEEP BUGGING
25 YOU ABOUT IT, BUT IN ORDER TO SCHEDULE WITNESSES ---

STATE VS ALKEBULANYAHH

1 THE COURT I UNDERSTAND

2 MR MURDAUGH --- AS SOON AS YOU COULD LET ME
3 KNOW, I'D APPRECIATE IT VERY MUCH, SIR

4 THE COURT YES, SIR

5 MR ALKEBULANYAHH YES, SIR, YOUR HONOR YOU
6 SPEAKING SPECIFICALLY ABOUT THE DEFENSE BEING ABLE TO
7 OBSERVE THE SABBATH, IS THAT CORRECT?

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH THE RELIGIOUS SABBATH?

10 THE COURT YES, SIR, I TRIED TO ACCOMMODATE AS
11 I INDICATED WE'VE DISCUSSED THIS IN COURT BEFORE YOU
12 SAID YOU DIDN'T NEED TO SAY ANYTHING ABOUT IT ALL THE
13 TIME I INDICATED WE WOULD ALLOCATE 3 WEEKS FOR THIS
14 CASE, NO ONE EVER INDICATED OTHERWISE TO ME ABOUT ANY
15 ISSUES ABOUT THAT WE WERE IN COURT IN FLORENCE AND
16 CHARLESTON -- I KNOW WE WERE IN CHARLESTON LATE ON A
17 FRIDAY NO ONE INDICATED ANYTHING TO ME ABOUT THAT
18 AGAIN, I DO -- I DO RESPECT THAT, BUT I CAN'T
19 ACCOMMODATE YOU IN THIS CASE BECAUSE WE HAVE BEEN -- WE
20 HAVE IMPOSED THIS SCHEDULE THE COURT'S ALREADY
21 SCHEDULED THE OTHER CASES FOR THAT FOURTH WEEK THOSE
22 PEOPLE ARE DEPENDING ON THAT SCHEDULE AND THIS
23 SCHEDULE WAS DESIGNED BASED ON THE WITNESSES THAT YOU
24 HAVE INDICATED -- EACH SIDE HAVE INDICATED THEY'RE
25 GOING TO CALL IN THIS CASE AND WE'RE GOING TO BE ON A

STATE VS ALKEBULANYAHH

1 TIGHT SCHEDULE

2 AND THERE IS NO WAY ALL THESE INTERESTS CAN BE MET
3 AND LOSE THOSE 6 DAYS

4 I RESERVE THE RIGHT TO CHANGE THAT IF I SEE THINGS
5 CHANGE AS WE GO ALONG ON THE CASE

6 I BELIEVE THERE'S 160 WITNESSES ON HERE I HAVE
7 TO TAKE INTO CONSIDERATION THE RIGHTS OF THE JURORS
8 ALSO IN THIS CASE IN ACCOMMODATING THEIR INTERESTS
9 ALSO

10 I NOTE BY MAKING THIS DECISION TO EXTEND THIS
11 TRIAL FURTHER TOO EXTENDS THE BURDEN ON THEM TO BE
12 AWAY FROM THEIR HOMES AND THEIR RELIGIOUS PRACTICES
13 ALSO

14 THE LAST CASE I TRIED DID NOT SEQUESTER THE JURY
15 BUT WE DIDN'T HAVE THIS ISSUE, BECAUSE WITHOUT
16 SEQUESTRATION EVERYONE WAS FREE TO PRACTICE THEIR OWN
17 RELIGIOUS PREFERENCES

18 THE REQUEST WAS MADE FOR SEQUESTRATION IN THIS
19 CASE, AND THE COURT ACCOMMODATED THAT REQUEST AND
20 THESE PEOPLE ARE TAKEN AWAY FROM THEIR SCHEDULES AND
21 THEIR RELIGIOUS PRACTICES ALSO AND THERE IS JUST NO
22 WAY TO ACCOMMODATE EVERY SINGLE PERSON'S PREFERENCE IN
23 THIS CASE YOU HAVE 14 PEOPLE ON THIS JURY AND YOU
24 HAVE THE STATE, WE HAVE YOU, AND THE COURT

25 WHILE I'M NOT -- I DO NOT TAKE IT LIGHTLY I DO

STATE VS ALKEBULANYAHH

1 THINK THAT THE INTERESTS IN THIS CASE OUTWEIGH THE
2 REQUEST AT THIS POINT I CAN'T THINK OF A LESSER
3 ALTERNATIVE -- LEAST RESTRICTIVE ALTERNATIVE AT THIS
4 POINT BUT, AGAIN, I RESERVE THE RIGHT TO CHANGE THAT
5 AS I SEE HOW THE TRIAL PROGRESSES

6 MR ALKEBULANYAHH SO ---

7 THE COURT THAT'S MY DECISION ON THAT

8 MR ALKEBULANYAHH RIGHT IS IT THE COURT
9 OPINION THAT ---

10 THE COURT THE COURT'S OPINION IS THAT I DENY
11 THAT REQUEST

12 MR ALKEBULANYAHH DENY THE DEFENDANT THE RIGHT
13 TO EXERCISE ---

14 THE COURT I DENIED THE DEFENDANT'S MOTION

15 MR ALKEBULANYAHH --- THE UNITED STATES
16 CONSTITUTION FIRST AMENDMENT RIGHT, IS THAT CORRECT?

17 THE COURT MR ALKEBULANYAHH, I DENY YOUR REQUEST
18 BASED ON A BALANCING OF ALL THE COMPETING INTERESTS
19 INVOLVED I DON'T WANT ANY FURTHER ARGUMENT ON THE
20 MOTION

21 MR ALKEBULANYAHH I JUST WANT MORE SPECIFIC --
22 TO BE PACIFIC (SIC)

23 THE COURT MR ALKEBULANYAHH ---

24 MR ALKEBULANYAHH YES, SIR

25 THE COURT --- I WILL TELL YOU ONLY ONCE AGAIN

STATE VS ALKEBULANYAHH

1 WHEN I MAKE A RULING AND MAKE A DETERMINATION AND I DO
2 NOT WISH FURTHER ARGUMENT, THAT IS THE RULING OKAY?
3 YOUR ARGUMENT IS PRESERVED FOR THE RECORD

4 MR ALKEBULANYAHH I DIDN'T UNDERSTAND I MEAN,
5 YOU SAID ---

6 THE COURT WHAT DO YOU NOT UNDERSTAND ABOUT MY
7 DENIAL OF THE MOTION?

8 MR ALKEBULANYAHH WELL, I DIDN'T KNOW ---

9 THE COURT THE MOTION IS DENIED LET'S JUST MOVE
10 ON

11 READY TO PROCEED?

12 MR MURDAUGH YES, SIR

13 THE COURT READY TO PROCEED?

14 MR ALKEBULANYAHH YES, SIR

15 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
16 BRING THE JURY IN PLEASE

17 (THE JURY RETURNS TO THE COURTROOM AT 2 45 P M)

18 THE COURT ALL RIGHT THANK YOU PLEASE BE
19 SEATED

20 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
21 PROCEED AT THIS TIME² CALL YOUR NEXT WITNESS

22 MR MURDAUGH JOE SCHEAFER CURT COPELAND IS
23 NEXT

24 JOSEPH K SCHEAFER, BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q MR SCHEAFER, GIVE US YOUR FULL NAME AND SPELL
3 YOUR LAST NAME PLEASE?

4 A JOSEPH KENNETH SCHEAFER, S-C-H-E-A-F-E-R

5 Q OKAY MR SCHEAFER, WHERE DO YOU LIVE?

6 A I LIVE IN RIDGELAND, SOUTH CAROLINA

7 Q OKAY, SIR AND WHERE DO YOU WORK?

8 A I WORK IN BEAUFORT COUNTY EMERGENCY MEDICAL
9 SERVICES

10 Q IN WHAT CAPACITY DO YOU WORK WITH THEM?

11 A I'M A PARAMEDIC CREW CHIEF

12 Q OKAY SIR CAN YOU TELL THE LADIES AND GENTLEMEN
13 OF THE JURY WHAT A PARAMEDIC IS?

14 A A PARAMEDIC IS THE HIGHEST LEVEL EMT IN SOUTH
15 CAROLINA THAT CAN RIDE ON AN AMBULANCE

16 Q OKAY, SIR WHAT TRAINING DO YOU HAVE TO HAVE TO
17 BE A PARAMEDIC?

18 A YOU FIRST START OUT IN THE EMT SCHOOL

19 Q EMT IS?

20 A EMERGENCY MEDICAL TECHNICIAN, BASIC THAT'LL LAST
21 ABOUT 5 OR 6 MONTHS YOU'RE CERTIFIED THROUGH THE
22 STATE THEN YOU GO THROUGH PARAMEDIC TRAINING LASTING
23 ANYWHERE FROM 12 MONTHS UP TO 2 YEARS NOW

24 Q OKAY WERE YOU A PARAMEDIC ON JANUARY 8, 2002?

25 A YES, I WAS

- 1 Q OKAY, SIR HOW LONG HAVE YOU BEEN IN THE EMT
2 PARAMEDIC BUSINESS?
- 3 A SINCE 1986
- 4 Q OKAY, SIR AS A PART OF YOUR TRAINING TO BE A
5 PARAMEDIC, DO YOU LEARN TO TAKE VITAL SIGNS?
- 6 A YES I DO
- 7 Q AND WHAT ARE VITAL SIGNS?
- 8 A VITAL SIGNS ARE PULSE, RESPIRATIONS, BLOOD
9 PRESSURE, AND PUPILLARY RESPONSE
- 10 Q OKAY, SIR DID YOU HAVE AN OCCASION TO RESPOND TO
11 A CALL AT 21 RILEY ROAD ON JANUARY 8, 2002?
- 12 A YES I DID
- 13 Q OKAY, SIR WHEN YOU ARRIVED THERE, WHAT DID YOU
14 DO?
- 15 A WE TRIED TO GET AS CLOSE TO THE TRAILER AS WHAT WE
16 COULD OUR UNIT GOT STUCK BECAUSE IT HIT SOME SOFT
17 SAND AND WENT DOWN IN A DITCH I EXITED THE VEHICLE,
18 WENT TO THE BACK OF THE UNIT, GRABBED SOME MATERIALS
19 AND SUPPLIES THAT I THOUGHT WOULD BE USEFUL, AND
20 STARTED HEADING TO THE SCENE I WAS ENCOUNTERED BY
21 SEVERAL PEOPLE, DEPUTIES, AND OTHER PEOPLE THAT WERE
22 SHAKING THEIR HEADS AND SAYING, IT'S NO USE
- 23 Q DON'T TELL ME WHAT ANYBODY SAID
- 24 A ALL RIGHT
- 25 Q BUT WHAT DID YOU THEN DO?

- 1 A I CONTINUED ON TO THE SCENE AND ENTERED INTO THE
2 BACK OF THE RESIDENCE AND MADE A RIGHT-HAND TURN INTO
3 THE BEDROOM
- 4 Q OKAY, SIR
- 5 A ONCE I ARRIVED THERE, I NOTICED ONE DEPUTY WAS
6 LAYING ON A CHAIR TO MY LEFT, AND ANOTHER DEPUTY WAS
7 OUT IN THE MIDDLE OF THE FLOOR LAYING ON HIS BACK
- 8 Q OKAY DID YOU EXAMINE THOSE TWO BODIES?
- 9 A YES, I DID
- 10 Q WHAT WAS THEIR CONDITION?
- 11 A THEIR INJURIES WERE, YOU KNOW -- THEY WEREN'T
12 COMPATIBLE TO LIFE AT ALL
- 13 Q WERE THEY DEAD?
- 14 A THEY WERE DEAD
- 15 Q OKAY SIR CAN YOU DESCRIBE FOR THE LADIES AND
16 GENTLEMEN OF THE JURY WHAT INJURIES YOU SAW TO THOSE
17 TWO DEPUTIES?
- 18 A I VIEWED OFFICER TATE LAYING SUPINE ON THE FLOOR
19 WITH A BULLET HOLE ---
- 20 Q SUPINE MEANS FLAT ON THE FLOOR?
- 21 A FLAT ON THE BACK WHAT APPEARED TO BE A BULLET
22 HOLE TO THE CENTER OF HIS FOREHEAD THERE WAS BRAIN
23 MATTER SHOWING OUT THE TOP OF HIS HEAD THROUGH THE
24 BULLET HOLE
- 25 I LOOKED AT COURSEN, AND THE LEFT SIDE OF HIS FACE

1 WAS COMPLETELY GONE, AND THERE WAS BRAIN MATTER ALL
2 OVER THE CHAIR AND RUNNING DOWN THE LEG OF THE CHAIR

3 MR MURDAUGH THANK YOU, SIR ANSWER ANY
4 QUESTIONS HE MAY HAVE

5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

6 Q HOW YOU DOING, MR SCHEAFER? WHEN YOU ARRIVED AT
7 THE 21 RILEY ROAD RESIDENCE, UPON YOU ENTERING THE
8 SCENE, EXITING THE SCENE, DID YOU TAKE ANY PRECAUTION
9 NOT TO CONTAMINATE THE CRIME SCENE?

10 A YES, I DID

11 Q WHAT DID YOU DO?

12 A WE WATCHED WHERE WE STEPPED AND WHAT WE TOUCHED,
13 AND DIDN'T TURN OR MOVE ANYTHING

14 Q WHEN YOU EXITED THE 21 RILEY ROAD RESIDENCE WHAT
15 MEASURES DID YOU TAKE?

16 A ONCE WE LEFT OUT OF THE TRAILER, WE GATHERED THE
17 EQUIPMENT THAT WE TOOK IN, PUT IT BACK ON THE UNIT
18 OUR UNIT WAS REMOVED FROM THE DITCH BY FIRE FIGHTERS
19 THAT WERE WAITING OUT BY THE ROAD ME AND MY PARTNER
20 STOOD BY ON THE SCENE FOR A MATTER OF HOURS, UNTIL WE
21 WERE RELEASED LATER ON THAT EVENING

22 Q WHEN YOU EXITED THE ALLEGE CRIME SCENE, THE HOME
23 AT 21 ROAD -- RILEY ROAD, DID YOU WEAR ANY PROTECTIVE
24 FOOTWEAR WHEN YOU EXITED THE RESIDENCE?

25 A ALL EMS PERSONNEL ARE ISSUED SAFETY BOOTS WITH

1 STEEL TOE TIPS

2 Q WAS THEM BOOTS CARRIED OUT WITH YOU? DID YOU WEAR
3 THEM BOOTS BACK OUT WITH YOU?

4 A YES, I DID I DIDN'T TAKE THEM OFF

5 Q GOING INTO ---

6 A THAT IS CORRECT

7 Q --- IS THAT CORRECT? IS THOSE BOOTS DESIGNED TO
8 KEEP BLOOD OR FLUID OR ANY OTHER LIQUID OR ANYTHING
9 RESISTANCE, WHERE THEY CANNOT BE CONTRACTED (SIC) TO
10 IT?

11 A THEY'RE OIL RESISTANT

12 Q THEY ARE RESISTANT TO BLOOD?

13 A I DIDN'T SAY THAT THEY'RE RESISTANT TO BLOOD I
14 SAID THEY'RE OIL RESISTANT

15 Q THEY JUST OIL RESISTANT SO IT'S POSSIBLE THAT
16 BLOOD ALSO COULD HAVE BEEN UPON THE BOTTOM OF THEM
17 PARTICULAR SHOES THAT ARE ISSUED FOR THE EMS PERSONNEL?

18 A I HADN'T DEALT WITH ANYTHING BLOODY THAT DAY

19 Q WHEN YOU WENT INTO THE ROOM, DID YOU OBSERVE ANY
20 BLOOD INSIDE THE ROOM?

21 A THERE WAS A LOT OF BLOOD IN THE ROOM

22 Q SO YOU -- YOU -- YOU WAS -- BLOOD WAS WITHIN THAT
23 ROOM, IS THAT CORRECT?

24 A WITHIN THE ROOM, YES, SIR

25 Q AND THE BLOOD THAT YOU CAME IN CONTACT WITH, WAS

STATE VS ALKEBULANYAHH

1 IT POSSIBLE THAT THAT BLOOD COULD HAVE GOT ON THE
2 BOTTOM OF YOUR SHOES?

3 A IT'S POSSIBLE IT COULD BE YES

4 Q AND IS IT POSSIBLE THAT ONCE YOU EXIT THAT ROOM
5 THAT IF ANY BLOOD WAS ON THOSE SHOES, THAT THAT BLOOD
6 COULD HAVE BEEN CARRIED OUT THE BACK DOOR WITH YOU?

7 A I SUPPOSE THAT IT COULD, YES

8 Q AND FROM THERE YOU WENT TO YOUR VEHICLE WHICH YOU
9 ARRIVED THERE IN THE BLOOD COULD ALSO HAVE BEEN
10 CARRIED TO THAT VEHICLE, IS THAT CORRECT?

11 A THAT'S RIGHT THAT'S WHERE I WENT BACK TO

12 Q WHEN YOU WAS THERE, DID YOU OBSERVE ANY OTHER
13 OFFICERS INSIDE THE ROOM WHERE THE ALLEGE CRIME
14 SUPPOSED TO HAVE BEEN COMMITTED?

15 A YEAH, THERE WAS ANOTHER OFFICER BACK ABOVE TATE'S
16 HEAD

17 Q DO YOU RECALL WHICH OFFICER THAT WAS?

18 A NOT RIGHT OFFHAND, NO

19 Q WHEN YOU ARRIVED WAS YOU THE ONLY EMS WORKER THAT
20 WENT INTO THAT ROOM?

21 A YES MY PARTNER -- I DIDN'T LET HER GO IN BECAUSE
22 OF THE SCENE AND THE WAY THAT IT LOOKED

23 MR ALKEBULANYAHH THANK YOU, SIR I HAVE NO
24 FURTHER QUESTIONS

25 MR MURDAUGH YOU MAY COME DOWN MAY MR

1 SCHEAFER BE EXCUSED?

2 THE COURT ANY OBJECTION?

3 MR ALKEBULANYAHH NO, SIR, THERE'S NO OBJECTION

4 THE COURT YOU MAY BE EXCUSED

5 CURT COPELAND, BEING FIRST

6 DULY SWORN, TESTIFIED AS FOLLOWS

7 DIRECT EXAMINATION BY MR. MURDAUGH.

8 Q YOU ARE CURT COPELAND?

9 A YES, SIR

10 Q MR COPELAND, ARE YOU THE DULY ELECTED CORONER FOR
11 BEAUFORT COUNTY?

12 A YES, SIR, I AM

13 Q AND HOW LONG HAVE YOU BEEN CORONER?

14 A 22 1/2 YEARS

15 Q DO YOU INTEND TO RUN AGAIN?

16 A I DO

17 Q OKAY, SIR I SHOULDN'T HAVE ASKED YOU THAT, SIR

18 A WELL, I DO

19 Q MR COPELAND, WHAT ARE THE DUTIES OF CORONER?

20 A CALLED TO ANY SCENE WHERE THE INDIVIDUAL COMES TO
21 THEIR DEATH AS A RESULT OF OTHER THAN NATURAL CAUSES
22 AND, OF COURSE, OUR OFFICE HANDLES A LOT OF NATURAL
23 DEATHS BUT ANY NON-NATURAL DEATH THAT OCCURS WITHIN
24 THE COUNTY

25 Q I ASK YOU WHETHER OR NOT ON JANUARY 8 2002 YOU

1 HAD AN OCCASION TO RESPOND TO A CALL AT 21 RILEY ROAD?

2 A I DID

3 Q OKAY, SIR AND WILL YOU TELL ME WHAT YOU OBSERVED
4 WHEN YOU GOT THERE?

5 A I WENT IN ONLY BRIEFLY TO CONFIRM WHAT THE
6 PARAMEDICS HAD ALREADY TOLD ME, THAT THE TWO DEPUTIES
7 HAD BEEN SHOT TO DEATH, AND CONFIRMED THAT, MADE AN
8 INITIAL REVIEW, AND THEN CAME OUT OF THE RESIDENCE
9 AFTER THAT

10 Q IS A PART OF YOUR DUTY AS CORONER TO PRONOUNCE
11 PEOPLE DEAD?

12 A YES SIR

13 Q OKAY, SIR DID YOU MAKE ANY PRONOUNCEMENT ---

14 A I DID

15 Q --- ON THESE TWO OFFICERS?

16 A I PRONOUNCED THEM DEAD AT THE TIME I WENT

17 Q DO YOU ALSO HAVE ANY RESPONSIBILITY FOR AUTOPSIES?

18 A IT'S MY RESPONSIBILITY TO ORDER THE AUTOPSY (I DO
19 NOT DO THE AUTOPSY I ORDER THE AUTOPSY

20 Q AND DID YOU ORDER AN AUTOPSY?

21 A I ORDERED AN AUTOPSY, THAT WAS SUBSEQUENTLY DONE
22 AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BY A
23 FORENSIC PATHOLOGIST

24 Q AND WHO WAS THAT?

25 A DR KIM COLLINS

1 MR MURDAUGH THANK YOU, SIR ANSWER ANY
2 QUESTIONS HE MAY HAVE

3 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

4 Q MR COPELAND, YOU STATE YOU DIDN'T -- YOU DIDN'T
5 -- YOU DIDN'T DO THE AUTOPSY, IS THAT CORRECT?

6 A I DID NOT DO THE AUTOPSY I'M NOT QUALIFIED NOR
7 CAPABLE

8 Q AND SO WHEN YOU MAKE A DETERMINATION AS TO THE --
9 DID YOU MAKE A DETERMINATION AS TO THE CAUSE OF DEATH?

10 A YES, SIR

11 Q WHAT WAS THAT EXACT DETERMINATION?

12 A THAT DETERMINATION WAS BASED ON THE GUNSHOT WOUNDS
13 TO THE BODIES

14 Q JUST BASIC GUNSHOT WOUNDS, IS THAT CORRECT, NOT
15 ANY PARTICULAR TYPE OF WEAPON OR ANYTHING LIKE THAT?

16 A THAT -- THAT WAS SUPPLIED TO ME BY THE PATHOLOGIST
17 AFTER THE AUTOPSY

18 Q YOU ENTERED THE RESIDENCE AT 21 RILEY ROAD, IS
19 THAT CORRECT?

20 A THAT IS CORRECT

21 Q EMS HAD PREVIOUSLY SEEN THEM BEFORE YOU ARRIVED?

22 A THEY HAD

23 Q DID YOU WEAR ANY PROTECTIVE FOOTIES -- FOOTWEAR OR
24 ANYTHING WHEN YOU ENTERED THE ROOM AT 21 RILEY ROAD
25 RESIDENCE?

STATE VS ALKEBULANYAHH

- 1 A NO NO, I DID NOT
- 2 Q WHEN YOU EXITED, DID YOU WEAR ANY PROTECTIVE
- 3 FOOTWEAR AT THE 21 RILEY ROAD RESIDENCE?
- 4 A NO, I DID NOT
- 5 Q SO IT IS POSSIBLE THAT IF BLOOD EVIDENCE WAS ON
- 6 THE BOTTOM OF YOUR FEET, IT WOULD HAVE BEEN TRACKED
- 7 OUTSIDE THE HOME IS THAT CORRECT?
- 8 A ANYTHING IS POSSIBLE
- 9 Q WHEN YOU LEFT THE RESIDENCE, YOU WENT TO YOUR
- 10 VEHICLE, IS THAT CORRECT?
- 11 A BEST I CAN RECALL, YES
- 12 Q YOU ARRIVED IN YOUR VEHICLE, IS THAT CORRECT?
- 13 A I DID
- 14 Q IS IT POSSIBLE THAT BLOOD FROM YOUR FOOT WAS ALSO
- 15 IN THE FLOORBOARD OF YOUR VEHICLE AS WELL WHEN YOU LEFT
- 16 21 RILEY ROAD RESIDENCE?
- 17 A I SUPPOSE THAT THAT'S POSSIBLE ON A STRETCH BUT
- 18 I DON'T THINK THAT WAS THE CASE
- 19 Q ARE YOU SAYING THAT BECAUSE YOU DIDN'T STEP INTO
- 20 ANY BLOOD WHEN YOU WENT INTO THE RESIDENCE, OR THE
- 21 LACKING OF BLOOD THAT YOU SEEN INSIDE THE RESIDENCE?
- 22 A I DON'T RECALL STEPPING IN ANY BLOOD
- 23 Q BUT IT WAS PLENTY BLOOD WHEN YOU WAS THERE, IS
- 24 THAT CORRECT? WAS IT A MASS AMOUNT OF BLOOD? WAS IT
- 25 JUST SPARSE, LIGHT BLOOD, OR ---

- 1 A THERE WAS BLOOD THERE WAS BLOOD THERE
- 2 Q WAS IT A POOL OF BLOOD OR JUST BLOOD STAINS OR ---
- 3 A THERE WAS BLOOD PRESENT AROUND BOTH BODIES
- 4 Q ON THE FLOOR?
- 5 A YES
- 6 Q AND PERHAPS WAS THERE ANY BLOOD BETWEEN THE TIME
- 7 YOU APPROACHED THE BODY OR BLOOD BEYOND THE BODY, OR
- 8 WOULD YOU SAY JUST BLOOD AROUND THE PERIMETER OF THE
- 9 ENTIRE BODY?
- 10 A I HONESTLY DON'T RECALL THAT I'M SURE THERE ARE
- 11 PHOTOGRAPHS THAT PICTURE THAT MUCH BETTER THAN MY
- 12 RECOLLECTION OF IT COULD BE
- 13 Q BUT CERTAINLY YOU DIDN'T WEAR ANY BOOTIES OR
- 14 PROTECTIVE FOOTWEAR TO KEEP FROM CONTAMINATING THE
- 15 ALLEGE CRIME SCENE, IS THAT CORRECT?
- 16 A THAT IS CORRECT
- 17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
- 18 YOUR HONOR
- 19 REDIRECT EXAMINATION BY MR. MURDAUGH.
- 20 Q DID YOU WALK AROUND THE WOODS ANYWHERE AROUND THAT
- 21 TRAILER?
- 22 A NO, I DID NOT
- 23 Q WITHIN A MILE OF IT?
- 24 A NO, SIR, I DID NOT
- 25 Q OKAY, SIR WHEN YOU GOT IN YOUR CAR, DID YOU GO

STATE VS ALKEBULANYAHH

1 HOME?

2 A WENT BACK UP TO THE COMMAND CENTER, AND STAYED
3 THERE A WHILE

4 MR MURDAUGH OKAY, SIR THANK YOU, SIR I HAVE
5 NO FURTHER QUESTIONS?

6 THE COURT ANYTHING ELSE?

7 MR ALKEBULANYAHH YES, SIR, I HAVE A QUESTION

8 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q MR COPELAND, DID YOU -- WHEN YOU ENTERED THE HOME
10 AT 21 RILEY ROAD, DID YOU ENTER BY WAY OF THE FRONT
11 DOOR OR THE BACK DOOR?

12 A FRONT DOOR

13 Q THE FRONT DOOR AND WHEN YOU EXITED, DID YOU EXIT
14 BY THE FRONT DOOR OR THE BACK DOOR?

15 A FRONT DOOR

16 MR ALKEBULANYAHH THANK YOU I HAVE NO FURTHER
17 QUESTIONS YOUR HONOR

18 MR MURDAUGH MAY MR COPELAND BE EXCUSED?

19 THE COURT ANY OBJECTION? ANY OBJECTION?

20 MR ALKEBULANYAHH THERE'S NO OBJECTION, YOUR
21 HONOR

22 THE COURT YOU MAY BE EXCUSED

23 (THE WITNESS LEAVES THE WITNESS STAND)

24 MR MURDAUGH CALL DR KIM COLLINS

25 DR KIMBERLY A COLLINS,

STATE VS ALKEBULANYAHH

1 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

2 DIRECT EXAMINATION BY MR. MURDAUGH.

3 Q YOUR FULL NAME PLEASE?

4 A KIMBERLY ANN COLLINS, C-O-L-L-I-N-S

5 Q AND ARE YOU A MEDICAL DOCTOR LICENSED TO PRACTICE
6 MEDICINE IN SOUTH CAROLINA?

7 A YES, I AM

8 Q DR COLLINS, WILL YOU TELL US WHERE YOU RECEIVED
9 YOUR UNDERGRADUATE SCHOOLING?

10 A I WENT TO UNDERGRADUATE SCHOOL OR COLLEGE AT THE
11 UNIVERSITY OF GEORGIA WHERE I MAJORED IN MICRO BIOLOGY
12 AND RECEIVED MY BACHELOR OF SCIENCE

13 Q WHEN?

14 A I BEG YOUR PARDON?

15 Q WHEN?

16 A '85 TO '89

17 Q OKAY SUBSEQUENT TO UNDERGRADUATE SCHOOL, DID YOU
18 THEN GO ANYWHERE TO SCHOOL?

19 A YES, I DID I WENT TO MEDICAL COLLEGE OF GEORGIA,
20 THE MEDICAL SCHOOL

21 Q AND DID YOU SUCCESSFULLY COMPLETE MEDICAL SCHOOL?

22 A YES, I DID, I RECEIVED MY MEDICAL DEGREE

23 Q OKAY AND WHEN WAS THAT?

24 A I JUST REALIZED I GAVE YOU THE WRONG DATE FOR MY
25 UNDERGRADUATE THAT WAS '81 TO '85 MEDICAL SCHOOL

STATE VS ALKEBULANYAHH

1 WAS '85 TO '89

2 Q OKAY THANK YOU, DR COLLINS SUBSEQUENT TO
3 GRADUATING FROM MEDICAL SCHOOL AT THE UNIVERSITY OF
4 GEORGIA DID YOU SERVE ANY RESIDENCIES OR INTERNSHIPS?

5 A YES, I COMPLETED A COMBINED ANATOMIC PATHOLOGY AND
6 CLINICAL PATHOLOGY, 5 YEAR RESIDENCY AT WAKE FOREST,
7 ALSO KNOWN AS BOWMAN GRAY SCHOOL OF MEDICINE AFTER MY
8 RESIDENCY, I COMPLETED A 1 YEAR FELLOWSHIP IN FORENSIC
9 PATHOLOGY AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

10 Q OKAY DOCTOR, YOU HAVE MENTIONED PATHOLOGY CAN
11 YOU DESCRIBE WHAT PATHOLOGY IS FOR THE LADIES AND
12 GENTLEMEN ON THE JURY?

13 A YES, PATHOLOGY IS THE STUDY OF DISEASE BASICALLY
14 AND THERE ARE TWO DIVISIONS OF ANATOMIC PATHOLOGY, SUCH
15 AS BIOPSIES AUTOPSIES IN MY CASE PAP SMEARS SUCH AS
16 WOMEN OBTAIN THEIR ANNUAL PAP SMEAR EXAMS THERE'S
17 ALSO CLINICAL PATHOLOGY WHICH DEALS WITH ANY OF THE
18 LABORATORIES, HEMATOLOGY, CHEMISTRY URINALYSIS SUCH
19 AS WHEN YOU GO TO THE DOCTOR, YOU HAVE YOUR BLOOD
20 DRAWN THAT WOULD GO TO THE PATHOLOGY LABORATORY

21 SO THE PATHOLOGIST ACTUALLY WILL DIAGNOSE DISEASES
22 AND HELP TREAT PATIENTS THROUGH BIOPSY AND TISSUE
23 SAMPLES, AND ALSO THROUGH LABORATORY RESULTS OBTAINED
24 IN THE CLINICS OF THE HOSPITALS

25 Q OKAY DOCTOR, YOU SAID YOU STUDIED -- TOOK A

1 FELLOWSHIP OF FORENSIC PATHOLOGY?

2 A YES, SIR

3 Q WHAT IS FORENSIC PATHOLOGY?

4 A FORENSIC PATHOLOGY IS TAKING THE -- WHAT I JUST
5 DESCRIBED, THE ANATOMIC AND CLINICAL PATHOLOGY AND THEN
6 TAKING THAT AND SUB-SPECIALIZING IN THE INVESTIGATION
7 OF UNNATURAL DEATH OR TRAUMA, THIS COULD BE TRAUMAS IN
8 THE LIVING PERSON, A LIVING INDIVIDUAL, OR ALSO
9 INVESTIGATION POST-MORTEM USING THE AUTOPSY

10 Q OKAY DOCTOR, ARE YOU A FORENSIC PATHOLOGIST?

11 A YES, I AM

12 Q OKAY AND BY WHOM ARE YOU EMPLOYED?

13 A I'M EMPLOYED BY THE MEDICAL UNIVERSITY OF SOUTH
14 CAROLINA, WHICH IS LOCATED IN CHARLESTON

15 Q IS YOUR ONLY JOB WITH THE MEDICAL COLLEGE TO DO
16 AUTOPSIES?

17 A I PERFORM AUTOPSIES I ASSIST ATTORNEYS AND
18 FAMILIES AND CORONERS IN INVESTIGATIONS I ALSO TEACH
19 MEDICAL AND DENTAL SCHOOL

20 Q OKAY DOCTOR, HAVE YOU TESTIFIED IN THE COURTS OF
21 SOUTH CAROLINA AND OTHER PLACES AS AN EXPERT WITNESS
22 BEFORE?

23 A YES, I HAVE

24 Q AND DO YOU KNOW HOW MANY TIMES YOU'VE -- HOW MANY
25 TIMES YOU'VE TESTIFIED AS AN EXPERT?

STATE VS ALKEBULANYAHH

1 A TESTIFYING IN COURT AS WELL AS DEPOSITIONS, IT'S
2 APPROXIMATELY 200 TIMES

3 MR MURDAUGH OKAY YOUR HONOR, PLEASE I
4 PROFFER HER AS AN EXPERT FORENSIC PATHOLOGIST
5 THE COURT ANY OBJECTION?

6 MR ALKEBULANYAHH I HAVE NO OBJECTION YOUR
7 HONOR

8 THE COURT THE COURT FINDS HER TO BE QUALIFIED IN
9 THAT AREA WITHOUT OBJECTION

10 Q DOCTOR, I ASK YOU WHETHER OR NOT ON A DATE
11 SUBSEQUENT TO JANUARY 8, 2002 YOU HAD AN OPPORTUNITY TO
12 DO AN AUTOPSY ON TWO PEOPLE IDENTIFIED TO YOU AS
13 COURSEN AND TATE?

14 A THAT'S CORRECT, YES

15 Q AND WHEN WAS THAT?

16 A THAT WAS JANUARY 9, 2002

17 Q AND DID YOU PERFORM AN AUTOPSY ON EACH OF THEM?

18 A YES, WE DID AT THE MEDICAL UNIVERSITY OF SOUTH
19 CAROLINA IN MY AUTOPSY SUITE

20 Q OKAY IF YOU WILL PLEASE PICK ONE OF THE TWO AND
21 TELL ME WHAT YOU OBSERVED AND WHAT HAPPENED?

22 A BOTH OF THE INDIVIDUALS WERE TRANSPORTED TO THE
23 AUTOPSY SUITE WE STARTED EXAMINATION ON THE FIRST
24 INDIVIDUAL COURSEN -- PRONUNCIATION?

25 Q YES MA'AM

1 A AND WE BEGAN THE EXAMINATION AT 9 00 O'CLOCK IN
2 THE MORNING AND ON ALL OF OUR PATIENTS -- WE CALL
3 THEM PATIENTS -- THAT WE DO EXAMINE POST-MORTEM FOR THE
4 AUTOPSY, WE DO AN EXTERNAL EXAMINATION IN SOME CASES
5 WE'LL PERFORM RADIOGRAPHS, AS WE DID IN THIS SITUATION,
6 LOOKING FOR ANY TYPE OF PROJECTILES

7 AND THEN WE PERFORM AN INTERNAL EXAMINATION, A
8 COMPLETE AUTOPSY ON THE INDIVIDUAL

9 Q WOULD YOU TELL US WHAT YOUR EXAMINATION REVEALED?

10 A ONE OF THE AREAS IN THE AUTOPSY PROTOCOL IS
11 EVIDENCE OF INJURY AND WE NOTICED ON THIS INDIVIDUAL
12 THERE WERE TWO GUNSHOT WOUNDS TO THE HEAD, THERE WERE
13 TWO GUNSHOT WOUNDS TO THE RIGHT UPPER ARM, THERE WAS A
14 GUNSHOT WOUND TO THE RIGHT HAND, AND THERE WAS A
15 GUNSHOT WOUND TO THE BACK

16 Q OKAY WERE YOU -- DID YOU FIND ANYTHING INSIDE OF
17 HIS BODY THAT WAS ABNORMAL?

18 A YES, WE DID THERE WAS -- THE BRAIN WAS DISRUPTED
19 -- WE CALL IT CEREBRAL DISRUPTION SECONDARY TO THE
20 GUNSHOT WOUNDS TO THE HEAD THERE WERE MULTIPLE SKULL
21 FRACTURES THE TOP OF THE SPINAL CORD -- WHERE THE
22 SPINAL CORD ENTERS INTO YOUR HEAD TO CONNECT WITH THE
23 BRAIN, THAT AREA WAS VERY DISRUPTED, AND WE CALL THAT
24 MACERATION

25 Q WHEN YOU SAY DISRUPTED, DOCTOR, WHAT ARE YOU

1 TALKING ABOUT IN LAY TERMS?

2 A WHAT I'M TALKING ABOUT IS THAT THE BULLET ENTERED
3 THE HEAD AND WITH SUCH A FORCE AND ENERGY THAT NOT
4 ONLY DO YOU HAVE THE HOLE WHERE THE BULLET ENTERED, BUT
5 YOU ALSO HAVE SPREADING OUT OF ENERGY THROUGHOUT THE
6 BRAIN TISSUE AND SO THE BRAIN BECOMES HEMORRHAGIC,
7 TORN, AND DISRUPTED, AND PARTIALLY DESTROYED

8 Q OKAY ANYTHING ELSE THAT WAS ABNORMAL INSIDE THE
9 BODY?

10 A THERE WAS ALSO A GUNSHOT WOUND NOT ONLY THROUGH
11 THE HEAD, BUT THROUGH THE CHIN, AND GOING UP TOWARD THE
12 RIGHT SIDE WITH COMPLETE DESTRUCTION OF THE EYE
13 THERE WAS CHEST GUNSHOT WOUNDS ONE OF THESE ENTERED
14 THROUGH THE LEFT LUNG, WHICH CAN BE FATAL IN AND OF
15 ITSELF

16 AND AS I MENTIONED, THERE WERE GUNSHOT WOUNDS TO
17 THE ARMS OR UPPER EXTREMITIES WITH HEMORRHAGE AND
18 TEARING THROUGH THE TISSUE, THROUGH THE MUSCLES OF THE
19 ARM

20 THE SEVERE AND FATAL INJURIES WERE THE GUNSHOT
21 WOUNDS TO THE HEAD WITH DISRUPTION, DESTROYING
22 HEMORRHAGE OF THE BRAIN TISSUE, AS WELL AS THE GUNSHOT
23 WOUND WHICH WENT THROUGH THE LUNG AND CAUSED
24 DESTRUCTION OF THAT TISSUE AND HEMORRHAGE WITHIN THE
25 LUNG

- 1 Q I THINK YOU JUST ANSWERED THE QUESTION THAT I'M
2 FIXING TO ASK YOU, BUT I'M GOING TO ASK YOU AGAIN DO
3 YOU HAVE AN OPINION AS TO WHAT CAUSED HIS DEATH?
4 A YES, I DO
5 Q AND WHAT IS -- IS THAT THE ANSWER YOU JUST GAVE?
6 A YES, THE CEREBRAL OR BRAIN -- ANOTHER TERM FOR THE
7 BRAIN, CEREBRAL DISRUPTION THAT WE WENT OVER, AS WELL
8 AS THE LUNG INJURY THAT WAS CAUSED BY THE GUNSHOT
9 WOUND
10 Q OKAY DOCTOR, DID YOU REMOVE FROM HIS BODY
11 ANYTHING?
12 A YES WE DID I WANT TO MAKE SURE I GET MY
13 EVIDENCE TRANSFER SEPARATE FROM THE TWO CASES
14 (PAUSE) I HAVE AN EVIDENCE TRANSFER SHEET, WHICH WAS
15 FILLED OUT BY MY FORENSIC FELLOW, WITH 20 ITEMS THAT
16 WERE TRANSFERRED OVER TO SLED
17 Q OKAY I'M TALKING ABOUT -- DID YOU TAKE ANYTHING
18 FROM DEPUTY SHERIFF COURSEN'S BODY, ANY PROJECTILE FROM
19 HIS BODY?
20 A YES, WE DID, AND WE CALLED IT BULLET NO 1
21 MR MURDAUGH MAY I APPROACH?
22 THE COURT YES
23 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
24 THIS, DR COLLINS?
25 A THIS IS A PLASTIC CONTAINER WE HAVE MANY OF

1 THESE IN OUR AUTOPSY ROOM ON THE FRONT OF THE
2 CONTAINER IS A COMPUTER-GENERATED LABEL THAT COMES FROM
3 OUR OFFICE AND IT HAS THE NAME, THE AUTOPSY NUMBER --
4 IN THIS CASE, IT'S FA -- FOR FORENSIC AUTOPSY -- 02 --
5 FOR 2002 -- NO 23 AND UNDER CONTENTS IS LISTED,
6 BULLET NO 1

7 Q OKAY AND WHERE DID THIS BULLET NO 1 COME FROM
8 MA'AM?

9 A JUST ONE MOMENT (PAUSE) THIS WAS A BULLET FROM
10 A GUNSHOT WOUND WHICH WENT THROUGH THE LUNG, THE ONE
11 THAT I DESCRIBED GOING THROUGH THE LUNG AND IT
12 ACTUALLY EXITED THE BODY BUT WAS RETAINED AGAINST THE
13 BODY BY THE CLOTHING SO WHEN WE LOOKED WITHIN THE
14 CLOTHING, WE WERE ABLE TO SEE THE BULLET WHICH HAD
15 EXITED THE BODY, JUST HAD NOT EXITED THROUGH THE
16 CLOTHING YET SO THAT WAS BULLET NO 1

17 Q DID HE HAVE ON A BULLET PROOF VEST, DO YOU RECALL?

18 A I BELIEVE HE DID (PAUSE) YES, HE DID

19 Q WOULD THAT BE THE THING THAT STOPPED IT WHEN IT
20 EXITED HIS BODY?

21 A YES, THAT'S CORRECT

22 Q OKAY AND SHOWING YOU THIS ITEM AGAIN, MA'AM
23 THERE'S AN ENVELOPE INSIDE THE PLASTIC CONTAINER THAT
24 HAS SOMETHING IN IT IS THAT THE BULLET THAT YOU FOUND
25 IN HIS -- THAT WENT THROUGH HIS CHEST?

STATE VS ALKEBULANYAHH

1 A YES, THAT IS CORRECT

2 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
3 OFFER THIS AS AN EXHIBIT

4 THE COURT ANY OBJECTION?

5 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

6 THE COURT ALL RIGHT IT'S IN EVIDENCE WITHOUT
7 OBJECTION, WHAT NUMBER IS THAT? STATE'S 2

8 (SMALL PLASTIC CONTAINER MARKED IN EVIDENCE AS
9 STATE'S EXHIBIT NO 2)

10 Q WERE YOU ABLE TO -- ON DEPUTY SHERIFF COURSEN'S
11 BODY, WERE YOU ABLE TO FIND ANY OTHER BULLET OR BULLET
12 FRAGMENTS?

13 A NO WE WERE NOT

14 Q ON EACH OF THE OTHER WOUNDS THAT YOU HAVE
15 DESCRIBED WERE THEY THROUGH AND THROUGH WOUNDS?

16 A YES, THAT'S CORRECT WE TERM -- THAT TERM IS
17 PERFORATING THAT MEANS THEY ARE THROUGH AND THROUGH
18 WHEN IT'S PERFORATING

19 Q OKAY DOCTOR, WERE YOU ABLE TO DETERMINE -- I
20 THINK YOU TESTIFIED ABOUT FIVE WOUNDS, IS THAT CORRECT?
21 AM I MISTAKEN?

22 A THERE WERE 12 WOUNDS TO THE BODY AS WE HAVE GONE
23 OVER, THEY ARE THROUGH AND THROUGH SO THAT WOULD
24 CORRESPOND TO 6 GUNSHOT WOUNDS

25 Q OKAY 6 6 GUNSHOT WOUNDS TO THE BODY?

STATE VS ALKEBULANYAHH

1 A THAT'S CORRECT

2 Q OKAY AND HAVE YOU ENUMERATED THEM AS 1, 2, 3 4

3 5, AND 6?

4 A WE ENUMERATE THE GUNSHOT WOUNDS, THE WOUNDS TO THE

5 BODY WITH LETTERS WE GIVE THE BULLETS NUMBERS SO

6 THESE ARE "A" THROUGH "L"

7 Q "A" THROUGH "L" NOW, DOCTOR, COULD YOU DETERMINE

8 ON EACH OF THESE 6 WOUNDS THE TRAJECTORY FROM THE --

9 THE PATH OF THE BULLET?

10 A YES, WE COULD

11 Q WOULD YOU DO THAT, TELL ME ABOUT THAT PLEASE?

12 A WOULD YOU LIKE ME FOR ME TO GO BY EACH ONE BY

13 LETTER AND TELL WHERE IT IS AND THE DIRECTION?

14 Q WOULD YOU PLEASE DO THAT?

15 A YES GUNSHOT WOUND "A" IS TO THE BACK OF THE HEAD

16 ON THE LEFT SIDE

17 Q TO WHAT?

18 A I'M SORRY THE BACK OF THE HEAD ON THE LEFT SIDE

19 SO THAT'S GUNSHOT WOUND "A"

20 Q OKAY

21 A GUNSHOT WOUND "A", THE BULLET TRAVELED THROUGH THE

22 SCALP AND THE SKULL, INTO THE BRAIN, THROUGH THE BRAIN

23 THROUGH THE HEAD, GOING FORWARDS -- BECAUSE HE'S SHOT

24 THROUGH THE BACK OF THE HEAD, MOVING FORWARDS, UPWARDS

25 APPROXIMATELY 40 DEGREES AND TO THE RIGHT APPROXIMATELY

1 30 DEGREES

2 Q CAN YOU ON THE BACK OF MY HEAD TAKE A PENCIL AND
3 INDICATE TO THE JURY THE -- THE -- WHAT YOU'RE TALKING
4 ABOUT?

5 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

6 A APPROXIMATELY RIGHT HERE ON THE LEFT

7 Q OKAY THAT'S SORT OF DOWN ON THE NECK?

8 A YES BUT IT WAS HIGH ENOUGH TO WHERE IT WENT INTO
9 THE HEAD ITSELF, THROUGH THE SKULL

10 Q OKAY AND THAT WAS HOW MANY DEGREES UPWARDS?

11 (THE WITNESS RETURNS TO THE WITNESS STAND)

12 A IT TRAVELED UPWARD APPROXIMATELY 40 DEGREES AND TO
13 THE RIGHT

14 Q 45 DEGREES IS HALF OF -- 45 DEGREES WOULD BE ABOUT
15 LIKE MY HAND IS NOW?

16 A THAT'S CORRECT COMING OUT OF THE RIGHT EYE -- THE
17 RIGHT EYE AREA

18 Q OKAY AND SO IT WOULD HAVE GONE FROM THE LEFT TO
19 THE RIGHT, COMING OUT OF THE EYE?

20 A THAT'S CORRECT

21 Q FROM WHERE MY FINGER¹ IS ABOUT RIGHT HERE?

22 A YES, SIR

23 Q AND COMING OUT OF THE RIGHT EYE?

24 A YES, SIR

25 Q OKAY NEXT WOUND PLEASE?

STATE VS ALKEBULANYAHH

- 1 A THE NEXT WOUND IS "C" AND IT'S TO THE CHIN
- 2 Q AND THE REASON "B" IS THE BACK SIDE OF "A"?
- 3 A YES, "B" -- "B" IS THE RIGHT EYE WOUND WHERE THE
- 4 BULLET CAME OUT THAT WAS "B"
- 5 Q OKAY
- 6 A THESE ARE ARBITRARILY NUMBERED BECAUSE WE
- 7 LETTERED THEM BEFORE WE ACTUALLY DONE THE INTERNAL
- 8 EXAMINATION SO THAT'S WHY "A" GOES TO "B", AND THAT
- 9 SEEMS TO MAKE SENSE SOME OF THE OTHER LETTERS YOU LL
- 10 SEE IT'S NOT LIKE 'C" ALWAYS GOES TO "D"
- 11 Q OKAY
- 12 A SO "C" IS TO THE CHIN
- 13 Q "C" IS TO THE CHIN WHEREABOUTS? COULD YOU TELL?
- 14 A ANTERIOR CHIN THERE WAS MUCH DESTRUCTION TO THE
- 15 BONES THE SOFT TISSUE SO THERE WASN'T A SMALL ROUND
- 16 HOLE THAT YOU COULD LOOK AT BUT INSTEAD THERE IS A
- 17 LOT OF DESTRUCTION TO THE ANTERIOR CHIN
- 18 Q OKAY COULD YOU TELL THE TRAJECTORY OF THAT?
- 19 A "C" WENT SLIGHTLY BACKWARDS UPWARDS AND TO THE
- 20 RIGHT 45 DEGREES
- 21 Q I'M SORRY SAY THAT ONE MORE TIME?
- 22 A SLIGHTLY BACKWARDS UPWARDS, AND TO THE RIGHT
- 23 Q ABOUT THE TRAJECTORY I'VE GOT -- CAN I HAVE MY PEN
- 24 BACK? THAT WOULD BE APPROXIMATELY IN THIS TRAJECTORY?
- 25 A THAT'S CORRECT

1 Q OKAY AND THE NEXT LETTER?

2 A OKAY IT EXITS AS "D"

3 Q OKAY

4 A AND I JUST REALIZED I GAVE YOU -- "D" IS THE

5 RIGHT EYE THE OTHER "B" WAS THE LEFT I KNOW WE'RE

6 GETTING LEFT AND RIGHT -- SO BOTH OF THE EYES

7 Q SO THE FIRST BULLET "A" WOULD HAVE COME OUT OF

8 THE LEFT EYE? IS THAT CORRECT?

9 A YES SIR

10 Q OKAY AND THE WOUND TO THE CHIN WOULD HAVE COME

11 OUT THE RIGHT EYE?

12 A THAT'S CORRECT

13 Q OKAY

14 A AND THE NEXT ONE WE HAVE LISTED IS "I" WHICH IS

15 TO THE BACK

16 Q CAN YOU INDICATE ON ME WHERE TO THE BACK?

17 A YES DO YOU HAVE A PEN? I'LL GO AHEAD AND DO "I"

18 AND "J" THEY CONNECT THEY'RE BOTH ON THE BACK

19 Q OKAY WOULD YOU INDICATE ON MY BACK WHERE YOU'RE

20 TALKING ABOUT?

21 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

22 A (COMPLIED) APPROXIMATELY IN THIS AREA WOULD BE

23 "I", WHERE IT WENT IN AND IT EXITS CLOSE TO THE SAME

24 AREA ON THE RIGHT SIDE "I" "J" ON THE RIGHT SIDE

25 BELOW THE SHOULDER BLADE

1 Q OKAY

2 (THE WITNESS RETURNS TO THE WITNESS STAND)

3 Q NEXT ONE?

4 A ALSO TO GET YOU ORIENTED, THE "I" AND "J" I JUST
5 GAVE, THAT'S WHERE THE BULLET -- WE RECOVERED THE
6 BULLET THAT WE JUST SHOWED YOU

7 THE NEXT ONE WE HAVE LISTED IS TO THE BACK OF THE
8 LEFT UPPER ARM WE CALL THAT "E"

9 Q YES, MA'AM AND THAT WOULD BE WHERE?

10 A IN THIS LOCATION HERE, LEFT UPPER ARM

11 Q OKAY

12 A AND THIS EXISTS ON THE OTHER SIDE OF THE LEFT
13 UPPER ARM IN THIS AREA WE CALL THAT "G"

14 Q A BACK TO FRONT SHOT?

15 A YES, SIR

16 Q OKAY

17 A THAT WAS "E" GOING TO "G"

18 Q OKAY

19 A THE NEXT SHOT IS "F" ON THE BACK OF THE LEFT
20 UPPER ARM, AGAIN BUT NEARER TO THE ELBOW THAN THE ONE
21 I JUST SHOWED YOU I MENTIONED THAT "E" GOES HERE
22 "F" GOES IN BELOW "E" "F"

23 Q OKAY

24 A AND "F" COMES OUT OF THE OTHER SIDE NEAR THE
25 BICEP, AS YOU'RE MAKING A MUSCLE, NEAR THAT AREA RIGHT ,

1 HERE AND WE CALLED THAT "H"
2 THE LAST TWO WOUNDS ARE TO THE RIGHT-HAND "K"
3 AND "L" AND IT ENTERS THE BACK -- THIS IS THE BACK OF
4 THE HAND, OKAY NOT THE PALM, BUT THE OTHER SIDE IT
5 ENTERS THAT SIDE AND COMES OUT OF THE PALM AS "L"
6 Q OKAY AND THAT'S ALL OF THE WOUNDS?
7 A YES, SIR
8 Q OKAY DOCTOR, DO YOU RECALL HOW THESE TWO
9 OFFICERS WERE DRESSED WHEN YOU SAW THEM?
10 A YES AND WE ALSO HAVE A CLOTHING LIST THAT WAS
11 TRANSFERRED OVER TO SLED
12 Q DID YOU REMOVE THE CLOTHING FROM THE BODIES?
13 A YES, WE DID
14 Q AND DID YOU ---
15 A THAT'S CORRECT
16 Q OKAY I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN
17 IDENTIFY THE CONTENTS OF THIS BOX PLEASE?
18 A YES THESE ARE THE CONTENTS THAT WE TRANSFERRED
19 OVER AS HIS CLOTHING
20 MR MURDAUGH OKAY IF YOUR HONOR, PLEASE, I
21 WOULD OFFER THESE -- PROBABLY AS A COLLECTIVE EXHIBIT,
22 SIR
23 THE COURT ALL RIGHT ANY OBJECTION?
24 Q CAN YOU GIVE ME AN INVENTORY PLEASE, DOCTOR, OF
25 WHAT'S IN THIS PACKAGE?

1 A YES, SIR WE HAVE LISTED A PAIR OF WHITE BOXER
2 BRIEFS, PAIR OF GREEN PANTS, TWO GRAY SLACKS -- SOCKS
3 -- EXCUSE ME, TWO GRAY SOCKS, TWO BLACK BOOTS, A TAN --
4 WE CALLED IT A WORK SHIRT, A BLACK BELT WITH MULTIPLE
5 COMPARTMENTS HOLDING MACE AND KEYS, A BULLET-PROOF
6 VEST, AND A LONG SLEEVED BLACK T-SHIRT

7 MR MURDAUGH OKAY I WOULD OFFER THAT AS A
8 COLLECTIVE EXHIBIT IF YOUR HONOR, PLEASE
9 THE COURT ANY OBJECTION?

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR THE
11 OBJECTION I WOULD LIKE TO KNOW THE PURPOSE OBJECTION
12 TO HIM OFFERING IT AS EVIDENCE I WOULD LIKE THE
13 PURPOSE OF THE CLOTHING BEING INTRODUCED AS EVIDENCE?

14 THE COURT APPROACH THE SIDE BAR PLEASE

15 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
16 OUT OF THE HEARING OF THE JURY)

17 THE COURT OVERRULED STATE'S 3 IN EVIDENCE
18 WITHOUT OBJECTION -- I'M SORRY STATE'S 3 IN EVIDENCE
19 OVER THE DEFENDANT'S OBJECTION

20 (LARGE BOX CONTAINING CLOTHING ITEMS OF COURSEN
21 MARKED IN EVIDENCE AS STATE'S EXHIBIT NO 3)

22 Q NOW, DOCTOR, DID YOU TURN STATE'S EXHIBITS -- THE
23 UNIFORM, STATE'S EXHIBIT 3 AND THE BULLETS, STATE'S
24 EXHIBIT 2, OVER TO BRETT BAKER OF SLED?

25 A THAT'S CORRECT, WE HAVE HIS SIGNATURE ON OUR

STATE VS ALKEBULANYAHH

1 EVIDENCE TRANSFER FORM

2 Q THANK YOU, MA'AM NOW, DOCTOR, IF YOU WOULD, TURN
3 YOUR ATTENTION TO THE AUTOPSY OF OFFICER TATE

4 A YES, SIR

5 Q TELL US WHAT YOUR EXAMINATION REVEALED IN REGARD
6 TO OFFICER TATE PLEASE?

7 A THE EXAMINATION REVEALS 7 GUNSHOT WOUNDS TO THE
8 BODY, RESULTING IN 12 WOUNDS, SOME OF THEM AS IN THE
9 PREVIOUS CASE WERE THROUGH AND THROUGH, OR PERFORATING
10 HE WAS SHOT 7 TIMES THIS ENDED UP TEARING, DISRUPTING
11 AS IN THE PREVIOUS CASE, THE BRAIN, THE HEART, THE
12 LUNG, THE LIVER, AND THE AORTA, WHICH IS THE LARGEST
13 BLOOD VESSEL WE HAVE IN OUR BODY

14 Q OKAY DOCTOR, DO YOU HAVE AN OPINION AS TO WHAT
15 CAUSED OFFICER TATE'S DEATH?

16 A ALL OF THE FIVE AREAS I JUST MENTIONED THE BRAIN
17 LUNG, HEART, LIVER, AND AORTA COULD HAVE BEEN FATAL
18 WOUNDS SO THE WAY THAT WE LISTED IT WAS DISRUPTION OF
19 ALL FIVE OF THOSE AREAS WAS THE CAUSE OF DEATH

20 Q DID YOU DETERMINE WHAT CAUSED THE INJURIES?

21 A YES, SIR, GUNSHOT WOUND -- WOUNDS, PLURAL

22 Q I'M SORRY DO WHAT?

23 A WOUNDS, WITH AN "S" GUNSHOT WOUNDS

24 Q OKAY DOCTOR, CAN YOU DESCRIBE FOR ME AGAIN IN
25 THE SAME MANNER THE WOUNDS TO OFFICER TATE?

STATE VS ALKEBULANYAHH

1 A YES THE FIRST WOUND WAS LABELED "A" AND THIS
2 IS TO THE TOP OF THE HEAD, SLIGHTLY TO THE LEFT, TO
3 THIS LOCATION ON MY HEAD THIS RESULTED IN A GRAZING
4 OR A LONG, SCRAPING WOUND, WHILE AT THE SAME TIME PART
5 OF THE BULLET WENT INTO THE BRAIN PART OF THE BULLET
6 WENT INTO THE BRAIN AND PART OF IT EXITED SOMEWHERE OUT
7 OF THE BODY

8 Q COULD YOU -- EXCUSE ME I'M SORRY GO AHEAD

9 A I WAS GOING TO SAY, AS THE BULLET GRAZED AND
10 SCRAPED ALONG THE HEAD, IT TORE THE SCALP, FRACTURED
11 THE SKULL, AND PART OF THE BULLET WENT INSIDE

12 Q OKAY COULD YOU DETERMINATE A TRAJECTORY ON THAT?

13 A THE TRAJECTORY IS SLIGHTLY UPWARD, SLIGHTLY TO THE
14 RIGHT, AND BACKWARD SO IT CAME FROM FRONT TO BACK

15 Q ALMOST STRAIGHT FORWARD?

16 A YES, SIR

17 Q OKAY NEXT WOUND PLEASE MA'AM?

18 A THE NEXT WOUND GOING IN ORDER OF THE REPORT WAS ON
19 THE ---

20 Q LET ME INTERRUPT YOU JUST A MINUTE THE SEQUENCE
21 OF WOUNDS IS NOT NECESSARILY THE ORDER THAT THEY WERE
22 INFLECTED, IS IT?

23 A THAT'S CORRECT WE TAKE BODY SECTIONS SO HEAD
24 AND NECK, UPPER EXTREMITIES, THE ARMS, LOWER
25 EXTREMITIES, THE LEGS, AND THEN THORAX SO THAT'S HOW

1 WE HAVE THEM IN SECTIONS THEY'RE ARBITRARILY
2 LETTERED

3 Q FROM TOP TO BOTTOM?

4 A THAT'S CORRECT

5 Q OKAY I DIDN'T MEAN TO INTERRUPT YOU GO AHEAD

6 A THE NEXT GUNSHOT WOUND WE LABELED AS "D", AND IT
7 IS TO THE SIDE OF THE RIGHT UPPER ARM

8 Q CAN YOU INDICATE TO ME WHERE THAT WAS?

9 A APPROXIMATELY -- APPROXIMATELY HERE

10 Q OKAY IN THE TRAJECTORY THAT YOU HAVE THE PENCIL?

11 A ONE SECOND YES, THAT WOULD BE CORRECT IT EXITS
12 IS BEHIND THE ARM HERE, "E"

13 Q OKAY

14 A THIS AREA

15 Q THANK YOU MA'AM

16 A AND THAT ONE AS NOTED WENT BACKWARDS AND SLIGHTLY
17 UPWARD, TO GO FROM "D" TO "E"

18 THE NEXT GUNSHOT WOUND IS TO THE LEFT FOREARM AND
19 WE CALL THAT "K", EXTENDING UP FROM THE WRIST AND IF
20 YOU HOLD YOUR ARM LIKE THIS, WITH YOUR PALM OUT, IT'S
21 ON THE INNER ASPECT OF THE WRIST, SKIDDING UP OR
22 GRAZING -- AGAIN, GRAZING UP THE LEFT ARM

23 THE NEXT GUNSHOT WOUND IS LABELED "B", AS IN BLUE,
24 "B" AND IT'S TO THE FRONT OF THE RIGHT UPPER ARM,
25 RIGHT IN THIS DIRECTION

1 Q AND IS THE TRAJECTORY YOU'RE HOLDING THE PENCIL
2 THE CORRECT TRAJECTORY?

3 A NO "B" IS INTERESTING "B" GOES INTO THE ARM
4 HERE, SLIDES UP THIS TISSUE RIGHT HERE WHERE THE ARM
5 CONNECTS TO YOUR THORAX, YOUR BODY, AND THEN IT GOES IN
6 THIS WAY INTO THE BODY IT KIND OF BROKE THE SKIN
7 SURFACE RIGHT HERE AND MADE A HOLE AND WE CALLED THAT
8 HOLE "L" "B" TO "L" AND -- OKAY THAT'S ALL, "B"
9 GOES TO "L"

10 Q THANK YOU MA'AM

11 A STAYING WITH "L", WE'RE NOW INTO THE THORAX SO
12 WE'RE LEAVING THE UPPER EXTREMITY "B" WAS IN THE
13 UPPER EXTREMITY GO TO "L" SO NOW WE'RE IN THE CHEST
14 WITH "L", BULLET "L" AND BULLET "L" GOES THROUGH THE
15 LUNG, THE LIVER, AND THE RIGHT KIDNEY AND WITHIN THAT
16 RIGHT KIDNEY WE RECOVERED A PIECE OF METAL, AND WE
17 CALLED THAT NO 3

18 Q I'LL GO THROUGH THOSE IN JUST A MOMENT LET'S GO
19 THROUGH THE WOUNDS FIRST CAN YOU SHOW ME WHERE THAT
20 ONE ENTERED THE BODY?

21 A "L" ENTERED THE CHEST "B" TO "L", RIGHT AROUND
22 THE ARMPIT AREA HERE AND THEN TRAVELED DOWN AND ENDED
23 UP IN THE KIDNEY RIGHT KIDNEY YOUR KIDNEY SITS
24 AROUND YOUR WAISTLINE SO IT'S TRAVELING DOWN TOWARD
25 THE KIDNEY

STATE VS ALKEBULANYAHH

1 Q OKAY

2 A THE NEXT WOUND WE CALL "C" AND IT IS TO THE
3 RIGHT CHEST IN THIS AREA AND IT GOES SLIGHTLY
4 DOWNWARDS AND TO THE LEFT THIS IS THE WOUND "C" TO
5 THE RIGHT CHEST THAT AS IT'S TRAVELING TO THE LEFT IT
6 GOES INTO THE HEART, ALSO GOES INTO THE AORTA, WHICH I
7 MENTIONED IS THE LARGEST BLOOD VESSEL OF OUR BODY, AND
8 IT ALSO WENT TO THE RIGHT LUNG AND THE LEFT LUNG

9 WITHIN THE BELLY AREA WE RECOVERED A FRAGMENT OF
10 METAL, A BULLET FRAGMENT, WHICH WE CALLED NO 1 AND
11 FROM THE HEART AREA WITHIN THE HEART AND THE AORTA WE
12 RECOVERED 2 BULLET FRAGMENTS, WHICH TOGETHER WERE
13 CALLED NO 4, FROM THAT AREA, HEART AND AORTA

14 THE NEXT WOUND IS ON THE LEFT BUTTOCK REGION, AND
15 IT'S LABELED "G" AND IT GOES FORWARD SLIGHTLY
16 UPWARDS AND TO THE LEFT, AND COME OUT AT THE FRONT OF
17 YOUR LEFT WAIST IN THIS AREA

18 Q CAN YOU INDICATE ON ME?

19 A YES

20 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

21 A "G" IS THE ENTRANCE WOUND ABOUT THIS LOCATION
22 AND IT'S TRAVELING TO THIS BONE RIGHT HERE ON THE FRONT
23 -- I'M SORRY -- ON THE LEFT SIDE, THAT'S COMING THIS
24 WAY FROM BUTTOCK AREA TO THIS BONE RIGHT HERE, THIS
25 AREA RIGHT HERE KIND OF AROUND THE WAIST

STATE VS ALKEBULANYAHH

1 Q OKAY

2 (THE WITNESS RETURNS TO THE WITNESS STAND)

3 Q THE LAST ONE IS "H", WHICH IS ON THE RIGHT LOWER
4 BUTTOCK REGION AND COMES OUT ON A SIMILAR LOCATION AS I
5 JUST SHOWED YOU -- AND I'LL DEMONSTRATE -- AND THAT
6 ONE'S CALLED "I"

7 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

8 A "H" ENTERED APPROXIMATELY HERE, GOING FORWARD
9 AND IT'S GOING TO END UP ON THE RIGHT, NEAR THAT RIGHT
10 BONY WAISTLINE AREA IN THE FRONT AND THAT WAS "I"

11 Q THAT WOULD BE AN UPWARD TRAJECTORY?

12 A YES, AND I'LL CONFIRM THAT

13 (THE WITNESS RETURNS TO THE WITNESS STAND)

14 A YES TO THE RIGHT FORWARD, SHOT FROM BACK TO
15 FRONT, AND UPWARD

16 Q OKAY NOW, DOCTOR YOU'VE MADE REFERENCE TO
17 REMOVING CERTAIN THINGS FROM HIS BODY?

18 A THAT IS CORRECT

19 Q AND LET ME -- LET ME SHOW YOU THREE ITEMS AND ASK
20 IF YOU CAN IDENTIFY THEM? FIRST ONE?

21 A AGAIN, WE HAVE THE SAME TYPE OF CUP WITH A
22 COMPUTER LABEL, AND THIS IS DESIGNATED BULLET FRAGMENTS
23 NO 5, WHICH WERE FOUND IN THE CHEST REGION

24 MR MURDAUGH YOUR HONOR, PLEASE I WOULD OFFER
25 THAT AS AN EXHIBIT

1 THE COURT ANY OBJECTION?

2 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

3 THE COURT STATE'S 4 IN EVIDENCE WITHOUT
4 OBJECTION

5 (SMALL PLASTIC CONTAINER MARKED IN EVIDENCE AS
6 STATE'S EXHIBIT NO 4)

7 Q OKAY I SHOW YOU ANOTHER ITEM AND ASK IF YOU CAN
8 IDENTIFY IT?

9 A YES, ANOTHER CONTAINER WITH OUR COMPUTER-GENERATED
10 LABEL, BULLET FRAGMENT NO 3

11 Q OKAY AND IT CAME FROM?

12 A NO 3 IS THE ONE THAT CAME FROM THE RIGHT KIDNEY

13 MR MURDAUGH OKAY OFFER THAT AS AN EXHIBIT,
14 YOUR HONOR, PLEASE

15 THE COURT ANY OBJECTION?

16 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

17 THE COURT STATE'S 5 IN EVIDENCE WITHOUT
18 OBJECTION

19 (SMALL PLASTIC CONTAINER MARKED IN EVIDENCE AS
20 STATE'S EXHIBIT NO 5)

21 Q I SHOW YOU ONE LAST VILE OR CONTAINER, AND ASK YOU
22 WHAT THAT IS?

23 A THIS IS A COMPUTER-GENERATED LABEL AND IT SAYS,
24 BULLET FRAGMENT NO 1 AND NO 1 WAS THE BULLET THAT I
25 DESCRIBED AS BEING FOUND IN THE BELLY REGION IN SOME

STATE VS ALKEBULANYAHH

1 FAT WITHIN THE BELLY, WE CALL THE MESENTERY

2 MR MURDAUGH YOUR HONOR, PLEASE, I OFFER THIS AS
3 AN EXHIBIT

4 THE COURT ANY OBJECTION?

5 MR ALKEBULANYAHH I HAVE NO OBJECTION

6 THE COURT ALL RIGHT STATE'S 6 IN EVIDENCE
7 WITHOUT OBJECTION

8 (SMALL PLASTIC CONTAINER MARKED IN EVIDENCE AS
9 STATE'S EXHIBIT NO 6)

10 Q I LASTLY SHOW YOU, MA'AM, THREE ENVELOPES AND ASK
11 IF YOU CAN IDENTIFY THEM COLLECTIVELY?

12 A YES, INSTEAD OF BEING IN PLASTIC CONTAINERS, THESE
13 ARE YELLOW ENVELOPES WE HAVE IN THE AUTOPSY ROOM WITH
14 OUR COMPUTER-GENERATED LABEL ONE SAYS BULLET FRAGMENT
15 NO 2 PELLET "A" AND BULLET FRAGMENTS NO 4

16 Q OKAY AND WHERE DID YOU RECOVER THESE?

17 A BULLET FRAGMENTS NO 4 WERE TWO PIECES THAT WE
18 CALL 4 THEY WERE RETRIEVED FROM THE HEART AND THE
19 REGION OF THE AORTA, THE LARGE VESSEL

20 BULLET FRAGMENTS DESIGNATED NO 2 WERE RECEIVED
21 WITHIN THE HEAD FROM THE GUNSHOT WOUND "A"

22 Q CAN YOU SHOW ME ON HERE WHERE YOU SAY DESIGNATED
23 NO 2?

24 A (COMPLIED)

25 Q OH, OKAY THANK YOU, MA'AM

STATE VS ALKEBULANYAHH

1 A AND THEN ANOTHER FRAGMENT, BULLET FRAGMENT WAS
2 FOUND WITHIN THE SCALP OF "A", AND SO WE CALL THAT
3 PELLET "A"

4 Q THAT'S THIS ONE?

5 A YES WE DIFFERENTIATE PELLET "A" FROM THE OTHER
6 BULLET FRAGMENTS THAT WERE FOUND WITHIN THE HEAD, THOSE
7 ARE BOTH HEAD REGIONS, SCALP AND THEN WITHIN THE BRAIN

8 Q AND LASTLY?

9 A THIS WAS BULLET FRAGMENT NO 4, WHICH WAS
10 RETRIEVED FROM THE AORTA AND THE HEART

11 MR MURDAUGH YOUR HONOR, PLEASE I OFFER THESE
12 THREE VILES THAT SHE'S JUST TESTIFIED COLLECTIVELY AS
13 ONE EXHIBIT

14 THE COURT ANY OBJECTION?

15 MR ALKEBULANYAHH I HAVE NO OBJECTION

16 THE COURT ALL RIGHT STATE'S 7 IN EVIDENCE
17 WITHOUT OBJECTION, THOSE THREE VILES

18 (3 SMALL ENVELOPES MARKED IN EVIDENCE AS STATE'S
19 EXHIBIT NO 7)

20 MR MURDAUGH MAY I STAPLE THESE TOGETHER, SIR?

21 THE COURT YES, SIR

22 Q DOCTOR, I ASK YOU HOW DEPUTY SHERIFF TATE WAS
23 ATTIRED WHEN YOU SAW HIM?

24 A HE HAD ON TWO BLACK BOOTS, A PAIR OF GREEN PANTS,
25 TWO BEIGE SOCKS, A BLACK BELT WITH ATTACHED HOLDERS,

1 HOLSTERS, BATON, HANDCUFFS, A BLACK T-SHIRT, A VEST,
2 AND BLACK BRIEF UNDERWEAR

3 Q DOCTOR, I SHOW YOU A BOX AND ASK IF YOU CAN
4 IDENTIFY THE CONTENTS THEREOF?

5 (PAUSE)

6 Q DOCTOR WHY ARE ALL OF US WEARING GLOVES?

7 A THIS IS -- WE CALL HAZARDOUS MATERIAL BECAUSE
8 THERE'S BLOOD ON THE CLOTHING, AND THE OTHER ARTICLES
9 THAT WERE WITH THE BODY SO WE DEFINITELY WANT TO PUT
10 GLOVES ON

11 (PAUSE)

12 A YES THESE ARE THE CLOTHES THAT WERE ON THE BODY

13 MR MURDAUGH YOUR HONOR PLEASE I WOULD OFFER
14 THEM COLLECTIVELY AS AN EXHIBIT

15 THE COURT ANY OBJECTION?

16 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

17 THE COURT ALL RIGHT NO 8 SHALL BE IN EVIDENCE
18 WITHOUT OBJECTION

19 (LARGE BOX CONTAINING CLOTHING ITEMS OF TATE
20 MARKED IN EVIDENCE AS STATE'S EXHIBIT NO 8)

21 Q DOCTOR, I ASK YOU, DID YOU TURN OVER STATE'S
22 EXHIBITS 4, 5, 6, AND 7, AND THE UNIFORM THAT YOU JUST
23 TESTIFIED ABOUT TO ANYBODY?

24 A YES, THE FOLLOWING ITEMS AS WELL AS THE BULLETS
25 WERE TRANSFERRED TO AGENT BAKER OF SLED

1 Q THAT'S BRETT BAKER?

2 A YES, THAT'S CORRECT

3 MR MURDAUGH THANK YOU, MA'AM ANSWER ANY

4 QUESTIONS -- JUST ONE SECOND ANSWER ANY QUESTIONS HE

5 MAY HAVE

6 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE A

7 MOMENT?

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH THANK YOU

10 (PAUSE)

11 MR MURDAUGH JUDGE, WHILE HE'S THINKING, MAY I

12 STEP OUTSIDE?

13 THE COURT YES, SIR

14 (PAUSE)

15 MR ALKEBULANYAHH I'M READY

16 MR MURDAUGH YES SIR

17 THE COURT GO AHEAD, SIR

18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

19 Q DR COLLINS

20 A YES, SIR

21 Q YOU SAID YOU COULD DETERMINE THE TRAJECTORY OF THE
22 BULLET PATH, IS THAT CORRECT?

23 A YES, SIR

24 Q IF A BULLET ENTERED THE BODY AT, SAY, A 45
25 DEGREES, YOU CAN'T REALLY TELL WHERE THE BULLET

STATE VS ALKEBULANYAHH

1 ACTUALLY CAME FROM CAN YOU?

2 A YOU MEAN, WHAT DIRECTION IT ---

3 Q IT CAME FROM -- IF THE BULLET ENTERED THE BODY ---

4 A WHEN WE GIVE OUR TRAJECTORY THE INDIVIDUAL IS IN
5 THE ANATOMIC POSITION, WHICH IS HOW I DEMONSTRATED WITH
6 THE PALM OUT, AND JUST STRAIGHT -- STANDING STRAIGHT UP
7 AND DOWN WE CANNOT DETERMINE IF THE DECEDENT WAS
8 LAYING OVER, WAS IN A POSITION MOVEMENT, SUCH AS
9 RUNNING WE CAN ONLY TELL YOU WHAT THE TRAJECTORY IS
10 WITH THE ANATOMIC POSITION, LEFT TO RIGHT, FRONT TO
11 BACK UP OR DOWN

12 Q SO WHEN YOU ILLUSTRATED A MINUTE AGO WITH THE
13 PROSECUTOR WITH HIM STANDING UP AND POINTING IN THAT
14 DIRECTION, THAT'S JUST ONE FORM OF DIRECTIONS THAT THE
15 BULLET COULD HAVE ENTERED -- THAT -- THAT WAS STANDING
16 ERECT POSITION, IS THAT CORRECT?

17 A ONCE IT STRIKES THE BODY, IT WOULD BE GOING -- THE
18 BULLET WOULD BE TRAVELING AT THAT ANGLE AS I GAVE THE
19 JURY, UP, DOWN, LEFT RIGHT

20 Q BUT THE BODY COULD BE LEANING BACK -- LEANING
21 FORWARD, AND THE BULLET CAN STRIKE AND STILL HAVE THAT
22 45 DEGREE ANGLE, IS THAT CORRECT?

23 A THE ANGLE OF WOULD BE THE SAME, BUT THE POSITION
24 OF THE BODY CAN BE DIFFERENT

25 Q EXACTLY THANK YOU CERTAINLY THE POSITION OF A

1 PERSON WHEN STRUCK BY A BULLET IS A FACTOR YOU CAN'T
2 DETERMINE FROM THE AUTOPSY ITSELF, CAN YOU?

3 A THE POSITION THE BODY WAS IN?

4 Q YES, THE POSITION -- THE POSITION THE PERSON WAS
5 STRUCK WHEN THE -- WHEN THE -- WHEN THE PERSON WAS
6 STRUCK BY THE BULLET, YOU CAN'T DETERMINE, YOU KNOW,
7 FROM THE AUTOPSY ITSELF?

8 A WE CAN DETERMINE IF CERTAIN SCENARIOS OR POSITIONS
9 ARE CONSISTENT WITH OUR FINDINGS BUT I CANNOT LOOK AT
10 THE BODY ON THE AUTOPSY TABLE AND TELL YOU HE OR SHE
11 WAS DEFINITELY IN THIS POSITION

12 Q IN DEED THANK YOU SO ACTUAL POSITION OF THE
13 PERSON WHEN IT'S STRUCK IS AN UNKNOWN VARIABLE WHEN
14 TRYING TO DETERMINE THE TRAJECTORY OR THE BULLET PATH,
15 IS THAT CORRECT?

16 A WE DO NOT CONSIDER THE POSITION THEY WERE IN WE
17 ONLY DO ANATOMIC POSITION

18 Q OKAY SO YOU CAN'T SAY WHAT POSITION THEY IN WHEN
19 THE -- WHEN THE BULLET WAS ACTUALLY STRUCK, IS THAT
20 CORRECT?

21 A THAT'S CORRECT

22 Q WHEN A PERSON IS SHOT, ARE THERE FACTORS THAT
23 COULD CAUSE THE BULLET PATH TO CHANGE DIRECTION?

24 A ONCE IT ENTERS THE BODY?

25 Q YES

1 A WHAT WOULD CAUSE IT TO CHANGE DIRECTION WOULD BE
2 STRIKING A BONY PROMINENCE, SUCH AS A RIB, A PELVIS,
3 ETCETERA

4 Q SO WHEN YOU ILLUSTRATE THAT WHEN THE BULLET MADE A
5 ENTRY AND CAME FROM ANOTHER AREA OF THE BODY, THEN IT
6 IS POSSIBLE THAT THAT BULLET COULD HAVE STRUCK A BONE
7 AND THEN CAME OUT AT ANOTHER PART OF THE BODY --

8 ANOTHER LOCATION THAN THE AREA THAT IT WENT INTO, IS
9 THAT CORRECT, THE BODY STRIKING A BONE INSIDE THE BODY?

10 A THE BONES IN THESE CASES THAT WERE STRUCK ARE THE
11 SKULL BONE, SO IT WON'T BE DEFLECTED OFF, IF THAT IS
12 BONE THAT IT IS STRIKING UPON ENTRY AND THE OTHER
13 BONES WERE BONES THAT WERE STRUCK UPON EXITING WHEN
14 YOU HAVE -- WE DID NOT HAVE A RICOCHET-TYPE OF
15 PHONOMANIA IN THESE -- IN THIS CASE OR IN THESE CASES

16 Q BUT WHEN THE BULLET -- THE FRAGMENT OF THE BULLET
17 -- OR COULD IT HAVE BEEN FRAGMENTS OF THE BULLET OR
18 FRAGMENTS OF THE BONE THAT COULD HAVE BURST OFF AND
19 CAUSED WOUNDS FROM THE INITIAL IMPACT OF THE BULLET?

20 A WE KNOW WE HAD PIECES BREAKING OFF, BECAUSE WE
21 TURNED OVER FRAGMENTS SO THE BULLETS WERE NOT INTACT,
22 SO WE DID HAVE FRAGMENTS

23 Q WHEN YOU TALK ABOUT TRAJECTORY FROM THE AUTOPSY,
24 YOU ARE REALLY ONLY DISCUSSING THE TRAJECTORY OF THE
25 BULLET PATH THROUGH THE BODY AND NOT THE TRAJECTORY OF

1 THE BULLET FROM THE WEAPON, IS THAT CORRECT?

2 A THAT'S CORRECT

3 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

4 THE COURT YES, SIR

5 Q ARE YOU FAMILIAR WITH THIS?

6 A YES THESE ARE THE EVIDENCE TRANSFERS THAT I

7 MENTIONED BEFORE, THAT WERE SIGNED BY MY OFFICE AND

8 THEN SIGNED BY AGENT BAKER OF SLED LET'S SEE ONE --

9 THERE'S ONE FOR EACH CASE THERE'S THE TATE AND THEN

10 THE COURSEN SHEETS

11 Q COULD YOU GIVE ME THE NUMBER OF THAT TATE -- THE

12 NUMBER ON THE PAPER THE ASSIGNED NUMBER TO THE -- TO

13 THAT PARTICULAR PIECE OF EVIDENCE ON THERE?

14 A THE AUTOPSY NUMBER?

15 Q YES, MA'AM

16 A OKAY IN ORDER, ONE IS FA -- FOR FORENSIC

17 AUTOPSY 02, FOR 2002 22

18 THE OTHER IS SIMILAR, AND IT IS 23

19 MR ALKEBULANYAHH THANK YOU I WOULD LIKE TO

20 INTRODUCE THIS INTO EVIDENCE YOUR HONOR

21 THE COURT ANY OBJECTION?

22 MR MURDAUGH NO, SIR, I HAVE NO -- LET ME SEE

23 WHAT YOU'VE GOT I DON'T ---

24 (PAUSE)

25 MR MURDAUGH I HAVE NO OBJECTION WHATSOEVER

STATE VS ALKEBULANYAHH

1 THE COURT DEFENDANT'S 2 IN EVIDENCE WITHOUT
2 OBJECTION

3 (EVIDENCE TRANSFER SHEET, 2 PAGES MARKED IN
4 EVIDENCE AS DEFENDANT'S EXHIBIT NO 2)

5 Q NOW, WHEN THE PROSECUTOR ASKED YOU, DOCTOR -- DR
6 COLLINS, THAT -- ABOUT THIS PARTICULAR EVIDENCE ON THIS
7 SHEET, YOU SAID YOU TURNED OVER THIS EVIDENCE TO -- IS
8 THAT DOCTOR BAKER, IS THAT CORRECT?

9 A AGENT BAKER WITH SLED

10 Q AGENT BAKER WITH SLED, IS THAT CORRECT?

11 A YES

12 Q BUT IN ACTUALITY YOU DID NOT SIGN THAT EVIDENCE
13 SHEET, IS THAT CORRECT?

14 A THAT'S CORRECT

15 Q IT WAS SOMEONE ELSE WHO SIGNED THAT EVIDENCE
16 SHEET, IS THAT CORRECT?

17 A ONE OF THE -- ON THE AUTOPSY REPORT, DR SCHANDL,
18 SHE WAS MY FORENSIC FELLOW AS I MENTIONED EARLIER THE
19 OTHER INDIVIDUAL WAS DR PREZNEL (PHONETIC), WHO'S MY
20 PARTNER, MY FORENSIC PATHOLOGY PARTNER, AT THE MEDICAL
21 UNIVERSITY WHEN WE DO AUTOPSIES, IT'S A GROUP EFFORT
22 WE HAVE A PATHOLOGIST AND TECHNICIANS IN THERE AND SO
23 THEY WERE HELPING ME BAG UP THE CLOTHING SO THAT WE --
24 THE OTHERS COULD DO THE AUTOPSY DISSECT

25 Q SO THEM PARTICULAR ITEMS IN THE BOX THAT THE

1 PROSECUTOR PRESENTED TO YOU WAS ITEMS THAT SOMEONE
2 OTHER THAN YOURSELF CATEGORIZED AND LIST IN THE
3 EVIDENCE TRANSFER SHEET, NOT YOURSELF, IS THAT CORRECT?

4 A NO SOME OF THESE ARE MY HANDWRITING AND SOME ARE
5 THE OTHERS I HELPED UNDRESS THE BODY AND YOU CAN'T
6 WRITE WHEN YOU'VE GOT BLOODY GLOVES AND SO DR
7 SCHANDL AND DR PREZNEL WOULD ASSIST ME IN THE WRITING
8 WHILE WE BAGGED UP AND SIGNED IT OVER TO MR BAKER

9 Q SO OTHER THAN YOUR WORD, THERE IS NO PROOF THAT
10 YOU HAD ANY INVOLVEMENT WITH THE PROPERTY IN THAT BOX,
11 IS THAT CORRECT? I MEAN, AS FAR AS ANYTHING IN WRITING
12 OR SIGNING ALONG WITH THE ASSISTANTS THAT YOU SAY
13 ASSIST YOU?

14 A YES

15 Q SIGN YOUR NAME WITH HERS -- ALONG WITH HERS?

16 A YES, I DID I SIGNED MY NAME ON THE REPORT

17 Q BUT ---

18 A BUT LIKE I SAID, MY HANDS HAVE BLOOD ON THEM I'M
19 NOT ABLE TO -- I DON'T WANT TO MESS UP THE SHEETS, AND
20 SO SOMEONE ELSE WOULD HELP SIGN THIS OUT THEY'RE ALL
21 OFFICERS OF MY DEPARTMENT

22 Q DO YOU KNOW IF YOUR ASSISTANTS WHO SIGNED THAT
23 PARTICULAR DOCUMENT -- THIS PARTICULAR DOCUMENT ABOUT
24 THE EVIDENCE WILL BE TESTIFYING TODAY?

25 A I DO NOT

1 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
2 YOUR HONOR THANK YOU

3 REDIRECT EXAMINATION BY MR. MURDAUGH.

4 Q DOCTOR, ARE YOU LYING ABOUT WHAT YOU TESTIFIED
5 ABOUT?

6 A NO, SIR

7 Q ARE YOU LYING ABOUT TAKING THOSE CLOTHES OFF THE
8 OFFICERS?

9 A NO I SIGNED THE REPORT I SIGNED THE AUTOPSY
10 REPORT STATING WHAT HE WAS CLAD IN OR WEARING, STATING
11 WHAT I TRANSFERRED AND TO WHOM I TRANSFERRED IT TO
12 THE ONLY THING YOU DON'T HAVE IS MYSELF IN A PHOTOGRAPH
13 WITH THE CLOTHING

14 Q DOCTOR, LET ME ASK YOU THIS QUESTION AND I
15 NEGLECTED TO ASK YOU EARLIER DID YOU DETERMINE
16 WHETHER OR NOT ANY OF THE WOUNDS THAT WERE RECEIVED BY
17 THE TWO OFFICERS WERE PENETRATING WOUNDS OF THE -- OF
18 THE VEST THE BULLET-PROOF VEST?

19 A JUST ONE MOMENT

20 Q YES, MA'AM

21 (PAUSE)

22 A IN THE BACK OF THE VEST OF TATE ---

23 Q YES, MA'AM

24 A --- WAS A DEFECT

25 Q BY DEFECT, YOU MEAN?

1 A HOLE THERE WAS A HOLE IN THE VEST
2 Q IT'S NOT A MANUFACTURED ONE?
3 A NO, SIR
4 Q OKAY DO YOU KNOW WHAT IT WAS CAUSED BY?
5 A JUST ONE MOMENT
6 Q YES, MA'AM
7 (PAUSE)
8 A THERE WERE DEFECTS IN THE CLOTHING, INCLUDING THE
9 VEST, THAT ARE CONSISTENT WITH GUNSHOT WOUNDS AND IN
10 THE REPORT, WE HAVE DETERMINATION OF RANGE, SUCH AS
11 WITH THE GUNSHOT WOUNDS, WOULD BE DEFERRED TO THE SOUTH
12 CAROLINA LAW ENFORCEMENT DIVISION EXAMINATION AND
13 ANALYSIS OF THE CLOTHING, AND THAT WOULD INCLUDE THE
14 VEST
15 MR MURDAUGH OKAY THANK YOU MA'AM I HAVE NO
16 FURTHER QUESTIONS
17 THE COURT ANYTHING ELSE?
18 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
19 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.
20 Q DR COLLINS, ON THE EVIDENCE TRANSFER SHEET FOR
21 MR TATE, DEPUTY DANA TATE ---
22 A YES, SIR
23 Q --- YOUR ASSISTANT WAS -- IS THIS PRENEL
24 (PHONETIC)?
25 A PREZNEL THAT'S DR PREZNEL, SHE'S THE OTHER

STATE VS ALKEBULANYAHH

1 FORENSIC PATHOLOGIST

2 Q AND THE EVIDENCE TRANSFER SHEET FOR MR COURSEN,
3 THAT IS CYNTHIA SCANDAL (PHONETIC)?

4 A YES, CYNTHIA SCHANDL, DR SCHANDL

5 Q AND I JUST WANT TO MAKE THIS CLEAR, THAT YOU
6 ACTUALLY JUST GIVING TESTIMONY TO DOCUMENTS THAT WAS
7 SIGNED BY OTHER DOCTORS IN THE DEPARTMENT THAT YOU
8 WORK, AS FAR AS THIS EVIDENCE BEING TURNED OVER TO SLED
9 AND THE CONTENTS OF THIS DOCUMENT, IS THAT CORRECT?

10 A AS FAR AS SIGNING IT, THAT'S CORRECT MY
11 HANDWRITING IS ON SOME OF THE ITEMS BUT AT THE TIME
12 AS I SAID, I HAD BLOODY GLOVES, AND I'M UNABLE TO SIGN
13 AND CONTAMINATE THE PAPERWORK

14 MR ALKEBULANYAHH OKAY THANK YOU I HAVE NO
15 FURTHER QUESTIONS, YOUR HONOR

16 THE COURT YOU MAY STEP DOWN THANK YOU

17 MR MURDAUGH MAY DR COLLINS BE EXCUSED?

18 THE COURT ANY OBJECTION?

19 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

20 THE COURT YOU MAY BE EXCUSED THANK YOU

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 MR MURDAUGH BRETT BAKER NEXT BROMAGE

23 AFTERWARDS

24 DONALD BRETT BAKER, BEING

25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q GIVE US YOUR FULL NAME PLEASE, MR BAKER, AND
3 SPELL YOUR LAST NAME FOR US?

4 A THAT'S DONALD BRETT -- LAST NAME'S BAKER,
5 B-A-K-E-R

6 Q OKAY BY WHOM ARE YOU EMPLOYED?

7 A I'M EMPLOYED BY THE SOUTH CAROLINA LAW ENFORCEMENT
8 DIVISION, COMMONLY KNOWN BY THE ACRONYM SLED

9 Q AND IN WHAT CAPACITY?

10 A I WORK IN THE LATENT PRINT CRIME SCENE DEPARTMENT
11 AT SLED

12 Q OKAY, SIR WERE YOU ASKED TO GO TO AN AUTOPSY OF
13 DEPUTY SHERIFFS COURSEN AND TATE THAT OCCURRED IN
14 JANUARY OF 2002?

15 A YES SIR I WAS

16 Q OKAY, SIR I ASK YOU DID YOU GO?

17 A YES, SIR

18 Q DID YOU RECEIVE CERTAIN THINGS FROM DR COLLINS
19 WHILE YOU -- AFTER THE AUTOPSY HAD BEEN PERFORMED?

20 A YES, SIR, I DID

21 Q I ASK YOU WHETHER OR NOT SHE GAVE TO YOU STATE'S
22 EXHIBIT NO 2, 4, 5, 6, AND 7? AND THOSE COLLECTIVELY,
23 SIR?

24 A YES, SIR, SHE DID

25 Q OKAY, SIR DID SHE ALSO GIVE TO YOU THE UNIFORMS,

STATE VS ALKEBULANYAHH

1 WHICH ARE THE CONTENTS OF THIS BOX AND THAT ONE DOWN
2 THERE?

3 A YES, SIR I HELPED RETRIEVE THOSE FROM MR COURSEN
4 AND MR TATE AND HELPED PACKAGE THEM I DID RECEIVE
5 THEM FROM HER

6 Q OKAY, SIR WHAT DID YOU DO WITH STATE'S EXHIBITS
7 2, 4, 5, 6, AND 7?

8 A THOSE WOULD HAVE BEEN RETURNED BACK TO SLED -- OR
9 I DID RETURN THOSE BACK TO SLED AND TURNED THEM OVER TO
10 AGENT BODIE, DIANE BODIE, OF THE SOUTH CAROLINA LAW
11 ENFORCEMENT DIVISION SHE IS THE LEAD AGENT THAT
12 WORKED THE CRIME SCENE AT THE HOME

13 MR MURDAUGH THANK YOU, SIR I HAVE NO FURTHER
14 QUESTIONS ANSWER ANY QUESTIONS HE MAY HAVE

15 MR ALKEBULANYAHH I HAVE NO QUESTIONS, YOUR
16 HONOR

17 MR MURDAUGH YOU MAY COME DOWN MAY HE BE
18 EXCUSED?

19 THE COURT ANY OBJECTION? ANY OBJECTION?

20 MR ALKEBULANYAHH NO, SIR

21 THE COURT YOU MAY BE EXCUSED SIR

22 (THE WITNESS LEAVES THE WITNESS STAND)

23 MR MURDAUGH BOB BROMAGE

24 ROBERT E BROMAGE BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q YOUR NAME IS BOB BROMAGE WHAT'S YOUR FULL NAME,
3 SIR?

4 A ROBERT E BROMAGE

5 Q SPELL YOUR LAST NAME?

6 A B-R-O-M-A-G-E

7 Q MR BROMAGE, ARE YOU EMPLOYED BY THE BEAUFORT
8 COUNTY SHERIFF'S DEPARTMENT?

9 A YES, SIR, I AM

10 Q ON JANUARY 8 9 10, 11, AND 12 OF JANUARY (SIC)
11 WERE YOU EMPLOYED BY THEM?

12 A YES SIR, I WAS

13 Q AT THAT TIME WHAT WERE YOU DOING WITH THEM SIR?

14 A I WAS THE SUPERVISOR OF THE CRIMINAL
15 INVESTIGATIONS FOR THE BEAUFORT COUNTY SHERIFF'S
16 OFFICE

17 Q OKAY, SIR I ASK YOU WHETHER OR NOT YOU ATTENDED
18 THE AUTOPSIES OF OFFICERS COURSEN AND TATE?

19 A YES, SIR, I DID

20 Q DID YOU KNOW OFFICERS COURSEN AND TATE?

21 A YES SIR, I DID

22 Q AND DID YOU WATCH THE AUTOPSIES BEING PERFORMED ON
23 THOSE TWO OFFICERS?

24 A YES, SIR, I DID

25 Q AND IS DR COLLINS THE ONE THAT PERFORMED THE

STATE VS ALKEBULANYAHH

1 AUTOPSY?

2 A YES, SIR, SHE DID

3 MR MURDAUGH THANK YOU, SIR ANSWER ANY
4 QUESTIONS HE MAY HAVE

5 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

6 Q MR BROMAGE?

7 A YES SIR

8 Q ARE YOU THE CHIEF INVESTIGATOR FOR THE BEAUFORT
9 COUNTY SHERIFF'S DEPARTMENT?

10 A AT THE TIME OF THE INCIDENT I WAS, YES

11 Q ARE YOU -- WERE YOU CHIEF INVESTIGATOR ON THIS
12 MATTER THAT WE ARE HERE FOR TODAY?

13 A NO, SIR, I WAS NOT

14 Q WHO WAS THE CHIEF INVESTIGATOR?

15 A SPECIAL AGENT TRAVIS AVANT FROM SLED

16 Q DID YOU -- WAS YOU SECOND IN COMMAND?

17 A I SHADOWED THE INVESTIGATION ON BEHALF OF THE
18 SHERIFF'S OFFICE, YES

19 Q HOW IMPORTANT IS IT TO BE ACCURATE IN OFFICIAL
20 MATTERS WHEN WRITING INCIDENT REPORTS ABOUT AN ALLEGE
21 CRIME OR INCIDENT THAT YOU RESPOND TO? HOW IMPORTANT
22 IS ACCURACY?

23 A IT'S VERY IMPORTANT SIR

24 Q DID YOU TAKE ANY COURSES OR CLASSES ON ACCURATE --
25 WRITING ACCURATE REPORTS?

STATE VS ALKEBULANYAHH

1 A A LOT OF THAT IS COVERED IN THE BASIC ACADEMY IN
2 COLUMBIA, IN AN 8- OR 9-WEEK COURSE, YES

3 Q HOW IMPORTANT IS ACCURACY OR FACTS RELATED TO A
4 POLICE OFFICER OR LAW ENFORCEMENT OFFICER FROM A
5 DISPATCHER TO A POLICE OFFICER? HOW IMPORTANT IS THAT
6 -- THAT INFORMATION?

7 A CAN YOU CLARIFY WHAT YOU -- WHAT YOU'RE ASKING ME?

8 Q THE INFORMATION IF YOU WAS CALLED TO A CALL -- THE
9 INFORMATION RECEIVED FROM A DISPATCHER, IS THAT
10 INFORMATION AS PERTINENT AS THE FACTS NECESSARY TO KNOW
11 EXACTLY WHAT'S GOING ON?

12 A IT'S IMPORTANT TO KNOW AS MUCH AS YOU CAN PRIOR TO
13 RESPONDING TO A CALL, CERTAINLY

14 Q SO IF ONE RECEIVE A CALL FROM A DISPATCHER, ONE --
15 IT IS PERTINENT THAT THE DISPATCHER GIVE ACCURATE
16 INFORMATION?

17 A YES, SIR

18 Q COULD IT BE DETRIMENTAL TO AN OFFICER IF A
19 DISPATCHER GAVE A OFFICER FALSE INFORMATION?

20 A YES, VERY MUCH SO

21 Q IS IT THE PROCEDURE OR THE GUIDELINE FOR AN
22 OFFICER OR AN INVESTIGATOR TO SUPPRESS ANY EVIDENCE IN
23 A CASE?

24 A TO SUPPRESS?

25 Q YES

1 A TO COLLECT THE EVIDENCE IS THE INVESTIGATOR'S OR
2 THE OFFICER'S JOB, CORRECT COLLECTING AND PRESERVE
3 AND ENTER -- SUBMIT IT FOR FORENSIC TESTING

4 Q BUT A OFFICER SHOULD NOT TRY TO KEEP BACK
5 INFORMATION AND EVIDENCE IN THE PROCESS OF
6 INVESTIGATION, IS THAT CORRECT?

7 A THAT'S CORRECT, WE DO -- FACT-FINDING IS WHAT WE
8 DO

9 Q IF A PERSON WAS IMPLEMENTED (SIC) BEING INVOLVED
10 OR PRESENT IN, SAY DURING A SHOOTING, AND YOU HAVE
11 THIS PERSON DETAINED, WOULD YOU TAKE THIS PERSON
12 FINGERPRINTS OR TEST HIM FOR GUNSHOT RESIDUE ON HIS
13 HAND OR TEST TO SEE IF ANY GUNSHOT RESIDUE IN HIS
14 CLOTHING?

15 MR MURDAUGH YOUR HONOR, PLEASE, WHAT THIS
16 OFFICER WOULD DO JUST DOESN'T HAVE ANYTHING TO DO WITH
17 ANYTHING, SIR

18 THE COURT DO YOU WANT TO APPROACH THE SIDE BAR?

19 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
20 OUT OF THE HEARING OF THE JURY)

21 MR MURDAUGH I THINK HE WANTS TO APPROACH THE
22 WITNESS

23 THE COURT YES SIR, I WAS JUST TAKING UP A
24 MATTER GO AHEAD SIR

25 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?

1 THE COURT YES, SIR

2 Q MR BROMAGE, IS YOU FAMILIAR WITH THIS DOCUMENT
3 RIGHT HERE?

4 A YES

5 Q WHAT TYPE OF DOCUMENT IS THAT?

6 A IT'S KNOWN AS A SUPPLEMENTAL INCIDENT REPORT

7 Q IS YOU AFFILIATED WITH THAT SUPPLEMENTAL REPORT IN
8 ANY TYPE OF WAY?

9 A I'M THE AUTHOR

10 Q YOU'RE THE AUTHOR OF THIS?

11 A I'M THE AUTHOR OF THIS SUPPLEMENTAL REPORT, 5
12 PAGES, AND AN EVIDENCE SUBMITTAL FORM

13 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
14 ENTER THIS AS A EXHIBIT

15 THE COURT ANY OBJECTION?

16 MR MURDAUGH MAY I SEE IT PLEASE?

17 MR ALKEBULANYAHH YES, SIR

18 (PAUSE)

19 MR MURDAUGH IF YOUR HONOR PLEASE, I DO HAVE AN
20 OBJECTION TO THIS THIS IS NOT THE PROPER WAY TO
21 HANDLE EVIDENCE IN COURT, AND I OBJECT, SIR

22 THE COURT ALL RIGHT APPROACH SIDE BAR

23 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
24 OUT OF THE HEARING OF THE JURY)

25 THE COURT GO AHEAD AND ASK YOUR QUESTION

STATE VS ALKEBULANYAHH

1 Q MR BROMAGE, DO YOU HAVE A COPY OF THE
2 SUPPLEMENTAL REPORT UP THERE WITH YOU?

3 A THE ONE DATED FEBRUARY 6, 2002, THE ONE YOU JUST
4 SHOWED ME?

5 Q YES, SIR

6 A YES, I DO

7 Q IS IT THE SAME AS THE ONE THAT I HAVE YOU JUST
8 ACKNOWLEDGE -- JUST ACKNOWLEDGE ON THE STAND?

9 A RIGHT IT WOULD APPEAR THAT YOURS HAS A FUZZY
10 AREA ON ONE PAGE, BUT, YES

11 Q BUT BASICALLY IS IT THE SAME?

12 A IT APPEARS TO BE THE SAME, YES

13 Q HOW DID YOU COME ABOUT LEARNING ABOUT THE INCIDENT
14 THAT TOOK PLACE AT THE 21 RILEY ROAD RESIDENCE?

15 A I HEARD SOME OF THE COMMUNICATION DISPATCH AND I
16 WAS ACTUALLY IN HILTON HEAD AT THE TIME, SO IT TOOK ME
17 A WHILE TO GET UP THERE I ESTIMATE, OVER AN HOUR
18 PROBABLY FROM WHEN THE INCIDENT OCCURRED

19 Q AND WHAT DID YOU DO AFTER YOU HEARD ABOUT THE
20 INCIDENT OVER THE DISPATCH?

21 A I RESPONDED FROM HILTON HEAD TO 21 RILEY ROAD

22 Q AND WHEN YOU ARRIVED, WHAT DID YOU DO THEN?

23 A MET WITH SOME OF THE INVESTIGATORS ON THE SCENE
24 EVERYBODY SEEMED TO HAVE A FOCUS AND DIRECTION WAS
25 ASSIGNED BY THE SHERIFF TO ASSIST SPECIAL AGENT AVANT

- 1 IN THE FURTHER INVESTIGATION OF THE INCIDENT
- 2 Q DID YOU TALK TO ANYONE AT THE 21 RILEY ROAD
- 3 RESIDENCE?
- 4 A IT'S BEEN OVER A YEAR AND A HALF I TALKED TO A
- 5 LOT OF PEOPLE THAT DAY, TO BE HONEST WITH YOU
- 6 Q ANYBODY IN PARTICULAR AT THE 21 RILEY ROAD
- 7 RESIDENCE?
- 8 A I'M SURE, THERE WAS NUMEROUS PEOPLE AGAIN, THERE
- 9 WAS QUITE A FEW PEOPLE OUTSIDE THE PERIMETER
- 10 Q DID YOU TALK TO ANY PEOPLE OF THE HOUSEHOLD AT THE
- 11 21 RILEY ROAD RESIDENCE?
- 12 A AT SOME POINT IN THE INVESTIGATION I SPOKE TO A
- 13 FEW OF THE PEOPLE OF THE HOUSEHOLD, YES BRENDA SMITH,
- 14 KIMBERLY BLAKE -- WHO WAS ACTUALLY NOT A MEMBER OF THE
- 15 HOUSEHOLD AT THE TIME
- 16 Q DID YOU MEET -- TALK TO DEPUTY ARBELO?
- 17 A YES YES, I DID
- 18 Q AND WHAT DID -- WHAT -- WHAT DID HE SAY TO YOU?
- 19 MR MURDAUGH HEARSAY HE CAN'T ---
- 20 A THAT WAS A YEAR AND A HALF AGO
- 21 THE COURT I SUSTAIN THAT OBJECTION
- 22 A I CAN'T -- I CAN'T ---
- 23 THE COURT I SUSTAINED THE OBJECTION
- 24 WITNESS OH, YES, SIR I'M SORRY
- 25 Q TO YOUR UNDERSTANDING WAS YOU INFORMED THAT

STATE VS ALKEBULANYAHH

1 KIMBERLY BLATE (PHONETIC) WAS A KIDNAP VICTIM?

2 A FROM WHAT I UNDERSTAND, SHE WAS THERE UNDER
3 DURESS

4 Q BUT NOT KIDNAPPING?

5 A MAYBE NOT SPECIFICALLY KIDNAPPING THE SITUATION
6 WOULD INDICATE THAT SHE FELT THAT SHE WASN'T FREE TO
7 LEAVE SO I GUESS IN A WAY IT WOULD BE THAT TYPE OF
8 SITUATION

9 Q SO WAS IT CRIMINAL THE WAY YOU FELT -- FROM YOUR
10 UNDERSTANDING OF THE REASON MS BLATE (PHONETIC) WAS
11 THERE?

12 A IF SHE WAS THERE AGAINST HER WILL, YES, IT WOULD
13 HAVE BEEN CRIMINAL

14 Q AND WHAT TYPE OF -- WHAT TYPE OF CHARGE WOULD THAT
15 BE LISTED UNDER?

16 A THAT COULD BE LISTED AS A KIDNAPPING AT THAT
17 POINT, YES

18 Q KIDNAPPING WAS ANYBODY CHARGED WITH THE
19 KIDNAPPING OF MS KIMBERLY BLATE (PHONETIC)?

20 A NO, SIR

21 Q DO YOU KNOW PACIFICALLY (SIC) WHY NOBODY WASN'T
22 CHARGED IF YOU BELIEVE THAT SHE WAS HELD THERE FOR THAT
23 PACIFIC (SIC), PARTICULAR REASON?

24 A I THINK WE GAINED THROUGH THE INVESTIGATION -- WE
25 GAINED A CLEARER UNDERSTANDING OF WHAT THE SITUATION

1 WAS INSIDE THAT RESIDENCE
2 Q AND WHEN YOU GAIN A CLEAR UNDERSTANDING, DID THAT
3 UNDERSTANDING COME TO YOU THAT SHE WAS NOT A KIDNAP
4 VICTIM, IS THAT CORRECT? IS THAT WHAT YOU SAYING?
5 A I HATE TO SPECULATE ON THAT, SIR
6 Q WAS ANYBODY CHARGED WITH KIDNAPPING?
7 A NO HE WAS CHARGED WITH ---
8 Q BUT IF IT WAS A KIDNAPPING TAKEN PLACE, YOU OR
9 NOBODY ELSE WOULD HAVE BROUGHT CHARGES AGAINST SOMEONE
10 FOR BREAKING THE LAW, IS THAT CORRECT?
11 A THAT WOULD BE LEFT UP TO THE PROSECUTION AT THAT
12 POINT SIR YES, SIR
13 Q DID YOU INTERVIEW MS KIMBERLY BLATE (PHONETIC)?
14 A NUMEROUS TIMES
15 Q IN YOUR SUPPLEMENTAL REPORT THAT YOU HAVE UP
16 THERE, PAGE 2
17 A I'M ON PAGE 2, YES, SIR
18 Q COULD YOU READ THE FIRST ---
19 MR MURDAUGH OBJECTION, YOUR HONOR, PLEASE
20 THE COURT YES, SIR WHAT'S THE NATURE OF YOUR
21 OBJECTION?
22 MR MURDAUGH MY NATURE OF MY OBJECTION, HE'S
23 ASKING TO READ A REPORT HE CAN ASK HIM ANY QUESTION
24 HE WANTS AND USE IT TO IMPEACH HIM IF HE SAYS SOMETHING
25 DIFFERENT

STATE VS ALKEBULANYAHH

1 THE COURT ASK HIM IF HE RECALLS WHAT HE SAID
2 FIRST AND THEN IF HE DOESN'T, HE CAN REFERENCE HIS
3 REPORT

4 MR MURDAUGH AND THE SECOND THING, SIR WHAT HE
5 IS ASKING HIM TO READ IS HEARSAY

6 THE COURT APPROACH THE SIDE BAR

7 MR MURDAUGH AND, ADDITIONALLY, SIR ---

8 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
9 OUT OF THE HEARING OF THE JURY)

10 Q MR BROMAGE, YOU STATED THAT IN YOUR INTERVIEW
11 WITH MS KIMBERLY BLATE (PHONETIC) THAT SHE WAS NERVOUS
12 AND APPEARED TO BE AFRAID OF THE RAMIFICATION OF
13 PROVIDING INFORMATION ABOUT THE EVENT THAT TOOK PLACE
14 ON 21 RILEY ROAD, IS THAT CORRECT?

15 A THAT IS CORRECT

16 Q WHAT TYPE OF RAMIFICATION WAS YOU SPEAKING OF?

17 A THE RAMIFICATION I WAS SPEAKING OF WAS RETALIATION
18 FROM THE SUBJECT

19 Q AND ---

20 A POSSIBLE INVOLVEMENT WITH THE POLICE, WHICH SHE
21 MAY NOT HAVE WANTED EITHER

22 Q SO AT THAT POINT YOU FELT THAT SHE WAS -- THAT
23 SOMEONE WAS GOING TO DO HER HARM OR SOMETHING?

24 A YES, I THINK SHE WAS AFRAID OF THAT AT THAT POINT

25 Q SO YOU WAS -- YOU WAS INFORMING HER -- YOU WERE

1 PRESUMING THAT SHE WAS AFRAID OF SOMETHING DOING HER
2 BODY HARM OR SOMETHING, IS THAT CORRECT?

3 A BASED ON HER DEMEANOR, THAT WOULD BE MY OPINION AT
4 THE TIME OF COURSE, IT'S NOT EXACT SCIENCE SHE
5 APPEARED TO BE AFRAID OF THE RAMIFICATIONS -- OF BEING
6 COMPLETELY TRUTHFUL AT THE TIME

7 Q AND WHAT WAS THE RAMIFICATION -- RAMIFICATION BE?
8 WHAT DO YOU THINK PACIFICALLY (SIC) THAT TYPE OF
9 RAMIFICATION WAS GOING TO BE?

10 A PHYSICAL VIOLENCE FROM THE SUBJECT

11 Q AND WHAT INDICATION DID YOU HAVE TO BELIEVE THAT
12 THE SUBJECT WAS VIOLENT OR WAS TO BE PHYSICAL VIOLENCE
13 TOWARD THIS INDIVIDUAL?

14 A PHYSICAL ABUSE IS WHAT SHE WAS ALLEGING, SIR

15 Q SO SHE ---

16 A THAT WOULD BE ---

17 Q --- ALLEGE THIS?

18 A THAT WOULD BE THE RAMIFICATION I AM SPEAKING OF,
19 THE RETALIATION FROM GIVING A STATEMENT AGAINST THE
20 SUBJECT WOULD RESULT IN PHYSICAL ABUSE TOWARDS HER

21 Q SO WHERE WOULD THE PHYSICAL ABUSE COME FROM? I
22 MEAN, THERE'S -- THERE'S NO HARM -- THERE'S NO EVIDENCE
23 -- HAS SHE -- WAS SHE PHYSICALLY ABUSED? DID YOU SEE
24 ANY SCARS OR MARKS ON HER? HAS SHE TOLD I BEEN ABUSED
25 BY SOMEONE OR HURT OR HARMED?

1 A I CAN'T REALLY GET IN TO HER FEAR I CAN'T
2 EXPLAIN HER FEAR I CAN'T RATIONALIZE HER FEAR FOR
3 YOU, THAT'S -- I'M SPEAKING FOR SOMEBODY ELSE AT THAT
4 POINT

5 Q BUT FOR YOU TO SAY -- TO USE THE WORDS THAT SHE
6 WAS AFRAID OF RAMIFICATION, YOU INDICATE THAT SOMETHING
7 WAS GOING TO HAPPEN TO HER BY SOMEONE IF SHE DID
8 SOMETHING?

9 A THAT'S CORRECT

10 Q AND WHAT -- SHE HASN'T DONE ANYTHING MY POINT
11 IS SHE HASN'T DONE ANYTHING, IS THAT CORRECT?

12 A REPEAT THE QUESTION, SIR

13 Q HAD MS KIMBERLY BLATE (PHONETIC) DONE ANYTHING?

14 A NOT AS FAR AS I COULD TELL CRIMINAL NO, SIR

15 Q OKAY HAD ANYBODY DONE ANYTHING TO MS KIMBERLY
16 BLATE (PHONETIC)?

17 A THERE WAS NO EVIDENCE OF PHYSICAL ABUSE OF
18 KIMBERLY BLAKE, IF THAT'S WHAT YOU'RE ASKING NO, SIR,
19 THERE WASN'T

20 Q SO THEN THERE NEVER WOULD HAVE BEEN ANY
21 RAMIFICATION, IT WAS JUST A SUGGESTION IN HER MIND IS
22 THAT CORRECT?

23 A THAT WOULD BE SPECULATION ON MY PART I'M NOT
24 GOING -- AGAIN, I'M NOT GOING TO DOWN-PLAY HER FEAR
25 SHE KNOWS -- SHE KNOWS YOU BETTER THAN I DO

1 Q OKAY NOW, COULD THAT FEAR BEEN BECAUSE SHE WAS
2 AFRAID THAT SHE MAY BE TAKEN TO JAIL BECAUSE OF HER
3 ACTION OF BEING INVOLVED IN THE -- BEING INVOLVED IN
4 THE ALLEGED CRIME? COULD THAT FEAR HAVE CAME FROM
5 THAT?

6 A THAT COULD HAVE BEEN PART OF THE FEAR, SIR

7 Q AND YOU DID ADVISE MS BLATE (PHONETIC) THAT IF
8 SHE WANTED TO PROTECT HERSELF FROM RETALIATION FROM THE
9 SUBJECT, THAT HER TESTIMONY WAS ESSENTIAL, IS THAT
10 CORRECT?

11 A SHE WAS A WITNESS IN ORDER TO PROTECT HERSELF
12 FULLY FROM THE SUBJECT, IT OBVIOUSLY -- IT WOULD MAKE
13 SENSE FOR HER TO COOPERATE SO WE COULD PROSECUTE THE
14 SUBJECT, CORRECT

15 Q BUT WHY WOULD SHE NEED -- WHY WOULD YOU ASSUME --
16 ADVISE HER SHE NEED PROTECTION FROM SOMEONE THAT SHE
17 HAVE A CHILD BY OR SOMEONE THAT YOU HAVEN'T APPREHENDED
18 IN THIS CASE THAT SHE HAVEN'T TOLD YOU ABOUT?

19 A I'M NOT FOLLOWING WHAT YOU'RE SAYING, SIR SHE IS
20 EXPRESSING A FEAR OF YOU AT THE TIME OF THE INTERVIEW,
21 WHICH I WAS PRESENT AT

22 Q SO SHE TOLD YOU THAT ---

23 A THAT SHE WAS AFRAID OF YOU

24 Q THAT -- SHE TOLD YOU THAT SHE WAS AFRAID OF MR
25 ALKEBULANYAHH, IS THAT CORRECT?

STATE VS ALKEBULANYAHH

- 1 A ABSOLUTELY
- 2 Q OKAY AND YOU DIDN'T ADVISE HER THAT -- THAT --
- 3 YOU DIDN'T TELL HER, WELL, IF YOU WANT -- IF YOU WANT
- 4 PROTECTION, I'LL PROTECT YOU FROM RETALIATION FROM HIM
- 5 YOU SUGGESTED THAT TO HER, IS THAT CORRECT? IN HER
- 6 MIND YOU SUGGESTED -- YOU ADVISED HER THAT YOU WOULD
- 7 PROTECT HER FROM RETALIATION, SO YOU WAS ASSUMING THAT
- 8 WHOEVER SHE WAS INVOLVED WITH AT THE TIME WAS GOING TO
- 9 RETALIATE ON HER AND I CAN'T IMAGINE FOR WHAT, THAT'S
- 10 WHAT I'M TRYING TO GET TO THE POINT -- FOR WHAT? FOR
- 11 WHAT PURPOSE WOULD ANYONE WANT TO RETALIATE AGAINST HER
- 12 FROM?
- 13 A IF SHE WERE TO TELL THE TRUTH IN THE SITUATION
- 14 WHERE SHE WAS A WITNESS TO A CRIME -- THERE ARE MANY
- 15 TIMES IN SOCIETY WHERE THE DEFENDANT DOES GO AFTER THE
- 16 WITNESSES IT'S WELL DOCUMENTED
- 17 Q BUT EACH SITUATION IS DIFFERENT, IS THAT CORRECT?
- 18 A THAT'S CORRECT SIR YOU ALWAYS ASSUME THE WORST
- 19 WHEN YOU'RE IN POLICE SHOES YES SIR
- 20 Q AND YOU SAID, THIS WOULD ASSIST IN HIS
- 21 PROSECUTION SO YOU HAVE ALREADY DETERMINED THAT
- 22 SOMEONE HAS COMMITTED A CRIME, IS THAT CORRECT?
- 23 A A CRIME WAS COMMITTED, YES, I DID DETERMINE A
- 24 CRIME WAS COMMITTED, ABSOLUTELY
- 25 Q OKAY AND YOU ASSUME A CRIME WAS COMMITTED?

STATE VS ALKEBULANYAHH

1 A I KNOW A CRIME WAS COMMITTED BECAUSE I ACTUALLY
2 VISITED THE SCENE AND DID SPEAK TO PEOPLE THAT WERE
3 INSIDE THE SCENE IT WAS DETERMINED THAT THERE WAS TWO
4 DEAD POLICE OFFICERS

5 Q AND IF ONE IS DEAD -- ONE -- ONE -- IF ONE -- IF A
6 INDIVIDUAL IS DEAD, SHOT OR KILLED OR STABBED, IT'S
7 AUTOMATICALLY A CRIME, IS THAT CORRECT? IS THAT WHAT
8 YOU SAID?

9 A NO, THAT IS NOT WHAT I AM SAYING AT ALL YOU
10 INVESTIGATE ALL DEATHS, ASSUMING IT'S A CRIME UP FRONT
11 YOU INVESTIGATE THE DEATH FULLY, UNTIL YOU PROVE
12 OTHERWISE NOW, THIS WAS -- THIS WAS OBVIOUSLY DONE AT
13 THE HANDS OF ANOTHER IT WAS NOT SELF-INFLICTED
14 GUNSHOT WOUNDS IT WAS SOMETHING CRIMINAL

15 Q IT COULD HAVE BEEN JUSTIFIED? IS IT POSSIBLE IT
16 COULD HAVE BEEN JUSTIFIED?

17 A IT CERTAINLY COULD HAVE BEEN JUSTIFIED

18 Q COULD IT HAVE BEEN SELF-DEFENSE?

19 A STILL, IT WAS AT THE HANDS OF ANOTHER SO AT THAT
20 POINT, WE WERE INVESTIGATING A HOMICIDE

21 Q BUT ---

22 A TWO HOMICIDES

23 Q BUT THERE IS NO EVIDENCE THAT THIS COULD HAVE BEEN
24 SELF-DEFENSE, JUSTIFIED, OR ACCIDENT?

25 A SIR, THERE WAS PLENTY OF EVIDENCE TO SUGGEST THAT

1 THIS WAS A HOMICIDE PLENTY OF EVIDENCE, I ASSURE YOU

2 Q THE BODY ITSELF -- A BODY ITSELF IS A HOMICIDE
3 ANY TIME THERE'S DEATH, IT'S HOMICIDE BUT UNDER A
4 HOMICIDE, WILL YOU AGREE THAT YOU HAVE MURDER,
5 MANSLAUGHTER, ACCIDENT, AND ALL OTHER CATEGORIES GOES
6 UNDER HOMICIDE, IS THAT CORRECT?

7 A YES SIR, THAT IS CORRECT

8 Q AND AT THAT TIME YOU HAD DETERMINED TO LET MS
9 BLATE (PHONETIC) KNOW THAT SOMEONE WAS GOING TO BE
10 PROSECUTED, IS THAT CORRECT?

11 A I WOULD SAY -- I WOULD SAY THAT'S FAIRLY SAFE TO
12 SAY IF WE WERE TO APPREHEND A SUSPECT AND OBTAIN ENOUGH
13 EVIDENCE AGAINST THAT SUBJECT, YES, WE WOULD PROSECUTE,
14 CERTAINLY

15 Q WOULD THAT -- WOULD -- COULD YOU SAY THAT BY YOU
16 INDICATING TO HER THAT SOMEONE WAS GOING TO BE
17 PROSECUTED THAT YOU ALSO INDICATED AT THE SAME TIME TO
18 HER THAT IT COULD BE HER PROSECUTION, IS THAT CORRECT?

19 A I MADE NO INFERENCE THAT SHE WOULD BE PROSECUTED
20 I WAS QUITE CERTAIN AT THAT TIME THAT SHE HAD NOT
21 COMMITTED THESE SHOOTINGS

22 Q WHAT CERTAINTY DID YOU HAVE AT THAT TIME?

23 A AT THAT TIME -- AT THE TIME OF THE INTERVIEW -- IF
24 I CAN REFER TO THE TIME OF THE ACTUAL INTERVIEW THE
25 SUBJECT HAD ALREADY BEEN APPREHENDED BY THAT POINT

- 1 Q WHAT TIME WAS THE INTERVIEW?
- 2 A THE TIME OF THE INTERVIEW WAS 6 55 P M
- 3 Q HAD MS BLATE (PHONETIC) AT THAT TIME BEEN TESTED
- 4 FOR GUNSHOT RESIDUE?
- 5 A I CERTAINLY DID WE DID THAT RIGHT THERE
- 6 Q AND ---
- 7 A WE LIKE TO BE ABLE TO EXCLUDE AND COLLECT EVIDENCE
- 8 ON EVERYBODY INVOLVED IN THE SITUATION
- 9 Q BY THAT TIME AND THE RESULTS WAS IN TO YOU?
- 10 A NO, ABSOLUTELY NOT
- 11 Q THAN YOU CANNOT DETERMINE IF SHE WAS NOT THE
- 12 SHOOTER, IS THAT CORRECT?
- 13 A SOME TIMES YOU GO ON THE TOTALITY OF THE
- 14 INFORMATION THAT YOU HAVE SHE CAME BACK TO THE SCENE
- 15 TO MEET WITH THE OFFICERS THE OTHER INDIVIDUAL WAS
- 16 APPREHENDED HIDING SO YOU MAKE -- YOU MAKE CERTAIN --
- 17 YOU MAKE CERTAIN INFERENCES AS YOU GO ALONG IN
- 18 INVESTIGATION
- 19 Q WHEN SHE RETURNED BACK TO THE SCENE, WASN'T SHE
- 20 BLOODY?
- 21 A SHE HAD BLOOD ON HER, YES, SHE DID
- 22 Q THAT COULD HAVE BEEN INDICATION THAT SHE COULD
- 23 HAVE BEEN SHOT SOMEONE, IS THAT CORRECT?
- 24 A THAT COULD HAVE BEEN AN INDICATION OF THAT, YES,
- 25 IT COULD, ABSOLUTELY

1 Q SO SHE SHOULD HAVE BEEN SEEN MORE AS A SUSPECT
2 WOULDN'T YOU SAY THAN A VICTIM OF ANYTHING IF YOU'VE
3 GOT TWO HOMICIDES?

4 A I'M JUST REVIEWING MY REPORT

5 Q YES, SIR

6 A IF YOU DON'T MIND

7 Q NO PROBLEM

8 A AGAIN, SHE WAS QUESTIONED AS BEING INVOLVED IN THE
9 INCIDENT SHE WAS ADVISED OF HER MIRANDA WARNING SHE
10 WAS SUBJECTED TO A GUNSHOT RESIDUE COLLECTION KIT,
11 WHICH SHE VOLUNTARILY DID

12 Q BUT THERE WAS ---

13 A SHE WAS UNDER MIRANDA, SO SHE WAS SUSPECTED OF
14 BEING INVOLVED AT THE TIME

15 Q SHE WAS SUSPECTED OF BEING INVOLVED?

16 A OF BEING INVOLVED IN THE OVERALL INCIDENT, YES

17 Q BUT SHE WAS RULED OUT AS BEING A SUSPECT?

18 A SHE WAS -- SHE WAS RULED OUT AFTER SEVERAL
19 INTERVIEWS, YES SHE WAS

20 Q SEVERAL INTERVIEWS BEFORE YOU SAID WHAT YOU SAID
21 -- BEFORE YOU INTERVIEWED HER?

22 A WE INTERVIEWED HER SEVERAL TIMES DURING -- DURING
23 THE INVESTIGATION SHE WAS INTERVIEWED SEVERAL TIMES

24 Q DID MS BLATE (PHONETIC) -- DIDN'T MS BLATE
25 (PHONETIC) ADVISE YOU ON -- THAT ON JANUARY 6, 2002, ON

1 THAT EVENING THAT A DEVON IVY GAVE HER A RIDE TO THE
2 STORE OR TO BUY OR PURCHASE SOME PAMPERS, IS THAT
3 CORRECT?

4 A THAT'S WHAT SHE INDICATED, YES, THE BEST OF MY
5 RECOLLECTION I DID PUT THAT IN THE REPORT, SO, THAT
6 WOULD BE FAIR TO SAY

7 (PAUSE)

8 Q MR BROMAGE, HOW MANY INTERVIEWS DID MS BLATE
9 (PHONETIC) GIVE BEFORE YOU RULED HER OUT AS A SUSPECT?

10 A I WANT -- I WANT TO ESTIMATE PROBABLY FOUR OR FIVE
11 INTERVIEWS AT THAT POINT

12 Q BEFORE YOU RULED HER OUT?

13 A TOTALLY RULED HER OUT AS BEING INVOLVED IN THE
14 ACTUAL SHOOTING ITSELF THERE WAS EYEWITNESSES THAT
15 SAW THAT SHE WAS ACTUALLY OUT OF THE ROOM DURING THE
16 SHOOTING, THAT WAS A HUGE FACTOR AN INDEPENDENT
17 WITNESS STATING THAT SHE LEFT THE HOUSE PRIOR TO THE
18 SHOOTING THAT IS -- THAT WAS PROBABLY THE BIGGEST
19 INDICATOR THAT SHE DIDN'T DO THE SHOOTING

20 Q SO ---

21 A IT WOULD BE HARD TO SHOOT IF SHE WAS ACTUALLY
22 OUTSIDE THE RESIDENCE DURING THE SHOOTING

23 Q SO WHO WAS THAT WITNESS THAT GAVE YOU THE
24 INFORMATION THAT SHE WAS OUTSIDE THE HOME DURING THE
25 SHOOTING?

STATE VS ALKEBULANYAHH

1 A BRENDA SMITH WAS ACTUALLY IN THE RESIDENCE DURING
2 THE SHOOTING AND ACTUALLY TOOK CUSTODY OF KIMBERLY
3 BLAKE'S BABY IN THE HALLWAY SECONDS PRIOR TO THE
4 SHOOTING, AT WHICH TIME KIMBERLY BLAKE ACTUALLY EXITED
5 THE RESIDENCE, ACCORDING TO BRENDA SMITH WE WERE ABLE
6 TO DEDUCE THAT SHE WAS NOT IN THE ROOM AT THE TIME OF
7 THE SHOOTING THEREFORE SHE WAS ELIMINATED AS A
8 SHOOTER

9 Q NOW, COULD SHE HAVE BEEN CHARGED WITH SOMETHING
10 OTHER THAN SHOOTING?

11 A AGAIN, THAT'S SOMETHING BEST LEFT TO THE
12 PROSECUTOR I PRESENT THE FACTS ALONG WITH SPECIAL
13 AGENT AVANT, WHO WAS ACTUAL PRIMARY OFFICER YOU
14 PRESENT THE FACTS TO THE SOLICITOR HE MAKES THOSE
15 DETERMINATIONS IN THESE TYPE OF INVESTIGATIONS

16 Q IS IT POSSIBLE THAT SHE COULD HAVE BEEN CHARGED
17 WITH ACCESSORY BEFORE THE FACT?

18 A THE POSSIBILITY ALWAYS EXISTS

19 Q ACCESSORY AFTER THE FACT?

20 A YOU'RE ASKING ME IF THE ELEMENTS ARE MET, I'M NOT
21 -- I'M NOT A LAWYER, SO YOU KNOW, AGAIN, WE WOULD
22 PRESENT IT TO THE PROSECUTOR HE WOULD MAKE THAT
23 DETERMINATION

24 Q THERE WAS ALSO ANOTHER WOMAN WHO WASN'T INVOLVED
25 -- WAS NOT IN THE RESIDENCE OR EVEN ON THE PROPERTY,

1 SHE WAS CHARGED WITH ACCESSORY AFTER THE FACT
2 MR MURDAUGH YOUR HONOR, PLEASE ---
3 THE COURT ASK A QUESTION
4 MR MURDAUGH THAT HAS NOTHING TO DO WITH THIS
5 THE COURT YOU NEED TO ASK A QUESTION ALSO ---
6 MR ALKEBULANYAHH YES, SIR
7 THE COURT --- INSTEAD OF TESTIFYING
8 Q NZURI BATH ALKEBULANYAHH WAS CHARGED ---
9 MR MURDAUGH YOUR HONOR, I OBJECT THIS IS THE
10 SAME QUESTION I OBJECTED TO, SIR
11 THE COURT ALL RIGHT APPROACH THE SIDE BAR
12 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
13 OUT OF THE HEARING OF THE JURY)
14 THE COURT GO AHEAD PLEASE
15 Q MR BROMAGE IN YOUR INTERVIEW WITH MS BLATE
16 (PHONETIC), DID SHE TELL YOU THAT TWO DEPUTIES HAD ---
17 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT THAT
18 WOULD BE HEARSAY, SIR
19 THE COURT I SUSTAIN THAT OBJECTION YOU CAN ASK
20 HIM WHAT HE DID IN RESPONSE TO SOMEONE'S STATEMENT
21 WITHOUT GETTING INTO THE STATEMENT, AS PART OF HIS
22 INVESTIGATION GO AHEAD
23 MR ALKEBULANYAHH CAN I STATE WHAT HE STATED
24 INSTEAD OF STATING WHAT SOMEBODY ELSE STATED TO HIM?
25 THE COURT YOU CAN ASK HIM ABOUT ANYTHING HE MADE

STATE VS ALKEBULANYAHH

1 -- ANY STATEMENT HE MADE TO SOMEONE ELSE

2 MR ALKEBULANYAHH OKAY OR ANY STATEMENT HE
3 STATED IN HIS STATEMENT

4 THE COURT IF HE MADE THAT STATEMENT TO SOMEONE
5 ELSE, YOU CAN ASK HIM ABOUT IT FIRST

6 Q LIEUTENANT BROMAGE ---

7 THE COURT YOU CAN'T ASK HIM ABOUT WHAT HE SAID
8 ABOUT HER STATEMENT TO SOMEONE ELSE, IF THAT'S WHAT
9 YOU'RE ASKING ME

10 MR ALKEBULANYAHH NO I'M SPEAKING TO HIM

11 THE COURT ALL RIGHT GO AHEAD

12 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

13 Q LIEUTENANT BROMAGE, IN YOUR STATEMENT YOU STATED
14 THAT IN YOUR INTERVIEW, IT WAS STATED TO YOU THAT MS
15 BRENDA RILEY KNOCKED ON THE BEDROOM DOOR INSIDE 21
16 RILEY ROAD RESIDENCE IS THAT CORRECT?

17 MR MURDAUGH OBJECT SIR THAT WOULD BE
18 HEARSAY

19 THE COURT I SUSTAIN THAT OBJECTION DO NOT
20 REFER TO WHAT SOMEONE ELSE TOLD HIM YOU CAN ASK YOUR
21 QUESTION IN RESPONSE TO WHAT SOMEONE TOLD YOU WITHOUT
22 GETTING INTO WHAT THE STATEMENT WAS WHAT DID YOU DO?

23 Q MR BROMAGE ---

24 MR ALKEBULANYAHH COULD I ASK HIM ---

25 THE COURT GO AHEAD AND ASK YOUR QUESTION FIRST

1 Q WHAT DID MS BLATE (PHONETIC) TELL YOU ---

2 MR MURDAUGH OBJECTION, SIR

3 THE COURT SUSTAINED YOU CAN SIT DOWN, MR

4 SOLICITOR, PLEASE THANK YOU

5 Q MR BROMAGE, WHAT INFORMATION DO YOU HAVE ABOUT

6 WHAT TOOK PLACE INSIDE 21 RILEY ROAD RESIDENCE?

7 A I CAN REFER TO WHAT THE WITNESSES HAVE TOLD ME ---

8 Q YES, SIR

9 A --- ABOUT WHAT OCCURRED INSIDE AND WHAT THE
10 FORENSIC FINDINGS -- HAVE TO BE SOMEONE ELSE, WHAT
11 PEOPLE ARE TELLING ME AND WE COMPILED IT ALL

12 MR MURDAUGH YOUR HONOR, PLEASE

13 THE COURT DO NOT GET INTO WHAT I TOLD YOU YES,

14 SIR

15 MR MURDAUGH I ALMOST -- CAN I ---

16 THE COURT YES

17 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
18 OUT OF THE HEARING OF THE JURY)

19 (PAUSE)

20 THE COURT WE'LL GIVE YOU A BREAK, LADIES AND
21 GENTLEMEN, RIGHT AFTER THIS WITNESS THANK YOU

22 Q DID OR DID NOT MS KIMBERLY BLATE (PHONETIC) STATE
23 IN HER INTERVIEW ---

24 MR MURDAUGH OBJECTION

25 THE COURT SUSTAINED YOU CANNOT REFERENCE WHAT

STATE VS ALKEBULANYAHH

1 SOMEONE ELSE TOLD HIM MR ALKEBULANYAHH MOVE ON TO
2 YOUR NEXT QUESTION PLEASE AGAIN, YOU CAN ASK HIM, DID
3 HE DO SOMETHING IN RESPONSE TO WHAT SOMEONE TOLD HIM

4 Q WHAT DID YOU DO IN RESPONSE AFTER YOU WAS TOLD
5 THAT MR ALKEBULANYAHH DID NOT POSSESS A GUN?

6 A YOU HAVE TO REFERENCE SOMETHING FOR ME I'M NOT
7 QUITE SURE WHERE YOU'RE GETTING THAT, SIR

8 Q ON PAGE 3 ---

9 MR MURDAUGH YOUR HONOR, PLEASE

10 Q --- ABOUT LINE 11

11 MR MURDAUGH I OBJECT, SIR

12 THE COURT I SUSTAIN THAT OBJECTION DO NOT
13 REFERENCE WHAT STATEMENT WAS MADE IN YOUR QUESTION, MR
14 ALKEBULANYAHH

15 MR ALKEBULANYAHH YES SIR

16 THE COURT I GAVE YOU THE FORMAT OF THE QUESTION
17 IF I DO THAT IN THE FUTURE, YOU WILL STICK TO IT ALL
18 RIGHT?

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT IF YOU WISH TO ASK HIM WHAT HE DID IN
21 RESPONSE TO A PARTICULAR STATEMENT, JUST PHRASE IT THAT
22 WAY WITHOUT GIVING WHAT THE STATEMENT WAS GO AHEAD

23 MR ALKEBULANYAHH HE WOULD NOT KNOW THE
24 STATEMENT

25 THE COURT GO AHEAD -- YES, YOU CAN REFERENCE

1 THAT WITHOUT SAYING THE STATEMENT

2 MR ALKEBULANYAHH CAN I ASK HIM WHAT WAS STATED
3 TO HIM?

4 THE COURT NO NO, SIR

5 MR ALKEBULANYAHH AND I CANNOT ASK HIM WAS ---

6 THE COURT IN RESPONSE TO STATEMENTS MADE TO YOU,
7 DID YOU DO ANYTHING?

8 MR ALKEBULANYAHH AND I CAN'T ASK HIM ---

9 THE COURT IN RESPONSE TO STATEMENTS MADE TO YOU,
10 DID YOU DO ANYTHING? OR DID YOU TAKE ANY COURSE OF
11 ACTION? OR WHAT DID YOU DO NEXT?

12 MR ALKEBULANYAHH YOUR HONOR, MAY WE APPROACH?

13 THE COURT YES, SIR

14 HOLD ON A SECOND THE JURY'S REQUESTED A BREAK
15 ANY WAY IT'S PROBABLY THE BEST USE OF OUR TIME

16 LADIES AND GENTLEMEN, I'LL GO AHEAD AND GIVE YOU A
17 BREAK AS YOU REQUESTED DO NOT DISCUSS THE CASE IN ANY
18 WAY THANK YOU VERY MUCH

19 (THE JURY RETIRES TO THE JURY ROOM AT 4 58 P M)

20 THE COURT YOU MAY STEP DOWN DURING THE BREAK,
21 SIR YOU MAY NOT DISCUSS YOUR TESTIMONY WITH ANYONE

22 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

23 THE COURT YES, SIR PLEASE BE SEATED YES,
24 SIR, YOU WANTED TO SEEK GUIDANCE FROM THE COURT ABOUT
25 SOMETHING?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT YES, SIR

3 MR ALKEBULANYAHH THE PREVIOUS WITNESS, MR
4 STETTMIER, I QUESTIONED HIM ABOUT HIS ACTION AND THE
5 STATEMENTS FROM THE STATEMENT THAT HE MADE

6 THE COURT YES, SIR

7 MR ALKEBULANYAHH THIS PARTICULAR OFFICER
8 SUBMITTED A REPORT OF A INTERVIEW OF A INDIVIDUAL AND
9 IT APPEARS TO ME THAT I'M NOT -- I'M NOT ALLOWED BY --
10 BY -- BY THE COURT'S DECISIONS AND RULES, RESPECTFULLY,
11 TO ASK HIM ABOUT THE CONTENTS -- WHAT HE RECEIVED FROM
12 THE INTERVIEW WITH A PARTICULAR WITNESS

13 THE COURT WHAT I INDICATED TO YOU WAS -- NOT TO
14 STOP YOU FROM GETTING THAT INFORMATION OUT, WAS THAT
15 MS BLAKE, FOR EXAMPLE, WILL BE TESTIFYING SHE CAN BE
16 ASKED ABOUT HER STATEMENTS TO HIM AND THEN HE CAN BE
17 CALLED BACK TO ASK ABOUT HER STATEMENTS TO HIM
18 THERE'S JUST AN ORDER FOR DOING IT THERE ARE RULES

19 MR ALKEBULANYAHH YES SIR

20 THE COURT AND I DON'T -- I'VE TOLD YOU THAT
21 ONCE IF YOU DON'T -- THE FACT THAT YOU DON'T AGREE
22 WITH THAT PROCESS, I'M SORRY BUT THE FACT THAT I'M
23 TAKING THE TIME TO EXPLAIN IT TO YOU IS SOMETHING I
24 ORIGINALLY SAID I WAS NOT GOING TO DO, MR
25 ALKEBULANYAHH

1 SO WHEN I TAKE THE TIME TO TELL YOU, YOU CAN GET
2 THAT INFORMATION IN IF YOU ASK HIM FIRST, DID HE DO
3 ANYTHING IN RESPONSE TO ANY STATEMENTS -- WITHOUT
4 GETTING IN THE STATEMENTS

5 WHEN THAT WITNESS TESTIFIES, YOU CAN ASK HER DID
6 SHE MAKE ANY STATEMENTS TO HIM AND THEN YOU CAN
7 RECALL HIM IF NECESSARY AND THEN YOU CAN ASK HIM
8 ABOUT THOSE STATEMENTS IF THERE'S SOME POINT TO BE MADE
9 FROM A RELEVANCE PERSPECTIVE

10 I'M NOT GOING TO INTERFERE WITH THE PRESENTATION
11 OF YOUR CASE, BUT THERE ARE WAYS YOU HAVE TO HANDLE
12 THOSE KIND OF HEARSAY STATEMENTS ALL RIGHT?

13 MR ALKEBULANYAHH YES, SIR, I UNDERSTAND, SIR
14 THE COURT AND, MR SOLICITOR, I'M GOING TO ASK
15 THAT YOU UNDERSTAND THAT HE IS A PRO SE DEFENDANT, AND
16 NOT GET EXASPERATED OVER THE WAY HE IS PRESENTING
17 THINGS AND DISPLAY THAT TO THE JURY

18 MR MURDAUGH I APOLOGIZE

19 THE COURT ALL RIGHT WE'LL TAKE A SHORT BREAK

20 MR MURDAUGH BUT I WAS, AND I DO APOLOGIZE

21 THE COURT ALL RIGHT I UNDERSTAND YOUR

22 POSITION BUT THIS COURT IS TRYING TO BALANCE ALL OF

23 THAT AT THE SAME TIME ALL RIGHT THANK YOU

24 WE'LL TAKE A SHORT BREAK

25 MR MURDAUGH THANK YOU, SIR

STATE VS ALKEBULANYAHH

1 (A RECESS WAS TAKEN)

2 THE COURT ALL RIGHT REGARDING THE ISSUE ABOUT
3 THE OUT-OF-STATE SUBPOENA, DO YOU HAVE ANY SUGGESTIONS
4 ABOUT TRANSPORTATION?

5 MR KELLY YOUR HONOR, THERE ARE TWO
6 INVESTIGATORS HERE, THE FACT INVESTIGATOR COULD DRIVE
7 UP THERE OR WE'D HAVE TO HIRE SOMEBODY OTHER THAN THE
8 INVESTIGATOR THAT WE HAVE

9 THE COURT HAVE YOU TALKED TO THIS WITNESS?

10 MR KELLY YOUR HONOR, I HAVEN'T TALKED TO THIS
11 WITNESS

12 MR THORNTON I HAVE, YOUR HONOR

13 THE COURT YOU HAVE?

14 MR THORNTON YES, SIR

15 THE COURT I KNEW ONE OF YOU HAVE AND SHE'S
16 WILLING TO COME DOWN VOLUNTARILY?

17 MR THORNTON WELL, YES SIR SHE INDICATED SHE
18 WOULD NOT FIGHT THE SUBPOENA YES, SIR NOW, OF
19 COURSE I WOULD STILL WANT TO TRY TO DO THE OUT-OF-
20 STATE PAPERWORK BECAUSE IF SHE DOESN'T COME, I HAVE NO
21 RECOURSE

22 THE COURT GO AHEAD AND DO THAT

23 MR THORNTON YES, SIR

24 THE COURT IS SHE WILLING TO TAKE A BUS DOWN?

25 MR THORNTON I COULD TALK TO HER, JUDGE SHE

STATE VS ALKEBULANYAHH

1 JUST INDICATED SHE COULD NOT DRIVE IT SOUNDED LIKE A
2 PHYSICAL PROBLEM SINCE SHE WAS BEING KIND ENOUGH NOT
3 TO FIGHT THE SUBPOENA, I DIDN'T WANT TO DELVE TOO DEEP
4 THE COURT SEE IF SHE WOULD BE WILLING TO TAKE A
5 BUS

6 MR THORNTON YES, SIR WOULD YOU LIKE FOR ME TO
7 SEE IF I COULD GO TAKE CARE OF THAT NOW, SIR?

8 THE COURT YOU CAN DO THAT AFTERWARD

9 MR THORNTON YES, SIR

10 THE COURT THANK YOU

11 READY TO PROCEED?

12 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

13 MR MURDAUGH YES, SIR JUDGE

14 THE COURT YES, SIR

15 MR MURDAUGH WHEN WE FINISH WITH THE WITNESS
16 WE'VE GOT ON THE STAND NOW MAY I ASK FOR SOME
17 DIRECTION FROM YOU, SIR? I HAVE A WITNESS THAT WILL --
18 THAT SHOULD TAKE ABOUT 3 MINUTES

19 THE COURT THAT'S FINE

20 MR MURDAUGH I HAVE ANOTHER WITNESS THAT WILL
21 TAKE ABOUT AN HOUR AND A HALF AND I JUST WANTED TO
22 KNOW HOW FAR YOU WANTED TO GO I WOULD LIKE TO PUT THE
23 ONE WITNESS UP, TO GET -- TO INTRODUCE THE MAP THE
24 OTHER ONE IS THE 9-1-1 TAPE AND TO PUT HER UP,
25 QUALIFY, AND PLAY IT, IT'S ABOUT AN HOUR AND 15

STATE VS ALKEBULANYAHH

1 MINUTES

2 MR STONE THE TAPE ITSELF IS AN HOUR AND 20

3 MR MURDAUGH THE TAPE ITSELF IS AN HOUR AND 20

4 MINUTES

5 THE COURT HOW MUCH LONGER DO YOU EXPECT WITH

6 THIS WITNESS?

7 MR ALKEBULANYAHH I CAN'T DETERMINE, YOUR HONOR

8 THE COURT I MEAN, APPROXIMATELY? WE'RE NOT

9 GOING TO HOLD YOU TO IT YOU'VE GOT A GOOD WAYS TO GO
10 OR A LITTLE BIT MORE?

11 MR ALKEBULANYAHH YEAH, I'VE GOT A GOOD WAYS TO
12 GO

13 THE COURT ALL RIGHT WE'LL JUST DO THAT SHORT
14 ONE AFTER THIS ONE

15 ALL RIGHT READY TO PROCEED?

16 MR ALKEBULANYAHH YES SIR

17 THE COURT BRING THE JURY IN PLEASE

18 (THE WITNESS RETURNS TO THE WITNESS STAND)

19 THE COURT AFTER WE'RE DONE, WE'LL GO AHEAD AND
20 PUT SOME OF THE STUFF ON THE RECORD WE DID AT THE SIDE
21 BAR, SO THAT IT'S IN THE RECORD FOR EVERYONE

22 MR ALKEBULANYAHH YES, SIR THANK YOU, YOUR
23 HONOR

24 MR MURDAUGH JUDGE, I NOTICE THERE'S A GENTLEMAN
25 BACK THERE WHO I AM INFORMED IS A DEFENSE WITNESS, AND

STATE VS ALKEBULANYAHH

1 HAS BEEN IN THE COURTROOM

2 THE COURT DO YOU HAVE A WITNESS?

3 MR MURDAUGH DONALD -- IS IT COLBY?

4 (PAUSE)

5 MR MURDAUGH EXCUSE ME NO PROBLEM

6 THE COURT IS HE ON THE WITNESS LIST?

7 MR MURDAUGH THEY SAY HE ISN'T

8 (THE JURY RETURNS TO THE COURTROOM AT 5 24 P M)

9 THE COURT SIDE BAR PLEASE

10 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD

11 OUT OF THE HEARING OF THE JURY)

12 THE COURT ALL RIGHT LADIES AND GENTLEMEN,

13 WE'RE READY TO PROCEED AT THIS TIME

14 CROSS EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

15 Q MR BROMAGE

16 A YES

17 Q PRETTY MUCH WHERE WE LEFT OFF BEFORE COULD YOU
18 TELL ME WHERE DID THE INTERVIEW TAKE PLACE THAT -- WITH
19 YOU AND MS KIMBERLY BLATE (PHONETIC)?

20 A AT THE BEAUFORT COUNTY LAW ENFORCEMENT CENTER

21 Q BEAUFORT COUNTY LAW ENFORCEMENT CENTER WHERE IS
22 THAT LOCATED?

23 A 2001 DUKE STREET ACTUALLY, RIGHT NEXT DOOR TO
24 THIS BUILDING

25 Q AND THAT WAS THE FIRST INTERVIEW WITH HER?

STATE VS ALKEBULANYAHH

1 A THE FIRST INTERVIEW AND SOME SUBSEQUENT
2 INTERVIEWS WERE DONE THERE AS WELL

3 Q HOW MANY SUBSEQUENT INTERVIEWS HAVE YOU
4 INTERVIEWED HER WITH, SIR?

5 A I'D SAY AT LEAST THREE

6 Q OKAY IN THIS FIRST INTERVIEW, WHAT WAS SHE
7 WEARING?

8 A IT'S BEEN A YEAR AND A HALF TO BE HONEST WITH
9 YOU, IF I DON'T HAVE IT IN MY REPORT, I DON'T REMEMBER
10 THAT

11 Q OKAY SHE WOULDN'T HAVE BEEN WEARING THE CLOTHES
12 PERTAINING TO THE INCIDENT, WOULD IT? WOULD YOU KNOW?
13 OR HAD SHE BEEN CHANGED OUT?

14 A MY RECOLLECTION, WE COLLECTED THOSE CLOTHING I
15 DON'T THINK I'M MISTAKEN ON THAT BUT I COULD BE

16 Q OKAY WHEN YOU INTERVIEWED -- WHAT DID YOU --
17 WHAT DID YOU ASK HER?

18 A ASKED HER MANY QUESTIONS THE MOST IMPORTANT
19 THING WAS, HOW MANY PEOPLE WERE INVOLVED, WHO THE
20 SUBJECT WAS, WHAT SHE WITNESSED, WHAT SHE OBSERVED

21 Q ANYTHING ELSE?

22 A TO GET THE SPECIFICS, THERE WERE NUMEROUS
23 QUESTIONS AND GENERALLY SPEAKING, I DON'T WRITE DOWN
24 EVERY QUESTION I ASK I MERELY WRITE DOWN THE
25 RESPONSES

- 1 Q COULD YOU GIVE ANY RESPONSES -- TYPE OF RESPONSES?
- 2 A SIR?
- 3 Q WHAT TYPE OF RESPONSES DID YOU RECEIVE?
- 4 MR MURDAUGH OBJECTION, YOUR HONOR, PLEASE
- 5 THE COURT SUSTAINED
- 6 Q WHAT DID YOU ASCERTAIN FROM THE INTERVIEW?
- 7 A INITIALLY ---
- 8 MR MURDAUGH I OBJECT TO THAT, SIR
- 9 THE COURT YOU NEED TO BE A LITTLE MORE SPECIFIC
- 10 PLEASE
- 11 Q IN YOUR INTERVIEW WITH MS BLATE (PHONETIC), DID
- 12 YOU MAKE ANY DETERMINATION AS TO HER CREDIBILITY?
- 13 A THE INITIAL INTERVIEW, I BELIEVE WE FELT SHE WAS
- 14 STILL A LITTLE APPREHENSIVE TO TELL US EVERYTHING THAT
- 15 HAPPENED THAT WAS IN ESSENCE WHAT WE GATHERED AND AS
- 16 WELL AS SHE WASN'T ACTUALLY IN THE ROOM DURING THE TIME
- 17 OF THE SHOOTING
- 18 Q SO YOU HAD DETERMINED THAT SHE WAS HOLDING BACK
- 19 INFORMATION?
- 20 A WE DETERMINED THAT SHE PROBABLY KNEW MORE THAN SHE
- 21 WAS TELLING AND, AGAIN, THAT -- THAT WAS STRICTLY AN
- 22 OPINION AT THE TIME BASED ON SOME INDICATORS
- 23 Q WAS THERE ANY INDICATION OF INCONSISTENCIES OR
- 24 FALSEHOOD?
- 25 A AGAIN, I THINK IT WAS MORE OVER ALL DEMEANOR AT

1 THE TIME OF THE INTERVIEW THAT WOULD INDICATE SHE MAY
2 HAVE KNOWN MORE AGAIN, THAT IS NOT AN EXACT SCIENCE

3 Q WAS YOU ABLE TO RECEIVE ANY INFORMATION PERTAINING
4 TO THE SUSPECT OR SUSPECTS?

5 A YES, WE WERE ABLE TO DETERMINE SOME INFORMATION
6 REGARDING THE SUSPECT

7 Q WAS THERE INDICATION OF ONLY ONE OR MORE THAN ONE
8 SUSPECT?

9 A THE BIGGEST REASON FOR THE FIRST INTERVIEW WAS TO
10 DETERMINE HOW MANY SUSPECTS THERE WERE AND WHAT
11 ACTUALLY OCCURRED INSIDE SO, YES, WE WERE ABLE TO
12 DETERMINE AT THAT TIME -- WERE FAIRLY CERTAIN THERE WAS
13 ONE SUSPECT

14 Q ONE SUSPECT WHAT DID YOU DO AFTER YOU DETERMINED
15 THERE WAS ONLY ONE SUSPECT?

16 A WE CONTINUED WITH INTERVIEWING THE NUMEROUS PEOPLE
17 TO CORROBORATE WHAT EACH WITNESS WAS SAYING, COLLECTED
18 PHYSICAL EVIDENCE, CONDUCTED THE FORENSIC TESTING OF
19 THE EVIDENCE AND GOES INTO AN OVER ALL INVESTIGATION

20 Q DID YOU CONTINUE TO LOOK FOR ANY OTHER SUSPECTS
21 AFTER YOUR DETERMINATION?

22 A THE MAIN FOCUS WAS FOR ME AT THAT POINT WAS TO
23 INTERVIEW KIMBERLY BLAKE, SO OTHER THINGS WERE GOING
24 ON AND, AGAIN, THE STATE LAW ENFORCEMENT DIVISION WAS
25 ACTUALLY THE PRIMARY AGENCY IN CHARGE OF THE

STATE VS ALKEBULANYAHH

1 INVESTIGATION

2 Q AFTER YOUR INTERVIEW WITH MS BLATE (PHONETIC),
3 DID YOU RULE OUT ALL OTHER POSSIBLE -- ANY OTHER
4 POSSIBLE SUSPECTS, ANY OTHER POSSIBLE SUSPECTS?

5 A AGAIN, I THINK IT WAS A TOTALITY OF INTERVIEWING
6 MS BLAKE, BRENDA SMITH, AND NUMEROUS OTHER PEOPLE,
7 THAT THERE WAS ONE SUSPECT IT WAS THE SUSPECT IN
8 CUSTODY

9 Q AND DID YOU COMMAND ANY OTHER OFFICIALS THAT THERE
10 WAS ONLY ONE SUSPECT?

11 A YES, I ADVISED THE COMMAND POST, WHICH WAS COMMAND
12 BY A MAJOR AT THE TIME FOR THE SHERIFF'S OFFICE TO --
13 IN THE INTEREST OF MANPOWER THERE WERE A LOT OF
14 OFFICERS OUT THERE SEARCHING FOR ADDITIONAL SUSPECTS
15 WE NEED TO KNOW IF THERE'S ONE OR MORE SO WE TOOK ALL
16 THE FACTS AND ALL THE INTERVIEWS THAT DID, COMPILED IT,
17 DETERMINED THERE WAS ONE SUSPECT

18 Q AND DID YOU INFORM THE COMMAND POST THAT THERE WAS
19 ONLY ONE SUSPECT INVOLVED?

20 A YES

21 Q DID YOU -- IN YOUR INTERVIEWS WITH MS BLATE
22 (PHONETIC), WAS ANY OF THESE INTERVIEWS RECORDED?

23 A I BELIEVE I RECORDED THAT INTERVIEW WITH A MICRO
24 CASSETTE -- THE INITIAL INTERVIEW

25 Q DID YOU COME UP WITH A DETERMINATION OF ANY

1 INFORMATION FROM THAT INTERVIEW THAT WAS USEFUL TO YOU?

2 A I'D SAY SO, YEAH DEFINITELY

3 Q WHAT IN PARTICULAR DID YOU FOUND -- PARTICULAR --

4 WHAT PARTICULARS DID YOU FOUND USEFUL AT THAT TIME?

5 A PARTICULARLY THE IDENTITY OF THE SUBJECT AND

6 THAT ENTIRE INFORMATION WAS ESSENTIALLY THE SAME AS

7 OTHER INDEPENDENT WITNESSES

8 Q DID YOU -- ANYTHING PARTICULAR FURTHER THAT YOU

9 FOUND OUT ABOUT THE EVENTS OF THE -- THAT TOOK PLACE ON

10 THAT DAY, JANUARY 8, 2002?

11 A I'M UNCLEAR

12 Q ABOUT THE INCIDENT, ABOUT THE ACTIONS AND CONDUCTS

13 OF -- OF THE PEOPLE INVOLVED IN THE INCIDENT?

14 A DID I DETERMINE WHAT HAD OCCURRED, IS THAT WHAT

15 YOU'RE ASKING?

16 Q RIGHT HOW MANY -- HOW MANY -- YOU KNOW DID YOU

17 DETERMINE -- WAS -- WAS -- DID YOU GET -- RECEIVE ANY

18 INFORMATION ABOUT HOW MANY INDIVIDUALS AND --

19 INDIVIDUALS WAS AT THE RESIDENCE?

20 A YES, WE DID DETERMINE HOW MANY INDIVIDUALS WERE AT

21 THE RESIDENCE

22 Q OKAY WHO WAS THOSE INDIVIDUALS?

23 A ISAAC RILEY, WHO IS NOW DECEASED, BRENDA SMITH WHO

24 IS ACTUALLY ON THE WITNESS LIST, KIMBERLY BLAKE,

25 KIMBERLY'S CHILD, AN INFANT, AND YOURSELF

1 Q DID MS BLATE (PHONETIC) INDICATE THAT ---

2 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD BE
3 HEARSAY, SIR

4 THE COURT I SUSTAIN THAT

5 Q DID YOU RECEIVE ANY INFORMATION FROM MS BLATE
6 (PHONETIC) ---

7 MR MURDAUGH THAT WOULD BE HEARSAY, SIR

8 THE COURT YOU'RE ASKING DID YOU RECEIVE
9 INFORMATION WITHOUT GETTING IN TO IT, THAT'S OKAY YOU
10 ASKED HIM DID HE JUST RECEIVE INFORMATION FROM HER?

11 MR ALKEBULANYAHH YES DID HE RECEIVE ---

12 THE COURT ALL RIGHT

13 MR ALKEBULANYAHH ABOUT -- ABOUT ---

14 THE COURT WITHOUT THE SPECIFICS

15 Q WITHOUT GETTING INTO THE PACIFICS (SIC), DID YOU
16 RECEIVE INFORMATION FROM MS BLATE (PHONETIC) ABOUT
17 THE ---

18 THE COURT YOU CAN'T GET IN TO WHAT IT'S ABOUT
19 DID YOU RECEIVE ANY INFORMATION FROM MS BLAKE?

20 Q DID YOU RECEIVE ANY INFORMATION FROM MS BLATE
21 (PHONETIC)?

22 A YES YES, I DID

23 Q DID IT HELP TO -- DID IT HELP TO -- FOR YOU TO BE
24 ABLE TO DETERMINE THE ACTIONS OF THE TWO DEPUTIES THAT
25 ARRIVED THERE ON 21 RILEY ROAD THAT DAY?

STATE VS ALKEBULANYAHH

1 A YES, THE INTERVIEWS OF KIMBERLY BLAKE DID INDICATE
2 SOME OF THE ACTIVITIES OF THE DEPUTIES THAT WERE
3 PRESENT -- TWO DEPUTIES

4 Q AND ANY PARTICULAR ACTIVITIES THAT -- INDICATED?

5 MR MURDAUGH YOUR HONOR, PLEASE THAT WOULD BE
6 HEARSAY, SIR

7 THE COURT I SUSTAIN THAT OBJECTION

8 Q YOU ATTENDED THE AUTOPSIES OF MR TATE AND MR
9 COURSEN IS THAT CORRECT?

10 A YES, I DID

11 Q AND WHEN DID THAT TAKE PLACE?

12 A JANUARY 9, 2002 AT APPROXIMATELY 10 30 IT LASTED
13 SEVERAL HOURS AT THE MEDICAL UNIVERSITY OF SOUTH
14 CAROLINA

15 Q AND DID YOU PARTICIPATE IN THE AUTOPSY?

16 A NO, SIR I DON'T PARTICIPATE I TOOK PHOTOGRAPHS
17 OF ---

18 Q TOOK PHOTOGRAPHS AND WHAT WAS DETERMINED THE
19 MANNER OF DEATH?

20 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S BEEN
21 TESTIFIED TO HE IS NOT QUALIFIED TO ANSWER THAT
22 QUESTION

23 THE COURT I SUSTAIN THAT OBJECTION

24 Q WHAT DID YOU DO -- WHAT HAPPENED AT THE AUTOPSY?

25 A THEY WERE ATTEMPTING TO ESTABLISH -- WHAT DO THEY

- 1 DO AT AN AUTOPSY OR WHAT DO THEY DO AT THIS AUTOPSY?
- 2 Q WHAT DID YOU DO WHEN YOU WAS THERE?
- 3 A WHAT DID I DO? I PHOTOGRAPHED
- 4 Q WHAT DID YOU DO NEXT?
- 5 A INTERVIEWED THE PATHOLOGIST TO DETERMINE WHAT SHE
- 6 HAD FOUND, SO I COULD RELAY IT
- 7 Q AND WHAT DID SHE HAD FOUND?
- 8 MR MURDAUGH JUDGE, THAT QUESTION WAS WHAT DID
- 9 THE PATHOLOGIST FIND, THAT WOULD BE HEARSAY SHE HAD
- 10 JUST FINISHED TESTIFYING, AND I WOULD OBJECT TO THE
- 11 QUESTION, SIR
- 12 THE COURT WELL, IF HE ACTED BASED ON SOMETHING
- 13 THAT SHE FOUND YOU CAN ASK ABOUT THAT
- 14 MR MURDAUGH YES, SIR
- 15 THE COURT ARE YOU ASKING DID HE ACT BASED ON --
- 16 YOU CAN ANSWER THAT QUESTION SIR
- 17 RESTATE YOUR QUESTION
- 18 Q AND WHAT DID SHE FIND?
- 19 THE COURT DID YOU ACT ON ANY INFORMATION ---
- 20 Q THAT SHE FIND ---
- 21 THE COURT DID YOU ACT BASED ON ANY OF HER
- 22 FINDINGS?
- 23 Q RIGHT
- 24 THE COURT ASK THAT QUESTION
- 25 Q DID YOU ACT BASED ON ANY OF HER FINDINGS?

1 A THE INVESTIGATION CONTINUED AS A HOMICIDE AS IT
2 WAS DETERMINED IT WAS A HOMICIDE AT THAT POINT

3 Q AND WHAT DID YOU DO NEXT?

4 A WE CONTINUED THE INVESTIGATION, NUMEROUS THINGS,
5 INTERVIEWED ADDITIONAL WITNESSES

6 Q AND WHERE -- WHERE WAS THE FIRST -- WHERE -- WHERE
7 -- WHERE -- WHAT WAS THE FIRST STEP YOU DID IN
8 CONTINUING THAT INVESTIGATION? WHAT ACTION DID YOU
9 TAKE?

10 A BASED ON THE INFORMATION WE HAD AT THE TIME,
11 MYSELF, SPECIAL AGENT AVANT WITH SOUTH CAROLINA LAW
12 ENFORCEMENT DIVISION GOT THE ARREST WARRANT SIGNED FOR
13 YOUR ARREST FOR TWO COUNTS OF MURDER, AND ATTEMPTED TO
14 INTERVIEW YOU AT THE MEDICAL UNIVERSITY OF SOUTH
15 CAROLINA

16 Q AND WHAT DID YOU BASE -- WHAT DID YOU BASE -- WHAT
17 DID YOU BASE YOUR FINDING OF YOUR ARREST WARRANT BEING
18 MURDER ON -- THE CHARGE MURDER?

19 A OKAY I ---

20 Q YOU SAY YOU GOT TWO COUNTS?

21 A I DIDN'T PREPARE THE AFFIDAVIT FOR THE ARREST
22 WARRANT I ACCOMPANIED SPECIAL AGENT AVANT IN GETTING
23 WARRANTS COUNTER-SIGNED, AND IN THE SERVICE OF THOSE
24 ARREST WARRANT AT THE MEDICAL UNIVERSITY OF SOUTH
25 CAROLINA

1 Q WHAT TIME WAS THOSE WARRANTS SIGNED AND DATE?

2 A THE DATE OF THE COUNTER-SIGNING, AGAIN, WAS THE
3 9TH OF JANUARY 2002

4 Q 9TH OF JANUARY 2002?

5 A THAT'S CORRECT

6 Q AND UPON THE WARRANTS -- WHO DID -- WHO WAS THE
7 WARRANTS TAKEN OUT FOR? AND WHAT WAS THE ACCUSATION IN
8 THOSE WARRANTS?

9 A I CAN'T REALLY READ OFF THE WARRANT IF I DON'T
10 HAVE A COPY OF IT I DON'T HAVE A COPY OF IT PRESENT,
11 SO I CAN'T

12 (PAUSE)

13 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

14 THE COURT YES SIR

15 A WHAT WAS YOUR QUESTION SIR?

16 Q THE QUESTION WAS WHO WAS THE WARRANT TAKEN OUT
17 FOR AND WHAT WAS THE BASIS OF THE WARRANT?

18 A THE WARRANT WAS TAKEN OUT FOR A TYREE ALPHONZO
19 ROBERTS DATE OF BIRTH 7/24/1962

20 Q AND WHO WAS THE PROSECUTING OFFICER INVOLVED IN
21 THE WARRANT?

22 A SPECIAL -- SPECIAL AGENT TRAVIS L AVANT

23 Q WHAT WAS THE DESCRIPTION OF THE OFFENSE?

24 A MURDER, SECTION 16-3-10 AND THE SECOND WARRANT
25 ALSO THE SAME

1 Q AND WHAT IS THE -- WHAT IS ALLEGE IN THE WARRANT
2 FOR EACH COUNT?

3 A WOULD YOU LIKE FOR ME TO READ THE AFFIDAVIT?

4 Q IF YOU DON'T KNOW WHAT'S IN IT YOU CAN READ IT, I
5 GUESS SO

6 A WELL, I'M LOOKING AT IT RIGHT HERE SO IF YOU
7 WANT ME TO READ WHAT ---

8 Q THAT WOULD BE FINE WITH ME, SIR

9 A --- THE PROBABLE CAUSE IS BASED ON

10 Q YES, SIR

11 Q THAT ON JANUARY 8, 2002 AT OR AROUND 16 20 HOURS
12 THE DEFENDANT TYREE ROBERTS DID SHOOT AND KILL BEAUFORT
13 COUNTY SHERIFF DEPUTY MIKE COURSEN, WITH MALICE
14 AFORETHOUGHT THIS OCCURRING AT 21 RILEY LANE
15 BEAUFORT, BEAUFORT COUNTY SOUTH CAROLINA THE AFFIANT
16 IS WITNESS FOR THE SAME

17 THE SECOND WARRANT IS THAT ON JANUARY 8, 2002 AT
18 OR AROUND 16 20 HOURS THE DEFENDANT TYREE ROBERTS DID
19 SHOOT AND KILL BEAUFORT COUNTY DEPUTY SHERIFF DANA TATE
20 WITH MALICE AFORETHOUGHT THIS OCCURRING AT 21 RILEY
21 LANE, BEAUFORT, BEAUFORT COUNTY SOUTH CAROLINA AFFIANT
22 IS WITNESS FOR THE SAME

23 Q THIS PARTICULAR WARRANTS -- DO YOU KNOW THE NAME
24 OF THE MAGISTRATE THAT SIGNED THEM?

25 A INITIALLY IN BEAUFORT COUNTY THAT WOULD BE

1 MAGISTRATE DARLENE SMITH, IF I'M NOT MISTAKEN
2 Q AND IS THESE ACCURATE REPORTS?
3 A SIR?
4 Q IS THESE ACCURATE REPORTS? IS -- THE WARRANTS ARE
5 ACCURATE?
6 A ARE THE WARRANTS ACCURATE?
7 Q YES, SIR
8 A THERE'S A FEW THINGS THAT MAY -- MAY BE
9 CORRECTABLE AT THIS POINT, YES
10 Q WOULD YOU MIND BY POINTING OUT THE FEW THINGS THAT
11 MAY BE CORRECTABLE?
12 A MIKE COURSEN WOULD BE DYKE COURSEN AND RILEY
13 LANE WOULD BE RILEY ROAD AND TYREE ALPHONZO ROBERTS
14 IS NOW -- FORGIVE ME FOR NOT BEING ABLE TO PRONOUNCE
15 YOUR NAME
16 Q YES, SIR ALKEBULANYAHH
17 A ALKE ---
18 Q ALKEBULANYAHH
19 A OKAY
20 Q THANK YOU, SIR SO THE ARREST WARRANT FOR THE
21 DEATH OF MIKE COURSEN IS -- IS -- IS SOMETHING THAT
22 SHOULD BE CORRECTED IT'S WRONG IT SHOULD BE DYKE
23 COURSEN, IS THAT CORRECT?
24 A RIGHT DYKE A J COURSEN, THAT'S CORRECT IT WAS
25 MISUNDERSTOOD OVER THE PHONE WHEN GETTING THE

1 INFORMATION ABOVE THAT'S THE BEST OF MY RECOLLECTION,
2 MIKE INSTEAD OF DYKE

3 Q WHEN ONE IS FILLING OUT THESE PARTICULAR TYPE OF
4 DOCUMENTS, ARREST WARRANTS, BEING AN INVESTIGATOR, ONE
5 SHOULD TAKE PRECAUTIONS TO MAKE SURE THAT THE
6 INFORMATION THAT'S WITHIN -- WITHIN THESE DOCUMENTS ARE
7 SURE AND ACCURATE BEING THAT A MAGISTRATE WOULD SIGN
8 IT, IS THAT CORRECT?

9 A THAT IS TRUE

10 Q AND IF THE INFORMATION IN IT IS NOT ACCURATE AND
11 CORRECT, THEN, IT'S PRETTY MUCH BROKEN THE OATH OF THE
12 AFFIDAVIT BY ATTESTING THAT THIS IS A TRUE AND ACCURATE
13 REPORT, IS THAT CORRECT?

14 A GOOD FAITH IS THE WAY WE ACT UNDER GOOD FAITH
15 AND TO THE BEST OF OUR KNOWLEDGE AT THE TIME THAT
16 INFORMATION WAS CORRECT

17 Q COULD THAT INFORMATION HAVE BEEN INCORRECT BECAUSE
18 OF -- OF NOT ENOUGH INVESTIGATION OR SLACK IN
19 INVESTIGATING?

20 A WELL, I WOULDN'T SAY THAT, NO

21 Q BUT A THOROUGH -- A THOROUGH INVESTIGATION WOULD
22 HAVE -- THESE -- THESE ERRORS WOULD NOT HAVE TAKEN
23 PLACE, IS THAT CORRECT? PRETTY MUCH, YOU AGREE, A MORE
24 THOROUGH INVESTIGATION INTO THE CONTENTS OF THE MATTERS
25 IN THE AFFIDAVITS?

- 1 A LIKE IN ANYTHING ELSE, I BELIEVE THERE'S HUMAN
2 ERROR IN EVERYTHING I THINK THAT QUALIFIES
3 Q IN THE AFFIDAVITS THAT YOU READ, IT SAID THAT --
4 YOU STATE THAT THE DEFENDANT DID SHOOT AND KILL TWO
5 BEAUFORT COUNTY SHERIFF DEPUTIES WAS THERE ANY
6 WITNESSES TO THE SHOOTING?
7 A I SAY THERE WAS WITNESSES TO THE SHOOTING, YES
8 Q WHO WAS THE WITNESSES?
9 A KIMBERLY BLAKE WOULD BE ONE WITNESS
10 Q WHAT DID SHE SEE?
11 A BRENDA SMITH WOULD BE ONE WITNESS PUTTING
12 YOURSELF, THE DEFENDANT, IN THE ROOM ALONE WITH THE TWO
13 DEPUTIES, TWO DEPUTIES BEING MURDERED WITH A HIGH
14 POWERED RIFLE
15 Q SO SHE DIDN'T WITNESS THE SHOOTING IS THAT
16 CORRECT?
17 A RIGHT SHE DIDN'T ACTUALLY SEE THE SHOOTING SHE
18 LEFT SECONDS PRIOR TO THE SHOOTING
19 Q DID SHE SEE ANYBODY GET SHOT?
20 A NO NO, SHE DIDN'T, AS FAR AS I KNOW, SIR
21 Q SHE NEVER SAW ANYBODY GET SHOT?
22 A RIGHT
23 Q AS FAR AS YOU KNOW?
24 A NOT TO MY KNOWLEDGE, CORRECT
25 Q DID YOU -- THE LADY YOU MENTIONED AFTER HER MS

1 BRENDA SMITH RILEY, DID SHE SEE ANYBODY GET SHOT?

2 A NO TO THE BEST OF MY KNOWLEDGE, SHE DIDN'T
3 ACTUALLY SEE THE SHOOTING EITHER

4 Q SO IN ACTUALITY, THERE IS NO WITNESSES TO THE
5 SHOOTING, IS THAT CORRECT?

6 A I WOULD SAY IN ACTUALITY, THERE IS AGAIN, IT'S
7 THE TOTALITY OF THE CIRCUMSTANCES, ALL THE WITNESSES
8 BEING INTERVIEWED, ONES INDICATING YOU WERE THE ONLY
9 ONE IN THE ROOM WITH THE TWO DEPUTIES AGAIN, THE TWO
10 DEPUTIES DID NOT SHOOT THEMSELVES

11 Q SO ---

12 A SO THAT WOULD BE -- THAT WOULD BE ON THE WAY
13 TOWARDS PROBABLE CAUSE IN SECURING THE WARRANT

14 Q DID MS BRENDA SMITH RILEY SAY THAT THE DEFENDANT
15 WAS IN THE ROOM?

16 MR MURDAUGH YOUR HONOR, PLEASE THAT WOULD BE
17 HEARSAY, SIR

18 THE COURT SUSTAINED

19 Q DID THE -- WAS IT INDICATED -- HOW MANY PEOPLE
20 INDICATED THAT THE DEFENDANT WAS IN THE ROOM?

21 A BRENDA SMITH, I BELIEVE INDICATED THAT YOU WERE IN
22 FACT IN THE ROOM AND KIMBERLY BLAKE CERTAINLY MADE IT
23 CLEAR THAT YOU WERE IN THE ROOM SO TWO WITNESSES
24 RIGHT THERE, ALONG WITH PHYSICAL EVIDENCE

25 Q HOW WAS THAT INDICATION PRESENTED TO YOU?

- 1 A DURING INTERVIEWS
- 2 Q WITH ---
- 3 A WITH BOTH BRENDA SMITH AND ---
- 4 Q HOW WAS THAT INDICATION WITH MS BRENDA SMITH
- 5 PRESENTED TO YOU THAT HE WAS IN THE ROOM?
- 6 A DO YOU WANT ME TO TELL YOU WHAT SHE TOLD ME?
- 7 Q I JUST WANT TO KNOW, YOU KNOW, THE EXACT
- 8 INDICATION OF MS BRENDA SMITH RILEY INDICATED THAT THE
- 9 DEFENDANT WAS IN THE ROOM?
- 10 A I BELIEVE SHE INDICATED THAT HER HUSBAND, ISAAC
- 11 RILEY WHO IS NO DECEASED WAS IN THE KITCHEN COOKING AT
- 12 THE TIME THAT THE OFFICERS ARRIVED, AND THAT YOU WERE
- 13 IN THE ROOM WITH SOMEBODY CALLED MAY MAY HAS BEEN
- 14 IDENTIFIED AS KIMBERLY BLAKE AT THIS POINT AND
- 15 MINISTER HAS BEEN IDENTIFIED AS YOU SO SHE INDICATED
- 16 SHE BELIEVED YOU WERE IN THE ROOM
- 17 Q OH, SHE INDICATE SHE BELIEVE I WAS IN THE ROOM?
- 18 A THAT'S CORRECT
- 19 Q AND THEN IS THAT WRITTEN DOWN? IS THAT IN HER
- 20 STATEMENT?
- 21 A NO IT WAS AN INTERVIEW CONDUCTED BY MYSELF AND
- 22 SPECIAL AGENT AVANT WITH BRENDA SMITH
- 23 Q DID SHE GIVE A STATEMENT?
- 24 A SHE GAVE A VERBAL STATEMENT TO -- TO THE TWO OF
- 25 US I BELIEVE SHE MAY HAVE GIVEN A WRITTEN STATEMENT

- 1 PRIOR TO THAT TO OTHER OFFICERS
- 2 Q DID SHE GIVE A WRITTEN STATEMENT IN HER OWN
- 3 HANDWRITING?
- 4 A NOT TO ME, SIR
- 5 Q SO OTHER THAN YOU SAYING SHE SAID, THAT IS THE
- 6 ONLY INFORMATION YOU SAYING THAT SHE INDICATED THAT SHE
- 7 BELIEVED, IS THAT CORRECT?
- 8 A THAT'S CORRECT
- 9 Q AND WHEN YOU SAY SHE SAY BELIEVE, YOU ACTUALLY
- 10 SAYING SHE DIDN'T KNOW -- SHE DOESN'T KNOW, IS THAT
- 11 CORRECT? SHE DOESN'T KNOW IF THE DEFENDANT WAS IN THE
- 12 ROOM IS THAT CORRECT?
- 13 A I DON'T KNOW IF THAT'S CORRECT OR NOT
- 14 Q YOU SAID ---
- 15 A SHE ---
- 16 Q YOU STATE THAT SHE SAYS SHE BELIEVE, BUT ---
- 17 A SHE BELIEVED YOU WERE IN THE ROOM, THAT WOULD
- 18 INDICATE TO ME THAT SHE'S GOT A PRETTY GOOD IDEA THAT
- 19 YOU'RE IN THAT ROOM
- 20 Q WOULDN'T YOU AGREE THAT THERE'S A DIFFERENCE
- 21 BETWEEN BELIEVE AND KNOW?
- 22 A CERTAINLY CERTAINLY
- 23 Q WHAT'S THE DIFFERENCE BETWEEN BELIEVE AND KNOW,
- 24 MAY I ASK?
- 25 A WE BELIEVE, I THINK, WEIGH MORE ON THE SIDE OF YOU

1 BEING IN THAT ROOM, WHERE KNOWING YOU WERE IN THE ROOM
2 WAS ACTUALLY BEING PRESENT, SAW YOU IN THAT ROOM

3 Q SO MS BRENDA SMITH RILEY WOULDN'T KNOW IF MR
4 ALKEBULANYAHH WAS IN THAT ROOM, IS THAT CORRECT?

5 A SHE WOULD KNOW FOR SURE? I THINK YOU'RE CORRECT
6 IN THAT

7 Q OKAY AND SHE WOULDN'T KNOW IF MR ALKEBULANYAHH
8 SHOT THE TWO DEPUTIES, IS THAT CORRECT?

9 A NO I DON'T THINK SHE'D KNOW THAT

10 Q AND NEITHER WOULD MS KIMBERLY BLATE (PHONETIC)
11 KNOW THAT MR ALKEBULANYAHH SHOT TWO DEPUTIES, IS THAT
12 CORRECT?

13 A I'M NOT SURE IF THAT'S CORRECT I'M NOT SURE
14 ABOUT THAT AT ALL I THINK THAT -- I THINK THAT SHE
15 WOULD BE A LITTLE BIT MORE CERTAIN, SINCE SHE DID
16 OBSERVE SEVERAL THINGS -- SEVERAL ACTIONS PRIOR TO THE
17 SHOOTING ITSELF

18 Q WAS SHE IN THE ROOM WHEN THE DEPUTIES WAS SHOT?

19 A NO SIR, I JUST STATED SHE WAS NOT

20 Q SO, THEREFORE, WOULDN'T YOU AGREE THAT SHE COULD
21 NOT KNOW IF MR ALKEBULANYAHH SHOT THE DEPUTIES?

22 A NO, I WOULDN'T -- I WOULDN'T AGREE WITH YOU ON
23 THAT AT ALL

24 Q YOU STATE THAT TO BELIEVE IS TO TAKE A GUESS, BUT
25 TO KNOW IS TO BE THERE TO SEE IS THAT CORRECT?

STATE VS ALKEBULANYAHH

1 A RIGHT

2 Q DID MS KIMBERLY BLATE (PHONETIC) INDICATE TO YOU
3 THAT SHE SAW MR ALKEBULANYAHH SHOOT THOSE TWO
4 DEPUTIES?

5 A SHE DIDN'T INDICATE THAT SHE SAW YOU SHOOT THOSE
6 TWO DEPUTIES, NO, SHE DIDN'T

7 Q SO SHE DOES NOT KNOW?

8 A SHE DOES KNOW

9 Q SO IF SHE KNOW, SHE SAW, IS THAT CORRECT?

10 A NO I THINK THAT PEOPLE MAKE SOME INFERENCES FROM
11 GATHERING ALL THE FACTS, AND THEN THEY KNOW SOMETHING,
12 MR ALKEBULANYAHH

13 Q SO THE INFERENCE IS -- IS MS KIMBERLY BLATE
14 (PHONETIC) INFERENCE IS A GUESS, IS THAT CORRECT?

15 A NO I WOULDN'T SAY IT'S A GUESS AT ALL AT THIS
16 POINT

17 Q WELL, SHE WOULD HAVE TO SEE IN ORDER TO KNOW,
18 WOULDN'T YOU AGREE?

19 A NO NO I WOULDN'T AGREE WITH YOU

20 Q OKAY DO YOU KNOW WHAT'S BEHIND THAT DOOR BEHIND
21 YOU?

22 A I DON'T KNOW WHAT'S BEHIND THAT DOOR BEHIND ME

23 Q WHY DO YOU NOT KNOW?

24 A WELL, I HAVEN'T BEEN BACK THERE TO SEE NOR HAVE I
25 TALKED TO ANYBODY THAT'S BEEN ON THE OTHER SIDE OF

1 THAT

2 Q OKAY THEN YOU AGREE, YOU DON'T KNOW BECAUSE
3 YOU'VE NOT BEEN BEHIND THAT DOOR TO SEE, THAT'S WHY YOU
4 DON'T KNOW?

5 A KIMBERLY BLAKE INDICATED TO ME THAT SHE DID HAVE A
6 CONVERSATION WITH YOU AFTERWARDS AND YOU DID MAKE
7 STATEMENTS TO HER TO THE EFFECT THAT YOU HAD SHOT THOSE
8 TWO DEPUTIES

9 Q OKAY

10 A THAT IS WHAT GOES INTO KNOWING, TAKING ALL THE
11 FACTS, PUTTING THEM INTO A BIG LUMP AND MAKING A
12 DECISION ON THAT

13 Q OKAY SO IF I SAID, AN ELEPHANT'S BEHIND THAT
14 DOOR AND SHOWED YOU SOME ELEPHANT MANURE, AND YOU PUT
15 THE FACTS TOGETHER YOU WOULD SAY AN ELEPHANT BEHIND
16 THAT DOOR IS THAT CORRECT?

17 A I DON'T KNOW THAT I WOULD BELIEVE YOU

18 Q SO, THEREFORE, KIMBERLY BLATE (PHONETIC) WASN'T
19 BEHIND THAT DOOR, SO SHE COULD NOT HAVE KNOWN? SHE
20 CANNOT KNOW THAT MR ALKEBULANYAHH SHOT ANYONE BECAUSE
21 SHE WAS NOT BEHIND THAT, IS THAT CORRECT? IS THAT WHAT
22 SHE SAID?

23 A SHE -- I REALLY DON'T WANT TO TESTIFY TO WHAT
24 KIMBERLY BLAKE WILL TESTIFY TO BUT WHAT I GATHER FROM
25 THE INTERVIEW IS SHE SAW YOU WITH A GUN CLIMB INTO THE

1 CLOSET, SHUT THE DOOR

2 Q ISN'T THAT ---

3 A SHE HEARD SHOTS SECONDS AFTER, RAN OUTSIDE AND
4 YOU CAME CHASING HER DOWN WITH -- WITH THE GUN IN HAND
5 AND BLEEDING THOSE CERTAIN FACTS WOULD INDICATE TO ME
6 THAT YOU DID THE SHOOTING

7 Q IN THAT INTERVIEW -- IN YOUR REPORT IN THAT
8 INTERVIEW, DID YOU REPORT IN YOUR REPORT THAT MS
9 KIMBERLY BLATE (PHONETIC) STATED THAT MR ALKEBULANYAHH
10 HAD A GUN, CONFESSED TO SHOOT TWO DEPUTIES? DID YOU
11 PUT THAT IN YOUR REPORT?

12 A I THINK IF YOU TAKE ALL OF THE STATEMENTS -- WHICH
13 REPORT ARE YOU REFERRING TO NOW, BECAUSE THERE'S
14 NUMEROUS REPORTS

15 Q I'M REFERRING TO THE REPORT ---

16 A AND NUMEROUS INTERVIEWS

17 Q --- THE INTERVIEW OF JANUARY 8, 2002 AT 18 55

18 A WE DIDN'T GATHER ALL THAT INFORMATION AT THAT
19 POINT AND, AGAIN, ANOTHER INTERVIEW WAS DONE THERE
20 AFTER THAT, AND ANOTHER ONE AFTER THAT

21 Q WELL, IN THIS INTERVIEW -- IN THIS INTERVIEW WITH
22 MS KIMBERLY BLATE (PHONETIC), INTERVIEW OF KIMBERLY
23 BLATE (PHONETIC), JANUARY 8, 2002 AT 18 55, YOU
24 INTERVIEWED MS BLATE (PHONETIC) AT THIS TIME DID YOU
25 PUT IT IN YOUR REPORT THAT KIMBERLY BLATE (PHONETIC)

1 STATED THAT MR ALKEBULANYAHH HAD A GUN AND THAT HE
2 SHOT THE TWO DEPUTY -- WHEN YOU INTERVIEWED HER? OR
3 DID SHE TELL YOU THAT IN THAT INTERVIEW?

4 A I WAS REVIEWING THE REPORT IF YOU DON'T MIND FOR A
5 SECOND

6 Q YES, SIR, TAKE YOUR TIME

7 A (PAUSE) SHE STATED THAT YOU CAME AT HER POINTING
8 A RIFLE SO I WOULD SAY THAT SHE SAID YOU HAD A GUN AT
9 THAT POINT I THINK SHE ADVISED INITIALLY SHE DIDN'T
10 SEE A GUN WHILE SHE WAS IN THE ROOM

11 Q IN THIS REPORT DID MS KIMBERLY BLATE (PHONETIC)
12 STATE TO YOU IN THIS INTERVIEW THAT SHE SEEN MR
13 ALKEBULANYAHH WITH A GUN AND THAT HE KILLED TWO
14 DEPUTIES IN THAT INTERVIEW?

15 A NO, SIR I DON'T BELIEVE SHE DID IN THE INITIAL
16 INTERVIEW

17 Q WHAT DID SHE INDICATE?

18 A SHE INDICATED SHE WAS CERTAIN THAT TYREE ROBERTS
19 -- AGAIN, YOU CHANGED YOUR NAME -- WAS THE ONLY PERSON
20 IN THE BACK BEDROOM, AND ADVISED THAT THE TWO DEPUTIES
21 HAD WALKED TOWARDS THAT ROOM AFTER SHE WALKED OUT

22 Q WHAT DID SHE INDICATE ABOUT A GUN?

23 A SHE DID NOT SEE A GUN DID NOT SEE THE SHOOTING,
24 AGAIN, STATED THAT BEN AS SHE REFERRED TO AT THE TIME
25 WAS THE ONLY PERSON IN THE BEDROOM AFTER SHE ---

1 Q YOU INDICATE SHE DID NOT SEE THE GUN AND DID NOT
2 SEE THE SHOOTING, IS THAT CORRECT?

3 A YES, THAT'S THE INITIAL INTERVIEW, CORRECT

4 Q SHE DID NOT SEE THE SHOOTING AND HE DID NOT HAVE A
5 GUN, THAT'S WHAT SHE INDICATED TO YOU IN THAT
6 INTERVIEW, IS THAT CORRECT?

7 A NO SHE DID SEE A GUN SHE'S STATING LATER IN
8 THIS SAME STATEMENT THAT SHE DID SEE A GUN AND YOU COME
9 RUNNING OUT OF THE RESIDENCE, POINTING A GUN AT HER

10 Q DID SHE ---

11 A YES, SHE SAW YOU WITH A GUN AT THAT POINT

12 Q DID SHE SEE -- DID SHE SEE ALKEBULANYAHH WITH A
13 GUN IN THE AREA YOU LOCATED, YOU SAID WHERE -- WHERE
14 THE DEPUTIES WAS FOUND THAT ---

15 A NO SHE DID NOT -- SHE INDICATED SHE DID NOT SEE
16 THE GUN IN THE INITIAL INTERVIEW IN THE BEDROOM

17 Q OKAY

18 A CORRECT

19 Q AND DID NOT SEE MR ALKEBULANYAHH SHOOT ANYBODY,
20 IS THAT CORRECT?

21 A THAT'S WHAT SHE STATED, CORRECT

22 Q OKAY NOW, WOULD YOU AGREE WITH ME THAT THERE IS
23 NO WITNESS THAT I KNOW OF -- UNLESS THE PROSECUTOR KNOW
24 SOMEBODY, HAVE SOMEBODY ELSE ---

25 THE COURT ASK YOUR QUESTION

1 Q THERE IS NO WITNESS WHO WOULD INDICATE THAT THEY
2 KNOW THAT MR ALKEBULANYAHH PULLED THE TRIGGER THAT
3 KILLED THE TWO DEPUTY?

4 A NO, SIR, I WOULD NOT AGREE WITH THAT, WHATSOEVER
5 I'M SORRY I JUST WILL NOT AGREE WITH YOU ON THAT

6 Q OKAY WHAT WITNESS DO YOU KNOW THAT SAW MR
7 ALKEBULANYAHH PULL THE TRIGGER?

8 A NOBODY SAW YOU PULL THE TRIGGER, MR
9 ALKEBULANYAHH

10 Q SO IF NOBODY SAW MR ALKEBULANYAHH PULL THE
11 TRIGGER, THEN THERE IS NOBODY SAYING THAT MR
12 ALKEBULANYAHH -- THAT THEY SAW HIM PULL THE TRIGGER, IS
13 THAT CORRECT?

14 A NOBODY IS SAYING THEY SAW YOU PULL THE TRIGGER I
15 THINK WE'VE ESTABLISHED THAT

16 Q OKAY NOW, SO THEREFORE, YOU'RE RELYING ON ONE
17 WITNESS WHO INFER -- AS YOU SAY -- THAT MR
18 ALKEBULANYAHH POSSIBLY PULLED THE TRIGGER, IS THAT
19 CORRECT?

20 A THAT ONE WITNESS IS NOT WAVERING IN WHETHER YOU
21 POSSIBLY PULLED THE TRIGGER OR NOT YOU'RE MAKING A
22 STATEMENT TO THAT WITNESS SHE SAW YOU IN THE BEDROOM
23 WITH A GUN SO, AGAIN, YOU'RE ---

24 Q I THOUGHT A MINUTE AGO YOU JUST TOLD US ---

25 A SHE'S NOT GOING TO SAY ---

- 1 Q --- SHE DID NOT SEE US ---
2 THE COURT JUST ASK A QUESTION PLEASE GO AHEAD
3 MR ALKEBULANYAHH OKAY
- 4 Q ISN'T IT TRUE ABOUT A FEW MINUTES AGO -- ABOUT A
5 MINUTE AGO YOU STATED THAT MS KIMBERLY BLATE
6 (PHONETIC) DID NOT SEE MR ALKEBULANYAHH IN THAT ROOM
7 WITH A GUN?
- 8 A THAT WAS HER INITIAL STATEMENT SHE MADE SEVERAL
9 STATEMENTS AFTERWARDS WHERE ADDITIONAL INFORMATION ---
- 10 Q WE'RE TALKING ABOUT THIS PARTICULAR STATEMENT ON
11 JANUARY 8 SIR COULD YOU ANSWER THAT? THIS
12 PARTICULAR INTERVIEW ON JANUARY 8, 2002, ON THE DATE OF
13 THIS INCIDENT, AT 8 55, THAT IS WHAT I WANT A ANSWER TO
14 IF I MAY HAVE IT
- 15 A SHE SAID SHE DID NOT SEE YOU AT THAT TIME WITH A
16 GUN IN THE ROOM AND DID NOT SEE HIM PULL THE TRIGGER
- 17 Q OKAY AND THAT'S ESTABLISHED IN THAT INTERVIEW,
18 IS THAT CORRECT?
- 19 A IN THAT INITIAL INTERVIEW, THAT IS WHAT WE
20 GATHERED
- 21 Q OKAY AND THIS -- AND THIS IS IN THE INTERVIEW IN
22 YOUR REPORT, IS THAT CORRECT, THAT YOU'RE LOOKING AT
23 RIGHT?
- 24 A THAT IS -- THAT'S IN MY REPORT, CORRECT
- 25 Q OKAY IF MS KIMBERLY BLATE (PHONETIC) SAYS

1 OTHERWISE, IT WOULD BE UP -- YOU WOULD HAVE TO
2 DETERMINE WHETHER IT'S A LIE OR A TRUTH, IS THAT NOT
3 CORRECT?

4 A WE DO INVESTIGATIONS WE INTERVIEW SOMEBODY
5 WE'LL INTERVIEW THEM AGAIN IF THERE'S ADDITIONAL
6 DETAILS THAT WE BELIEVE SHE MIGHT HAVE AND THAT'S HOW
7 WE DID THIS INVESTIGATION WITH KIMBERLY BLAKE SHE WAS
8 SCARED DURING THE INITIAL INTERVIEW THE MAIN FOCUS OF
9 THIS INITIAL INTERVIEW WAS TO DETERMINE HOW MANY
10 SUSPECTS WERE THERE AND TO GET A GENERAL IDEA OF WHAT
11 HAPPENED SO ---

12 Q BUT ---

13 A --- IN ALL LIKELIHOOD, IF WE PURSUED IT FURTHER,
14 WE MAY HAVE GOTTEN EVERYTHING THAT NIGHT BUT WE WERE
15 WORRYING ---

16 Q LET ME ASK YOU THIS

17 A --- ABOUT A LOT OF THINGS

18 Q LET ME ASK YOU THIS

19 A SURE

20 Q IN THIS REPORT JANUARY 8, 2002 AT 8 55, YOU STATED
21 THAT MS KIMBERLY BLATE (PHONETIC) STATED ALKEBULANYAHH
22 DID NOT HAVE A GUN AND SHE DID NOT SEE A SHOOTING AND
23 THEN JANUARY 9 YOU GOT AN ARREST WARRANT FOR TWO COUNTS
24 OF MURDER ONE DAY LATER ON STATEMENT OF A INDIVIDUAL
25 WHO TOLD YOU PACIFICALLY (SIC) SHE DID NOT SEE MR

STATE VS ALKEBULANYAHH

1 ALKEBULANYAHH WITH A GUN NOR DID SHE SEE THE SHOOTING,
2 BUT YOU GOT AN ARREST WARRANT FOR TWO COUNTS OF MURDER
3 ON A WITNESS WHO SAID SHE DIDN'T SEE NOBODY -- MR
4 ALKEBULANYAHH SHOOT THE DEPUTY NOR THAT HE POSSESS A
5 WEAPON

6 SO HOW DID YOU BASE YOUR FACTS INTO A WARRANT FOR
7 TWO COUNTS OF MURDER ON YOUR MAIN KEY WITNESS WHO YOU
8 SAY TOLD YOU THAT MR ALKEBULANYAHH HAD NO GUN OR DID
9 NOT SEE THE SHOOTING FOR JANUARY 8, 2002 AT 8 55 IN
10 YOUR REPORT?

11 A WE HAVE ADDITIONAL FACTS THAT WERE GATHERED DURING
12 THIS INFORMATION OTHER THAN THE INTERVIEW OF KIMBERLY
13 BLAKE I THINK MAYBE THE 7 62 CARTRIDGES THAT WERE
14 FOUND IN YOUR POSSESSION AT THE TIME OF YOUR ARREST,
15 CONSISTENT WITH THOSE AT THE SCENE, THE FACT THAT YOU
16 WERE WOUNDED TWICE I THINK ALL THIS COMES IN TO MAKE
17 A PRETTY GOOD STATEMENT THAT YOU WERE DIRECTLY INVOLVED
18 IN THE SHOOTING AND DID THE SHOOTING

19 Q MURDER IS THE PLAN TO PREMEDITATE WITH MALICE TO
20 KILL SOMEONE WHERE IS THE PLAN PREMEDITATED AND
21 MALICE FROM THE INTERVIEW THAT YOU HAD WITH THE ONLY
22 WITNESS ON JANUARY 8 TO INDICATE THAT MALICE OR SET-UP
23 OR AMBUSH OR PREMEDITATED TOOK PLACE? WHERE -- WHERE
24 IS THAT EVIDENCE TO INDICATE THAT?

25 A IT'S NOT JUST COMING FROM THE INTERVIEW, MR

1 ALKEBULANYAHH

2 Q SO WOULDN'T YOU HAVE TO GATHER MORE INFORMATION
3 FROM OBJECTS -- DID YOU GET IT FROM OBJECTS OR THINGS
4 TO SAY IT WAS PREMEDITATED? IT WAS ---

5 A THE FACT THAT ---

6 Q --- EVIL?

7 A THE FACT THAT ONE OF THE DEPUTY'S GUN WASN'T EVEN
8 DRAWN WOULD INDICATE -- WOULD INDICATE THAT THE
9 DEFENDANT WAS PROBABLY THE AGGRESSOR -- PROBABLY
10 PROBABLE CAUSE

11 Q SO DID YOU CHECK THE GUN TO SEE WAS THE HOLSTER
12 STRAP OPEN OR UNLATCHED?

13 A I BELIEVE IT WAS LATCHED, IF I'M NOT MISTAKEN
14 AGAIN ---

15 Q YOU BELIEVE IT WAS LATCHED?

16 A AGAIN, YOU WILL PROBABLY HAVE TO ASK ANOTHER
17 WITNESS THAT, THAT ACTUALLY WORKED THE CRIME SCENE
18 THESE ARE FACTS THAT ARE BEING RELAYED TO THE
19 INVESTIGATORS

20 Q SO IF YOU BELIEVE THE HOLSTER -- THERE'S A
21 POSSIBILITY THAT THE GUN COULD HAVE BEEN OUT AND THEN
22 PLACED BACK IN THE HOLSTER, IS THAT CORRECT?

23 A I -- I -- I DON'T KNOW WHERE YOU'RE GOING WITH
24 THIS, SIR CAN YOU ASK THE QUESTION I'M SORRY
25 THE COURT COULD YOU RESTATE YOUR QUESTION

STATE VS ALKEBULANYAHH

1 PLEASE

2 Q THE GUN YOU SAID THAT WAS FOUND IN A DEPUTY
3 HOLSTER -- AND SINCE YOU DON'T KNOW WHETHER THE STRAP
4 WAS OFF OR WHETHER THE GUN WAS OUT, BUT IS IT POSSIBLE
5 THAT THE GUN COULD HAVE BEEN OUT AND THEN THE DEPUTY
6 REPLACED THE GUN BACK INTO HIS HOLSTER?

7 A NO

8 Q IS IT POSSIBLE?

9 A I WOULD SAY IT'S NEAR IMPOSSIBLE BASED ON THE
10 SPEED OF THE EVENTS, FROM WHAT WE GATHERED FROM THE
11 INVESTIGATION AND THE INTERVIEWS AGAIN, I WAS NOT THE
12 CRIME SCENE INVESTIGATOR SO YOU'RE PROBABLY GOING TO
13 HAVE TO ASK THE CRIME SCENE INVESTIGATOR WHAT THEY
14 FOUND WHEN THEY GOT THERE, WHAT THEY CLOSELY EXAMINED,
15 PHOTOGRAPHED, AND EVERYTHING ELSE

16 Q OKAY WOULD THEM FACTS CONSTITUTE MALICE
17 PREMEDITATED?

18 A IN MY OPINION ---

19 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS A
20 MATTER OF LAW AND I HAVE NOT OBJECTED TO THIS LINE
21 I OBJECT TO THE QUESTION

22 THE COURT I SUSTAIN THAT OBJECTION I SUSTAIN
23 IT

24 MR MURDAUGH ALL RIGHT, SIR

25 (PAUSE)

1 Q ON JANUARY 17, 2002 YOU MET WITH KIMBERLY BLATE
2 (PHONETIC), IS THAT CORRECT?

3 A YOU'RE GOING TO HAVE TO PROVIDE ME WHAT YOU'RE
4 LOOKING AT, SIR, BEFORE I ANSWER THAT QUESTION

5 Q YES, SIR

6 A IT'S A GOOD POSSIBILITY
7 (PAUSE)

8 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
9 THE COURT YES, SIR

10 (PAUSE)

11 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
12 ENTER THIS INTO EVIDENCE

13 THE COURT WHAT IS IT?

14 MR ALKEBULANYAHH IT'S THE ARREST WARRANT

15 THE COURT ALL RIGHT

16 MR MURDAUGH NO OBJECTION, SIR

17 THE COURT ALL RIGHT DEFENDANT'S NO 3 IN
18 EVIDENCE WITHOUT OBJECTION

19 (ARREST WARRANT, 2 PAGES MARKED IN EVIDENCE AS
20 DEFENDANT'S EXHIBIT NO 3)

21 Q ON JANUARY 17, 2002 YOU MET WITH KIMBERLY BLATE
22 (PHONETIC), IS THAT CORRECT?

23 A YES, SIR

24 Q AND WHERE DID YOU MEET WITH MS BLATE (PHONETIC)
25 AT?

1 A I BELIEVE IT'S THE BEAUFORT COUNTY LAW ENFORCEMENT
2 CENTER I'M NOT QUITE SURE IF I PUT THAT IN THERE OR
3 NOT I BELIEVE WE MET WITH HER -- WE DID MEET WITH
4 HER SHE BROUGHT US OUT TO AN AREA

5 Q OKAY HOW DID SHE GET TO THE BEAUFORT COUNTY LAW
6 ENFORCEMENT CENTER, DO YOU RECALL?

7 A SHE MAY HAVE GOTTEN A RIDE FROM HER MOTHER I
8 DON'T -- I DON'T RECALL, TO BE HONEST WITH YOU

9 Q DO YOU RECALL HOW DID SHE DEPART FROM THE BEAUFORT
10 COUNTY LAW ENFORCEMENT CENTER?

11 A SHE WAS PROVIDED WITH A RIDE BACK TO HER HOUSE

12 Q BY WHO?

13 A BY PROBABLY MYSELF

14 Q YOU GAVE HER A RIDE FROM THE BEAUFORT COUNTY
15 SHERIFF'S DEPARTMENT TO HER HOME IS THAT HOW IT TOOK
16 PLACE?

17 A NO I BELIEVE SHE TOOK US OUT TO AN AREA LOOKING
18 FOR CASINGS, IF I'M NOT MISTAKEN -- CASINGS FROM A GUN
19 AND AFTER THAT SHE WAS GIVEN A RIDE BACK WHILE A
20 SEARCH WAS CONDUCTED

21 Q SO YOURSELF AND MS BLATE (PHONETIC) AND ANOTHER
22 OFFICER IS THAT CORRECT?

23 A IT INDICATES SERGEANT AVERILL, CORRECT

24 Q AND YOU ALL -- YOU ALL -- WHAT DID MS BLATE
25 (PHONETIC) DO?

1 A TOOK US OUT TO AN AREA WHERE SHE HAD RESIDED IN
2 THE GRAYS HILL AREA

3 Q AND WHAT -- WHY DID SHE TAKE YOU OUT IN THAT AREA?

4 A SHE -- SHE THOUGHT YOU HAD BURIED CASINGS FROM AN
5 ASSAULT RIFLE

6 Q OKAY AND WHERE WAS THAT AREA AT?

7 A GRAYS HILL IS IN BEAUFORT COUNTY IT'S UP HIGHWAY
8 21

9 Q WAS THAT PARTICULAR AREA -- PARTICULAR LOCATION
10 EDIFICE?

11 A SIR?

12 Q WAS IT A PARTICULAR EDIFICE, A BUILDING? WAS IT
13 AT A PARTICULAR BUILDING?

14 A IT WAS IN A -- ACTUALLY AN OPEN FIELD BEHIND A
15 CHURCH FROM WHAT I GATHER

16 Q BEHIND A CHURCH, IN A OPEN FIELD?

17 A YES

18 Q AND MS BLATE (PHONETIC) LED YOU THERE, IS THAT
19 CORRECT?

20 A SHE -- SHE -- YEAH

21 Q AND WHAT WAS THE PURPOSE OF HER LEADING YOU THERE?

22 A THE PURPOSE -- SHE HAD BELIEVED THAT YOU HAD
23 BURIED ASSAULT RIFLE CASINGS THERE AT ONE POINT, WHICH
24 WOULD HAVE BEEN MONTHS AND MONTHS PRIOR, I GATHERED

25 Q HOW LONG AGO SHE STATE -- I MEAN, HOW LONG AGO WAS

- 1 IT -- WAS THEM -- WAS THEM CASINGS OR ---
- 2 A A FEW MONTHS BEFORE THE INCIDENT
- 3 Q A FEW MONTHS BEFORE THE INCIDENT?
- 4 A WHILE THEY RESIDED IN THE GRAYS HILL AREA,
- 5 CORRECT
- 6 Q DID YOU FIND ANY CASINGS OR ANYTHING OF A ASSAULT
- 7 RIFLE THERE?
- 8 A NO, SIR, I DID NOT
- 9 Q YOU DIDN'T SO PRETTY MUCH, SHE JUST LED YOU ON A
- 10 WILD GOOSE CHASE, IS THAT CORRECT?
- 11 A I DON'T BELIEVE -- I DON'T BELIEVE SO I THINK WE
- 12 JUST DIDN'T FIND WHAT WAS THERE
- 13 Q BUT SHE INDICATED THEY WAS THERE?
- 14 A SHE DIDN'T KNOW EXACTLY WHERE THEY WERE, MR
- 15 ALKEBULANYAHH
- 16 Q DID YOU ALL HAVE ANY INSTRUMENTS TO TRY TO LOCATE
- 17 ANY OF THE ---
- 18 A YES
- 19 Q --- THINGS THAT SHE SAY? WHAT TYPE OF INSTRUMENT
- 20 DID YOU ALL TAKE WITH YOU ALL?
- 21 A A METAL DETECTOR
- 22 Q METAL DETECTOR AND AFTER USING A METAL DETECTOR
- 23 AND EVERYTHING, YOU DIDN'T DISCOVER ANYTHING, IS THAT
- 24 CORRECT?
- 25 A NO, SIR

1 Q MR BROMAGE, WHEN RESPONDING TO A DOMESTIC
2 DISTURBANCE, WHAT ARE THE STEP AND PROCEDURE OF A LAW
3 ENFORCEMENT OFFICIAL?

4 A THAT'S A VERY VAGUE QUESTION CAN YOU BE MORE
5 SPECIFIC?

6 Q IF YOU WERE RESPONDING TO A CALL, TO A DOMESTIC
7 DIS -- DOMESTIC DISTURBANCE AT A HOME, WHAT WOULD BE
8 THE STEPS THAT YOU WOULD TAKE UPON GOING TO A CALL?

9 A THERE'S A LOT OF DIFFERENT STEPS FIRST, YOU
10 RECEIVE THE INFORMATION FROM DISPATCH YOU RESPOND
11 ORDINARILY, IF THERE'S SOME HINT OF ANY KIND OF
12 VIOLENCE YOU WAIT FOR YOUR BACK-UP TO COME

13 AGAIN, I HAVEN'T BEEN ON PATROL FOR OVER 10 YEARS
14 SO I'M BASING THIS ON MEMORY, BECAUSE I DON'T GO ON
15 THOSE CALLS

16 YOU WOULD INVESTIGATE THE INCIDENT ONCE YOU
17 ARRIVE, YOU INTERVIEW PEOPLE, LOOK OUT FOR THEIR --
18 OBVIOUSLY, THEIR SAFETY AND YOUR SAFETY IS PRIMARY

19 Q AND TO INTERVIEW PEOPLE WOULD BE ONE OF THE
20 PRIMARY THINGS THAT YOU WOULD DO IN RESPONDING TO A
21 DOMESTIC DISTURBANCE, IS THAT CORRECT?

22 A THAT IS -- THAT IS CORRECT AND THAT WOULD OCCUR
23 AFTER THE AREA IS SAFE AND DEEMED SAFE AND SWEEPED FOR
24 SAFETY -- FOR SAFETY OF EVERYBODY INVOLVED

25 Q OKAY SO WHEN YOU BEING SWEEPED, WHAT DO YOU MEAN

1 BY SWEEP?

2 A SWEEP THE AREA CHECKED FOR POTENTIAL SUSPECTS
3 THAT MAY NOT BE VISIBLE AS YOU'RE WALKING IN THE DOOR
4 NOT REALLY CONSIDER SEARCH, IT'S MORE OF AN AREA --
5 JUST AN OFFICER'S SAFETY SWEEP

6 Q SO WHEN RESPONDING TO A DOMESTIC DISTURBANCE IF
7 ONE CALLS -- IF I CALL YOU TO MR MURDAUGH HOUSE, YOU
8 WOULD GO TO HIS HOME AND SWEEP HIS HOUSE FIRST TO MAKE
9 SURE EVERYTHING IS OKAY AND THEN YOU WOULD START
10 INTERVIEWING PEOPLE, IS THAT CORRECT?

11 A ONCE I'VE IDENTIFIED THERE'S A POTENTIAL VICTIM
12 THERE I WOULD LOOK AROUND FOR A SUBJECT AT THAT POINT
13 -- POTENTIAL SUBJECT

14 Q OKAY AND HOW WOULD YOU DETERMINE IF THERE'S A
15 POTENTIAL VICTIM?

16 A THE VICTIM'S DEemeanor IF THIS PERSON WAS UPSET,
17 IF THEY LOOK LIKE THEY'VE BEEN -- THEY'VE BEEN STRUCK,
18 IF THEY'RE -- YOU KNOW, A LOT OF DIFFERENT THINGS COME
19 IN TO PLAY EVERY SITUATION IS DIFFERENT TOO

20 Q SO THE INTERVIEW WOULD COME BEFORE OR AFTER THE
21 SWEEP IS SWEEP?

22 A DEPENDING ON THE SITUATION -- DEPENDING ON THE
23 SITUATION THAT WOULD BE, OBVIOUSLY, IF A VICTIM WERE
24 TO MEET YOU IN THE FRONT YARD AWAY FROM THE RESIDENCE,
25 HE'D PROBABLY DO AN INTERVIEW OF THAT PERSON PRIOR TO

1 SWEEPING THE AREA FIRST I MEAN, SO MANY VARIABLES
2 COME IN TO PLAY THAT I CAN'T BE SPECIFIC TO ANY TYPE OF
3 EVENT

4 Q BUT BEFORE YOU CAN ASCERTAIN WHAT THE PROBLEM IS,
5 YOU WOULD HAVE TO INTERVIEW SOMEBODY, WOULDN'T YOU?

6 A YOU'D HAVE TO GET SOME KIND OF DETERMINATION
7 YOU'D HAVE TO HAVE SOME INFORMATION THAT SOMETHING HAD
8 OCCURRED THERE, RIGHT

9 Q OKAY SO WOULD YOU AGREE WITH ME THAT ONE OF THE
10 PRIMARY RESPONSIBILITY OF A LAW ENFORCEMENT OFFICER
11 WOULD BE TO INTERVIEW AN ALLEGED VICTIM WHEN THEY
12 RESPOND TO A DOMESTIC DISTURBANCE?

13 A THAT WOULD BE A FAIR ASSESSMENT OF THE MAJORITY OR
14 SOME OF THE SITUATIONS

15 Q AND THAT WOULD BE TO DETERMINE IF IT'S ACTUALLY A
16 DOMESTIC DISTURBANCE, IS THAT CORRECT?

17 A THAT'S CORRECT

18 Q AND WITH THIS INTERVIEW, IT CAN PRETTY MUCH
19 DETERMINE WHETHER IT'S ACTUALLY A DOMESTIC DISTURBANCE
20 OR NOT A DOMESTIC DISTURBANCE, IS THAT CORRECT?

21 A AGAIN, YOU HAVE TO TAKE EVERYTHING IN TO -- IN
22 TO ACCOUNT IN A DOMESTIC DISTURBANCE A LOT --, YOU
23 KNOW, A LOT OF TIMES POLICE ARE CALLED AND THE WOMAN
24 MAY NOT REPORT IT OR THE MAN MAY NOT WANT TO REPORT IT
25 IF THEY'RE A VICTIM OF SOMETHING YOU'RE GETTING INTO

1 SOMETHING SO VAGUE AND AMBIGUOUS THAT I CAN'T -- I
2 CAN'T ANSWER THAT QUESTION

3 Q IF A MAN OR WOMAN DO NOT WANT TO REPORT A DOMESTIC
4 DISTURBANCE, IS NOT THAT THEIR PREROGATIVE?

5 A WE HAVE A DUTY TO INVESTIGATE THOSE TYPE OF
6 COMPLAINTS WE HAVE A DUTY TO PROTECT OUR CITIZENS

7 Q SO IF YOU CAME TO A CITIZEN'S HOUSE AND THE WOMAN
8 SAID, NO, I'M NOT A VICTIM OF DOMESTIC DISTURBANCE AND
9 THE WOMAN HAD A BANDAID ON HER HEAD, YOU WOULD -- YOU
10 WOULD DO A SWEEP OF THE HOUSE?

11 A I'D PROBABLY WONDER WHAT -- GIVEN THE BANDAID ON
12 HER HEAD, SURE AND I'M GOING TO WORRY ABOUT MY OWN
13 SAFETY AT THAT POINT AS WELL

14 Q AND FROM THAT POINT ON YOU WOULD JUST BARGE INTO
15 THE HOUSE AND SWEEP THE HOUSE?

16 A I THINK THAT'S -- I THINK THAT'S A STRONG
17 STATEMENT FOR WHAT A PROTECTIVE SWEEP IS I DO

18 Q ISN'T IT ---

19 A BARGING IN IS NOT ---

20 Q WOULDN'T YOU AGREE THAT THE PRIVACY OF HOME, THE
21 PRIVACY OF SOME -- THE PRIVACY WITHIN THE HOME IS ONE
22 OF THE BASIC RIGHTS THAT THE UNITED STATES OF AMERICA
23 CONSTITUTION WAS ESTABLISHED TO PREVENT LAW ENFORCEMENT
24 OFFICIALS AND GOVERNMENT FROM INVADING AND INTRUDING
25 INTO THEIR PRIVACY, WOULDN'T YOU AGREE?

1 A I WOULD AGREE, THAT'S A VERY IMPORTANT RIGHT

2 Q SO IF YOU AGREE WITH THAT, THEN YOU SHOULD AGREE
3 THAT IF A WOMAN SHOWED UP AT THE DOOR WITH A BANDAID ON
4 HER FACE, THAT YOU WOULDN'T ARBITRARILY JUST DO A
5 PROTECTIVE SWEEP, JUST INVADE INTO THE HOUSE AND START
6 LOOKING FROM ROOM TO ROOM OR SEEING WHAT'S GOING ON?

7 A I WOULD HAVE A DUTY TO INVESTIGATE THAT FURTHER,
8 SO I MIGHT AND, AGAIN, THAT WOULD NOT BE, YOU KNOW,
9 AS FAR AS I COULD SEE, AN INTRUSION WHAT YOU'RE DOING
10 IS YOU'RE TRYING TO PROTECT THAT WOMAN THAT'S COMING TO
11 THE DOOR WITH A BANDAID ON HER HEAD, AND THAT'S --
12 THAT'S -- THAT'S SOMETHING WE DO

13 Q SO IF THIS BANDAID CAME FROM THE WOMAN BUSTING A
14 PIMPLE ON HER FACE, THEN YOU WOULD INTRUDE UPON THEIR
15 PRIVACY OF ADULTS BECAUSE OF A BANDAID ON THE FACE OF A
16 WOMAN?

17 A WHY WOULD I BE THERE IN THE FIRST PLACE IS A
18 QUESTION I WOULD HAVE TO ASK YOU AT THAT POINT, IN
19 FAIRNESS

20 Q MAYBE A FALSE CALL MAYBE SOMEBODY CALLED A FALSE
21 CALL IN OR MAYBE SOMEBODY GAVE THE WRONG ADDRESS?

22 A OKAY

23 Q AND THEN YOU RESPONDED TO SOMEONE HOME AND THEN
24 A WOMAN SHOWED UP WITH A BANDAID ON HER FACE

25 A AND START PUTTING THINGS TOGETHER, YEAH, MAYBE

1 THERE IS SOMETHING GOING ON THERE SURE

2 Q AND FROM THERE YOU AIN'T GOT TO SAY, HEY, DID YOU
3 BEEN BEAT OR SLAPPED OR HURT? YOU DON'T HAVE TO DO
4 THAT YOU'RE SAYING YOU WOULDN'T DO THAT -- YOU
5 WOULDN'T HAVE TO DO THAT LAW ENFORCEMENT OFFICIALS IN
6 BEAUFORT COUNTY DOESN'T HAVE TO DO THAT?

7 A WHEN THEY'RE INVITED IN THE HOUSE, NO

8 Q NOW YOU SPEAK OF INVITE THIS IS THE FIRST TIME
9 YOU SPOKE OF THAT BECAUSE BEFORE YOU JUST SPOKE
10 ABOUT ---

11 THE COURT ASK YOUR QUESTION

12 MR ALKEBULANYAHH OKAY YES, SIR YOUR HONOR

13 Q NOW, INVITING IS ANOTHER CONTENT (SIC)

14 A YES, SIR, IT CERTAINLY IS

15 Q NOW, ISN'T IT NECESSARY -- WAS YOU TAUGHT WHEN YOU
16 WAS IN SCHOOL THAT THE PRIMARY RESPONSIBILITY OF A LAW
17 ENFORCEMENT OFFICER WHEN RESPONDING TO A DOMESTIC
18 DISTURBANCE ONE, IS TO -- IS TO ENFORCE THE LAW?

19 A CERTAINLY, YES

20 Q THAT'S PRIMARY TO ---

21 A ONE OF THE PRIMARY THINGS THERE ARE MANY THINGS
22 -- AGAIN, YOU'RE GETTING INTO A VERY VAGUE AREA
23 YOU'RE SAYING THAT EVERY CALL IS GOING TO BE THE SAME,
24 AND I HAVE THE SAME -- YES, IT IS TO ENFORCE THE LAW,
25 THAT IS OUR JOB TO ENFORCE THE LAW, TO PROTECT OUR

STATE VS ALKEBULANYAHH

1 CITIZENS IS THE MOST IMPORTANT THING THAT WE DO -- FROM
2 DANGER, FROM HARM

3 Q OKAY AND THE SECOND MOST IMPORTANT THING TO DO
4 WHEN RESPONDING TO A DOMESTIC DISTURBANCE IS TO PROTECT
5 THE COMPLAINANT, IS THAT CORRECT?

6 A TO PROTECT THE COMPLAINANT?

7 Q TO PROTECT THE PERSON WHO HAS MADE THE COMPLAINT
8 -- OF THE ALLEGE ---

9 A WHERE ---

10 Q OF AN ALLEGE VICTIM

11 A OBJECTIVELY, THEY ARE THERE TO PROTECT EVERYBODY
12 INVOLVED IN THE SITUATION

13 Q WELL, YOU CAN'T PROTECT NOBODY IF THEY DON'T WANT
14 TO BE PROTECTED AND IF THERE'S NOTHING TO BE PROTECTED
15 FROM?

16 A I'M NOT FOLLOWING YOU AT ALL YOU'RE ASKING ME IF
17 IN MY RESPONSIBILITIES IN RESPONDING TO A DOMESTIC
18 DISPUTE, SOME EVIDENCE THAT SOMETHING IS -- SOMETHING
19 EXISTS, CRIME IS AFOOT, PERHAPS WHAT ARE YOU ASKING
20 ME?

21 Q WELL, I'M ASKING BECAUSE OF YOUR EXPERIENCE IN THE
22 YEARS YOU BEEN INVOLVED WITH LAW ENFORCEMENT OFFICER

23 A SURE

24 Q AND THE LAW STATES THAT THE PRIMARY RESPONSIBILITY
25 OF A OFFICER IN RESPONDING TO A DOMESTIC DISTURBANCE IS

1 TO ENFORCE THE LAW, AND, SECONDLY, TO PROTECT THE
2 COMPLAINANT THAT IS THE LAW

3 A CAN YOU SHOW ME THAT LAW? BY CHANCE ARE YOU
4 READING FROM IT I WOULD JUST ---

5 Q YES, SIR

6 A --- WOULD LIKE THAT FOR MY BENEFIT BEFORE I ANSWER
7 ANY MORE OF THESE QUESTIONS, PLEASE

8 (PAUSE)

9 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
10 THE COURT YES, SIR

11 A THANK YOU (PAUSE) THIS STATES, LAW ENFORCEMENT
12 OFFICERS' RESPONSIBILITIES WHEN RESPONDING TO A
13 HARASSMENT OR STALKING INCIDENT

14 Q YES

15 A WHERE DOES IT SAY DOMESTIC DISTURBANCE ANYWHERE ON
16 HERE?

17 Q IT'S NOT A HARASSMENT, AND STALKING IS THE
18 INCIDENT IT'S A PART OF OFFENSE AGAINST A PERSON, IS
19 THAT NOT CORRECT?

20 A I'D LIKE THE ACTUAL STATUTE THAT YOU'RE READING
21 OFF OF HERE STALKING IF YOU'RE ASKING ME SOMETHING
22 -- HARASSMENT OR STALKING INCIDENT

23 Q WHAT IS A HARASSMENT?

24 A HARASSMENT IS WHEN YOU ARE BOTHERING SOMEBODY

25 Q OKAY AND WHEN YOU -- A DOMESTIC DISTURBANCE,

1 THAT WOULD MEAN THAT SOMEONE'S BEING BOTHERED, IS THAT
2 CORRECT?

3 A IT DEPENDS ON THE SITUATION THERE ARE ALL KINDS
4 OF DOMESTIC DISTURBANCES TOO I MEAN, YOU'RE -- THIS
5 IS -- I'M NOT FOLLOWING WHAT YOU'RE TRYING TO SAY

6 Q WHAT IS BEING HARASSED ---

7 THE COURT RESTATE YOUR QUESTION, SIR

8 Q IF ONE IS BEING HARASSED, BECAUSE HARASSED IS A
9 LITTLE LESSER THAN THE ACTUAL ASSAULT -- A CRIMINAL
10 ASSAULT OR SO FORTH DOMESTIC DISTURBANCE CAN BE JUST
11 A MISDEMEANOR, IS THAT CORRECT?

12 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
13 THIS LINE OF QUESTIONS IN THAT IT IS NOT GERMANE TO THE
14 CASE AT POINT

15 THE COURT ALL RIGHT APPROACH THE SIDE BAR

16 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
17 OUT OF THE HEARING OF THE JURY)

18 Q MR BROMAGE

19 A YES

20 Q DID YOU INVESTIGATE THE CONDUCT OF THE OFFICER ON
21 JANUARY 8, 2002?

22 A DID I INVESTIGATE THE CONDUCT OF THE OFFICERS?

23 Q YES, SIR

24 A I WOULD SAY ALL THAT WOULD BE COVERED UNDER THE
25 ENTIRE INVESTIGATION -- INVESTIGATION OF THE INCIDENT

1 SO, AGAIN, ALONG WITH SLED, WE'RE SHADOWING THEM IN
2 THAT INVESTIGATION

3 Q WAS THE CONDUCT OF THE OFFICERS CONSIDERED WHEN
4 THE MURDER WARRANTS WERE TAKEN OUT?

5 A I'M NOT SURE I FOLLOW YOU

6 Q WHEN -- WHEN THE MURDER WARRANTS WERE TAKEN OUT --
7 WHEN THE MURDER WARRANTS TAKEN OUT, WAS THE CONDUCT AND
8 THE ACTIONS OF THE OFFICERS CONSIDERED BEFORE ---

9 A I WOULD SAY ---

10 Q --- THE CHARGE OF MURDER ---

11 A I WOULD SAY IT WAS, YES

12 Q DID -- WAS -- DID IT CROSS YOUR MIND THAT BECAUSE
13 OF THEIR CONDUCT, THAT THEY LOST THEIR LIFE?

14 A I -- I -- NO NO

15 Q NEVER CROSSED YOUR MIND?

16 A NEVER CROSSED MY MIND

17 Q DID EITHER ONE OF THE DEPUTIES, DEPUTY TATE OR
18 COURSEN, HAVE A SEARCH WARRANT WITH THEM?

19 A NO THEY DIDN'T

20 Q ARREST WARRANT WITH THEM?

21 A NO, THEY DIDN'T

22 Q TO THIS VERY DAY HAVE MR ALKEBULANYAHH BEEN
23 CHARGED WITH KIDNAPPING, HOSTAGE TAKING, HOLDING A
24 PERSON AGAINST THEIR WILL, OR SIMPLE ASSAULT --
25 ANYTHING IN RELATION TO THE RESPONSE FOR THE DEPUTIES

1 ARRIVING AT 21 RILEY ROAD?

2 A REGARDING THAT ONE INCIDENT? IS THAT WHAT YOU'RE
3 ASKING ME REGARDING ---

4 Q ABOUT ---

5 A --- JANUARY 8 ---

6 Q --- JANUARY 8, 2002 INCIDENT?

7 A NO HE'S NOT BEEN CHARGED WITH ASSAULT AND
8 BATTERY HE'S BEEN CHARGED WITH TWO COUNTS OF MURDER,
9 RIGHT AND THAT IS IT AS FAR AS I KNOW

10 Q BUT HE WAS NOT CHARGED FOR ANYTHING IN RELATION TO
11 WHAT THE OFFICERS RESPONDED TO 21 RILEY ROAD FOR, IS
12 THAT CORRECT?

13 A YES

14 Q SO WE CAN SAY THAT MR ALKEBULANYAHH HAD NOT TAKEN
15 ANYONE HOSTAGE KIDNAPPED NO ONE, ASSAULTED ANYONE ON
16 JANUARY 8, 2002 FOR THE RESPONSE -- WHAT THE OFFICERS
17 ARRIVED THERE? COULD WE SAY THAT?

18 A NO NO, WE CAN'T SAY THAT, SIR

19 Q OKAY WHY CAN'T WE SAY THAT?

20 A FACTS AND CIRCUMSTANCES OF THE WHOLE INCIDENT
21 WOULD LEAD US TO BELIEVE THAT THIS PERSON WAS THERE
22 AGAINST THEIR WILL

23 Q AND ---

24 A THERE WAS A REASON FOR THE LAW ENFORCEMENT
25 RESPONSE TO 21 RILEY ROAD ON JANUARY 8

1 Q AND IF MR ALKEBULANYAHH HAD BROKEN THE LAW AND IT
2 IS THE LAW ENFORCEMENT DUTY TO ENFORCE THE LAW, THEN
3 MR ALKEBULANYAHH SHOULD HAVE BEEN CHARGED FOR HOLDING
4 A PERSON AGAINST THEIR WILL, IS THAT CORRECT?

5 A SIR, THAT'S A PROSECUTOR'S DECISION YOU'VE BEEN
6 CHARGED WITH TWO COUNTS OF MURDER THAT'S -- THAT'S
7 WHERE WE LEFT IT AT THAT POINT

8 Q AND NO ONE, NOT YOURSELF THAT YOU KNOW OF OR
9 ANYONE ELSE PRESENTED IT TO THE PROSECUTOR TO CHARGE
10 HIM FOR HOLDING SOMEONE HOSTAGE OR HOLDING SOMEONE
11 AGAINST THEIR WILL OR SLAP HIS GIRL FRIEND OR ANYTHING
12 LIKE THAT, IS THAT CORRECT?

13 A THE ENTIRE CASE THE ENTIRE INVESTIGATION WAS
14 TURNED OVER TO THE PROSECUTOR, WHO WOULD MAKE THE FINAL
15 DECISION ON PROSECUTION IN THIS MATTER

16 Q IN YOUR INVESTIGATION WAS THERE ANY FINDINGS THAT
17 MR ALKEBULANYAHH HAD HELD SOMEONE HOSTAGE KIDNAP
18 ANYONE, OR ASSAULT ANYONE ON JANUARY 8, 2002 IN YOUR
19 INVESTIGATION?

20 A YES, I WOULD SAY THAT IN OUR INVESTIGATION IT WAS
21 -- THERE WAS SOME EVIDENCE OF A PERSON BEING HELD THERE
22 AGAINST THEIR WILL, IN FEAR FOR THEIR OWN SAFETY

23 Q AND YOU ---

24 A CERTAINLY

25 Q AND DID YOU REPORT THAT TO THE PROSECUTOR?

1 A IT'S BEEN REPORTED TO THE PROSECUTOR

2 Q AND APPARENTLY THE PROSECUTOR DIDN'T BELIEVE THAT
3 IS THAT CORRECT?

4 A I -- I'M NOT GOING TO ---

5 MR MURDAUGH YOUR HONOR, PLEASE NO WAY IN THE
6 WORLD HE COULD KNOW WHAT I THINK

7 THE COURT I SUSTAIN THAT ---

8 MR MURDAUGH I SOME TIMES DON'T EVEN KNOW

9 THE COURT I SUSTAIN THAT OBJECTION

10 Q WHEN WAS THE NEXT TIME YOU INTERVIEW MS KIMBERLY
11 BLATE (PHONETIC)?

12 A AGAIN I INTERVIEWED HER SEVERAL TIMES WITH
13 SPECIAL AGENT AVANT

14 Q ANY PARTICULAR DATES? I'LL BE MORE PACIFIC (SIC)
15 DID YOU INTERVIEW HER ON JANUARY 10?

16 A YES, IT WOULD APPEAR THAT MYSELF AND SPECIAL AGENT
17 AVANT DID

18 Q DID YOU WRITE A REPORT?

19 A I INCLUDED IT IN THE SAME SUPPLEMENTAL REPORT THAT
20 YOU PROVIDED TO ME, YES, SIR

21 Q YOU DID OKAY

22 THE COURT CAN I SEE YOU ALL AT THE SIDE BAR
23 PLEASE

24 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
25 OUT OF THE HEARING OF THE JURY)

1 THE COURT LADIES AND GENTLEMEN, I KNOW IT HAS
2 BEEN A LONG DAY, AND I KNOW THAT WE ARE BEING
3 SEQUESTERED FOR THIS CASE I'VE HAD YOU HERE SINCE
4 8 30 THIS MORNING SO I THINK WHAT WE'LL DO, THIS
5 MIGHT BE A GOOD STOPPING POINT BEFORE THEY GO INTO THE
6 NEXT SERIES OF QUESTIONS LET'S JUST GO AHEAD AND STOP
7 FOR THE DAY

8 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY
9 WHATSOEVER THE AGENTS IN CHARGE OF JUROR SECURITY
10 HAVE BEEN GIVEN INSTRUCTIONS ABOUT MAINTAINING THE
11 JURY I BELIEVE YOU'VE ALL BROUGHT YOUR STUFF WITH
12 YOU

13 AT APPROPRIATE TIMES IF IT CAME TO THE POINT WHERE
14 YOU NEED LAUNDRY SERVICES OR WHATEVER YOU COORDINATE
15 THAT THROUGH YOUR SLED AGENTS AND THEY'LL ARRANGE FOR
16 WHATEVER IS NECESSARY FOR THE JURY DURING YOUR
17 SEQUESTRATION

18 WE HAVE NOW STARTED THE TRIAL AND THINGS WILL
19 START TO PICK UP LADIES AND GENTLEMEN I KNOW IT'S
20 BEEN A LONG DAY, SO THAT'S WHY I'M GOING TO GO AHEAD
21 AND BREAK AT THIS POINT

22 THEY WILL ARRANGE FOR YOUR DINNER I BELIEVE SLED
23 WILL BE TAKING THEM TO A DINNER LOCATION?

24 OFFICER THEY'VE GOT TO GET CHECKED IN FIRST, AND
25 THEN WE'LL GO

1 THE COURT THEY'LL GET YOU ALL CHECKED IN THEN
2 THEY'LL ARRANGE TO TAKE YOU TO DINNER THEY WILL
3 ARRANGE FOR TELEVISION OR MOVIES AT SOME POINT, IT JUST
4 DEPENDS ON WHAT THE SITUATION IS

5 BUT THEY HAVE BEEN GIVEN MY INSTRUCTIONS, IT
6 COVERS VARIOUS THINGS ABOUT TELEPHONE, MAIL, ETCETERA
7 THEY WILL GO OVER ALL THAT WITH YOU

8 ALL RIGHT LADIES AND GENTLEMEN, AGAIN, THANK YOU
9 VERY MUCH DO NOT DISCUSS THIS CASE IN ANY WAY AND
10 AT THIS POINT, WE WILL BE PICKING UP TOMORROW MORNING

11 LET ME JUST -- I KNOW THAT ALL OF YOU ARE -- YOU
12 MAY BE TIRED, SO DO YOU PREFER TO START AT 9 00 OR
13 10 00?

14 JURORS 9 00

15 THE COURT 9 00? RAISE YOUR HAND? 10 00? IF
16 YOU WANT TO START AT 9 00, RAISE YOUR HAND?

17 JUROR ANY EARLIER?

18 THE COURT WELL, THEY HAVE TO ARRANGE FOR YOUR
19 BREAKFAST AND ALL THAT TOO WE'LL START AT 9 00 A M
20 LADIES AND GENTLEMEN

21 ALL RIGHT THANK YOU VERY MUCH HAVE A GOOD
22 NIGHT IF YOU'LL JUST LEAVE YOUR PADS WITH THEM, THEY
23 WILL SECURE THEM OVERNIGHT THANK YOU

24 (THE JURY EXITS THE COURTROOM AT 6 40 P M)

25 THE COURT SIR, YOU MAY STEP DOWN DURING THIS

1 OVERNIGHT BREAK YOU MAY NOT DISCUSS YOUR TESTIMONY
2 WITH ANYONE DO YOU UNDERSTAND?

3 WITNESS YES, SIR

4 THE COURT ALL RIGHT THANK YOU

5 (THE WITNESS LEAVES THE WITNESS STAND)

6 THE COURT PLEASE BE SEATED

7 I HAVE A COUPLE OF MATTERS JUST BECAUSE I WANT TO
8 MAKE SURE EVERYONE HAS THE OPPORTUNITY TO PUT
9 EVERYTHING ON THE RECORD, JUST IN THE EVENT ANY OF MY
10 DECISIONS ARE SUBSEQUENTLY REVIEWED

11 AT SIDE BAR WE -- WE HAD A SIDE BAR AT ONE POINT
12 AND I BELIEVE, MR ALKEBULANYAHH, YOU OBJECTED TO THE
13 CLOTHES COMING INTO EVIDENCE

14 MR ALKEBULANYAHH YES SIR

15 THE COURT DO YOU WANT TO STATE YOUR OBJECTION
16 FOR THE RECORD JUST SO YOUR GROUNDS ARE PRESERVED FOR
17 THE RECORD?

18 MR ALKEBULANYAHH MY OBJECTION WAS BASED ON THAT
19 THE TESTIMONY OF THE WITNESS SHOULD BE SUFFICIENT
20 ENOUGH FOR THE JUROR (SIC) THAT THE DECEASE -- THAT THE
21 OFFICER DID DIE AND THEIR UNIFORMS AND THAT THE
22 UNIFORM WAS USED TO AFFECT THE EMOTIONS OF THE JURORS

23 THE COURT ALL RIGHT I OVERRULED THAT OBJECTION
24 AND ALLOWED THEM INTO EVIDENCE

25 NOW, ON ANOTHER MATTER, ON THE MATTER ABOUT COURT

1 ON SATURDAY I DID NOT WISH TO TAKE IT UP ANY FURTHER
2 AT THAT TIME BECAUSE I WANTED TO GET THE CASE GOING

3 I JUST WANT TO MAKE SURE, WAS THERE SOMETHING
4 FURTHER YOU WANTED TO PUT ON THE RECORD ABOUT IT OTHER
5 THAN WHAT YOU TOLD ME WHEN WE BROUGHT THE ISSUE UP?

6 MR ALKEBULANYAHH NO MORE, YOUR HONOR THERE'S
7 NOTHING MORE, JUST BASICALLY WHAT WE TALKED ABOUT,
8 THAT'S IT

9 THE COURT ALL RIGHT LET ME -- LET ME ASK YOU
10 JUST OUT OF -- WHAT HAVE YOU DONE INSOFAR AS YOUR TIME
11 WHILE YOU'VE BEEN DETAINED ABOUT SATURDAYS? HAVE YOU
12 EVER MADE ANY REQUEST THAT YOU -- YOUR RELIGIOUS
13 PREFERENCES BE ACKNOWLEDGED WHILE YOU'VE BEEN DETAINED?

14 MR ALKEBULANYAHH NO THEY AUTOMATICALLY --
15 THEY JUST -- THEY JUST -- WHEN I GET DETAINED, THEY
16 AUTOMATICALLY JUST PUT ME AS A -- LIST ME AS A MUSLIM

17 THE COURT WELL, IF THEY LISTED YOU AS THAT, HAVE
18 YOU EVER REQUESTED ANY KIND OF SPECIAL -- OR ANY KIND
19 OF PREFERENCE OR ANY KIND OF DIFFERENT TREATMENT
20 BECAUSE OF YOUR RELIGIOUS PREFERENCES WHILE YOU'VE BEEN
21 DETAINED FOR ALMOST 2 YEARS?

22 MR ALKEBULANYAHH NO BUT WHEN I -- WHEN I --
23 USUALLY WHEN I'M DETAINED, WHEN IT COMES TO MY SABBATH,
24 I JUST SUFFER THE CONSEQUENCES WHILE DETAINED I DON'T
25 ASK FOR ANYTHING OR IF IT HAS TO DO WITH WORK, I JUST

1 DON'T WORK I TELL THEM THAT MY SABBATH DAY I DON'T
2 WORK, AND I DON'T WORK THEY WOULD TAKE ME TO
3 DISCIPLINARY ISOLATION OR SOMETHING LIKE THAT, I JUST
4 GO ON TO DISCIPLINARY ISOLATION AND, YOU KNOW, SETTLE
5 IT THAT WAY

6 THE COURT HAVE YOU EVER CONVEYED TO THE
7 DETENTION CENTER YOUR RELIGIOUS PREFERENCES?

8 (PAUSE)

9 MR ALKEBULANYAHH YOUR HONOR, SINCE I'VE BEEN
10 INCARCERATED, I HAVE NEVER -- I'VE NEVER BEEN
11 INTERVIEWED ABOUT ANYTHING I HAVEN'T RECEIVE ANY
12 MEDICAL ATTENTION AT ALL, NO ASPIRINS, NO NOTHING, IN
13 THE YEARS I DON'T SEE THE DOCTORS OR NURSES OR
14 NOBODY

15 THE COURT HAVE YOU GIVEN ANY KIND OF INTERVIEWS
16 AT THE JAIL ABOUT THIS CASE OR ANYTHING ON SATURDAYS?

17 MR ALKEBULANYAHH HAVE I GIVEN ANY INTERVIEWS
18 INSIDE THE JAIL ABOUT THIS CASE ON SATURDAYS? YES,
19 SIR, I TALKED TO AN OFFICER GRAYSON

20 THE COURT HAVE YOU DONE THAT ON SATURDAYS?

21 MR ALKEBULANYAHH YOU MEAN, TALK TO HIM ON
22 SATURDAY ABOUT THINGS?

23 THE COURT YES YES

24 MR ALKEBULANYAHH NO I TALK TO HIM BEFORE
25 SABBATH

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT

2 MR ALKEBULANYAHH YOU KNOW, I MENTION THIS
3 BEFORE SATURDAY TO HIM I DIDN'T MENTION IT TO HIM ON
4 SABBATH

5 THE COURT ALL RIGHT

6 MR ALKEBULANYAHH I JUST MENTION THAT I WOULD
7 SEEK THE COURT'S, YOU KNOW, PERMISSION TO, YOU KNOW,
8 HAVE THAT

9 THE COURT I UNDERSTAND WELL, THE PROBLEM --
10 WELL, YOU KNOW, I'VE BEEN SITTING UP HERE FOR SEVERAL
11 HOURS NOW, TRYING TO WEIGH THAT INTEREST -- AND EVEN
12 AFTER MY DECISION, BECAUSE I UNDERSTAND THAT IT'S AN
13 IMPORTANT INTEREST

14 BUT AGAIN YOUR REQUEST IS THAT WE COMPLETELY
15 ADJOURN THE TRIAL LET ME ASK YOU THE SABBATH, WOULD
16 THAT NOT BEGIN ON SUNDOWN ON FRIDAY?

17 MR ALKEBULANYAHH YES, SIR, TO SUNDOWN ---

18 THE COURT SO REALLY ---

19 MR ALKEBULANYAHH --- SATURDAY

20 THE COURT SO IT WOULD BE SUNDOWN FRIDAY TO
21 SUNDOWN SATURDAY ALL RIGHT SO WE'VE NOW BEEN IN
22 COURT PROBABLY PAST SUNDOWN TODAY

23 MR ALKEBULANYAHH SUNDOWN

24 THE COURT IT'S PROBABLY CLOSE I'M NOT SURE
25 I'M NOT OUTSIDE

1 WELL, I WOULD JUST SAY FROM THE OUTSET AS I
2 INDICATED EARLIER, THE COURT CERTAINLY RECOGNIZES THE
3 SIGNIFICANCE OF THE RIGHT TO THE FREE EXERCISE OF
4 RELIGION AND I ALSO RECOGNIZE THAT THAT RIGHT IS NOT
5 DIMINISHED MERELY DUE TO YOUR STATUS AS A DEFENDANT IN
6 THIS CASE OR A PRE-TRIAL DETAINEE

7 HOWEVER, I DO BELIEVE THERE'S A LEGITIMATE AND
8 COMPELLING JUDICIAL INTEREST BASED ON BOTH EFFICIENCY
9 AND FAIRNESS TO ALL WHO ARE CONCERNED IN THIS CASE, ALL
10 THE PARTICIPANTS, THE JURORS, THE COURT, ETCETERA, IN
11 USING ALL AVAILABLE DAYS OF THE WEEK FOR THE TRIAL OF
12 THIS CASE

13 AGAIN, THIS LATTER INTEREST IS TO BE PROTECTED ON
14 BEHALF OF NOT JUST THE ONES THAT I MENTIONED, BUT ALSO
15 YOU, SIR ALONG WITH THE JURORS WHO MUST HEAR AND
16 DECIDE THIS CASE AS WELL AS THE COURT

17 NOW, YOU ASKED ME ABOUT SOME OF MY SPECIFIC
18 CONSIDERATIONS EARLIER, SO I THOUGHT I WOULD NOTE THEM
19 FOR YOU

20 IN WEIGHING THE RESPECTIVE INTEREST, I HAVE
21 CONSIDERED THE FOLLOWING THE COURT PREVIOUSLY
22 DISCUSSED WITH EVERYONE BOTH YOU AND THE SOLICITOR,
23 THAT THREE WEEKS WOULD BE ALLOCATED FOR THIS TRIAL

24 THE COURT ALSO INDICATED AT PRETRIAL PROCEEDING
25 THAT COURT WOULD BE HELD ON SATURDAYS I DID NOT HEAR

1 ANY OBJECTION BUT WITH ALL DUE FAIRNESS TO YOU, YOU
2 TELL ME YOU DID NOT HEAR THAT I DON'T KNOW IF YOU
3 WERE TALKING TO ONE OF YOUR ADVISORS OR WHAT AT THAT
4 MOMENT BUT YOU'VE INDICATED TO ME YOU DID NOT HEAR
5 THAT DISCUSSION

6 THE JURORS -- I WOULD NOTE ANOTHER FACTOR IS THE
7 JURORS ARE BEING SEQUESTERED FOR THE DURATION OF THIS
8 TRIAL AND THE INTEREST OF THE JURORS MUST ALSO BE
9 BALANCED

10 AND I WOULD SAY THAT SEQUESTRATION OF THE JURORS
11 WAS MADE AT YOUR REQUEST

12 AS I NOTED EARLIER, THE COURT BASED ON THE
13 SCHEDULING OF THIS MATTER REENFORCED ITS SCHEDULING FOR
14 SOME COMPLEX CASES IN CHARLESTON THE WEEK OF OCTOBER
15 27, 2003 WHICH WOULD EXTEND BEYOND THIS THREE-WEEK
16 TIME THAT WE HAVE SPECIFICALLY ALLOCATED FOR THIS CASE

17 ALSO, CONSIDERING THE FACT THAT THIS WAS RAISED
18 BEFORE ME FOR THE FIRST TIME JUST ON YESTERDAY,
19 ACTUALLY THURSDAY, OCTOBER 9 IF THE COURT WERE NOT
20 HELD ON WEEKENDS, 6 DAYS -- I WAS COUNTING ON THOSE 6
21 DAYS ON THOSE WEEKENDS THINKING WE WOULD FINISH THAT
22 LAST WEEKEND THE WAY WE'VE BEEN GOING WITH 150
23 WITNESSES SCHEDULED -- 6 DAYS OF TRIAL WOULD BE MISSED
24 THAT WOULD NOT JUST EXTEND US -- THAT WOULD EXTEND US
25 ANOTHER -- THAT WOULD EXTEND THIS CASE FOR ANOTHER

STATE VS ALKEBULANYAHH

1 TRIAL WEEK PLUS ANOTHER DAY

2 YOU KNOW, I NOTICED IN SOME SITUATIONS WHERE THE
3 REQUEST WAS HONORED WHEN IT WAS A VERY SHORT TRIAL IT
4 WAS EASIER TO MEET THE SCHEDULING NEEDS AT THAT POINT
5 AND MAYBE THE JUDICIAL ECONOMY NEEDS WERE THEN
6 OUTWEIGHED BY THAT

7 I ALSO -- WHILE IT'S NOT A MAJOR FACTOR, I WOULD
8 SAY THAT OTHER JUDICIAL SCHEDULES WOULD HAVE TO BE
9 CHANGED TO ACCOMMODATE THIS REQUEST

10 ALSO I CONSIDERED THE FACT THAT THE COURT
11 EVALUATED OR CONSIDERED ANY LESSER -- OR ANY LESS-
12 RESTRICTIVE ALTERNATIVES I POSTURED OR THREW OUT
13 YESTERDAY TO YOU THAT WE COULD -- THE COURT WOULD
14 CONSIDER A PARTIAL DAY ON SATURDAY OR A HALF DAY SO
15 THAT YOU COULD PRACTICE YOUR RELIGIOUS PREFERENCE

16 BUT IT SEEMS TO ME THAT YOUR RESPONSE WAS THAT
17 THAT REALLY WOULDN'T SATISFY YOUR RELIGIOUS PREFERENCE,
18 AND I ACKNOWLEDGE THAT I MEAN, YOU SAY THAT IT'S NOT
19 REALLY A TIMING THING IT'S MORE YOU'RE JUST NOT
20 SUPPOSED TO DO IT THE WHOLE DAY, IS THAT CORRECT?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT AND I UNDERSTAND THAT AND FINALLY
23 I HAVE TO SAY THAT I ALSO CONSIDERED THAT WHEN I
24 ALLOCATED THIS THREE-WEEK TIME PERIOD, A LOT OF IT HAD
25 TO DO WITH -- AND I DON'T -- I DON'T BEGRUDGE YOU FOR

1 MAKING THEM, BUT YOU'VE MADE NUMEROUS MOTIONS FOR A
2 SPEEDY TRIAL AND I DID EVERYTHING I COULD TO SQUEEZE
3 ALL THE TIME IN TO GET YOUR REQUEST HONORED

4 AND I'VE CHANGED MY SCHEDULES, I'VE CHANGED OTHER
5 PEOPLE'S SCHEDULES OTHER JUDGES HAD TO BE MOVED, AS
6 YOU KNOW, SO THAT I COULD GET HERE FOR THIS CASE

7 MR ALKEBULANYAHH YOUR HONOR ---

8 THE COURT IN OCTOBER I'M JUST STATING ALL MY
9 REASONS FOR IT

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT I'M NOT CRITICIZING ANY OF YOUR
12 REQUESTS FOR IT BUT I THINK IT IS APPROPRIATE,
13 BECAUSE I HAVE -- I DO CONSIDER THIS A SIGNIFICANT
14 REQUEST

15 AND I'LL SAY FOR THE RECORD THAT I'VE CAREFULLY
16 CONSIDERED YOUR REQUEST AND I DON'T ACT UPON THIS
17 LIGHTLY I THINK I DO NEED TO BE SENSITIVE TO THE
18 RIGHTS OF CITIZENS TO FREELY EXERCISE THEIR RELIGION OR
19 THEIR RELIGIOUS BELIEFS BUT THIS RIGHT IS NOT
20 ABSOLUTE IT'S SOMETHING THAT MAY COMPETE WITH OTHER
21 INTERESTS

22 AND ALTHOUGH I'M AWARE AND SENSITIVE TO THE
23 REQUEST IN THE IMPORTANCE OF YOUR CONSTITUTIONAL RIGHT
24 TO THE FREE EXERCISE OF RELIGION, I THINK THAT HAVING
25 BALANCED ALL THOSE FACTORS AND CONSIDERED THEM, THAT

1 THE OTHER COMPETING, COMPELLING INTERESTS DO OUTWEIGH
2 THAT REQUEST, AND YOUR MOTION THAT IT NOT BE HELD ON
3 SATURDAY IS DENIED

4 AS I INDICATED EARLIER THOUGH, I WILL REPEAT, THAT
5 IN ORDER FOR ME TO ACCORD AS MUCH DEFERENCE AS I CAN TO
6 YOUR RELIGIOUS PRACTICES, IT'S POSSIBLE I WILL MONITOR
7 THE PROGRESSION OF THE TRIAL IF I SEE THERE'S AN
8 OPPORTUNITY FOR ME TO MODIFY THAT SATURDAY SITUATION, I
9 CERTAINLY WILL CONSIDER THAT AS I SEE HOW THIS CASE
10 PROGRESSES INsofar AS THE TIME ALLOCATIONS

11 ANYTHING FURTHER ON THAT?

12 MR ALKEBULANYAHH NO, SIR

13 THE COURT ALL RIGHT ALL RIGHT THAT LEAVES US
14 -- 9 00 O'CLOCK TOMORROW MORNING

15 WE PUT ON THE RECORD YOUR SIDE BAR

16 IS THERE ANYTHING ELSE I NEED TO PUT ON THE RECORD
17 TO MAKE SURE EVERYBODY'S RIGHTS ARE PROTECTED AS FAR AS
18 IN THE RECORD?

19 MR ALKEBULANYAHH, WAS THERE ANYTHING ELSE THAT WE
20 WERE SUPPOSED TO PUT ON THE RECORD FROM THE SIDE BAR?
21 I THINK MOST OF YOUR SIDE BARS YOU WERE JUST ASKING ME
22 FOR SOME GUIDANCE ---

23 MR ALKEBULANYAHH YES, SIR

24 THE COURT --- ABOUT HOW TO ASK A QUESTION BUT
25 WAS THERE ANYTHING ELSE YOU CAN RECALL THAT WAS LIKE A

STATE VS ALKEBULANYAHH

1 LEGAL RULING THAT WE NEEDED TO PUT ON THERE?

2 MR MURDAUGH THERE WAS ONE THING THAT WE WENT IN
3 TO, BUT I THINK WE GOT THAT ON THE RECORD EVEN THOUGH
4 WE DIDN'T ADDRESS IT AS SOON AS WE GOT BACK, BUT IT GOT
5 ON THE RECORD

6 THE COURT ALL RIGHT YES, SIR

7 MR THORNTON YOUR HONOR, THIS OUT-OF-STATE
8 WITNESS SITUATION, WOULD YOU PREFER THAT TO BE ON THE
9 RECORD SINCE IT WAS A MOTION MADE ON THE RECORD, SIR?

10 THE COURT THAT'S FINE

11 MR THORNTON I HAVE HAD SOMEBODY WITH -- ONE OF
12 THE INVESTIGATORS HAVE CALLED AND TALKED WITH MS
13 KELLY SHE DIDN'T FEEL COMFORTABLE ON A BUS BUT IT
14 IS NOT A PHYSICAL PROBLEM SHE HAS I APOLOGIZE I WAS
15 INCORRECT IN MY ASSUMPTION IT IS A CAR PROBLEM

16 I'VE TALKED TO THE CLERK SHE AGREES THAT IT
17 WOULD BE SUITABLE FOR THE COUNTY BASICALLY TO RENT HER
18 A CAR MS KELLY HAS PROVIDED US WITH A NUMBER AND A
19 NAME OF AN AGENCY IN TOWN AND SHE WILL DRIVE DOWN
20 AND I WILL FIND HER LODGING

21 AND I WOULD JUST ASK THE COURT TO GO AHEAD AND
22 RECOGNIZE THAT IT WOULD BE A LEGITIMATE EXPENSE FOR THE
23 CAR RENTAL AND FOR THE LODGING, AND I WILL -- THE CLERK
24 AND I WILL WORK TOGETHER AND TRY TO GET THAT SET UP, IF
25 THAT WOULD BE SUITABLE TO THE COURT, IT IS SUITABLE

STATE VS ALKEBULANYAHH

1 WITH THE CLERK
2 THE COURT ALL RIGHT THAT'S FINE
3 MR THORNTON THANK YOU, SIR
4 THE COURT ALL RIGHT THANK YOU SEE YOU ALL
5 TOMORROW
6 (COURT IS IN RECESS)
7 (SATURDAY, OCTOBER 11, 2003)
8 THE COURT DO EACH OF YOU SWEAR YOU WILL PERFORM
9 SECURITY OBLIGATIONS IN ACCORDANCE WITH THIS
10 INSTRUCTION, IF YOU HAVE RESPONSIBILITY INSOFAR AS THE
11 JURY THAT YOU WILL KEEP THE JURY IN THEIR REPORTED
12 HOUSING THAT YOU WILL ALLOW NO PERSON TO SPEAK TO THEM
13 WITHOUT LEAVE OF COURT THAT YOU WILL NOT SPEAK TO THEM
14 REGARDING THIS CASE, NOR PERMIT THEM TO SPEAK WITH
15 ANOTHER ABOUT THIS CASE, AND YOU WILL PRESENT THEM IN
16 THIS COURT AT THE APPOINTED TIMES, AND SEE TO THEIR
17 CARE AND SAFETY WHILE YOU ARE IN THEIR CHARGE, SO HELP
18 YOU GOD
19 OFFICERS YES
20 THE COURT ALL RIGHT THANK YOU
21 ARE YOU ALL READY?
22 MR MURDAUGH YES, SIR
23 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
24 MR MURDAUGH JUDGE ---
25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH --- I WANT TO APOLOGIZE TO THE
2 COURT, SIR WHEN YOU SAID WHAT YOU DID ABOUT ME
3 SHOWING MY EXASPERATION, AND I REALIZE THAT I DID, SIR,
4 AND I APOLOGIZE

5 THE COURT THAT'S ALL RIGHT

6 MR MURDAUGH I DID NOT INTEND TO, SIR

7 THE COURT I UNDERSTAND

8 MR MURDAUGH BUT IT WAS SORT OF EXASPERATING

9 THE COURT I UNDERSTAND I UNDERSTAND

10 IS THE JURY READY?

11 (PAUSE)

12 (THE WITNESS RETURNS TO THE WITNESS STAND)

13 THE COURT WE HAVE A JUROR WHO NEEDS A FEW EXTRA
14 MINUTES SO WE'LL BE WITH YOU SHORTLY

15 (PAUSE)

16 (THE JURY RETURNS TO THE COURTROOM AT 9 05 A M)

17 THE COURT GOOD MORNING EVERYONE I'LL BE WITH
18 YOU IN JUST A SECOND THEY TOLD ME YOU ALL NEEDED A
19 FEW MINUTES, I TOLD EVERYONE ELSE THEY COULD TAKE A
20 QUICK BREAK SO JUST ONE SECOND

21 (PAUSE)

22 THE COURT ALL RIGHT GOOD MORNING, LADIES AND
23 GENTLEMEN I'M SORRY FOR THE DELAY EVERYBODY NEEDED
24 TO TAKE A SHORT BREAK BEFORE WE GOT STARTED, SO WE DID
25 I HOPE YOU HAD AN OKAY DINNER LAST NIGHT AND A

STATE VS ALKEBULANYAHH

1 GOOD EVENING WE'RE READY TO PROCEED AND CONTINUE WITH
2 THIS TESTIMONY AND THE EXAMINATION OF THIS WITNESS

3 MR ALKEBULANYAHH, WOULD YOU LIKE TO CONTINUE AT
4 THIS POINT?

5 MR ALKEBULANYAHH YES, SIR YOUR HONOR, MAY I
6 APPROACH?

7 THE COURT YES, SIR

8 Q GOOD MORNING ACTUALLY, IS THAT THE SAME
9 DOCUMENT ---

10 MR MURDAUGH I'M HAVING DIFFICULTY HEARING

11 Q IS THAT THE SAME DOCUMENT, SUPPLEMENTAL REPORT,
12 YOUR REPORT THAT YOU HAVE?

13 THE COURT PUT THAT MIKE ON THIS SIDE, THAT WAY
14 YOU BOTH CAN TALK INTO THAT MIKE

15 A YES, IT APPEARS TO BE

16 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
17 ENTER THIS INTO EVIDENCE

18 MR MURDAUGH MAY I SEE IT?

19 THE COURT SHOW IT TO HIM

20 (PAUSE)

21 MR MURDAUGH MIGHT I INQUIRE DID WE INTRODUCE A
22 REPORT ON YESTERDAY?

23 THE COURT NO

24 MR MURDAUGH OKAY, SIR (PAUSE) YOUR HONOR, I
25 HAVE NO OBJECTION TO THE INTRODUCTION OF THIS WITH ONE

1 EXCEPTION, SIR ON THE THIRD PAGE OF HIS REPORT A LINE
2 HAS BEEN -- I ASSUME IN COPYING, HAS BEEN ALMOST
3 DELETED YOU CAN SEE IT BUT YOU CAN'T READ IT I
4 WOULD PREFER THAT THE ---

5 THE COURT A MORE ACCURATE ---

6 MR MURDAUGH YES, SIR

7 THE COURT A CLEARER COPY?

8 MR MURDAUGH YES, SIR

9 THE COURT WE CAN SUBSTITUTE THAT AT AN
10 APPROPRIATE TIME

11 MR MURDAUGH I HAVE ONE RIGHT HERE

12 THE COURT THAT'S FINE IF YOU WILL PUT THAT IN
13 IT'S IN EVIDENCE WITHOUT OBJECTION

14 MR ALKEBULANYAHH NO, SIR I HAVE ---

15 THE COURT PARDON?

16 MR ALKEBULANYAHH IS THAT WITHOUT OBJECTION?

17 THE COURT NO NO THAT'S YOUR -- IS THAT THE
18 SAME REPORT?

19 MR ALKEBULANYAHH YES, SIR, IT'S THE SAME

20 THE COURT IS THIS A CLEARER COPY?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT ALL RIGHT IN EVIDENCE WITHOUT
23 OBJECTION DEFENDANT'S 4

24 (SUPPLEMENTAL INCIDENT REPORT BROMAGE, 5 PAGES,
25 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 4)

STATE VS ALKEBULANYAHH

1 MR MURDAUGH MAY I KEEP HIS COPY?

2 THE COURT THAT'S FINE

3 MR MURDAUGH WHOA, WHOA, JUDGE LET'S SEE YOU
4 JUST A SECOND

5 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
6 OUT OF THE HEARING OF THE JURY)

7 THE COURT ALL RIGHT THAT WILL BE IN EVIDENCE
8 WITHOUT OBJECTION

9 Q MR BROMAGE, I WANT TO ASK YOU, IN YOUR INTERVIEW
10 WITH MS KIMBERLY BLATE (PHONETIC) DID SHE EVER LIE TO
11 YOU?

12 A I BELIEVE SHE MINIMIZED A LOT OF THE EVENTS

13 Q COULD YOU ANSWER YES OR NO, SIR?

14 A YES, SIR

15 Q DID SHE EVER LIE TO YOU?

16 A YES SIR

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
18 YOUR HONOR THANK YOU

19 REDIRECT EXAMINATION BY MR. MURDAUGH.

20 Q MR BROMAGE, IN ADDITION TO THE ITEM THAT'S BEEN
21 MARKED AS AN EXHIBIT, DID YOU CONDUCT NUMEROUS OTHER
22 INTERVIEWS WITH HER?

23 A I BELIEVE A TOTAL OF FOUR INTERVIEWS

24 Q AND THE DATE OF THAT INTERVIEW IS WHAT, SIR?

25 A JANUARY 8, 2002

1 Q OKAY, SIR AND WHEN DID YOU -- DO YOU REMEMBER
2 WHEN YOU CONDUCTED THE OTHER INTERVIEWS?

3 A JANUARY 10, 2002, JANUARY 11, 2002

4 Q ARE THEY REFLECTED IN THIS REPORT?

5 A YES, SIR

6 Q DID YOU DO ANY INTERVIEWS WITH HER THAT IS NOT
7 REFLECTED IN THIS REPORT?

8 A YES, SIR, I BELIEVE SO

9 Q AND WAS THAT IN -- DO YOU REMEMBER WHEN THAT WAS,
10 SIR?

11 A SIR, I DON'T HAVE THE EXACT DATE

12 Q OKAY

13 A THERE WERE ADDITIONAL INTERVIEWS AND ADDITIONAL
14 STATEMENTS

15 MR MURDAUGH THANK YOU SIR

16 THE COURT ANYTHING ELSE?

17 MR ALKEBULANYAHH I WOULD LIKE TO RESERVE THE --
18 CALL THE WITNESS BACK

19 THE COURT ALL RIGHT SIR, YOU WILL BE EXCUSED
20 AT THIS TIME, BUT YOU ARE SUBJECT TO BEING RECALLED
21 THANK YOU

22 (THE WITNESS LEAVES THE WITNESS STAND)

23 MR STONE YOUR HONOR, FOR OUR NEXT WITNESS, WE
24 NEED ABOUT 5 MINUTES TO SET THAT UP WE WERE GOING TO
25 DO THAT LAST NIGHT EXCEPT FOR THE OVERLAY FOR THE

STATE VS ALKEBULANYAHH

1 WITNESS

2 THE COURT ALL RIGHT LET ME GO AHEAD AND SEND
3 YOU TO THE JURY ROOM, LADIES AND GENTLEMEN, SO WE CAN
4 GET THE EQUIPMENT SET UP THANK YOU VERY MUCH DO NOT
5 DISCUSS THIS CASE

6 (THE JURY RETIRES TO THE JURY ROOM AT 9 25 A M)

7 MR STONE JUDGE, SHE'S GOING TO SET IT UP

8 THE COURT THAT'S FINE

9 (PAUSE)

10 THE COURT PLEASE BE SEATED

11 MR MURDAUGH WHILE WE ARE WAITING FOR HIM TO DO
12 THAT, I WILL ANNOUNCE TO THE COURT THAT PURSUANT TO THE
13 REQUEST OF THE DEFENDANT AT THE CHARLESTON HEARING, IT
14 IS OUR INTENTION TO PLAY THE CALL FROM STRAWBERRY
15 WASHINGTON TO LAW ENFORCEMENT, A DISPATCH -- A
16 TRANSCRIPT, PAPER, THE DISPATCH FROM THE TIME THEY WERE
17 -- THE OFFICERS WERE DISPATCHED UNTIL THE ARREST OF THE
18 DEFENDANT, AND THEN THE 9-1-1 TAPE THAT STRAWBERRY
19 CALLS IN -- I JUST WANTED THE DEFENDANT ---

20 THE COURT IS THAT CORRECT MR ALKEBULANYAHH?

21 MR ALKEBULANYAHH THE TRANSCRIPT IN ITS
22 ENTIRETY?

23 THE COURT THAT YOU HAD REQUESTED THE PLAY BACK
24 OF THIS TAPE IS IT THE ENTIRE?

25 MR MURDAUGH IT'S FROM THE TIME THEY WERE

1 DISPATCHED UNTIL HIS ARREST, SIR

2 THE COURT ALL RIGHT

3 MR ALKEBULANYAHH I WOULD LIKE THE TRANSCRIPT
4 PLAYED IN ITS ENTIRETY, YOUR HONOR, SIR

5 THE COURT DO YOU HAVE THE ENTIRE TAPE?

6 MR MURDAUGH YES, SIR, WE HAVE THE ENTIRE TAPE,
7 BUT WE DO NOT HAVE THE ENTIRE TAPE TRANSCRIBED

8 MR STONE THE RECORDING, YOUR HONOR, IS FROM THE
9 VERY BEGINNING THROUGH, I BELIEVE 2 OR 3 DAYS OF
10 DISPATCH CONCERNING -- CONCERNING VARIOUS THINGS, AND
11 ARE EVIDENTIARY THIS TRANSCRIPT IS A FULL TRANSCRIPT
12 OF EVERYTHING THAT TAKES PLACE BEFORE -- FROM THE
13 INITIAL CALL FROM STRAWBERRY WASHINGTON UP UNTIL THE
14 ARREST

15 THE TRANSCRIPT GOES PERHAPS ANOTHER 3 OR 4 PAGES
16 ON TRANSCRIPT AFTER THE ACTUAL ARREST HOWEVER, AT
17 THAT POINT I'M CONCERNED THAT IT IS IRRELEVANT WE
18 START GETTING INTO SOME OTHER ISSUES THAT MIGHT BE MORE
19 OF AN EVIDENTIARY CONCERN

20 I'LL BE GLAD TO PLAY THE WHOLE THING THAT WE HAVE,
21 WHICH IS THE ENTIRE FIRST TAPE NOW, WE DON'T HAVE THE
22 TRANSCRIPT OF THE SECOND TAPE OR THE THIRD TAPE AND ON
23 AFTER THAT

24 THE COURT WELL, IS THE TAPE UNCLEAR?

25 MR STONE WELL, WHAT IT IS, IS IT IS NOT -- THE

STATE VS ALKEBULANYAHH

1 TRANSCRIPT ITSELF IS ACCURATE IT'S GOT EVERYTHING ON
2 IT IT'S JUST A QUESTION OF IF WE GO ON AND SHOW THE
3 VERY REST OF THE TAPE, WHICH IS THE VERY END OF IT, AND
4 WE'VE GOT THAT TRANSCRIPT

5 THE OTHER TAPES ARE AVAILABLE BUT AGAIN, THEY
6 ARE THINGS THAT HAPPENED WAY AFTER THE FACT I DON'T
7 KNOW THAT THEY ARE ADMISSIBLE AND THEY ALSO, TO BE
8 HONEST WITH YOU, GET INTO SOME ISSUES OF STATEMENTS AND
9 THINGS THAT THE DEFENDANT -- THERE ARE SOME ACTUAL
10 QUOTES TELLING THE OFFICERS, GO GET A STATEMENT FROM
11 HIM AND READ HIM HIS MIRANDA RIGHTS WE DON'T INTEND TO
12 OFFER THAT AND I THINK THAT GETS INTO AN ISSUE OF
13 WHETHER OR NOT WE'RE COMMENTING ON HIS RIGHT TO REMAIN
14 SILENT

15 SO I STOPPED IT OUT OF AN ABUNDANCE OF CAUTION AT
16 THE ARREST

17 MR MURDAUGH BUT WE HAVE THE TAPES AVAILABLE
18 THAT HE CAN PUT UP, SIR

19 THE COURT YOU HAVE THE RIGHT TO PUT THEM IN,
20 SIR, WHEN YOU FEEL IT'S APPROPRIATE

21 MR ALKEBULANYAHH PUT THE ENTIRE TAPE IN?

22 THE COURT YES, SIR I MEAN, IF YOU FEEL THAT
23 YOU WANT TO PRESENT THAT INFORMATION AS PART OF YOUR
24 CASE, YOU CAN DO THAT

25 MR ALKEBULANYAHH I WOULD LIKE TO PRESENT THE

STATE VS ALKEBULANYAHH

1 ENTIRE TAPE AS PART OF MY CASE I CAN MAKE THAT KNOWN
2 TO THE COURT RIGHT NOW -- THE ENTIRE TAPE, BECAUSE
3 THERE'S THINGS PERTINENT TO THE CASE THAT IS RELEVANT

4 THE COURT YES, SIR

5 MR MURDAUGH THEN LET US DO WHAT WE DO, AND THEN
6 HE CAN PUT WHATEVER HE WANTS

7 THE COURT YOU CAN DO IT DURING YOUR PART OF THE
8 CASE BUT I DON'T -- THERE'S NO NEED FOR A TRANSCRIPT
9 UNLESS THE TAPE IS UNCLEAR

10 MR STONE THE TRANSCRIPT AT THIS POINT THAT'S
11 PUT ON THE SCREEN IS -- WHAT'S HAPPENED IN THE PAST
12 WITH TRANSCRIPTS IS YOU HAVE -- YOU HAVE A FULL
13 HANDWRITTEN TRANSCRIPT, THE JURY IS FLIPPING THROUGH
14 IT, GOING TO THE NEXT PAGE THAT'S OFF OF THE TAPE THE
15 TAPE IS CLEAR, BUT IT IS STILL A 9-1-1 TAPE YOU STILL
16 HAVE A LITTLE BIT OF THE STATIC, AND IT'S VERY UNCLEAR
17 ABOUT WHAT'S BEING SAID IT IS VERY DIFFICULT TO HEAR
18 IF YOU'RE NOT TRAINED TO HEAR IT

19 THE COURT ALL RIGHT I SEE IT ON THE SCREEN

20 ARE YOU ALL READY?

21 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE A
22 MOMENT WITH COUNSEL?

23 THE COURT YES

24 (PAUSE)

25 MR STONE YOUR HONOR, MAY WE PLAY JUST A LITTLE

STATE VS ALKEBULANYAHH

1 BIT OF AUDIO, JUST TO MAKE SURE THE MICROPHONE SYSTEM
2 IS WORKING?

3 THE COURT GO AHEAD

4 (PAUSE)

5 MR STONE I THINK THAT'S FINE WE THINK IT'S
6 VISIBLE, YOUR HONOR, WITHOUT TURNING THE LIGHTS DOWN
7 SO WE'LL JUST KEEP EVERYTHING

8 THE COURT THAT'S FINE

9 (PAUSE)

10 MR STONE THE STATE'S READY

11 THE COURT IS THE DEFENSE READY?

12 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I HAVE
13 AN ISSUE REAL QUICKLY

14 THE COURT YES, SIR

15 MR ALKEBULANYAHH I WOULD LIKE TO MOTION THAT
16 THE PORTION OF THE TRANSCRIPT THAT IS NOT TRANSCRIBED,
17 THAT THEY BE TRANSCRIBED AND THAT THE APPARATUS FOR
18 VIEW -- FOR DISPLAY FOR THE JURORS ALSO BE AVAILABLE
19 FOR THE DEFENSE

20 THE COURT I DON'T THINK YOU ALL HAVE A PROBLEM
21 MAKING THE EQUIPMENT AVAILABLE DO YOU?

22 MR STONE THE EQUIPMENT IS AVAILABLE, YOUR
23 HONOR HE NEEDS TO GO AND GET HIS OWN TRANSCRIPT WE
24 DON'T HAVE ANYBODY

25 THE COURT YOU ALL ARE FULLY CAPABLE OF GETTING

STATE VS ALKEBULANYAHH

1 THE TAPE AND HAVING IT TRANSCRIBED IF YOU WOULD LIKE
2 TO SEE IF YOUR STAND-BY COUNSEL ASSIST YOU WITH THAT

3 (PAUSE)

4 MR KELLY MAY IT PLEASE THE COURT

5 THE COURT YES, SIR

6 MR KELLY YOUR HONOR, IF YOU -- ARE YOU SAYING
7 THAT IF HE REQUESTS THAT, THAT'S PART OF OUR DUTIES?

8 THE COURT THAT'S ALWAYS BEEN MY ORDER ANY
9 ASSISTANCE AS YOU REQUEST OF STAND-BY COUNSEL, THAT'S
10 WHAT YOU ARE TO DO IN YOUR PERFORMANCE AS YOUR DUTY AS
11 STAND-BY COUNSEL

12 MR KELLY DO YOU WANT ---

13 THE COURT PARDON?

14 MR KELLY DO YOU WANT US TO BEGIN THAT NOW?

15 THE COURT WHEN YOU ALL THINK YOU MIGHT NEED IT
16 I DON'T KNOW HOW LONG THAT PROCESS IS GOING TO TAKE

17 BUT, MR ALKEBULANYAHH, I'M NOT GOING TO -- IF YOU
18 WAIT UNTIL TRIAL UNTIL YOU MAKE THESE REQUESTS, YOU'RE
19 JUST ASKING FOR A SITUATION THAT I MAY OR MAY NOT
20 APPROVE DO YOU UNDERSTAND THAT? YOU CAN'T WAIT UNTIL
21 TRIAL AND DECIDE YOU WANT THINGS TRANSCRIBED
22 TRANSCRIPTION IS NOT SOMETHING THAT CAN BE DONE IN A
23 MINUTE

24 MR ALKEBULANYAHH YES, SIR

25 THE COURT SETTING UP THE VISUAL DISPLAY ON THE

STATE VS ALKEBULANYAHH

1 COMPUTER SYSTEM IS NOT SOMETHING THAT CAN BE DONE IN A
2 FEW MINUTES

3 MR ALKEBULANYAHH YES, SIR

4 THE COURT IF YOU GET IT DONE BY THE TIME YOU
5 NEED IT FINE BUT THE REQUEST IS BEING MADE AT THE
6 LAST MINUTE, THAT'S, AGAIN, ANOTHER PROBLEM WITH WHEN
7 YOU REPRESENT YOURSELF AND YOU DON'T PLAN ACCORDINGLY
8 BUT WE'LL DO THE BEST WE CAN TO ACCOMMODATE YOU, THAT'S
9 ALL I CAN DO THROUGHOUT THIS TRIAL

10 DO YOU UNDERSTAND THAT?

11 MR ALKEBULANYAHH THANK YOU, YOUR HONOR I
12 APPRECIATE IT

13 MR KELLY YOUR HONOR, IF IT PLEASE THE COURT
14 MAY SECOND COUNSEL BE EXCUSED TO BEGIN THE PREPARATION?

15 THE COURT DO YOU HAVE ANY PROBLEM WITH THAT?

16 MR ALKEBULANYAHH NO, SIR, I SURE DON'T

17 THE COURT ALL RIGHT

18 ARE YOU READY TO PROCEED?

19 MR STONE THE STATE'S READY YOUR HONOR

20 MR ALKEBULANYAHH DEFENSE IS READY, YOUR HONOR

21 THE COURT ALL RIGHT BRING THE JURY IN

22 (THE JURY RETURNS TO THE COURTROOM AT 9 36 A M)

23 THE COURT THANK YOU, PLEASE BE SEATED

24 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
25 PROCEED

STATE VS ALKEBULANYAHH

1 MR STONE THE STATE CALLS GWEN DUHON

2 GWEN A DUHON, BEING FIRST

3 DULY SWORN, TESTIFIED AS FOLLOWS

4 DIRECT EXAMINATION BY MR. STONE.

5 Q MS DUHON, COULD YOU STATE YOUR FULL NAME PLEASE,
6 MA'AM?

7 A IT'S GWEN ANN DUHON

8 Q AND LET ME ASK YOU TO PULL THAT MICROPHONE A
9 LITTLE BIT TO YOU SO EVERYONE CAN HEAR YOU

10 (COMPLIED)

11 Q I'M SORRY WHAT'S THE FULL NAME AGAIN?

12 A GWEN ANN DUHON

13 Q AND WHAT DO YOU DO, MS DUHON?

14 A I'M THE EMERGENCY COMMUNICATIONS CHIEF IN THE
15 9-1-1 CENTER

16 Q AND WHAT DOES THAT MEAN?

17 A I MANAGE THE OPERATIONS FOR THE ADMINISTRATION
18 OPERATIONS FOR THE 9-1-1 CENTER

19 Q IS THIS ALL OF BEAUFORT COUNTY?

20 A WITH THE EXCEPTION OF THE TOWN OF HILTON HEAD,
21 FIRE AND EMS, YES

22 Q OKAY WHAT EXACTLY OUT OF THAT COMMUNICATION
23 SYSTEM, WHAT KIND OF CALLS DO YOU OVERSEE? YOU DON'T
24 ACTUALLY TAKE THE CALLS YOURSELF, YOU OVERSEE THE
25 OPERATION, IS THAT CORRECT?

STATE VS ALKEBULANYAHH

- 1 A YES
- 2 Q ALL RIGHT WHAT KIND OF CALLS DO YOU GET?
- 3 A LAW ENFORCEMENT, FIRE, MEDICAL
- 4 Q DO YOU RECEIVE ALL THE CALLS GOING INTO THE
- 5 SHERIFF'S DEPARTMENT AS WELL, OR IS THERE A ---
- 6 A YES
- 7 Q OKAY AND 9-1-1 AS WELL?
- 8 A YES
- 9 Q ON JANUARY 8, 2002 WERE YOU ALSO THE CHIEF OF THE
- 10 COMMUNICATION SYSTEM AT THAT TIME?
- 11 A YES I WAS
- 12 Q TELL ME, IF YOU WILL, HOW THESE CALLS COME IN AND
- 13 HOW THEY'RE COLLECTED IF YOU WOULD?
- 14 A THE CALL COME IN ONE OF EIGHT 9-1-1 LINES, AND
- 15 IT'S PICKED UP BY A CALL TAKER OR A DISPATCHER, WHOEVER
- 16 IS AVAILABLE, AND THEY TAKE THE INFORMATION, ENTER IT
- 17 INTO A COMPUTER SYSTEM, AND IT'S ROUTED TO THE PROPER
- 18 DISPATCHER FOR THAT PARTICULAR AREA OR PARTICULAR
- 19 SERVICE AND IT'S DISPATCHED FROM THERE
- 20 Q DO YOU HAVE A WAY OF COLLECTING THIS INFORMATION?
- 21 A YES, IT'S IN THE COMPUTER SYSTEM
- 22 Q IS THAT THE CAD SYSTEM?
- 23 A YES, IT IS
- 24 Q ALL RIGHT AND THIS COMPUTER SYSTEM, DOES IT
- 25 COLLECT ALL THE CALLS COMING IN?

1 A IF THEY'RE ENTERED, YES

2 Q DOES IT COLLECT THEM CONTEMPORANEOUSLY WITH THEM

3 ACTUALLY COMING IN?

4 A ONLY IF IT'S ENTERED AS A CALL FOR SERVICE IF

5 IT'S A CALL FOR INFORMATION, SUCH AS DIRECTIONS, NO

6 Q BUT EVERYTHING ELSE, THE 9-1-1, OF THAT IS

7 RECORDED AND ALL OF THAT IS RECORDED CONTEMPORANEOUSLY

8 WITH THEM COMING IN, IS THAT CORRECT?

9 A YES

10 Q AND THAT'S THE SAME WITH THE 525-7256 NUMBER AS

11 WELL?

12 A THAT'S THE NUMBER I DON'T BELIEVE IS IN SERVICE

13 ANY MORE

14 Q THAT WOULD BE THE OLD SHERIFF'S DEPARTMENT NUMBER?

15 A YES

16 Q NOW, WHO IS JENNIFER KELLY?

17 A SHE WAS A CALL TAKER WITH THE 9-1-1 CENTER

18 Q AND TERRY COLEMAN?

19 A SHE'S A SHIFT SUPERVISOR WITH THE CENTER

20 Q ALL RIGHT JULIE ANN THOMAS?

21 A DISPATCHER

22 Q AND REGINA ALDERMAN?

23 A ASSISTANT SHIFT SUPERVISOR

24 Q WERE ALL OF THESE WORKING ON JANUARY 8, 2002?

25 A YES, THEY WERE

1 Q AND WERE ALL OF THESE PEOPLE, ALL THE 9-1-1 CALLS
2 AND THE OTHER VARIOUS CALLS COMING IN THAT DAY?
3 A YES, THEY WERE
4 Q HAVE YOU -- HAVE YOU REVIEWED THE CALLS COMING IN
5 FROM JANUARY 8, 2002 AS IT RELATES TO 21 RILEY ROAD?
6 A YES, I HAVE
7 Q HAVE YOU ALSO MADE A TRANSCRIPTION OF THAT?
8 A YES I HAVE
9 Q ARE ALL OF THESE -- IS THE TRANSCRIPTION ACCURATE?
10 A YES, IT IS
11 Q HAVE YOU TAKEN THAT -- IS THAT NOW ON A COMPUTER
12 DISK SO THAT IT CAN BE SHOWN TO THE JURY?
13 A YES, IT IS
14 Q HAVE YOU REVIEWED THAT AS WELL?
15 A YES I HAVE
16 Q IS IT ACCURATE?
17 A YES, IT IS
18 Q LET ME ASK YOU IF I CAN, ARE YOU ALSO FAMILIAR
19 WITH CODE NUMBERS?
20 A YES, I AM
21 Q EXPLAIN TO THE JURY WHAT CODE NUMBERS ARE?
22 A CODE NUMBERS ARE COMMONLY USED TO -- TO ENHANCE
23 RADIO BREVITY, INSTEAD OF LONG PHRASES, 10-CODES ARE
24 USED TO MEAN A PHRASE OR A CERTAIN SPECIFIC SITUATION
25 Q SO THIS WOULD BE THE 10-4, 10-21?

1 A YES

2 Q I DON'T EVEN KNOW WHICH ONE TO USE AS AN EXAMPLE

3 A YES

4 Q HAVE YOU ALSO TAKEN THOSE 10-CODES AND EXPLAINED

5 THOSE ON THE TRANSCRIPT?

6 A YES

7 Q ALL RIGHT NOW, AS FAR AS THE CALL SIGNS FOR THE

8 VARIOUS OFFICERS, ARE YOU FAMILIAR WITH THOSE AS WELL?

9 A YES, I AM

10 Q AND EXPLAIN IF YOU WOULD TO THE JURY WHAT THE CALL

11 SIGNS ARE?

12 A CALL SIGNS ARE ASSIGNED TO EACH INDIVIDUAL PATROL

13 BY OUR EMS UNIT, AGAIN FOR RADIO BREVITY AND FOR

14 TRACKING IN THE COMPUTER SYSTEM AND EACH PERSON IS

15 IDENTIFIED BY THEIR ID NUMBER WITH THAT CALL SIGN

16 Q AND EVERY OFFICER THAT IS REFERRED TO IS GOING TO

17 HAVE HIS OWN CALL SIGN, IS THAT CORRECT?

18 A YES, SIR

19 Q HAVE YOU ALSO -- YOU'RE FAMILIAR WITH WHICH ONES

20 GO WITH WHICH CALL SIGNS?

21 A YES, I AM

22 Q HAVE YOU ALSO ADDED THOSE IN AND EXPLAINED THOSE

23 ON THE -- ON THE TRANSCRIPT?

24 A YES, I HAVE

25 Q ONE FINAL THING WHEN A DISPATCHER CALLS SOMEONE,

1 HOW DOES THAT WORK? IS THERE A PROCESS OF WHOSE NAME
2 GOES FIRST OR HOW DOES THAT WORK EXACTLY?

3 A IT'S THE UNIT THAT YOU'RE CALLING FOLLOWED BY
4 DISPATCH

5 Q SO YOU CALL -- IF I'M CALLING YOU I WOULD SAY,
6 DUHON/STONE, IS THAT RIGHT?

7 A MY ASSIGNED UNIT NUMBER IS 9-0-4 SO YOU'D SAY
8 9-0-4

9 Q SAY YOUR NAME FIRST AND THEN MINE, IS THAT RIGHT?

10 A RIGHT

11 Q AND THEN AT THAT POINT I'M INVITING A RESPONSE, IS
12 THAT CORRECT?

13 A YES

14 MR STONE ALL RIGHT AT THIS TIME, YOUR HONOR,
15 WE MOVE TO ENTER IN THE TRANSCRIPT THAT IS AT THIS
16 POINT BEEN PUT ON COMPUTER FOR THE JURY

17 THE COURT ALL RIGHT ANY OBJECTION?

18 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, NO
19 OBJECTION

20 (NOTHING WAS GIVEN TO THE REPORTER TO BE MARKED)

21 THE COURT ALL RIGHT LADIES AND GENTLEMEN, THEY
22 ARE GOING TO PRESENT THIS TRANSCRIPT TO YOU YOU
23 ACTUALLY PLAYING THE TAPE?

24 MR STONE YES, SIR, THE TAPE WILL BE PLAYED

25 THE COURT ALL RIGHT THE TRANSCRIPT IS THERE TO

STATE VS ALKEBULANYAHH

1 ASSIST YOU AS YOU FOLLOW ALONG IF AT ANY POINT THERE
2 IS SOME INCONSISTENCY BETWEEN THE TRANSCRIPT AND THE
3 TAPE RECORDING, OF COURSE, YOU MUST ACCEPT THE TAPE
4 RECORDING OVER THE TRANSCRIPT

5 GO AHEAD

6 MR STONE THANK YOU, YOUR HONOR

7 (CASSETTE TAPE IS PLAYED IN OPEN COURT)

8 THE COURT IS THIS PAUSE SUPPOSED TO BE HERE?

9 MR STONE THESE ARE ACCURATE DELAYS, YOUR HONOR

10 THE COURT OKAY

11 MR STONE THIS IS AS IT HAPPENED

12 (CASSETTE TAPE CONTINUES BEING PLAYED IN OPEN
13 COURT)

14 Q MS DUHON, JUST ONE QUESTION THE DELAYS THAT WE
15 HEARD AT THE VERY BEGINNING OF THAT TAPE WERE THOSE
16 ACCURATE DELAYS AND THE TIME, IS THAT THE FULL 9-1-1?

17 A THAT'S THE TRUE TIME RECORDING

18 Q AND THAT INCLUDES THE DELAY BEFORE THE EMERGENCY
19 CALL TO 9-1-1?

20 A YES

21 MR STONE OKAY THANK YOU, MS DUHON PLEASE
22 ANSWER ANY QUESTIONS HE MAY HAVE

23 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
24 TAKE A BREAK BEFORE QUESTIONING

25 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL

STATE VS ALKEBULANYAHH

1 SEND YOU TO THE JURY ROOM DO NOT DISCUSS THIS CASE IN
2 ANY WAY THANK YOU VERY MUCH

3 (THE JURY RETIRES TO THE JURY ROOM AT 11 15 A M)

4 THE COURT WE'LL TAKE A SHORT BREAK

5 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

6 (A RECESS WAS TAKEN)

7 THE COURT YOU EARLIER, WHEN YOU SAID YOU WERE
8 GOING TO PLAY THE TRANSCRIPT, NOW, THAT WAS WITHOUT
9 OBJECTION YOU'RE JUST TALKING ABOUT DISPLAYING IT FOR
10 DEMONSTRATIVE PURPOSES?

11 MR STONE YES SIR THAT'S CORRECT

12 THE COURT THAT'S WHAT I THOUGHT

13 MR STONE DO YOU WANT MS DUHON BACK ON THE
14 STAND BEFORE THE JURY GETS BACK IN

15 (THE WITNESS RETURNS TO THE WITNESS STAND)

16 THE COURT DID YOU MOVE THE TAPE IN?

17 MR STONE WE'VE GOT THE COMPUTER DISK -- I DON'T
18 THINK -- IF I COULD HAVE JUST A MOMENT, YOUR HONOR

19 (PAUSE)

20 THE COURT ARE YOU ALL DONE WITH THAT SCREEN?

21 MR STONE I AM, YOUR HONOR

22 THE COURT GOOD TAKE THAT DOWN UNLESS ARE
23 YOU PLANNING TO GO BACK TO ANYTHING?

24 MR ALKEBULANYAHH NO, SIR

25 THE COURT ALL RIGHT PUT THAT DOWN FOR NOW

STATE VS ALKEBULANYAHH

1 JUST LEAVE IT CLOSE BY

2 MR STONE JUST TO CLARIFY, YOUR HONOR, BEFORE
3 THE JURY COMES IN

4 THE COURT YES, SIR

5 MR STONE THE TAPES ARE ACTUALLY PLACED ON A
6 DIGITAL TRANSCRIBER THAT WE DON'T HAVE THE ABILITY TO
7 PLAY SO WHAT WE DID WAS WE MADE AN AUDIO RECORDING ON
8 A NORMAL CASSETTE TAPE THAT IS WHAT WE ACTUALLY PLAYED
9 IN FRONT OF THE JURY

10 MS DUHON HAS THE DIGITAL DISK THEMSELVES,
11 ALTHOUGH I DON'T KNOW THAT THEY WOULD BE PLAYABLE FOR
12 ANYTHING WE HAVE HERE IN THE COURTROOM

13 MY SUGGESTION WOULD BE AT THE PROPER MOMENT GO
14 AHEAD AND INTRODUCE THE COPY OF THE TAPE THE STUFF
15 THAT HAS BEEN PLAYED AT THIS POINT IF THE DEFENDANT
16 OFFERS ANYTHING ELSE, THAN THAT WOULD COME OFF THOSE AS
17 WELL AT THIS POINT I WOULD LIKE TO HOLD OFF ON
18 PUTTING THAT INTO EVIDENCE ---

19 THE COURT ALL RIGHT

20 MR STONE --- UNTIL WE FIND OUT

21 THE COURT OF COURSE, WE'RE STILL WAITING ON THE
22 JURY

23 MR STONE I COULD GO AHEAD AND GET THAT MARKED
24 FOR IDENTIFICATION

25 THE COURT JUST MARKING IT FOR I D PURPOSES NOW,

STATE VS ALKEBULANYAHH

1 IT'S NOT BEING ADMITTED

2 (CASSETTE TAPE MARKED FOR IDENTIFICATION AS

3 STATE'S EXHIBIT NO 9)

4 THE COURT STATE'S 9 FOR I D PURPOSES ONLY AT

5 THIS POINT

6 (PAUSE)

7 THE COURT ALL RIGHT BRING THE JURY IN

8 (THE JURY RETURNS TO THE COURTROOM AT 11 35 A M)

9 THE COURT THANK YOU PLEASE BE SEATED

10 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO

11 CONTINUE WITH THE QUESTIONING OF THIS WITNESS

12 YES, SIR

13 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

14 Q MS DUHON

15 A YES SIR

16 Q GOOD MORNING THE PARTICULAR DISPATCH TRANSCRIPT

17 THAT WE JUST HEARD ---

18 THE COURT IS SOMEONE'S CELL PHONE RINGING?

19 MR KELLY YOUR HONOR I BELIEVE IT'S BEHIND

20 THE COURT OKAY

21 Q THE DISPATCH TRANSCRIPT THAT WE JUST HEARD, THAT

22 WAS PERTINENT PARTS OF THE ENTIRE DISPATCH, IS THAT

23 CORRECT?

24 A YES

25 Q IT WASN'T THE ACTUAL AUDIO TRANSMITTED VERSION OF

STATE VS ALKEBULANYAHH

- 1 THE DISPATCH TRANSCRIPT, IS THAT CORRECT?
- 2 A THE AUDIO VERSION WAS THE ACTUAL, YES
- 3 Q BUT THIS ---
- 4 A THE TRANSCRIPT PORTION -- THE TYPEWRITTEN PORTION
- 5 WAS JUST THE PERTINENT PORTION
- 6 Q OKAY AND THIS PORTION THAT WE HAD -- WE WERE
- 7 LISTENING TO, WHAT FORM OF -- WHAT FORM OF RELATION
- 8 (SIC) MECHANISM IS USED TO RELAY -- IS THAT RECORDING
- 9 FROM THE DISPATCH?
- 10 A I'M SORRY, I DON'T UNDERSTAND
- 11 Q IS THAT A RECORDING FROM THE ACTUAL TRANSMITTAL?
- 12 A YES
- 13 Q THAT'S RECORDED FROM JUST TRANSMITTAL AND THIS
- 14 PARTICULAR RECORDING YOU ACKNOWLEDGE THAT IT'S A
- 15 CASSETTE TAPE RECORDED FROM THE ACTUAL TRANSMITTAL, IS
- 16 THAT CORRECT?
- 17 A YES
- 18 Q AND THAT IS -- THAT IT IS IN PERTINENT PARTS --
- 19 THAT IS ---
- 20 A THE AUDIO PORTION IS IN ITS ENTIRETY, WHETHER IT'S
- 21 PERTINENT OR NOT
- 22 Q BUT THE PARTICULAR PART THAT WE ALL LISTENED TO
- 23 THIS MORNING IS IN PERTINENT PART, IS THE ---
- 24 A THE AUDIO PORTION WAS IN ITS ENTIRETY
- 25 Q SO THERE WAS NOTHING LEFT OUT OF THE AUDIO PART WE

1 JUST LISTENED TO ---

2 A NO

3 Q --- IN THIS COURT? OKAY WAS THE PART IN THIS
4 PARTICULAR AUDIO THAT WE HEARD A MINUTE AGO OF THE
5 SUSPECT AFTER THE SUSPECT BEING APPREHENDED, WAS THAT
6 INCLUDED IN THERE?

7 A NO, IT WAS NOT

8 Q SO THAT'S A PART THAT IS LEFT OUT WHERE THE JURORS
9 DIDN'T GET TO HEAR TODAY, IS THAT CORRECT?

10 A THAT PORTION WAS NOT PLAYED, THAT'S CORRECT

11 Q SO THAT IS NOT THE TRANSCRIPT IN ENTIRETY, IS THAT
12 CORRECT?

13 A THAT'S NOT THE AUDIO OF THE ENTIRE INCIDENT, NO

14 Q WHAT THE JURORS HAVE HEARD TO TODAY, IS THAT
15 CORRECT?

16 A WHAT THEY HEARD WAS -- WHAT PORTION THAT WAS
17 PLAYED WAS IN ITS ENTIRETY, BUT IT WAS STOPPED AT A
18 PARTICULAR -- AT THAT PARTICULAR POINT

19 Q OKAY BUT THEY DID NOT GET TO HEAR AFTER THE
20 SUSPECT IS APPREHENDED, IS THAT CORRECT?

21 A THAT PORTION WAS NOT PLAYED, NO

22 MR ALKEBULANYAHH OKAY I HAVE NO FURTHER
23 QUESTIONS THANK YOU

24 REDIRECT EXAMINATION BY MR. STONE.

25 Q MS DUHON, THE TAPE THAT WAS PLAYED, THAT IS

1 ACCURATE UP TO THE POINT THAT THE DEFENDANT WAS
2 ACTUALLY APPREHENDED, IS THAT CORRECT?

3 A YES

4 MR STONE AT THIS TIME, YOUR HONOR, I WOULD MOVE
5 STATE'S EXHIBIT NO 9, WHICH IS MARKED FOR
6 IDENTIFICATION -- JUST THE SEGMENT THAT HAS BEEN PLAYED
7 FOR THE JURY -- INTO EVIDENCE I WILL SUBSTITUTE LATER
8 THE ONE THAT DOESN'T HAVE ANYTHING ELSE ON IT

9 THE COURT OBJECTION?

10 MR ALKEBULANYAHH YES, I HAVE OBJECTION, YOUR
11 HONOR

12 THE COURT WHAT'S THE NATURE OF YOUR OBJECTION?

13 MR ALKEBULANYAHH THAT PARTICULAR CASSETTE TAPE
14 IS NOT THE ACTUAL VERSION OR THE AUTHENTIC VERSION OF
15 THE ENTIRE TRANSMITTAL THAT THE JURY IS ---

16 THE COURT ALL RIGHT WE'LL TAKE THAT UP AT A
17 LATER POINT GO AHEAD MARK IT FOR I D WE'LL TAKE
18 IT UP LATER

19 MR STONE THANK YOU

20 THE COURT NEXT WITNESS

21 MR ALKEBULANYAHH YOUR HONOR

22 THE COURT YES, SIR

23 MR ALKEBULANYAHH YES I WOULD LIKE FOR THIS
24 WITNESS TO BE RESERVED FOR RECALL -- RECALL

25 THE COURT MA'AM, YOU MAY STEP DOWN YOU'LL BE

STATE VS ALKEBULANYAHH

1 SUBJECT TO BEING RECALLED AT A LATER TIME THANK YOU

2 (THE WITNESS LEAVES THE WITNESS STAND)

3 MR STONE THE STATE CALLS DAN MORGAN

4 DANIEL R MORGAN, BEING

5 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY MR. STONE.

7 Q SIR, COULD YOU GIVE US YOUR FULL NAME PLEASE?

8 A DANIEL ROBERT MORGAN

9 Q MR MORGAN, WHAT DO YOU DO, SIR?

10 A I'M THE DIRECTOR OF GEOGRAPHIC INFORMATION
11 SYSTEMS REFERRED TO AS G I S FOR BEAUFORT COUNTY

12 Q WHAT IS GEOGRAPHIC INFORMATION SYSTEMS?

13 A IT TELLS -- CREATING MAPS AND GEOGRAPHIC
14 INFORMATION, DATA BASES

15 Q DOES THIS INCLUDE EVERYTHING IN BEAUFORT COUNTY?

16 A CORRECT

17 Q HOW ARE THESE MAPS GENERATED?

18 A THESE MAPS ARE GENERATED BY DIGITIZING OR USING
19 AERIAL PHOTOGRAPHY AND SATELLITE IMAGERY TO LOCATE
20 ROADS, BRIDGES, PARCELS, PROPERTIES, ETCETERA

21 Q AND DO YOU KEEP THESE MAPS IN THE REGULAR ORDINARY
22 COURSE OF YOUR BUSINESS?

23 A THAT'S CORRECT

24 Q AND DO YOU KEEP THOSE HOUSED IN YOUR OFFICE --
25 IT'S CALLED G I S ?

1 A CORRECT, YES

2 Q ALL RIGHT, SIR

3 MR STONE IF I MAY APPROACH THE CLERK, YOUR
4 HONOR

5 (LARGE DIAGRAM OF AREA MARKED FOR IDENTIFICATION
6 AS STATE'S EXHIBIT NO 10)

7 Q I SHOW YOU WHAT'S BEEN MARKED AS STATE'S
8 EXHIBIT ---

9 MR STONE IF I MAY APPROACH THE WITNESS, YOUR
10 HONOR ---

11 Q --- 10 COULD YOU TELL US WHAT THAT IS PLEASE?

12 A THAT'S AN AERIAL PHOTO OF AN AREA OF BEAUFORT
13 COUNTY, CENTERED ON THE BROAD RIVER ELEMENTARY SCHOOL

14 Q IS THIS -- IN OTHER WORDS THE CENTER OF THE
15 PICTURE IS BROAD RIVER ELEMENTARY SCHOOL AND INCLUDING
16 ALL THE AREA AROUND IT IS THAT CORRECT?

17 A THAT'S CORRECT

18 Q IS THIS A FAIR AND ACCURATE DEPICTION OF HOW THE
19 AREA AROUND 21 RILEY ROAD APPEARED ON JANUARY OF 2002?

20 A THAT'S CORRECT

21 MR STONE AND, YOUR HONOR, AT THIS TIME WE MOVE
22 THIS INTO EVIDENCE, STATE'S EXHIBIT 10

23 THE COURT ANY OBJECTION?

24 MR ALKEBULANYAHH NO, SIR, THERE'S NO OBJECTION
25 THE COURT STATE'S 10 IN EVIDENCE WITHOUT

1 OBJECTION

2 (STATE'S EXHIBIT NO 10 RECEIVED IN EVIDENCE)

3 MR STONE YOUR HONOR, MAY I ASK THE WITNESS TO
4 COME DOWN IN FRONT OF THE JURY PLEASE?

5 THE COURT YES, SIR

6 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

7 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE THE
8 OPPORTUNITY TO OBSERVE?

9 THE COURT YES SIR STAND OVER HERE AT THE
10 SIDE

11 Q OKAY MR MORGAN, I WOULD LIKE YOU TO KEEP YOUR
12 VOICE UP PLEASE SHE'S GOING TO HAVE TO TAKE DOWN
13 EVERYTHING YOU SAY AS WELL COULD YOU TELL US WHAT
14 THIS MAP ENTAILS?

15 A THIS MAP ENTAILS AN AERIAL PHOTO THAT WAS TAKEN IN
16 MARCH OF 2003 -- 2002, EXCUSE ME IT CENTERS ON BROAD
17 RIVER ELEMENTARY SCHOOL ALSO INCLUDED ARE THE ROADS
18 SURROUNDING THAT AREA WITH ROAD NAMES

19 Q IS RILEY ROAD ON THIS MAP?

20 A RILEY ROAD YES, IT IS, IT'S LOCATED RIGHT HERE

21 Q THIS WOULD BE THIS AREA DOWN HERE TO THE BOTTOM
22 LEFT AS YOU'RE FACING THE MAP, IS THAT CORRECT?

23 A CORRECT, SOUTHWEST

24 Q SOUTHWEST?

25 A RIGHT

STATE VS ALKEBULANYAHH

- 1 Q AND DO YOU ALSO HAVE DONALDSON CAMP ROAD ON HERE?
- 2 A YES
- 3 Q WOULD YOU SPEAK UP
- 4 A DONALDSON CAMP ROAD IS JUST NORTH OF THAT AREA
- 5 Q AND THAT'S RUNNING PARALLEL TO RILEY ROAD DOWN
- 6 HERE AT THE BOTTOM, IS THAT CORRECT?
- 7 A THAT'S CORRECT
- 8 Q DO YOU ALSO HAVE VANITA DRIVE ON HERE?
- 9 A YES, VANITA DRIVE IS RIGHT NORTH OF DONALDSON CAMP
- 10 ROAD
- 11 Q AND YOU ALSO MENTIONED, I BELIEVE EARLIER, ABOUT
- 12 THIS BEING CENTERED ON THE ELEMENTARY SCHOOL IF YOU
- 13 COULD SHOW THE JURY WHERE THAT IS?
- 14 A BROAD RIVER ELEMENTARY SCHOOL IS RIGHT THERE
- 15 Q AND WHAT ROAD IS THAT SURROUNDING BROAD RIVER
- 16 ELEMENTARY?
- 17 A THAT IS EVERGREEN LANE THAT GOES AROUND BROAD
- 18 RIVER ELEMENTARY SCHOOL
- 19 Q OKAY AND THIS MAIN ROAD THAT GOES THROUGH --
- 20 WHAT IS THAT?
- 21 A THAT'S BROAD RIVER BOULEVARD
- 22 Q AND UP HERE AT THE TOP, WHAT ROAD IS THIS?
- 23 A CONNECTS WITH JOE FRAZIER ROAD
- 24 Q OKAY CAN YOU TELL IF JOE FRAZIER BRIDGE IS THE
- 25 BRIDGE JOE FRAZIER ROAD IS ON THIS MAP?

1 A YES, IT'S RIGHT THERE

2 Q OKAY AND THIS AREA THAT YOU'RE POINTING TO, WHAT
3 IS THIS?

4 A THAT'S HABERSHIM (PHONETIC) CREEK AREA IT GOES
5 OUT TO BROAD RIVER

6 Q ALL RIGHT, SIR THANK YOU YOU MAY TAKE YOUR
7 SEAT

8 (THE WITNESS RETURNS TO THE WITNESS STAND)

9 MR STONE YOUR HONOR, I DON'T HAVE ANY FURTHER
10 QUESTIONS OF THIS WITNESS

11 THE COURT ANY QUESTIONS?

12 MR ALKEBULANYAHH NO, SIR, I HAVE NO QUESTIONS

13 THE COURT YOU MAY STEP DOWN SIR

14 (THE WITNESS LEAVES THE WITNESS STAND)

15 MR MURDAUGH I CALL STRAWBERRY WASHINGTON MAY
16 MR MORGAN BE EXCUSED FROM COURT?

17 THE COURT ANY OBJECTION?

18 MR ALKEBULANYAHH¹ NO, SIR, I HAVE NO OBJECTION

19 THE COURT YOU MAY BE EXCUSED, SIR

20 STRAWBERRY WASHINGTON,

21 BEING FIRST DULY SWORN TESTIFIED AS FOLLOWS

22 DIRECT EXAMINATION BY MR. MURDAUGH.

23 Q GIVE US YOUR FULL NAME PLEASE?

24 A STRAWBERRY SUNSHINE WASHINGTON

25 Q OKAY MS WASHINGTON, HOW OLD ARE YOU?

STATE VS ALKEBULANYAHH

- 1 A I'M 20 YEARS OLD
- 2 Q AND WHERE IS YOUR HOME?
- 3 A MY HOME IS IN BEAUFORT, SOUTH CAROLINA
- 4 Q THAT'S WHAT COUNTY?
- 5 A BEAUFORT COUNTY
- 6 Q OKAY I NOTICE THAT YOU'RE IN A UNIFORM WHAT
- 7 ARE YOU NOW DOING?
- 8 A UNITED STATES NAVY, SIR
- 9 Q AND WHERE ARE YOU STATIONED?
- 10 A STATIONED IN SAN DIEGO, CALIFORNIA
- 11 Q AND WHAT ARE YOU DOING WITH THE NAVY?
- 12 A I'M A SONAR TECHNICIAN I'M IN SCHOOL
- 13 Q OKAY I ALSO NOTICE THAT YOU ARE PREGNANT, IS
- 14 THAT CORRECT?
- 15 A YES, SIR
- 16 Q AND WHEN ARE YOU EXPECTING YOUR BABY?
- 17 A NOVEMBER 13
- 18 Q OKAY WERE YOU LIVING IN BEAUFORT COUNTY ON
- 19 JANUARY 8, 2002?
- 20 A YES SIR, I WAS
- 21 Q WERE YOU FAMILIAR WITH A YOUNG LADY BY THE NAME OF
- 22 KIMBERLY BLAKE?
- 23 A YES, SIR
- 24 Q DID YOU HAVE ON JANUARY 8 -- AND ANSWER THIS
- 25 QUESTION YES OR NO PLEASE DID YOU ON JANUARY 8 HAVE A

STATE VS ALKEBULANYAHH

1 CONVERSATION WITH KIMBERLY BLAKE?

2 A YES, SIR

3 Q AS A RESULT OF THAT CONVERSATION, DID YOU CALL
4 ANYBODY?

5 A YES, I DID, SIR

6 Q AND WHO DID YOU ---

7 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

8 THE COURT I'LL ALLOW -- YOU CAN ASK WHAT SHE DID
9 AS A RESULT OF THAT GO AHEAD

10 Q AS A RESULT OF THAT CONVERSATION, WHAT DID YOU DO?

11 A I CALLED THE POLICE

12 Q OKAY AFTER CALLING THE POLICE, WHAT DID YOU DO?

13 A AFTER CALLING THE POLICE, I WENT TO THE RESIDENCE
14 WHERE KIM TOLD ME SHE WAS

15 Q OKAY AND WHY WAS -- WHAT WAS YOUR PURPOSE IN
16 GOING THERE?

17 A WELL I CALLED THE POLICE SO THAT THEY COULD GO
18 GET KIM AND I WANTED TO MAKE SURE THAT KIM CAME BACK
19 WITH EITHER ME OR THEM

20 Q OKAY DID YOU WAIT -- AND WHERE DID YOU GO?

21 A WENT TO 21 RILEY ROAD

22 Q OKAY AND DID YOU WAIT THERE UNTIL OFFICERS
23 ARRIVED?

24 A THEY WERE THERE BEFORE ME

25 Q THEY WERE THERE BEFORE YOU?

STATE VS ALKEBULANYAHH

- 1 A YES, SIR
- 2 Q OKAY AND DID YOU GET OUT OF YOUR CAR?
- 3 A NO THEY TOLD ME NOT TO GET OUT OF MY CAR
- 4 Q OKAY DID THEY GO UP TO THE HOUSE?
- 5 A YES, THEY WERE ALREADY UP TO THE HOUSE WHEN I GOT
- 6 UP THERE AND THEN THEY WALKED TO THE CAR WHEN THEY
- 7 SAW ME
- 8 Q AND DID THEY TALK WITH YOU?
- 9 A YES, THEY DID
- 10 Q OKAY DID YOU GIVE THEM CERTAIN INFORMATION?
- 11 A YES, I DID
- 12 Q AS A RESULT OF GIVING THEM THAT INFORMATION, DID
- 13 THEY GO BACK TO THE HOUSE?
- 14 A YES AFTER BEING INVITED INSIDE
- 15 Q AND WERE THEY INVITED INSIDE? DID THEY ASK
- 16 ANYBODY OR ---
- 17 A NO, THEY DIDN'T ASK THE OWNER, MS BRENDA, THE
- 18 LADY, SHE ASKED THE POLICE OFFICERS IF THEY WANTED --
- 19 SHE ASKED ME AND THE POLICE OFFICERS IF WE WANTED TO
- 20 CHECK TO SEE IF KIM WAS IN THE HOUSE
- 21 Q OKAY AND DID THE OFFICERS GO IN THE HOUSE?
- 22 A YES, THEY DID
- 23 Q DID YOU GO IN THERE?
- 24 MR ALKEBULANYAHH OBJECTION ---
- 25 A NO, SIR ---

1 MR ALKEBULANYAHH --- YOUR HONOR

2 A --- I STAYED IN MY CAR

3 THE COURT ALL RIGHT YOU CAN ASK HER WHAT SHE
4 DID IT IS A LEADING QUESTION

5 Q AFTER HAVING TALKED WITH BRENDA SMITH, WHAT DID
6 THE OFFICERS DO?

7 A OKAY THEY WENT INSIDE WITH HER AND HER LATE
8 HUSBAND AND I STAYED IN THE CAR

9 Q OKAY AND FOR WHAT LENGTH OF TIME DID YOU STAY IN
10 THE CAR?

11 A I WAS IN THE CAR THE WHOLE TIME BEFORE I DROVE
12 OFF

13 Q OKAY TELL ME WHAT YOU NEXT OBSERVED OR HEARD OR
14 WHATEVER?

15 A WELL, A FEW MINUTES LATER I HEARD GUNSHOTS AND I
16 SAW MY FRIEND KIM RUN OUTSIDE THE FRONT PORCH, OUT OF
17 THE HOUSE

18 Q OKAY AND WHERE DID YOU GO?

19 A I WENT DOWN THE DIRT ROAD AND I MADE A RIGHT,
/ 20 ENDED UP AT THIS LADY NAMED RACHEL HOUSE TO CALL THE
21 POLICE AND SAY I HEARD GUNSHOTS AGAIN

22 Q AND DID YOU CALL 9-1-1 TO REPORT OR DID SHE CALL
23 -- WHO CALLED 9-1-1?

24 A WELL, SHE HANDED -- I TOLD HER THE SITUATION, WHAT
25 HAPPENED, WHAT JUST HAPPENED AND SHE HANDED ME THE

STATE VS ALKEBULANYAHH

1 PHONE, SO I ASSUME SHE DID CALL 9-1 (SIC), AND SHE PUT
2 ME ON THE PHONE WITH THE OPERATOR

3 Q AND DID YOU TALK WITH 9-1-1?

4 A YES, I DID

5 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
6 LEADING

7 THE COURT I'LL ALLOW THAT ONE GO AHEAD

8 Q DID YOU TALK WITH THE 9-1-1 OPERATOR?

9 A YES, I DID AND I TOLD HER WHAT HAPPENED

10 Q AND WHAT DID YOU TELL HER?

11 A I TOLD THEM THAT I HEARD GUNSHOTS AND I SAW MY
12 FRIEND RUN OUTSIDE THE HOUSE

13 Q OKAY THE ORIGINAL CALL THAT YOU TESTIFIED ABOUT,
14 WHERE DID YOU MAKE THAT CALL FROM?

15 A I WAS SITTING INSIDE MY CAR I WAS AT WORK AT THE
16 TACO BELL PARKING LOT

17 MR MURDAUGH OKAY THANK YOU, MA'AM ANSWER
18 ANY QUESTIONS HE MAY HAVE

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q GOOD MORNING, MS WASHINGTON YOU STATED YOU DID
21 MAKE THE PHONE CALL TO THE 9-1-1 DISPATCHER, IS THAT
22 CORRECT?

23 A YES

24 Q DID KIMBERLY BLATE (PHONETIC) TELL YOU TO MAKE
25 THAT CALL AS A RESULT OF HER BEING BEATEN?

1 A WHEN SHE CALLED ME, SHE TOLD ME ---

2 Q EXCUSE ME YES OR NO, COULD YOU ANSWER YES OR NO?

3 MR MURDAUGH YOUR HONOR ---

4 THE COURT HOLD ON A SECOND YOU CAN ANSWER HIS
5 QUESTION YES OR NO, AND THEN YOU CAN EXPLAIN IT IF
6 NECESSARY

7 A NO, IT WASN'T A RESULT OF HER BEING BEATEN

8 Q DID KIMBERLY BLATE (PHONETIC) TELL YOU TO MAKE
9 THAT PHONE CALL AS A RESULT OF HER BEING KIDNAPPED?

10 A NO

11 Q DID KIMBERLY BLATE (PHONETIC) TELL YOU TO MAKE
12 THAT CALL AS A RESULT OF HER BEING HELD HOSTAGE?

13 A NO, SHE DIDN'T SAY THAT

14 Q DID YOU AT ANY TIME TELL KIMBERLY BLATE (PHONETIC)
15 TO MAKE A PHONE CALL TO 9-1 (SIC) DISPATCHER OR THE
16 POLICE DEPARTMENT?

17 A NO, I DIDN'T TELL HER TO CALL, SHE TOLD ME TO
18 CALL

19 Q COULD YOU ANSWER YES OR NO, MA'AM?

20 A NO

21 Q THANK YOU DO YOU KNOW ANY REASON WHY KIMBERLY
22 BLATE (PHONETIC) DID NOT CALL 9-1-1?

23 A NO, I DON'T

24 Q DID KIMBERLY BLATE (PHONETIC) AT ANY TIME TELL YOU
25 THAT SHE WAS IN IMMINENT DANGER?

1 A NO BUT SHE WAS WHISPERING ---
2 Q COULD YOU ANSWER YES OR NO ---
3 A --- ON THE PHONE
4 THE COURT ANSWER YES OR NO
5 A NO
6 THE COURT THEN IF YOU WANT TO EXPLAIN IT, YOU
7 CAN
8 MR ALKEBULANYAHH THANK YOU
9 MR MURDAUGH YOUR HONOR, SHE ANSWERED NO AND
10 STARTED TO GIVE AN EXPLANATION I'D LIKE FOR HER TO BE
11 GIVEN THAT OPPORTUNITY
12 THE COURT DO YOU WISH TO EXPLAIN?
13 WITNESS YES, SIR
14 THE COURT GO AHEAD
15 A YOU ASKED IF SHE WAS IN IMMINENT DANGER
16 Q YES
17 A SHE DIDN'T TELL ME SHE WAS, BUT SHE WAS WHISPERING
18 ON THE PHONE, AND WE DIDN'T STAY ON THE PHONE THAT
19 LONG
20 Q BUT SHE DID NOT TELL YOU THAT SHE WAS IN IMMINENT
21 DANGER, IS THAT CORRECT?
22 A NO, SHE DIDN'T HAVE TIME TO EXPLAIN TO ME THAT SHE
23 -- IF SHE WAS OR NOT
24 Q COULD YOU ANSWER THAT YES OR NO?
25 A NO

STATE VS ALKEBULANYAHH

1 THE COURT SHE'S EXPLAINING IT GO AHEAD GO
2 AHEAD, MA'AM DO YOU WANT TO FINISH YOUR RESPONSE?

3 WITNESS I'M DONE

4 THE COURT GO AHEAD

5 Q WHEN YOU SPOKE TO KIMBERLY BLATE (PHONETIC) ON THE
6 TELEPHONE, DID YOU ASK HER WAS SHE AT HOME ALONE?

7 A NO I JUST ASKED ---

8 Q COULD YOU ANSWER YES OR NO ---

9 A -- IF HER AND THE BABY WAS OKAY

10 Q --- FOR ME PLEASE?

11 A NO I ASKED IF HER AND THE BABY WERE OKAY

12 Q ANSWER YES OR NO

13 THE COURT MR ALKEBULANYAHH

14 MR ALKEBULANYAHH YES, SIR

15 THE COURT SHE ANSWERED THE QUESTIONS SHE WAS
16 GOING RIGHT INTO AN EXPLANATION GO AHEAD AND RESTATE
17 YOUR ---

18 MR ALKEBULANYAHH BUT I THINK MY QUESTION --
19 EXCUSE ME

20 THE COURT --- ANSWER, MA'AM

21 MR ALKEBULANYAHH YOUR HONOR, MAY I?

22 THE COURT YES, SIR

23 MR ALKEBULANYAHH I THINK MY LINE OF QUESTIONING
24 SHOULD BE -- I SHOULD HAVE THE RIGHT FOR HER TO ANSWER
25 YES OR NO WITHOUT AN EXPLANATION FOR EVERY QUESTION

STATE VS ALKEBULANYAHH

1 THAT I ASK

2 THE COURT THE WITNESS HAS THE RIGHT TO EXPLAIN
3 AN ANSWER IF SHE WANTS TO QUALIFY THAT ANSWER

4 MR ALKEBULANYAHH WELL, I THINK SHE SHOULD
5 ANSWER -- I WOULD ACTUALLY REQUEST THAT SHE ANSWER MY
6 QUESTION FIRST

7 THE COURT YES, SIR

8 MR ALKEBULANYAHH THEN ADDRESS WHETHER SHE WOULD
9 LIKE TO EXPLAIN, NOT TO JUST START TO EXPLAIN

10 THE COURT MA'AM, IF YOU WILL ANSWER THE QUESTION
11 FIRST AND THEN IF YOU WOULD LIKE TO EXPLAIN, INDICATE
12 MAY I EXPLAIN FURTHER ALL RIGHT?

13 WITNESS ALL RIGHT

14 THE COURT THANK YOU GO AHEAD

15 Q DID KIMBERLY BLATE (PHONETIC) AT ANY TIME TELL YOU
16 THAT SHE COULD NOT WALK OFF OR LEAVE THAT HOME?

17 A NO

18 Q DID YOU REPORT A CRIME TO 9-1-1 DISPATCHER?

19 A NO

20 Q DID YOU REPORT OR STATE THAT THERE WAS A DOMESTIC
21 VIOLENCE AT THE 21 RILEY ROAD RESIDENCE?

22 A NO MAY I EXPLAIN?

23 THE COURT YOU MAY GO AHEAD

24 WITNESS OKAY

25 A I ASKED HER IF YOU HIT HER, AND SHE TOLD ME, YES

1 Q BUT YOU DID NOT REPORT A DOMESTIC VIOLENCE AT THAT
2 RESIDENCE, IS THAT CORRECT?

3 A CORRECT

4 Q THIS CALL YOU MADE ON JANUARY 8, 2002 TO THE 9-1-1
5 DISPATCHER, AT WHAT TIME DID YOU MAKE THAT CALL DO YOU
6 RECALL?

7 A IT WAS ABOUT 4 00 P M

8 Q AT WHAT TIME WAS THE CALL THAT YOU RECEIVED FROM
9 MS KIMBERLY BLATE (PHONETIC)?

10 A RIGHT AFTER 2 30 P M

11 Q SO ABOUT AN HOUR, HOUR AND A HALF LATER AFTER YOU
12 RECEIVE THAT CALL THAT YOU MADE THE CALL TO THE 9-1-1
13 DISPATCHER, IS THAT CORRECT?

14 A CORRECT

15 Q WHERE WERE YOU AT, YOUR EXACT LOCATION, WHEN YOU
16 MADE THE INITIAL CALL? WHAT WAS YOUR POSITION, WHERE
17 WAS YOUR EXACT LOCATION?

18 A TACO BELL PARKING LOT IN MY CAR

19 Q IN YOUR CAR IN THE TACO BELL PARKING LOT YOU HAD
20 JUST GOT OFF WORK?

21 A RIGHT

22 Q WHY DID YOU -- IS THERE A REASON WHY YOU DIDN'T
23 MAKE THE CALL IMMEDIATELY UPON RECEIVING INFORMATION
24 FROM MS BLATE (PHONETIC)?

25 A YES KIM TOLD ME TO WAIT

STATE VS ALKEBULANYAHH

- 1 Q SHE TOLD YOU TO WAIT?
- 2 A YES
- 3 Q DID YOU AT ANY TIME PRETEND TO BE KIMBERLY BLATE
- 4 (PHONETIC) WHEN YOU CALLED THE 9-1-1 DISPATCHER?
- 5 A NO
- 6 Q DO YOU REMEMBER OR DID YOU GIVE THE 9-1-1
- 7 DISPATCHER YOUR NAME WHEN YOU MADE THE CALL?
- 8 A I DON'T RECALL GIVING MY NAME
- 9 Q SO YOU WOULD AGREE THAT THAT CALL WAS PERHAPS A
- 10 ANONYMOUS CALL, IS THAT CORRECT?
- 11 A I DON'T AGREE BECAUSE I DON'T RECALL GIVING THEM
- 12 MY NAME
- 13 Q DO YOU RECALL THE DISPATCHER ASKING YOU WHO YOU
- 14 ARE?
- 15 A I DON'T REMEMBER THAT NO
- 16 Q AND YOU DON'T RECALL SAYING WHO YOU ARE?
- 17 A NO, I DON'T
- 18 Q DO YOU RECALL THE DISPATCHER ASKING YOU IS THERE A
- 19 PHONE WHERE KIMBERLY BLATE (PHONETIC) CAN BE REACHED?
- 20 A I DON'T REMEMBER THEM ASKING THAT, NO
- 21 Q DO YOU RECALL EVER GIVING THEM A NUMBER TO WHERE
- 22 KIMBERLY BLATE (PHONETIC) COULD BE REACHED?
- 23 A NO, NOT GIVING THEM A NUMBER
- 24 Q SO, BASICALLY, THE DISPATCHER HAD NO NUMBER TO
- 25 WHERE KIMBERLY BLATE (PHONETIC) COULD BE REACHED, IS

- 1 THAT CORRECT?
- 2 A CORRECT MAY I EXPLAIN?
- 3 Q YES
- 4 A I GAVE THEM THE ADDRESS, EXACTLY WHERE SHE WAS,
5 NOT A PHONE NUMBER
- 6 Q BUT WERE THERE A PHONE WHERE KIMBERLY BLATE
7 (PHONETIC) COULD BE REACHED?
- 8 A YES, SHE CALLED ME FROM THAT PHONE
- 9 Q DID YOU POSSESS THAT NUMBER?
- 10 A ON MY CELL PHONE, YES
- 11 Q BUT YOU DID NOT GIVE THAT NUMBER TO THE
12 DISPATCHER, IS THAT CORRECT?
- 13 A I DON'T RECALL GIVING THEM THAT NUMBER, NO
- 14 Q DO YOU RECALL GIVING THAT NUMBER TO DEPUTY TATE OR
15 COURSEN?
- 16 A I REMEMBER SHOWING THEM THAT KIM CALLED ME FROM
17 THAT NUMBER ON MY CELL PHONE
- 18 Q DO YOU RECALL GIVING THAT NUMBER TO DEPUTY COURSEN
19 OR TATE?
- 20 A I REMEMBER SHOWING THEM THE NUMBER THAT SHE CALLED
21 ME FROM
- 22 Q WOULD YOU ANSWER YES OR NO FOR ME, MA'AM?
- 23 MR MURDAUGH YOUR HONOR, SOME QUESTIONS ---
24 THE COURT RESTATE YOUR QUESTION
- 25 Q DO YOU RECALL GIVING THE PHONE NUMBER WHERE THE

1 LOCATION OF KIMBERLY BLATE (PHONETIC) WAS TO DEPUTY
2 COURSEN AND DEPUTY TATE?

3 A VERBALLY, NO

4 Q DO YOU RECALL EVER TELLING THE DISPATCHER THAT --
5 THAT YOU WAS NOT REPORTING A DOMESTIC DISTURBANCE?

6 A RIGHT, I REMEMBER TELLING THEM THAT

7 Q SO YOU DO REMEMBER TELLING THE 9-1-1 DISPATCHER
8 YOU WAS NOT REPORTING A DOMESTIC DISTURBANCE, CORRECT?

9 A CORRECT MAY I EXPLAIN?

10 THE COURT YES, MA'AM

11 A I CALLED THEM AND I TOLD THEM THAT YOU DID HIT
12 HER, BUT THE REASON I WAS CALLING IS FOR THE POLICE TO
13 COME PICK HER UP BECAUSE SHE DIDN'T WANT TO BE THERE

14 Q AND YOU DID CALL THEM AND TOLD THEM THAT MR
15 ALKEBULANYAHH DID HIT HER IS THAT CORRECT?

16 A CORRECT

17 Q DID YOU KNOW THAT TO BE A FACT?

18 A THAT'S WHAT KIM TOLD ME

19 Q DID ANY TIME FROM THE TIME YOU MADE THAT CALL AND
20 TOLD THE DISPATCHER THAT MR ALKEBULANYAHH HIT KIM --
21 DID ANY TIME THEREAFTER YOU FOUND OUT WHETHER THAT WAS
22 TRUE OR NOT?

23 A NO, I DIDN'T ASK KIM AGAIN WHETHER YOU HIT HER OR
24 NOT

25 Q AND TO THIS VERY DAY?

1 A RIGHT

2 Q SO UNTIL THIS VERY DAY YOU DON'T KNOW WHETHER THE
3 INFORMATION YOU GAVE TO THE 9-1-1 DISPATCHER WAS TRUE
4 OR NOT, IS THAT CORRECT?

5 A I DON'T KNOW IT TO BE A LIE EITHER, NO

6 Q BUT YOU DO NOT KNOW IT TO BE TRUE, IS THAT
7 CORRECT?

8 A CORRECT

9 Q YOU DID NOT WITNESS ANY, IS THAT CORRECT?

10 A NO, I WASN'T THERE

11 Q AND KIM DID NOT -- DID KIM EVER REPEAT TO YOU
12 AGAIN THAT SHE WAS HIT?

13 A I DON'T REMEMBER HER TELLING ME THAT AGAIN

14 Q BUT YOU DID GIVE THAT TO THE 9-1-1 DISPATCHER,
15 CORRECT?

16 A YES

17 Q DO YOU REMEMBER TELLING THE 9-1-1 DISPATCHER AFTER
18 THE 9-1 (SIC) DISPATCHER ASKED YOU DID HE HIT HER? AND
19 YOU SAYING I'M GUESSING, YES

20 A I DON'T REMEMBER

21 Q IF YOU WERE TO READ SOMETHING WITH YOUR WORDS ON
22 IT THAT'S BEEN TRANSLATED (SIC), WOULD THAT BE ABLE TO
23 REFRESH YOUR MEMORY?

24 A UH-HUH

25 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

1 THE COURT YES, SIR

2 MR ALKEBULANYAHH THIS IS THE 9-1-1 DISPATCHER
3 TRANSCRIPT, AND I'LL HAND IT TO MS WASHINGTON

4 Q THE FIRST PART IS YOUR CONVERSATION WITH THE 9-1-1
5 DISPATCHER, 1 PAGE, 2 PAGES, 3 PAGES AND ON THE
6 SECOND PAGE ---

7 THE COURT ARE YOU ASKING A QUESTION?

8 MR ALKEBULANYAHH YES, SIR

9 THE COURT WHAT IS THE QUESTION?

10 MR ALKEBULANYAHH AND THE QUESTION WAS DID
11 SHE ---

12 THE COURT ASK HER THE QUESTION

13 Q MS WASHINGTON, DID YOU TELL THE 9-1-1 DISPATCHER
14 ON JANUARY 8, 2002 WHEN THE DISPATCHER ASKED 'YOU, DID
15 HE HIT HER TODAY UNQUOTE? AND YOU STATE I'M
16 GUESSING, YES

17 A RIGHT

18 Q WOULD IT BE FAIR TO SAY THAT YOU WAS NOT CONFIDENT
19 IN THE INFORMATION THAT MS KIMBERLY BLATE (PHONETIC)
20 HAD GIVEN YOU TO WHETHER OR NOT MR ALKEBULANYAHH HAD
21 ACTUALLY HIT HER?

22 A WOULD YOU REPEAT THE QUESTION?

23 Q WOULDN'T BE ACTUALLY FAIR TO SAY THAT YOU WAS NOT
24 CONFIDENT THAT MR ALKEBULANYAHH HAD ACTUALLY HIT MS
25 BLATE (PHONETIC) AT THE TIME YOU SAID, I'M GUESSING,

1 YES WOULD THAT BE FAIR TO SAY?

2 A NO MAY I EXPLAIN? I ASKED KIM IF YOU HIT HER,
3 AND SHE SAID YES I DIDN'T ASK KIM IF YOU HIT HER
4 TODAY AND THE QUESTION THAT THE DISPATCHER ASK ME,
5 DID HE HIT HER TODAY? AND I SAID, I'M GUESSING, YES
6 BECAUSE SHE DIDN'T SAY WHETHER IT WAS TODAY OR
7 YESTERDAY

8 Q SO WHAT ARE YOU -- ARE YOU SAYING THAT THE REPORT
9 THAT YOU GAVE TO THE DISPATCHER ON 9 -- THE 9-1-1
10 REPORT, THE 9-1-1 CALL THAT YOU MADE ON JANUARY 8
11 CONCERNING A DOMESTIC DISTURBANCE OR A DISPUTE ---

12 A RIGHT

13 Q --- THE INFORMATION THAT YOU GAVE THEM WAS NOT THE
14 INFORMATION FOR THEM TO RESPOND TODAY FOR A INCIDENT
15 THAT TOOK PLACE THE DAY BEFORE, IS THAT CORRECT?

16 A I DON'T UNDERSTAND THE QUESTION

17 Q YOU SAID THAT ---

18 THE COURT ASK THE QUESTION

19 MR ALKEBULANYAHH YES SIR

20 THE COURT GO AHEAD

21 MR ALKEBULANYAHH ASK THE QUESTION?

22 THE COURT DID YOU SAY?

23 Q DID YOU SAY THAT KIMBERLY BLATE (PHONETIC) STATED
24 HE HIT HER TO THE DISPATCHER, IS THAT CORRECT?

25 A CORRECT

STATE VS ALKEBULANYAHH

1 Q AND FROM YOUR ASSUMPTION OR FROM -- IF I'M WRONG,
2 CORRECT ME -- FROM YOUR ASSUMPTION OR FROM YOU KNOWING
3 THE HIT PERHAPS MAY HAVE TOOK PLACE NOT ON JANUARY 8,
4 BUT DAYS BEFORE JANUARY 8, IS THAT CORRECT?

5 A THAT IS CORRECT MAY I EXPLAIN?

6 THE COURT YES, MA'AM

7 A WHEN SHE -- I WAS CONFIDENT, YOU KNOW, I BELIEVED
8 HER WHEN SHE TOLD ME YOU HIT HER BUT WHEN WAS NOT MY
9 CONCERN, THE FACT THAT YOU HIT HER

10 Q AND SO THEREFORE YOU GIVE THE INFORMATION TO THE
11 9-1-1 DISPATCHER OF -- OF INFORMATION THAT YOU -- BUT
12 YOU DIDN'T TELL THE 9-1-1 DISPATCHER THAT IT WAS DAYS
13 BEFORE OR YOU WAS TOLD THAT DAY, IS THAT CORRECT?

14 A RESTATE THE QUESTION

15 Q DID YOU TELL THE 9-1-1 DISPATCHER WHEN YOU RELATED
16 TO THE 9-1-1 DISPATCHER THAT MS BLATE (PHONETIC) WAS
17 BEING HIT, WAS THAT DONE DAYS BEFORE OR WAS IT DONE ON
18 THAT DAY?

19 A I TOLD THE DISPATCHER WHEN SHE ASKED ME DID YOU
20 HIT HER THAT DAY OR TODAY OR WHATEVER I TOLD HER, I'M
21 GUESSING I DIDN'T REALLY GIVE HER A TIME OF WHEN
22 BECAUSE KIM DIDN'T TELL ME WHEN

23 Q WAS YOU UNDER THE ASSUMPTION THAT KIMBERLY WAS
24 SAYING SHE HAD BEEN HIT ON JANUARY 8, 2002 WHEN YOU
25 CALLED THE 9-1-1 DISPATCHER?

- 1 A I DON'T REMEMBER IF I WAS OR NOT
- 2 Q BUT YOU WERE JUST REPORTING A CALL FOR ASSISTANCE
- 3 FROM THE LAW ENFORCEMENT, IS THAT CORRECT?
- 4 A RIGHT, I CALLED FOR THE POLICE TO COME GET HER
- 5 Q DO YOU RECALL TELLING THE 9-1-1 DISPATCHER THAT
- 6 YOU DIDN'T BELIEVE THAT MS KIMBERLY BLATE (PHONETIC)
- 7 WOULD LEAVE WITH THE POLICE?
- 8 A NO, I DON'T REMEMBER
- 9 (PAUSE)
- 10 Q MS WASHINGTON, HAVE YOU EVER WITNESSED MR
- 11 ALKEBULANYAHH HITTING OR BEATING UP MS KIMBERLY BLATE
- 12 (PHONETIC)?
- 13 A NO
- 14 (PAUSE)
- 15 Q MS WASHINGTON, WHEN YOU ARRIVED AT THE RESIDENCE
- 16 WHO WAS PRESENT WHEN YOU ARRIVED AT THE 21 RILEY ROAD
- 17 RESIDENCE?
- 18 A STANDING OUTSIDE IT WAS TWO POLICE OFFICERS AND
- 19 BRENDA AND HER LATE HUSBAND
- 20 Q MR AND MRS RILEY, YOU'RE SPEAKING OF?
- 21 A CORRECT
- 22 Q DID YOU HEAR MR AND MRS RILEY AT ANY TIME TELL
- 23 THE POLICE THAT NO ONE WAS BEING HELD HOSTAGE OR
- 24 KIDNAPPED AT THEIR HOME?
- 25 A CORRECT

- 1 Q WAS MRS RILEY UPSET BECAUSE OF THE ACCUSATIONS
2 THAT WAS BEING MADE ABOUT SOMEONE WAS BEING KIDNAPPED,
3 HELD HOSTAGE, AND MADE A PHONE CALL FROM THEIR HOME?
4 A NO MAY I EXPLAIN?
5 Q YES, MA'AM
6 A SHE DIDN'T SEEM UPSET SHE JUST SEEMED CONFUSED
7 AS TO WHY I WAS TELLING THE POLICE THAT SOMEONE ELSE
8 WAS IN HER HOUSE AND SHE CLAIMED SHE DIDN'T HAVE ANY
9 KNOWLEDGE OF IT
10 Q WOULD YOU SAY THAT SHE WAS CONFUSED BECAUSE THE
11 ACCUSATION OF A CRIMINAL ACTIVITY WAS GOING ON AT THE
12 21 RILEY ROAD AND SHE KNEW THAT THERE WAS NOTHING GOING
13 ON AND SHE WAS WONDERING WHY WERE YOU TELLING THE
14 OFFICER THAT? DID SHE EVER ASK YOU OR DID SHE EVER SAY
15 TO YOU, WHY ARE YOU TELLING THE OFFICERS THAT? WHY ARE
16 YOU SAYING THAT? DO YOU RECALL?
17 A YES, SHE DID ASK ME THAT
18 Q DO YOU RECALL WHEN YOU MADE THE SECOND CALL TO THE
19 9-1-1 DISPATCHER TELLING THE DISPATCHER THAT YOUR
20 FRIEND WAS KIND OF HELD HOSTAGE?
21 A NO, I DON'T REMEMBER THAT
22 Q IF YOU -- IF YOU SAW THE 9-1-1 DISPATCH, WOULD
23 THAT REFRESH YOUR RECOLLECTION?
24 A IT WOULD
25 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

1 THE COURT YES, SIR
2 (PAUSE)
3 Q MS WASHINGTON, DO YOU RECALL NOW ON YOUR SECOND
4 CALL TO 9-1-1 DISPATCHER TELLING THE 9-1-1 DISPATCHER
5 THAT YOUR FRIEND WAS KIND OF HELD HOSTAGE?
6 A YES MAY I EXPLAIN?
7 THE COURT YES, MA'AM
8 A THAT WAS MY REACTION AFTER I HEARD GUNSHOTS
9 Q SO AFTER THE GUNSHOTS, YOU FELT SHE WAS HOSTAGE?
10 A RIGHT
11 Q DO YOU RECALL TELLING THE 9-1-1 DISPATCHER THAT
12 YOUR FRIEND RUN OUT THE FRONT DOOR?
13 A YES, I REMEMBER TELLING THEM THAT
14 Q SO DO YOU RECALL SEEING HER YOURSELF RUN OUT THE
15 FRONT DOOR?
16 A YEAH I SAW HER MYSELF RUN OUT THE FRONT DOOR
17 Q SO WHEN YOU MADE THIS STATEMENT BECAUSE MY FRIEND
18 IS KIND OF HELD HOSTAGE, BECAUSE AFTER YOU SAY THE
19 GUNSHOT, YOU KNEW THAT SHE WASN'T IN THAT RESIDENCE, IS
20 THAT CORRECT?
21 A RIGHT
22 Q SO YOU KNEW THAT SHE WASN'T A HOSTAGE?
23 A NO I DIDN'T KNOW THAT
24 Q AFTER THE GUNSHOTS?
25 A I DIDN'T KNOW THAT

- 1 Q BUT YOU SAID A MOMENT AGO THAT ---
- 2 A THAT I SAW HER RUN OUTSIDE, YES
- 3 Q OKAY DID YOU SAY A MOMENT AGO THAT AFTER YOU
- 4 HEARD SHOTS ---
- 5 A UH-HUH
- 6 Q --- THAT'S WHEN YOU TOLD THE 9-1-1 DISPATCHER YOUR
- 7 FRIEND WAS HELD HOSTAGE?
- 8 A I SAID THAT WAS MY REACTION I KNEW MY FRIEND WAS
- 9 KIND OF HELD HOSTAGE
- 10 Q THAT WAS AFTER THE GUNSHOTS?
- 11 A RIGHT
- 12 Q BUT YOUR FRIEND WAS NOT IN THE RESIDENCE, BECAUSE
- 13 YOU SEEN YOUR FRIEND DEPART FROM THE RESIDENCE, IS THAT
- 14 CORRECT?
- 15 A CORRECT
- 16 Q BEFORE YOU MADE THAT STATEMENT TO THE 9-1-1
- 17 DISPATCHER THAT SHE WAS BEING HELD HOSTAGE, IS THAT
- 18 CORRECT?
- 19 A CORRECT MAY I EXPLAIN?
- 20 THE COURT YES, MA'AM
- 21 A BEFORE SHE RAN OUT OF THE HOUSE, I'M NOT SURE WHAT
- 22 HAPPENED BEFORE THEN BECAUSE I WASN'T THERE WELL, I
- 23 WASN'T INSIDE THE HOUSE THAT WAS JUST MY REACTION
- 24 AFTER I SEEN HER RUN OUTSIDE
- 25 Q MS WASHINGTON, DID AT ANY TIME YOU HAD THE

1 OPPORTUNITY TO SEE -- LET ME REFRAIN (SIC) THAT WHO
2 ALL DID YOU ACTUALLY SEE THAT DAY BEFORE THE SHOOTING
3 AT THE 21 RILEY ROAD RESIDENCE?

4 A THERE WERE TWO POLICE OFFICERS AND MR AND MRS
5 RILEY

6 Q AND KIMBERLY BLATE (PHONETIC) IN ADDITION, IS THAT
7 CORRECT?

8 A AFTERWARDS, YES

9 Q OKAY BUT YOU DID NOT SEE MR ALKEBULANYAHH AT
10 THAT RESIDENCE, IS THAT CORRECT?

11 A NO I DIDN'T SEE YOU THAT DAY

12 Q AND YOU DID NOT SEE THE BABY, IS THAT CORRECT?

13 A THAT'S CORRECT, I DIDN'T SEE THE BABY

14 Q DID YOU TELL THE 9-1-1 DISPATCHER THOUGH THAT
15 THERE WAS A BABY IN THE HOUSE?

16 A YES, I DID

17 Q AND BASED ON WHAT INFORMATION DID YOU TELL THE
18 9-1-1 DISPATCHER A BABY WAS IN THE HOUSE?

19 A BASED ON THE FACT THAT KIM WOULDN'T JUST LEAVE HER
20 DAUGHTER THERE WITHOUT HER BEING THERE HERSELF

21 Q ARE YOU SAYING THAT YOU WOULD REPORT SOMETHING TO
22 A 9-1-1 -- OR THE POLICE DEPARTMENT INFORMATION AND
23 HAVING NO PROOF OF HEARING OR SEEING FOR YOURSELF THAT
24 YOU WOULD MAKE A ACCUSATION TO A LAW ENFORCEMENT
25 OFFICIAL OF SOMETHING TO BE TRUE WHICH IS NOT TRUE, IS

STATE VS ALKEBULANYAHH

1 THAT CORRECT?

2 A NO, I WOULDN'T REPORT SOMETHING IF I DIDN'T THINK
3 IT WAS TRUE MAY I EXPLAIN?

4 Q YES, MA'AM

5 A WHEN KIM CALLED ME, SHE TOLD -- I ASKED IF HER AND
6 THE BABY WAS OKAY, AND SHE TOLD ME, YES SO I ASSUME,
7 HOW WOULD SHE KNOW THE BABY OKAY IF THE BABY WASN'T
8 WITH HER

9 Q AND BETWEEN THE TIME KIM CALLED YOU AND THE TIME
10 YOU ARRIVED AT THE RESIDENCE, ABOUT 2 HOURS LATER, IS
11 THAT CORRECT?

12 A ABOUT AN HOUR AND A HALF

13 Q ABOUT AN HOUR AND A HALF LATER, IS THAT CORRECT?

14 A CORRECT

15 Q AND YOU STATED TO THE DISPATCHER THAT THE BABY WAS
16 IN THE HOUSE?

17 A CORRECT

18 Q BUT, ACTUALLY, YOU ONLY TOLD THEM SOME HEARSAY OR
19 SOMETHING YOU HEARD, IS THAT CORRECT, WHEN YOU BASE
20 THAT TO BE TRUE?

21 A I TOLD THEM WHAT I THOUGHT -- WELL, WHAT I ASSUME
22 THAT THE BABY WAS THERE, CORRECT

23 Q ALL RIGHT YOU ASSUMED THAT?

24 A RIGHT

25 Q AND YOU ASSUMED IT THAT MS KIMBERLY BLATE

STATE VS ALKEBULANYAHH

1 (PHONETIC) HAD BEEN HIT, IS THAT CORRECT?

2 A CORRECT

3 Q AND YOU ASSUMED IT THAT MS KIMBERLY BLATE

4 (PHONETIC) HAD BEEN HELD HOSTAGE, CORRECT?

5 A CORRECT

6 Q MS WASHINGTON, DID YOU AT ANY TIME GIVE THE
7 POLICE OFFICER OR THE 9-1-1 DISPATCHER THE NUMBER IN
8 WHERE YOU ALLEGE MS KIMBERLY BLATE (PHONETIC) CALLED
9 YOU FROM?

10 A NOT VERBALLY, NO

11 Q DID YOU GIVE IT TO -- IN YOUR FIRST, SECOND CALL,
12 OR WHEN ON THE SCENE? I MEAN ---

13 A I ASSUME IT'S WHEN I GOT THERE SO IT WAS ON THE
14 SCENE

15 Q BUT THE 9-1-1 DISPATCHER -- YOU NEVER GIVE HER THE
16 NUMBER, IS THAT CORRECT?

17 A I DON'T REMEMBER GIVING HER THE NUMBER, NO

18 Q IF I SHOWED YOU SOMETHING THAT COULD BRING BACK
19 YOUR RECOLLECTION WOULD YOU THINK PERHAPS YOU WOULD BE
20 ABLE TO REMEMBER THAT?

21 A SURE

22 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

23 THE COURT YES, SIR

24 (PAUSE)

25 A CAN I SEE THE PAGE BEFORE THAT

1 (PAUSE)

2 A I DON'T REMEMBER THAT PART OF THE CONVERSATION
3 MR MURDAUGH AND YOU ALL ARE GOING TO HAVE TO
4 TALK LOUDER PLEASE

5 A I WAS SAYING I DON'T REMEMBER THAT PART OF THE
6 CONVERSATION WHERE I GAVE THE DISPATCHER THE HOUSE
7 PHONE NUMBER

8 Q BUT THE INFORMATION THAT YOU JUST SEEN FROM THE
9 9-1-1 DISPATCH TRANSCRIPT, THE CALL, IS A CONVERSATION
10 BETWEEN YOU AND THE DISPATCHER IS THAT CORRECT?

11 A CORRECT

12 Q AND FROM WHICH YOU VIEWED, IT STATES THAT THE
13 DISPATCHER SAY OKAY WHAT'S THE NUMBER TO THE
14 RESIDENCE AT THE 21 -- AT THE RILEY ROAD? AND YOU
15 STATED, THE NUMBER IS 525-0600 IS THAT CORRECT?

16 A CORRECT, THAT'S WHAT'S ON THERE

17 Q AS A MATTER OF FACT, IT STATES THE DISPATCHER
18 REPEATED IT A COUPLE TIMES

19 THE COURT ASK A QUESTION, COUNSEL

20 Q DID THE DISPATCHER REPEAT THE NUMBER -- ASK YOU TO
21 REPEAT THE NUMBER A COUPLE OF TIMES BEFORE -- SO THEY
22 COULD UNDERSTAND?

23 A YES

24 Q AND YOU REPEAT THE NUMBER BACK TO THE DISPATCHER,
25 IS THAT CORRECT?

1 A CORRECT

2 Q MS WASHINGTON, WHEN YOU WAS AT THE 21 RILEY ROAD
3 RESIDENCE, WHERE WAS THE POLICE CARS PARKED?

4 A I'M NOT SURE ABOUT ONE OF THEM BUT THE POLICE
5 CAR -- ONE OF THE POLICE CARS WAS PARKED LIKE BY THE
6 GATE, IN FRONT OF THE PORCH

7 Q YOU DON'T RECALL WHERE THE OTHER ONE WAS PARKED?

8 A NO

9 Q DO YOU RECALL STATING TO ANYONE THAT ONE OF THE
10 CARS WAS BLOCKING THE DRIVEWAY?

11 A I DON'T REMEMBER

12 Q IF I CAN SHOW YOU SOMETHING THAT MAY RECOLLECT --
13 RECOLLECT YOUR -- BRING BACK YOUR MEMORY, WOULD YOU ---

14 A UH-HUH

15 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

16 THE COURT YES, SIR

17 (PAUSE)

18 A WHERE IS IT?

19 Q THE WITNESS ASKED ---

20 THE COURT MA'AM, COULD YOU REPEAT YOUR
21 STATEMENT?

22 A OH, WELL, HE HAS LIKE WHAT I SAID THAT ONE'S
23 BLOCKING THE DRIVEWAY -- AND IT'S CUT OFF BUT IT
24 DOESN'T SHOW WHAT ELSE I SAID AFTER THAT

25 Q THE PART WHERE YOU WAS ASKED ABOUT WHERE IT CUT

1 OFF IN THE TRANSCRIPT -- IN THE TRANSLATION -- IN THE
2 TRANSCRIBING OF IT, THEY DIDN'T UNDERSTAND THE SECOND
3 PART, I ASSUME, FROM THE TRANSCRIBERS WHO TRANSCRIBED
4 THE TRANSCRIPT SO IT WENT TO -- THEY BROUGHT IT TO A
5 -- A ABRUPT END, ACCORDING TO THE TRANSCRIPT I DIDN'T
6 TRANSCRIBE THIS

7 BUT WAS THAT YOUR STATEMENT THAT YOU READ THAT I
8 WAS PARKED IN FRONT OF THE POLICE CAR, THAT THERE WAS
9 TWO POLICE CARS, ONE BLOCKING THE DRIVEWAY AND -- IT
10 WAS CUT OFF ABOUT THE OTHER ONE, IS THAT CORRECT?

11 A THAT WAS PART OF MY STATEMENT, RIGHT

12 Q BUT YOU DID STATE THAT ONE WAS BLOCKING THE
13 DRIVEWAY, IS THAT CORRECT?

14 A AND I SAID, OR IN -- I'M NOT SURE WHAT I SAID
15 AFTER THAT I DON'T REMEMBER

16 Q WHAT ABOUT THE OTHER CAR ARE YOU SPEAKING OF ONE
17 CAR OR ARE YOU SPEAKING OF TWO CARS THERE?

18 A I DON'T REMEMBER

19 Q WHEN YOU STATED HERE THAT ONE CAR -- ONE BLOCKING
20 THE DRIVEWAY

21 A RIGHT

22 Q WAS IT TWO CARS BLOCKING THE DRIVEWAY?

23 A NO, BECAUSE ONE WAS PARKED BY THE GATE, LIKE IN
24 FRONT OF THE PORCH

25 Q SO WOULD YOU AGREE THAT ONE WAS PARKED BY THE

1 GATE AND THE ONE YOU MENTION HERE TO THE DISPATCHER
2 IN CONVERSATION IS ONE WAS BLOCKING THE DRIVEWAY?

3 A I AGREE, ONE WAS PARKED BY THE GATE

4 Q BUT YOU DON'T AGREE THAT THE STATEMENT IN THIS
5 IS TRUE, IS THAT CORRECT? YOU'RE SAYING 9-1-1
6 DISPATCHER ---

7 A WHAT I SAID, ONE'S BLOCKING THE DRIVEWAY AND
8 THEN I SAID OR IS -- I WAS PROBABLY TRYING TO EXPLAIN,
9 YOU KNOW WHERE THE OTHER CAR WAS AND IT WAS CUT OFF,
10 SO I DON'T REMEMBER

11 (PAUSE)

12 Q MS WASHINGTON, DO YOU RECALL TELLING THE
13 DISPATCHER THAT WHEN YOU LEFT THAT RESIDENCE AT 21
14 RILEY ROAD THAT THERE WAS A GREEN PONTIAC GRAND AM AND
15 A BLACK TRUCK AT THAT RESIDENCE?

16 A NO I DON'T RECALL SAYING THAT

17 Q IF I SHOWED YOU SOMETHING MAYBE TO -- TO BRING
18 BACK YOUR RECOLLECTION ---

19 A SURE

20 Q --- YOU COULD AFFIRM WHETHER IT'S TRUE OR NOT

21 (PAUSE)

22 A I DON'T REMEMBER THAT

23 Q OKAY SO, MS WASHINGTON, AGAIN, DO YOU RECALL
24 EVER STATING THAT THERE WAS A GREEN PONTIAC GRAND AM
25 AND A BLACK TRUCK IN THE YARD AT THE 21 RILEY ROAD

1 RESIDENCE?

2 A NO, I DON'T REMEMBER

3 Q DOES THIS TRANSCRIPT OF THE 9-1-1 DISPATCH
4 STATES ---

5 MR MURDAUGH YOUR HONOR, PLEASE, THAT ISN'T A
6 PROPER QUESTION

7 THE COURT RESTATE YOUR QUESTION

8 Q WHAT YOU JUST READ, DOES IT STATES YOU STATED THAT
9 THERE WAS A GREEN PONTIAC AND A BLACK TRUCK AT THE 21
10 RILEY ROAD RESIDENCE IN THE YARD?

11 A WHAT I ---

12 MR MURDAUGH YOUR HONOR, THAT'S THE QUESTION I
13 OBJECT TO

14 THE COURT I SUSTAIN THAT OBJECTION

15 Q WHAT IS THE STATEMENT ATTRIBUTED TO YOU IN THIS
16 STATEMENT?

17 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S GOING
18 INTO THE SAME THING YOU JUST ---

19 THE COURT APPROACH THE SIDE BAR

20 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
21 OUT OF THE HEARING OF THE JURY)

22 (PAUSE)

23 Q MS WASHINGTON, ON JANUARY 8, 2002 DO YOU RECALL
24 BEING INTERVIEWED BY LIEUTENANT BUSTER EDWARDS OF THE
25 SOUTH CAROLINA LAW ENFORCEMENT DIVISION?

1 A YES

2 Q DID AT ANY TIME -- WHO ALL WAS PRESENT -- PRESENT
3 DURING THAT INTERVIEW?

4 A AS FAR AS I REMEMBER, IT WAS JUST ME WRITING MY
5 STATEMENT IN FRONT OF HIM

6 Q AND WHERE WERE YOU AT? WHERE WAS THE LOCATION AT
7 THAT YOU WAS MAKING THIS STATEMENT?

8 A THE ELEMENTARY SCHOOL RIGHT DOWN THE STREET FROM
9 RILEY ROAD

10 Q AND YOU WAS IN ONE OF THE CLASSROOMS?

11 A RIGHT

12 Q AT THE SCHOOL? WAS ANY OTHER WITNESS INVOLVED IN
13 THE INCIDENT WAS THERE WITH YOU?

14 A IN THE CLASSROOM, NO

15 Q WAS THERE ANY TIME YOU AND MS KIMBERLY -- MS
16 KIMBERLY BLATE (PHONETIC) WAS PLACED TOGETHER AT THE
17 SAME TIME AT THE ELEMENTARY SCHOOL?

18 A YES, WE WERE

19 Q AND WAS ANYBODY ELSE PRESENT -- PRESENT WHEN THE
20 TWO OF YOU WAS TOGETHER AT THAT ELEMENTARY SCHOOL?

21 A WOULD YOU RESTATE THAT QUESTION?

22 Q WAS ANYONE ELSE PRESENT DURING THE TIME THAT YOU
23 AND KIMBERLY BLATE (PHONETIC) WAS PLACED TOGETHER AT
24 THE ELEMENTARY SCHOOL -- THE ELEMENTARY SCHOOL WAS
25 WHERE THE COMMAND POST ---

STATE VS ALKEBULANYAHH

1 A RIGHT

2 Q --- WAS AT, IS THAT CORRECT, WHERE THE LAW
3 ENFORCEMENT WAS DOING INTERVIEWS AND SO FORTH WITH
4 WITNESSES AND STUFF, IS THAT CORRECT?

5 A RIGHT THERE WERE PEOPLE AROUND US, BUT WE WERE
6 IN A CLASSROOM LIKE SEPARATE FROM EVERYBODY ELSE

7 Q HAD KIMBERLY BLATE (PHONETIC) BEEN INTERVIEWED AT
8 THAT TIME?

9 A I GUESS, I'M NOT SURE

10 Q YOU'RE NOT SURE BUT YOU HAD ALREADY BEEN
11 INTERVIEWED BEFORE YOU AND KIMBERLY BLATE (PHONETIC)
12 WAS PUT TOGETHER, IS THAT CORRECT?

13 A CORRECT

14 Q AND DID YOU AND KIMBERLY BLATE (PHONETIC) HAVE THE
15 DISCUSSION ABOUT THE LAW ENFORCEMENT AND HER
16 STATEMENTS?

17 A I JUST REMEMBER ASKING HER IF SHE WAS OKAY AND
18 WHERE THE BABY WAS AT

19 Q DID KIMBERLY BLATE (PHONETIC) STATE TO YOU THAT
20 THEY WAS ASKING HER ABOUT A GUN?

21 A NO, I DON'T REMEMBER HER TELLING ME ABOUT THAT

22 Q SO AT THAT TIME AT THE ELEMENTARY SCHOOL -- DID AT
23 ANY TIME WHEN YOU SAY THE ELEMENTARY SCHOOL, DID SHE
24 MENTION ANYTHING ABOUT A GUN?

25 A I DON'T REMEMBER, NO

- 1 Q WAS A GUNSHOT RESIDUE KIT OR TEST TAKEN?
- 2 A ON ME YES
- 3 Q WAS YOUR CLOTHING CONFISCATED ALSO?
- 4 A NO
- 5 Q BUT YOU WERE AT THE 21 RILEY ROAD RESIDENCE WHEN
- 6 THE SHOOTING BEGAN, IS THAT CORRECT?
- 7 A I WAS OUTSIDE THE RESIDENCE, CORRECT
- 8 Q AND NO ONE WAS WITH YOU OUTSIDE?
- 9 A NO
- 10 Q YOU WAS ALONE?
- 11 A I WAS OUTSIDE BY MYSELF
- 12 Q IS IT TRUE OR FAIR TO SAY THAT YOU WANTED TO BE AT
- 13 THE 21 RILEY ROAD RESIDENCE WHEN THE POLICE ARRIVED SO
- 14 THAT YOU COULD CONVINCE MS BLATE (PHONETIC) TO LEAVE?
- 15 A THAT'S TRUE
- 16 Q DID YOU GIVE ANY SUBSEQUENT INTERVIEWS TO THE LAW
- 17 ENFORCEMENT DIVISION AFTER JANUARY 8, 2002?
- 18 A NO, I DON'T REMEMBER
- 19 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
- 20 QUESTIONS, BUT I WOULD LIKE TO RESERVE THE RIGHTS TO
- 21 RECALL THE WITNESS
- 22 THE COURT ANY FOLLOW-UP?
- 23 MR MURDAUGH YES, SIR, I DO
- 24 REDIRECT EXAMINATION BY MR. MURDAUGH.
- 25 Q MS WASHINGTON

1 A YES, SIR

2 Q WHAT DID KIMBERLY BLAKE TELL YOU WHEN YOU -- WHEN
3 SHE CALLED YOU AT 2 39 ON JANUARY 8, 2002?

4 A KIM TOLD ME TO HELP HER

5 Q HOW MANY TIMES DID SHE TELL YOU TO HELP HER?

6 A SHE JUST KEPT SAYING IT OVER AND OVER, AND SHE WAS
7 WHISPERING, SO I KEPT ASKING HER QUESTIONS IF SHE WAS
8 OKAY, IF THE BABY WAS OKAY I ASKED IF HE HAD HIT HER
9 OR NOT

10 Q AND DID SHE INDICATE TO YOU WHETHER OR NOT HE HAD
11 HIT HER?

12 A YES, SHE TOLD ME HE HAD

13 Q MS WASHINGTON YOU INDICATED IN RESPONSE TO A
14 QUESTION ASKED YOU BY ALKEBULANYAHH THAT YOU AFTER
15 HEARING THE GUNSHOTS YOU FELT THAT THERE WAS A HOSTAGE
16 SITUATION?

17 A CORRECT

18 Q DO YOU MEAN THAT AT THE TIME AFTER THE GUNSHOTS
19 WERE FIRED SHE WAS A HOSTAGE OR THAT MADE YOU THINK SHE
20 WAS A HOSTAGE PRIOR TO THE GUNSHOTS BEING FIRED?

21 A IT MADE ME THINK THAT SHE WAS

22 MR MURDAUGH OKAY THANK YOU I HAVE NO
23 FURTHER QUESTIONS

24 THE COURT ANYTHING ELSE?

25 MR ALKEBULANYAHH NO, SIR, NOT OTHER THAN I

STATE VS ALKEBULANYAHH

1 WOULD LIKE TO RESERVE THE RIGHT TO RECALL THE WITNESS
2 THE COURT MA'AM, YOU MAY STEP DOWN, BUT YOU ARE
3 SUBJECT TO RECALL THANK YOU VERY MUCH
4 (THE WITNESS LEAVES THE WITNESS STAND)
5 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I
6 UNDERSTAND YOUR LUNCH IS HERE WE'RE GOING TO BREAK
7 UNTIL ABOUT 1 30 ALL RIGHT? DO NOT DISCUSS THIS CASE
8 IN ANY WAY THANK YOU VERY MUCH
9 (THE JURY RETIRES TO THE JURY ROOM AT 12 50 P M)
10 MR MURDAUGH WE'RE EXCUSED?
11 THE COURT YES, SIR, UNTIL 1 30 WE'LL TAKE A
12 LITTLE SHORTER FOR LUNCH
13 (COURT IS IN RECESS FOR LUNCH)
14 THE COURT ALL READY TO PROCEED?
15 MR MURDAUGH THE STATE IS
16 THE COURT DEFENSE?
17 MR ALKEBULANYAHH YES, SIR
18 THE COURT BRING THE JURY IN PLEASE
19 (THE JURY RETURNS TO THE COURTROOM AT 1 38 P M)
20 THE COURT THANK YOU PLEASE BE SEATED
21 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
22 PROCEED AT THIS TIME
23 MR MURDAUGH KIMBERLY BLAKE
24 KIMBERLY BLAKE, BEING FIRST
25 DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q MS BLAKE, GIVE US YOUR FULL NAME PLEASE?

3 A KIMBERLY BLAKE

4 Q OKAY AND WHERE DO YOU LIVE, MS BLAKE?

5 A 20 SAW CREEK (PHONETIC) DRIVE, WEST

6 Q HOW OLD ARE YOU?

7 A 21

8 Q OKAY I ASK YOU WHETHER OR NOT ON JANUARY 8, 2002

9 YOU WERE AT SOME PLACE IN BEAUFORT COUNTY?

10 A YES

11 Q AND WHERE WERE YOU?

12 A 21 RILEY ROAD

13 Q AND WHY WERE YOU THERE?

14 A BECAUSE BEN TOOK ME THERE

15 Q NOW, BEN IS WHO?

16 A THAT GUY OVER THERE

17 Q YOU'RE POINTING TO YOUR RIGHT CAN YOU BE A

18 LITTLE MORE DESCRIPTIVE ABOUT WHO YOU'RE TALKING ABOUT?

19 A WITH THE BLUE SHIRT AND THE DREDS

20 Q BLUE SHIRT AND DREDS OKAY HOW IS IT THAT YOU

21 CAME TO BE AT 21 RILEY ROAD WITH HIM?

22 A HE TOLD ME TO COME WITH HIM AND THEN WE LEFT, WE

23 WENT TO BP

24 Q TO WHERE?

25 A TO A BP STATION, A CONVENIENCE STORE, THAT'S WHERE

STATE VS ALKEBULANYAHH

- 1 HE TOOK THE BABY AND HE WENT TO THE HOUSE
- 2 Q TO WHOSE HOUSE?
- 3 A TO 21 RILEY ROAD
- 4 Q OKAY TOOK YOU WITH HIM?
- 5 A NO
- 6 Q NOW, YOU SAY THE BABY, WHOSE BABY ARE YOU TALKING
- 7 ABOUT, MS BLAKE?
- 8 A I'M TALKING ABOUT MY BABY, KENYAH BLAKE
- 9 Q OKAY AND WHO IS THE FATHER OF THAT BABY?
- 10 A BEN
- 11 Q OKAY IS THAT ALSO KNOWN AS ALKEBULANYAHH?
- 12 A YES
- 13 Q OKAY YOU SAY HE TOOK YOUR BABY FROM THE BP
- 14 STATION WHERE -- WHERE DID HE PICK YOU ALL UP?
- 15 A HE PICKED US UP FROM 20 SAW CREEK DRIVE, WEST
- 16 Q AND THAT'S WHERE?
- 17 A WHERE I LIVE AT
- 18 Q OKAY AND TOOK YOU AND THE BABY TO A BP STATION?
- 19 A YES
- 20 Q AND THEN FROM THE BP STATION ---
- 21 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
- 22 LEADING
- 23 THE COURT REPHRASE YOUR QUESTION, COUNSEL
- 24 Q FROM THE BP STATION, WHERE DID YOU GO?
- 25 A WELL, WE SEPARATED I WENT WITH DEVON AND THEN WE

(

STATE VS ALKEBULANYAHH

- 1 -- ME AND DEVON END UP BACK AT RILEY ROAD
- 2 Q OKAY SO HE TOOK THE BABY AND WENT ---
- 3 A TO RILEY ROAD
- 4 Q THERE?
- 5 A YES
- 6 Q YOU WENT WITH DEVON AND ENDED UP AT RILEY ROAD?
- 7 A YES
- 8 Q WHEN WAS THAT?
- 9 A THAT WAS JANUARY 4
- 10 Q JANUARY 4 OKAY AND DID YOU STAY AT RILEY ROAD
- 11 FROM THEN UNTIL ---
- 12 A THE 8TH
- 13 Q --- ANY TIME? MA'AM?
- 14 A I STAYED THERE FROM JANUARY 4 TO JANUARY 8
- 15 Q OKAY MA'AM, WHY DID YOU STAY THERE?
- 16 A BECAUSE I WAS AFRAID TO LEAVE
- 17 Q WHY WERE YOU AFRAID TO LEAVE?
- 18 A BECAUSE HIS SISTER ---
- 19 Q DON'T DON'T DON'T TELL ME WHAT HIS SISTER TOLD
- 20 YOU
- 21 A I WAS AFRAID TO LEAVE BECAUSE I DIDN'T KNOW WHAT
- 22 HE WOULD DO TO ME I WAS AFRAID OF HIM
- 23 Q OKAY DID ON JANUARY 8 YOU CALL ANYBODY?
- 24 A NOT THAT I CAN REMEMBER
- 25 Q DID YOU ---

- 1 A ON JANUARY 8 EXCUSE ME
- 2 Q YES, ON JANUARY 8?
- 3 A YES, I CALLED STRAWBERRY
- 4 Q OKAY AND WHAT DID YOU TELL STRAWBERRY?
- 5 A I TOLD HER TO DO WHAT SHE SAID SHE WAS GOING TO
- 6 DO
- 7 Q AND WHAT WAS THAT?
- 8 A CALL THE POLICE
- 9 Q OKAY DID YOU -- DID SHE INQUIRE WHY YOU WANTED
- 10 HER TO DO THAT?
- 11 A NO SHE ALREADY KNOW WHY
- 12 Q OKAY DID YOU -- WERE YOU ASKED WHETHER OR NOT
- 13 ANY INJURIES HAD BEEN INFLICTED ON YOU?
- 14 A YES
- 15 Q AND WHAT WAS YOUR ANSWER?
- 16 A I TOLD HER, YES, HE PULLED MY HAIR
- 17 Q OKAY DID YOU TELL HER THAT HE HAD HIT YOU?
- 18 MR ALKEBULANYAHH LEADING, YOUR HONOR
- 19 THE COURT REPHRASE YOUR QUESTION SUSTAINED
- 20 Q DID YOU TELL HER ANYTHING OTHER THAN HE PULLED MY
- 21 HAIR?
- 22 A NO
- 23 Q OKAY DID AT SOME POINT THAT AFTERNOON ANYBODY
- 24 ELSE COME TO RILEY ROAD?
- 25 A AT WHAT POINT?

- 1 Q LATE IN THE AFTERNOON, MIDDLE OF THE AFTERNOON?
- 2 A BEN CAME BACK TO RILEY ROAD
- 3 Q OKAY WHAT TIME DID HE COME BACK?
- 4 A I CAN'T QUITE REMEMBER IT WAS STILL DAYTIME
- 5 Q OKAY DID ANYBODY -- DID ANYBODY ELSE COME THERE
- 6 THAT DAY?
- 7 A NO
- 8 Q NOBODY ELSE CAME THERE ON JANUARY 8?
- 9 A BESIDES THE POLICE
- 10 Q OKAY TELL ME ABOUT THAT PLEASE?
- 11 A OKAY
- 12 Q AT THE TIME THE POLICE -- DID THE POLICE COME
- 13 THERE?
- 14 A UH-HUH
- 15 Q OKAY AT THE TIME THEY CAME THERE WHO WAS
- 16 PRESENT IN THAT TRAILER?
- 17 A ME, BEN, MY BABY KENYAH, MS BRENDA, AND ISAAC
- 18 Q MS BRENDA?
- 19 A SMITH AND ISAAC
- 20 Q OKAY SO THERE WERE FIVE OF YOU THERE?
- 21 A YES
- 22 Q OKAY TELL ME WHAT TRANSPIRED WHEN THE POLICE GOT
- 23 THERE? TELL ME WHAT HAPPENED WHEN THE POLICE GOT
- 24 THERE?
- 25 A WHEN THE POLICE GOT THERE, BEN TOLD ME THAT THE

1 POLICE WAS THERE AND THEN I REMEMBER HIM TELLING ME
2 TO RUN OUT THE BACK DOOR INTO THE FIELD WITH THE BABY
3 OR WHATEVER

4 AND THEN I TOLD HIM, NO, BECAUSE I WAS AFRAID
5 SO HE WAS LIKE, HE'S NOT GOING BACK TO JAIL
6 I SAID, I'M NOT GOING TO JAIL EITHER
7 SO AFTER THAT, HE GOT THE GUN AND HE WENT INTO THE
8 CLOSET

9 Q LET ME ASK YOU THIS DID YOU HEAR ANYTHING THAT
10 THE OFFICERS SAID?

11 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
12 LEADING

13 THE COURT NO I'LL ALLOW THAT GO AHEAD

14 Q DID YOU HEAR ANYTHING THAT THE OFFICERS SAID?

15 A YES

16 Q WHAT DID YOU HEAR THEM SAY?

17 A THEY ASKED COULD THEY COME IN

18 Q AND WHO DID THEY ASK?

19 A BRENDA

20 Q AND WHAT DID SHE REPLY TO THEM?

21 A YES

22 Q OKAY AND DID THEY COME IN?

23 A YES

24 Q OKAY WHEN THEY CAME IN, WHAT THEN HAPPENED?

25 A WHEN THEY CAME IN, MS BRENDA KNOCKED TO THE DOOR

STATE VS ALKEBULANYAHH

1 BEN WAS ALREADY IN THE CLOSET WITH THE GUN AND WHEN
2 MS BRENDA KNOCKED TO THE DOOR, I SAID, I'M COMING AS
3 SOON AS I CAN OPEN THIS DOOR I LOOKED AT HIM, HE GAVE
4 ME THE OKAY TO GO OUT
5 Q WHO?
6 A BEN, YES
7 Q OKAY
8 A AND THEN I WENT OUT AND THEN THE POLICE OFFICER
9 ASKED ME, HE SAID, IS YOUR NAME KIMBERLY BLAKE?
10 AND I SAID, YES
11 AND HE SAID TO MS BRENDA, I THOUGHT YOU SAID NO
12 ONE WAS IN HERE BUT A BABY AND I HAD THE BABY IN MY
13 HANDS SO I GAVE THE BABY TO MS BRENDA -- OR WHATEVER
14 THEY ASKED COULD THEY SEARCH THE ROOM
15 AND ME AND MS BRENDA SAID YES
16 SO MS BRENDA TOLD ME THAT I NEEDED TO GO OUTSIDE
17 AND TALK TO THE POLICE OFFICERS SO I WAS WALKING
18 OUTSIDE, AND THAT'S WHEN I HEARD GUNSHOTS
19 Q OKAY NOW, LET'S BACK UP JUST A LITTLE BIT WHEN
20 THE POLICE OFFICERS GOT THERE, DID BEN OR MR
21 ALKEBULANYAHH SAY ANYTHING TO YOU?
22 A YES
23 Q WHAT DID HE SAY TO YOU?
24 A HE TOLD ME TO GO OUTSIDE TO THE -- OH, HE ALSO
25 TOLD ME TO TELL THEM THAT MY NAME IS MARIA

STATE VS ALKEBULANYAHH

1 Q OKAY WHAT ELSE DID HE TELL YOU?
2 A TO GO OUTSIDE TO THE FIELD WITH THE BABY
3 Q AND YOU TOLD HIM WHAT?
4 A I TOLD HIM, NO, BECAUSE I AFRAID
5 Q DID HE SAY ANYTHING ELSE TO YOU?
6 A NOT THAT I CAN REMEMBER
7 Q DID HE LOOK OUT OF THE WINDOWS?
8 A YES
9 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
10 LEADING
11 THE COURT I SUSTAIN THAT OBJECTION
12 Q DID HE LOOK ANYWHERE?
13 A YES
14 Q WHERE?
15 A OUT THE WINDOW
16 Q WHEN HE LOOKED OUT THE WINDOW, DID HE SAY
17 ANYTHING?
18 A NO, NOT ---
19 MR ALKEBULANYAHH OBJECTION ---
20 A --- THAT I CAN REMEMBER
21 MR ALKEBULANYAHH --- YOUR HONOR
22 THE COURT I'LL ALLOW THAT QUESTION GO AHEAD
23 Q WHEN THE OFFICERS KNOCKED AT THE DOOR, WHAT WAS HE
24 DOING?
25 A HE HAD THE GUN

- 1 Q WHAT GUN?
- 2 A A LONG ONE
- 3 Q WHERE DID HE GET IT FROM?
- 4 A FROM ABOVE THE COT
- 5 Q FROM ABOVE THE COT?
- 6 A YES
- 7 Q OKAY AND HE HAD THE GUN AND WHAT?
- 8 A THAT'S ALL I CAN REMEMBER HIM HAVING
- 9 Q WHAT WAS -- WHAT DID HE DO WHEN HE GOT THE GUN?
- 10 A HE WENT INTO THE CLOSET
- 11 Q INTO THE CLOSET?
- 12 A YES
- 13 Q OKAY THE CLOSET THAT YOU ARE TALKING ABOUT, IF
- 14 YOU ARE STANDING AT THE ENTRANCE DOOR TO THAT ROOM, CAN
- 15 YOU DESCRIBE WHERE THE CLOSET IS LOCATED?
- 16 A THE CLOSET WOULD BE ON THE RIGHT SIDE
- 17 Q OKAY AND HOW FAR FROM THE DOORWAY WOULD IT BE ON
- 18 THE RIGHT SIDE, IF YOU KNOW?
- 19 A I HAVE NO IDEA
- 20 Q OKAY HE WENT INTO THE CLOSET AND THEN WHAT
- 21 HAPPENED?
- 22 A MS BRENDA KNOCKED ON THE DOOR, AND I SAID THAT
- 23 I'M COMING AS SOON AS I COULD GET THIS DOOR OPEN HE
- 24 GAVE ME THE OKAY TO GO OUT THE DOOR
- 25 Q OKAY SO YOU WENT OUT THE DOOR?

- 1 A YES
- 2 Q WHAT HAPPENED NEXT?
- 3 A THE POLICE OFFICER ASKED ME WAS MY NAME KIMBERLY
- 4 BLAKE
- 5 Q YES, MA'AM WHAT HAPPENED AFTER THAT?
- 6 A I SAID, YES
- 7 AND HE SAID, I THOUGHT NO ONE WAS IN HERE BUT A
- 8 BABY AND THEN HE ASKED COULD HE SEARCH THE ROOM
- 9 Q ASKED WHO?
- 10 A ME AND MS BRENDA
- 11 Q AND WHAT DID YOU AND MS BRENDA SAY?
- 12 A YES
- 13 Q OKAY AND WHAT DID YOU THEN DO?
- 14 A MS BRENDA TOLD ME I NEEDED TO GO OUTSIDE AND TALK
- 15 TO THEM SO I WAS ON MY WAY OUTSIDE MS BRENDA WAS
- 16 STANDING THERE WITH THE BABY IN HER HAND
- 17 Q WHAT HAPPENED THEN?
- 18 A I HEARD GUNSHOTS
- 19 Q OKAY WHAT DID YOU DO?
- 20 A I RAN
- 21 Q OKAY WHERE DID YOU RUN TO?
- 22 A I RAN TO THE POLICE CAR THAT WAS FACING THE ROAD,
- 23 AND I DUCKED
- 24 Q OKAY AND DID YOU STAY THERE OR DID YOU GO
- 25 SOMEWHERE ELSE?

1 A THEN I RAN FURTHER UP THE ROAD AFTER I HEARD MORE
2 GUNSHOTS AND I RAN TO MY COUSIN HOUSE, AND I WENT IN
3 HER BACK YARD

4 Q WAS YOUR COUSIN THERE?

5 A NO

6 Q OKAY WHAT HAPPENED THEN? THE NEXT THING THAT
7 HAPPENED?

8 A THEN BEN CAME RUNNING THROUGH THE WOODS AND HE
9 TOLD ME TO COME WITH HIM

10 Q OKAY DID HE HAVE ANYTHING IN HIS HANDS AT THE
11 TIME HE CAME RUNNING THROUGH THE WOODS AND TOLD YOU TO
12 COME WITH HIM?

13 A YES

14 Q WHAT?

15 A THE GUN

16 Q OKAY I'M GOING TO SHOW YOU AN ITEM AND ASK IF
17 YOU CAN IDENTIFY THIS PLEASE

18 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
19 THE COURT YES, SIR

20 MR ALKEBULANYAHH OBJECTION TO THE ITEM THAT
21 HE'S PULLING OUT

22 THE COURT COME TO THE SIDE BAR

23 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
24 OUT OF THE HEARING OF THE JURY)

25 THE COURT OVERRULED

STATE VS ALKEBULANYAHH

1 Q MS BLAKE, I SHOW YOU AN ITEM AND ASK YOU IF YOU
2 CAN IDENTIFY THAT?
3 A YES
4 Q MA'AM?
5 A YES
6 Q WHAT IS THAT?
7 A A GUN
8 Q HAVE YOU EVER SEEN THIS GUN BEFORE?
9 A YES
10 Q WHERE DID YOU SEE IT?
11 A WHEN BEN HAD IT IN THE CLOSET
12 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
13 OFFER IT AS AN EXHIBIT
14 THE COURT ALL RIGHT ANY OBJECTION?
15 MR ALKEBULANYAHH YES, SIR
16 THE COURT OVERRULED STATE'S 11 IN EVIDENCE
17 OVER THE DEFENDANT'S OBJECTION
18 (GUN MARKED IN EVIDENCE AS STATE'S EXHIBIT NO
19 11)
20 Q WHEN HE -- YOU AND HE GOT TOGETHER LIKE YOU'VE
21 TESTIFIED, WHERE DID YOU ALL THEN GO?
22 A EXCUSE ME?
23 Q AFTER YOU HAD LEFT THE TRAILER AND HAD GONE TO
24 YOUR COUSIN'S HOUSE?
25 A YES

STATE VS ALKEBULANYAHH

- 1 Q YOU THEN MET UP WITH BEN?
- 2 A YES
- 3 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
- 4 LEADING
- 5 THE COURT THAT IS A LEADING QUESTION GO AHEAD
- 6 RESTATE THE QUESTION
- 7 Q TELL ME WHAT YOU SAID ABOUT AFTER GETTING TO YOUR
- 8 COUSIN'S HOUSE?
- 9 A EXCUSE ME?
- 10 Q AFTER YOU HAD GOTTEN TO YOUR COUSIN'S HOUSE, DID
- 11 YOU SEE ANYBODY?
- 12 A YES
- 13 Q WHO?
- 14 A BEN
- 15 Q AND BEN IS?
- 16 A ABDIYYAH BEN
- 17 Q OKAY AND HE HAD -- WHAT DID HE HAVE IN HIS
- 18 HANDS?
- 19 A A GUN
- 20 Q IS IT THAT GUN?
- 21 A YES
- 22 Q OKAY WHERE DID YOU ALL THEN GO?
- 23 A INTO THE WOODS AND THEN INTO THE MARSH ACROSS THE
- 24 ROAD
- 25 Q AND WHILE ACROSS THE ROAD, DID YOU SEE ANYBODY

STATE VS ALKEBULANYAHH

1 WHILE YOU ALL WERE GOING?

2 A NO

3 Q NEVER SAW ANYBODY?

4 A YES, AFTER WE HAD ---

5 MR ALKEBULANYAHH OBJECTION YOUR HONOR,
6 LEADING

7 THE COURT YES, SIR

8 MR ALKEBULANYAHH HE'S LEADING THE WITNESS YOUR
9 HONOR

10 THE COURT TO SAY YOU NEVER SAW ANYONE IS A
11 LEADING QUESTION GO AHEAD DID YOU SEE ANYONE?

12 Q DID YOU SEE ANYBODY AFTER YOU ALL WENT INTO THE
13 WOODS?

14 A YES

15 Q OKAY AND WHO DID YOU -- WHERE DID YOU SEE HIM?

16 A I SEEN THEM STANDING UP LIKE STANDING ON THEIR
17 BANK SHORE

18 Q OKAY TELL US IN YOUR OWN WORDS WHAT -- WHEN YOU
19 SAW THEM, WHAT WERE YOU ALL DOING AND WHAT HAPPENED?

20 A WE WERE IN THE MARSH WHEN WE SEEN THEM

21 THEY SAY, HEY, WHAT ARE YOU ALL DOING DOWN THERE?

22 AND I DON'T REMEMBER US SAYING ANYTHING, WHATEVER
23 I REMEMBER BEN ASKING WHICH WAY COULD HE GO?

24 AND HE POINT BACK DOWN INTO THE MARSH THE MAN
25 POINT BACK DOWN INTO THE MARSH

1 AND I TOLD HIM THAT I COULDN'T GO ANY MORE
2 AND BEN TOLD ME TO TURN AROUND
3 Q OKAY AT THAT POINT DID HE STILL HAVE THE GUN?
4 A YES, HE DID
5 Q OKAY WHAT DID YOU DO?
6 A I WENT BACK TO THE HEAD OF RILEY ROAD
7 Q WHAT DID YOU THEN DO?
8 A I TURNED AROUND AND I WENT BACK TO RILEY ROAD TO
9 THE POLICE OFFICERS
10 Q WENT TO THE POLICE OFFICERS?
11 A YES
12 Q WHY DID YOU GO TO THE POLICE OFFICERS?
13 A TO LET THEM KNOW THAT I KNOW WHAT HAPPENED AND
14 THAT I WAS IN THAT HOUSE TOO
15 Q OKAY DID YOU TELL THEM WHAT HAD HAPPENED?
16 A YES
17 Q OKAY NOW, I SHOW YOU STATE'S EXHIBIT NO 10
18 AND -- I THINK STATE'S EXHIBIT NO 10, WHICH IS A MAP,
19 AND ASK YOU IF YOU CAN INDICATE TO ME ON THIS -- DO YOU
20 RECOGNIZE THIS?
21 A YES
22 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
23 THE COURT YES, SIR
24 MR ALKEBULANYAHH THANK YOU
25 THE COURT OKAY THAT'S FINE I'M SORRY

STATE VS ALKEBULANYAHH

1 NOW HOW IS THE JURY SUPPOSED TO SEE THAT?
2 MR MURDAUGH I'M GOING TO ASK HER SOME QUESTIONS
3 FIRST
4 THE COURT OKAY
5 Q DO YOU RECOGNIZE THIS?
6 A YES
7 Q AND WHAT IS THIS, MA'AM?
8 A THIS IS A MAP OF BEAUFORT
9 Q OKAY DOES IT SHOW 21 RILEY ROAD?
10 A YES
11 Q DO YOU KNOW WHERE IT IS ON THERE?
12 A YES, I DO
13 Q OKAY AND WILL YOU POINT OUT TO ME WHERE IT IS?
14 A RIGHT HERE RIGHT HERE
15 Q OKAY CAN YOU POINT OUT TO ME THE TRAILER ON 21
16 -- 21 RILEY ROAD, THE TRAILER?
17 A RIGHT THERE
18 Q RIGHT HERE?
19 A YES
20 Q MA'AM?
21 A YES
22 Q OKAY CAN YOU ALSO SHOW ME WHERE YOU ALL WENT
23 WHEN YOU LEFT 21 RILEY ROAD WITH YOUR FINGER?
24 A WE WENT UP THROUGH THE WOODS RIGHT HERE, WENT
25 THROUGH THIS AREA UP HERE AND WE ENDED UP IN THE

1 MARSH

2 Q OKAY WHERE DID YOU SEE THE PEOPLE?

3 A UP ON THE RIVER BANK

4 MR MURDAUGH OKAY MAY I -- YOUR HONOR, PLEASE,
5 I WOULD LIKE TO TAKE HER DOWN

6 THE COURT ALL RIGHT GO AHEAD

7 Q IF YOU WILL, COME DOWN HERE PLEASE, MA'AM

8 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

9 MR MURDAUGH MAY I DO IT ON EACH END OF THE ---

10 THE COURT NO I'D RATHER YOU JUST DO IT ONE
11 TIME IN THE MIDDLE, YOU'RE JUST REPEATING THE TESTIMONY
12 THAT WAY, SIR

13 MR MURDAUGH OKAY, SIR

14 Q PLEASE, MA'AM, SPEAK LOUDLY ENOUGH SO EVERYBODY
15 CAN HEAR YOU, PARTICULARLY THAT COURT REPORTER NOW
16 TALK LOUD FOR ME

17 INDICATE ON THIS MAP WHERE 21 RILEY ROAD IS?

18 A RIGHT HERE THIS IS THE ROAD

19 Q OKAY MA'AM, WHERE IS RILEY ROAD, THE TRAILER
20 YOU'RE TALKING ABOUT THAT THIS INCIDENT TOOK PLACE AT?

21 A RIGHT HERE

22 Q PUT YOUR FINGER ON IT PLEASE, MA'AM?

23 A RIGHT HERE

24 Q OKAY INDICATE TO THE MEMBERS OF THE JURY THE
25 DIRECTION YOU ALL WENT WHEN YOU LEFT 21 RILEY ROAD?

- 1 A THE NUMBERS?
- 2 Q NO, MA'AM
- 3 A WE JUST WENT STRAIGHT UP ---
- 4 Q YOU'RE GOING TO HAVE TO BACK AROUND SO THE JURORS
- 5 CAN SEE NOW DON'T GET BETWEEN THERE JUST POINT OUT
- 6 TO ME WHERE YOU WENT?
- 7 A WE WENT UP TO THIS AREA UP IN HERE TO THE MARSH
- 8 AREA
- 9 Q OKAY SHOW ME THE PLACE THAT YOU SAID YOU SAW THE
- 10 PEOPLE?
- 11 A UP IN THIS AREA ALONG THE MARSH
- 12 Q OKAY AND YOU -- AT WHAT POINT -- WHERE DID YOU
- 13 TURN BACK?
- 14 A I TURNED BACK UP IN THIS AREA, AND WENT DOWN THIS
- 15 ROAD AND END UP ON RILEY ROAD
- 16 Q OKAY IN WHICH DIRECTION DID ALKEBULANYAHH GO?
- 17 A HE WENT BACK DOWN INTO THE MARSH
- 18 Q WHERE? SHOW ME WHAT YOU'RE TALKING ABOUT?
- 19 A BACK DOWN INTO THE MARSH
- 20 Q OKAY DO YOU KNOW WHICH DIRECTION HE WENT IN
- 21 AFTER HE WENT INTO THE MARSH?
- 22 A NO
- 23 Q OKAY THANK YOU GO HAVE A SEAT BACK UP THERE
- 24 (THE WITNESS RETURNS TO THE WITNESS STAND)
- 25 Q WHEN HE CAME AND GOT WITH YOU AT YOUR COUSIN'S

1 HOUSE ---

2 A YES

3 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
4 LEADING

5 THE COURT STATE YOUR QUESTION

6 Q AS YOU TESTIFIED WHEN HE GOT WITH YOU AT YOUR
7 COUSIN'S HOUSE, DID HE SAY ANYTHING TO YOU?

8 THE COURT THAT'S FINE GO AHEAD

9 A HE ALSO TOLD ME THAT I JUST KILLED THOSE TWO WHITE
10 BITCHES AND I'M GOING TO SAY THAT IT WAS SELF-DEFENSE

11 Q OKAY WAS THERE ANYBODY AT 22 (SIC) RILEY ROAD
12 BESIDE YOU, ISAAC RILEY, BRENDA SMITH, ALKEBULANYAHH,
13 AND YOUR BABY WHEN THE TWO POLICEMEN ARRIVED?

14 A THERE WAS NO ONE ELSE THERE BUT US

15 Q OKAY AT SOME POINT ALONG THE PATH THAT YOU ALL
16 TOOK FROM 21 RILEY ROAD TO THE PLACE WHERE YOU SAW THE
17 PEOPLE ---

18 A YES

19 Q --- DID YOU SEE HIM WITH ANY OTHER THING OTHER
20 THAN THE GUN -- DOING ANYTHING?

21 A YES

22 Q WHAT DID YOU SEE?

23 A I SEEN HIM WITH SOME LITTLE SIDE THING I THINK
24 IT WOULD HOLD THE BULLETS OR WHATEVER

25 Q AND WHAT WAS HE DOING WITH THAT?

STATE VS ALKEBULANYAHH

1 A HE PUT IT IN THE GUN
2 Q OKAY LET ME SHOW YOU SOMETHING AND ASK IF YOU
3 CAN IDENTIFY IT OR NOT
4 A YES, THAT WAS IT
5 Q THAT WAS IT WHAT DO YOU MEAN?
6 A THAT'S WHAT I SEEN HIM WITH
7 MR MURDAUGH YOUR HONOR, PLEASE, I ASK THAT THIS
8 BE MARKED FOR I D
9 THE COURT ALL RIGHT JUST FOR IDENTIFICATION
10 PURPOSES ONLY AT THIS TIME, STATE'S 12 FOR I D
11 (MAGAZINE CLIP MARKED FOR IDENTIFICATION AS
12 STATE'S EXHIBIT NO 12)
13 MR MURDAUGH THANK YOU PLEASE ANSWER ANY
14 QUESTIONS HE MAY HAVE OF YOU
15 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
16 Q MS BLATE (PHONETIC), ON JANUARY -- ON JANUARY 8,
17 2002 YOU WAS AT THE 21 RILEY ROAD RESIDENCE, IS THAT
18 CORRECT?
19 A YES
20 Q WAS YOU TAKEN TO THE 21 RILEY ROAD RESIDENCE BY
21 FORCE?
22 A NO
23 Q WAS YOU TAKEN HOSTAGE AT THE 21 RILEY ROAD?
24 A WHEN I WAS AT 21 RILEY ROAD?
25 Q COULD YOU ANSWER YES OR NO, MA'AM, PLEASE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE I THINK SHE
2 NEEDS TO KNOW THAT SHE CAN EXPLAIN AFTER SHE HAS
3 ANSWERED

4 THE COURT YES, MA'AM, YOU CAN ANSWER THE
5 QUESTION THEN IF YOU NEED TO EXPLAIN, YOU CAN ASK
6 YOUR QUESTION

7 MR ALKEBULANYAHH YES, SIR

8 Q WERE YOU TAKEN HOSTAGE AT THE 21 RILEY ROAD
9 RESIDENCE?

10 A NO BUT I WAS AFRAID TO LEAVE 21 RILEY ROAD

11 Q WERE YOU KIDNAPPED AT THE 21 RILEY ROAD RESIDENCE?

12 A WHAT DO YOU MEAN -- WHEN YOU SAY KIDNAPPED, YOU
13 TALKING ABOUT LIKE WHAT?

14 Q KIDNAPPED

15 A NO

16 Q ON JANUARY 8 WERE YOU BEATEN OR HIT AT THE 21
17 RILEY ROAD RESIDENCE?

18 A I WASN'T BEATEN OR HIT, BUT YOU PULLED ME BY MY
19 HAIR

20 Q DID THAT HAPPEN ON JANUARY 8?

21 A IT HAPPENED JANUARY 7

22 Q I ASK YOU AGAIN ---

23 A NO

24 Q --- ON JANUARY 8 WAS YOU HIT OR YOUR HAIR PULLED
25 OR ASSAULTED OR BEATEN ON JANUARY 8 AT THE 21 RILEY

STATE VS ALKEBULANYAHH

1 ROAD RESIDENCE?
2 A NO
3 Q MS BLATE (PHONETIC) ---
4 A MS BLAKE
5 Q I'M SORRY I WAS GOING TO ASK YOU A QUESTION
6 YOU ARE MS BLATE (PHONETIC)?
7 A BLAKE
8 Q BLAKE?
9 A YES
10 Q HOW DID YOU ARRIVE AT THE 21 RILEY ROAD RESIDENCE?
11 A WITH DEVON
12 Q WITH DEVON AND WHO IS DEVON?
13 A YOUR FRIEND
14 Q AND DID DEVON MAKE YOU COME TO THE 21 RILEY ROAD
15 RESIDENCE?
16 A NO, HE DID NOT MAKE ME, BUT I CAME THERE BECAUSE I
17 HAD MY DAUGHTER THERE
18 Q JUST ANSWER YES OR NO, MA'AM, PLEASE
19 THE COURT MA'AM, IF YOU WILL ANSWER HIS QUESTION
20 FIRST, AND THEN EXPLAIN IT
21 A NO
22 Q DID DEVON FORCE YOU TO 21 RILEY ROAD RESIDENCE?
23 A NO
24 Q DID HE THREATEN YOU TO COME TO THE 21 RILEY ROAD
25 RESIDENCE?

1 A NO

2 Q DID DEVON HIT OR ASSAULT YOU?

3 A NO

4 Q MS BLATE (PHONETIC), DID YOU EVER AT ANY TIME

5 TELL THE LAW ENFORCEMENT OFFICIALS THAT MR

6 ALKEBULANYAHH DID NOT POSSESS OR OWN OR HAVE A WEAPON?

7 A I DON'T REMEMBER

8 (PAUSE)

9 Q YOU DID NOT TELL ---

10 A NO, I DIDN'T SAY I DID NOT TELL I SAID ---

11 Q LET ME FINISH ---

12 A --- I DO NOT REMEMBER

13 Q --- MY QUESTION

14 THE COURT HOLD ON A SECOND, MA'AM LET'S HEAR

15 THE QUESTION FIRST GO AHEAD

16 Q YOU DID NOT TELL THE CHIEF INVESTIGATOR OF THE

17 SOUTH CAROLINA LAW ENFORCEMENT DIVISION, MR TRAVIS

18 AVANT, THAT MR ALKEBULANYAHH DID NOT POSSESS A GUN?

19 A I DON'T REMEMBER

20 Q YOU DID NOT TELL LIEUTENANT BROMAGE OF THE

21 BEAUFORT COUNTY SHERIFF'S DEPARTMENT THAT MR

22 ALKEBULANYAHH DID NOT POSSESS A GUN?

23 A I DO NOT REMEMBER

24 Q YOU DID NOT TELL DEPUTY SANKOWSKI, INVESTIGATOR

25 FOR THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT, HE DID

STATE VS ALKEBULANYAHH

1 NOT HAVE A GUN?

2 A I DO NOT REMEMBER

3 Q YOU DID NOT TELL DEPUTY SHERIFF INVESTIGATOR OF
4 THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT, MS WILSON,
5 HE DID NOT HAVE A GUN?

6 A I DON'T EVEN KNOW WHO THAT IS

7 Q IF I SHOWED YOU A DOCUMENT, WOULD IT POSSIBLE BE
8 ABLE TO BRING BACK YOUR RECOLLECTION?

9 A YES

10 (PAUSE)

11 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

12 THE COURT YES, SIR

13 (PAUSE)

14 THE COURT JUST HAND HER THE DOCUMENT YOU CAN
15 STEP TO THIS LECTERN AND ASK QUESTIONS PLEASE, SO WE
16 CAN KEEP IT ALL -- WE CAN ALL HEAR EVERYTHING GO TO
17 THE LECTERN PLEASE, SO YOU CAN TALK INTO THE MIKE
18 THANK YOU AND IF THE STATE WOULD FOLLOW THAT SAME
19 PROCEDURE, THANK YOU

20 A NO, I DON'T REMEMBER THIS

21 Q DID THAT DEPUTY REPORT THAT YOU TOLD HER OR
22 THAT ---

23 MR MURDAUGH YOUR HONOR ---

24 Q --- DEPUTY THAT HE DID NOT HAVE A GUN?

25 MR MURDAUGH --- I OBJECT, SIR

STATE VS ALKEBULANYAHH

1 THE COURT I SUSTAIN THAT OBJECTION SHE'S NOT
2 FAMILIAR WITH THAT DOCUMENT SHE CAN'T TESTIFY ABOUT
3 THAT DOCUMENT

4 (PAUSE)

5 MR ALKEBULANYAHH ' MAY I APPROACH, YOUR HONOR
6 THE COURT YES, SIR

7 A OKAY WHAT ARE YOU ASKING ME?

8 Q DO YOU RECALL MAKING THAT STATEMENT TO LIEUTENANT
9 BROMAGE?

10 MR MURDAUGH WHAT STATEMENT, MAY I INQUIRE?

11 THE COURT ASK HER FIRST IF SHE CAN IDENTIFY IT
12 IF SHE REMEMBERS THIS DOCUMENT?

13 Q DO YOU REMEMBER THAT DOCUMENT?

14 A NO

15 Q DO YOU REMEMBER THAT INTERVIEW?

16 A NO

17 THE COURT YOU MAY ALSO ASK HER IF SHE MADE A
18 STATEMENT TO ANYONE?

19 MR ALKEBULANYAHH SIR?

20 THE COURT YOU MAY ASK HER IF SHE MADE A
21 STATEMENT TO ANYONE

22 Q DID YOU MAKE A STATEMENT TO ANYONE ---

23 A ABOUT WHAT?

24 Q --- CONCERNING A GUN IN THIS DOCUMENT?

25 A NOT THAT I REMEMBER

1 THE COURT GO AHEAD
2 (PAUSE)
3 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
4 THE COURT YES, SIR
5 A I REMEMBER, YES
6 Q DID YOU MAKE THE STATEMENT THAT MR ALKEBULANYAHH
7 DID NOT HAVE A GUN?
8 A I DON'T REMEMBER THAT I DON'T REMEMBER
9 (PAUSE)
10 Q DID YOU MAKE A STATEMENT ON JANUARY 8, 2002 TO
11 SLED AGENT BUSTER EDWARDS?
12 A NO
13 (PAUSE)
14 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
15 THE COURT YES
16 A I DON'T REMEMBER THIS
17 Q DID YOU MAKE A STATEMENT TO CHIEF INVESTIGATOR OF
18 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TRAVIS
19 AVANT, THAT MR ALKEBULANYAHH DID NOT POSSESS A GUN?
20 A I DON'T REMEMBER
21 Q ON JANUARY 8 DID YOU GIVE A WRITTEN STATEMENT TO
22 THE SOUTH CAROLINA -- SORRY DID YOU GIVE A WRITTEN
23 STATEMENT TO ANY LAW ENFORCEMENT OFFICER ON JANUARY 8,
24 2002?
25 A YES

STATE VS ALKEBULANYAHH

- 1 Q COULD YOU IDENTIFY THAT DOCUMENT? HAVE YOU SEEN
2 IT?
- 3 A YES)
- 4 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
5 THE COURT YES, SIR
- 6 Q DID YOU REVIEW THAT -- THAT -- THAT WRITTEN
7 STATEMENT THAT YOU MADE AND TELL ME WHETHER OR NOT THAT
8 YOU MADE A STATEMENT THAT YOU SEEN MR ALKEBULANYAHH IN
9 THE 21 RILEY ROAD RESIDENCE WITH A GUN?
- 10 A (PAUSE) OKAY WHAT IS YOUR QUESTION?
- 11 Q DID YOU WRITE IN YOUR STATEMENT AT ANY TIME THAT
12 YOU SEEN MR ALKEBULANYAHH IN THE BEDROOM OF THE 21
13 RILEY ROAD RESIDENCE WITH A GUN?
- 14 A NO, I DID NOT WRITE THAT IN THIS STATEMENT
15 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR
- 16 Q MS BLATE (PHONETIC), ON JANUARY 8, 2002 DID YOU
17 CALL THE 9-1-1 DISPATCHER?
- 18 A NO
- 19 Q DID YOU CALL THE BEAUFORT COUNTY SHERIFF'S
20 DEPARTMENT?
- 21 A NO
- 22 Q DID YOU MAKE ANY CALLS TO EITHER ONE OF THEM AT
23 ANY TIME ON JANUARY 8, 2002?
- 24 A NO
- 25 Q ON -- I THINK MAYBE ON JANUARY 6 OR 7 DID AT ANY

1 TIME MS STRAWBERRY WASHINGTON STATED TO YOU THAT SHE
2 WAS GOING TO CALL THE POLICE ON YOU IF YOU DID NOT
3 LEAVE THE 21 RILEY ROAD RESIDENCE?

4 A NO, SHE DIDN'T SAY SHE WAS GOING TO CALL THEM ON
5 ME SHE SAID SHE WAS GOING TO CALL THEM ON YOU IF YOU
6 DID NOT LET ME LEAVE

7 Q DID AT ANY TIME WHEN YOU DID NOT RETURN ON THE 6TH
8 OR THE 7TH, DID SHE CALL THE POLICE?

9 A EXCUSE ME?

10 Q DID SHE CALL THE POLICE ON THE 6TH OR THE 7TH OF
11 -- OF -- OF JANUARY OF 2002?

12 A I HAVE NO IDEA

13 Q DID YOU HAVE ANY CONVERSATION WITH HER ON THE 6TH
14 OR THE 7TH?

15 A NO

16 (PAUSE)

17 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
18 THE COURT YES, SIR

19 Q ON JANUARY 6 AGAIN I ASK YOU DID YOU TALK TO
20 MS STRAWBERRY WASHINGTON?

21 A NO

22 Q IN YOUR STATEMENT THAT YOU POSSESS YOU STATED IN
23 YOUR OWN WORDS IN A WRITTEN STATEMENT THAT YOU TALKED
24 TO STRAWBERRY WASHINGTON ---

25 MR MURDAUGH THAT IS NOT -- I OBJECT, SIR I'M

STATE VS ALKEBULANYAHH

1 SORRY

2 THE COURT YES, SIR WHAT IS THE NATURE OF THE
3 OBJECTION?

4 MR MURDAUGH THE NATURE OF THE OBJECTION IS HE
5 IS STATING WHAT SHE SAYS HE NEEDS TO ASK HER A
6 QUESTION

7 THE COURT ASK A QUESTION, SIR

8 Q WHAT DID YOU STATE IN YOUR STATEMENT?

9 A I STATED, SUNDAY NIGHT STRAWBERRY SAYS SHE WAS
10 GOING TO CALL THE POLICE I TOLD HER I'D BE HOME THAT
11 NIGHT STRAWBERRY TOLD ME IF I DIDN'T MAKE IT HOME
12 BEFORE SHE DID, SHE WAS GOING TO CALL THE POLICE

13 Q SO ISN'T IT TRUE WHEN YOU JUST STATED THAT YOU DID
14 NOT TALK TO STRAWBERRY WASHINGTON ON THE 6TH AND THE
15 7TH, THAT YOU WERE LYING?

16 A NO

17 Q WOULD YOU EXPLAIN THAT?

18 A I TALKED TO STRAWBERRY THAT SUNDAY NIGHT

19 Q AND THAT WAS THE 6TH?

20 A THAT WAS THE 5TH

21 Q THE 8TH FALLS ON -- DO YOU KNOW THE DAY OF THE
22 INCIDENT?

23 A YES, IT WAS ON A TUESDAY

24 Q THE 7TH FALLS ON A?

25 A MONDAY

STATE VS ALKEBULANYAHH

- 1 Q AND ---
- 2 A YES, YOU'RE RIGHT
- 3 Q SO WHEN YOU MADE THAT STATEMENT THAT YOU HAD
4 TALKED TO STRAWBERRY ON THE 6TH OR THE 7TH, YOU LYING,
5 IS THAT CORRECT?
- 6 A WELL, I DID NOT REMEMBER
- 7 Q , BUT BEFORE WHEN YOU SAID YOU HAD NOT TALKED TO
8 STRAWBERRY PRECEDING TO JANUARY 8, YOU LIED? COULD YOU
9 JUST SAY YOU LIED, BE HONEST AND TRUTHFUL?
- 10 A YES, THAT I DID NOT REMEMBER THE DATE
- 11 Q DID YOU LIE?
- 12 A YES
- 13 Q THANK YOU MS BLATE (PHONETIC), ON JANUARY 10
14 DID YOU REPORT TO THE DEPARTMENT OF SOUTH CAROLINA
15 SOCIAL SERVICE FOR A HEARING?
- 16 A I DON'T REMEMBER THAT
- 17 MR MURDAUGH NOTHING RIGHT NOW, SIR
- 18 Q MS BLATE (PHONETIC), DID YOU HAVE A MATTER THAT
19 YOU HAD TO DEAL WITH ON JANUARY 10 WITH YOUR DAUGHTER,
20 KENYAH BLATE (PHONETIC)?
- 21 A A MATTER SUCH AS?
- 22 Q A FAMILY COURT MATTER?
- 23 A YES
- 24 Q YOU DID AND WHAT WAS THAT MATTER ABOUT?
- 25 A ABOUT ME GETTING CUSTODY OF KENYAH

- 1 Q ABOUT YOU GETTING CUSTODY OF YOUR CHILD?
- 2 A YES
- 3 Q WHO CUSTODY WAS THE CHILD IN?
- 4 A IN THE CUSTODY OF D S S
- 5 Q IN THE CUSTODY OF THE D S S AND HOW DID THAT
- 6 CHILD COME ABOUT BEING IN THE CUSTODY OF THE D S S ?
- 7 A BECAUSE SHE WAS LEFT ALONE BY BRENDA IN THE HOUSE
- 8 Q SHE WAS LEFT ALONE BY WHO?
- 9 A BRENDA
- 10 Q AND WHERE DID YOU GET THAT INFORMATION FROM?
- 11 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
- 12 THIS AS HAVING NO RELEVANCE IN THIS CASE
- 13 THE COURT APPROACH THE SIDE BAR
- 14 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
- 15 OUT OF THE HEARING OF THE JURY)
- 16 Q MS BLATE (PHONETIC), YOU SPOKE A MINUTE AGO -- IS
- 17 THAT CORRECT -- THAT A MS BRENDA SMITH RILEY LEFT THIS
- 18 CHILD ALONE, IS THAT CORRECT?
- 19 A YES
- 20 Q MAY I ASK -- WELL, I WOULD ASK, WHERE DID YOU GET
- 21 THAT INFORMATION FROM?
- 22 A BECAUSE WHEN THEY TOOK HER FROM ME, THEN THAT WHAT
- 23 THEY SAY -- THAT WAS THE REASON WHY I DID NOT HAVE HER
- 24 ANY MORE
- 25 Q THAT IS WHAT THEY SAY?

- 1 A BECAUSE SHE WAS LEFT ---
- 2 Q MAY I ASK WHO IS THEY?
- 3 A --- ALONE IN THE CORNER
- 4 Q MAY I ASK WHO THEY WAS?
- 5 A THAT WAS ON MY OWN PAPER
- 6 Q AND THEY SAID THE CHILD WAS LEFT ALONE IN A
- 7 CORNER?
- 8 A YES
- 9 Q YOU BELIEVE THAT?
- 10 A YES
- 11 Q THEY MADE YOU TO BELIEVE THAT?
- 12 A NO
- 13 Q DID YOU EVER FIND OUT ANYTHING DIFFERENT?
- 14 A NO
- 15 Q AND SO THAT WAS THE REASON THAT THE CHILD WAS
- 16 TAKEN INTO CUSTODY, IS THAT CORRECT?
- 17 A RIGHT
- 18 Q THE LAST TIME THAT YOU SEEN THAT CHILD, WHO DID
- 19 YOU GIVE THE CHILD TO?
- 20 A BRENDA
- 21 Q AND YOU LEFT THE CHILD IN THE CARE OF MS BRENDA,
- 22 IS THAT CORRECT?
- 23 A YES
- 24 Q ON JANUARY 10 YOU MADE AN ADDITIONAL STATEMENT
- 25 OUTSIDE THE JANUARY 8 STATEMENT WHERE YOU SAID YOU

1 DIDN'T SEE NO GUN -- MR ALKEBULANYAHH WITH NO GUN, IS
2 THAT CORRECT?

3 A ASK ME THAT AGAIN

4 Q ON JANUARY 8 YOU DIDN'T PUT IN YOUR STATEMENT OR
5 MAKE A STATEMENT SAYING THAT YOU SEEN MR ALKEBULANYAHH
6 IN THE ROOM WITH A GUN, IS THAT CORRECT?

7 A RIGHT

8 Q AND ON JANUARY 10 AFTER YOU RETURNED FROM THE
9 FAMILY COURT, YOU MADE A ADDITIONAL STATEMENT, IS THAT
10 CORRECT?

11 A YES

12 Q AND IN THAT STATEMENT FOR THE FIRST TIME YOU
13 STATED THAT MR ALKEBULANYAHH WAS STANDING IN FRONT OF
14 THE T V WITH HIS HANDS ON HIS GUN, HIS FEET SPREAD
15 APART, SHOULDER LENGTH APART WITH A RIFLE POINTED AT
16 THE DOOR THE LAST TIME YOU SEEN HIM, IS THAT CORRECT?

17 A YES

18 Q OKAY AND SUBSEQUENT TO THAT, THREE MONTHS LATER,
19 YOU MADE ANOTHER STATEMENT, IS THAT CORRECT?

20 A YES

21 Q AND YOU STATE THREE MONTHS LATER -- FOUR MONTHS
22 LATER TO BE EXACT -- THAT NO, NO, NO, HE WASN'T
23 STANDING IN FRONT OF THE T V WITH HIS HAND ON THE GUN,
24 SHOULDER LENGTH APART, WAITING FOR THE COPS TO COME
25 THROUGH SO HE COULD SHOOT THEM, IS THAT CORRECT?

- 1 A RIGHT
- 2 Q THIS TIME FOUR MONTHS LATER YOU SAY, I REMEMBER
- 3 NOW, HE WAS IN A CLOSET, IS THAT CORRECT?
- 4 A RIGHT
- 5 Q THE LAST TIME I SEEN HIM, IS THAT CORRECT?
- 6 A YES
- 7 Q SO IN ALL THREE OTHER ADDITIONAL STATEMENTS THAT
- 8 YOU MADE BEFORE THE FOURTH STATEMENT, YOU LIED,
- 9 CORRECT?
- 10 A YES
- 11 Q YOU LIED, YES OR NO?
- 12 A YES
- 13 Q WAS ANY TIME EVER YOU WAS CHARGED WITH GIVING
- 14 FALSE INFORMATION?
- 15 A NO
- 16 Q MS BLATE (PHONETIC), AT THE 21 RILEY ROAD
- 17 RESIDENCE ON JANUARY 8, 2002, YOU STATED THAT YOU WAS
- 18 TOLD BY MR ALKEBULANYAHH TO GO OUT OF THE ROOM, TO
- 19 LEAVE THE ROOM WHEN THE DEPUTIES ARRIVE IS THAT
- 20 CORRECT?
- 21 A YES
- 22 Q AND YOU STATED THAT YOU DIDN'T WANT TO GO, RIGHT?
- 23 A RIGHT
- 24 Q AND YOU STATED THE REASON YOU DIDN'T WANT TO GO IS
- 25 BECAUSE OF YOUR CHILD SUPPORT INCIDENT, IS THAT

1 CORRECT?

2 A YES

3 Q AND YOU STATED THAT YOU DIDN'T WANT NO ENCOUNTER
4 WITH LAW ENFORCEMENT, IS THAT CORRECT?

5 A NO, NOT THAT I REMEMBER

6 Q I'LL COME BACK TO THAT MS BLATE (PHONETIC), ON
7 JANUARY 8, 2002 YOU HAD BEEN AT THE 21 RILEY RESIDENCE
8 FROM THE MORNING TO THAT EVENING AND YOU HAD ALL THE
9 OPPORTUNITY IN THE WORLD TO WALK AWAY FROM THAT
10 RESIDENCE, IS THAT CORRECT?

11 A NO

12 Q WHY WASN'T THAT CORRECT?

13 A BECAUSE I WAS AFRAID THAT YOU WOULD DO SOMETHING
14 TO ME IF I DID LEFT

15 Q OKAY WHERE WAS MR ALKEBULANYAHH AT ON JANUARY
16 8, 2002 FROM THAT MORNING TO THAT EVENING? WHERE WAS
17 HE AT?

18 A I HAVE NO IDEA

19 Q YOU HAVE NO IDEA SO HE WASN'T THERE TO RESTRAIN
20 YOU, IS THAT CORRECT?

21 A YES, YOU WERE

22 Q I WERE?

23 A UH-HUH

24 Q WHERE WAS I?

25 A IN THE ROOM WITH ME

STATE VS ALKEBULANYAHH

- 1 Q IN THE MORNING 10 00 O'CLOCK IN THE MORNING?
- 2 A I DON'T REMEMBER WHAT TIME
- 3 Q 11 00 O'CLOCK THAT MORNING?
- 4 A I DON'T REMEMBER WHAT TIME
- 5 Q DO YOU REMEMBER STATING THAT MR ALKEBULANYAHH
- 6 LEFT TO DO LAUNDRY EARLY THAT MORNING ---
- 7 A YES
- 8 Q --- AND DIDN'T RETURN UNTIL THAT EVENING, IS THAT
- 9 CORRECT?
- 10 A UH-HUH
- 11 Q AND YOU WAS LEFT ALONE WITH THE BABY, IS THAT
- 12 CORRECT?
- 13 A YES
- 14 Q SO WHILE MR ALKEBULANYAHH WAS IN THE PORT ROYAL
- 15 AREA, HE WAS RESTRAINING YOU FROM LEAVING THE 21 RILEY
- 16 ROAD RESIDENCE, IS THAT CORRECT? IS THAT WHAT YOU
- 17 SAYING?
- 18 A NO YOUR SISTER TOLD ME, DON'T LEAVE BECAUSE ---
- 19 Q EXCUSE ME I'M ASKING YOU A QUESTION COULD YOU
- 20 ANSWER THE QUESTION?
- 21 THE COURT ANSWER THE QUESTION MA'AM THEN YOU
- 22 CAN EXPLAIN IT
- 23 A NO
- 24 Q MR ALKEBULANYAHH WAS IN PORT ROYAL AT THE LAUNDRY
- 25 MAT FROM 8 00 O'CLOCK THAT MORNING UNTIL 4 00 O'CLOCK

1 THAT EVENING -- WAS MR ALKEBULANYAHH RESTRAINING YOU
2 FROM LEAVING?

3 A NO

4 Q YOUR COUSIN LIVED ABOUT 50 YARDS AWAY ON THE
5 CORNER OF THE HOUSE YOU COULD HAVE WALKED TO YOUR
6 COUSIN HOUSE IF YOU WANTED, IS THAT CORRECT?

7 A YES

8 Q AS A MATTER OF FACT YOU COULD HAVE WALKED HOME,
9 WHEREVER YOU WANTED TO GO, IS THAT CORRECT?

10 A YES

11 Q YOU COULD HAVE LEFT, BUT YOU DIDN'T, IS THAT
12 CORRECT?

13 A RIGHT

14 Q YOU STATED THAT MR ALKEBULANYAHH THREATEN TO TAKE
15 YOU HOME, IS THAT CORRECT?

16 A YES

17 Q HE THREATEN TO TAKE YOU HOME AND THE REASON HE
18 WANTED TO TAKE YOU HOME, BECAUSE HE WAS ANGRY WITH YOU,
19 IS THAT CORRECT?

20 A YES

21 Q HE WAS PRETTY MUCH TIRED OF YOU, IS THAT CORRECT,
22 IS THAT HIS WORDS?

23 A I DON'T KNOW

24 Q OKAY BUT WHEN THE OFFICERS ARRIVED ON JANUARY 8,
25 2002, YOU DIDN'T WANT THE OFFICER TO TAKE YOU -- YOU

1 DIDN'T WANT TO LEAVE WITH THE OFFICER, IS THAT CORRECT?

2 A I NEVER STATED THAT

3 Q YOU DIDN'T WANT TO SEE THEM A MINUTE AGO YOU SAY
4 YOU DID NOT WANT TO SEE THEM, YOU DID NOT WANT TO
5 ENCOUNTER THEM, IS THAT CORRECT?

6 A I NEVER SAID THAT EITHER

7 Q DID YOU EVER TELL STRAWBERRY WASHINGTON THAT MR
8 ALKEBULANYAHH HIT YOU?

9 A I TOLD HER THAT YOU PULLED MY HAIR

10 Q BUT YOU NEVER TOLD HER HE HIT YOU, IS THAT
11 CORRECT?

12 A RIGHT

13 Q IF MS WASHINGTON SAY YOU TOLD HER THAT MR
14 ALKEBULANYAHH HIT HER, THEN MS WASHINGTON WOULD BE A
15 LIAR IS THAT CORRECT?

16 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
17 THAT

18 THE COURT SUSTAINED YOU CAN'T PIT WITNESSES
19 AGAINST ONE ANOTHER

20 Q MS BLATE (PHONETIC), WHEN YOU SAID YOU WAS IN
21 THIS ROOM WITH MR ALKEBULANYAHH AND YOU SAY MR
22 ALKEBULANYAHH WAS THE ONLY ONE IN THIS ROOM, THAT IS
23 ANOTHER LIE, IS THAT CORRECT?

24 A NO OTHER ONE BESIDES ME IN THE ROOM

25 Q SO YOU'RE SAYING -- DO YOU REMEMBER TELLING THE

1 DEPUTY THAT YOU DIDN'T EVEN KNOW MR ALKEBULANYAHH WAS
2 PRESENT?

3 A NO, I DON'T REMEMBER THAT

4 Q IF I SHOWED YOU SOMETHING THAT MAYBE REFRESH YOUR
5 MIND, DO YOU THINK YOU MAY BE ABLE TO REMEMBER -- TO
6 REMEMBER THEN?

7 A YES

8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

9 THE COURT YES, SIR

10 (PAUSE)

11 A NO, I DON'T REMEMBER THIS

12 Q SO YOU DO NOT REMEMBER TELLING DEPUTY WILSON,
13 INVESTIGATOR DEPUTY WILSON, THAT MR ALKEBULANYAHH WAS
14 NOT PRESENT JUST BEFORE THE SHOOTING?

15 A I DON'T REMEMBER

16 Q AND INVESTIGATOR DEPUTY WILSON SAID YOU SAID THAT,
17 IT WOULD BE UNTRUE?

18 MR MURDAUGH YOUR HONOR, PLEASE THAT'S PITTING
19 ONE WITNESS AGAINST ANOTHER

20 THE COURT I SUSTAIN THAT OBJECTION

21 Q MS BLATE (PHONETIC), ON JANUARY 8, 2002 IN THAT
22 PARTICULAR BEDROOM YOU SAY YOU WAS IN AND YOU ALLEGE
23 THAT YOU SAW MR ALKEBULANYAHH -- WHICHEVER --
24 WHICHEVER ONE IS TRUE WE DON'T KNOW WHICH ONE IS TRUE
25 RIGHT NOW

STATE VS ALKEBULANYAHH

1 THE COURT ASK YOUR QUESTION, SIR

2 Q WHEN YOU EXIT THE BEDROOM, YOU ENCOUNTER THE TWO
3 POLICE OFFICERS, IS THAT CORRECT?

4 A YES

5 Q AND DID THE POLICE OFFICER ASK YOU WHO YOU ARE,
6 IS THAT CORRECT?

7 A YES

8 Q AND YOU TOLD THEM, CORRECT?

9 A YES

10 Q DID THEY ASK YOU WERE YOU KIDNAPPED?

11 A NO

12 Q DID THEY ASK YOU WAS YOU HELD HOSTAGE?

13 A NO

14 Q DID THEY ASK YOU WAS YOU BEING HIT ON?

15 A NO

16 Q DID THEY ASK YOU WERE YOU BEING HELD AGAINST YOUR
17 WILL?

18 A NO

19 Q WOULD YOU SAY THEY WASN'T CONCERNED ABOUT YOU?

20 A NO, I WOULDN'T SAY THAT

21 Q AND AFTER THEY DIDN'T ASK YOU WERE YOU KIDNAPPED,
22 WERE YOU HELD HOSTAGE, WERE YOU BEING HIT ON, DID THEY
23 ASK YOU, DID YOU ASK FOR POLICE ASSISTANCE?

24 A NO

25 Q DID THEY ASK YOU DID YOU CALL 9-1-1 DISPATCHER?

- 1 A NO
- 2 Q OKAY AND IF I'M CORRECT, A MOMENT AGO YOU SAID
- 3 YOU TOLD THE POLICE OFFICERS TO GO IN THAT ROOM, IS
- 4 THAT CORRECT?
- 5 A EXCUSE ME?
- 6 Q A MOMENT AGO, EARLIER, WHEN THE PROSECUTOR WAS
- 7 QUESTIONING YOU, YOU SAID YOU TOLD THE POLICE OFFICER
- 8 THAT THEY CAN GO INTO THAT ROOM, IS THAT CORRECT?
- 9 A NO, I DID NOT SAY THAT
- 10 Q YOU DID NOT SAY YOU TOLD THEM THEY COULD GO INTO
- 11 THE ROOM? OKAY WHEN ---
- 12 A THEY ASKED COULD THEY SEARCH THE ROOM I SAID,
- 13 YES
- 14 Q SO THEY ASKED COULD THEY SEARCH THE ROOM, AND YOU
- 15 SAID YES THEY SAY, ARE YOU KIMBERLY BLAKE? YOU SAY,
- 16 YES CAN WE SEARCH THE ROOM, AND YOU SAY, YES AND
- 17 THAT WAS THE END OF THE CONVERSATION, IS THAT CORRECT?
- 18 WITH YOU AND THE POLICE OFFICER, IS THAT CORRECT?
- 19 A RIGHT
- 20 Q AND THE ONLY WORDS THAT WERE EXCHANGED, ARE YOU
- 21 KIMBERLY BLATE (PHONETIC)? YES CAN WE GO AND SEARCH?
- 22 YES
- 23 A YES
- 24 Q COULD YOU GIVE ME THE EXACT WORDS THAT WAS USED?
- 25 A THAT WAS IT

1 THE COURT I'M SORRY I CAN'T HEAR YOU
2 A THEY ASKED, WAS MY NAME KIMBERLY BLAKE I SAID,
3 YES THEY ASKED COULD THEY SEARCH THE ROOM ME AND
4 MS BRENDA SAID YES
5 Q WHAT DID YOU SAY?
6 A YES
7 Q MS BRENDA WILL SPEAK FOR HERSELF THANK YOU
8 DID YOU AT ANY TIME THINK FOR ONE SECOND --
9 BECAUSE THESE POLICE OFFICER SUPPOSED TO BE HERE TO
10 PROTECT YOU, TO HELP YOU OUT, TO MAKE SURE YOU ARE
11 SAFE OUT OF HARM'S WAY DID YOU HAVE ANY FEELING
12 INSIDE YOU TO WHERE YOU WOULD TELL THE POLICE OFFICER,
13 THERE'S A MAN IN THAT ROOM WITH A GUN?
14 A I WAS AFRAID TO TELL THEM
15 Q SO YOU CHOSE -- BECAUSE YOU SAY A MAN WAS IN THIS
16 ROOM WITH A RIFLE -- STANDING WITH A RIFLE, YOU KNEW
17 THAT THESE OFFICER LIFE WAS IN DANGER, IS THAT CORRECT?
18 A NO
19 Q WELL YOU SAID A MAN WAS STANDING THERE BY THE
20 T V WITH A RIFLE POINTED AT THE DOOR YOU GOING TO
21 TELL THIS JUROR (SIC) THAT YOU DID NOT KNOW THAT
22 SOMEONE LIFE WOULD BE IN DANGER -- THERE A MAN STANDING
23 THERE IN FRONT OF THE T V WITH A GUN POINTED AT A DOOR
24 RIGHT WHEN YOU JUST LEFT OUT OF IT?
25 A I'M SAYING THAT GUN MIGHT NOT HAVE BEEN LOADED I

1 DO NOT KNOW, YEAH

2 Q DO YOU THINK YOU SHOULD HAVE TOLD THEM THAT IT'S A
3 MAN STANDING THERE WITH A GUN BUT IT AIN'T LOADED --
4 WOULD THAT HAVE BEEN PROPER? DO YOU THINK YOU SHOULD
5 HAVE TOLD THEM THAT?

6 A I WAS AFRAID TO TELL THEM ANYTHING BECAUSE OF WHAT
7 YOU MIGHT HAVE DONE TO ME WHETHER THE GUN WAS LOADED OR
8 NOT

9 Q LET ME ASK YOU WHAT HAS MR ALKEBULANYAHH DID TO
10 YOU THAT WAS SO DEADLY AND DANGEROUS TO YOU THAT DAY ON
11 JANUARY 8, 2002 THAT WOULD MAKE YOU FEEL LIKE THAT YOU
12 CANNOT TELL THE POLICE OFFICER WHO YOU SAY YOU WANTED
13 TO COME THERE TO RESCUE YOU, THAT IT'S A MAN AND A GUN
14 -- IN A ROOM WITH A GUN?

15 A EXCUSE ME?

16 Q WHAT HAD MR ALKEBULANYAHH DID TO YOU THAT YOU WAS
17 SO AFRAID ON JANUARY 8 -- WHAT DID HE DO TO YOU ON
18 JANUARY -- DID HE BEAT YOU UP ON JANUARY 8, DID HE
19 PUNCH YOU ON JANUARY 8, DID HE SAY, I'M GOING TO KILL
20 YOU TODAY ON JANUARY 8 TO WHERE YOU DIDN'T WANT TO TELL
21 THE POLICE OFFICER THERE'S A MAN IN THAT ROOM WITH A
22 GUN?

23 A YOU DID NOTHING THAT DAY, BUT PREVIOUSLY

24 Q COULD YOU ANSWER ---

25 A BEFORE

- 1 Q --- THE QUESTION? (COULD YOU ANSWER THE QUESTION?
2 A NO
3 Q OKAY NOW, BEFORE YOU SAY YOU HAD YOUR HAIR
4 PULLED, IS THAT CORRECT?
5 A CORRECT
6 Q AND YOU SAY THAT DIDN'T HAPPEN ON JANUARY 8, IS
7 THAT CORRECT?
8 A NO, IT DIDN'T HAPPEN ON JANUARY 8
9 Q OKAY AND YOU SAID THAT THE PART ABOUT MR
10 ALKEBULANYAHH HIT YOU -- YOU SAID THAT THAT WAS A LIE,
11 IS THAT CORRECT?
12 A I SAID THAT YOU PULLED MY HAIR
13 Q DID YOU EVER SAY MR ALKEBULANYAHH HIT YOU?
14 A I REMEMBER SAYING THAT
15 Q OKAY AND THAT HAIR PART HAPPENED BEFORE JANUARY
16 8, BEFORE THE OFFICERS ARRIVE, IS THAT CORRECT?
17 A RIGHT
18 Q OKAY BEFORE YOU EXIT THAT BEDROOM YOU WAS -- YOU
19 SAID THAT YOU WAS TOLD TO LEAVE OUT AND WHEN YOU SAY
20 YOU WAS TOLD TO LEAVE OUT, ARE YOU INDICATING THAT
21 SOMEONE TOLD YOU TO LEAVE OUT OF THAT ROOM AND GO WITH
22 THE POLICE OFFICER, IS THAT CORRECT?
23 A WHAT ---
24 Q GO TO THEM, WOULD YOU SAY?
25 A --- YOU TOLD ME WAS, YOU NEED TO GO OUTSIDE AND

1 TALK TO THEM

2 Q OKAY AND YOU WERE SAYING THAT YOU WAS TOLD TO GO
3 OUTSIDE AND TALK TO THE POLICE, IS THAT CORRECT?

4 A YES

5 Q OKAY SO WHOEVER WAS IN THAT ROOM WHO WANTED YOU
6 TO GO OUT AND TALK TO THE POLICE, WANTED YOU TO GO WITH
7 THE POLICE, IS THAT CORRECT, TO GO SEE THEM?

8 A EXCUSE ME BRENDA TOLD ME TO GO TALK TO THEM

9 Q EXCUSE ME

10 THE COURT HOLD ON A SECOND GO AHEAD, MA'AM

11 A BRENDA TOLD ME ---

12 MR ALKEBULANYAHH YOUR HONOR

13 THE COURT HOLD ON A SECOND ANSWER THE
14 QUESTION, MA'AM, THEN YOU CAN EXPLAIN

15 A OKAY

16 Q YES OR NO?

17 A YES OR NO, WHAT?

18 A THE QUESTION I ASKED YOU?

19 THE COURT RESTATE YOUR QUESTION FOR HER

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

22 Q WHEN YOU WAS TOLD BY SOMEONE TO GO OUT THAT ROOM
23 -- IS THAT WHAT YOU SAID, OUT THAT ROOM AND TALK TO THE
24 POLICE, IS THAT CORRECT? A MINUTE AGO YOU JUST SAID
25 YOU WAS TOLD TO GO OUT OF THE ROOM AND TALK TO THE

1 POLICE IS THAT CORRECT?

2 A YOU GAVE ME THE OKAY TO OPEN THE DOOR

3 Q EXCUSE ME

4 A YES

5 Q COULD YOU ANSWER YES OR NO MA'AM?

6 A YES

7 THE COURT HOLD ON LET HIM FINISH THE WHOLE

8 QUESTION GO AHEAD DO YOU WANT TO ADD TO THAT?

9 WITNESS YES

10 THE COURT GO AHEAD

11 A YOU GAVE ME THE OKAY TO GO OUT THE DOOR RIGHT

12 THEN

13 Q AND YOU DIDN'T WANT TO GO, IS THAT CORRECT?

14 A WHEN YOU GAVE ME THE OKAY, I WENT

15 Q I THOUGHT A MINUTE AGO YOU SAID ---

16 THE COURT ASK A QUESTION DON'T TELL US WHAT

17 YOU THINK

18 Q DID YOU SAY THAT YOU WAS TOLD BY ME TO LEAVE OUT

19 THE ROOM IS THAT CORRECT?

20 A YOU GAVE ME THE OKAY YES

21 Q MY QUESTION -- MY QUESTION DID YOU SAY A FEW

22 MINUTES AGO THAT YOU WAS TOLD BY MR ALKEBULANYAHH TO

23 LEAVE OUT THAT ROOM?

24 A YES

25 Q AND YOU DID NOT LEAVE, IS THAT CORRECT?

1 A I LEFT OUT OF THE ROOM

2 Q NOW, WHEN YOU LEFT OUT OF THE ROOM AND YOU SEEN
3 THE TWO OFFICER AND THEY SAID, ARE YOU KIMBERLY BLATE
4 (PHONETIC) AND YOU SAID -- I'D LIKE TO SEARCH IT
5 WHEN YOU WAS -- UP UNTIL A COUPLE WEEKS AGO OUT OF FOUR
6 STATEMENTS, WRITTEN STATEMENT AND SIX INTERVIEWS BY LAW
7 ENFORCEMENT OFFICIALS, FOUR STATEMENTS -- FOUR WRITTEN
8 STATEMENTS AND SIX INTERVIEWS BY THE LAW ENFORCEMENT
9 OFFICIALS, ALMOST TWO YEARS PASS UP UNTIL A COUPLE
10 WEEKS AGO YOU STATE FOR THE VERY FIRST TIME THE OFFICER
11 ASKED ME CAN THEY SEARCH IS THAT CORRECT?

12 A YES

13 Q AND I THINK IT WAS ABOUT THREE, FOUR WEEKS AGO WAS
14 THE FIRST TIME THAT YOU FIRST SAID THAT, IS THAT RIGHT?

15 A I HAVE NO IDEA WHEN IT WAS BUT I REMEMBER STATING
16 THAT

17 Q A COUPLE WEEKS BACK, RIGHT, FOR THE FIRST TIME
18 AFTER ---

19 A I REMEMBER STATING THAT

20 Q AND COULD YOU TELL ME WHY YOU WAITED NEARLY TWO
21 YEARS OUT OF WRITING FOUR STATEMENTS AND GIVING SIX
22 INTERVIEWS TO THE INVESTIGATORS FOR THE BEAUFORT COUNTY
23 SHERIFF'S DEPARTMENT, THE SOUTH CAROLINA LAW
24 ENFORCEMENT INVESTIGATORS, THAT ALL OF A SUDDEN YOU SAY
25 THE OFFICER ASKED YOU CAN THEY SEARCH THE ROOM AFTER

- 1 TWO YEARS COULD YOU EXPLAIN THAT?
- 2 A IT'S NOT THE FACT THAT I WAITED IT'S WHAT I
- 3 REMEMBERED
- 4 Q OKAY SO AFTER TWO YEARS YOUR MEMORY GETS BETTER
- 5 AS TIME GOES ON, IS THAT CORRECT?
- 6 A THAT'S WHAT I REMEMBERED
- 7 Q AND WHEN YOU REMEMBERED THAT, WHERE WERE YOU? DID
- 8 YOU JUMP UP AND CALL THE BEAUFORT COUNTY SHERIFF'S
- 9 DEPARTMENT AFTER ABOUT TWO YEARS AND SAY, I REMEMBER
- 10 TWO YEARS AGO THAT THE OFFICER ASKED ME TO SEARCH THE
- 11 ROOM -- OR IS THAT WHAT YOU DID?
- 12 A NO
- 13 Q YOU DIDN'T HOW DID IT COME ABOUT THAT
- 14 INFORMATION BEING RELATED TO THE SHERIFF'S DEPARTMENT?
- 15 A WHEN I WAS TALKING WITH THEM ONE DAY
- 16 Q THEY CAME TO VISIT YOU ONE DAY?
- 17 A NO
- 18 Q WHEN THEY -- WHEN YOU TOLD THEM THAT, WHERE YOU
- 19 ALL AT, SOCIALIZING?
- 20 A YEAH
- 21 Q THAT WAS SOCIALIZING WHO WAS -- WHO WAS THE
- 22 DEPUTY THAT YOU WAS SOCIALIZING WITH?
- 23 A THERE WASN'T NO DEPUTY
- 24 Q THERE WASN'T?
- 25 A NO

1 Q WHO WAS IT?

2 A BOB BOB

3 Q BOB WHO?

4 A BROMAGE

5 Q BOB BROMAGE, OF THE BEAUFORT COUNTY SHERIFF'S

6 DEPARTMENT?

7 A FROM SLED

8 Q FROM SLED OR LAW ENFORCEMENT MS BLATE

9 (PHONETIC), DO YOU REMEMBER STATING THAT IF YOU TOLD

10 THE POLICE OFFICER NOT TO GO IN THE ROOM, THAT THEY

11 WOULD NOT HAVE WENT?

12 A EXCUSE ME?

13 Q DO YOU REMEMBER TELLING OR STATING THAT IF YOU HAD

14 TOLD THE POLICE OFFICER NOT TO GO IN THAT ROOM, THEY

15 WOULD NOT HAVE WENT?

16 A NO, I DON'T REMEMBER SAYING THAT

17 Q YOU DON'T REMEMBER THAT IF I SHOWED YOU

18 SOMETHING TO GIVE YOUR RECOLLECTION, WOULD YOU

19 REMEMBER?

20 A YES (PAUSE) I DON'T REMEMBER THAT

21 THE COURT ARE YOU ASKING ABOUT A CERTAIN

22 STATEMENT?

23 MR ALKEBULANYAHH I'M ASKING ABOUT THE DOCUMENT

24 THAT SHE HAS IN HER HAND

25 THE COURT ALL RIGHT WHICH PAGE?

1 MR ALKEBULANYAHH I WAS ASKING THE DAY OF THAT
2 DOCUMENT

3 THE COURT ARE YOU ASKING ABOUT SOMETHING SHE
4 SAID?

5 MR ALKEBULANYAHH YES, SIR

6 THE COURT ALL RIGHT WHAT PAGE ARE WE TALKING?
7 YOU CAN ASK HER ABOUT -- (PAUSE)

8 MR MURDAUGH WHAT IS THE QUESTION IF I MIGHT
9 INQUIRE?

10 THE COURT I'M TRYING TO FIND THE PAGE NUMBER
11 ARE YOU TALKING ABOUT THE PAGE NUMBER?

12 MR MURDAUGH NO, SIR THE QUESTION THAT HE
13 ASKED

14 THE COURT RESTATE YOUR QUESTION

15 MR ALKEBULANYAHH I HAVE TO FIND THE PAGE
16 NUMBER

17 THE COURT RESTATE YOUR GENERAL QUESTION FIRST

18 MR ALKEBULANYAHH MY GENERAL QUESTION MY
19 GENERAL QUESTION WAS DO SHE RECALL STATING THAT IF
20 SHE TOLD THE POLICE OFFICERS THAT A MAN WAS IN THE ROOM
21 WITH A GUN, THAT THEY WOULD NOT HAVE -- MIGHT HAVE NOT
22 ENTERED THE ROOM?

23 MR MURDAUGH I OBJECT TO THAT QUESTION AS BEING
24 IRRELEVANT

25 THE COURT APPROACH THE SIDE BAR

1 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
2 OUT OF THE HEARING OF THE JURY)

3 THE COURT LADIES AND GENTLEMEN, GO TO THE JURY
4 ROOM DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU
5 VERY MUCH

6 (THE JURY RETIRES TO THE JURY ROOM AT 3 02 P M)

7 THE COURT LET'S GO AHEAD AND TAKE A SHORT BREAK
8 FIRST THANK YOU

9 (A RECESS WAS TAKEN)

10 THE COURT PLEASE BE SEATED READY?

11 MR MURDAUGH YES, SIR

12 THE COURT READY?

13 MR ALKEBULANYAHH YES, SIR

14 THE COURT BRING THE JURY IN

15 MR MURDAUGH YOUR HONOR PLEASE THERE IS A
16 PENDING OBJECTION

17 THE COURT YES WELL, WHEN THE JURY CAME IN I
18 WAS GOING TO ---

19 MR MURDAUGH OH, OKAY, SIR

20 (PAUSE)

21 MR MURDAUGH WHILE WE ARE WAITING, IF I'M ASKING
22 TOO MUCH, TELL ME BUT HAVE YOU DECIDED ON THE
23 SCHEDULE FOR TOMORROW?

24 THE COURT I WAS GOING TO -- I UNDERSTAND YOU
25 NEED TO KNOW -- WAS TRYING TO WORK OUT SOME

1 ARRANGEMENTS FOR THEM PROBABLY ABOUT 10 00 O'CLOCK
2 UNLESS THEY WANT TO DO IT IN THE AFTERNOON I WAS
3 GOING TO ASK THEM

4 MR MURDAUGH OKAY, SIR

5 THE COURT AFTER THIS WITNESS WE'RE PROBABLY
6 GOING TO STOP FOR THE DAY I WANTED TO GIVE HIM SOME
7 TIME TO ---

8 MR MURDAUGH FOR THE DAY?

9 THE COURT YES, SIR SO THAT HE COULD PERFORM
10 HIS RELIGIOUS PRACTICES

11 MR MURDAUGH OKAY, SIR

12 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR I
13 APPRECIATE IT

14 THE COURT THEY'RE READY NOW BRING THE JURY IN
15 (THE JURY RETURNS TO THE COURTROOM AT 3 18 P M)

16 THE COURT THANK YOU PLEASE BE SEATED
17 YOU MAY PROCEED

18 I SUSTAIN THAT LAST OBJECTION DISREGARD THAT
19 QUESTION

20 MR MURDAUGH OKAY, SIR

21 THE COURT GO AHEAD

22 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
23 ADDRESS A ISSUE ABOUT THE TRANSCRIPT THAT I HAVE HERE

24 THE COURT YES, SIR

25 MR ALKEBULANYAHH AND I -- WHAT I WOULD LIKE TO

1 DO -- I WOULD LIKE TO ASK CAN I ENTER THIS TRANSCRIPT
2 INTO EVIDENCE

3 THE COURT YOU ASKED HER ABOUT HER STATEMENT
4 APPROACH THE SIDE BAR

5 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
6 OUT OF THE HEARING OF THE JURY)

7 Q MS BLATE (PHONETIC), DO YOU RECALL UNDER OATH
8 WHEN ASKED THE QUESTION, WHY DIDN'T YOU TELL THE POLICE
9 OFFICERS THAT SOMEONE WAS IN THERE WITH A GUN THAT ---

10 MR MURDAUGH YOUR HONOR, PLEASE, THIS IS WHAT
11 YOU HAD RULED ON, SIR

12 MR ALKEBULANYAHH REPEAT THE QUESTION?

13 THE COURT NO, NO, NO WHAT ARE YOU -- STATE
14 YOUR QUESTION YOU CAN'T ASK THE SAME QUESTION I JUST
15 RULED

16 Q DO YOU RECALL UNDER OATH STATING THAT IF I HAD
17 TOLD THE OFFICER SOMEONE WAS IN THERE WITH A GUN, THEY
18 MIGHT NOT HAVE WENT IN THERE?

19 MR MURDAUGH OBJECTION

20 THE COURT I SUSTAIN THE OBJECTION

21 Q DID YOU MAKE THE STATEMENT UNDER OATH THAT THE
22 OFFICER MIGHT NOT ---

23 MR MURDAUGH YOUR HONOR, PLEASE

24 THE COURT I SUSTAINED THAT OBJECTION THAT'S
25 THE SAME AREA WE DISCUSSED YOU'VE ALREADY ASKED DID

STATE VS ALKEBULANYAHH

1 SHE SAY ANYTHING ABOUT WHOMEVER MAY HAVE BEEN THERE
2 AND YOU'VE ALREADY POINTED OUT YOUR QUESTION -- YOU'VE
3 ALREADY ASKED YOUR QUESTIONS ABOUT THE OFFICERS SHE
4 DOESN'T KNOW SHE CAN'T ANSWER WHETHER THE OFFICERS
5 WOULD HAVE DONE THAT OR NOT

6 ALL RIGHT MOVE ONTO THE NEXT QUESTION

7 MR ALKEBULANYAHH THANK YOU, YOUR HONOR SIR

8 Q MS BLATE (PHONETIC), YOU STATED EARLIER TODAY
9 THAT YOU DID NOT TELL STRAWBERRY WASHINGTON THAT MR
10 ALKEBULANYAHH HIT YOU, IS THAT CORRECT?

11 A RIGHT

12 Q ON OCTOBER 1 2003 YOU STATED UNDER OATH THAT YOU
13 TOLD STRAWBERRY WASHINGTON THAT MR ALKEBULANYAHH HIT
14 YOU?

15 A THAT ALKEBULANYAHH PULLED MY HAIR

16 Q IF I SHOW SOMETHING TO RE -- SO YOU CAN REFRESH
17 YOUR MIND, PERHAPS YOU MAY REMEMBER DO YOU THINK THAT
18 WILL REMIND YOU?

19 A YES

20 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR

21 THE COURT REFERENCE THE PAGE NUMBER PLEASE

22 MR ALKEBULANYAHH REFERENCE THE PAGE NO 20

23 (SIC), THE HEARING OCTOBER 1, 2003, BEFORE THE

24 HONORABLE DANIEL E PIEPER

25 THE COURT ALL RIGHT

1 Q BEGINNING AT LINE 4 ---
2 MR MURDAUGH JUDGE
3 Q --- THROUGH 9
4 THE COURT HOLD ON
5 MR MURDAUGH I HAVE A MATTER I NEED TO ---
6 THE COURT ALL RIGHT
7 MR MURDAUGH BEFORE WE GO INTO THIS
8 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
9 OUT OF THE HEARING OF THE JURY)
10 THE COURT PAGE 50 LINE WHAT?
11 MR ALKEBULANYAHH LINE ---
12 THE COURT 4 THROUGH?
13 MR ALKEBULANYAHH 4 THROUGH 9
14 THE COURT ALL RIGHT
15 Q MS BLATE (PHONETIC) ON OCTOBER 1 UNDER OATH DID
16 YOU STATE THAT YOU DID TELL STRAWBERRY WASHINGTON THAT
17 MR ALKEBULANYAHH HIT YOU?
18 A I DON'T REMEMBER THAT
19 THE COURT HE ASKED YOU TO READ THAT PART OF THE
20 TRANSCRIPT, MA'AM SEE IF THAT WILL REFRESH YOUR
21 RECOLLECTION
22 WITNESS THROUGH LINE?
23 THE COURT PAGE 50 LINE 4 THROUGH 9
24 A WHEN I GOT ON THE PHONE ---
25 THE COURT YOU CAN READ IT TO YOURSELF, MA'AM,

1 FIRST SEE IF THAT WILL REFRESH YOUR MEMORY
2 A I DON'T REMEMBER THAT
3 Q SO ---
4 THE COURT WOULD YOU LIKE FOR HER TO READ THAT?
5 MR ALKEBULANYAHH YES, SIR
6 THE COURT GO AHEAD AND READ THAT, MA'AM
7 A FROM LINE 4?
8 THE COURT 4 THROUGH 9
9 A (READING) WHEN I GOT ON THE PHONE WITH
10 STRAWBERRY WASHINGTON, I TOLD HER I WANTED TO LEAVE
11 SHE ASKED DID HE HIT YOU?
12 I SAID, YES
13 SHE SAY, HE DID WHAT? EXCUSE ME SHE SAY, WHAT
14 DID HE DO?
15 I SAID PULLED MY HAIR
16 Q SO ---
17 THE COURT HOLD ON DO YOU WANT HER TO READ THE
18 WHOLE THING?
19 MR ALKEBULANYAHH NO SIR
20 THE COURT OKAY THAT'S FINE
21 Q SO ACCORDING TO YOUR TESTIMONY ON OCTOBER 1 YOU
22 DID MAKE THAT STATEMENT, IS THAT CORRECT?
23 A I REMEMBER TELLING HER THAT YOU PULLED MY HAIR
24 Q IS THAT TRANSCRIPT WHICH YOU -- WHICH YOU READING
25 OUT OF, WAS THE HEARING WAS HELD OCTOBER 4 (SIC) BEFORE

1 THIS JUDGE IS THAT A FALSE -- IS THAT TRANSCRIPT
2 FALSE?

3 A I DON'T REMEMBER

4 THE COURT IT'S A CERTIFIED TRANSCRIPT IT
5 SPEAKS FOR ITSELF SHE JUST DOES NOT REMEMBER SHE
6 SAID, AND YOU'VE HAD IT READ INTO THE RECORD

7 MR ALKEBULANYAHH YES, SIR

8 YOUR HONOR MAY I HAVE ONE MINUTE WITH COUNSEL?

9 THE COURT YES

10 (PAUSE)

11 THE COURT READY?

12 MR ALKEBULANYAHH YES, SIR, THANK YOU, YOUR
13 HONOR, SIR

14 Q MS BLATE (PHONETIC), WHEN YOU WAS AT THE 21 RILEY
15 ROAD RESIDENCE, WOULD YOU AGREE THAT BY LAW YOU WAS NOT
16 SUPPOSED TO BE THERE? WAS ANYTHING ---

17 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS A
18 MATTER ---

19 THE COURT I SUSTAIN THAT OBJECTION

20 Q WAS THERE ANY OTHER -- WAS THERE A REASON WHY YOU
21 SHOULD -- YOU SHOULD NOT HAVE BEEN AT THE 21 RILEY ROAD
22 RESIDENCE?

23 A NOT THAT I CAN RECALL

24 Q WAS YOU OBLIGATED TO ANY POLICY THAT WOULD HAVE
25 PREVENTED YOU FROM BEING AROUND MR ALKEBULANYAHH?

- 1 A I BELIEVE SO
- 2 Q COULD YOU TELL US WHAT THAT POLICY IS?
- 3 MR MURDAUGH WE'RE HAVING TROUBLE HEARING THE
- 4 WITNESS COULD WE GET HER TO SPEAK ---
- 5 THE COURT COULD YOU TALK INTO THAT MICROPHONE
- 6 THERE?
- 7 WITNESS OKAY
- 8 THE COURT IT'LL BEND DOWN IF YOU WOULD LIKE TO
- 9 PULL IT DOWN FROM THE TOP OR THE BOTTOM
- 10 WITNESS OKAY
- 11 THE COURT THERE YOU GO
- 12 Q COULD YOU TELL THE -- TELL US THE NATURE OF THAT
- 13 POLICY WAS THAT WOULD PREVENTED YOU FROM HAVING TO BE
- 14 AROUND MR ALKEBULANYAHH?
- 15 A CHILD SUPPORT
- 16 Q CHILD SUPPORT AND COULD YOU TELL US THE
- 17 CONDITIONS THAT SURROUND THAT CHILD SUPPORT THAT WOULD
- 18 PREVENTED YOU FROM BEING AROUND -- THE STIPULATIONS?
- 19 A I CANNOT TELL YOU THAT BECAUSE I DON'T KNOW THE
- 20 EXACT THINGS ABOUT IT BUT I KNOW THAT YOU'RE NOT
- 21 SUPPOSED TO HAVE ANY ASSOCIATION OR WHATEVER DEALING
- 22 WITH THE FATHER OF THE CHILD
- 23 Q WOULDN'T THAT BE ONE OF THE REASONS THAT YOU DID
- 24 NOT WANT TO ENCOUNTER THE POLICE OFFICERS ON JANUARY 8
- 25 AT THE 21 RILEY ROAD RESIDENCE?

- 1 A YES
- 2 Q SO IT WOULD BE FAIR TO SAY THAT YOU DID NOT DESIRE
3 PER SE YOURSELF TO SEE ANY LAW ENFORCEMENT OFFICERS
4 WHILE YOU WAS AT THE 21 RILEY ROAD RESIDENCE, IS THAT
5 CORRECT?
- 6 A NO
- 7 Q COULD YOU EXPLAIN?
- 8 A BECAUSE I WANTED TO GET AWAY FROM 21 RILEY ROAD
- 9 Q AND IF YOU WANTED ASSISTANCE BY THE LAW
10 ENFORCEMENT OFFICIALS, THEN THEY WAS THERE TO ASSIST
11 YOU, TO HELP YOU WITH YOUR DESIRE, IS THAT CORRECT?
- 12 A RIGHT
- 13 Q BUT YOU DIDN'T WANT THAT ASSISTANCE IS THAT
14 CORRECT?
- 15 A NO, THAT'S NOT CORRECT
- 16 Q WHY ISN'T IT CORRECT? CAN YOU EXPLAIN?
- 17 A I WANTED THAT ASSISTANCE BECAUSE I WANTED TO LEAVE
18 21 RILEY ROAD
- 19 Q BUT YOU HAD THE OPPORTUNITY TO LEAVE BEFORE --
20 BEFORE THE OFFICER AROVE (PHONETIC) -- ARRIVE AT 21
21 RILEY ROAD, IS THAT CORRECT?
- 22 A YES
- 23 Q OKAY AND THEN WHEN THE OFFICERS ARRIVED, YOU HAD
24 A OPPORTUNITY TO TELL THE OFFICERS, I WANT TO LEAVE
25 HERE, TAKE ME AWAY FROM HERE, IS THAT CORRECT?

1 A YES

2 Q BUT YOU DIDN'T DO THAT? YOU DIDN'T VOLUNTEER THAT
3 INFORMATION, IS THAT CORRECT?

4 A NO

5 Q ANY REASON YOU DIDN'T VOLUNTEER INFORMATION IS
6 BECAUSE -- BECAUSE OF THE POLICY OR THE LEGAL
7 RAMIFICATION THAT YOU WOULD HAVE IN REFERENCE TO THE
8 CHILD SUPPORT INCIDENT -- YOU DIDN'T WANT TO GO TO
9 JAIL, IS THAT CORRECT?

10 A RIGHT

11 Q AND SO YOU WAS AFRAID THAT IF YOU ENCOUNTER THE
12 LAW ENFORCEMENT OFFICIALS, THAT YOU WOULD GO TO JAIL,
13 IS THAT CORRECT?

14 A YES, IF THEY FOUND OUT ABOUT THE SITUATION

15 Q RIGHT IF THEY FOUND OUT ABOUT THE SITUATION YOU
16 WOULD GO TO JAIL, IS THAT CORRECT?

17 A YES

18 Q AND YOU DIDN'T WANT THEM TO FIND ABOUT THAT
19 SITUATION, IS THAT CORRECT?

20 A YES

21 Q BEFORE YOU CAME TO THE 21 RILEY ROAD RESIDENCE,
22 DID YOU STAY WITH A TROY AND CRYSTAL EVANS?

23 A I VISIT THEM, BUT I NEVER STAYED OR LIVED THERE

24 Q YOU DIDN'T STAY OVERNIGHT AT ALL AT THEIR
25 RESIDENCE ---

- 1 A YES
- 2 Q --- OR ANYTHING?
- 3 A I SPENT SOME NIGHTS
- 4 Q YOU SPENT SOME NIGHTS THERE AND IT WAS RIGHT
- 5 BEFORE YOU CAME OUT TO THE 21 RILEY ROAD RESIDENCE, IS
- 6 THAT CORRECT?
- 7 A NO, NOT AT ALL
- 8 Q OKAY SO YOU WAS AT HOME AT YOUR MOTHER'S HOUSE
- 9 THE MONTH BEFORE THAT? YOU LIVED WITH YOUR MOTHER
- 10 THERE, IS THAT CORRECT?
- 11 A YES
- 12 Q AND HOW LONG WERE YOU LIVING WITH YOUR MOTHER UP
- 13 UNTIL THE TIME OF THE 21 RILEY ROAD INCIDENT?
- 14 A I ALWAYS LIVED WITH MY MOTHER
- 15 Q OKAY YOU HAVE NEVER LIVED IN NO OTHER LOCATION
- 16 OUTSIDE OF LIVING WITH YOUR MOTHER SINCE YOU BEEN A
- 17 TEENAGER UNTIL YOU CAME ---
- 18 A NO
- 19 Q --- ADULT, IS THAT CORRECT?
- 20 A I STAYED MORE THAN ONE PLACES OTHER THAN THERE
- 21 Q WHAT ARE SOME OF THE OTHER PLACES THAT YOU STAY?
- 22 A I STAYED OUT IN GRAYS HILL I STAYED OUT IN PORT
- 23 ROYAL I STAYED OUT IN BURTON AND THAT WAS IT
- 24 Q A LOT OF THESE PLACES YOU STAYED WHILE YOU WAS A
- 25 RUNAWAY AS A TEENAGER, IS THAT CORRECT?

1 A YEAH

2 Q AND YOU STAYED AT THESE DIFFERENT PLACES WHEN YOU
3 DROPPED OUT OF SCHOOL AND STAYED AT THESE DIFFERENT
4 PLACES BECAUSE YOU COULDN'T BEAR TO LIVE AT HOME, IS
5 THAT CORRECT?

6 A NO

7 Q WHAT WAS THE REASON THAT YOU RUN AWAY AS A
8 TEENAGER AND STAYED OUT AT ALL THESE DIFFERENT -- AT
9 THESE DIFFERENT HOMES, THESE DIFFERENT PLACES?

10 A JUST BECAUSE I WANTED TO

11 Q JUST BECAUSE YOU WANTED TO?

12 A UH-HUH

13 Q SO WOULD IT BE FAIR TO SAY THAT YOU WAS -- YOU
14 WASN'T -- YOU WASN'T LIVING A NORMAL LIFE THAT A
15 TEENAGER WOULD LIVE BECAUSE YOU DIDN'T LIVE UNDER YOUR
16 MOTHER'S ROOF AND YOU JUST WANTED TO LIVE OUT, DROP OUT
17 OF SCHOOL, AND JUST LIVE AT ALL THESE DIFFERENT
18 LOCATIONS, IS THAT CORRECT?

19 A NO BECAUSE I ALWAYS WENT BACK TO MY MOTHER AS I
20 PLEASED AND WANTED TO

21 Q DID YOU EVER AT ANY TIME STAY WITH CRYSTAL AND
22 TROY EVANS?

23 A I NEVER STAYED WITH THEM I SPENT SOME NIGHTS
24 OVER THERE

25 Q OKAY DID THE -- I WANT TO GO BACK TO THE 21

1 RILEY ROAD RESIDENCE WHEN THE OFFICERS ENTERED THAT
2 HOME AND ENCOUNTERED YOU, DID THEY READ YOU YOUR
3 MEMORANDA -- YOUR MIRANDA WARNING, I'M SORRY?

4 A NO, NOT THAT I REMEMBER

5 Q , IF I SHOWED YOU SOMETHING THAT MAY REFRESH YOUR
6 MEMORY, IT MAY BE POSSIBLE THAT YOU CAN REMEMBER?

7 A RIGHT

8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
9 THE COURT YES, SIR

10 MR MURDAUGH YOUR HONOR, PLEASE, I DON'T SEE
11 WHERE THAT'S RELEVANT TO THIS CASE AT ALL

12 THE COURT I SUSTAIN THAT OBJECTION

13 MR ALKEBULANYAHH YOUR HONOR, IT'S RELEVANT TO
14 THE EXTENT THAT BEFORE OFFICER IS TO ENTER A PERSON
15 HOUSE OR START SEARCHING, THEN IT'S A NORMAL COURSE
16 THAT THEY WOULD READ A PERSON THEIR MIRANDA WARNING,
17 AND THAT'S RELEVANT TO THIS CASE

18 THE COURT ALL RIGHT I SUSTAIN THAT OBJECTION
19 MOVE ON

20 MR ALKEBULANYAHH YOUR HONOR ---

21 THE COURT NEXT QUESTION

22 (PAUSE)

23 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE A
24 MINUTE WITH MY COUNSEL?

25 THE COURT YES, SIR

1 (PAUSE)

2 Q MS BLATE (PHONETIC), ON JANUARY 8, 2002, ON THE
3 DAY OF THAT INCIDENT, YOU WAS BEING INTERVIEWED BY LAW
4 ENFORCEMENT OFFICIALS, IS THAT CORRECT?

5 A YES

6 Q AND DID YOU INQUIRE IN TO THEM ABOUT YOUR BABY?

7 A I CAN'T REMEMBER

8 Q DO YOU RECALL THEM STATING THAT AFTER YOU
9 COOPERATE WITH THEM, THAT THEY'LL TALK TO YOU ABOUT THE
10 BABY THEN?

11 A I DON'T REMEMBER THAT EITHER

12 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

13 THE COURT YES, SIR

14 MR ALKEBULANYAHH YOUR HONOR, I WILL BE READING

15 -- I WILL LETTING HER VIEW PAGE 65 ON THE OCTOBER 1

16 HEARING IN CHARLESTON ---

17 THE COURT ALL RIGHT

18 MR ALKEBULANYAHH I MEAN IN BEAUFORT, I'M

19 SORRY

20 THE COURT ALL RIGHT

21 LADIES AND GENTLEMEN, YOU'VE HEARD REFERENCE TO

22 TWO OTHER PROCEEDINGS THOSE PROCEEDINGS WERE TAKEN

23 UNDER OATH YOU SHOULD CONSIDER THAT TESTIMONY IN THE

24 MANNER YOU DEEM APPROPRIATE IN THIS CASE, IN

25 CONSIDERATION WITH ALL THE FACTS AND CIRCUMSTANCES

STATE VS ALKEBULANYAHH

1 GO AHEAD

2 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

3 Q COULD YOU READ THAT TO YOURSELF?

4 A STARTING FROM WHERE?

5 Q AT LINE 11 THROUGH 18

6 (PAUSE)

7 A I DON'T REMEMBER THAT

8 Q SO ON OCTOBER 1 BEFORE THIS HONORABLE JUDGE IN

9 BEAUFORT COUNTY YOU DON'T REMEMBER STATING THAT LAW

10 ENFORCEMENT OFFICER TOLD YOU THAT UNTIL YOU COOPERATE

11 WITH THEM YOU WAS NOT GOING TO GET THE BABY, IS THAT

12 CORRECT?

13 A CORRECT

14 THE COURT DO YOU WISH TO HAVE HER READ THAT?

15 MR ALKEBULANYAHH YES I WOULD LIKE TO HAVE HER

16 READ THAT

17 THE COURT ALL RIGHT DO YOU WANT TO READ THE

18 QUESTION, SIR? DO YOU WANT TO READ THE QUESTION FROM

19 THE TRANSCRIPT?

20 MR ALKEBULANYAHH YES, SIR

21 THE COURT DO YOU HAVE ANOTHER COPY?

22 MR ALKEBULANYAHH YES, SIR, I DO WHAT PAGE DID

23 I SAY?

24 THE COURT 65

25 Q QUESTION

STATE VS ALKEBULANYAHH

1 THE COURT READ IT EXACTLY AS IT'S WRITTEN

2 MR ALKEBULANYAHH YES, SIR

3 Q BUT THEY DIDN'T WANT TO -- THEY DIDN'T WANT TO DO
4 THAT AND GIVE THE BABY TO YOU UNTIL YOU COOPERATED WITH
5 THEM IN THE INVESTIGATION AND MADE THE STATEMENTS
6 APPROPRIATE FOR THEM BEFORE THEY RELEASE THE BABY TO
7 YOU OR DETERMINE WHETHER YOU WERE GOING TO GET THIS
8 BABY BACK OR NOT, IS THAT CORRECT?

9 THE COURT YOU MAY READ THE RESPONSE, MA'AM

10 A RIGHT

11 Q THANK YOU

12 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH THE
13 WITNESS?

14 THE COURT YES, SIR

15 (PAUSE)

16 Q MS BLATE (PHONETIC), IS THAT YOUR WRITTEN
17 STATEMENT THAT YOU HAVE BEFORE YOU ON JANUARY 8 ---

18 A YES

19 Q --- 2002? YOU DID SIGN THAT STATEMENT, IS THAT
20 CORRECT?

21 A YES

22 Q WHO WAS THE OFFICER THAT SIGNED THE DOCUMENT ALONG
23 WITH YOU?

24 A BUSTER EDWARDS AND I CAN'T READ THE OTHER NAME
25 I THINK IT'S FREEMAN

1 Q BROMAGE?

2 A FREEMAN

3 Q FREEMAN SO THEY CONDUCT THE INTERVIEW WITH YOU
4 ON OCTOBER (SIC) 8 AND YOU WRITTEN THAT STATEMENT IN
5 YOUR WRITING, IS THAT CORRECT?

6 A YES

7 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
8 OFFER THIS DOCUMENT INTO EVIDENCE

9 THE COURT ANY OBJECTION?

10 MR MURDAUGH I HAVE NO OBJECTION TO EVERY
11 STATEMENT SHE MADE COMING IN BUT I HAVE AN OBJECTION
12 TO ONE SELECTED ONE COMING IN, SIR

13 THE COURT APPROACH THE SIDE BAR

14 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
15 OUT OF THE HEARING OF THE JURY)

16 THE COURT WE NEED TO MAKE SURE ALL THAT'S DONE
17 AT THE APPROPRIATE TIME

18 ALL RIGHT I'LL ALLOW IT IN DEFENDANT'S 5 IN
19 EVIDENCE WITHOUT OBJECTION -- SUBJECT TO THE CONDITION
20 THEY'RE ALL COMING IN

21 MR MURDAUGH THAT'S ONE OF THE 4?

22 THE COURT YES, SIR

23 (VOLUNTARY STATEMENT, KIMBERLY BLAKE, JANUARY 8,
24 2002 3 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S
25 EXHIBIT NO 5)

1 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR

2 THE COURT YES, SIR

3 Q MS BLATE (PHONETIC), IS THAT YOUR STATEMENT THAT
4 YOU GAVE ON JANUARY 10, 2002, SECOND STATEMENT?

5 A YES

6 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
7 ENTER THAT INTO EVIDENCE

8 THE COURT ALL RIGHT WITHOUT OBJECTION

9 MR MURDAUGH NO OBJECTION, AS I STATED

10 THE COURT DEFENDANT'S 6 IN EVIDENCE WITHOUT
11 OBJECTION

12 MR MURDAUGH THAT'S CORRECT

13 (VOLUNTARY STATEMENT, KIMBERLY BLAKE, JANUARY 10,
14 2002, 3 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S
15 EXHIBIT NO 6)

16 Q MS BLATE (PHONETIC) IS THAT YOUR THIRD STATEMENT
17 ON JANUARY 11, 2002?

18 A YES

19 MR ALKEBULANYAHH I WOULD LIKE TO ENTER THAT
20 INTO EVIDENCE, YOUR HONOR

21 THE COURT DEFENDANT'S 7 IN EVIDENCE WITHOUT
22 OBJECTION

23 (VOLUNTARY STATEMENT, KIMBERLY BLAKE, JANUARY 11,
24 2002, 3 PAGES MARKED IN EVIDENCE AS DEFENDANT'S
25 EXHIBIT NO 7)

STATE VS ALKEBULANYAHH

1 Q MS BLATE (PHONETIC), ON MARCH 21, 2002, IS THAT
2 YOUR WRITTEN STATEMENT THAT YOU MADE TO SLED AGENT
3 TRAVIS AVANT AND LIEUTENANT BROMAGE?

4 A YES

5 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
6 ENTER THAT IN EVIDENCE

7 THE COURT DEFENDANT'S 8 IN EVIDENCE WITHOUT
8 OBJECTION (

9 (VOLUNTARY STATEMENT, KIMBERLY BLAKE, MARCH 21,
10 2002, 2 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S
11 EXHIBIT NO 8)

12 (PAUSE)

13 THE COURT ANYTHING ELSE?

14 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

15 Q MS BLATE (PHONETIC) EARLIER WHEN I ASKED YOU A
16 QUESTION, DID YOU MAKE A STATEMENT OR GIVE A STATEMENT
17 TO MR BUST -- TO MR BUSTER EDWARDS OF THE SOUTH
18 CAROLINA LAW ENFORCEMENT DIVISION YOU STATED PLAINLY
19 NO, IS THAT CORRECT?

20 A NO I DON'T REMEMBER

21 MR ALKEBULANYAHH YOUR HONOR, COULD WE HAVE THE
22 RECORD RECALLED?

23 THE COURT SIR, COULD YOU REPEAT THE QUESTION?

24 Q MS BLATE (PHONETIC), EARLIER I ASKED -- YOU WAS
25 ASKED DID YOU MAKE A STATEMENT TO MR BUSTER EDWARDS

1 AND YOU SAID, NO, IS THAT CORRECT?

2 A NO, I DON'T REMEMBER, THAT'S WHAT I REMEMBER
3 SAYING

4 THE COURT YOU ASKED HER EARLIER WHO SIGNED THAT
5 STATEMENT, I THOUGHT

6 MR ALKEBULANYAHH I ASKED HER EARLIER ABOUT THE
7 STATEMENT ---

8 THE COURT YOU ASKED HER EARLIER WHETHER SHE ---

9 MR ALKEBULANYAHH --- DID BUSTER EDWARDS
10 INTERVIEW OR SIGN A STATEMENT AND SHE SAID, NO
11 RIGHT IS THAT CORRECT?

12 THE COURT SHE SAID THE MAN'S NAME BUSTER
13 EDWARDS AND A FREEMAN

14 MR ALKEBULANYAHH THE JANUARY 8 DOCUMENT

15 THE COURT APPROACH THE SIDE BAR

16 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
17 OUT OF THE HEARING OF THE JURY)

18 THE COURT YOU CAN ASK YOUR ORIGINAL QUESTION
19 AGAIN, SIR

20 MR ALKEBULANYAHH CAN I ASK HER ---

21 THE COURT NO ASK THE ORIGINAL QUESTION FIRST
22 SO I CAN SATISFY MYSELF WHAT I NEED TO DO

23 (PAUSE)

24 MR ALKEBULANYAHH I DON'T KNOW THE EXACT WORDS
25 THAT I USED

1 THE COURT THE QUESTION EARLIER YOU WANTED TO GO
2 BACK TO ASK IT ALL RIGHT GO AHEAD

3 Q MS BLATE (PHONETIC), DIDN'T YOU STATE EARLIER ---
4 THE COURT NO ASK THE QUESTION THAT YOU ASKED
5 EARLIER

6 MR ALKEBULANYAHH WAY EARLIER?

7 THE COURT YES

8 MR ALKEBULANYAHH YES, SIR

9 Q MS BLATE (PHONETIC), WAS BUSTER EDWARDS PRESENT
10 WHEN YOU GIVE THE INTERVIEW TO LAW ENFORCEMENT
11 OFFICIALS ON JANUARY 8, 2002?

12 A I DON'T REMEMBER

13 THE COURT THAT WAS WHAT WAS SAID EARLIER

14 MR ALKEBULANYAHH I -- I -- I'M REFERRING TO
15 THE ---

16 THE COURT ALL RIGHT NOW GO BACK TO YOUR
17 CURRENT ---

18 MR ALKEBULANYAHH I COME AS CLOSE AS I POSSIBLY
19 CAN, YOU KNOW, TO THAT PARTICULAR QUESTION THAT WAS
20 SAID EARLIER

21 THE COURT THAT WAS THE QUESTION NOW YOU CAN GO
22 BACK TO YOUR CURRENT QUESTION

23 MR ALKEBULANYAHH OKAY

24 (PAUSE)

25 Q MS BLATE (PHONETIC), DID YOU EVER STATE THAT YOU

1 DID NOT STATE OR GIVE A STATEMENT TO MR BUSTER
2 EDWARDS?

3 A I SAID I THAT I DON'T REMEMBER

4 THE COURT ALL RIGHT MADAM COURT REPORTER IF
5 YOU WILL FIND THE EARLIER STATEMENT PLEASE

6 (PAUSE)

7 THE COURT LADIES AND GENTLEMEN, I NEED YOU TO GO
8 TO THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY

9 (THE JURY RETIRES TO THE JURY ROOM AT 4 02 P M)

10 MR MURDAUGH JUDGE, IF IT WILL HELP FACILITATE
11 THINGS I'M WILLING TO STIPULATE THAT BUSTER EDWARDS
12 WAS PRESENT ON JANUARY 8, 2002 WHEN THE STATEMENT THAT
13 HAS BEEN INTRODUCED BY HIM WAS GIVEN

14 THE COURT IS THAT WHAT YOU'RE WANTING?

15 MR ALKEBULANYAHH NO, I DON'T WANT TO STIPULATE
16 TO NOTHING I WANT NO HELP FROM HIM ON ANYTHING HE
17 DON'T HAVE TO DO NOTHING WE CAN CONTINUE IN THE PATH
18 THAT I'M GOING

19 THE COURT THAT WASN'T -- I DIDN'T ASK FOR THAT
20 KIND OF RESPONSE MR ALKEBULANYAHH

21 MR ALKEBULANYAHH SORRY, YOUR HONOR

22 THE COURT A YES OR NO WOULD HAVE BEEN
23 SUFFICIENT

24 MR ALKEBULANYAHH I'M SORRY, YOUR HONOR PLEASE
25 FORGIVE ME

STATE VS ALKEBULANYAHH

1 THE COURT I ASKED YOU A SPECIFIC QUESTION IS
2 THAT WHAT YOU WANTED?

3 MR ALKEBULANYAHH NO, SIR

4 THE COURT ALL RIGHT PLEASE BE SEATED

5 (PAUSE)

6 THE COURT WHEN WAS THAT? WAS THAT BEFORE THE
7 BREAK? THAT WAS THIS MORNING WHEN WAS THAT ABOUT?
8 IT WASN'T THIS MORNING

9 MR MURDAUGH IT WOULD HAVE TO HAVE BEEN --
10 BECAUSE WE DIDN'T PUT KIMBERLY BLAKE UP UNTIL 1 30

11 THE COURT WAS IT BEFORE THE BREAK?

12 MR ALKEBULANYAHH IT WAS EARLY

13 THE COURT IT WAS PROBABLY BEFORE THE BREAK

14 (PAUSE)

15 THE COURT I'M SORRY WHAT WERE YOU SAYING? I
16 WAS TRYING TO GIVE YOU SOME -- NOT RUN A FULL COURT
17 TODAY TO GIVE YOU SOME TIME AS FAR AS IF YOU NEEDED TO
18 EXERCISE ANY OF YOUR -- FOR PURPOSES OF YOUR RELIGIOUS
19 PREFERENCES DO YOU WISH TO PROCEED OR ---

20 MR ALKEBULANYAHH YES, SIR, I WISH TO PROCEED
21 I APPRECIATE ---

22 THE COURT I JUST WANT TO OFFER

23 MR ALKEBULANYAHH THANK YOU VERY MUCH

24 THE COURT I TOLD YOU I WOULD CONTINUALLY TRY TO
25 SEE IF I COULD GIVE YOU SOME TIME IN THE SCHEDULE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I APPRECIATE THAT THANK YOU,
2 YOUR HONOR

3 THE COURT ALL RIGHT

4 (PAUSE)

5 THE COURT IT'S MY UNDERSTANDING YOU WISH TO GO
6 AHEAD AND PROCEED AT THIS POINT?

7 MR ALKEBULANYAHH THAT'S CORRECT, YOUR HONOR

8 THE COURT ALL RIGHT BRING THE JURY BACK IN
9 PLEASE

10 (PAUSE)

11 THE COURT THAT LAST MATTER IS WITHDRAWN, IS THAT
12 CORRECT?

13 MR ALKEBULANYAHH THAT'S CORRECT, YOUR HONOR

14 THE COURT ALL RIGHT

15 (THE JURY RETURNS TO THE COURTROOM AT 4 30 P M)

16 THE COURT THANK YOU PLEASE BE SEATED

17 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
18 PROCEED GO AHEAD PLEASE

19 Q MS BLATE (PHONETIC) DO YOU REMEMBER ON OCTOBER 1
20 WHEN THE COURT STATED TO YOU -- I WILL READ IT THEY
21 WASN'T GOING TO RETURN THE BABY

22 HIS QUESTION WAS THEY WERE NOT GOING TO RETURN
23 THE BABY TO YOU, IS THAT CORRECT? IT GOES ON TO SAY,
24 THEY KEPT THE BABY AND DIDN'T WANT -- DIDN'T WANT TO
25 GIVE YOU THE BABY UNTIL YOU COOPERATED WITH THEM WITH

STATE VS ALKEBULANYAHH

1 THE INVESTIGATION THAT IS WHAT HE'S ASKING, IS THAT
2 CORRECT, MA'AM?

3 MR MURDAUGH YOUR HONOR

4 Q AND YOUR RESPONSE WAS?

5 MR MURDAUGH WE JUST FINISHED WITH?

6 THE COURT YES, DID YOU NOT ALREADY -- YOU WERE
7 READING SOMETHING THAT THE COURT WAS INQUIRING ABOUT?

8 MR ALKEBULANYAHH YES, SIR, SOMETHING THE COURT
9 WAS INQUIRING ABOUT, THAT'S TOTALLY DIFFERENT

10 THE COURT YOU'RE ASKING HER -- BUT WASN'T THAT
11 PROMPTING THE SAME RESPONSE THAT YOU'VE ALREADY ASKED
12 ABOUT?

13 MR ALKEBULANYAHH IT'S IN -- IT'S -- IT'S --
14 IT'S IN THE SAME -- IT'S IN THE SAME PARTICULAR AREA
15 YES, SIR

16 THE COURT BUT I MEAN THE COURT AT THAT TIME
17 WAS TRYING TO EXPLAIN TO THE WITNESS WHAT YOUR QUESTION
18 WAS

19 MR ALKEBULANYAHH RIGHT

20 THE COURT I DON'T SEE THE NEED OF REPEATING WHAT
21 YOU ALREADY ASKED A MINUTE AGO

22 MR ALKEBULANYAHH THE COURT WAS RESPONDING TO
23 SOMETHING PRIOR BEFORE I ASKED THE QUESTION AFTER THE
24 COURT

25 THE COURT ALL RIGHT ASK THE QUESTION THAT YOU

STATE VS ALKEBULANYAHH

1 WERE ASKING IN THERE

2 MR ALKEBULANYAHH I WANTED TO ASK HER THE
3 QUESTION ABOUT WHAT THE COURT ADDRESSED HER TO HER
4 RESPONSE -- THAT SHE RESPONDED TO THE COURT

5 THE COURT FIRST, YOU HAVE TO ASK HER DIRECTLY
6 HERE

7 MR ALKEBULANYAHH OKAY

8 THE COURT IF THERE'S ANY CONFUSION, THEN YOU CAN
9 REFERENCE THAT

10 MR ALKEBULANYAHH YES, SIR

11 MR MURDAUGH MIGHT I INQUIRE SIR, WHAT PAGE
12 WE'RE ON

13 MR ALKEBULANYAHH PAGE 64, LINE 9 THROUGH 19

14 Q MS BLATE (PHONETIC), DO YOU RECALL STATING ---
15 THE COURT NO ASK HER DIRECTLY FIRST

16 MR ALKEBULANYAHH ASK HER DIRECTLY FROM HERE?
17 THE COURT HERE

18 MR ALKEBULANYAHH OKAY

19 THE COURT TO SEE IF SHE DOESN'T RECALL WHATEVER
20 ASK HER THE QUESTION FIRST THEN IF SHE DOESN'T
21 RECALL, YOU CAN ASK IF THAT MATTER WILL HELP REFRESH
22 HER MEMORY

23 MR ALKEBULANYAHH OKAY

24 Q MS BLATE (PHONETIC), DO YOU RECALL ---

25 THE COURT NO JUST ASK HER THE QUESTION WITHOUT

1 SAYING DO YOU RECALL

2 MR ALKEBULANYAHH OKAY

3 Q MS BLATE (PHONETIC), DID YOU STATE THAT ON

4 OCTOBER 1, 2003 ---

5 THE COURT MR ALKEBULANYAHH, WHAT YOU WANT TO DO

6 IS ASK HER THE GENERAL QUESTION HERE FIRST IF SHE

7 CAN'T REMEMBER THEN YOU CAN GO BACK TO THAT OKAY?

8 MR ALKEBULANYAHH OKAY

9 THE COURT WHATEVER IT WAS YOU WERE GETTING AT

10 WITH THE QUESTION, ASK IT DIRECTLY HERE NOW FIRST

11 WITHOUT REFERRING TO THAT

12 MR ALKEBULANYAHH OKAY

13 Q MS BLATE (PHONETIC), DID YOU STATE THAT THE LAW

14 ENFORCEMENT OFFICIALS TOLD YOU THAT ONCE YOU COOPERATE

15 WITH THEM, THEY WOULD GIVE YOU YOUR BABY BACK?

16 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S BEEN

17 ASKED AND ANSWERED TWICE

18 THE COURT YES, I THINK THAT HAS BEEN ASKED AND

19 ANSWERED

20 Q MS BLATE (PHONETIC), WHEN YOU ASKED THE DEPUTIES

21 ABOUT YOUR BABY, WHAT DID THEY SAY?

22 MR MURDAUGH YOUR HONOR, PLEASE, WE'VE GONE INTO

23 THAT, SIR

24 THE COURT ALL RIGHT I AGREE SUSTAINED

25 MR ALKEBULANYAHH COULD I HAVE A MOMENT WITH

STATE VS ALKEBULANYAHH

1 COUNSEL YOUR HONOR?

2 THE COURT YES

3 (PAUSE)

4 THE COURT YOU READY?

5 MR ALKEBULANYAHH YES, SIR THANK YOU

6 THE COURT ALL RIGHT

7 Q MS BLATE (PHONETIC), EVERYTHING THAT YOU HAVE
8 SAID, TESTIMONY THAT YOU HAVE GIVEN IN THE PAST,
9 WRITTEN STATEMENTS YOU HAVE STATED ABOUT MR
10 ALKEBULANYAHH, WOULD YOU OMIT (SIC) THAT THEY REALLY
11 JUST A BUNCH OF LIES?

12 A NO

13 Q WOULD YOU SAY THAT THEY'RE A BUNCH LIES BECAUSE
14 THE LAW ENFORCEMENT WANTED YOU TO SAY THEM THINGS?

15 A NO

16 Q BUT MOST OF THE THINGS THAT YOU DID SAID, YOU
17 NEVER SAID THEM IN YOUR STATEMENT NOR IN ANY OF YOUR
18 INTERVIEWS FROM THE BEGINNING, IS THAT CORRECT?

19 A NO

20 Q SO YOU SAYING THAT EVERYTHING YOU'RE STATING AND
21 EVERYTHING YOU HAVE SAID TODAY BEFORE THIS JURY DESPITE
22 THAT WE HAVE HEARD YOU OMIT (SIC) REPEATEDLY THAT YOU
23 DO TELL LIES, THAT YOUR LIES ARE NOT LIES?

24 A NO, I'M NOT SAYING THAT

25 Q SO YOU ARE SAYING THAT YOU HAVE LIED, IS THAT

1 CORRECT?

2 A NO, I'M NOT SAYING THAT EITHER I'M SAYING I DID
3 NOT WRITE EVERYTHING ON THOSE STATEMENTS BUT SOME OF
4 THOSE THINGS I DO REMEMBER

5 Q WELL, WHO WROTE THOSE THINGS ON THOSE STATEMENTS
6 -- NOT SOME OF THE THINGS ON THE STATEMENTS?

7 A I WROTE EVERYTHING ON THOSE STATEMENT

8 Q SO WHAT YOU MEANT BY YOU DIDN'T WRITE EVERYTHING?

9 A I DIDN'T SAY EVERYTHING THAT I WROTE ON THOSE
10 STATEMENTS

11 Q SO ARE YOU SAYING THAT IT WAS PEOPLE -- SOMEBODY
12 PUT WORDS IN YOUR MOUTH OR ---

13 A NO NOT AT ALL

14 Q BUT SO YOU'RE SAYING THAT SOMEONE SAID THOSE
15 STATEMENTS AND THEY REALLY WASN'T YOUR STATEMENT?

16 A NO, I'M NOT SAYING THAT EITHER

17 Q COULD YOU EXPLAIN WHAT YOU MEAN BY THEY REALLY --
18 THEY YOUR STATEMENTS BUT THEY REALLY NOT YOUR
19 STATEMENT? COULD YOU EXPLAIN THAT?

20 A WHAT I'M SAYING IS, SOME OF THOSE THINGS THAT I
21 WROTE ON THOSE STATEMENTS IS THE THINGS THAT I
22 REMEMBER AND SOME OF THOSE THINGS I DON'T REMEMBER
23 THOSE ARE THE THINGS THAT I SAID

24 Q MOST OF YOUR STATEMENTS AND THE STATEMENTS YOU
25 THAT MADE IN YOUR WRITTEN STATEMENTS AND SOME OF YOUR

1 INTERVIEWS WOULDNT YOU SAY THAT JUST ABOUT 11 DAYS
2 AGO YOU CANT REMEMBER WHAT YOU STATED UNDER OATH BUT
3 AFTER TWO AND A HALF -- ALMOST TWO YEARS -- I'M SORRY,
4 ABOUT TWO YEARS PASS YOU REMEMBER SOMETHING YOU NEVER
5 REMEMBERED BEFORE ABOUT YOU TOLD THE OFFICERS THEY CAN
6 SEARCH WOULDNT YOU SAY THAT YOUR MEMORY IS REALLY
7 JUST COMES AND GOES?

8 A NO

9 Q YOU DONT SO WHY DIDNT YOU GIVE THE INFORMATION
10 THAT YOU REMEMBER 11 DAYS AGO ABOUT TWO YEARS AGO THAT
11 IT COULD BE -- TO DO WHATEVER IT NEED TO BE -- DO
12 WHATEVER YOU NEED TO DO WHEN YOU WAS QUESTIONED BY LAW
13 ENFORCEMENT OFFICIALS WHEN THEY WAS TRYING TO GET TO
14 THE TRUTH IF THIS MATTER, WHY DIDNT YOU GIVE THEM THE
15 TRUTH THEN? WHY DIDNT YOU TELL THEM SO MAYBE YOU CAN
16 EXPEDITE (PHONETIC) THE TRUTH AND EVERYTHING -- MAYBE
17 WE WOULDNT HAVE TO BE GOING THROUGH THIS HERE IF YOU
18 HAD JUST TOLD THE TRUTH BACK THEN INSTEAD OF WAITING
19 TWO YEARS FROM NOW TO TELL -- TO TELL THE TRUTH OR WHAT
20 YOU THINK TO BE THE TRUTH ACCORDING TO YOU?

21 A THAT'S WHEN I REMEMBERED IT

22 Q SO YOU JUST REMEMBER IT A COUPLE WEEKS AGO AFTER
23 TWO YEARS PASS, IS THAT CORRECT?

24 A RIGHT

25 Q SO YOU WOULDNT SAY THAT YOUR MEMORY IS BAD?

- 1 A NO
- 2 Q AFTER -- YOU EVER SEEN A DOCTOR, YOU EVER HAVE
- 3 SEEN A PHYSICIAN ABOUT YOUR MEMORY OR YOUR MIND?
- 4 A NO
- 5 Q WOULDN'T YOU LIE TO STAY OUT OF JAIL?
- 6 A NO
- 7 Q WOULDN'T YOU LIE TO RECEIVE YOUR BABY BACK?
- 8 A NO
- 9 Q SO COULD YOU EXPLAIN TO THIS JUROR (SIC) WHY YOU
- 10 OMITTED (SIC) TO LYING AND TOLD THE LIES THAT YOU DID?
- 11 A EXCUSE ME?
- 12 Q TODAY, COULD YOU EXPLAIN TO THIS JUROR (SIC) OR
- 13 EXPLAIN WHY YOU OMITTED (SIC) TO LYING SEVERAL TIMES
- 14 TODAY? SO YOU JUST LIE FOR NO REASON AT ALL, IS THAT
- 15 CORRECT?
- 16 A NO
- 17 Q WHAT'S THE REASON FOR YOU LYING? WHY DO YOU LIE?
- 18 A I DIDN'T LIE I DID NOT REMEMBER
- 19 Q BUT THEY HAVE BEEN THINGS THAT YOU HAVE OMITTED
- 20 (SIC) TO AND SAID I LIED ABOUT?
- 21 A YES, BECAUSE WHEN I READ IT AND I LOOKED AT IT,
- 22 THEN THAT'S WHEN I REMEMBERED IT
- 23 Q DO YOU EVER REMEMBER TELLING AN INVESTIGATOR THAT
- 24 YOU HAD NEVER SEEN A TATOO ON MR ALKEBULANYAHH?
- 25 A NO, I DON'T REMEMBER NOTHING LIKE THAT

- 1 Q HAVE YOU SEEN A TATOO ON MR ALKEBULANYAHH BEFORE?
- 2 A YES
- 3 Q HAVE YOU ALWAYS KNOWN THERE WAS A TATOO ON MR
- 4 ALKEBULANYAHH?
- 5 A YES
- 6 Q DO YOU REMEMBER EVER TELLING AN INVESTIGATOR THAT
- 7 YOU HAVE NEVER HEARD MR ALKEBULANYAHH SAY ANYTHING BAD
- 8 ABOUT POLICE OFFICERS?
- 9 A EXCUSE ME?
- 10 Q DO YOU REMEMBER EVER TELLING AN INVESTIGATOR FOR
- 11 THE BEAUFORT COUNTY SHERIFF DEPARTMENT THAT YOU HAD
- 12 NEVER HEARD MR ALKEBULANYAHH SAY ANYTHING BAD ABOUT
- 13 POLICE OFFICERS?
- 14 A I DON'T REMEMBER THAT EITHER
- 15 Q HAVE YOU EVER HEARD MR ALKEBULANYAHH PRIOR TO
- 16 JANUARY 8, 2002 SAY ANYTHING BAD ABOUT POLICE OFFICERS?
- 17 A YES
- 18 Q DID MR ALKEBULANYAHH KNOW ON JANUARY 8, 2002 THAT
- 19 THE POLICE OFFICER WAS COMING TO HIS RESIDENCE?
- 20 A I DON'T KNOW
- 21 Q DO YOU EVER RECALL EVER STATING THAT MR
- 22 ALKEBULANYAHH DID NOT KNOW THAT THE POLICE OFFICERS WAS
- 23 COMING TO HIS RESIDENCE?
- 24 A I DON'T RECALL
- 25 Q IF I SHOWED YOU SOMETHING TO MAYBE REFRESH YOUR

1 MEMORY, DO YOU THINK YOU MAY BE ABLE TO REMEMBER THEN?

2 A YES

3 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH

4 Q ON THE OCTOBER 1 TRANSCRIPT, PAGE 70, LINE 11

5 THROUGH 14

6 THE COURT WHAT PAGE?

7 MR ALKEBULANYAHH PAGE 70

8 Q MS BLATE (PHONETIC), CAN YOU READ THAT?

9 A YES

10 Q THAT'S FROM YOUR TESTIMONY UNDER OATH ON OCTOBER

11 1, 2003 DO YOU REMEMBER MAKING THE STATEMENT THAT MR

12 ALKEBULANYAHH DID NOT KNOW THE POLICE WAS COMING TO HIS

13 RESIDENCE ON 2002, JANUARY 8?

14 A I DON'T REMEMBER MAKING THAT

15 THE COURT YOU CAN READ THE QUESTION FROM THE

16 TRANSCRIPT AND HAVE HER READ HER ANSWER

17 Q QUESTION HE DIDN'T KNOW THAT THE OFFICER WAS

18 COMING THERE OR ANYTHING, HE DIDN'T KNOW WHAT WAS GOING

19 ON REALLY IS THAT CORRECT?

20 A RIGHT

21 Q SO ACCORDING TO YOUR TESTIMONY UNDER OATH, YOU DID

22 SAY THAT WAS RIGHT, IS THAT CORRECT?

23 A YES

24 Q THAT MR ALKEBULANYAHH DID NOT KNOW ---

25 MR MURDAUGH YOUR HONOR, PLEASE

1 Q --- THE OFFICER WAS COMING OR ANYTHING?

2 MR MURDAUGH ASKED AND ANSWERED, SIR

3 THE COURT I AGREE, THAT HAS BEEN ASKED AND
4 ANSWERED

5 Q MS BLATE (PHONETIC), ISN'T IT TRUE -- ISN'T IT
6 TRUE THAT YOU LIED WHEN YOU STATE THAT YOU WANTED TO
7 SEE THE POLICE OFFICERS ON JANUARY 8, 2002?

8 A EXCUSE ME?

9 Q ISN'T IT TRUE THAT YOU LIED TODAY WHEN YOU STATED
10 THAT YOU WANTED TO SEE THE POLICE OFFICERS ON JANUARY
11 8 2002?

12 A THAT IS NOT TRUE I WANTED TO SEE THEM

13 Q IF I COULD SHOW YOU SOMETHING TO REFRESH YOUR
14 MEMORY, DO YOU THINK YOU MAY BE ABLE TO REMEMBER?

15 A YES

16 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
17 THE COURT YES, SIR

18 Q OCTOBER 1 2003, BEGINNING AT PAGE 73, LINE 24
19 THROUGH 25 TO PAGE 74 1 THROUGH 3

20 A WHAT LINE IS IT?

21 Q PAGE 74 LINE 24 ---

22 MR MURDAUGH 73

23 Q 73, I'M SORRY DO YOU RECALL THAT?

24 A OKAY WHAT IS YOUR QUESTION AGAIN?

25 Q MY QUESTION IS ISN'T IT TRUE THAT YOU LIED WHEN

1 YOU SAID THAT YOU WANTED TO SEE THE POLICE OFFICERS ON
2 JANUARY 8, 2002 AT THE 21 RILEY ROAD RESIDENCE?

3 A NO WHAT I SAID WAS I WAS AFRAID TO SEE THEM,
4 BECAUSE I WAS AFRAID THAT I WAS GOING TO -- THAT I
5 WOULD GO TO JAIL

6 Q COULD YOU ANSWER YES OR NO?

7 A YES

8 Q SO ISN'T IT TRUE THAT YOU STATED UNDER OATH ON
9 OCTOBER 1, 2003 WHEN ASKED, DID YOU WANT THE POLICE
10 THERE AT THE 21 RILEY ROAD RESIDENCE? AND YOU STATED,
11 THAT'S CORRECT, IS THAT RIGHT? THAT'S RIGHT?

12 A YES

13 MR MURDAUGH YOUR HONOR, PLEASE, THAT WAS NOT
14 THE QUESTION THAT WAS ASKED I HAVE NO PROBLEM WITH
15 HIM READING THE QUESTION AND HER ANSWER

16 THE COURT ALL RIGHT GO AHEAD

17 MR ALKEBULANYAHH THANK YOU YOUR HONOR

18 THE COURT GO AHEAD AND READ THE QUESTION AND LET
19 HER READ THE ANSWER

20 Q YOU ACTUALLY DIDN'T REALLY AT THAT TIME IF I'M
21 CORRECT -- YOU DIDN'T WANT TO ENCOUNTER AN ENCOUNTER
22 WITH THE POLICE OFFICERS, IS THAT CORRECT?

23 A YES

24 Q READ YOUR ANSWER

25 THE COURT READ IT EXACTLY AS IT'S INDICATED,

1 MA'AM, PAGE 74

2 MR MURDAUGH WE WILL STIPULATE SHE SAID, RIGHT,

3 SIR

4 THE COURT ALL RIGHT

5 (PAUSE)

6 Q MS BLATE (PHONETIC), ISN'T IT TRUE THAT YOU KNEW
7 THAT THE ONLY REASON STRAWBERRY WAS GOING TO CALL THE
8 POLICE IS BECAUSE WANTED YOU TO COME HOME OR LEAVE THAT
9 RESIDENCE?

10 A NO, THAT IS NOT TRUE

11 Q IF I SHOWED YOU SOMETHING TO REFRESH YOUR MEMORY,
12 DO YOU THINK YOU WOULD BE ABLE TO REMEMBER?

13 A YES

14 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

15 THE COURT YES, SIR

16 MR MURDAUGH WHAT PAGE?

17 MR ALKEBULANYAHH PAGE 77 LINE 16 THROUGH 18

18 MR MURDAUGH YOUR HONOR, PLEASE, IN ORDER TO
19 ABBREVIATE THIS, SIR, I HAVE NO PROBLEM WITH HIM
20 READING THE QUESTION AND THE ANSWER, TO SIMPLIFY
21 THINGS, SIR

22 THE COURT ALL RIGHT IS THAT FINE WITH YOU?

23 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

24 THE COURT ALL RIGHT GO AHEAD

25 MR MURDAUGH OKAY

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR, WHAT PAGE DID I
2 SAY, SIR?

3 MR MURDAUGH 77

4 THE COURT 77

5 MR ALKEBULANYAHH THANK YOU

6 (PAUSE)

7 Q MS BLATE (PHONETIC), DO YOU NOW REMEMBER TELLING
8 THE COURT UNDER OATH THAT THE REASON STRAWBERRY
9 WASHINGTON WAS GOING TO CALL THE POLICE BECAUSE SHE
10 WANTED YOU TO COME HOME?

11 A I DON'T REMEMBER THAT

12 MR ALKEBULANYAHH YOUR HONOR, PLEASE

13 THE COURT GO AHEAD THE STATE'S ALREADY AGREED
14 FOR YOU TO DO THAT

15 Q DO YOU KNOW THE NATURE OF WHY STRAWBERRY WAS GOING
16 TO CALL THE POLICE ON YOU?

17 A BECAUSE SHE WANTED ME TO COME HOME

18 (PAUSE)

19 Q MS BLATE (PHONETIC), DO YOU REMEMBER STATING THAT
20 IT WAS STRAWBERRY WASHINGTON IDEA WHO BROUGHT UP THE
21 IDEA ABOUT CALLING THE POLICE AND INITIATING CALLING
22 THE POLICE TO 21 RILEY ROAD RESIDENCE?

23 A NO, I DON'T REMEMBER

24 Q IF I SHOWED YOU SOMETHING TO REFRESH YOUR MEMORY,
25 WOULD YOU REMEMBER?

1 A YES

2 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?

3 THE COURT YES, SIR

4 Q PAGE 78, 7 THROUGH 10 NOW, MS BLATE (PHONETIC),
5 DO YOU REMEMBER STATING UNDER OATH ON OCTOBER 1 THAT IT
6 WAS STRAWBERRY WASHINGTON WHO BROUGHT UP AND INITIATED
7 OR INDICATED ABOUT CALLING THE POLICE?

8 A YES

9 Q YOU DO REMEMBER AND IS THAT STATEMENT TRUE?

10 A THAT ---

11 Q THAT YOU STATED?

12 A YES

13 Q SO BEFORE YOU STATED THAT IT WAS YOU WHO WANTED TO
14 CALL THE POLICE, WANTED TO GET THE HELP OF THE LAW
15 ENFORCEMENT OFFICIALS BECAUSE YOU BEING HELD HOSTAGE OR
16 YOU BEING HIT ON OR HURT -- IT'S A LIE? JUST TELL THE
17 TRUTH, IT'S A LIE, CORRECT?

18 A UH-HUH

19 THE COURT YOU NEED TO RESPOND, MA'AM I HEARD
20 YOUR RESPONSE YOU NEED TO RESPOND SO THE COURT
21 REPORTER CAN TAKE IT DOWN

22 A OKAY

23 THE COURT WHAT WAS ---

24 Q IT WAS A LIE, CORRECT?

25 A YES

1 Q BEFORE YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE,
2 DO YOU RECALL STATING THAT MS STRAWBERRY WASHINGTON
3 WAS TRYING TO PREVENT YOU FROM LEAVING AND COMING TO
4 MR ALKEBULANYAHH RESIDENCE, DO YOU RECALL THAT?

5 A YES

6 Q AND THAT IS TRUE, THAT IT WAS STRAWBERRY
7 WASHINGTON WHO WAS HOLDING YOU, TRYING TO PREVENT YOU
8 FROM COMING TO THE 21 RILEY ROAD RESIDENCE, IS THAT
9 CORRECT?

10 A YES

11 Q SO YOU WOULD AGREE SHE WAS TRYING TO STAND IN THE
12 WAY FROM YOU DOING WHAT YOU WANTED TO DO, IS THAT
13 CORRECT?

14 A NO, SHE DIDN'T STAND IN THE WAY SHE JUST TOLD ME
15 THAT SHE DIDN'T WANT ME TO GO THERE

16 Q BUT SHE WAS HOLDING YOU?

17 A NO, SHE DIDN'T NEVER TOUCH ME

18 Q IF I SHOW YOU SOMETHING TO REFRESH YOUR MIND, DO
19 YOU THINK YOU WOULD BE ABLE TO REMEMBER?

20 A UH-HUH YES

21 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
22 THE COURT YES, SIR

23 Q PAGE 78, 21 TO 25

24 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S WHAT SHE
25 ANSWERED, SIR THAT WAS THE RESPONSE SHE GAVE

1 THE COURT IF SHE ACKNOWLEDGED THAT, THEN YOU CAN
2 MOVE ON

3 MR ALKEBULANYAHH SO SHE ACKNOWLEDGE THAT?

4 THE COURT YES, MOVE ON

5 MR ALKEBULANYAHH OKAY

6 Q AND YOU DO ACKNOWLEDGE IN YOUR REMEMBRANCE FROM
7 THE THINGS THAT YOU DO REMEMBER, THAT A DAY BEFORE THE
8 POLICE OFFICERS ARRIVED TO MR ALKEBULANYAHH HOUSE --
9 AND THAT DAY BEFORE WOULD BE JANUARY 7, 2002 -- THAT
10 MR ALKEBULANYAHH HAD THREATENED TO TAKE YOU BACK TO
11 YOUR MOTHER'S HOUSE, IS THAT CORRECT?

12 A HAD THREATEN TO BEAT ME UP AND TAKE ME BACK TO MY
13 MOTHER'S HOUSE

14 Q IF I SHOW YOU SOMETHING TO REFRESH YOUR MEMORY, DO
15 YOU THINK YOU WOULD BE ABLE TO RECOLLECT -- RECOLLECT
16 ABOUT THAT HE WAS THREATENING YOU TO TAKE YOU BACK TO
17 YOUR MOTHER'S HOUSE?

18 A RIGHT

19 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

20 THE COURT YES, SIR

21 Q PAGE 79, VERSE (SIC) 1 THROUGH 4 DO YOU
22 RECOLLECT THAT STATEMENT NOW?

23 A YES

24 Q AND IS THAT STATEMENT TRUE?

25 A NO YOU THREATENED TO BEAT ME UP AND TAKE ME BACK

1 TO MY MOTHER'S HOUSE YOU DIDN'T JUST THREATEN ME

2 Q EXCUSE ME IS THIS STATEMENT UNDER OATH ON
3 OCTOBER 1, 2003 -- IS THAT STATEMENT CORRECT, WHAT
4 YOU'RE READING?

5 A THAT'S WHAT IT SAYS, YES

6 Q AND IT STATES -- AND MR ALKEBULANYAHH DID THAT
7 MONDAY HAD THREATENED TO TAKE YOU BACK TO YOUR MOTHER'S
8 HOUSE, IS THAT CORRECT?

9 A YES

10 (PAUSE)

11 Q MS BLATE (PHONETIC), YOU STATED IN THE STATEMENT
12 THAT THE LAST TIME THAT YOU SAW MR ALKEBULANYAHH IN
13 THE 21 RILEY ROAD RESIDENCE THAT HE WAS STANDING IN
14 FRONT OF A T V WITH A RIFLE IN HIS HANDS, IS THAT
15 CORRECT?

16 A YES

17 Q IS IT CORRECT THAT YOU STATED UNDER OATH OCTOBER
18 1, 2003 THAT THAT STATEMENT THAT YOU MADE TO LAW
19 ENFORCEMENT OFFICIALS IN AN AFFIDAVIT WAS A LIE?

20 A YES

21 Q MS BLATE (PHONETIC), YOU STATED TODAY IF I -- IF
22 I RECOLLECT, THAT MR ALKEBULANYAHH SAID THAT WHEN THE
23 POLICE ARRIVED TO THE 21 RILEY ROAD RESIDENCE, THAT HE
24 WASN'T GOING TO JAIL, HE WASN'T GOING BACK TO JAIL
25 BECAUSE OF CHILD SUPPORT IS THAT CORRECT?

- 1 A NO, I DIDN'T SAY BECAUSE OF CHILD SUPPORT I
2 DON'T REMEMBER SAYING THAT
- 3 Q DO YOU REMEMBER WRITING THAT IN YOUR STATEMENT
4 THAT MR ALKEBULANYAHH STATED THAT HE WAS GOING BACK TO
5 JAIL FOR CHILD SUPPORT?
- 6 A NO, I DON'T REMEMBER THAT
- 7 Q SO IF THAT STATEMENT WAS MADE, THAT WOULD BE
8 UNTRUE, IS THAT CORRECT?
- 9 A EXCUSE ME?
- 10 Q IF THAT STATEMENT WAS MADE, IT WOULD BE UNTRUE?
- 11 A RIGHT
- 12 Q IS THAT CORRECT?
- 13 A YES
- 14 Q HAVE YOU EVER TOLD ANY LAW ENFORCEMENT OFFICIAL
15 THAT MR ALKEBULANYAHH SAID THAT HE WOULD BE GOING TO
16 JAIL FOR CHILD SUPPORT?
- 17 A NO I TOLD THEM THAT YOU SAID THAT YOU WASN'T
18 GOING BACK TO JAIL
- 19 Q BUT IS IT TRUE THAT YOU STATED WHEN THE OFFICERS
20 ARRIVED THERE, THAT YOU DON'T WANT TO SEE THE OFFICERS
21 BECAUSE YOU WAS NOT GOING TO JAIL FOR CHILD SUPPORT, IS
22 THAT CORRECT?
- 23 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S BEEN
24 ASKED AND ANSWERED I THINK FOUR TIMES
- 25 THE COURT I SUSTAIN THAT OBJECTION

- 1 Q MS BLATE (PHONETIC), IN ANY OF THE INTERVIEWS
2 THAT YOU GAVE WRITTEN STATEMENT AT THE TIME OR JUST
3 INTERVIEWS IN GENERAL THROUGHOUT THIS COURSE SINCE THAT
4 MOMENT JANUARY 8, 2002 TO THE PRESENT, WAS ANY OF THEM
5 INTERVIEWS TAPE RECORD?
- 6 A I DON'T KNOW
- 7 Q DID YOU HAVE -- DO YOU RECALL -- REMEMBER BEING
8 ASKED FOR ANY OF THEM INTERVIEWS TAPE RECORDED?
- 9 A EXCUSE ME?
- 10 Q DO YOU RECALL ANY LAW ENFORCEMENT OFFICIAL ASKING
11 YOU COULD THEY TAPE RECORD YOU?
- 12 A NO I DON'T RECALL THAT
- 13 Q DID YOU GIVE THEM ANY PERMISSION TO TAPE RECORD
14 YOU?
- 15 A NO NO ONE EVER ASKED
- 16 Q DID YOU GIVE THEM ANY PERMISSION TO TAPE YOU?
- 17 A NO, THEY DIDN'T ASK FOR PERMISSION OR ANYTHING
18 SO
- 19 Q SO YOU NEVER GIVE THEM NO PERMISSION TO TAPE YOU,
20 IS THAT CORRECT?
- 21 A RIGHT
- 22 Q MS BLATE (PHONETIC), WHEN YOU GAVE YOUR STATEMENT
23 ON JANUARY 10, THE AFFIDAVIT OF JANUARY 8, 2002, AND
24 THEN YOU LATER SUBSEQUENT GAVE YOUR NEXT STATEMENT ON
25 JANUARY 10, YOU DID STATE TO THEM THAT -- THAT YOU --

1 THAT THE STUFF ON JANUARY 8 WAS LIES IS THAT CORRECT?

2 A I CAN'T REMEMBER

3 Q DO YOU RECALL TELLING THEM, WELL, IT WAS -- IT
4 WASN'T CORRECT OR TOTALLY CORRECT?

5 A I DON'T REMEMBER

6 Q IF I SHOWED YOU A DOCUMENT, IT MAY BE ABLE TO
7 REFRESH YOUR MEMORY, DO YOU THINK YOU WILL BE ABLE TO
8 REMEMBER?

9 A RIGHT YES

10 MR ALKEBULANYAHH YOUR HONOR, THE JANUARY 10
11 STATEMENT, 2002

12 THE COURT IS THAT ONE THAT'S ALREADY IN
13 EVIDENCE?

14 MR ALKEBULANYAHH YES, SIR

15 Q MS BLATE (PHONETIC), DOES THAT REFRESH YOUR
16 MEMORY TO YOU STATING IN YOUR JANUARY 10, SECOND
17 STATEMENT, TO LAW ENFORCEMENT OFFICERS THAT THE
18 PREVIOUS STATEMENT ON JANUARY 8, 2002 WAS NOT CORRECT?

19 A RIGHT

20 Q AND THIS PARTICULAR DOCUMENT -- THIS PARTICULAR
21 STATEMENT THAT YOU GAVE ON JANUARY 10, 2002, THE
22 AFFIDAVIT THAT WAS SIGNED, NOTARIZED, AT THIS TIME THIS
23 PARTICULAR INFORMATION IN THIS DOCUMENT IS INCORRECT?

24 A I THINK TO THE BEST THAT I CAN REMEMBER IT, THAT I
25 REMEMBER WHAT HAPPENED

- 1 Q IS IT CORRECT, YES OR NO? IS IT THE TRUTH?
- 2 A SOME OF IT IS
- 3 Q SOME OF IT IS BUT ALL OF IT IS NOT TRUE, IS THAT
- 4 CORRECT?
- 5 A RIGHT
- 6 Q SO WE COULD SAY THAT -- YES OR NO -- THAT YOU LIED
- 7 IN THIS STATEMENT ALSO, IS THAT CORRECT?
- 8 A YES
- 9 Q YOU GAVE A STATEMENT ON JANUARY 11, 2002 AND YOU
- 10 STATED IN THIS STATEMENT -- IF IT'S CORRECT -- THAT YOU
- 11 DID NOT TELL EVERYTHING, IS THAT CORRECT?
- 12 A RIGHT
- 13 Q AND THIS STATEMENT THAT YOU GAVE ON JANUARY 11,
- 14 YOUR THIRD STATEMENT, ISN'T IT TRUE THAT YOU LIED
- 15 AGAIN?
- 16 A I CAN'T REMEMBER EVERYTHING THAT I WROTE ON THAT
- 17 STATEMENT
- 18 Q DO YOU RECALL STATING THAT YOU TOLD MR
- 19 ALKEBULANYAHH WHILE YOU WAS IN THE -- IN THE -- IN THE
- 20 ROOM WHEN THE DEPUTIES ARRIVED THAT YOU KNEW THE DEPUTY
- 21 WAS THERE AND THAT YOU SAID THAT YOU WOULD GO OUT TO
- 22 WHERE THE DEPUTIES WAS AT, DO YOU RECALL THAT?
- 23 A YES
- 24 Q DID YOU SAY THAT YOU WOULD GO OUT THERE TO WHERE
- 25 THE DEPUTY WAS AT?

1 A YES

2 Q AND YOU SAID THAT IN YOUR STATEMENT, IS THAT
3 CORRECT?

4 A YES

5 Q NOW, EARLIER YOU TOLD US THAT YOU DIDN'T WANT TO
6 SEE THE POLICE AND THAT YOU DID NOT WANT TO GO OUT
7 THERE BECAUSE YOU DIDN'T WANT TO GO TO JAIL FOR CHILD
8 SUPPORT SO WHICH IS A LIE, THE STATEMENT ---

9 MR MURDAUGH YOUR HONOR, PLEASE

10 A EXCUSE ME

11 Q OR WHAT YOU SAID TODAY?

12 A WHEN I STATED ---

13 Q EXCUSE ME EXCUSE ME THANK YOU MA'AM

14 THE COURT GO AHEAD, MA'AM DO YOU WANT TO SAY
15 SOMETHING?

16 WITNESS YES, I DID

17 THE COURT GO AHEAD

18 A WHEN I STATED THAT STATEMENT, THAT WAS WHEN THE
19 POLICE -- WHEN YOU TOLD ME THE POLICE ARRIVED THERE
20 WHEN THE POLICE CAME IN THE HOUSE, THAT'S WHEN WE WAS
21 DISCUSSING WHY WE DIDN'T WANT TO GO OUT THERE -- WHY
22 NEITHER ONE OF US WANTED TO GO TO JAIL, YEAH

23 Q SO YOU STATED THAT YOU WAS TOLD BY SOMEONE TO
24 LEAVE THE ROOM, IS THAT CORRECT?

25 A I SAID THAT YOU TOLD ME TO GO OUTSIDE IN THE BACK

1 FIELD

2 Q I'LL ASK YOU THE QUESTION AGAIN ANSWER YES OR
3 NO DID YOU TELL THIS JURY HERE TODAY THAT YOU SAID
4 THAT MR ALKEBULANYAHH TOLD YOU TO LEAVE THE ROOM, TO
5 GO OUT THERE WHERE THEY AT?

6 MR MURDAUGH OBJECTION, THAT'S WHAT SHE JUST
7 ANSWERED AND ---

8 THE COURT SHE ANSWERED THAT QUESTION

9 MR MURDAUGH --- WE'VE BEEN THROUGH IT BEFORE
10 THE COURT SHE'S ANSWERED THAT QUESTION GO ON
11 Q NOW DID YOU STATE EARLIER THAT YOU DIDN'T WANT TO
12 GO OUT THERE?

13 MR MURDAUGH SHE HAS ASKED AND ANSWERED THAT
14 THE COURT I SUSTAIN THAT OBJECTION

15 Q SO THIS STATEMENT ON JANUARY 11, 2002 IS A LIE, IS
16 THAT CORRECT?

17 A NO

18 Q IT'S NOT YOU WROTE A STATEMENT YOU SAID IN THE
19 STATEMENT THAT -- DO YOU RECALL, I DID NOT TELL
20 EVERYTHING, IS THAT CORRECT?

21 A RIGHT

22 Q NOW, IN YOUR FOURTH STATEMENT -- IN YOUR FOURTH
23 STATEMENT DID YOU TELL THE REST OF IT, FOUR MONTHS
24 LATER?

25 A I DON'T REMEMBER WHAT MY STATEMENT WAS ABOUT

1 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

2 THE COURT YES, SIR

3 MR ALKEBULANYAHH KIMBERLY BLATE (PHONETIC)'S

4 FOURTH STATEMENT, MARCH 21, 2002

5 MR MURDAUGH WHAT DATE?

6 MR ALKEBULANYAHH MARCH 21

7 A OKAY WHAT IS YOUR QUESTION?

8 Q DID YOU TELL THE SAME STORY OR THE SAME LIE THAT
9 YOU TOLD IN YOUR FOURTH STATEMENT MARCH 21 IN YOUR
10 JANUARY 11 STATEMENT?

11 A DID I TELL A LIE IN THESE STATEMENTS?

12 Q DID YOU STATE WHAT YOU STATED IN THE -- IN THAT
13 MARCH 21 STATEMENT, WAS THAT WHAT YOU STATED ALSO IN
14 THE JANUARY 11 STATEMENT?

15 A I DON'T REMEMBER

16 Q OKAY

17 (PAUSE)

18 A NO, THESE ARE NOT THE SAME THING

19 Q SO IN YOUR JANUARY 11 STATEMENT, ISN'T IT TRUE --
20 ISN'T IT TRUE -- OMIT (SIC) THAT YOU LIED IN THAT ONE
21 TOO?

22 A NO THESE THINGS ARE THAT I REMEMBER IN THIS ONE
23 AND THEN IN THAT ONE

24 Q SO THE ONE IN -- FOUR MONTHS LATER YOU SAID, MR
25 ALKEBULANYAHH WAS IN A CLOSET WITH A RIFLE PEEKING OUT,

1 IS THAT CORRECT?

2 A RIGHT

3 Q BUT YOU DIDN'T SAY THAT WHEN YOU SAY IN YOUR
4 JANUARY 11 STATEMENT BECAUSE IN YOUR JANUARY 11
5 STATEMENT YOU SAID -- THE STATEMENT BEFORE, I DIDN'T
6 TELL EVERYTHING BUT IN THIS JANUARY 11 STATEMENT YOU
7 SUPPOSED TO TELL EVERYTHING SO YOU SAYING YOU DIDN'T
8 TELL THAT PART IN THE JANUARY 11 STATEMENT SO IT
9 WASN'T EVERYTHING, IS THAT CORRECT?

10 A RIGHT

11 Q SO, ACTUALLY, YOU LIED IN THE JANUARY 11 STATEMENT
12 TOO, IS THAT CORRECT?

13 A NO THE JANUARY 11 STATEMENT IS THE TRUTH

14 Q IT'S THE TRUTH AND THE -- AND THE MARCH 21, 2002
15 STATEMENT IS A LIE IS THAT CORRECT?

16 A NO I REMEMBER YOU WAS POSITION -- IN THOSE
17 POSITION

18 Q BUT YOU DON'T HAVE THAT IN YOUR JANUARY 11
19 STATEMENT, SO HOW COULD IT BE THE TRUTH?

20 A BECAUSE I DIDN'T REMEMBER THAT

21 Q OH, YOU DIDN'T REMEMBER IT?

22 A RIGHT

23 Q SO YOUR JANUARY 10 STATEMENT WAS A LIE, BECAUSE
24 YOU REMEMBERED HIM STANDING IN FRONT OF THE T V WITH A
25 GUN, IS THAT CORRECT?

- 1 A I REMEMBER YOU IN THE CLOSET THAT -- THAT WAS
2 THE LAST TIME I SEEN YOU YOU WAS IN THE CLOSET
- 3 Q NOW, IN YOUR JANUARY 8 2002 AND YOUR JANUARY 10
4 STATEMENT, 2002, IN YOUR JANUARY 11 STATEMENT 2002, AND
5 FOUR MONTHS LATER YOU SAY THAT STATEMENT IS THE TRUTH,
6 IS THAT CORRECT?
- 7 A THAT STATEMENT THE 11TH IS THE TRUTH
- 8 Q SO YOUR MEMORY GOT BETTER AS TIME WENT ON?
- 9 THE COURT YOU'VE ASKED THAT QUESTION
- 10 Q IS THAT CORRECT?
- 11 A RIGHT, TO SOME POINT
- 12 Q DO YOU RECALL TAKING A POLYGRAPH TEST?
- 13 MR MURDAUGH YOUR HONOR PLEASE THAT IS NOT
14 ADMISSIBLE
- 15 THE COURT I SUSTAIN THAT OBJECTION
- 16 (PAUSE)
- 17 Q MS BLATE (PHONETIC), DO YOU RECALL MAKING A PHONE
18 CALL TO THE 9-1-1 DISPATCHER AND STATING THAT YOU WAS
19 HAVING A PROBLEM WITH YOUR BOY FRIEND, AND HE WOULD NOT
20 LEAVE YOU ALONE?
- 21 A EXCUSE ME?
- 22 Q DO YOU RECALL MAKING A PHONE CALL TO THE 9-1-1
23 DISPATCHER AND MAKING A STATEMENT THAT YOU WAS HAVING A
24 PROBLEM AND YOUR BOY FRIEND WOULD NOT LEAVE YOU ALONE?
- 25 A I DON'T REMEMBER THAT

1 Q IF I SHOWED YOU SOMETHING, WOULD YOU BE -- DO YOU
2 THINK IT MAY BE ABLE TO REFRESH YOUR MEMORY TO WHETHER
3 OR NOT YOU MADE THAT STATEMENT OR NOT?

4 MR MURDAUGH YOUR HONOR, PLEASE, THAT QUESTION
5 HAS BEEN ASKED AND ANSWERED

6 THE COURT I SUSTAIN THAT OBJECTION

7 MR ALKEBULANYAHH, DON'T -- YOU'RE GOING BACK OVER
8 SOME QUESTIONS YOU'VE ALREADY BEEN THROUGH THAT'S
9 BEEN ASKED AND ANSWERED ALL RIGHT

10 (PAUSE)

11 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
12 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL
13 THIS WITNESS

14 THE COURT ALL RIGHT ANY FOLLOW-UP?

15 MR MURDAUGH YES, SIR, I DO HAVE SOME FOLLOW-UP
16 REDIRECT EXAMINATION BY MR. MURDAUGH.

17 Q YOU MADE A RESPONSE TO A QUESTION HE ASKED YOU
18 THE QUESTION THAT HE ASKED YOU IS DID YOU HEAR MR
19 ALKEBULANYAHH SAY ANYTHING BAD ABOUT THE POLICE?

20 A YES

21 Q AND YOU ANSWERED YES?

22 A YES

23 Q TELL ME WHAT YOU HEARD HIM SAY BAD ABOUT THE
24 POLICE?

25 A ON JANUARY 8, 2002 I HEARD HIM SAY, I JUST SHOT

- 1 THOSE TWO WHITE BITCHES
- 2 Q OKAY DID YOU HEAR HIM SAY ANYTHING ELSE BAD
- 3 ABOUT THE POLICE?
- 4 A HE WAS GOING TO SAY THAT THAT WAS SELF-DEFENSE
- 5 AND I CAN'T REMEMBER ON WHAT OTHER DAY -- WHAT OTHER
- 6 NIGHT, I HEARD HIM TALKING ABOUT WITH -- WHEN HIM AND
- 7 STRAWBERRY HAD A CONVERSATION ON THE PHONE OR WHATEVER
- 8 WHEN HE GOT OFF THE PHONE, HE WAS TALKING TO MONICA,
- 9 TELLING HER THAT IF WORSE COME TO WORSE, HE HAVE A
- 10 GUNFIGHT WITH THEM
- 11 Q HE WOULD HAVE A GUNFIGHT WITH WHO?
- 12 A WITH THEM
- 13 Q THEM WHO?
- 14 A TALKING ABOUT THE POLICE OFFICERS
- 15 Q OKAY I SHOW YOU STATE'S -- EXCUSE ME,
- 16 DEFENDANT'S EXHIBITS 5, 6, 7, AND 8 AND ASK YOU
- 17 WHETHER OR NOT YOU WROTE THOSE IN YOUR OWN HANDWRITING,
- 18 EACH OF THOSE FOUR STATEMENTS?
- 19 A YES
- 20 Q YOU DID WRITE THEM?
- 21 A YES
- 22 Q AND YOU WROTE ONE ON JANUARY 8?
- 23 A YES
- 24 Q ONE ON THE 10TH?
- 25 A YES

- 1 Q ONE ON THE 11TH?
- 2 A YES
- 3 Q AND ONE IN MARCH?
- 4 A YES
- 5 Q OKAY IN EACH OF THOSE STATEMENTS DID YOU ADD
- 6 SOMETHING NEW?
- 7 A YES
- 8 Q AND IS THE STATEMENTS THAT YOU GAVE TRUE?
- 9 A YES, SOME OF THEM
- 10 Q OKAY WHAT IS NOT TRUE THAT'S IN THOSE
- 11 STATEMENTS?
- 12 A (PAUSE)
- 13 Q LET ME ASK YOU ANOTHER WAY PLEASE, MA'AM
- 14 A YES
- 15 Q IN YOUR STATEMENT OF MARCH 21, 2002, IS IT TRUE
- 16 THAT YOU SAID, I REMEMBER BEN MOVING INTO THE CLOSET
- 17 WITH A RIFLE AND SHUT THE CLOSET DOOR BEN PEEKED OUT
- 18 WHEN BRENDA KNOCKED ON THE DOOR, AND GAVE ME THE OKAY
- 19 TO LEAVE THE ROOM?
- 20 A YES
- 21 Q IS IT TRUE, MA'AM?
- 22 A YES, IT'S TRUE
- 23 Q IN THE JANUARY 11 STATEMENT YOU MADE A STATEMENT
- 24 THAT BEN SAID, IF WORSE COMES TO WORSE, I'LL HAVE A
- 25 GUNFIGHT WITH THEM -- MEANING THE POLICE?

- 1 A YES
- 2 Q MA'AM?
- 3 A YES
- 4 Q OKAY IS IT TRUE IN YOUR STATEMENT OF JANUARY 10
- 5 THAT YOU TOLD -- WROTE IN YOUR STATEMENT WHEN THE
- 6 POLICE -- COPS CAME TO BRENDA'S HOUSE, BEN TOLD ME
- 7 THEY'RE OUT THERE HE LOOKED THROUGH THE BEDROOM
- 8 WINDOW BETWEEN THE COT AND BED -- YEAH, AND THE BED,
- 9 SCRAMBLING BY THE BOOKS AND THE COT HE TURNED AROUND
- 10 FROM THE WINDOW WHERE HE HAD A GUN HE WALKED IN THE
- 11 BATHROOM, CLOSED THE CURTAINS HE CAME BACK AND WAS
- 12 FACING THE DOOR STANDING BY THE T V IS THAT TRUE?
- 13 A YES
- 14 MR MURDAUGH THANK YOU, MA'AM, I HAVE NO FURTHER
- 15 QUESTIONS
- 16 MR ALKEBULANYAHH YES I HAVE FURTHER QUESTIONS
- 17 THE COURT OKAY BRIEF FOLLOW-UP
- 18 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 19 Q MS BLATE (PHONETIC), YOU STATED A MINUTE AGO WHEN
- 20 THE PROSECUTOR ASKED YOU THAT YOU REMEMBER BEN SAYING,
- 21 IF WORSE COMES TO WORSE, I'LL HAVE A GUNFIGHT WITH
- 22 THEM, IS THAT CORRECT?
- 23 A YES
- 24 Q AND THE DAY YOU WAS IN THE -- IN THE -- IN THE
- 25 HOME OF THE 21 RILEY ROAD RESIDENCE, WHEN THEM OFFICERS

1 ACCORDING TO YOU APPROACH YOU AND YOU SEEN THEM, YOU
2 KNEW THAT THEM OFFICERS WAS GOING TO BE SHOT DOWN AND
3 DID NOT TELL THEM, IS THAT CORRECT?

4 A NO, THAT IS NOT CORRECT

5 Q YOU ALREADY STATE THAT YOU KNEW THAT THERE WAS
6 GOING TO BE A GUNFIGHT, IS THAT NOT CORRECT?

7 A THAT'S WHAT YOU SAID

8 Q SO YOU DIDN'T PROCEED TO SEE THAT IT WAS DANGER SO
9 MUCH DANGER THAT YOU SHOULD HAVE WARNED THE LAW
10 ENFORCEMENT OFFICIAL IF THAT WAS TRUE?

11 A BECAUSE I WAS AFRAID YOU WOULD HAVE DONE SOMETHING
12 TO ME YOU MIGHT HAVE SHOT ME FOR INSTANCE BEFORE I
13 EVEN LEFT THE ROOM WHO WAS TO SAY?

14 Q YOU WAS OUTSIDE THE ROOM -- IS THAT CORRECT --
15 WHEN YOU ENCOUNTERED THE LAW ENFORCEMENT OFFICER OR
16 INSIDE THE ROOM? COULD YOU TELL US?

17 A I WAS OUTSIDE THE ROOM WHEN I MET WITH THEM

18 Q YOU WAS OUTSIDE THE ROOM WHEN YOU MET THEM SO
19 WHEN YOU WAS OUTSIDE THE ROOM, IT WAS JUST YOU AND
20 THEM?

21 A AND MS BRENDA ISAAC

22 Q AND MS BRENDA

23 A AND THE BABY

24 Q AND THE BABY WHY WOULD YOU NOT -- BECAUSE YOU
25 KNEW, ACCORDING TO YOUR STATEMENT -- ACCORDING TO ---

1 THE COURT ASK A QUESTION
2 Q YOU KNEW ---
3 THE COURT ASK A QUESTION
4 MR ALKEBULANYAHH YES, SIR
5 Q YOU KNEW THAT A GENTLEMAN ---
6 THE COURT DID YOU KNOW?
7 Q DID YOU KNOW THAT THERE WAS GOING TO BE A
8 GUNFIGHT?
9 A NO, I DON'T KNOW THAT BECAUSE I DON'T KNOW WHETHER
10 YOU HAD IT LOADED OR NOT
11 Q BUT YOU STATED IN THIS STATEMENT THAT YOU KNEW IT
12 WAS GOING TO BE A GUNFIGHT?
13 A NO I SAID THAT YOU SAID IF WORSE COMES TO WORSE
14 THERE WOULD BE A GUNFIGHT
15 Q SO YOU WAS TOLD THAT, IS THAT CORRECT? THAT'S
16 WHAT YOU ---
17 A NO, YOU DIDN'T TELL ME THAT YOU WAS TALKING TO
18 MONICA, THAT'S WHAT YOU TOLD HER
19 Q OKAY SO YOU HAD THAT INFORMATION, IS THAT
20 CORRECT OR NOT?
21 A YES
22 Q YOU HAD THE INFORMATION BEFORE THE OFFICERS
23 ARRIVED AT THE 21 RILEY ROAD RESIDENCE -- YOU HAD THE
24 INFORMATION THAT IT WAS GOING TO BE A GUNFIGHT? YES OR
25 NO

1 A YES

2 Q AND YOU DID NOT ONCE YOU ENCOUNTER THEM TWO
3 DEPUTIES TELL THEM -- WHAT YOU CLAIM TO HAVE KNOWN --
4 THAT THERE WAS GOING TO BE A GUNFIGHT IF THEY WENT IN
5 THAT ROOM?

6 A NO, I DID NOT TELL THEM THAT

7 Q MS BLATE (PHONETIC), YOU STATED THAT MR
8 ALKEBULANYAHH STATE, I KILLED THOSE WHITE BITCHES, AND
9 IT WAS SELF-DEFENSE, IS THAT CORRECT?

10 A YES

11 Q WHY THAT IT CANNOT BE FOUND IN ANY OF YOUR FOUR
12 STATEMENT OR IN NONE OF THE INTERVIEWS THAT YOU GIVE
13 ALL THE INVESTIGATORS AND THE DETECTIVES ALL THE WAY
14 TO THIS VERY DAY THAT YOU STATED THAT MR ALKEBULANYAHH
15 SAID, I KILLED THOSE TWO WHITE BITCHES, QUOTE, IT WAS
16 SELF-DEFENSE?

17 A I HAVE THAT IN ONE OF THESE STATEMENTS

18 Q COULD YOU FIND THAT?

19 A I'M LOOKING FOR IT

20 (PAUSE)

21 MR MURDAUGH YOUR HONOR, PLEASE, COULD I SUGGEST
22 SHE LOOK IN THE JANUARY 11 STATEMENT

23 THE COURT YES, SIR

24 MR MURDAUGH ON PAGE 1, THE SECOND PARAGRAPH

25 THE COURT ALL RIGHT

STATE VS ALKEBULANYAHH

1 MR MURDAUGH SECOND PAGE, YOUR HONOR, PLEASE,
2 I'M SORRY

3 (PAUSE)

4 A YES, I SEE IT

5 Q SO, MS BLATE (PHONETIC), IN THAT WRITTEN
6 STATEMENT, QUOTE, DOES IT SAY IN THAT WRITTEN STATEMENT
7 THAT YOU SAID -- THAT YOU STATE THAT BEN SAID THAT HE
8 KILLED THOSE TWO WHITE BITCHES AND IT WAS SELF-DEFENSE?

9 A NO IT JUST SAID THAT I KILLED THOSE TWO WHITE
10 BITCHES

11 Q SO WHERE DID YOU GET THE IT WAS SELF-DEFENSE FROM?

12 A THAT'S WHAT YOU TOLD ME WHEN YOU TOLD ME TO FOLLOW
13 YOU

14 Q OKAY NOW, LET ME ASK YOU THIS ISN'T IT TRUE --
15 IS THIS TRUE OR NOT, YOU HAVE NEVER EVER STATED IN YOUR
16 STATEMENTS, IN NO INTERVIEW TO NOBODY THAT BEN SAID IT
17 WAS SELF-DEFENSE?

18 A NO THAT IS NOT TRUE

19 Q SO WHO DID YOU STATE IT TO?

20 A I REMEMBER TELLING BOB YOU SAID THAT YOU SAID YOU
21 WAS ---

22 Q EXCUSE ME?

23 A --- GOING TO SAY THAT IT WAS SELF-DEFENSE I
24 REMEMBER YOU -- I REMEMBER TELLING BOB THAT YOU SAID
25 THAT YOU WAS GOING TO SAY IT WAS SELF-DEFENSE

- 1 Q WHEN DID YOU TELL -- ARE YOU SPEAKING OF BOB
2 BROMAGE?
- 3 A YES
- 4 Q LIEUTENANT WITH SOUTH CAROLINA INVESTIGATOR?
- 5 A YES
- 6 Q WHEN DID YOU TELL HIM THAT?
- 7 A I CAN'T REMEMBER I THINK IT WAS ON JANUARY 8
- 8 Q SO YOU SAYING YOU TOLD MR BROMAGE ON JANUARY 8,
9 2002 -- RIGHT ---
- 10 A YES
- 11 Q --- THAT ALKEBULANYAHH SAID HE KILLED THOSE TWO
12 BITCHES, AND IT WAS SELF-DEFENSE?
- 13 A RIGHT
- 14 Q WAS THAT IN YOUR STATEMENT THAT YOU GIVE TO MR
15 BOB BROMAGE ON JANUARY 8, 2002?
- 16 A I DON'T THINK SO
- 17 Q COULD YOU READ THE STATEMENT THAT YOU GIVE TO MR
18 BROMAGE ON JANUARY 8, 2002 AND TELL ME WAS THAT IN YOUR
19 STATEMENT?
- 20 A NO, I DON'T SEE IT THERE
- 21 Q SO -- SO WHAT YOU'RE SAYING IS THAT -- THAT YOU
22 TOLD MR BROMAGE THIS, BUT YOU DID NOT WRITE IT IN YOUR
23 STATEMENT?
- 24 A RIGHT I DON'T REMEMBER WRITING IT IN MY
25 STATEMENT, BUT I DID TELL HIM THAT

- 1 Q DO YOU KNOW WHETHER OR NOT MR BROMAGE PUT THAT IN
2 HIS REPORT?
- 3 A I HAVE NO IDEA
- 4 Q AND THAT'S THE ONLY TIME -- DID YOU WRITE IT IN
5 YOUR SECOND STATEMENT?
- 6 A (PAUSE) NO, I DON'T REMEMBER
- 7 Q SO YOU COME UP WITH THIS STATEMENT AND YOU AGREE
8 WITH THE PROSECUTOR TO THESE STATEMENTS, BUT YOU -- YOU
9 WOULDN'T WRITE THEM DOWN IN YOUR STATEMENT, YOU
10 WOULDN'T WRITE THEM WORDS DOWN IN YOUR STATEMENT, IS
11 THAT CORRECT?
- 12 A THAT'S WHAT I REMEMBERED
- 13 Q BUT YOU DIDN'T WRITE THEM DOWN IN YOUR STATEMENT,
14 YOU DIDN'T WRITE IT DOWN IN YOUR FIRST OR YOUR SECOND
15 STATEMENT, DID YOU?
- 16 A NO BUT I REMEMBER TELLING BOB THAT
- 17 Q BUT YOU DIDN'T -- YOU DIDN'T -- YOU DIDN'T
18 REMEMBER -- OR YOU DON'T HAVE -- YOU DON'T HAVE -- YOU
19 DIDN'T WRITE IT DOWN IN YOUR JANUARY 8 STATEMENT, IS
20 THAT CORRECT?
- 21 A YES
- 22 Q AND YOU DIDN'T WRITE IT DOWN IN YOUR JANUARY 10
23 STATEMENT, CORRECT?
- 24 A YES
- 25 Q IS YOU BEING FORCED TO LIE OR IS YOU JUST A

1 COMPULSIVE LIAR?

2 A NEITHER THAT EXACTLY WHAT YOU SAID THAT YOU WAS
3 GOING TO SAY

4 Q EXCUSE ME COULD YOU ANSWER YES OR NO?

5 MR MURDAUGH YOUR HONOR, PLEASE

6 THE COURT SHE CAN EXPLAIN HER ANSWER GO AHEAD

7 Q YOU CAN ANSWER

8 A I'M NOT A LIAR YOU TOLD ME THAT YOU WAS GOING TO
9 SAY THAT IT WAS SELF-DEFENSE WHEN WE WAS RUNNING ACROSS
10 THE ROAD INTO THE WOODS

11 Q OKAY

12 THE COURT YOU'VE ASKED THESE QUESTIONS BEFORE,

13 MR ALKEBULANYAHH

14 Q MS BLATE (PHONETIC) WHEN YOU LEFT THE 21 RILEY
15 ROAD RESIDENCE, WHERE DID YOU RUN TO?

16 A AT FIRST I RAN BY THE FIRST POLICE CAR, AND THEN I
17 RAN UP TO MY COUSIN'S HOUSE

18 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

19 THE COURT YES

20 MR ALKEBULANYAHH CAN I USE THE STATE'S EXHIBIT
21 MAP?

22 THE COURT SURE

23 MR ALKEBULANYAHH YOUR HONOR, MAY I ASK THE
24 WITNESS TO STEP DOWN?

25 THE COURT I CAN'T HEAR YOU

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, I WANT TO ASK THE WITNESS
2 TO STEP DOWN

3 THE COURT YES, YOU CAN

4 MR ALKEBULANYAHH TO LOOK AT THE STATE'S
5 EXHIBIT, MAP

6 MR STONE YOUR HONOR, I WOULD OBJECT I DON'T
7 BELIEVE THIS IS PROPER RECROSS

8 THE COURT I'LL GIVE HIM A LITTLE LEEWAY GO
9 AHEAD

10 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

11 THE COURT IF YOU'LL STAND RIGHT IN THE MIDDLE,
12 IT'S BETTER ACTUALLY -- BY THESE MICROPHONES AND
13 EVERYTHING THANK YOU DON'T GET ALL THE WAY UP TO
14 THE JURY BOX

15 Q MS BLATE (PHONETIC), COULD YOU POINT OUT THE 21
16 RILEY ROAD RESIDENCE?

17 A (COMPLIED)

18 THE COURT WE CAN'T HEAR YOU THERE'S NO WAY WE
19 CAN HEAR MA'AM YOU HAVE TO STAY ON THE SIDE

20 WITNESS OKAY

21 A THIS IS THE 21 RILEY ROAD

22 Q COULD YOU POINT OUT THE HOUSE AT 21 RILEY ROAD?

23 A IT'S UP IN THIS AREA

24 Q COULD YOU LOOK A LITTLE CLOSER THAT'S THE HOUSE
25 RIGHT THERE AT THAT CORNER, THAT APPEARS TO BE A HOUSE

1 RIGHT THERE?

2 A YES

3 Q COULD YOU POINT OUT TO WHERE YOUR COUSIN MARTHA
4 HOME MAY BE?

5 A LOCATED WHERE THAT TRAILER IS

6 Q COULD YOU POINT IT ON THE THING FOR THE JURORS?

7 A LOCATED WHERE THE TRAILER IS

8 Q ON THIS END DOWN HERE?

9 A YES

10 THE COURT OKAY YOU BOTH ARE GOING TO HAVE TO
11 SPEAK UP

12 WITNESS OKAY

13 Q I THINK THAT YOU MEAN DOWN THIS END, BECAUSE THIS
14 IS THE END YOU SAY YOU RAN, IS THAT CORRECT, 21 RILEY
15 ROAD?

16 A I RAN UP INTO THE WOODS AND MARSH AREA

17 Q SO COULD YOU POINT OUT THE TRAILER AGAIN?

18 A THAT LOOKS LIKE ---

19 THE COURT WE CAN'T HEAR ANYTHING YOU'RE SAYING
20 YOU HAVE TO RETURN -- IF YOU CAN'T SPEAK UP, WE'RE
21 GOING TO HAVE YOU STAND BY THE MICROPHONE OR ---

22 MR ALKEBULANYAHH COULD WE STAND BY THE
23 MICROPHONE, YOUR HONOR?

24 THE COURT THAT'S FINE

25 THE COURT HOLD ON A SECOND

STATE VS ALKEBULANYAHH

1 (PAUSE)
2 THE COURT YOU ALL ARE JUST GOING TO HAVE TO TALK
3 LOUD ENOUGH FOR US TO HEAR
4 MR ALKEBULANYAHH YES SIR
5 Q MS BLATE (PHONETIC), COULD YOU POINT OUT THE
6 HOUSE ON 21 RILEY ROAD RESIDENCE?
7 A SOMEWHERE RIGHT ---
8 THE COURT SPEAK UP, MA'AM, PLEASE
9 A IT'S SOMEWHERE IN THIS AREA OVER HERE
10 Q SO IS THIS THE HOME BETWEEN FAIR ROAD AND RILEY
11 ROAD IN THIS CORNER, IS THAT CORRECT?
12 A YES
13 Q THAT'S CORRECT?
14 MR MURDAUGH LOUDER SPEAK UP
15 Q IS THAT CORRECT?
16 A YES
17 Q COULD YOU POINT OUT YOUR COUSIN MARTHA HOUSE AT
18 THE END OF 21 RILEY ROAD?
19 A THIS AREA OVER HERE UP IN HERE
20 Q THAT'S INCORRECT, IF I CAN ---
21 MR MURDAUGH YOUR HONOR, PLEASE
22 THE COURT YOU ONLY CAN ASK A QUESTION YOU
23 CANNOT TESTIFY
24 MR ALKEBULANYAHH I'M SORRY PLEASE FORGIVE ME
25 Q MS BLATE (PHONETIC), COULD YOU POINT OUT YOUR

- 1 COUSIN MARTHA'S HOUSE AGAIN?
- 2 A IN THIS AREA OVER HERE
- 3 Q WHICH WAY DID YOU -- WHICH WAY DID YOU TRAVEL WHEN
- 4 YOU LEFT 21 RILEY ROAD?
- 5 A I TRAVELED DOWN THE DIRT ROAD -- DOWN THE DIRT
- 6 ROAD AREA
- 7 Q COULD YOU MOVE THE MARKER STICK ALONG THE PATH?
- 8 A DOWN THE DIRT ROAD
- 9 Q THIS WAY?
- 10 A YES
- 11 Q AND WHERE DID YOU GO FROM THERE?
- 12 A WE WENT INTO THE BUSH AREA
- 13 Q COULD YOU GUIDE THIS STICK ALONG THE MAP, THE PATH
- 14 SLOWLY SO THE JURORS COULD SEE THE WAY THAT YOU LEFT?
- 15 COULD YOU PUT THE STICK ON THE HOME?
- 16 A ON WHAT HOME?
- 17 Q THE 21 RILEY ROAD RESIDENCE?
- 18 A THIS AREA
- 19 Q COULD YOU PUT THE STICK ON IT? AND COULD YOU
- 20 GUIDE THE STICK SLOWLY ON THE MAP?
- 21 A WE TOOK THIS DIRECTION RIGHT HERE
- 22 THE COURT REPEAT THAT PLEASE, MA'AM
- 23 A WE WENT INTO THIS DIRECTION UP HERE
- 24 Q SO THIS IS THE -- IS THIS THE BACK OF THE 21 RILEY
- 25 ROAD RIGHT HERE -- HOUSE RIGHT HERE?

1 A I DON'T SEE THAT I JUST KNOW THIS IS THE AREA

2 Q AND YOU TRAVELED THIS WAY?

3 A YES

4 Q YOU WENT FROM THE 21 RILEY ROAD DIRECTLY NORTH?

5 A YES

6 Q AND HOW FAR NORTH DID YOU GO?

7 A I WENT TO THE HEAD OF RILEY ROAD

8 Q TO THE HEAD OF RILEY ROAD?

9 A YES

10 THE COURT APPROACH THE SIDE BAR

11 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
12 OUT OF THE HEARING OF THE JURY)

13 (THE WITNESS RETURNS TO THE WITNESS STAND)

14 THE COURT ARE YOU DONE WITH THE BOARD?

15 MR ALKEBULANYAHH YES, SIR, I AM, YOUR HONOR

16 THANK YOU

17 THE COURT ALL RIGHT THANK YOU SHE'LL TAKE
18 THAT DOWN PLEASE THANK YOU

19 Q MS BLATE (PHONETIC) WHEN MR ALKEBULANYAHH

20 SUPPOSED TO MADE THE STATEMENT THAT HE KILLED THOSE TWO

21 WHITE BITCHES AND IT WAS IN SELF-DEFENSE WHERE WERE

22 YOU WHEN HE SUPPOSE TO HAVE MADE THOSE STATEMENT?

23 WHERE WAS THAT SUPPOSE TO TAKE PLACE?

24 A THAT'S WHEN YOU TOLD ME TO FOLLOW YOU

25 Q EXCUSE ME

- 1 A ME AND YOU WERE AT THE SAME SPOT ON BROAD RIVER
2 ROAD
- 3 Q OKAY ON BROAD RIVER ROAD?
- 4 A YES, WE WAS CROSSING THAT ROAD TO GO TO THE BUSH
5 AREA
- 6 Q OKAY WHEN YOU -- WHEN YOU CAME -- WHEN YOU WENT
7 TO YOUR COUSIN'S HOUSE ON THE CORNER, MS MARTHA, HER
8 FRONT DOOR IS FACING THE BROAD RIVER ROAD, IS THAT
9 CORRECT?
- 10 A YES
- 11 Q AND HER FRONT DOOR IS FACING AWAY FROM THE 21
12 RILEY ROAD RESIDENCE, IS THAT CORRECT?
- 13 A YES
- 14 Q SO YOU KNOCK ON THE FRONT DOOR, IS THAT CORRECT?
- 15 A YES
- 16 Q AND NO ONE ANSWER, SO YOU RAN TO THE BACK, WHICH
17 IS TOWARD THE 21 RILEY ROAD IS THAT CORRECT?
- 18 A YES
- 19 Q SO YOU RETURN BACK IN THE DIRECTION WHERE YOU JUST
20 RAN WHEN YOU RAN TO THE BACK, IS THAT CORRECT?
- 21 A YES, BUT THAT'S ALSO HER BACK YARD
- 22 Q OKAY
- 23 A YES
- 24 Q SO INSTEAD OF FLEEING AWAY FROM THE ALLEGED
25 SHOOTING, YOU RETURNED IN THE DIRECTION BACK TOWARD BY

1 GOING TO THE BACK YARD, RIGHT, IS THAT CORRECT?

2 A YES

3 Q AND WHEN YOU WAS IN THAT BACK YARD, DID YOU -- DID
4 YOU -- DID YOU STATE THAT YOU RAN UP TO MR
5 ALKEBULANYAHH AND GRABBED HIS NECK AND GOT BLOOD ON
6 YOU?

7 A YES

8 Q OKAY AND THEN YOU STATED THAT YOU ALL RAN OFF
9 TOGETHER, IS THAT CORRECT?

10 A THAT YOU TOLD ME TO FOLLOW YOU

11 Q NOW WHEN YOU RAN UP TO MR ALKEBULANYAHH AND
12 GRABBED HIS NECK, AS YOU STATED, THEN YOU WAS RETURNING
13 BACK TO THE 21 RILEY ROAD RESIDENCE, IS THAT CORRECT?

14 A NO I WAS STILL IN HER BACK YARD I NEVER LEFT
15 HER BACK YARD UNTIL I MET UP WITH YOU

16 Q AND THE NEXT BACK YARD BETWEEN HER BACK YARD IS
17 THE 21 RILEY ROAD RESIDENCE?

18 A WELL THAT'S LIKE A OPEN FIELD BEFORE YOU GET TO
19 HER BACK YARD

20 Q THERE'S NO OTHER RESIDENCE BETWEEN THAT, RIGHT?

21 A RIGHT

22 Q OKAY DID YOU AT ANY TIME STATE TO MR
23 ALKEBULANYAHH, RUN THIS WAY, RUN THIS WAY?

24 A I DON'T REMEMBER THAT

25 Q DO YOU REMEMBER HELPING MR ALKEBULANYAHH OFF THE

1 GROUND AND YOU ALL GOING THROUGH YOUR COUSIN'S YARD UP
2 TO THE BROAD RIVER ROAD DIRECTION ON ALONG THE SIDE OF
3 THE TRAILER?

4 A NO

5 Q DO YOU REMEMBER THE PERSON THAT YOU WERE
6 PROTECTING RUNNING UP TO YOU AND MR ALKEBULANYAHH, AND
7 YOU'RE ON THE ONE ARM AND HE'S ON THE OTHER ARM, AND HE
8 TELLING YOU THAT HE'S NOT GOING TO MAKE IT, LEAVE THIS
9 FOOL?

10 A I DON'T REMEMBER THAT

11 Q MS KIMBERLY BLATE (PHONETIC), DOES YOUR FAMILY
12 HAVE ANYTHING TO DO WITH YOU PROTECTING THE POSSIBLE
13 SHOOTER INVOLVED IN THAT INCIDENT?

14 A DO THEY HAVE ANYTHING TO DO? HOW DO YOU MEAN DO
15 WE HAVE ANYTHING TO DO?

16 Q HAVE THEY SHOW ANY SIGN THAT THEY WOULD REJECT YOU
17 OR BE AGAINST YOU OR BE AGAINST YOU IF YOU TOLD THEM
18 WHO WAS IN THAT RESIDENCE?

19 A SAY THAT AGAIN, PLEASE

20 Q HAD THEY TOLD YOU OR HAVE THEY SHOWED ANY SIGNS
21 AGAINST YOU IF YOU DISCLOSE WHO WAS ACTUALLY AT THAT
22 RESIDENCE?

23 A DID THEY SHOW ANY SIGNS THAT THEY WOULD BE AGAINST
24 ME?

25 Q YES

1 A NO

2 Q MS BLATE (PHONETIC), YOU HAD BLOOD ALL OVER YOU
3 IS THAT CORRECT?

4 A YES

5 Q AND YOU STATED THAT BLOOD BELONGS TO MR
6 ALKEBULANYAHH, IS THAT CORRECT?

7 A YES

8 Q AND ARE YOU STATING THAT YOU DID NOT ASSIST MR
9 ALKEBULANYAHH IN TRYING TO PROTECT HIM TO GET HIM AWAY
10 FROM THAT HOME?

11 A RIGHT

12 Q AND YOU'RE STATING THAT THERE IS NO PRESSURE ON
13 YOU WHATSOEVER TO DISCLOSE ALL THE PARTIES THAT WAS
14 INVOLVED IN THIS INCIDENT?

15 A NO PRESSURE

16 Q WAS YOU EVER UNDER THE IMPRESSION THAT BY YOU
17 HELPING MR ALKEBULANYAHH THAT YOU WOULD BE CHARGED?

18 A NO

19 Q DID ANYONE SAY TO YOU THAT THEY WAS NOT GOING TO
20 CHARGE YOU ---

21 MR MURDAUGH YOUR HONOR, PLEASE ---

22 Q --- FOR HELPING MR ALKEBULANYAHH?

23 MR MURDAUGH --- THIS IS NOT IN RESPONSE TO THE
24 LINE OF QUESTIONING I HAD ON REDIRECT

25 THE COURT I GIVE YOU ONE QUESTION ON THAT I'LL

1 LET YOU ASK THAT ONE QUESTION

2 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

3 A WHAT IS THE QUESTION?

4 THE COURT I'M SORRY, MA'AM WHAT DID YOU SAY?

5 WITNESS I ASKED WHAT WAS THE QUESTION

6 THE COURT RESTATE YOUR QUESTION IS IT YOUR
7 QUESTION THAT ARE YOU ANSWERING A CERTAIN WAY BECAUSE
8 SHE THOUGHT SHE WOULD BE CHARGED WITH SOMETHING?

9 MR ALKEBULANYAHH YES, SIR

10 THE COURT ALL RIGHT YOU MAY ANSWER THAT
11 QUESTION, MA'AM

12 A NO

13 THE COURT ALL RIGHT

14 Q MS BLATE (PHONETIC) IT IS TRUE THAT YOU HAVE
15 TOLD MANY LIES INVOLVED IN THIS INVESTIGATION IS THAT
16 TRUE?

17 MR MURDAUGH YOUR HONOR PLEASE I OBJECT TO
18 THAT

19 THE COURT IT'S BEEN ASKED AND ANSWERED I
20 SUSTAIN THAT OBJECTION

21 Q MS BLATE (PHONETIC), WAS YOU EVER AFRAID THAT THE
22 SHERIFF'S DEPARTMENT WOULD PLACE YOU IN JAIL FOR YOUR
23 INVOLVEMENT IN THE 21 RILEY ROAD INCIDENT?

24 MR MURDAUGH OBJECTION, YOUR HONOR

25 THE COURT YOU'VE ASKED AND ANSWERED THAT

1 ANYTHING FURTHER FOLLOWING UP THE REDIRECT?
2 MR ALKEBULANYAHH NO, SIR, YOUR HONOR I HAVE
3 NO FURTHER QUESTIONS
4 THE COURT ALL RIGHT
5 MR MURDAUGH I HAVE ---
6 MR ALKEBULANYAHH I RESERVE THE RIGHT, AGAIN,
7 FOR THE RECORD TO RECALL
8 MR MURDAUGH NO SIR I'M NOT GOING TO ASK A
9 QUESTION I'M SORRY
10 THE COURT ALL RIGHT YOU MAY STEP DOWN, MA'AM
11 THANK YOU
12 (THE WITNESS LEAVES THE WITNESS STAND)
13 THE COURT YOU'LL BE SUBJECT TO RECALL, MA'AM
14 THANK YOU
15 ALL RIGHT LADIES AND GENTLEMEN -- YES, SIR
16 MR MURDAUGH JUDGE, BEFORE SHE LEAVES TODAY ---
17 THE COURT THE WITNESS?
18 MR MURDAUGH YES, SIR I INTEND -- NOT TO ASK
19 HER ANY MORE QUESTIONS, BUT MAKE SURE I UNDERSTAND FROM
20 THE COURT I WANT TO PUBLISH THE EXHIBITS THAT HE
21 INTRODUCED CAN I DO IT IN THE MORNING AFTER WITH HER
22 NOT BEING HERE?
23 THE COURT PUBLISH THE STATEMENTS THEMSELVES?
24 MR MURDAUGH YES SIR
25 THE COURT ANY OBJECTION?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WHAT DO YOU MEAN BY PUBLISH?

2 THE COURT PUBLISH THEM TO THE JURY

3 MR ALKEBULANYAHH DO YOU MEAN HAVE ---

4 THE COURT ARE YOU TALKING ABOUT READING THEM TO
5 THE JURY?

6 MR MURDAUGH YES, SIR, READING

7 THE COURT READING THEM TO THE JURY

8 MR ALKEBULANYAHH READING THE ENTIRE STATEMENTS
9 FROM THE BEGINNING TO THE END?

10 THE COURT YES, SIR

11 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION TO IT

12 THE COURT ALL RIGHT

13 MR MURDAUGH THANK YOU, SIR

14 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'M
15 GOING TO THANK YOU FOR US RUNNING THROUGH THIS LONG I
16 THOUGHT WE WERE GOING TO STOP EARLIER BECAUSE I WAS
17 GOING TO TRY TO ACCOMMODATE ANOTHER REQUEST WE ENDED
18 UP -- HE DID NOT HAVE AN OBJECTION TO PROCEEDING, SO WE
19 RAN A LITTLE BIT LATER THAN I THOUGHT

20 AT THIS TIME I'LL EXCUSE YOU DO NOT DISCUSS THIS
21 CASE IN ANY WAY WHATSOEVER AND, AGAIN, YOUR -- THE
22 INDIVIDUALS RESPONSIBLE FOR -- YOUR CUSTODIANS WILL
23 ARRANGE FOR YOUR DINNER AND ANY KIND OF ENTERTAINMENT

24 THANK YOU VERY MUCH

25 (THE JURY EXITS THE COURTROOM AT 6 08 P M)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT SEE YOU ALL TOMORROW

2 WE'LL START AT 10 00 O'CLOCK THANK YOU

3 (COURT IS IN RECESS)

4 (SUNDAY, OCTOBER 12, 2003)

5 THE COURT ARE YOU ALL READY?

6 MR MURDAUGH THE STATE IS READY

7 MR ALKEBULANYAHH YES, SIR I HAVE ---

8 THE COURT I'M SORRY I CAN'T HEAR YOU GO

9 AHEAD

10 MR ALKEBULANYAHH YES, SIR I HAVE ---

11 THE COURT ORDER IN THE COURT PLEASE

12 MR ALKEBULANYAHH I HAVE SOMETHING I WANT TO

13 BRING TO THE ATTENTION OF THE COURT BEFORE THE JURY

14 COME IN

15 THE COURT YES, SIR

16 MR ALKEBULANYAHH FIRST OF ALL, I WANT TO ASK

17 THE COURT -- IT WAS A OVERSIGHT ON MY BEHALF I DIDN'T

18 FIND OUT UNTIL JUST RECENTLY THAT A EXPERT WITNESS THAT

19 THE DEFENSE HAD CALLED WAS NOT PLACED ON THE WITNESS

20 LIST AND I WOULD LIKE TO BEG AND ASK THE COURT TO

21 ALLOW THIS PARTICULAR WITNESS TO BE ADDED TO THE

22 WITNESS LIST

23 THE COURT WHO? WHO IS THAT?

24 MR ALKEBULANYAHH DR BERNARD ALBINIAK

25 (PHONETIC)

STATE VS ALKEBULANYAHH

1 THE COURT DR BERNARD?

2 MR ALKEBULANYAHH YES, SIR, ALBINIAK DR
3 BERNARD ALBINIAK

4 THE COURT I THOUGHT THAT WAS THE INDIVIDUAL THAT
5 WAS NOT GOING TO TESTIFY?

6 MR ALKEBULANYAHH NO, SIR THAT WAS MR DONALD
7 COLBY (PHONETIC)

8 THE COURT OKAY WELL, DR BERNARD ALBINIAK,
9 I'D HAVE TO POLL THE JURY TO SEE IF THEY KNOW WHO HE
10 IS

11 MR MURDAUGH JUDGE, MIGHT I INQUIRE AS TO THE
12 NATURE OF THE TESTIMONY?

13 MR ALKEBULANYAHH YOUR HONOR, I WANTED TO --
14 BECAUSE OF THE NATURE OF THE TESTIMONY THAT ---

15 THE COURT THAT WAS AN EXPERT THAT WAS APPROVED

16 MR ALKEBULANYAHH RIGHT

17 MR MURDAUGH MY QUESTION -- PURPOSE IN ASKING
18 THAT IS I HAVE NOT BEEN GIVEN NOTICE OF ANY MENTAL
19 TESTIMONY THAT WOULD SHOW HE IS INCOMPETENT OF
20 UNDERSTANDING THE DIFFERENCE BETWEEN RIGHT AND WRONG,
21 AND I JUST WANTED TO KNOW IF THAT WAS WHAT HE WAS GOING
22 TO APPROACH WITH IT

23 MR ALKEBULANYAHH I WOULD LIKE TO IF POSSIBLE
24 GIVE HIM THE PAPERWORK THAT I HAVE HERE AS FAR AS MR
25 ALBINIAK FIELD OF STUDY

STATE VS ALKEBULANYAHH

1 THE COURT WHAT WAS THAT FIELD OF STUDY REMIND

2 ME I KNOW WE WENT OVER SEVERAL

3 MR ALKEBULANYAHH HE'S A PROFESSOR OF

4 PSYCHOLOGY

5 THE COURT YES, SIR

6 MR ALKEBULANYAHH AND

7 THE COURT THAT'S NOT THE ONE THAT -- APPROACH

8 THE SIDE BAR

9 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD)

10 THE COURT MY OPTION WOULD BE TO -- SINCE HE

11 WASN'T MENTIONED HE WAS ONE THAT WAS APPROVED PRIOR

12 TO TRIAL

13 MR MURDAUGH YES, SIR

14 THE COURT I COULD POLL THE JURY TO SEE IF THEY

15 KNOW THAT INDIVIDUAL ---

16 MR MURDAUGH IF YOUR HONOR ---

17 THE COURT --- OR WHATEVER THE STATE RECOMMENDS

18 MR MURDAUGH IF I COULD KNOW THE NATURE OF HIS

19 TESTIMONY I MIGHT EVEN WAIVE THAT, SIR, AND A LITTLE

20 BIT ABOUT HIM, WHERE HE'S FROM AND THAT SORT OF STUFF

21 THE COURT WHERE IS HE FROM?

22 MR ALKEBULANYAHH COASTAL CAROLINA UNIVERSITY

23 THE COURT WHAT IS THAT?

24 MR ALKEBULANYAHH IT WAS JUST A LIST ---

25 MR MURDAUGH TO ADD TO THE WITNESS LIST, SIR

STATE VS ALKEBULANYAHH

1 THE COURT THE NAME?
2 MR MURDAUGH YES, SIR
3 THE COURT HE'S SHOWING YOU ON THAT LIST WHERE
4 HE'S FROM
5 MR MURDAUGH YES, SIR
6 THE COURT I DON'T WANT HIM TO HAVE TO GO INTO
7 HIS EXACT STRATEGY WITH THIS GENTLEMAN AT THIS POINT
8 MR MURDAUGH I UNDERSTAND, SIR I HAVE -- I
9 HAVE NO PROBLEM ADDING HIM TO THE WITNESS LIST
10 THE COURT ALL RIGHT THANK YOU
11 MR MURDAUGH NOT TO SAY THAT I MAY NOT OBJECT TO
12 HIS TESTIMONY
13 THE COURT YOU JUST HAVE NO PROBLEM ADDING HIM
14 WITHOUT ME HAVING TO POLL THE JURY?
15 MR MURDAUGH THAT IS CORRECT SIR
16 THE COURT ALL RIGHT YOU ALL READY TO PROCEED?
17 MR MURDAUGH THE STATE IS
18 MR ALKEBULANYAHH DEFENSE IS, SIR
19 THE COURT BRING THE JURY IN
20 (THE JURY RETURNS TO THE COURTROOM AT 10 09 A M)
21 THE COURT THANK YOU PLEASE BE SEATED
22 GOOD MORNING, LADIES AND GENTLEMEN
23 JURORS GOOD MORNING
24 THE COURT WE'RE READY TO PROCEED AT THIS TIME
25 IF YOU WILL CALL YOUR NEXT WITNESS PLEASE

STATE VS ALKEBULANYAHH

1 MR MURDAUGH BRENDA SMITH
2 BRENDA SMITH, BEING FIRST
3 DULY SWORN, TESTIFIED AS FOLLOWS
4 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
5 THE COURT
6 WITNESS (NO RESPONSE)
7 DIRECT EXAMINATION BY MR MURDAUGH.
8 Q YOU'RE BRENDA SMITH?
9 A YES
10 Q MS SMITH, PLEASE SPEAK LOUDLY ENOUGH SO ALL OF
11 THESE LADIES AND GENTLEMEN ON THE JURY CAN HEAR
12 EVERYTHING YOU SAY CLEARLY AND DISTINCTLY PLEASE
13 A (NODS HEAD)
14 Q MS SMITH, WHERE DO YOU NOW LIVE?
15 A I LIVE IN THE BRONX, NEW YORK
16 Q OKAY ON JANUARY 8 2002 WHERE DID YOU LIVE?
17 A 21 RILEY ROAD
18 Q OKAY AND WHO LIVED AT 21 RILEY ROAD WITH YOU?
19 A ME, MY HUSBAND, NZURI, MINISTER, AND ---
20 Q OKAY LET ME ASK ---
21 A I DON'T KNOW THE PROPER NAMES
22 Q YOUR HUSBAND IS WHO?
23 A ISAAC
24 Q ISAAC RILEY?
25 A YES

STATE VS ALKEBULANYAHH

- 1 Q OKAY AND IS HE NOW DECEASED?
- 2 A YES
- 3 Q OKAY AND WHEN DID HE DIE?
- 4 A HE DIED JANUARY 6
- 5 Q OF THIS YEAR?
- 6 A YES
- 7 Q OKAY YOU SAY THAT YOU AND ISAAC RILEY LIVED AT
- 8 THAT HOUSE AND WHO ELSE LIVED THERE?
- 9 A WE HAD ROBERTS AND NZURI AND A YOUNG LADY NAMED
- 10 MAY
- 11 Q OKAY CAN YOU POINT OUT TO THE JURY WHO THE
- 12 FELLOW YOU IDENTIFIED AS ROBERTS IS?
- 13 A YES, HE'S RIGHT THERE
- 14 Q YOU'RE POINTING TO YOUR RIGHT, IS THAT CORRECT?
- 15 A YES
- 16 Q CAN YOU DESCRIBE HIM SO THERE WON'T BE ANY
- 17 QUESTION IN THE JURY'S MIND WHO YOU'RE TALKING ABOUT?
- 18 WHO -- HOW IS HE DRESSED?
- 19 A HE HAS ON ---
- 20 Q IS HE THE FELLOW STANDING UP?
- 21 A YES, SIR, IT IS
- 22 Q OKAY THANK YOU, MA'AM NZURI THAT YOU'RE
- 23 TALKING ABOUT, WHO IS SHE?
- 24 A THAT'S HIS WIFE
- 25 Q OKAY AND SO ROBERTS AND NZURI LIVED THERE WITH

- 1 YOU AND ISAAC?
- 2 A YES
- 3 Q OKAY ON THE 8TH DAY OF JANUARY 2002 AT
- 4 APPROXIMATELY 4 00 O'CLOCK IN THE AFTERNOON, WHO WAS IN
- 5 THAT HOUSE?
- 6 A ME, MY HUSBAND, MINISTER -- AND ROBERTS, AND MAY,
- 7 WITH HER BABY
- 8 Q NOW, YOU SAID MINISTER WHO IS MINISTER?
- 9 A THAT'S THE NAME I USED TO CALL HIM BY I JUST
- 10 CALL HIM BY MINISTER BECAUSE HE WAS SUPPOSED TO BE A
- 11 MAN OF THE CLOTH AND WAS -- HAD -- TRYING TO GET HIS
- 12 CHURCH STARTED
- 13 Q OKAY YOU, YOUR HUSBAND, MINISTER AND WHO ELSE?
- 14 A AND MAY THAT WAS THE YOUNG LADY THAT WAS STAYING
- 15 THERE WITH HER BABY
- 16 Q OKAY DO YOU KNOW WHAT HER REAL NAME IS?
- 17 A NO
- 18 Q OKAY AND DID SHE HAVE HER BABY WITH HER?
- 19 A YES
- 20 Q AND HOW OLD WAS THAT BABY IF YOU KNOW?
- 21 A MONTHS IT WAS MONTHS MAYBE ABOUT 5 6 MONTHS
- 22 Q OKAY SO YOU, ISAAC, THE FELLOW YOU IDENTIFY AS
- 23 ROBERTS ALSO KNOWN AS MINISTER, AND MAY?
- 24 A YES
- 25 Q THE GIRL WHO HAD -- AND THE YOUNG BABY?

- 1 A YES
- 2 Q OKAY DO YOU REMEMBER THE OFFICERS COMING TO YOUR
3 HOUSE ON THAT DAY?
- 4 A YES
- 5 Q OKAY WHEN THEY CAME TO YOUR HOUSE, DID THEY ASK
6 YOU IF THEY COULD COME IN?
- 7 A YES
- 8 Q AND WHAT DID YOU TELL THEM?
- 9 A YES, THEY COULD COME IN
- 10 Q OKAY DID THEY THEN LEAVE?
- 11 A NO
- 12 Q OKAY DID THEY GO ANYWHERE IN THAT HOUSE?
- 13 A THEY STAYED THERE IN THE LIVING ROOM, AND THEY WAS
14 INQUIRING ABOUT MAY AND HER BABY, BECAUSE THEY WAS
15 SAYING SOMEBODY -- SOMEBODY SAID ---
- 16 Q DON'T TELL ME WHAT ---
- 17 A OKAY
- 18 Q WHAT THEY SAID
- 19 A OKAY
- 20 Q BUT DID THEY ASK YOU IF THEY COULD GO ANY PLACE
21 OTHER THAN THE LIVING ROOM OF YOUR HOUSE?
- 22 A YES ONCE MAY ---
- 23 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
- 24 THE COURT YES SIR
- 25 MR ALKEBULANYAHH HE'S LEADING

1 THE COURT NO I'LL ALLOW THAT QUESTION GO
2 AHEAD
3 Q GO AHEAD
4 A ONCE MAY AND THE BABY CAME OUT OF THE ROOM, THE
5 OFFICERS ASKED COULD THEY GO INTO THE NEXT ROOM
6 Q AND DID YOU RESPOND TO THEM?
7 A YES, SIR, I TOLD THEM THEY CAN GO
8 Q OKAY AND DID THEY GO INTO THAT ROOM?
9 A YES
10 Q AT THE POINT WHERE THEY ENTERED THAT ROOM, DID
11 THEY HAVE THEIR PISTOLS IN THEIR HANDS?
12 A NO
13 Q WHAT HAPPENED AFTER THEY ENTERED THAT ROOM?
14 A AFTER THEY ENTERED THE ROOM, MAY SAID THAT
15 MINISTER ---
16 Q DON'T TELL ME WHAT ANYBODY ---
17 A OKAY
18 Q --- SAID BUT TELL ME WHAT HAPPENED?
19 A THE OFFICERS WENT INTO THE ROOM AND THFY WAS
20 GETTING READY TO OPEN UP A CLOSET AND THEN MAY RAN OUT
21 I RAN OUT AND THERE WAS A LOT OF GUNFIRE
22 Q WAS THERE ANYONE IN THAT HOUSE OTHER THAN THE FIVE
23 PEOPLE THAT YOU HAVE SAID WERE THERE? YOU, ISAAC,
24 ROBERTS AND MAY, AND HER BABY?
25 A YES, THAT'S ALL THAT WAS THERE

1 MR MURDAUGH THANK YOU THANK YOU, MA'AM
2 ANSWER ANY QUESTIONS HE MAY HAVE

3 MR ALKEBULANYAHH MAY I PROCEED?

4 THE COURT YES, SIR

5 CROSS EXAMINATION BY MR ALKEBULANYAHH.

6 Q GOOD MORNING, MS SMITH

7 A GOOD MORNING

8 Q ON JANUARY 8, 2002, WHEN THE OFFICERS ARRIVED AT
9 YOUR HOME, DID YOU TELL THE OFFICERS THAT THERE WAS NO
10 KIDNAP OR HOSTAGE AT YOUR HOME?

11 A YES

12 Q DID YOU REPEATEDLY AND CONSISTENTLY TELL THE
13 OFFICERS THAT THERE WAS NO HOSTAGE OR ANYONE BEING HELD
14 AGAINST THEIR WILL AT YOUR HOME?

15 A YES

16 Q AND DID YOU SPEND QUITE SOME TIME TRYING TO
17 CONVINCE THE OFFICERS OUTSIDE OF YOUR HOME THAT THERE
18 WAS NO ONE BEING HELD HOSTAGE, KIDNAPPED AT YOUR HOME?

19 A YES

20 Q AND WHEN THE OFFICER WAS -- WAS PERSISTENT -- WAS
21 TRYING TO GET YOU TO SAY THAT SOMEONE WAS BEING HELD
22 HOSTAGE OR BEING KIDNAPPED AGAINST THEIR WILL AT THE
23 HOME AT A GIVEN TIME DIDN'T YOU TELL THE OFFICER THAT
24 YOU WOULD GO INSIDE AND GET MAY TO STRAIGHTEN THAT ALL
25 OUT?

- 1 A YES
- 2 Q AND WHEN YOU WENT TO GET MAY, THAT THE OFFICERS
- 3 CAME IN BEHIND YOU, IS THAT CORRECT?
- 4 A EXCUSE ME?
- 5 Q WHEN YOU WENT TO GET MAY, THE OFFICERS CAME IN
- 6 BEHIND YOU?
- 7 A AFTER THEY ASKED PERMISSION TO ENTER
- 8 Q WHERE WERE YOU WHEN THEY ASKED PERMISSION TO
- 9 ENTER?
- 10 A I WAS AT THE DOOR, AT THE FRONT DOOR
- 11 Q YOU WAS AT THE FRONT DOOR THEN?
- 12 A YES
- 13 Q WHAT CONVERSATION YOU ALL WAS HAVING AT THE FRONT
- 14 DOOR?
- 15 A WE WAS TELLING ME THAT THERE WAS SOMEONE THAT WAS
- 16 OUTSIDE SAYING THAT -- THE NAME THAT SHE WAS USING WAS
- 17 HER NICKNAME AND REAL NAME -- AND SHE GAVE HER REAL
- 18 NAME AND WHEN SHE INDICATED THAT SHE GAVE HER REAL
- 19 NAME AND IT WAS MAY THAT'S WHEN I TOLD MAY TO COME
- 20 OUTSIDE OF THE ROOM
- 21 Q OKAY
- 22 A AND MAY AND THE BABY CAME OUTSIDE OF THE ROOM
- 23 Q AND FROM THAT MORNING 8 00 O'CLOCK TO THAT
- 24 EVENING, ISN'T IT TRUE THAT YOU DID NOT KNOW WHETHER
- 25 NZURI OR MINISTER WAS AT THAT HOME?

1 A NO I KNEW YOU WAS THERE BECAUSE YOU BROUGHT ME
2 THE CLOTHES YOU HAD WASHED FOR ME

3 Q NOW, WHEN THE CLOTHES -- DID YOU KNOW WHEN DID
4 NZURI LEAVE? WAS NZURI THERE? DID YOU KNOW WHEN NZURI
5 LEAVE?

6 A NO NZURI WASN'T IN THE HOUSE

7 Q OKAY NOW, WHEN NZURI AND MINISTER WENT TOGETHER,
8 IS THAT CORRECT?

9 A YES, IN THE BEGINNING YOU FIRST LEFT TOGETHER,
10 RIGHT

11 Q DID YOU SEE WHEN NZURI LEAVE?

12 A I SEEN BOTH OF YOU ALL LEAVE BUT I SEEN YOU COME
13 BACK BUT NZURI WASN'T WITH YOU

14 Q DID YOU SEE WHEN NZURI LEFT?

15 A I SEE BOTH OF YOU ALL LEAVING

16 Q I MEAN, AFTER YOU SAY WE CAME BACK AND BROUGHT THE
17 CLOTHES BACK?

18 A RIGHT YOU CAME BACK AND BROUGHT THE CLOTHES

19 Q RIGHT AND NZURI WAS STILL AT THE HOME AT THAT
20 TIME IS THAT CORRECT?

21 A AS FAR AS I KNOW, NO, SHE WASN'T

22 Q OKAY DID YOU SEE HER LEAVE?

23 A I SEEN HER LEAVE WHEN SHE LEFT WITH YOU, AND SHE
24 NEVER CAME BACK WITH YOU

25 Q AND THAT WAS EARLY THAT MORNING, IS THAT CORRECT?

1 A YES

2 Q WHAT I'M TRYING TO GET TO IS AFTER THEY RETURNED
3 WITH THE CLOTHES ---

4 A UH-HUH

5 MR MURDAUGH YOUR HONOR, PLEASE, SHE HAS
6 TESTIFIED THAT THEY DID NOT RETURN WITH THE CLOTHES
7 THE COURT GO AHEAD GO WITH YOUR QUESTION

8 Q DID YOU TESTIFY THAT WE DID NOT RETURN WITH THE
9 CLOTHES?

10 A I TESTIFIED THAT YOU CAME BACK AND NZURI DIDN'T
11 COME BACK

12 Q OKAY WAS THEY RIDING IN THE SAME VEHICLE?

13 A I'M NOT SURE I DON'T KNOW

14 Q WAS MINISTER AND NZURI RIDING TOGETHER?

15 A I DON'T KNOW

16 Q OKAY HOW MANY VEHICLES DO MR -- DO MINISTER
17 OWN?

18 A YOU HAD TWO CARS, ONE CAR AND ONE TRUCK

19 Q OKAY DID MINISTER HAVE THE TRUCK THERE AT THE
20 TIME?

21 A YES, YOU HAD THE TRUCK AND A CAR

22 Q WAS THE TRUCK THERE WHEN THE OFFICERS ARRIVED?

23 A I DON'T KNOW

24 Q WAS THE CAR THERE WHEN THE OFFICER ARRIVED?

25 A NO

- 1 Q DO YOU KNOW WHO DROVE THE CAR OFF?
- 2 A NO
- 3 Q SO YOU WOULDN'T REALLY KNOW HAD NZURI LEFT OR NOT
- 4 HAD YOU BEEN INSIDE MINISTER AND NZURI BEDROOM?
- 5 A NO, I WASN'T IN THE BEDROOM
- 6 Q DO YOU KNOW WHO ALL WAS IN MINISTER AND NZURI
- 7 BEDROOM?
- 8 A YES, IT WAS YOU AND MAY AND THE BABY
- 9 Q OKAY DID YOU SEE ME, MINIS -- ME, MAY, AND THE
- 10 BABY IN THE BEDROOM?
- 11 A WELL, I DIDN'T GO IN YOUR ROOM ALL I SEEN WAS
- 12 YOU GIVE ME MY CLOTHES AND THEN YOU GOING INTO THE
- 13 ROOM
- 14 Q OKAY AND DID AT ANY TIME YOU GO INTO THE
- 15 BEDROOM?
- 16 A NO
- 17 Q SO YOU WOULDN'T KNOW WHO WAS IN THE BEDROOM BEFORE
- 18 THE OFFICERS WENT INTO THE BEDROOM, IS THAT CORRECT?
- 19 A THAT'S CORRECT, AS FAR AS I KNOW, IT WAS JUST YOU
- 20 AND MAY BUT YOU HAVE A DOOR RIGHT NEXT TO YOUR
- 21 BEDROOM, SO SOMEBODY ELSE COULD HAVE BEEN IN THERE
- 22 Q RIGHT AND WHEN YOU SAY THAT MINISTER WAS IN THE
- 23 BEDROOM, YOU SAY YOU PRETTY MUCH JUST GUESSING THAT
- 24 MINISTER WAS STILL IN THE BEDROOM, IS THAT CORRECT?
- 25 A NO I KNEW YOU WAS IN THE BEDROOM BECAUSE WHEN

1 YOU GAVE ME THE CLOTHES, YOU WENT INSIDE THE ROOM

2 Q OKAY WHEN YOU RECEIVED THE CLOTHES, HOW MUCH
3 TIME BETWEEN THE TIME YOU RECEIVED THE CLOTHES BETWEEN
4 THE TIME THAT THE OFFICERS ARRIVED?

5 A I REALLY COULDN'T SAY

6 Q WOULD YOU SAY AN HOUR, HALF HOUR, TWO HOURS?

7 A I REALLY COULDN'T SAY BECAUSE I REALLY DON'T KNOW

8 Q SO WHEN MINISTER HAND YOU THE CLOTHES, HE
9 DISAPPEARED, IS THAT CORRECT?

10 A YEAH, YOU WENT INTO THE ROOM

11 Q I WENT INTO THE ROOM?

12 A UH-HUH

13 Q DID YOU SEE HIM ANY TIME AFTER THAT WHEN HE WENT
14 IN THE ROOM?

15 A I DIDN'T GO IN THE ROOM

16 Q I MEAN AFTER MINISTER DISAPPEARED IN THE ROOM YOU
17 WENT TO YOUR ROOM?

18 A RIGHT

19 Q AND YOU DIDN'T SEE MINISTER NO MORE UNTIL THE
20 POLICE ARRIVED, IS THAT CORRECT?

21 A RIGHT

22 Q OKAY SO AFTER MINISTER GIVE YOU THE CLOTHES, HE
23 LEFT AND HE WENT TO HIS ROOM, AND THEN YOU DIDN'T SEE
24 MINISTER NO MORE UNTIL THE POLICE -- YOU DIDN'T SEE
25 MINISTER NO MORE AFTER THAT, AND THEN THE POLICE

1 ARRIVED?

2 A RIGHT

3 Q OKAY SO WHEN YOU SAY MINISTER WAS IN THE ROOM
4 YOU SAYING HE WENT IN THE ROOM BEFORE THE POLICE
5 ARRIVED AND YOU DIDN'T SEE HIM ANY MORE WHEN DID MAY
6 GO INTO THE ROOM?

7 A MAY WAS IN THE ROOM

8 Q MAY WAS ALREADY IN THE ROOM?

9 A YES

10 Q DO YOU RECALL WHEN SHE -- WHEN THE LAST TIME YOU
11 SEEN HER?

12 A YES, SHE -- SHE CAME OUT OF THE ROOM FOR A MINUTE
13 TO MAKE A PHONE CALL

14 Q OKAY AND SO PRIOR TO THE OFFICER ARRIVING, YOU
15 WAS -- YOU KNEW THAT MINISTER HAD BEEN IN THE HOUSE, IS
16 THAT CORRECT?

17 A YES

18 Q AND NZURI HAD BEEN IN THE HOUSE, IS THAT CORRECT?

19 A YES

20 Q AND THAT'S PRIOR TO THE OFFICER ARRIVE?

21 A NZURI WASN'T THERE

22 Q RIGHT PRIOR TO THE OFFICER ARRIVING, SHE HAD
23 BEEN THERE?

24 A BEFORE, IN THE MORNING SHE WAS THERE

25 Q SO THE LAST TIME YOU SEEN NZURI WAS IN THE

- 1 MORNING, IS THAT CORRECT?
- 2 A YES
- 3 Q AND BUT YOU DIDN'T SEE HER ---
- 4 A COME BACK WITH YOU
- 5 Q --- WHEN THE CLOTHES WERE BROUGHT BACK, IS
- 6 THAT ---
- 7 A NO
- 8 Q YOU DIDN'T SEE ---
- 9 A I JUST SEEN YOU COME BACK WITH THE CLOTHES
- 10 Q RIGHT AND YOU DIDN'T SEE HER?
- 11 A NO
- 12 Q OKAY SO YOU ONLY SEEN NZURI ONE TIME THAT DAY,
- 13 WHICH WAS IN THE MORNING, IS THAT CORRECT?
- 14 A RIGHT
- 15 Q OKAY AND YOU SEEN MINISTER TWICE, IS THAT
- 16 CORRECT?
- 17 A YES
- 18 Q AND THAT'S WHEN MINISTER ARRIVE BACK -- LEFT THAT
- 19 MORNING ABOUT 8 00 OR SOMETHING IN THE MORNING IS THAT
- 20 CORRECT?
- 21 A UH-HUH
- 22 Q AND RETURNED THAT EVENING AND HAND YOU SOME
- 23 CLOTHES, IS THAT CORRECT?
- 24 A RIGHT
- 25 Q AND ONCE HE HAND YOU THE CLOTHES, YOU DIDN'T SEE

1 HIM NO MORE AGAIN, IS THAT CORRECT?

2 A RIGHT YOU WENT INTO THE ROOM AND I HAVEN'T SEEN
3 YOU NO MORE AFTER THAT

4 Q OKAY NOW, WHERE DID YOU REMAIN IN THE HOUSE
5 AFTER THAT?

6 A IN MY ROOM

7 Q IN YOUR ROOM OKAY HOW LONG AFTER -- IF YOU CAN
8 RECALL -- YOU WAS IN THE ROOM BEFORE THE OFFICERS
9 ARRIVED?

10 A MAYBE A COUPLE HOURS

11 Q A COUPLE HOURS OKAY AND WHEN -- BUT YOU NEVER
12 WENT INTO MINISTER AND NZURI ROOM THAT DAY, IS THAT
13 CORRECT?

14 A NO

15 Q AND SOMEONE COULD HAVE BEEN IN THE ROOM -- OTHER
16 PEOPLE COULD HAVE BEEN IN THE ROOM, COME THROUGH THE
17 DOOR BY THE ROOM WITHOUT YOU KNOWING IT, IS THAT
18 CORRECT?

19 A YES

20 Q YOU HAD BEEN IN THE HOME EARLY IN THE DAY WITH
21 MAY, IS THAT CORRECT -- MS KIMBERLY BLATE (PHONETIC)?

22 A YEAH

23 Q AND YOU ALL HAD SOCIALIZED, IS THAT CORRECT?

24 A RIGHT BUT MAY CAME OUT OF THE ROOM AND MADE A
25 PHONE CALL, AND SHE WAS WHISPERING AND THEN SHE WENT

1 BACK INTO THE ROOM AND SEEMS LIKE ALL THIS STARTED
2 ONCE SHE MADE THAT PHONE CALL

3 Q OKAY WAS YOU RESTRAINING MAY, WHO IS KNOWN AS
4 KIMBERLY BLATE (PHONETIC), KEEPING HER FROM LEAVING
5 THAT HOME?

6 A NO AS FAR AS I KNOW, SHE WAS ABLE TO COME AND GO
7 AS SHE WANT TO

8 Q AND WHILE MINISTER AND NZURI HAD BEEN GONE THAT
9 MORNING BEFORE YOU SEEN HIM WHEN HE ARRIVED BACK, THEY
10 HAD BEEN GONE ALL DAY, IS THAT CORRECT?

11 A YES

12 Q AND MAY HAD THE OPPORTUNITY TO LEAVE THAT HOME AT
13 ANY TIME SHE WANTED, IS THAT CORRECT?

14 A YES

15 Q SHE COULD HAVE WALKED OFF, CAUGHT A RIDE, OR
16 ANYTHING THAT SHE WANTED ALL THAT DAY, IS THAT CORRECT?

17 A RIGHT

18 Q BUT SHE DIDN'T?

19 A NO

20 Q DID AT ANY TIME SHE STATE TO YOU THAT SHE WAS
21 BEING HELD HOSTAGE?

22 A NO

23 Q DID AT ANY TIME SHE STATE TO YOU THAT SHE WAS
24 BEING KIDNAPPED?

25 A NO

- 1 Q DID AT ANY TIME DID SHE STATE TO YOU THAT SHE WAS
2 BEING ABUSED?
- 3 A NO
- 4 Q DID AT ANY TIME DID SHE STATE TO YOU THAT SHE WAS
5 DISCONTENT BEING THERE?
- 6 A NO
- 7 Q DID YOU SEE ANY INDICATION THAT MINISTER OR ANYONE
8 ELSE WAS ABUSING MS BLATE (PHONETIC)?
- 9 A NO
- 10 Q DID YOU EVER WITNESS ANY ARGUMENTS, FIGHTS BETWEEN
11 MINISTER, NZURI OR ANYBODY ELSE WITH BLATE (PHONETIC)?
- 12 A NO
- 13 Q BEFORE THAT DATE, BLATE (PHONETIC) HAD BEEN THERE
14 -- DO YOU -- DO YOU -- DO YOU RECALL WHAT IS NOT TRUE
15 THAT BLATE (PHONETIC) HAD BEEN THERE TO THEIR HOME MANY
16 TIMES BEFORE THAT WEEKEND CAME IS THAT CORRECT?
- 17 A YES
- 18 Q AND SHE ALSO HAD SPENT THE NIGHT AT THAT HOME
19 BEFORE THAT WEEKEND OCCURRED, IS THAT CORRECT?
- 20 A YES
- 21 Q AND SHE HAD LEFT, IS THAT CORRECT?
- 22 A YES
- 23 Q AND THAT HAD BEEN TAKEN PLACE OVER A COURSE OF AT
24 LEAST A MONTH, IS THAT CORRECT?
- 25 A YES

1 Q AT LEAST A MONTH AND MOST OF THE TIME MAY WOULD
2 BRING THINGS AND LEAVE THINGS IN THE REFRIGERATOR FOR
3 THE BABY, LIKE MILK, AND BOTTLES, AND STUFF LIKE THAT,
4 IS THAT CORRECT?

5 A YES

6 Q AND YOU HAD OFFERED TO MAY WHILE SHE WAS THERE
7 THAT IF THERE WAS ANYTHING THAT YOU COULD DO FOR HER OR
8 ANYTHING -- SHE WELCOME ---

9 A YES

10 Q --- TO ANYTHING IN THE HOME, CORRECT?

11 A YES

12 Q AND YOU ALSO YOU KNOW TOLD HER, YOU KNOW, SHE'S
13 FREE TO COME, YOU KNOW?

14 A YES

15 Q YOU KNOW, AND TALK IF SHE WOULD LIKE AND
16 EVERYTHING MAY DID NOT POSSESS A KEY TO THE HOME
17 THOUGH, DID SHE?

18 A NO

19 Q OKAY WHEN -- DIDN'T MAY TELL YOU THAT SHE DID
20 NOT MAKE A PHONE CALL FROM THAT RESIDENCE TO THE
21 POLICE?

22 A NO, SHE DIDN'T TELL ME THAT

23 Q DID SHE -- DID YOU ASK THE POLICE -- DID THE
24 POLICE ASK YOU -- OR TELL YOU THAT A PHONE CALL CAME
25 FROM YOUR HOUSE?

1 A OFFICER SAYS THAT THEY HAD A YOUNG LADY WITH THEM
2 AND A OFFICER SAYS THAT THE YOUNG LADY SAID THAT MAY
3 CALLED FROM THIS HOUSE STATING THAT SHE WAS BEING HELD
4 AGAINST HER WILL

5 Q OKAY WHEN YOU -- WHEN YOU ENTERED THE HOUSE,
6 WHERE WAS THE OFFICERS -- ONCE YOU ENTERED THE LIVING
7 ROOM?

8 A WHEN I LET THEM IN THE APARTMENT (SIC)?

9 Q YES

10 A THEY WAS IN THE FRONT OF THE DOOR

11 Q DID THEY SAY TO YOU -- MR RILEY -- DID THEY SAY
12 TO YOU OR YOUR HUSBAND -- DID THEY READ YOU ANY MIRANDA
13 RIGHTS?

14 A NO

15 Q DID THEY SAY TO YOU OR YOUR HUSBAND CAN WE SEARCH
16 THE ENTIRE HOME?

17 A NO

18 Q DID THEY SAY TO YOU THAT WE'RE GOING TO SEARCH IT?

19 A NO

20 Q ONCE MAY CAME OUT OF THE ROOM, WHAT DID SHE DO
21 THEN?

22 A SHE GRABBED ME AND SHE STARTED -- SHE WAS SHAKING
23 SHE WAS VERY UPSET SHE ACT LIKE SHE WAS NERVOUS OR
24 SOMETHING AND AT THAT TIME, THAT'S WHEN THE OFFICERS
25 ASKED COULD THEY GO INTO THE BEDROOM, AND I SAID YES

- 1 Q OKAY AND WHEN DID -- DID MAY HAND YOU A BABY?
- 2 A YES, PRIOR TO TELLING HER TO TALK TO THE GIRL TO
- 3 STRAIGHTEN THIS OUT
- 4 Q OKAY DID THE OFFICERS HAVE THEIR HANDS ON THE
- 5 WEAPONS?
- 6 A NO
- 7 Q AT NO TIME DID YOU SEE OF OFFICERS' HAND ON THE
- 8 WEAPONS?
- 9 A NO
- 10 Q OKAY DID THE OFFICERS ASK MAY WAS SHE KIDNAPPED?
- 11 A NO
- 12 Q DID THEY ASK MAY WAS SHE HELD HOSTAGE?
- 13 A NO
- 14 Q DID THEY ASK MAY WAS ANYTHING WRONG?
- 15 A NO
- 16 Q DID THEY ASK MAY DID SHE CALL THE POLICE?
- 17 A NO
- 18 Q DID THEY ASK MAY DID SHE CALL SOMEBODY TO CALL THE
- 19 POLICE FOR THEM?
- 20 A NO, THEY DIDN'T ASK HER THAT
- 21 Q SO THEY DID NOT ASK MAY ANYTHING ONCE THEY
- 22 ENCOUNTERED HER, IS THAT CORRECT?
- 23 A RIGHT
- 24 Q DID THEY ESCORT MAY OUT OF THE HOUSE?
- 25 A NO

1 Q SO THE OFFICER DIDN'T ASCERTAIN WHETHER OR NOT MAY
2 HAD ANY PROBLEM CALLING THE POLICE OR WAS HELD HOSTAGE
3 OR ANYTHING, IS THAT CORRECT?

4 A NO BUT MAY WAS ACTING VERY SHAKY SHE WAS VERY
5 NERVOUS AND UPSET

6 Q OKAY DID THEY ESCORT MAY OUT OF THE HOUSE?

7 A NO

8 Q DID THEY PULL MAY TO THE SIDE AND ASK HER ANY
9 QUESTIONS?

10 A NO

11 Q AND WHEN THEY SPOKE, WHO DID THEY SPEAK TO FIRST?
12 DID THEY SPEAK TO YOU OR DID THEY SPEAK TO MAY WHEN MAY
13 FIRST EXIT THE ROOM?

14 A ME THEY TALKED TO ME

15 Q THEY TALKED TO YOU SO IF MAY SAY THEY TALK TO
16 HER FIRST, THAT WOULD BE UNTRUE, IS THAT CORRECT?

17 A RIGHT

18 Q AND IF MAY SAY THAT THEY ASKED HER COULD THEY GO
19 IN THE ROOM, THAT WOULD BE UNCORRECT (SIC), TRUE?

20 A RIGHT

21 Q SO MAY DID NOT GIVE THEM PERMISSION TO GO IN THE
22 ROOM, IS THAT CORRECT?

23 A RIGHT

24 Q AND IF SHE SAID THAT, THAT WOULD BE A LIE,
25 CORRECT?

- 1 A RIGHT
- 2 Q OKAY WHEN MAY HAND YOU THE BABY -- WHICH IS MS
- 3 KIMBERLY BLATE (PHONETIC), MAY IS MS KIMBERLY BLATE
- 4 (PHONETIC) -- YOU HAD THE BABY IN YOUR -- IN YOUR CARE,
- 5 IS THAT CORRECT?
- 6 A YES
- 7 Q DID YOU LEAVE THE BABY IN THE HOUSE ALONE?
- 8 A DID I?
- 9 Q YES
- 10 A NO
- 11 Q DID YOU ABANDON THE BABY?
- 12 A NO
- 13 Q DID YOU CARRY THE BABY OUT OF THE HOUSE WITH YOU?
- 14 A WHEN -- WHEN I LEFT?
- 15 Q AFTER YOU HEARD GUNSHOTS?
- 16 A YES
- 17 Q WHERE DID YOU TAKE THE BABY WITH YOU AT?
- 18 A I TOOK THE BABY OVER TO MY NEIGHBOR'S HOUSE
- 19 Q AND WHO TOOK THE BABY FROM YOU?
- 20 A THE OFFICERS TOOK THE BABY FROM ME
- 21 Q SO THE BABY WAS NEVER ABANDONED IS THAT CORRECT?
- 22 A NO, THE BABY WAS NEVER ABANDONED
- 23 Q AND THE BABY WAS NEVER LEFT ALONE, ISN'T THAT
- 24 CORRECT?
- 25 A NO, THE BABY WAS NEVER LEFT ALONE

- 1 Q SO THE BABY WAS NOT LEFT ALONE IN THE 21 RILEY
2 ROAD ALONE DRAPED IN A DIAPER ALONE?
- 3 A NO
- 4 Q AND THE OFFICERS CAME ACROSS THE STREET TO YOUR
5 NEIGHBOR'S HOUSE AND TOOK THE BABY IN CUSTODY FROM YOU
6 IS THAT CORRECT?
- 7 A YES
- 8 Q MS RILEY, WHEN YOU -- WHEN THE OFFICERS -- WHEN
9 THEY FIND YOU DID THEY TAKE YOUR CLOTHING FROM YOU?
- 10 A AFTER THEY TALKED TO ME?
- 11 Q YES, MA'AM
- 12 A YES
- 13 Q THEY CONFISCATED YOUR CLOTHING FROM YOU, IS THAT
14 CORRECT?
- 15 A YES
- 16 Q DID THEY GIVE YOU A GUNSHOT RESIDUE TEST?
- 17 A YES
- 18 Q DID THEY DO THIS -- DO YOU KNOW WHETHER OR NOT
19 THEY DID YOUR HUSBAND THE SAME?
- 20 A YES
- 21 Q MS RILEY, DID YOU EVER AT ANY TIME EVER SEE
22 MINISTER WITH A WEAPON?
- 23 A NO
- 24 Q HAD YOU ANY TIME EVER KNOWN MINISTER TO HAVE A
25 WEAPON?

- 1 A NO
- 2 Q HAVE YOU EVER HEARD OF MINISTER EVEN TALK ABOUT
- 3 POSSESSING A WEAPON?
- 4 A NO
- 5 Q DID YOUR HUSBAND OWN A WEAPON?
- 6 A NO
- 7 Q HAD YOU EVER SEEN ANY OF MINISTER FRIENDS OR
- 8 GUESTS WITH A WEAPON?
- 9 A NO
- 10 Q DID YOU SEE MINISTER SHOOT THE POLICE?
- 11 A NO
- 12 Q DID MAY -- DO YOU KNOW IF MAY SEEN MINISTER SHOOT
- 13 THE POLICE?
- 14 A NO
- 15 Q LET ME MAKE SURE THIS IS CORRECT SO YOU'RE
- 16 SAYING THAT WHEN MAY GIVE YOU THE BABY ---
- 17 A UH-HUH
- 18 Q --- THE OFFICERS WENT INTO THE ROOM?
- 19 A THEY ASKED COULD THEY GO INTO THE ROOM
- 20 Q RIGHT AND THEY DID NOT ASK MAY ANYTHING?
- 21 A NO
- 22 Q THEY DID NOT EVEN SPEAK TO MAY, IS THAT CORRECT?
- 23 A NO
- 24 Q OKAY DID YOU BELIEVE THAT MAY WAS ---
- 25 MR MURDAUGH YOUR HONOR ---

- 1 Q --- RESPONSIBLE FOR ---
- 2 MR MURDAUGH --- PLEASE, WHAT SHE BELIEVES WOULD
- 3 NOT BE ADMISSIBLE
- 4 THE COURT I SUSTAIN THAT OBJECTION
- 5 Q MS RILEY, WAS YOU AWARE THAT MAY HAD FAMILY ABOUT
- 6 50 YARDS AWAY ON THE CORNER?
- 7 A I KNOW SHE HAS SOMEBODY IN THE CAR WAITING FOR HER
- 8 OUTSIDE THE BUILDING -- OUTSIDE WHERE WE LIVE AT
- 9 Q WHEN YOU CAME OUTSIDE OF THE RESIDENCE -- AND THAT
- 10 WAS AFTER THE SHOOTING, IS THAT CORRECT?
- 11 A UH-HUH
- 12 Q DID YOU NOTICE ANY VEHICLES?
- 13 A YES, I NOTICED TWO COP CAR
- 14 Q TWO COP CAR AND THERE WAS NO OTHER VEHICLES THAT
- 15 YOU NOTICE AT THAT TIME?
- 16 A AND MY HUSBAND'S CAR THAT WAS IN THE YARD THE
- 17 OTHER TWO CARS WASN'T THERE
- 18 Q DID YOUR HUSBAND CAR OPERATE?
- 19 A YES
- 20 Q DID YOUR HUSBAND USE THAT CAR THAT DAY?
- 21 A NO NOT THAT DAY
- 22 Q OKAY AND YOUR HUSBAND CAR WAS IN THE YARD, IS
- 23 THAT CORRECT?
- 24 A YES
- 25 Q AND OTHER THAN THAT YOU DIDN'T NOTICE ANY OTHER

1 CARS, IS THAT CORRECT?

2 A NO, NO OTHER CAR

3 Q WHEN YOU WAS IN THE LIVING ROOM, THAT'S WHERE YOU,
4 MAY, AND THE BABY, AND THE TWO OFFICERS WAS INITIALLY
5 AT, IS THAT CORRECT?

6 A YES

7 Q DID ANY TIME YOU SIT DOWN WITH THE BABY OR
8 ANYTHING?

9 A NO

10 Q OKAY WHEN YOU WAS HAVING CONVERSATION WITH MAY,
11 COULD YOU TELL ME WHAT THE CONVERSATION YOU HAD IN THE
12 LIVING ROOM WITH MAY?

13 A MAY SAID THAT MINISTER IS IN THE CLOSET

14 Q THAT'S WHAT MAY SAID?

15 A YEAH MAY SAID THAT

16 Q SHE SAID THAT TOO YOU?

17 A UH-HUH

18 Q IN THE LIVING ROOM?

19 A YES

20 Q WHERE WAS THE OFFICERS AT THAT TIME?

21 A THEY WAS IN THE ROOM

22 Q SO AFTER ---

23 A IN THE BEDROOM

24 Q SO WHEN THE OFFICERS WENT INTO THE BEDROOM ---

25 A MAY TOLD ME THAT YOU WAS IN THE CLOSET

1 Q SHE SAID, MINISTER IS IN THE CLOSET?

2 A YES

3 Q AND MAY DIDN'T TELL THE OFFICER THAT, IS THAT
4 CORRECT?

5 A NO

6 Q DID MAY TELL YOU WHETHER OR NOT ANY OTHER PEOPLE
7 WAS IN THE BEDROOM?

8 A NO

9 Q DID MAY TELL YOU OR DID YOU SEE ANY OTHER PEOPLE
10 CAME TO THAT RESIDENCE THAT DAY?

11 A OTHER THAN THE OFFICERS?

12 Q YES, MA'AM

13 A NO NOT THAT I KNOW OF

14 Q MS RILEY DO YOU KNOW WHETHER OR NOT THAT --
15 WHETHER OR NOT THERE WAS ANY OTHER PEOPLE IN THAT ROOM?

16 A THERE WAS NOBODY ELSE IN THE ROOM

17 Q THAT YOU KNOW OF AS FAR AS FROM WHEN YOU LAST SEEN
18 MINISTER ENTER THE ROOM, IS THAT CORRECT?

19 A RIGHT I KNOW THE ONLY PEOPLE WHO WAS IN THE ROOM
20 WAS MAY AND YOU AND THE BABY

21 Q AND YOU KNEW THAT BECAUSE MINISTER HAD BROUGHT YOU
22 CLOTHES AND HE ENTERED THE ---

23 MR MURDAUGH YOUR HONOR, PLEASE ---

24 Q --- ROOM THEN, CORRECT?

25 MR MURDAUGH --- WE HAVE GONE THROUGH THAT

1 THE COURT I SUSTAIN THE OBJECTION

2 Q MS RILEY COULD YOU TELL ME HOW MANY TIMES YOU
3 BEEN INTERVIEWED IN REFERENCE TO THAT SITUATION?

4 A INTERVIEWED?

5 Q YES, MA'AM

6 A ABOUT THE CASE?

7 Q YES, AND ABOUT THE OFFICERS, HOW MANY TIMES THE
8 OFFICERS CAME OUT, DO YOU RECALL?

9 A THAT -- THAT ACTUAL MORNING THEY INTERVIEW ME
10 AND ONCE OR TWICE SOMEONE MIGHT CAME BY THE HOUSE AND
11 TALKED TO ME

12 Q DID YOU GIVE ANY RECORDED OR WRITTEN STATEMENTS,
13 MA'AM?

14 A YES, WHEN I -- WHEN I WAS -- THE VERY FIRST DAY
15 THAT THE INCIDENT HAPPEN, THEY HAD ME WRITE OUT
16 SOMETHING

17 Q THEY HAD YOU WRITE OUT SOMETHING?

18 A YES THEY ASKED ME TO WRITE OUT WHAT HAPPENED

19 Q BUT ---

20 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

21 THE COURT YES, SIR

22 Q MS RILEY, DOES THAT APPEARS LIKE THE INFORMATION
23 THAT YOU WROTE OUT?

24 A YES

25 Q AND THAT'S YOUR HANDWRITING?

- 1 A YES
- 2 Q THAT'S YOUR STATEMENT ON JANUARY 8, 2002, IS THAT
- 3 CORRECT?
- 4 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
- 5 ENTER THIS INTO EVIDENCE
- 6 THE COURT ANY OBJECTION?
- 7 MR MURDAUGH JUDGE I HAVE NO OBJECTION TO THAT
- 8 THE COURT ALL RIGHT DEFENDANT'S 9 IN EVIDENCE
- 9 WITHOUT OBJECTION
- 10 (DOCUMENT MARKED IN EVIDENCE AS DEFENDANT'S
- 11 EXHIBIT NO 9)
- 12 Q MS RILEY, COULD YOU READ BRIEFLY TO YOURSELF WHAT
- 13 WAS THE CONTENTS OF THAT?
- 14 A I DON'T HAVE MY GLASSES
- 15 Q OKAY
- 16 THE COURT DO YOU HAVE YOUR GLASSES WITH YOU,
- 17 MA'AM?
- 18 WITNESS NO I CAN SEE SOME -- I CAN SEE A
- 19 LITTLE BIT OF IT
- 20 A DO YOU WANT TO ASK ME A QUESTION ABOUT IT?
- 21 Q YES, I WAS GOING TO ASK YOU A FEW QUESTIONS IN
- 22 REFERENCE TO YOUR STATEMENT
- 23 A OKAY
- 24 Q AND THE CONTENTS THAT'S IN IT
- 25 THE COURT CAN YOU ALL APPROACH THE SIDE BAR

STATE VS ALKEBULANYAHH

1 PLEASE

2 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
3 OUT OF THE HEARING OF THE JURY)

4 (PAUSE)

5 THE COURT ARE YOU READY TO PROCEED? I WAS
6 WAITING -- YOU SAID YOU CANNOT SEE WITHOUT YOUR
7 GLASSES?

8 WITNESS OH, I WAS ABLE TO BROWSE OVER IT SOME OF
9 IT I DON'T KNOW IF I BROWSE OVER IT GOOD ENOUGH FOR
10 HIM, BUT I HAVE A BASIC UNDERSTANDING OF WHAT IS ON
11 HERE

12 THE COURT OKAY ALL RIGHT GO AHEAD AND WE'LL
13 SEE WHERE IT GOES

14 MR ALKEBULANYAHH YES, SIR THANK YOU, YOUR
15 HONOR

16 Q MS RILEY, IN YOUR STATEMENT OF JANUARY 8, 2002
17 YOUR WRITTEN STATEMENT, ISN'T IT TRUE THAT NO WHERE IN
18 YOUR STATEMENT THAT YOU SAID OR STATED THAT YOU ALLOWED
19 THE OFFICER TO COME IN THE HOME?

20 A WELL, I -- I -- I -- I HAVEN'T FINISH HIGH SCHOOL
21 SO WHAT I TRY AND DO AND WRITE JUST BABY WORDS AS
22 POSSIBLE TO EXPLAIN THE SITUATION I WASN'T ABLE TO
23 WRITE IN DETAIL LIKE I WANTED TO, BECAUSE I -- I DIDN'T
24 FINISH HIGH SCHOOL, AND MY VOCABULARY ISN'T THAT WELL
25 SO WHAT I TRIED TO DO WAS WRITE THINGS DOWN THAT

STATE VS ALKEBULANYAHH

1 BASICALLY WAS INDICATING WHAT WAS GOING ON AT THAT
2 TIME

3 Q OKAY THANK YOU MS RILEY, DO YOU TAKE
4 MEDICATION?

5 A YES

6 Q ARE YOU ON MEDICATION THIS MORNING?

7 A YES

8 Q AND THIS MEDICATION, IS IT FOR TO HELP YOU WITH
9 YOUR MIND, IS THAT CORRECT?

10 A YES

11 Q YOU TAKE -- DO YOU TAKE A VARIETY OF MEDICATION?

12 A YES

13 Q HOW LONG HAVE YOU BEEN ON THE VARIETY OF
14 MEDICATION THAT HELPS YOU WITH YOUR MIND?

15 A ABOUT 20-SOMETHING YEARS

16 Q ABOUT 20-SOMETHING YEARS HAD YOU EVER HAVE TO BE
17 HOSPITALIZED OR PUT IN A INSTITUTION ---

18 A YES

19 Q --- FOR YOUR MIND CONDITION?

20 A YES

21 MR ALKEBULANYAHH MS RILEY, EXCUSE ME

22 (PAUSE)

23 MR ALKEBULANYAHH MS RILEY, THANK YOU I HAVE

24 NO FURTHER QUESTIONS

25 THE COURT THANK YOU

1 MR MURDAUGH I HAVE NO FURTHER QUESTIONS MAY
2 SHE BE EXCUSED?

3 THE COURT MAY SHE BE EXCUSED?

4 MR ALKEBULANYAHH YES, SIR, SHE MAY
5 WITNESS THANK YOU

6 THE COURT YOU MAY STEP DOWN THANK YOU
7 (THE WITNESS LEAVES THE WITNESS STAND)

8 MR MURDAUGH JAKELLE CHAPLIN

9 JAKELLE CHAPLIN, BEING
10 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

11 CLERK PLEASE HAVE A SEAT AND STATE AND SPELL
12 YOUR NAME FOR THE COURT

13 WITNESS JAKELLE CHAPLIN

14 DIRECT EXAMINATION BY MR. MURDAUGH.

15 Q IF YOU WOULD, PLEASE SPEAK INTO THAT MICROPHONE
16 RIGHT THERE IN FRONT OF YOU SO ALL OF THE JURORS CAN
17 HEAR EVERYTHING YOU SAY CLEARLY AND DISTINCTLY YOUR
18 NAME PLEASE?

19 A JAKELLE CHAPLIN

20 Q OKAY MS CHAPLIN, HOW OLD ARE YOU?

21 A 14

22 Q OKAY AND WHERE DO YOU LIVE?

23 A 20 DONALDSON CAMP

24 Q AND IS THAT WITH YOUR PARENTS?

25 A UH-HUH

STATE VS ALKEBULANYAHH

- 1 Q OR YOUR GRANDPARENTS?
- 2 A YES
- 3 Q I ASK YOU, MS CHAPLIN, WHETHER OR NOT ON THE
- 4 AFTERNOON OR NIGHT OF JANUARY 8, 2002 YOU HAD AN
- 5 OCCASION TO SEE ANYBODY IN YOUR NEIGHBORHOOD?
- 6 A NO
- 7 Q NOBODY?
- 8 A NO
- 9 Q HAVE YOU EVER SEEN THAT FELLOW THAT'S SEATED IN
- 10 THAT TABLE OVER THERE?
- 11 A YES
- 12 Q OKAY TELL ME WHERE YOU SAW HIM?
- 13 A COMING ACROSS DONALDSON CAMP TO VANITA DRIVE
- 14 Q COMING ACROSS DONALDSON CAMP ROAD AND VANITA
- 15 DRIVE?
- 16 A ONTO VANITA DRIVE
- 17 Q ABOUT WHAT TIME?
- 18 A IT WAS ON THE AFTERNOON
- 19 Q OKAY WILL YOU TELL THE LADIES AND GENTLEMEN OF
- 20 THE JURY WHAT YOU SAW, EVERYTHING YOU SAW ABOUT HIM?
- 21 WAS HE BY HIMSELF? WAS HE WITH SOMEBODY? DID HE HAVE
- 22 ANYTHING IN HIS HANDS? ANYTHING OF THAT NATURE?
- 23 A YEAH, HE WAS WITH A FEMALE AND HE HAD A WHITE
- 24 CLOTH AND A BLACK GUN IN HIS LEFT HAND AND IN HIS
- 25 RIGHT HAND HE HAD A BLACK CELL PHONE

1 Q OKAY WOULD YOU RECOGNIZE THE GUN THAT HE HAD IN
2 HIS HAND IF YOU SAW IT?
3 A NO
4 Q YOU WOULDN'T?
5 A NO, BECAUSE I WAS TOO FAR AWAY
6 Q WAS IT A HANDGUN OR A BIG GUN?
7 A A BIG GUN
8 Q OKAY CAN YOU -- I SHOW YOU STATE'S EXHIBIT NO
9 10, I THINK -- NO 10, AND ASK YOU IF YOU RECOGNIZE
10 THIS?
11 A YES
12 Q MA'AM?
13 A (NODS HEAD)
14 Q CAN YOU INDICATE ON THIS MAP WHERE IT WAS THAT YOU
15 SAW HIM AND THE FEMALE?
16 A COMING ACROSS ---
17 Q NO NO PLEASE, YOU'VE GOT TO TALK LOUD NOW
18 A COMING FROM ACROSS OVER HERE BY DONALDSON CAMP
19 WHERE -- TO DONALDSON CAMP ON DOWN VANITA DRIVE
20 MR MURDAUGH MAY I TAKE HER BEFORE THE JURY?
21 Q COME DOWN HERE PLEASE, MA'AM
22 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
23 MR MURDAUGH DO YOU WANT ME TO DO IT ONE TIME IN
24 THE CENTER, SIR?
25 THE COURT YES, SIR YOU CAN PROBABLY BACK UP A

1 LITTLE BIT, WOULD BE BETTER

2 Q CAN YOU INDICATE TO THE LADIES AND GENTLEMEN ON

3 THIS JURY WHERE ON THIS MAP THAT YOU SAW THE FELLOW

4 SEATED AT THAT TABLE OVER THERE THAT DAY?

5 A COMING ---

6 Q TALK LOUD PLEASE

7 A COMING FROM RIGHT HERE, GOING DOWN THERE

8 Q OKAY IF YOU WILL PLEASE, MA'AM, COULD YOU PUT

9 THIS GREEN STICKER ON THERE SHOWING THE JURY WHERE YOU

10 SAW HIM?

11 A (COMPLIED) RIGHT HERE

12 Q HAVE A SEAT BACK UP THERE PLEASE

13 (THE WITNESS RETURNS TO THE WITNESS STAND)

14 MR MURDAUGH ANSWER ANY QUESTIONS THAT HE MAY

15 HAVE PLEASE

16 MR ALKEBULANYAHH MAY I, YOUR HONOR?

17 THE COURT YES, SIR

18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

19 Q GOOD MORNING, MS CHAPLIN

20 A GOOD MORNING

21 Q ON JANUARY 8, 2002 YOU SAY YOU SEEN A GENTLEMAN

22 TRAVELING WITH A GUN, IS THAT CORRECT?

23 A YES

24 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 Q COULD YOU TAKE A LOOK AT THIS DOCUMENT, PLEASE,
2 MA'AM?

3 A YEAH

4 Q IS THAT YOUR STATEMENT?

5 A YES, IT IS

6 Q IS THAT YOUR HANDWRITING?

7 A YES

8 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
9 INTRODUCE THIS AS AN EXHIBIT

10 MR MURDAUGH NO OBJECTION

11 THE COURT ALL RIGHT DEFENDANT'S 10 IN EVIDENCE
12 WITHOUT OBJECTION

13 (VOLUNTARY STATEMENT, JAKELLE CHAPLIN, 2 PAGES
14 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 10)

15 Q MS CHAPLIN YOU SAID THAT YOU SEEN A GENTLEMAN
16 WITH A YOUNG LADY RUNNING DOWN THE ROAD, IS THAT
17 CORRECT?

18 A YES

19 Q COULD YOU DESCRIBE THAT GENTLEMAN?

20 A HE -- HE HAD ON A BROWN JACKET AND SOME JEANS
21 AND HE HAD A WHITE CLOTH AND A GUN IN HIS LEFT -- LEFT
22 HAND AND IN HIS RIGHT HAND HE HAD A PHONE

23 Q DID THAT GENTLEMAN -- I'M SORRY DID THAT
24 GENTLEMAN HAVE A BEARD A MUSTACHE OR BEARD AND
25 MUSTACHE, OR CLEAN SHAVEN? DO YOU RECALL?

1 A I DON'T KNOW BECAUSE I COULDN'T SEE MUCH LIKE I
2 SAW PART OF HIS FACE I LIKE GLANCED AT HIM I DIDN'T
3 LOOK AT HIM TO SEE EXACTLY HOW HE LOOK OR ANYTHING LIKE
4 THAT

5 Q OKAY SO IS IT CORRECT THAT YOU SAYING YOU REALLY
6 DIDN'T SEE THAT PARTICULAR INDIVIDUAL, IS THAT CORRECT?

7 A NO, I DIDN'T SAY THAT

8 Q OKAY WHAT ARE YOU SAYING? COULD YOU EXPLAIN,
9 MA'AM?

10 A I'M SAYING THAT I CAN, YOU KNOW, POINT YOU OUT

11 Q RIGHT

12 A BUT I DIDN'T LOOK AT HIM, YOU KNOW, TO SEE WHAT
13 ALL HE HAD ON HIS FACE AT THE TIME

14 Q WHAT ALL HE HAD ON HIS FACE SO YOU DIDN'T HAVE
15 NO -- DID ANY OFFICER TRY TO -- GET YOU TO IDENTIFY THE
16 PERSON THAT YOU SEEN WITH THE GUN, THE PHONE, THE WHITE
17 CLOTH, AND THE BROWN JACKET?

18 A DID ANYBODY DO WHAT?

19 Q TRY TO GET YOU -- SHOW YOU ANY PICTURES, LIKE A
20 PICTURE LINE-UP TO SEE IF YOU POINT THE GUY OUT OR SO
21 FORTH LIKE THAT, DID YOU EVER?

22 A NO

23 Q SO IS IT -- IS IT FAIR TO SAY THAT THE ONLY
24 PICTURES THAT YOU EVER SEEN OF THE GUY YOU SAY MAY HAVE
25 DONE -- ALLEGEDLY DONE RUN DOWN THE ROAD WAS THROUGH

1 THE NEWS MEDIA, IS THAT CORRECT?

2 A THROUGH THE NEWS MEDIA?

3 Q YES, YOU SEEN HIS PICTURE IN THE NEWSPAPER, ON
4 TELEVISION, IS THAT CORRECT?

5 A NO

6 Q YOU NEVER SEEN HIS PICTURES IN THE NEWSPAPER OR ON
7 THE TELEVISION?

8 A NO

9 Q YOU SAID THIS GUY HAD ON BLUE JEANS AND A BROWN
10 JACKET, IS THAT CORRECT?

11 A YES

12 Q AND -- AND THERE'S NOTHING WRONG WITH YOUR VISION,
13 IS THERE?

14 A NO

15 Q YOUR VISION PRETTY GOOD, IS THAT CORRECT?

16 A YES

17 Q OKAY YOU CAN TELL -- YOU CAN TELL YOUR COLORS,
18 IS THAT CORRECT?

19 A YES

20 Q OKAY MS CHAPLIN, WHEN YOU SAY I'M THE
21 INDIVIDUAL, HOW FAR WAS YOU STANDING -- BUT YOU DID SAY
22 YOU BELIEVE I AM THE PERSON, IS THAT CORRECT?

23 A YES

24 Q HOW FAR WERE YOU STANDING OFF FROM THE INDIVIDUAL
25 YOU BELIEVE TO BE THE DEFENDANT?

1 A ABOUT LIKE -- I CAN'T LIKE SAY IN YARDS OR
2 ANYTHING LIKE THAT, BUT I CAN SAY IF YOU LIKE COME
3 AROUND FROM HERE TO THE FRONT CORNER OF YOUR TABLE,
4 THAT'S IT

5 A YOU SAY ABOUT 10 15 FEET?

6 A IF THAT'S HOW FAR IT IS, I DON'T KNOW BUT I KNOW
7 IT'S TO THE FRONT CORNER OF THAT TABLE

8 Q WHERE WERE YOU STANDING AT -- AT THE TIME THAT YOU
9 OBSERVED THIS INDIVIDUAL?

10 A I WAS SITTING IN A CAR

11 Q SITTING IN A CAR?

12 A YES

13 Q THE CAR WAS IN THE YARD OR SIDE OF THE ROAD?

14 A IN THE YARD

15 Q IN THE YARD AND THE CAR WAS FACING THE ROAD?

16 A NO

17 Q SO THE CAR WAS FACING TOWARDS THE RESIDENCE?

18 A IT WAS LIKE -- THIS IS THE HOUSE THIS IS THE
19 CAR AND THAT'S THE ROAD -- THIS RIGHT HERE IS THE
20 ROAD

21 Q SO THE FRONT OF THE CAR WAS IT IN THE DIRECTION OF
22 THE ROAD, MA'AM?

23 A THIS IS THE ROAD, THIS IS THE CAR

24 Q AND YOU WAS JUST SITTING THERE IN THE CAR?

25 A YES

1 Q DID YOU NOTICE DID -- DID YOU NOTICE WHETHER THE
2 GUY HAD A BEARD OR MUSTACHE, AGAIN I WOULD LIKE TO ASK
3 YOU THAT QUESTION?

4 A NO

5 Q YOU DIDN'T NOTICE THAT?

6 A NO

7 Q SO YOU ACTUALLY AT THAT TIME CANNOT SAY IF YOU
8 DIDN'T -- IF YOU WAS THAT CLOSE AND SAW THE DEFENDANT
9 FACE, IF HE WAS THE ALLEGE DEFENDANT FACE WHO YOU SAID
10 RAN DOWN THAT ROAD WITHOUT OBSERVING HIS FACIAL
11 FEATURES IS IT TRUE TO SAY THAT YOU REALLY CANNOT SAY
12 IT WAS THE DEFENDANT?

13 A YES, I CAN

14 Q CAN YOU SAY THAT BY KNOWING THE DESCRIPTION OF HIS
15 FEATURES AND HIS FACE, BECAUSE FOR YOU TO SAY THAT,
16 MAYBE YOU SHOULD BE ABLE TO PICK OUT SOME DISTINCT
17 THINGS IN HIS FACE?

18 A NO I DON'T -- I DON'T REMEMBER ALL THAT BUT I
19 KNOW THAT I CAN POINT OUT THE PERSON

20 Q SO YOU DON'T REMEMBER WHETHER HE HAD ANY STUFF --
21 AND THEN TWO YEARS AGO SINCE YOU SEEN THE DEFENDANT, IS
22 THAT CORRECT?

23 A YES, IT IS

24 Q AND YOUR MEMORY IS SO GOOD -- IS THAT CORRECT --
25 THAT YOU HAVE SEEN -- YOU HAVE NEVER SEEN HIM IN THE

1 NEWSPAPER AND YOU HAVE NEVER SEEN HIM ON THE TELEVISION
2 SINCE THAT DAY, IS THAT CORRECT, MS CHAPLIN?

3 A I MEAN, LIKE PICK UP A NEWSPAPER AND LOOKING AT
4 IT?

5 Q NO I MEAN, DO YOU -- HAVE YOU SEEN THE DEFENDANT
6 JUST IN GENERAL IN THE NEWSPAPER? DID YOU RECOGNIZE IF
7 YOU SAW THIS DEFENDANT IN THE NEWSPAPER, ON THE
8 TELEVISION -- THAT'S MY QUESTION -- AT ANY TIME SINCE
9 -- SINCE THAT INCIDENT? I'M TRYING TO ASCERTAIN THE
10 DAY THAT YOU SEEN -- YOU STATED THE INDIVIDUAL THAT WAS
11 RUNNING DOWN THE ROAD RIGHT?

12 A YES

13 Q YOU HAVEN'T SEEN THAT INDIVIDUAL FACE NO WHERE
14 ELSE UNTIL THIS DAY THAT YOU COME IN THIS COURTROOM
15 DURING THIS TRIAL, IS THAT CORRECT?

16 A NO I SAW HIM IN THE NEWSPAPER

17 Q MS CHAPLIN, I THOUGHT A MINUTE AGO YOU HAD NEVER
18 SEEN THE DEFENDANT IN THE NEWSPAPER, IS THAT CORRECT?

19 A YOU WAS CONFUSING ME I DON'T KNOW WHAT YOU'RE
20 TRYING TO SAY

21 Q WHAT I'M SAYING IS -- I ASKED YOU EARLIER HAD YOU
22 EVER SEEN THE DEFENDANT IN THE NEWSPAPER, ON THE
23 TELEVISION BEFORE THIS DAY?

24 AND YOU SAID, NO, YOU'VE NEVER SEEN HIM ON THE --
25 IN THE NEWSPAPER, ON THE TELEVISION BEFORE THIS DAY,

1 AND THAT'S WHAT YOU SAID

2 A WELL YEAH, I DID SEE HIM IN A NEWSPAPER A COUPLE
3 OF DAYS AGO BUT OTHER THAN THAT, NO, I DID NOT SEE
4 HIM

5 Q AND YOU ARE SURE AND EXACT ABOUT THE GUN AND THE
6 BROWN JACKET, IS THAT CORRECT?

7 A YES, I AM

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
9 THANK YOU, MS CHAPLIN

10 MR MURDAUGH I HAVE NO FURTHER QUESTIONS MAY
11 MS CHAPLIN BE EXCUSED?

12 THE COURT ANY OBJECTION?

13 MR ALKEBULANYAHH NO, SIR THERE IS NO
14 OBJECTION

15 THE COURT YOU MAY BE EXCUSED, MA'AM

16 (THE WITNESS LEAVES THE WITNESS STAND)

17 MR MURDAUGH CECIL FRANKLIN AND JAMES HOLLOWAY
18 WILL BE NEXT

19 CECIL FRANKLIN BEING FIRST
20 DULY SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR. MURDAUGH.

22 Q YOUR NAME IS CECIL FRANKLIN?

23 A YES, SIR

24 Q MR FRANKLIN, WHERE DO YOU LIVE?

25 A AT 36 VANITA DRIVE, BURTON

STATE VS ALKEBULANYAHH

1 Q OKAY, SIR AND WHERE DO YOU WORK?
 2 A AT BEAUFORT MEMORIAL HOSPITAL
 3 Q AND HOW LONG HAVE YOU WORKED THERE?
 4 A FEBRUARY I WILL BE THERE 10 YEARS
 5 Q 10 YEARS?
 6 A YES
 7 Q OKAY, SIR WERE YOU BORN AND RAISED IN BEAUFORT
 8 COUNTY?
 9 A YES, I WAS
 10 Q OKAY, SIR MR FRANKLIN, I ASK YOU WHETHER OR NOT
 11 ON THE AFTERNOON OF JANUARY 8, 2002 YOU WERE AT YOUR
 12 HOUSE?
 13 A YES, I WAS
 14 Q DID SOMETHING HAPPEN THAT AFTERNOON OUT OF THE
 15 ORDINARY?
 16 A VERY MUCH
 17 Q WILL YOU TELL THESE LADIES AND GENTLEMEN WHAT THAT
 18 THING IS THAT HAPPENED?
 19 A ALL RIGHT I WAS AT MY HOUSE, STANDING IN MY BACK
 20 YARD, JUST STANDING THERE TALKING WITH A FRIEND OF
 21 MINE, MY WIFE IN THE HOUSE ALL OF A SUDDEN I HEARD
 22 SOME NOISE TO MY RIGHT -- BACK IN THE WATER WHEN I
 23 LOOKED TO THE RIGHT THERE WERE TWO PEOPLE COMING,
 24 WALKING IN THE MUD BEHIND MY HOUSE
 25 AND I TURNED -- AS I TURNED TO THE RIGHT I SAID,

1 WHAT ARE YOU ALL DOING BEHIND MY HOUSE IN THE MUD?
 2 AND THAT'S WHEN THIS YOUNG MAN CAME UP OUT OF THE
 3 WATER AND THIS LADY FOLLOWED HIM -- UP ON MY PROPERTY
 4 AND STARTED WALKING TOWARD ME, STRAIGHT
 5 AND THEN I SAID -- THEN HE SAID, I'M HIT I'M
 6 HIT SOME DEAL WENT WRONG
 7 I SAID, I HAVE NOTHING TO DO WITH THAT THIS IS
 8 PRIVATE PROPERTY, YOU NEED TO LEAVE
 9 SO HE JUST TURNED AROUND AND LOOKED AT HER AND
 10 KEPT ON WALKING
 11 Q OKAY SIR AND DID YOU SEE THE YOUNG LADY AGAIN?
 12 A YES ABOUT 20 MINUTES AFTER THEY LEFT -- AFTER
 13 THEY LEFT, YES
 14 Q OKAY, SIR AND HOW DID YOU HAPPEN TO SEE HER?
 15 A A COUPLE OF OFFICERS BROUGHT HER BACK DOWN TO MY
 16 HOUSE
 17 Q OKAY NOW, BEFORE THEY BROUGHT HER DOWN, DID SHE
 18 LEAVE WITH HIM?
 19 A SHE DID SHE LEFT WITH HIM AFTER THEY LEFT MY
 20 PROPERTY, THEY WENT DOWN THIS HILL THEN SHE TURNED
 21 AROUND AND CAME BACK AND ASKED ME FOR A RIDE
 22 Q OKAY SO SHE LEFT HIM AT THAT POINT, RIGHT AFTER
 23 HE LEFT YOU?
 24 A YES
 25 Q OKAY I ASK YOU, SIR, IF YOU CAN IDENTIFY THE

1 PERSON THAT CAME INTO YOUR YARD THAT NIGHT?

2 A I SURE CAN

3 Q PLEASE DO THAT FOR THE JURY?

4 A THAT'S THIS YOUNG MAN SITTING RIGHT HERE

5 Q CAN YOU TELL WHAT COLOR SHIRT DOES HE HAVE ON?

6 A HE HAS A WHITE SHIRT ON RIGHT NOW

7 Q IS IT THE FELLOW STANDING?

8 A YES, SIR

9 Q OKAY I SHOW YOU STATE'S EXHIBIT NO 10 AND ASK

10 YOU IF YOU IDENTIFY THIS -- CAN IDENTIFY THIS?

11 A YES, I CAN

12 Q AND PLEASE PUT IT DOWN SO THE JURY CAN SEE YOU

13 WHILE YOU TESTIFY DO YOU -- WHAT IS THAT SIR?

14 A THIS IS A PHOTO OF -- I LIVE RIGHT HERE ON VANITA

15 DRIVE RIGHT HERE

16 Q OKAY DOES IT DEPICT THE PLACE WHERE YOU SAW

17 THESE TWO PEOPLE? DOES IT SHOW THE PLACE WHERE YOU

18 WERE WHEN YOU SAW THE TWO PEOPLE?

19 A IT'S HARD TO SAY BECAUSE OF THE TREES

20 Q OKAY WHERE WERE YOU STANDING WHEN YOU SAW THEM?

21 A IN MY BACK YARD

22 Q SHOW ME WHERE THAT IS?

23 A RIGHT HERE RIGHT IN -- RIGHT IN THIS LITTLE AREA

24 RIGHT HERE

25 Q OKAY, SIR IF YOU WILL, TAKE THIS GREEN STICKER

1 AND PUT IT ON THAT POINT
 2 (PAUSE)
 3 THE COURT YOU NEED TO SPEAK INTO THE MICROPHONE
 4 WITNESS OKAY
 5 A I SAID IT'S HARD TO SEE BECAUSE OF THE TREES RIGHT
 6 IN HERE
 7 Q DON'T PUT IT OVER THE NAME THOUGH PLEASE, JUST
 8 PUT IT NEAR WHERE THE NAME IS, THAT WAY IT DOESN'T
 9 COVER THE NAME DO YOU UNDERSTAND WHAT I'M SAYING?
 10 A YES
 11 Q OKAY
 12 A (COMPLIED)
 13 MR MURDAUGH OKAY, SIR MAY I TAKE HIM BEFORE
 14 THE JURY, SIR?
 15 THE COURT YES SIR
 16 Q COME DOWN HERE, PLEASE, MR FRANKLIN
 17 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
 18 MR ALKEBULANYAHH YOUR HONOR ---
 19 THE COURT YES SIR
 20 MR ALKEBULANYAHH --- MAY I ALSO MAKE
 21 OBSERVATION?
 22 THE COURT YES, SIR
 23 Q PLEASE SHOW THE LADIES AND GENTLEMEN OF THE JURY
 24 PLEASE WHERE YOU WERE WHEN YOU SAW THESE TWO PEOPLE
 25 COME OUT OF THE MARSH?

STATE VS ALKEBULANYAHH

1 A ALL RIGHT THIS IS VANITA

2 Q BE CAREFUL THAT YOU DON'T GET IN FRONT OF THE
3 JURY

4 THE COURT GO AHEAD AND BACK UP SOME SO EVERYBODY
5 ON THE JURY CAN SEE THERE YOU GO

6 A VANITA DRIVE IS HERE OUR BACK YARD IS RIGHT
7 THERE THIS IS THE LITTLE COVE HE CAME IN RIGHT UP
8 HERE, AND THIS IS ---

9 THE COURT WE CAN'T HEAR YOU

10 A THIS IS -- THIS IS WHERE HE CAME UP RIGHT IN HERE

11 Q AND THAT'S WHERE THIS GREEN STICKER IS HERE?

12 A THAT'S THE ONE I JUST PUT THERE

13 Q OKAY INDICATE TO THE MEMBERS OF THE JURY WHICH
14 DIRECTION THEY WERE COMING FROM AND WHICH DIRECTION
15 THEY LEFT IN? DO YOU UNDERSTAND WHAT I'M SAYING?

16 A YES

17 Q SHOW THEM ON HERE WHERE THEY CAME FROM AND WHICH
18 WAY THEY WENT?

19 A THEY CAME FROM THIS WAY, COMING IN THIS AREA AND
20 WHEN HE LEFT MY PROPERTY, HE WENT ACROSS -- WELL, THIS
21 IS THE WAY HE WENT, THAT WAY, GOING UP TOWARD -- YES,
22 THIS WAY

23 Q OKAY, SIR YOU MAY HAVE A SEAT

24 (THE WITNESS RETURNS TO THE WITNESS STAND)

25 MR MURDAUGH THANK YOU I HAVE NO FURTHER

1 QUESTIONS OH, YES, I DO I'M SORRY I'M SORRY
 2 Q WHEN YOU SAW THE MAN AND THE WOMAN COME OUT OF THE
 3 MARSH TOWARD YOUR PROPERTY DID THEY HAVE ANYTHING IN
 4 THEIR POSSESSION?
 5 A THE YOUNG MAN DID
 6 Q AND WHAT DID HE HAVE?
 7 A HE HAD A WEAPON -- A GUN IN HIS HAND
 8 Q OKAY, SIR A HANDGUN OR A LONG GUN?
 9 A IT'S A LONG GUN
 10 Q WOULD YOU RECOGNIZE IT IF YOU SAW IT?
 11 A I'M PRETTY SURE I CAN
 12 Q I SHOW YOU AN ITEM THAT'S BEEN MARKED STATE'S
 13 EXHIBIT NO 11, SIR AND ASK YOU IF YOU RECOGNIZE THIS?
 14 A THAT'S IT THAT'S -- IT'S JUST LIKE IT, BUT THE
 15 BUTT WAS OUT THAT'S WHAT -- THAT'S IT
 16 MR MURDAUGH OKAY
 17 MR ALKEBULANYAHH YOUR HONOR ---
 18 MR MURDAUGH THANK YOU, SIR ANSWER ANY
 19 QUESTIONS HE MAY HAVE
 20 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?
 21 THE COURT YES, SIR
 22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
 23 Q GOOD MORNING, MR FRANKLIN
 24 A HI
 25 Q ON JANUARY 8, 2002 YOU SAY THAT YOU WITNESSED A

STATE VS ALKEBULANYAHH

1 MAN AND A WOMAN TRAVELING THROUGH YOUR BACK YARD IS
2 THAT CORRECT?

3 A IT IS

4 Q YOU DID WRITE A STATEMENT CONCERNING THAT MATTER,
5 IS THAT CORRECT?

6 A I SURELY DID

7 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

8 THE COURT YES

9 Q IS THAT YOUR STATEMENT?

10 A YES, IT IS

11 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
12 INTRODUCE THIS AS A EXHIBIT

13 MR MURDAUGH NO OBJECTION

14 THE COURT ALL RIGHT DEFENDANT'S 11 IN EVIDENCE
15 WITHOUT OBJECTION

16 (STATEMENT OF CECIL FRANKLIN, 2 PAGES, MARKED IN
17 EVIDENCE AS DEFENDANT'S EXHIBIT NO 11)

18 MR ALKEBULANYAHH YOUR HONOR IF THE PROSECUTOR
19 IS FINISHED WITH THIS WEAPON, COULD I HAVE IT MOVED?

20 THE COURT YES, SIR, HAND IT BACK UP PLEASE
21 WOULD YOU HAND THAT BACK OVER PLEASE

22 Q MR FRANKLIN ---

23 A YES

24 Q --- DO YOU KNOW THE CONTENTS THAT'S IN YOUR
25 STATEMENT RIGHT THERE?

1 A YES

2 Q OKAY I WANT TO ASK YOU A FEW QUESTIONS FROM IT
3 THE GENTLEMAN THAT YOU SAW, COULD YOU GIVE A GENERAL
4 DESCRIPTION OF HIS FACE, DETAILS? I MEAN, THE
5 GENTLEMAN HIMSELF?

6 A YES, SIR THE GENTLEMAN I SAW WAS YOURSELF

7 Q OKAY DID THAT GENTLEMAN HAVE A BEARD, A
8 MUSTACHE, ANY SCARS, OR ANYTHING LIKE THAT THAT WAS
9 DISTINGUISH?

10 A YES DISTINGUISHABLE BECAUSE OF THE HAIR AND THE
11 BEARD, YES

12 Q SO YOU SAY THE GUY HAD THIS TYPE OF HAIR AND A
13 BEARD?

14 A YES

15 Q YOU ALSO STATED -- NOT ALSO, I'M SORRY I'M GOING
16 TO ASK YOU A QUESTION CONCERNING YOUR STATEMENT IN
17 YOUR STATEMENT YOU STATED THIS GUY WAS WITH A -- HAD A
18 GUN AND A YOUNG LADY WAS BEHIND HIM, IS THAT CORRECT?

19 A EXACTLY

20 Q SHE WAS FOLLOWING HIM?

21 A EXACTLY

22 Q DID IT APPEAR THAT THIS GUY WAS MAKING HER FOLLOW
23 HIM OR SHE WAS JUST FOLLOWING BEHIND HIM OR HE WAS JUST
24 LEADING THE WAY?

25 A WALKING WITH -- THE WAY IT LOOKED -- ACTUALLY, THE

1 WAY IT LOOKED?

2 Q YES, SIR

3 A HE HAD MORE CONTROL BECAUSE YOU JUST TURNED AROUND
4 AND LOOKED AT HER AND SHE JUST KEPT FOLLOWING YOU

5 Q OKAY NOW, THIS PARTICULAR GUY THAT YOU SAY YOU
6 SEEN, IS IT TRUE THAT HE WAS DRAGGING HIS LEFT LEG, IS
7 THAT CORRECT?

8 A HE WAS DRAGGING -- HOLDING HIS GUN AS MAYBE A
9 WALKING STICK, BECAUSE THE WORD YOU SAID, I'M HIT I'M
10 HIT A DEAL WENT BAD

11 AND MY RESPONSE WAS, I HAVE NOTHING TO DO WITH
12 THAT ---

13 Q MR FRANKLIN ---

14 A OKAY

15 Q --- RESPECTFULLY, I WOULD JUST LIKE FOR YOU TO
16 ANSWER THE QUESTION

17 A ASK ME

18 THE COURT RESTATE YOUR QUESTION

19 Q DID YOU STATE IN YOUR STATEMENT -- AND WAS IT TRUE
20 THAT THE MAN YOU SAW WAS DRAGGING HIS LEFT LEG?

21 A YES

22 Q DID YOU STATE THAT THE MAN YOU SAW WAS DRAGGING A
23 BLOODY LEFT LEG?

24 A I DID NOT SEE BLOODY, NO

25 Q DID YOU STATE THAT THE MAN HAD BLOOD ON HIS LEFT

STATE VS ALKEBULANYAHH

1 LEG?
2 A NO I SAID A SPOT
3 Q COULD YOU LOOK AT YOUR STATEMENT AND 7 LINES DOWN
4 A I DON'T HAVE MY GLASSES YES
5 Q SO DID YOU STATE THE MAN HAD A BLOODY LEFT LEG?
6 A BLOOD
7 Q YOU SAY BLOODY LEFT LEG?
8 A YES
9 Q SO YOU SAW BLOOD ON HIS LEFT LEG AND IN THIS
10 STATEMENT -- THIS IS THE ONLY PLACE THAT YOU SAW BLOOD,
11 IS THAT CORRECT?
12 A EXACTLY
13 Q AND HE WAS DRAGGING THAT LEFT LEG WALKING WITH A
14 GUN, IS THAT CORRECT?
15 A YES
16 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
17 THANK YOU
18 MR MURDAUGH YOU MAY COME DOWN MAY MR
19 FRANKLIN BE EXCUSED?
20 THE COURT ANY OBJECTION?
21 MR ALKEBULANYAHH NO, SIR
22 THE COURT YOU MAY BE EXCUSED
23 WE'LL GO AHEAD AND TAKE A SHORT BREAK, LADIES AND
24 GENTLEMEN DO NOT DISCUSS THIS CASE IN ANY WAY THANK
25 YOU VERY MUCH

STATE VS ALKEBULANYAHH

1 (THE JURY RETIRES TO THE JURY ROOM AT 11 22 A M)

2 MR MURDAUGH YOU MAY COME DOWN NOW

3 THE COURT WE'LL GO AHEAD AND TAKE A BREAK

4 THANK YOU

5 YOU'RE EXCUSED YOU MAY STEP DOWN FROM THE

6 WITNESS STAND

7 (THE WITNESS LEAVES THE WITNESS STAND)

8 (A RECESS WAS TAKEN)

9 MR ALKEBULANYAHH YOUR HONOR

10 THE COURT HOLD ON WE OBVIOUSLY CAN'T DO

11 ANYTHING UNTIL THE WITNESS GETS BACK I WILL ONLY

12 ALLOW YOU TO QUESTION HER -- GIVE HER THE OTHER

13 STATEMENT, SEE IF IT MAKES ANY DIFFERENCE AND ASK HER

14 WOULD THAT CHANGE ANY OF THE RESPONSES, THAT YOU HANDED

15 HER THE WRONG STATEMENT, ALL RIGHT?

16 MR ALKEBULANYAHH WELL, YOUR HONOR, CAN I ASK

17 HER ABOUT THE STATEMENT, IS IT HER STATEMENT BUT I

18 WOULD ASK THE COURT THAT -- THAT, YOU KNOW, I MAKE A

19 MOTION THAT, YOU KNOW, THE STATEMENT THAT'S BEEN IN BE

20 WITHDRAWN ---

21 THE COURT YES, SIR

22 MR ALKEBULANYAHH --- AND THAT YOU INSTRUCT THE

23 JUROR ON THAT -- YOU INSTRUCT THE JURORS THAT THE

24 STATEMENT THAT SHE HAD WAS NOT HER STATEMENT AT THE

25 TIME

STATE VS ALKEBULANYAHH

1 THE COURT DO YOU HAVE HER STATEMENT?
2 MR ALKEBULANYAHH YES
3 THE COURT AND YOU'RE GOING TO ASK HER TO LOOK AT
4 THAT
5 FROM NOW ON BEFORE YOU HAND UP ANY EXHIBITS, YOU
6 ALL SHOW THEM TO EACH OTHER
7 MR ALKEBULANYAHH RIGHT AND I'LL JUST ASK HER
8 TO LOOK AT THIS AND I DON'T HAVE NO FURTHER QUESTIONS,
9 NO FURTHER THAN ---
10 THE COURT OR YOU CAN ASK HER, WOULD THAT CHANGE
11 ANYTHING THAT SHE SAID, THAT'S WHAT I WANT YOU TO ASK
12 HER
13 MR ALKEBULANYAHH OKAY
14 THE COURT JUST FOR THE SAKE OF THE RECORD
15 MR ALKEBULANYAHH I HAVE ANOTHER ---
16 THE COURT THAT EXHIBIT, WHAT NO WAS IT?
17 REPORTER 9 DEFENDANT'S 9
18 THE COURT DEFENDANT'S 9 IS WITHDRAWN WITHOUT
19 OBJECTION
20 (THE DOCUMENT PREVIOUSLY MARKED AS DEFENDANT'S
21 EXHIBIT NO 9 IS WITHDRAWN)
22 MR ALKEBULANYAHH YOUR HONOR
23 THE COURT YES, I THINK SHE'S HEADING BACK TO NEW
24 YORK
25 MR MURDAUGH THEY'VE SENT FOR HER SHE'S ON THE

STATE VS ALKEBULANYAHH

1 WAY HERE

2 MR ALKEBULANYAHH I HAVE ANOTHER ISSUE I WANT
3 YOU IF POSSIBLE WOULD YOU PLEASE INSTRUCT THE
4 PROSECUTOR, MR MURDAUGH, BECAUSE I FEEL IT'S
5 INAPPROPRIATE BEHAVIOR FOR HIM TO TAKE THE GUN AND SLAM
6 IT DOWN OVER ON THAT SIDE THERE WITH A LOUD NOISE
7 REVERBERATING IN THE COURTROOM WITH THE WEAPON I
8 THINK THAT SHOULD TAKE THE GUN AND HAND IT TO SOMEONE
9 AND PLACE IT BACK IN A APPROPRIATE PLACE INSTEAD OF HIM
10 SLAMMING THE GUN DOWN

11 THE COURT YES, SIR

12 MR MURDAUGH YES, SIR, I WILL GIVE IT BACK TO
13 THE CLERK NEXT TIME

14 THE COURT THANK YOU

15 MR MURDAUGH AND NOT SLAM IT DOWN

16 THE COURT THANK YOU

17 DO WE HAVE ANY CLUE ABOUT HOW FAR AWAY THEY ARE?

18 MR MURDAUGH WOULD YOU LIKE FOR ME TO GO MAKE
19 SOME INQUIRIES, SIR?

20 THE COURT SHE SHOULDN'T HAVE BEEN ABLE TO GET
21 TOO FAR AWAY

22 (PAUSE)

23 MR MURDAUGH YOUR HONOR, THE LADY BRINGING
24 BRENDA SMITH SAYS SHE IS ABOUT 5 MINUTES FROM THE
25 HOUSE, AND IT WOULD BE ABOUT 15 MINUTES BEFORE SHE'D

STATE VS ALKEBULANYAHH

1 HAVE HER BACK HERE
2 THE COURT ALL RIGHT LET'S GO ON WITH THE NEXT
3 WITNESS
4 MR MURDAUGH YES SIR JAMES HOLLOWAY
5 THE COURT BRING THE JURY IN PLEASE
6 (THE JURY RETURNS TO THE COURTROOM AT 11 45 A M)
7 THE COURT THANK YOU PLEASE BE SEATED
8 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
9 PROCEED
10 MR MURDAUGH JAMES HOLLOWAY
11 JAMES HOLLOWAY, BEING FIRST
12 DULY SWORN TESTIFIED AS FOLLOWS
13 DIRECT EXAMINATION BY MR. MURDAUGH.
14 Q MR HOLLOWAY, GIVE US YOUR FULL NAME AND SPELL
15 YOUR LAST NAME FOR US PLEASE?
16 A MY NAME IS JAMES MELVIN HOLLOWAY, III,
17 H-O-L-L-O-W-A-Y
18 Q OKAY MR HOLLOWAY, WHERE DO YOU LIVE?
19 A 81 EVERGREEN LANE
20 Q OKAY, SIR AND IS THAT IN THE BURTON AREA?
21 A CORRECT
22 Q OKAY, SIR WHERE DO YOU WORK?
23 A I'M O C S DOOR -- DOORS -- GARAGE DOOR COMPANY
24 Q OKAY, SIR AND HOW LONG HAVE YOU OPERATED THAT
25 BUSINESS?

STATE VS ALKEBULANYAHH

1 A FOUR YEARS

2 Q OKAY, SIR HOW LONG HAVE YOU LIVED IN BEAUFORT
3 COUNTY?

4 A EIGHT YEARS

5 Q OKAY, SIR I ASK YOU, MR HOLLOWAY, WHETHER OR
6 NOT ON THE 8TH DAY OF JANUARY 2002 YOU HAD AN OCCASION
7 TO SEE SOMETHING THAT CLICKED YOUR INTEREST?

8 A I DID

9 Q AND APPROXIMATELY WHAT TIME OF THE DAY WAS THAT?

10 A 5 00 O'CLOCK

11 Q OKAY, SIR TELL THE LADIES AND GENTLEMEN OF THE
12 JURY WHAT YOU'RE TALKING ABOUT, SIR?

13 A AT 5 00 O'CLOCK ON THAT DAY I WAS HEADING TO A
14 BOARD MEETING, AND I WAS DRIVING UP MY DRIVEWAY AND
15 THEN HEADING UP EVERGREEN LANE WHICH IS THE DIRT ROAD
16 THAT GOES BEHIND BROAD RIVER ELEMENTARY SCHOOL AND I
17 SAW A GENTLEMAN WALKING IN THE MIDDLE OF THE ROAD
18 BEHIND THE SCHOOL IN THE MIDDLE OF THE ROAD AND I WAS
19 ON MY WAY OUT PULLED UP BEHIND HIM AND FOLLOWED HIM
20 APPROXIMATELY 30 FEET AND THEN WENT ON BY HIM AND
21 HEADED ON TO THE MEETING

22 Q OKAY WAS THERE ANYTHING DISTINGUISHABLE ABOUT
23 HIM?

24 A YES, SIR AS I WAS COMING UP -- COMING UP THE
25 ROAD, THE THING THAT I NOTICED WAS THAT THE -- THE

1 GENTLEMAN THAT WAS ON THE -- WALKING UP THE ROAD HAD
2 BLUE JEANS ON, AND THEY WERE WET TO THE KNEES, THAT --
3 THAT WAS AN ODD THING IN THAT BROAD RIVER ELEMENTARY
4 SCHOOL AT THAT TIME WAS UNDER CONSTRUCTION AND THERE
5 WAS A CONSTRUCTION SITE -- AND I SPEND A LOT OF TIME ON
6 CONSTRUCTION SITES, AND I WASN'T QUITE SURE WHY SOMEONE
7 WOULD HAVE GOTTEN THEIR PANTS WET UP TO THEIR KNEES,
8 WHICH -- WHICH SPARKED AN INTEREST IN THAT -- AND AS I
9 WAS FOLLOWING, THAT'S THE ONLY THING THAT I REMEMBERED
10 THE MOST

11 THEN WE WENT ON -- WENT ON PAST HIM, AND WENT -- I
12 WENT ON TO THE MEETING IT JUST KIND OF SPARKED AN
13 INTEREST AND THAT WAS ONE OF THE ODD THINGS -- OTHER
14 THAN WHAT IT LOOKED LIKE

15 Q I ASK YOU IF YOU CAN IDENTIFY THAT PERSON THAT YOU
16 SAW?

17 A YES, SIR, I CAN

18 Q AND DO YOU SEE HIM IN THE COURTROOM?

19 A YES SIR I DO

20 Q AND CAN YOU INDICATE WHO IT IS YOU'RE TALKING
21 ABOUT?

22 A THAT GENTLEMAN RIGHT THERE

23 Q IS IT -- IS IT THE FELLOW THAT JUST STOOD UP?

24 A YES, SIR, IT IS

25 Q OKAY

1 A HIS HAIR IS A LITTLE LONGER

2 Q AT THE TIME YOU SAW HIM DID HE HAVE ANYTHING IN
3 HIS HANDS?

4 A NO, SIR, HE DID NOT

5 Q OKAY I SHOW YOU, MR HOLLOWAY, STATE'S EXHIBIT
6 NO 10 AND ASK YOU IF YOU CAN IDENTIFY THIS?

7 A YES, SIR, THAT -- THAT'S A MAP OF OUR AREA

8 Q OKAY, SIR CAN YOU INDICATE ON THAT MAP WHERE HE
9 WAS WHEN YOU SAW HIM?

10 A YES, SIR, I CAN APPROXIMATELY RIGHT THERE

11 Q OKAY, SIR IF YOU WILL, TAKE THIS GREEN STICKER
12 -- WILL IT COVER UP A NAME?

13 A NO, SIR

14 Q OKAY PUT THAT GREEN STICKER WHERE YOU SAW HIM,
15 SIR?

16 A ALL RIGHT (COMPLIED) FOR THE WHOLE -- THE
17 WHOLE PART, WHEN I SAW HIM OR WHEN I PASSED HIM?

18 Q WHEN YOU FIRST SAW HIM ---

19 A I FIRST SAW HIM IS RIGHT THERE

20 Q OKAY, SIR

21 MR MURDAUGH MAY I?

22 Q COME DOWN HERE, SIR

23 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

24 MR ALKEBULANYAHH YOUR HONOR MAY I ASK THAT THE
25 STICKERS THAT IS PLACED ON THE MAP BE INDICATED WITH AN

1 INITIALS, WITH THE WITNESSES IN PARTICULAR TO
2 DIFFERENTIATE BETWEEN ---

3 MR MURDAUGH I WILL DO THAT

4 MR ALKEBULANYAHH --- THE PLACE THEY ARE
5 IDENTIFYING?

6 THE COURT YES SIR

7 Q MR HOLLOWAY, WOULD YOU PUT YOUR INITIALS IN THE
8 STICKER WHERE YOU SAY YOU SAW -- WHERE YOU SAW HIM?

9 A (COMPLIED)

10 Q THANK YOU, SIR MR HOLLOWAY, COME DOWN HERE
11 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR,
12 SIR

13 THE COURT YES, SIR

14 Q PLEASE SPEAK LOUDLY ENOUGH SO THAT THAT LADY CAN
15 HEAR EVERYTHING YOU SAY WHEN WE GET AWAY FROM THE
16 MICROPHONE, SOME TIMES WE DROP OUR VOICE

17 SHOW TO THE JURY WHERE YOU WERE COMING FROM --
18 WHERE YOU LIVE?

19 A OKAY I LIVE RIGHT HERE MY DRIVEWAY COMES OUT
20 IN THIS DIRECTION I LIVE RIGHT THERE MY DRIVEWAY
21 COMES OUT AND MEETS IN RIGHT HERE AND THEN THE ROAD
22 CONTINUES DOWN IN THIS DIRECTION, AND THEN COMES AROUND
23 HERE SEE MY DRIVEWAY COMES OUT HERE AND CONTINUES
24 -- ACTUALLY CUTS THE CORNER RIGHT THERE IT STARTS
25 COMING UP THERE'S A TREE AND, REALLY, IT'S BLIND

STATE VS ALKEBULANYAHH

1 UNTIL THAT POINT, THAT'S WHERE I WAS WHEN I FIRST SAW
2 HIM IN THE MIDDLE OF THE ROAD, SORT OF WALKING HE WAS
3 WALKING IN THIS DIRECTION

4 Q WHICH DIRECTION?

5 A HE WAS WALKING TOWARD THIS CORNER RIGHT HERE

6 Q OKAY, SIR

7 A AND I PULLED IN BEHIND HIM AND ACTUALLY FOLLOWED
8 HIM ABOUT THE DISTANCE WE ARE RIGHT NOW FROM THE FRONT
9 OF THE CAR -- FROM THIS POINT, ROUGHLY TO RIGHT HERE ON
10 THIS CORNER AT THAT POINT IN TIME SOMETHING CAUGHT
11 ATTENTION OR SOMETHING CAUSED HIM TO TURN SIDWAYS, AND
12 THEN I WENT PAST HIM AND CONTINUED ON HERE THERE WERE
13 SEVERAL POLICE CARS THAT WERE MOVING DOWN THE ROAD WITH
14 THE SIRENS ON

15 RIGHT IN THIS AREA WAS THE CONSTRUCTION VEHICLES
16 AND A LOT OF CONSTRUCTION SITE -- IS THE REASON WHY I
17 DIDN'T REALLY SPARK A MEMORY AS TO IT WAS AN IMPORTANT
18 EVENT UNTIL THE NEXT DAY, BECAUSE HE WAS WITHIN THIS
19 AREA WHERE THERE'S A LOT OF CONSTRUCTION VEHICLES AND
20 THERE WAS A LOT OF VEHICLES WITHIN THE CONSTRUCTION
21 ZONE SO INITIALLY I THOUGHT HE WOULD BE A
22 CONSTRUCTION WORKER, EXCEPT FOR THE PANTS, THAT'S WHAT
23 THREW ME OFF

24 Q OKAY, SIR THANK YOU, SIR YOU MAY HAVE A SEAT
25 BACK UP THERE

1 (THE WITNESS RETURNS TO THE WITNESS STAND)

2 Q THE PLACE WHERE YOU SAW HIM, MR HOLLOWAY, WHAT IS
3 IT DIRECTLY BEHIND?

4 A DIRECTLY BEHIND THE ELEMENTARY SCHOOL

5 Q WHICH ELEMENTARY SCHOOL?

6 A BROAD RIVER ELEMENTARY SCHOOL

7 Q DID YOU -- I DON'T KNOW WHETHER I ASKED YOU THIS
8 QUESTION OR NOT AND IF I DID, TELL ME DID YOU SEE
9 ANYTHING IN HIS HANDS WHEN YOU OBSERVED HIM?

10 A NO, SIR I DID NOT

11 MR MURDAUGH OKAY, SIR I HAVE NO FURTHER
12 QUESTIONS IF YOUR HONOR, PLEASE

13 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

14 Q GOOD MORNING MR HOLLOWAY

15 A GOOD MORNING

16 Q MR HOLLOWAY, YOU MADE A STATEMENT ON JANUARY 8,
17 2002, WAS THAT THE DATE THAT YOU MADE THE STATEMENT?

18 A I BELIEVE SO, YES, SIR

19 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

20 MR MURDAUGH MAY I SEE IT FIRST

21 (PAUSE)

22 A IS THAT THE DAY AFTER?

23 THE COURT HOLD ON, SIR

24 (PAUSE)

25 Q DO YOU RECOGNIZE THIS STATEMENT?

STATE VS ALKEBULANYAHH

1 A YES, SIR, THAT'S MY HANDWRITING

2 Q AND THE DATE ON IT, SIR?

3 A THE 9TH, THAT'S THE DAY AFTER THAT'S THE DAY
4 THAT I MADE IT

5 Q OKAY AND THAT'S YOUR STATEMENT, IS THAT CORRECT?

6 A YES SIR, IT IS

7 MR ALKEBULANYAHH YOUR HONOR, MAY I INTRODUCE IT
8 INTO EVIDENCE?

9 MR MURDAUGH NO OBJECTION

10 THE COURT ALL RIGHT DEFENDANT'S 12 IN EVIDENCE
11 WITHOUT OBJECTION

12 (STATEMENT OF JAMES M HOLLOWAY, III 1 PAGE
13 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 12)

14 Q MR HOLLOWAY, DID YOU HAVE THE OPPORTUNITY TO
15 OBSERVE THE PERSON THAT YOU SAID THAT YOU SEEN BEHIND
16 THE ELEMENTARY SCHOOL -- A DESCRIPTION OF THE
17 INDIVIDUAL FACIAL -- WAS THERE SCARS, MARKS, BEARD,
18 MUSTACHE, CLEAN-SHAVEN, OR ANYTHING OF THAT NATURE THAT
19 STOOD OUT?

20 A IN OTHER WORDS, COULD I IDENTIFY YOU?

21 Q YES, YOU WERE ABLE TO PICK OUT ANY DISTINCT ---

22 A ON THE -- WHAT -- WHEN I -- WHEN I SAW THE FACE,
23 IT TURNED -- YOU TURNED THAT A WAY AND LOOKED AT ME
24 OVER YOUR RIGHT SHOULDER SO THE MAJORITY OF WHAT I
25 SAW WAS THE BACK SIDE, AND THEN THE FACE WHEN YOU

1 TURNED AND THE HAIR LENGTH

2 Q OKAY SO YOU DIDN'T -- YOU WASN'T ABLE TO DISCERN
3 WHETHER THE INDIVIDUAL HAD A MUSTACHE OR HAD A BEARD OR
4 MUSTACHE OR CLEAN-SHAVEN, IS THAT CORRECT?

5 A BEYOND A SHADOW OF A DOUBT, I WOULD SAY I REMEMBER
6 A BEARD

7 Q WHEN YOU OBSERVED THIS INDIVIDUAL, WHEN YOU FIRST
8 LAID EYES ON THE INDIVIDUAL, WHEN HE FIRST CAUGHT YOUR
9 EYE WAS THIS INDIVIDUAL ON THE SIDE OF THE BROAD RIVER
10 SCHOOL -- IS THERE A ROAD THAT RUNS ALONG THE BROAD
11 RIVER SCHOOL THAT YOU OBSERVED HIM ON?

12 A YEAH, EVERGREEN LANE RUNS DIRECTLY BEHIND BROAD
13 RIVER ELEMENTARY SCHOOL

14 Q OKAY AND IS THE SCHOOL ---

15 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH? I
16 WOULD LIKE TO USE THE EXHIBIT

17 THE COURT YES

18 MR ALKEBULANYAHH COULD I ASK THE WITNESS TO
19 STEP DOWN FOR A SECOND?

20 THE COURT YES SIR

21 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

22 Q MR HOLLOWAY, WHERE EXACTLY WAS YOU WHEN YOU FIRST
23 MADE OBSERVATION OF THE INDIVIDUAL YOU SPEAKING OF?

24 A RIGHT THERE

25 Q OKAY

STATE VS ALKEBULANYAHH

1 A WHICH IS -- THERE'S A PINE TREE THAT BASICALLY
2 BLOCKS THE VIEW OF THE ROAD WHEN YOU COME AROUND THIS
3 CORNER UNTIL YOU GET TO THAT POINT AT THAT POINT IN
4 TIME YOU CAN SEE ALL THE WAY TO THIS

5 Q WHERE IS THE SCHOOL HOUSE? THIS THE SCHOOL HOUSE
6 HERE, THIS WHOLE FACILITY, RIGHT?

7 A THIS WHOLE FACILITY IS THE SCHOOL HOUSE

8 Q SO RIGHT HERE WHERE YOU HAVE YOUR INITIALS AT,
9 WHERE YOU SAY YOU OBSERVED THE INDIVIDUAL THAT'S
10 BEYOND THE SCHOOL HOUSE?

11 A IT'S RIGHT BEHIND IT THIS IS THE SCHOOL THAT'S
12 WHERE THE SCHOOL -- THE SCHOOL IS IN THREE WINGS THE
13 FIRST WING, WHICH ACTUALLY WAS UNDER CONSTRUCTION AT
14 THE TIME, UNDER RECONSTRUCTION AND THEN YOU HAVE --
15 YOU'VE GOT A WING THAT RUNS IN THAT DIRECTION AND
16 THEN YOU'VE GOT THE BACK -- THERE'S WING 1, WING 2 WITH
17 AN "L" AND THEN WING 3 RUNNING DOWN THERE'S THE
18 KINDERGARTEN

19 Q OKAY AND YOU SAID THERE WAS A CONSTRUCTION SITE?

20 A UH-HUH

21 Q WAS THERE PEOPLE WORKING OR ANYTHING AT THAT
22 CONSTRUCTION SITE?

23 A THERE WERE -- IT WAS 5 00 O'CLOCK AND THE PEOPLE
24 THERE WAS -- RIGHT HERE AT THIS SIDE RIGHT WHERE IT
25 SAYS EVERGREEN, WAS A CONSTRUCTION OFFICE, TRAILER

1 THERE WERE PEOPLE IN TRUCKS AND STUFF THAT WERE JUST TO
2 THE -- TO THE RIGHT-HAND SIDE THEY WERE ALL -- THE
3 PEOPLE THAT I PASSED WERE WORKERS GETTING IN AND THEN
4 RIGHT UP HERE

5 Q OKAY

6 A THERE WAS ONLY ONE PERSON ON THE ROAD

7 Q OKAY AND THE GUY YOU ALLEGEDLY SEEN WAS HERE, IS
8 THAT CORRECT, WHERE ---

9 A CORRECT

10 Q --- YOUR INITIALS AT?

11 A CORRECT

12 Q AND THEN YOU TURNED THEN ON THE OTHER SIDE GOING
13 SOUTH IS EVERGREEN LANE IS THAT CORRECT?

14 A NO THIS WHOLE THING IS EVERGREEN LANE

15 Q OKAY AND THIS PART OF EVERGREEN LANE RUN EAST,
16 IS THAT CORRECT?

17 A CORRECT

18 Q WHERE YOU -- WHERE YOU INITIAL IT?

19 A UH-HUH

20 Q AND THEN YOU TURN THE BEND AND WHEN YOU TURNED
21 THE BEND, THIS IS THE SIDE OF THE SCHOOL HOUSE GOING
22 SOUTH, IS THAT CORRECT? WITH EVERGREEN ROAD GOING
23 SOUTH?

24 A EVERGREEN LANE PARALLELS THE ENTRANCE TO BROAD
25 RIVER ELEMENTARY SCHOOL, CORRECT

1 Q OKAY THAT WILL BE FINE THANK YOU

2 (THE WITNESS RETURNS TO THE WITNESS STAND)

3 Q MR HOLLOWAY YOU STATED IN YOUR STATEMENT -- IS
4 THIS CORRECT -- THAT THE GUY HAD BLUE DESIGNER JEANS ON
5 AND WAS WET UP TO THE KNEES, IS THAT CORRECT?

6 A CORRECT

7 Q AND THAT HE WAS WEARING A BROWN OR TAN-LIKE
8 JACKET, IS THAT CORRECT?

9 A A LIGHT COLOR, THAT'S ABOUT THE BEST I COULD
10 DISCERN

11 Q A LIGHT COLOR?

12 A I WAS MORE -- I FOCUSED MOSTLY ON THE -- ON THE --
13 ON THE PANTS

14 Q OKAY

15 A THE PANTS AND I REMEMBER THE DREDLOCKS -- OR THE
16 KINKY HAIR IS THE WAY I DESCRIBED IT

17 Q OKAY AND YOU WAS -- YOU WAS SURE AND ACCURATE IN
18 YOUR DESCRIPTION IS THAT CORRECT, AS FAR AS YOUR
19 RECOLLECTION -- OR AT THAT TIME, IS THAT CORRECT? AND
20 YOU WAS PACIFIC (SIC) THAT HE WAS NOT CARRYING
21 ANYTHING, IS THAT CORRECT?

22 A I'M VERY SPECIFIC ABOUT THAT

23 Q DID YOU HAPPEN TO SEE A BACKPACK?

24 A NO BACKPACK

25 Q A WAIST PACK?

1 A I NEVER SAW FULL FRONTAL VIEW, COULDN'T ANSWER
2 THAT QUESTION

3 Q OKAY WAS -- WAS THE INDIVIDUAL WEARING TENNIS
4 SHOES OR BOOTS?

5 A DON'T REMEMBER

6 Q BUT HE HAD ON BLUE JEANS AND A LIGHT COLOR JACKET,
7 IS THAT CORRECT?

8 A BLUE JEANS WAS THE PROMINENT THING THAT I
9 REMEMBERED

10 Q OKAY AND IN YOUR STATEMENT YOU SAY A BROWN OR
11 TAN-LIKE, IS THAT CORRECT?

12 A LIGHT COLORED, CORRECT, IF THAT'S WHAT -- LET ME
13 SEE WHAT I ACTUALLY WROTE DOWN

14 MR ALKEBULANYAHH THANK YOU, MR HOLLOWAY I
15 HAVE NO FURTHER QUESTIONS

16 MR MURDAUGH I HAVE NO FURTHER QUESTIONS MAY
17 MR HOLLOWAY BE EXCUSED?

18 THE COURT ANY OBJECTION?

19 MR ALKEBULANYAHH NO SIR, THERE'S NO OBJECTION
20 THE COURT YOU ARE EXCUSED

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 MR MURDAUGH BRYAN NAGEL, THEN MATTHEW CARMON
23 EXCUSE ME IF YOUR HONOR PLEASE, I'M INFORMED THAT MS
24 SMITH IS HERE

25 THE COURT ALL RIGHT GO AHEAD AND CALL HER

STATE VS ALKEBULANYAHH

1 MR MURDAUGH AND HOLD NAGEL FOR JUST A MOMENT

2 PLEASE

3 BRENDA SMITH, HAVING BEEN
4 PREVIOUSLY FIRST DULY SWORN, TESTIFIED AS FOLLOWS

5 THE COURT MA'AM, YOU'LL JUST REMAIN UNDER OATH
6 JUST TAKE THE STAND STATE YOUR NAME AGAIN FOR THE
7 RECORD

8 WITNESS BRENDA SMITH

9 THE COURT MS SMITH, YOU'LL REMAIN UNDER OATH AS
10 I INDICATED, DO YOU UNDERSTAND?

11 WITNESS EXCUSE ME?

12 THE COURT YOU'LL REMAIN UNDER OATH DO YOU
13 UNDERSTAND?

14 WITNESS YES

15 THE COURT ALL RIGHT MS SMITH A DOCUMENT WAS
16 HANDED TO YOU THAT THE DEFENSE BELIEVED WAS YOUR
17 STATEMENT THEY HANDED YOU THE WRONG DOCUMENT AND SO
18 JUST TO MAKE SURE NONE OF YOUR ANSWERS WOULD HAVE
19 CHANGED -- BECAUSE I KNOW YOU INDICATED YOU HAD
20 PROBLEMS READING SO I DON'T KNOW HOW MUCH OF THE
21 OTHER DOCUMENT YOU BROWSED BECAUSE OF YOU NOT HAVING
22 YOUR GLASSES

23 SO I'M GOING TO LET THEM ASK YOU SOME QUESTIONS
24 JUST ABOUT THAT GO AHEAD THE OTHER EXHIBIT HAS BEEN
25 WITHDRAWN GO AHEAD

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES MAY I APPROACH, YOUR
2 HONOR?

3 THE COURT YES, SIR

4 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

5 Q MS SMITH, AT THE TOP OF THAT DOCUMENT, IS THAT
6 YOUR NAME?

7 A YES

8 Q AND DO THAT APPEARS TO BE YOUR WRITING?

9 A YES

10 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
11 INTRODUCE THAT AS AN EXHIBIT

12 MR MURDAUGH NO OBJECTION

13 THE COURT ALL RIGHT DEFENDANT'S 9 IN EVIDENCE
14 WITHOUT OBJECTION

15 (VOLUNTARY STATEMENT, BRENDA SMITH, 2 PAGES,
16 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 9)

17 THE COURT NOW, CAN YOU BROWSE THAT DOCUMENT,
18 MA'AM, AND TELL US IF ANY OF YOUR RESPONSES WOULD HAVE
19 CHANGED? CAN YOU BROWSE THAT DOCUMENT LIKE YOU
20 INDICATED THE OTHER ONE?

21 WITNESS OKAY

22 (PAUSE)

23 Q MS RILEY, THAT IS YOUR STATEMENT THERE, IS THAT
24 CORRECT?

25 A YES

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
2 THANK YOU

3 MR MURDAUGH NOR DO I MAY SHE BE EXCUSED?

4 THE COURT ALL RIGHT WOULD ANY OF YOUR
5 RESPONSES HAVE BEEN CHANGED, MA'AM, NOW THAT YOU'VE
6 LOOKED AT THAT DOCUMENT?

7 WITNESS HAVE ---

8 THE COURT EARLIER YOU LOOKED AT ANOTHER
9 DOCUMENT WOULD ANY OF YOUR ANSWERS ---

10 WITNESS THIS IS MY HANDWRITING, BECAUSE I WEAR
11 GLASSES THAT'S WHY I SAID IT WAS MY HANDWRITING,
12 BECAUSE IT LOOKED LIKE IT

13 THE COURT ALL RIGHT WOULD YOUR RESPONSES
14 CHANGE IN ANY WAY?

15 WITNESS NO

16 THE COURT ALL RIGHT THANK YOU, MA'AM YOU MAY
17 BE EXCUSED

18 (THE WITNESS LEAVES THE WITNESS STAND)

19 MR MURDAUGH BRYAN NAGEL THEN WILL BE MATTHEW
20 CARMON

21 BRYAN NAGEL, BEING FIRST
22 DULY SWORN TESTIFIED AS FOLLOWS

23 CLERK PLEASE HAVE A SEAT AND STATE AND SPELL
24 YOUR NAME FOR THE COURT

25 WITNESS BRYAN NAGEL, N-A-G-E-L

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q I'M GETTING SO OLD I CAN'T HARDLY HEAR YOUR
3 NAME, SIR, IS?

4 A BRYAN NAGEL

5 Q OKAY, SIR MR NAGEL WHERE DO YOU LIVE?

6 A 67 LAUREL STREET, EAST

7 Q AND WHERE IS THAT LOCATED?

8 A DOWN BY THE BIRKWELL (PHONETIC) PARK

9 Q OKAY SIR MR NAGEL, WHAT DO YOU DO FOR A
10 LIVING?

11 A HOME IMPROVEMENTS BEAUFORT HOME IMPROVEMENTS

12 Q YOUR OWN BUSINESS?

13 A NO PARTNERS

14 Q OKAY AND HOW LONG HAVE YOU BEEN IN THE BEAUFORT
15 AREA?

16 A 15 YEARS

17 Q OKAY SIR MR NAGEL, DIRECTING YOUR ATTENTION TO
18 JANUARY 8, 2002 WERE YOU IN THE AREA OF THE BROAD RIVER
19 SCHOOL? THE GENERAL AREA, NOT DIRECTLY AROUND IT, BUT
20 IN THE GENERAL AREA?

21 A YES

22 Q DID YOU SEE ANY -- DID YOU SEE A BUNCH OF POLICE
23 CARS OUT THERE THAT NIGHT?

24 A YES, I DID

25 Q OKAY SIR AND WHERE WERE YOU COMING FROM AND

STATE VS ALKEBULANYAHH

1 WHERE WERE YOU GOING TO?

2 A RAY'S GYM, WHERE THERE'S -- THEO MARBLE (PHONETIC)
3 UP THE STREET I WAS COMING FROM THERE, ROLLING DOWN
4 THROUGH THERE I DON'T EVEN KNOW THE ROAD RIGHT BEHIND
5 RAY'S GYM, WHATEVER THAT ROAD THAT CARRIES YOU DOWN
6 THERE

7 Q YES SIR

8 A AND THERE'S A CHURCH AT THE END OF JOE FRAZIER,
9 AND THAT'S WHERE I BASICALLY GOT DOWN TO WHERE ALL THE
10 OFFICERS WERE

11 Q OKAY, SIR CAN YOU TELL THE LADIES AND GENTLEMEN
12 OF THE JURY WHAT IF ANYTHING YOU OBSERVED WHEN YOU GOT
13 TO THAT AREA?

14 A WENT BY THAT CHURCH GOING DOWN JOE FRAZIER, COME
15 UP ON THAT CAUSEWAY, WHERE THE MARSH IS AND THAT'S
16 WHEN I SEEN HIM CRAWLING IN THE MARSH

17 Q TELL ME -- TELL ME, YOU SAY, THAT'S WHEN I SAW
18 HIM TELL ME WHAT YOU OBSERVED IN A LITTLE MORE
19 DETAIL, IF YOU WILL?

20 A I WAS RIDING THROUGH THERE AND I WAS JUST
21 LOOKING AROUND YOU KNOW, JUST RIDING AND I LOOKED
22 DOWN AND I SEEN HIM CRAWLING IN THE MARSH HE WAS ON
23 HIS FEET THEN DOVE DOWN, AND WAS CRAWLING THROUGH THE
24 MARSH AND I STOPPED

25 Q OKAY, SIR

1 A AND I BACKED UP A LITTLE BIT BECAUSE IT'S NOT
2 EVERY DAY YOU SEE SOMEONE CRAWLING THROUGH THE MARSH
3 Q YES, SIR CAN YOU IDENTIFY THE PERSON THAT YOU
4 SAW CRAWLING THROUGH THE MARSH?
5 A YES
6 Q WOULD YOU IDENTIFY HIM IF YOU SEE HIM IN THE
7 COURTROOM?
8 A RIGHT THERE
9 Q IS IT THE FELLOW NOW STANDING UP?
10 A YES
11 Q OKAY SIR I SHOW YOU STATE'S EXHIBIT NO 10 AND
12 ASK YOU IF YOU CAN IDENTIFY IT SIR?
13 A YES
14 Q CAN YOU FIND ON THAT MAP THE PLACE WHERE YOU WERE
15 WHEN YOU SAW HIM?
16 (PAUSE)
17 Q IF YOU NEED TO RE-ORIENT THE MAP, GO AHEAD, SIR
18 A I'D SAY RIGHT HERE
19 THE COURT YOU CAN STEP DOWN, SIR
20 MR MURDAUGH FIRST OF ALL I'M GOING TO GET HIM
21 TO PUT THIS ON THERE
22 THE COURT ALL RIGHT
23 Q SHOW ME WHERE YOU'RE TALKING ABOUT, WHERE YOU SAW
24 HIM, SIR?
25 A RIGHT HERE

1 THE COURT YOU NEED TO SPEAK UP FOR THE RECORD
2 PLEASE
3 A RIGHT HERE
4 Q OKAY, SIR WILL YOU TAKE THIS GREEN STICKER AND
5 PUT IT IN THE -- WHERE YOU SAW HIM FIRST SAW HIM?
6 A (COMPLIED)
7 Q AND ALSO IF YOU WILL, PUT YOUR INITIALS ON THAT
8 STICKER?
9 A (COMPLIED)
10 Q OKAY, SIR IF YOU WOULD, PLEASE COME DOWN HERE
11 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
12 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
13 THE COURT YES
14 Q MR NAGEL, IF YOU WOULD WITHOUT GETTING BETWEEN
15 THE MAP AND ANY OF THE JURORS INDICATE WHERE YOU WERE
16 GOING AND WHERE YOU WERE COMING FROM AND WHERE YOU SAW
17 WHATEVER IT WAS YOU SAW?
18 A THIS THING IS THROWING ME WAY OFF
19 THE COURT YOU HAVE TO SPEAK UP PLEASE, SIR
20 Q DO YOU WANT ME TO TURN IT A DIFFERENT WAY SIR?
21 A YEAH
22 Q THIS WAY?
23 A FIND OUT WHERE RAY'S -- WHERE THE GYM AND ALL
24 THAT I'M LOOKING AT THIS THING ---
25 Q I CAN'T TELL YOU THAT, SIR TELL ME THE POINT

STATE VS ALKEBULANYAHH

1 WHERE YOU SAW HIM, SIR?

2 A I KNOW POSSUM HILL ROAD I KNOW WHERE THAT WAS

3 YOU GO ON PAST THAT, THEN THERE'S A THICK OF TREES, AND

4 THEN LIKE TWO HOUSES AND THEN IT TURNS INTO MARSH ON

5 BOTH SIDES THAT'S ASSUMING -- I'M ASSUMING THAT'S

6 WHAT THIS IS RIGHT HERE AND THAT IS WHERE I SEEN HIM

7 Q OKAY, SIR

8 A ALONG THAT TREE LINE COMING ON THIS SIDE

9 Q OKAY WHEN YOU FIRST SAW HIM, WHERE WAS HE, SIR?

10 A COMING ALONG THIS TREE LINE ON THIS SIDE OF THE

11 ROAD

12 Q OKAY, SIR AND WHERE DID HE HEAD TOWARDS IF YOU

13 SAW HIM HEADING TOWARDS ANYWHERE?

14 A THROUGH HERE CAN YOU SEE THAT? THROUGH HERE AND

15 THEN LIKE -- CAME BACK AROUND THIS -- WAY BACK IN HERE,

16 RUNNING THROUGH THE MARSH, AND THEN CAME BACK -- THAT'S

17 WHERE THAT BRIDGE IS

18 Q OKAY, SIR

19 A CAME BACK THROUGH HERE

20 Q THANK YOU, SIR YOU MAY HAVE A SEAT

21 (THE WITNESS RETURNS TO THE WITNESS STAND)

22 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

23 MR ALKEBULANYAHH YOUR HONOR, COULD I EXAMINE

24 THIS EXHIBIT?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

3 Q GOOD MORNING, MR NAGEL

4 A GOOD MORNING

5 Q MR NAGEL, DID ANY DEPUTY OR ANYBODY -- DID YOU
6 WRITE A STATEMENT ON BEHALF TO WHAT YOU SAW?

7 A YEAH

8 Q YOU WROTE A STATEMENT DO YOU KNOW -- DO YOU
9 REMEMBER THE OFFICER OR THE DEPUTY THAT YOU SUBMITTED
10 THAT STATEMENT TO?

11 A JEFF PURDY

12 Q WHO?

13 A JEFF PURDY

14 Q JEFF PURDY AND WAS THAT STATEMENT IN YOUR
15 WRITING?

16 A NO

17 Q WASN'T IN YOUR WRITING DID YOU SIGN THAT
18 STATEMENT?

19 A I BELIEVE I DID

20 Q YOU DID?

21 A YEAH

22 Q AND DID YOU RECEIVE A COPY OF THAT STATEMENT?

23 A NO

24 Q MR NAGEL, WHO DID YOU CALL AFTER YOU -- DID YOU
25 MAKE A CALL THAT DAY AFTER YOU ALLEGEDLY SEEN THE

1 PERSON YOU SAID AT THE JOE FRAZIER BRIDGE? DID YOU
2 CALL SOMEONE? DID YOU CALL THE POLICE DEPARTMENT?

3 A I CALLED A FRIEND OF MINE BENJI COOK HE WORKS
4 FOR ALLTEL

5 Q AND WHAT WAS THE NATURE OF THAT CONVERSATION?

6 A I DIDN'T KNOW -- I KNOW JEFF -- JEFF PURDY
7 PERSONALLY, BUT I DIDN'T KNOW HIS PHONE NUMBER AND I
8 KNEW HE WAS BACK WHERE ALL THE OFFICERS WAS SO I
9 CALLED BENJI, AND HE KNEW -- HE KNEW HIS PHONE NUMBER
10 SO I TOLD BENJI WHAT WAS GOING ON, AND I TOLD HIM TO
11 CALL JEFF TO TELL HIM WHERE I'M AT AND THAT'S --
12 THAT'S HOW IT WENT DOWN

13 Q TELL ME WHETHER OR NOT WAS THIS THE DESCRIPTION
14 THAT YOU GAVE OF THE INDIVIDUAL THE INDIVIDUAL
15 DESCRIBED AS A BLACK MALE, DREDLOCKS WEARING DARK
16 PANTS AND WHAT APPEARED TO BE A WHEAT COLORED JACKET?

17 A YES

18 Q THAT'S IT ---

19 A (NODS HEAD)

20 Q --- THE DESCRIPTION THAT YOU GAVE TO MR PURDY ---

21 A UH-HUH

22 Q --- OF THE INDIVIDUAL? YOU JUST BASICALLY GAVE
23 HIM A -- AGAIN, I WANT TO REPEAT -- DARK PANTS, NOT THE
24 PACIFIC (SIC) PANTS, JUST DARK PANTS PRETTY MUCH?

25 A DARK BECAUSE THEY WAS MUDDY I MEAN, YOU WAS IN

1 THE MARSH

2 Q OKAY AND A WHEAT COLORED -- YOU MEAN BROWN, TAN-
3 LIKE?

4 A TAN-LIKE, KHAKI

5 Q DID YOU HAVE THE OPPORTUNITY TO OBSERVE THAT
6 PARTICULAR PERSON, ANY DISTINCT FEATURES IN HIS FACE?

7 A I DON'T -- I DON'T GET THE QUESTION

8 Q DID YOU HAVE THE OPPORTUNITY -- DID YOU -- DID YOU
9 ABLE -- WAS YOU ABLE TO OBSERVE ANY LIKE MARKS, CUTS,
10 BEARD, MUSTACHE, BLOOD, OR ANYTHING LIKE THAT IN HIS
11 FACE OR ANYTHING?

12 A I WAS AT ONE POINT 15 FOOT AWAY, 15, 20 FEET AWAY
13 FROM HIM AND I DON'T -- I DON'T EVEN KNOWN HOW TO
14 ANSWER IT BUT I COULD DESCRIBE HIM PRETTY GOOD RIGHT
15 NOW TO THE TIMBERLIN BOOTS HE WAS WEARING

16 Q OKAY AND HE WAS -- HE WAS ABOUT 15 FOOT AWAY, IS
17 THAT CORRECT?

18 A AT ONE POINT

19 Q AND DID YOU GET -- YOU DID GET THE OPPORTUNITY TO
20 OBSERVE THAT INDIVIDUAL FACE, IS THAT CORRECT?

21 A YES, I DID

22 Q COULD YOU TELL US THE THINGS THAT STOOD OUT --
23 THAT YOU NOTICE ABOUT HIS FACE?

24 A GOATEE AND ALL THAT, ROUGH BEARD

25 Q GOATEE AND ROUGH BEARD?

1 A THE HAIR
2 Q DID YOU NOTICE WHETHER THIS INDIVIDUAL HAD A
3 WEAPON WITH HIM?
4 A NO
5 Q DID YOU OBSERVE A BACKPACK ON HIM?
6 A NO
7 Q DID YOU OBSERVE A WAIST POUCH ON HIM?
8 A IT MIGHT APPEARED TO BE A BELT HE WAS CRAWLING
9 WHEN I SEEN HIM I DIDN'T ---
10 Q YOU DIDN'T NOTICE A WAIST PACK OR BACKPACK?
11 A NO HE WAS LAYING DOWN IN THE MUD
12 Q AND DID THIS INDIVIDUAL -- WHEN YOU OBSERVED HIM,
13 WAS HE -- DID HE EVER STAND UP OR ---
14 A AT ONE POINT
15 Q AND YOU WAS ABOUT 15 FOOT AWAY FROM HIM?
16 A NOT AT THAT POINT
17 Q OKAY WAS ANYBODY WITH YOU AT THAT TIME?
18 A NO
19 Q YOU WAS ALONE?
20 A YES
21 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE ONE
22 MINUTE WITH COUNSEL?
23 THE COURT YES, SIR
24 MR ALKEBULANYAHH EXCUSE ME, SIR
25 (PAUSE)

1 MR ALKEBULANYAHH YOUR HONOR, I HAVE A MOTION
2 THAT I WOULD LIKE TO MAKE CONCERNING THIS WITNESS, AND
3 I WOULD LIKE TO KNOW CAN I APPROACH -- CAN WE APPROACH
4 THE SIDE BAR?

5 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
6 OUT OF THE HEARING OF THE JURY)

7 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
8 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY
9 THANK YOU VERY MUCH

10 (THE JURY RETIRES TO THE JURY ROOM AT 12 28 P M)

11 THE COURT PLEASE BE SEATED

12 YOU INDICATED THAT YOU SIGNED THE STATEMENT?

13 WITNESS I BELIEVE I DID RIGHT AFTER I TOLD HIM
14 WHAT HAPPENED JEFF WROTE IT DOWN AND HE SAID, IS THAT
15 EXACTLY THE WAY YOU CALLED IT? AND I SAID YES

16 THE COURT SO YOU SAW HIM WRITE SOMETHING DOWN IN
17 HANDWRITING?

18 WITNESS WHAT DO YOU MEAN BY THAT?

19 THE COURT WELL, YOU SAID HE WROTE IT DOWN

20 WITNESS HE WAS WRITING A REPORT AND EVERYTHING
21 AND I HAD TO READ IT, YOU KNOW, VERIFY THAT THAT WAS
22 CORRECT

23 THE COURT ALL RIGHT SO WHAT I'M ASKING YOU, IS
24 THE THING THAT YOU THOUGHT YOU SIGNED, WAS IN
25 HANDWRITING, NOT TYPED?

1 WITNESS RIGHT

2 THE COURT IT WAS HANDWRITTEN?

3 WITNESS RIGHT

4 THE COURT AND THAT WAS THE THING YOU THOUGHT YOU
5 SIGNED?

6 WITNESS IT'S BEEN A COUPLE YEARS, I CAN'T
7 REMEMBER

8 THE COURT I UNDERSTAND BUT IS THAT WHAT YOU
9 THINK YOU SIGNED?

10 WITNESS YEAH

11 THE COURT ALL RIGHT DO YOU HAVE IT? DO YOU
12 HAVE ACCESS TO THE OFFICER?

13 MR MURDAUGH YES, SIR, HE'S OUT HERE

14 THE COURT ALL RIGHT LET'S BRING THE OFFICER IN
15 PLEASE

16 MR MURDAUGH JEFF PURDY PLEASE

17 THE COURT SIR, YOU MAY STEP OUT A MOMENT YOU
18 MAY NOT DISCUSS YOUR TESTIMONY WITH ANYONE

19 WITNESS OKAY

20 THE COURT YOU'LL BE ON STAND-BY

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 JEFF PURDY, BEING FIRST
23 DULY SWORN, TESTIFIED AS FOLLOWS

24 THE COURT STATE YOUR NAME PLEASE?

25 WITNESS JEFF PURDY

STATE VS ALKEBULANYAHH

1 THE COURT MR PURDY, THIS PROCEEDING IS NOT TO
2 REALLY PURSUE YOUR LINE OF QUESTION I NEED TO ASK
3 YOU DO YOU RECALL MR NAGEL?

4 WITNESS YES, I DO

5 THE COURT ALL RIGHT DID YOU PREPARE A
6 STATEMENT FOR HIM TO SIGN?

7 WITNESS I DON'T BELIEVE SO, NO

8 THE COURT ALL RIGHT DID YOU WRITE SOMETHING IN
9 HANDWRITING AND ASK HIM TO READ IT?

10 WITNESS I MAY ON MY INCIDENT REPORT HE READ

11 THE COURT WAS IT HANDWRITTEN?

12 WITNESS NO, SIR

13 THE COURT IT WAS NOT HANDWRITTEN?

14 WITNESS NO IT'S TYPED IT'S RIGHT HERE

15 THE COURT WHEN YOU INITIALLY ASKED HIM TO READ
16 SOMETHING, WAS IT HANDWRITTEN OR TYPED?

17 WITNESS I COULDN'T ANSWER THAT I DON'T KNOW
18 I'M NOT REALLY SURE WHAT WE'RE TALKING ABOUT

19 THE COURT THAT'S OKAY I MEAN, IT'S JUST I'M
20 ASKING YOU THESE QUESTIONS

21 DID YOU WANT TO ASK SOME QUESTIONS?

22 MR MURDAUGH YES, SIR

23 DIRECT EXAMINATION BY MR. MURDAUGH.

24 Q MR PURDY, WERE YOU CONTACTED BY SOMEONE TO GO TO
25 BRYAN NAGEL THAT NIGHT, THE 8TH OF JANUARY?

STATE VS ALKEBULANYAHH

1 A BENJI COOK CALLED ME
2 Q OKAY, SIR DID YOU GO TO BRYAN NAGEL AND TALK
3 WITH HIM ABOUT WHAT HE ---
4 THE COURT HOLD ON A SECOND CLOSE THAT DOOR
5 PLEASE IF THEY STEP OUT THEY NEED TO STEP OUTSIDE
6 PLEASE GO AHEAD
7 Q DID YOU TALK WITH MR NAGEL ABOUT WHAT HE KNEW
8 ABOUT THIS INCIDENT THAT NIGHT?
9 A I BELIEVE IT WAS THE NEXT DAY
10 Q THE NEXT DAY?
11 A YES, SIR
12 Q OKAY SIR DID YOU EVER PREPARE A WRITTEN
13 STATEMENT FOR HIM TO SIGN?
14 A NO, SIR, I DON'T BELIEVE SO
15 Q OKAY, SIR DID YOU EVER HAVE HIM SIGN ANYTHING?
16 A NO, SIR, NOT THAT I'M AWARE OF, NOT THAT I
17 REMEMBER
18 Q IS THIS A COPY OF YOUR INCIDENT REPORT, SIR?
19 A YES, IT IS
20 Q DID YOU SHOW HIM ANY HANDWRITTEN NOTES BEFORE YOU
21 HAD THIS TYPED UP OR AFTER YOU HAD IT TYPED UP?
22 A IT'S POSSIBLE I TYPED THAT REPORT JANUARY 11,
23 2002 I DON'T KNOW -- I DON'T REMEMBER
24 Q DID YOU HAVE HIM SIGN YOUR NOTES?
25 A NO, SIR

STATE VS ALKEBULANYAHH

1 Q DID YOU HAVE HIM SIGN A COPY OF THIS INCIDENT
2 REPORT?

3 A NO, SIR

4 MR MURDAUGH THANK YOU, SIR

5 THE COURT DO YOU PREPARE YOUR TYPE WRITTEN
6 REPORT FROM SOMETHING OR DID YOU JUST TYPE IT RIGHT
7 THERE ON THE SPOT?

8 WITNESS NO I PREPARED IT FROM NOTES

9 THE COURT ALL RIGHT

10 WITNESS THE TYPED REPORT AS WELL AS THE COPY OF
11 A SKETCH HERE -- I DID SEVERAL SKETCHES I MADE NOTES
12 FROM NOTES AS WELL, AND DISCARDED MY NOTES

13 THE COURT ANY QUESTIONS?

14 MR ALKEBULANYAHH NO SIR I HAVE NO QUESTIONS

15 THE COURT ALL RIGHT YOU MAY STEP OUT DO NOT
16 DISCUSS YOUR TESTIMONY WITH ANYONE

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 THE COURT YES, SIR

19 MR MURDAUGH YOUR HONOR, PLEASE, AS I STATED TO
20 YOU AT THE SIDE BAR, I WAS AWARE OF NO STATEMENT THAT
21 WAS GIVEN I HAVE TURNED OVER TO HIM EVERYTHING THAT'S
22 EVER COME INTO MY POSSESSION, SIR

23 THE COURT ALL RIGHT WE'LL BRING HIM BACK IN,
24 AND YOU ASK HIM IF THAT TYPE WRITTEN REPORT IS WHAT HE
25 LOOKED AT

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOU TALKING TO ME OR HIM?

2 THE COURT EITHER SIDE CAN DO IT IT DOESN'T

3 MATTER AT THIS POINT BRING THE WITNESS BACK IN

4 (BRYAN NAGEL RETURNS TO THE COURTROOM AND RETURNS
5 TO THE WITNESS STAND)

6 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

7 THE COURT ALL RIGHT MR NAGEL, DO YOU HAVE
8 THAT REPORT?

9 MR MURDAUGH YES, SIR

10 THE COURT HAND THAT TO THE WITNESS

11 (PAUSE)

12 THE COURT DO YOU KNOW IF THAT IS THE REPORT THAT
13 YOU LOOKED AT, SIR?

14 WITNESS THE DAY OF?

15 THE COURT THE ONE THAT YOU WERE REFERENCING,
16 THAT YOU THOUGHT YOU SIGNED?

17 WITNESS THE ONE I THOUGHT I SIGNED WAS THE DAY
18 OF, WHEN HE -- IT WAS THE FOLLOWING DAY WHEN I WENT
19 BACK TO THE SCENE

20 THE COURT ALL RIGHT

21 WITNESS AND HE WROTE IT ALL OUT HE SAID, IS
22 THAT EXACTLY THE WAY IT HAPPENED?

23 THE COURT IT WAS WRITTEN OUT?

24 WITNESS YEAH HANDWRITTEN

25 THE COURT AND YOU REMEMBER SPECIFICALLY SIGNING

STATE VS ALKEBULANYAHH

1 IT OR YOU THINK YOU SIGNED IT?

2 WITNESS I -- I -- I MIGHT HAVE

3 THE COURT DO YOU KNOW FOR SURE?

4 WITNESS NO IT'S BEEN A COUPLE YEARS I MEAN,
5 I KNOW I WENT BACK THERE WITH DETECTIVES AND I READ IT
6 AND THAT'S EXACTLY WHAT HAPPENED THIS IS JUST A TYPED
7 VERSION OF IT

8 THE COURT BUT DID HE ASK YOU TO READ IT AND ASK
9 YOU TO CONFIRM THAT'S WHAT HAPPENED OR DO YOU REMEMBER
10 SPECIFICALLY ---

11 WITNESS I DON'T ---

12 THE COURT --- SIGNING A COPY?

13 WITNESS I DON'T SPECIFICALLY SIGNING ANY -- YOU
14 KNOW, BUT SOMETHING TELLS ME I DID, BUT I CAN'T
15 REMEMBER

16 THE COURT ANY FURTHER QUESTIONS?

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
18 YOUR HONOR

19 MR MURDAUGH NOR I, SIR

20 THE COURT DO YOU HAVE ANY MORE QUESTIONS FOR
21 THIS WITNESS BEFORE THE JURY?

22 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

23 THE COURT WHAT I'M ASKING YOU, HAVE YOU FINISHED
24 YOUR LINE OF QUESTIONING WITH THIS WITNESS,
25 NOTWITHSTANDING THAT ISSUE BEFORE THE JURY?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR I'M FINISHED MY LINE
2 OF QUESTIONING ---

3 THE COURT ALL RIGHT

4 MR ALKEBULANYAHH --- WITH THIS PARTICULAR
5 WITNESS

6 THE COURT ALL RIGHT BRING THE JURY IN PLEASE

7 (THE JURY RETURNS TO THE COURTROOM AT 12 37 P M)

8 THE COURT THANK YOU PLEASE BE SEATED
9 ANYTHING FURTHER?

10 MR MURDAUGH THE STATE HAS NO FURTHER QUESTIONS
11 MAY MR NAGEL BE EXCUSED?

12 THE COURT DO YOU HAVE ANY FURTHER QUESTIONS?

13 MR ALKEBULANYAHH NO, SIR, I HAVE NO FURTHER
14 QUESTIONS

15 MR MURDAUGH MAY MR NAGEL BE EXCUSED?

16 THE COURT ANY OBJECTION?

17 MR ALKEBULANYAHH NO, SIR, THERE'S NO OBJECTION

18 THE COURT YOU MAY BE EXCUSED, SIR

19 (THE WITNESS LEAVES THE WITNESS STAND)

20 MR MURDAUGH MATTHEW CARMON THE NEXT WITNESS
21 WILL BE ---

22 THE COURT WELL, WE'LL JUST TAKE ONE MORE I
23 THINK THEIR LUNCH IS ABOUT HERE WE'LL GO AS FAR AS WE
24 CAN UNTIL IT'S READY

25 MATTHEW CARMON, BEING FIRST

STATE VS ALKEBULANYAHH

1 DULY SWORN, TESTIFIED AS FOLLOWS

2 THE COURT PLEASE TAKE THE STAND AND STATE YOUR
3 FULL NAME FOR THE RECORD

4 WITNESS MATTHEW CLAYTON CARMON

5 DIRECT EXAMINATION BY MR. MURDAUGH.

6 Q THAT'S C-A-R-M-A-N?

7 A C-A-R-M-O-N

8 Q M-O-N OKAY, SIR I'VE GOT IT WRITTEN DOWN RIGHT
9 THERE SHOULD HAVE KNOWN THAT, SIR MR CARMON, YOU
10 HAVE A UNIFORM ON ARE YOU IN THE MARINE CORPS?

11 A YES, SIR

12 Q AND HOW LONG HAVE YOU BEEN IN THE MARINE CORPS?

13 A ABOUT 3 MONTHS SHY OF 11 YEARS, SIR

14 Q OKAY SIR DO YOU -- THE RANK I BELIEVE IS?

15 A STAFF SERGEANT

16 Q STAFF SERGEANT OKAY HOW LONG HAVE YOU BEEN A
17 STAFF SERGEANT?

18 A 18 MONTHS

19 Q OKAY, SIR DID YOU LIVE IN THE BEAUFORT AREA?

20 A I DID, SIR

21 Q SIR?

22 A YES, SIR

23 Q OKAY, SIR AND HOW LONG -- DO YOU LIVE THERE NOW?

24 A I DO

25 Q OKAY, SIR HOW LONG HAVE YOU LIVED IN THE

STATE VS ALKEBULANYAHH

1 BEAUFORT AREA?

2 A RIGHT SHY OF SIX YEARS

3 Q OKAY, SIR WHERE DO YOU LIVE?

4 A I LIVE IN LAUREL BAY, SIR

5 Q OKAY, SIR MR CARMON, I DIRECT YOUR ATTENTION TO
6 THE AFTERNOON OF JANUARY 8, 2002, WERE YOU TRAVELING IN
7 THE AREA -- IN THE VICINITY OF THE BROAD RIVER
8 ELEMENTARY SCHOOL?

9 A YES, SIR

10 Q OKAY, SIR DID YOU SEE SOMETHING THAT ATTRACTED
11 YOUR EYE?

12 A I DID

13 Q AND WILL YOU TELL THE LADIES AND GENTLEMEN OF THE
14 JURY WHAT IT WAS THAT ATTRACTED YOUR EYE?

15 A ON THE AFTERNOON OF JANUARY 8 I WAS ON MY WAY HOME
16 FROM DRILL INSTRUCTOR SCHOOL IT WAS MY THIRD DAY I
17 HAD JUST GOT DONE PICKING MY DAUGHTER UP I HAD TURNED
18 OFF ON JOE FRAZIER ROAD HEADING TOWARDS LAUREL BAY TO
19 GO HOME MY WIFE WAS IN FRONT OF ME AS I GOT TO THE
20 MARSH AREA, I JUST HAPPENED TO LOOK TO MY LEFT AND
21 NOTICED A MAN RUNNING THROUGH THE MARSH AND
22 BASICALLY, WHAT CAUGHT MY ATTENTION IS NOBODY IN THAT
23 AREA TO MY RECOLLECTION HAS EVER WALKED THROUGH THAT
24 MARSH I MEAN, I'VE DRIVEN UP THAT ROAD COUNTLESS DAYS
25 GOING TO WORK AND I'VE NEVER SEEN ANYBODY IN THERE

1 THERE WAS MUD UP TO RIGHT ABOUT THE WAISTBAND HE WAS
2 REAL AGITATED, LOOKING AROUND AND THAT'S PRETTY MUCH
3 WHAT CAUGHT MY ATTENTION

4 Q OKAY, SIR DID YOU SEE HIM DO ANYTHING OTHER THAN
5 JUST WHEN YOU FIRST SAW HIM?

6 A NO, SIR HE -- I HAD PASSED HIM AND STOPPED ON
7 THE RIGHT-HAND SIDE OF JOE FRAZIER ROAD AND WHEN I
8 DID, HE -- HE CAME UP BEHIND MY TRUCK, OVER THE ROAD,
9 DOWN OVER ON THE OTHER SIDE, WHERE THERE'S A HIGH
10 EMBANKMENT AS SOON AS HE DID THAT, HE BASICALLY
11 STARTED CRAWLING PARALLEL WITH JOE FRAZIER ROAD TOWARDS
12 LAUREL BAY

13 Q OKAY, SIR CAN YOU IDENTIFY THE MAN THAT YOU SAW
14 IN THE MARSH?

15 A I CAN SIR

16 Q AND WOULD YOU IDENTIFY HIM IF YOU SEE HIM?

17 A HE'S THE DEFENDANT, SIR

18 Q ARE YOU TALKING ABOUT THE FELLOW STANDING UP RIGHT
19 NOW?

20 A YES, SIR

21 Q THAT'S WHO YOU SAW CRAWLING IN THE MARSH?

22 A YES, SIR

23 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 10 AND
24 ASK YOU IF YOU CAN IDENTIFY THIS?

25 A IT'S A MAP, SIR

1 Q WHAT IS IT A MAP OF, SIR?

2 A IT'S A MAP OF THE AREA AROUND JOE FRAZIER ROAD AND

3 BROAD RIVER

4 Q DOES IT SHOW THE PLACE WHERE YOU SAW HIM?

5 A HAVE TO FIND IT, SIR JOE FRAZIER (PAUSE)

6 - YES, SIR, IT DOES

7 Q OKAY, SIR WOULD YOU TAKE THIS GREEN STICKER AND

8 PUT IT ON -- POINT TO WHERE YOU OBSERVED HIM, SIR?

9 A I BELIEVE THIS STICKER IS OVER THE BRIDGE AREA ON

10 JOE FRAZIER THAT'S WHAT I'M ---

11 Q TALK LOUDLY SO THE ---

12 A I THINK THE STICKER IS COVERING UP THE BRIDGE ON

13 JOE FRAZIER, WHICH IS RIGHT ABOUT 100 150 YARDS TO THE

14 LEFT

15 Q ARE YOU TALKING ABOUT THE ONE WITH B N WRITTEN ON

16 IT?

17 A YES, SIR

18 Q OKAY, SIR AND IF YOU WILL, PUT YOUR INITIALS ON

19 THERE PLEASE, SIR?

20 A (COMPLIED)

21 Q OKAY IF YOU WILL ---

22 MR MURDAUGH MAY I?

23 THE COURT YES, SIR

24 Q IF YOU WOULD, COME DOWN HERE PLEASE

25 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

1 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

2 THE COURT YES, SIR

3 Q IF YOU CAN, STAND WHERE YOU WILL NOT BE BETWEEN
4 THE JURY AND THE MAP THERE'S A POINTER RIGHT HERE,
5 SIR WILL YOU INDICATE TO ME WHERE YOU SAW HIM?

6 A AS I COME UP JOE FRAZIER ROAD, YOU PASS THE TREE
7 LINE IT TURNS INTO A MARSH AREA RIGHT ON THE LEFT,
8 HE HAD COME OUT OF THE TREE LINE HE WAS ABOUT HALF
9 WAY IN BETWEEN THE TREE LINE AND THE ROAD ON MY LEFT-
10 HAND SIDE

11 Q OKAY, SIR

12 A AND WAS GOING UP THE ROAD

13 Q AND WHERE DID YOU SEE HIM GO?

14 A WHEN I HAD STOPPED MY TRUCK ON THE RIGHT-HAND
15 SIDE, HE WENT BEHIND MY TRUCK GOT DOWN OVER ONTO THE
16 RIGHT-HAND SIDE OF THE MARSH AREA, WHERE THERE'S A HIGH
17 EMBANKMENT LIKE I SAID BEFORE, AS HE DID THAT, HE GOT
18 DOWN AND HE BASICALLY GOT OUT OF SIGHT AND HE STARTED
19 CRAWLING OR KNEELING OR WHICH EVER ONE IT WAS UP
20 PARALLEL WITH THE ROAD

21 Q OKAY, SIR THANK YOU, SIR YOU MAY HAVE A SEAT
22 (THE WITNESS RETURNS TO THE WITNESS STAND)

23 Q DID YOU SEE WHERE HE WENT?

24 A I DID, SIR

25 Q AND WHERE DID HE GO, SIR?

STATE VS ALKEBULANYAHH

1 A AS HE CRAWLED HE WENT PARALLEL WITH THE ROAD
2 THE LAST PLACE I HAD SEEN HIM WAS UP UNDERNEATH THE
3 BRIDGE

4 Q OKAY, SIR DID YOU NOTIFY ANYBODY OF THAT?

5 A I DID SIR

6 Q AND WHO WAS IT THAT YOU NOTIFIED?

7 A SERGEANT GREEN OF THE BEAUFORT COUNTY SHERIFF'S
8 DEPARTMENT

9 Q BILL GREEN?

10 A YES, SIR

11 MR MURDAUGH THANK YOU, SIR YOUR WITNESS

12 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

13 Q GREETINGS, MR CARMON THIS PARTICULAR INDIVIDUAL
14 THAT YOU SAY YOU SAW, COULD YOU GIVE A EXACT
15 DESCRIPTION OF WHAT HE WAS WEARING AND PHYSICAL
16 DESCRIPTION OF HIS FACIAL AND HEIGHT IF POSSIBLE?

17 A ABOUT 5'7" HE WAS -- HE WAS A BLACK PERSON,
18 DREDLOCKS HE HAD DARK COLORED CLOTHING ON HIS PANTS
19 WERE WET FROM ABOUT THE WAIST DOWN WITH MUD AND WATER

20 Q DID YOU NOTICE THE COLOR OF HIS PANTS?

21 A WITH THE -- WITH THE WATER ON THERE IT WAS -- IT
22 WAS A DARK COLORED PANT WITH WATER AND MUD ON THERE

23 Q HOW ABOUT THE UPPER GARMENT?

24 A THE UPPER GARMENT WAS -- AGAIN, IT WAS A DARK
25 COLORED GARMENT WITH A LIGHT COLORED SHIRT UNDERNEATH

1 Q WHEN YOU MENTION DARK, YOU MEAN LIKE IN -- IN --
2 IN -- IN -- IN BLACK?

3 A BLUE

4 Q BLUE DID THIS PARTICULAR INDIVIDUAL HAVE CLEAN
5 SHAVEN, MUSTACHE, BEARD, OR ANY DISTINCT SCARS, OR
6 ANYTHING YOU NOTICE?

7 A NO, SIR, I COULD NOT TELL YOU THAT

8 Q YOU COULDN'T TELL ME COULD YOU TELL ME, DID HE
9 HAVE A BEARD?

10 A NO, SIR

11 Q NO MUSTACHE?

12 A NO, SIR

13 Q SO YOU ACTUALLY DIDN'T GET CLOSE ENOUGH TO
14 DETERMINE WHETHER IT WAS THE DEFENDANT WHO YOU ALLEGE
15 THAT'S HERE IN THIS COURTROOM TODAY?

16 A AT THE TIME WHEN HE WAS RUNNING -- WHEN HE WAS
17 COMING ACROSS THE MARSH, I COULDN'T TELL IF HE HAD A
18 BEARD BUT WHEN EVERYTHING HAPPENED AND THE POLICE
19 OFFICERS ARRIVED ON THE SCENE AND I WAS ON THE BRIDGE
20 AND THEY BROUGHT THE SUSPECT OUT, HIS FACE WAS DIRTY
21 AND MUDDY I KNOW WHAT I SAW

22 Q AND IF HIS FACE WAS DIRTY, I GUESS YOU SAY MUD, IS
23 THAT CORRECT?

24 A YES, SIR

25 Q WOULD I NEED -- WOULD THE DEFENDANT NEED MUD ON

1 HIS FACE NOW FOR YOU TO BE ABLE TO HAVE A MORE ACCURATE
2 DESCRIPTION OF THE PERSON YOU TALKING TO?

3 A NO, SIR, I WOULD NOT

4 Q SO WHAT ARE YOU BASING YOUR DESCRIPTION ON? IS IT
5 JUST THE HEIGHT OR THE HAIR OF THE DEFENDANT?

6 A NO SIR AFTER, LIKE I SAID, YOU HAD CROSSED THE
7 -- THE DEFENDANT HAD CROSSED OVER BEHIND MY TRUCK, GONE
8 PARALLEL -- WHEN I GOT UP ON THE BRIDGE, AND LIKE I
9 SAID, THE POLICE OFFICERS ARRIVED ON THE SCENE AND TOOK
10 CONTROL, AS EVERYTHING WENT ON AND EMS WAS THERE, I GOT
11 A LOOK

12 Q YOU GOT A LOOK AND THAT LOOK WASN'T GOOD ENOUGH
13 AS YOU -- AS YOU -- YOU SAY THAT LOOK IS NOT REALLY
14 GOOD ENOUGH FOR YOU TO GIVE A DESCRIPTION OF THAT
15 PARTICULAR PERSON IS THAT CORRECT?

16 A NO SIR, IT'S NOT

17 Q MR CARMON SO BASICALLY YOU TAKING A GOOD GUESS
18 WHEN YOU IDENTIFY THE DEFENDANT TODAY IS THAT CORRECT?

19 A NO IT'S NOT A GUESS LIKE I SAID, THE MARSH
20 AREA, I COULD NOT TELL IF YOU HAD A BEARD WHEN I WAS
21 ON THE BRIDGE AND THEY TOOK CONTROL OF THE SCENE AND
22 THE AMBULANCE SHOWED UP AND EVERYTHING WENT THAT WAY, I
23 GOT A LOOK AT YOU

24 Q AND SO WHAT PART ARE YOU IDENTIFYING THE
25 DESCRIPTION OF THE DEFENDANT WITH? WHAT PART IS YOU

1 IDENTIFYING THE DESCRIPTION OF THE DEFENDANT WITH?
2 JUST TELL ME WHAT PART THAT YOU CAN SAY YOU CAN COME IN
3 THIS COURTROOM AND SAY THAT I'M GOING TO IDENTIFY THIS
4 WAS THE GUY TODAY THAT I SAW THEN THAT I DIDN'T HAVE A
5 GOOD LOOK AT THEN BUT TODAY I'M GOING TO COME AND SAY
6 THAT I GOT A GOOD LOOK AT? WHAT INDIVIDUAL DISTINCTIVE
7 PART THAT YOU'RE MAKING YOUR POSITIVE IDENTIFICATION OF
8 THE DEFENDANT WITH IN THIS CASE?

9 A YOUR HAIR, YOUR EYES, FACIAL, THAT'S WHAT I SAW

10 Q WHEN YOU SAY FACIAL, WHAT DO YOU MEAN? DO YOU
11 MEAN CHEEK BONE, MUSTACHE, BEARD? WHEN YOU SAY FACIAL,
12 THERE'S MANY PARTS TO THE FACE THERE'S MANY FACIAL --
13 WHEN YOU SAY FACIAL, COULD YOU DEFINE MORE ACCURATELY
14 SO WE CAN HAVE A POSITIVE IDENTIFICATION THAT OTHER
15 THAN IN THE COURTROOM THAT YOU RECOGNIZE HAD THEN WHEN
16 YOU SAW THE DEFENDANT WAS THE PERSON THAT YOU SAW?

17 A YOUR EYES, SIR

18 Q THE EYES AND WHEN YOU -- YOU'RE MAKING YOUR
19 POSITIVE IDENTIFICATION OF THE DEFENDANT TODAY BY HIS
20 EYES AND ON THIS ACCOUNT YOU HAD THE OPPORTUNITY ON
21 THAT JANUARY 8 THAT DAY TO LOOK INTO THE EYES OF THE
22 DEFENDANT AT THE BROAD RIVER ROAD, IS THAT CORRECT?

23 A YES, SIR

24 Q AND THIS WAS WHILE HE WAS BEING APPREHENDED, IS
25 THAT CORRECT?

1 A IT WAS AFTER

2 Q SO YOU HAD THE OPPORTUNITY TO APPROACH THE
3 DEFENDANT AT THAT TIME?

4 A I DIDN'T HAVE THE OPPORTUNITY TO APPROACH I WAS
5 IN THE AREA AND LIKE I SAID WHEN EMS WAS ON THE
6 SCENE AND THEY WERE TAKING CARE OF THAT, TAKING CARE OF
7 YOU, THAT'S WHEN I HAD SEEN YOUR FACE, YES, SIR

8 Q AND YOU CAN RECOGNIZE MY EYES, YOU COULDN'T FORGET
9 THEM EYES?

10 A NO, SIR

11 MR ALKEBULANYAHH OKAY THANK YOU, MR CARMON
12 I HAVE NO FURTHER QUESTIONS

13 MR MURDAUGH YOU MAY COME DOWN MAY MR CARMON
14 BE EXCUSED?

15 THE COURT ANY OBJECTION?

16 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION

17 THE COURT YOU MAY BE EXCUSED, SIR

18 MR MURDAUGH MR CARMON, I MAY NEED YOU, SO
19 DON'T LEAVE QUITE YET PLEASE

20 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
21 THE JURY ROOM FOR YOUR LUNCH WE'RE JUST GOING TO TAKE
22 A SHORT LUNCH BECAUSE, AS I HAD PLANNED TO DO
23 YESTERDAY, STOP EARLY WE'RE GOING TO DO THAT TODAY
24 SO I'LL SEND YOU TO LUNCH LET ME KNOW WHEN YOU'RE
25 DONE EATING THANK YOU VERY MUCH DO NOT DISCUSS THE

1 CASE IN ANY WAY
2 (THE JURY RETIRES TO THE JURY ROOM AT 12 52 P M)
3 THE COURT YOU MAY STEP DOWN, SIR THANK YOU
4 (THE WITNESS LEAVES THE WITNESS STAND)
5 THE COURT ALL RIGHT I PLAN TO START BACK NO
6 LATER THAN 1 30, AND WE PLAN TO PROBABLY STOP AROUND
7 2 30 TODAY THANK YOU
8 MR MURDAUGH EXCUSE ME WHAT TIME?
9 THE COURT 1 30
10 MR STONE AND STOP?
11 THE COURT WE'LL STOP AROUND 2 30 TODAY
12 MR MURDAUGH WE'LL HAVE AN HOUR?
13 THE COURT YES, SIR
14 MR MURDAUGH OKAY, SIR
15 (COURT IS IN RECESS FOR LUNCH)
16 THE COURT ALL RIGHT I'D BE HAPPY TO HEAR YOU
17 OUT ANY MORE ON THAT MATTER THAT YOU MADE A MOTION TO
18 HAVE THAT STATEMENT TURNED OVER TO YOU BUT THE DEPUTY
19 INDICATED THAT HE DIDN'T RECALL HAVING HIM SIGN A
20 STATEMENT
21 THE WITNESS THOUGHT HE SIGNED A STATEMENT BUT
22 THE WITNESS DID INDICATE IN RESPONSE TO THE COURT'S
23 QUESTIONS THAT THE STATEMENT HE WAS LOOKING AT WAS THE
24 SAME STATEMENT, JUST THAT IT'D BEEN TYPED UP
25 SO IT'S MY UNDERSTANDING THEY DID TURN OVER THE

STATE VS ALKEBULANYAHH

1 TYPED STATEMENT TO YOU?

2 MR ALKEBULANYAHH DEFENSE FEELS THAT IF A
3 WITNESS COME FORTH AND TAKE THE STAND AND SWEAR UNDER
4 OATH ABOUT PARTICULAR FACTS PERTAINING TO THIS CASE AND
5 THIS PARTICULAR WITNESS STATED UNDER OATH WITHOUT
6 HESITANCE AND PARTICULAR TIME BEING QUESTIONED -- WHEN
7 THE DEFENDANT WAS QUESTIONING THIS DEFENDANT (SIC) THAT
8 HE SIGNED HIS NAME TO A STATEMENT THAT WAS GIVEN TO AN
9 INVESTIGATOR WITH THE BEAUFORT COUNTY SHERIFF'S
10 DEPARTMENT

11 AND THE DEFENSE FEELS THAT DUE TO THE FACT THAT
12 THE DEFENSE DOES -- THIS STATEMENT WHICH THE WITNESS
13 CAME IN TO GIVE TESTIMONY TO WAS NOT GIVEN OVER TO THE
14 DEFENSE BY WAY OF BRADY VERSUS MARYLAND IN DISCOVERY
15 AND IN CAMERA INSPECTION, THAT THE DEFENDANT BEEN
16 DEPRIVED OF HAVING THE -- HAVING ADEQUATE AND NECESSARY
17 MEANS TO QUESTION THE JUROR (SIC) -- I MEAN, THE
18 WITNESS EXCUSE ME -- QUESTION THE WITNESS IN REFERENCE
19 TO THE STATEMENT THAT HE SIGNED AND TURNED OVER TO THE
20 INVESTIGATOR AND THE DEFENSE ---

21 THE COURT HOW ARE YOU DEPRIVED IF THE WITNESS
22 HIMSELF SAID THAT THE TYPED VERSION THAT HE READ WAS
23 THE SAME STATEMENT?

24 MR ALKEBULANYAHH TO MY KNOWLEDGE FROM MY
25 UNDERSTANDING AFTER THE COURT INQUIRE TO THE WITNESS

STATE VS ALKEBULANYAHH

1 OUTSIDE OF THE JURORS' PRESENCE, HIS BEING ACQUISIT
2 (PHONETIC) TO FAVOR THE LEAD OF THE COURT AND THE
3 PROSECUTOR IN REFERENCE TO THE MANNER THAT I FIGURE
4 THAT HE BECAME AWARE THAT SOMETHING WAS PERTINENT WRONG
5 -- VERY WRONG WITH HIM AFTER HE REALIZED THAT HE MAY
6 NOT WANTED TO STATE THAT HE HAD GIVEN THAT DOCUMENT
7 AND I THINK THAT HE WANT TO PRETTY MUCH JUST MOVE IN
8 FAVOR OF THE PROSECUTOR TO SAY THE CORRECT THING AND DO
9 THE CORRECT THING THEREAFTER, AFTER HE ASCERTAINED THAT
10 THERE WAS A PROBLEM

11 THE COURT I DON'T UNDERSTAND WHAT YOU'RE TELLING
12 ME, MR ALKEBULANYAHH I'M NOT TRYING TO SHORTEN YOUR
13 STATEMENT IT'S JUST THAT MY QUESTION TO YOU IS IF
14 THE WITNESS INDICATED HE THINKS HE SIGNED SOMETHING,
15 BUT HE'S NOT COMPLETELY SURE, SOMETHING INSIDE OF HIM
16 TELLS HIM HE PROBABLY SIGNED SOMETHING, BUT THEN THE
17 COURT ASKED HIM TO READ THAT STATEMENT HE SAID IT'S
18 THE EXACT THING EXCEPT THAT IT'S BEEN TYPED UP

19 YOU HAD THE OPPORTUNITY TO QUESTION HIM ABOUT
20 ANYTHING THAT MIGHT HAVE NOT BEEN IN THERE, THAT'S WHY
21 I GAVE YOU ALL BOTH THE OPPORTUNITY TO PURSUE THAT
22 HOW HAVE YOU BEEN PREJUDICED IN ANY KIND OF WAY?

23 MR ALKEBULANYAHH WELL, THE DEFENDANT HAS BEEN
24 PREJUDICED BECAUSE THE DEFENSE ASKED THE WITNESS
25 DIRECTLY, DID HE MAKE A STATEMENT?

STATE VS ALKEBULANYAHH

1 AND THE WITNESS SAID, YES

2 THE WITNESS WAS ASKED DID HE SIGN THE STATEMENT

3 AND WHAT TYPE OF STATEMENT

4 THE WITNESS SAID, YES

5 THE COURT BUT, AGAIN, I ---

6 MR ALKEBULANYAHH THERE'S NO MISCONCEPTION ABOUT

7 HIS FIRMNESS ABOUT THIS STATEMENT AND HIS SIGNATURE

8 BEING ON THE DOCUMENT

9 THE COURT WELL ---

10 MR ALKEBULANYAHH AND DEFENDANT FEEL LIKE HE'S

11 BEING PREJUDICED BECAUSE HE COULD HAVE HAD EXCULPATORY

12 EVIDENCE, YOUR HONOR, SIR

13 THE COURT WELL, THERE'S NOTHING TO ESTABLISH

14 IT'S EXCULPATORY IF YOU HAVE THE EXACT SAME STATEMENT

15 EXCEPT THAT IT'S TYPE WRITTEN AND YOU HAD THE

16 OPPORTUNITY TO PURSUE WITH THE WITNESS WHETHER ANYTHING

17 IN THERE WAS DIFFERENT IN ANY WAY WHATSOEVER THE

18 COURT PRODDERED AND PRODDERED BOTH SIDES TO ASK ANY

19 QUESTIONS ABOUT THIS FOR THE RECORD NOBODY HAD ANY

20 QUESTIONS

21 MR ALKEBULANYAHH YOUR HONOR ---

22 THE COURT THE COURT ASKED HIM IF THIS WAS THE

23 SAME THE COURT ASKED HIM TO LOOK AT THE STATEMENT

24 MR ALKEBULANYAHH I DID NOT HEAR THE WITNESS

25 STATE THAT THAT WAS THE SAME DOCUMENT

STATE VS ALKEBULANYAHH

1 THE COURT THAT WAS HIS EXACT WORDS

2 MR ALKEBULANYAHH AND THE DOCUMENT THAT THIS
3 WITNESS SAID THAT YOU PRESENTED TO HIM OR THE
4 PROSECUTOR PRESENTED TO HIM DID NOT HAVE HIS SIGNATURE
5 ON THAT DOCUMENT

6 THE COURT YOU'RE RIGHT, IT DOES NOT HAVE HIS
7 SIGNATURE

8 MR ALKEBULANYAHH THEY HAVE NO EVIDENCE THAT
9 THAT WAS THE DOCUMENT WHICH HE SAID HE SIGNED HIS
10 SIGNATURE TO

11 THE COURT HIS WORDS WERE IT WAS THE EXACT
12 TYPED UP VERSION OF WHAT HAPPENED HE DOESN'T
13 SPECIFICALLY REMEMBER SIGNING IT

14 AND WHETHER YOU HAVE A SIGNED COPY OR NOT YOU
15 STILL HAVE THE RIGHT TO PURSUE IT WITH HIM TO SEE IF
16 THERE WAS ANY OTHER DIFFERENCES IF HE ACKNOWLEDGES
17 THAT WAS WHAT HIS STATEMENT WAS, HE'S ACKNOWLEDGE IT

18 NOW, YOU HAVE THAT REPORT THAT HAD BEEN WRITTEN UP
19 ALL ALONG IS THAT CORRECT? IS THAT CORRECT?

20 MR ALKEBULANYAHH I DO NOT HAVE THE REPORT IN
21 WHICH THIS WITNESS SAID WAS WRITTEN IN WHICH -- WHICH
22 HE SIGNED I DO NOT HAVE THAT -- I DO NOT HAVE THAT

23 THE COURT LET ME REPHRASE MY QUESTION YOU'VE
24 HAD THE TYPED UP REPORT ALL ALONG?

25 MR ALKEBULANYAHH I HAVE THE TYPED UP REPORT OF

STATE VS ALKEBULANYAHH

1 SERGEANT DEPUTY PURDY

2 THE COURT YOU'VE HAD THAT ALL ALONG?

3 MR ALKEBULANYAHH YES, I HAVE THE REPORT OF
4 SERGEANT PURDY ALL ALONG

5 THE COURT ALL RIGHT NOW, IF YOU WANT TO PLAY
6 THIS GAME WITH ME THAT YOU DON'T LIKE THE WITNESSES TO
7 DO, YOU CAN'T ANSWER YES OR NO?

8 MR ALKEBULANYAHH EXCUSE ME?

9 THE COURT CAN YOU NOT ANSWER THE QUESTION I
10 ASKED JUST THE WAY YOU POLITELY ASK THE WITNESSES TO
11 ANSWER YES OR NO? OR SHOULD WE GO THROUGH SIX
12 QUESTIONS FOR YOU TO SAY YES OR NO?

13 MR ALKEBULANYAHH WE CAN DO YES OR NO

14 THE COURT DID YOU HAVE THE TYPED UP VERSION OF
15 THE STATEMENT AT ISSUE?

16 MR ALKEBULANYAHH WHICH STATEMENT, SIR?

17 THE COURT THE ONE THAT WAS HANDED TO THE
18 WITNESS?

19 MR ALKEBULANYAHH AND WHICH STATEMENT IS THAT
20 FROM?

21 THE COURT FROM THE OFFICER

22 MR ALKEBULANYAHH WHICH OFFICER, SIR?

23 THE COURT WHAT IS THE EXHIBIT NO I'M NOT GOING
24 TO PLAY THIS GAME WITH YOU, MR ALKEBULANYAHH THERE'S
25 ONLY ONE STATEMENT THAT'S THE SUBJECT OF YOUR MOTION

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I WOULD LIKE TO KNOW WHAT
2 STATEMENT IS THAT? WHOSE STATEMENT IS THAT?

3 MR MURDAUGH IT'S NOT BEEN PUT IN THE EVIDENCE,
4 YOUR HONOR

5 THE COURT ALL RIGHT LET'S SEE THE STATEMENT,
6 THE ONE THAT YOU ALL AGREED THE WITNESS SAW LET'S
7 MARK THAT AS AN EXHIBIT FOR COURT'S I D PURPOSES
8 IT'S THE STATEMENT FROM SERGEANT PURDY THAT YOU
9 REFERENCED YES, SIR SERGEANT PURDY

10 MR ALKEBULANYAHH YES, I HAVE A STATEMENT FROM
11 SERGEANT PURDY

12 THE COURT THAT WAS THE ONE PRESENTED TO THE
13 WITNESS TO WHICH HE SAID THE EXACT VERSION EXCEPT IT
14 HAD BEEN TYPED NOW, IF YOU ALL WANTED TO PURSUE
15 QUESTIONS, YOU ALL COULD HAVE BUT NO ONE WANTED TO
16 I'M NOT GOING TO SIT UP HERE AND ASK QUESTIONS FOR
17 EITHER SIDE I PUT THAT TO AN END RIGHT NOW

18 MR ALKEBULANYAHH I HAD ASKED ALL THE QUESTIONS
19 THAT I NEEDED TO ASK, YOUR HONOR

20 THE COURT ALL RIGHT THEN IF THERE'S SOME
21 CONFUSION ABOUT WHETHER THERE WAS EXCULPATORY
22 INFORMATION, THEN YOU HAVE TO TELL ME WHAT'S IN THAT
23 TYPE WRITTEN REPORT THAT WAS NOT IN THE HANDWRITTEN --
24 ALLEGED HANDWRITTEN REPORT, BECAUSE NO ONE WANTED TO
25 ASK THE WITNESS ABOUT IT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WELL, IT WASN'T THE WITNESS
2 REPORT AND HIS SIGNATURE WAS NOT IN THAT REPORT,
3 THAT'S ---

4 THE COURT WELL, YOU'RE FREE TO ASK -- YOU'RE
5 FREE TO ASK THE WITNESS ABOUT IT -- THE OFFICER ABOUT
6 THOSE QUESTIONS IF YOU SO DESIRE BUT AT THIS POINT,
7 NOTHING HAS BEEN ESTABLISHED IN THIS REPORT TO SUGGEST
8 ANY PREJUDICE WHATSOEVER I DON'T THINK THERE'S ANY
9 KIND OF IMPROPER CONDUCT IF THE STATE DID NOT HAVE
10 ACCESS TO THAT THE OFFICER SAID HE DESTROYED ALL HIS
11 NOTES

12 I'M NOT EVEN SURE WHAT THE RELIEF IS YOU'RE
13 REQUESTING YOU ASKED FOR THE REPORT ITSELF AND THERE
14 IS NONE ACCORDING TO THE OFFICER

15 SO I DON'T KNOW WHAT I CAN DO OTHER THAN FOR YOU
16 TO HAVE ASKED THE WITNESS, IS THERE ANYTHING IN THERE
17 THAT'S DIFFERENT? WHICH AGAIN, I BEGGED BOTH SIDES TO
18 DO

19 LET ME TELL YOU SOMETHING ABOUT THE COURT -- TO
20 EACH SIDE WHEN I THROW SOMETHING OUT, THAT MEANS
21 THERE'S SOMETHING THAT NEEDS -- THERE'S SOMETHING OF
22 INTEREST TO THE COURT BOTH SIDES SHOULD PURSUE IT,
23 BECAUSE YOU ALL DON'T KNOW WHAT I'M GOING TO DO WITH
24 THE MATTER

25 ALL RIGHT READY TO PROCEED?

1
STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
2 THE COURT READY?
3 MR MURDAUGH YES, SIR
4 THE COURT MR ALKEBULANYAHH, I KNOW I'VE DONE
5 THIS SEVERAL TIMES AND I DON'T DO THIS TO CRITICIZE
6 WHAT YOU'VE DONE IN THE CASE I KNOW THAT THIS IS VERY
7 DIFFICULT FOR A PERSON THAT'S NOT A LAWYER AND, ALSO,
8 THIS COURT HAS GONE TO GREAT LENGTHS TO DO WHAT IT CAN
9 TO HONOR YOUR STATUS AS AN INDIVIDUAL REPRESENTING
10 HIMSELF ---
11 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
12 THE COURT --- WITHOUT COUNSEL BUT I KNOW I'VE
13 ADVISED YOU OF THIS A COUPLE TIMES I JUST WANT TO
14 CONTINUE ADVISING YOU THAT -- YOU RECALL EVERYTHING
15 I'VE SAID ABOUT THE FACT THAT YOU CAN MAKE STATEMENTS
16 THAT MIGHT BE USED AGAINST YOU DO YOU RECALL THAT?
17 MR ALKEBULANYAHH YES, SIR
18 THE COURT ALL RIGHT NOW, I JUST WANT TO
19 CAUTION YOU ONE LAST TIME, THAT YOU SHOULD EXERCISE
20 GREAT RESTRAIN IN HOW YOU POSTURE THINGS BECAUSE THE
21 WAY YOU POSTURE THINGS COULD BE DETRIMENTAL TO YOUR
22 POSITION ALL RIGHT?
23 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
24 THE COURT I LEAVE IT UP TO YOU HOW -- WHAT --
25 ONLY YOU COULD KNOW YOUR STRATEGY I HAVE NO WAY OF

STATE VS ALKEBULANYAHH

1 KNOWING WHAT YOUR STRATEGY IS THERE MIGHT BE TIMES
2 WHEN YOU HAVE ENTERED EVIDENCE INTO THE RECORD BASED ON
3 WHATEVER YOUR STRATEGY IS THAT CERTAINLY MAY NOT HAVE
4 COME OUT IN A NORMAL TRIAL WITH TWO ATTORNEYS
5 REPRESENTING EACH SIDE AND I JUST WANT TO CONTINUE
6 ADVISING YOU -- YOU UNDERSTAND IT'S NOT MY POSITION UP
7 HERE TO STOP THAT WHEN IT'S HAPPENING?

8 MR ALKEBULANYAHH I APPRECIATE -- I REALLY
9 SINCERELY APPRECIATE YOUR HONOR, YOUR ADVICE

10 THE COURT YOU UNDERSTAND THAT I CAN'T -- IT'S
11 NOT MY JOB TO INTERVENE IN THAT SITUATION BECAUSE IN A
12 NORMAL TRIAL, FOR EXAMPLE, SOME TIMES THINGS MIGHT
13 VIOLATE A RULE OF EVIDENCE BUT SOME TIMES PEOPLE MAKE
14 STRATEGY DECISIONS THAT THEY WANT THAT IN, EVEN THOUGH
15 IT MIGHT NOT COME IN UNDER A RULE OF EVIDENCE THOSE
16 ARE THE KIND OF STRATEGY DECISIONS ATTORNEYS MAKE

17 SO IT'S NOT MY PLACE TO SIT UP HERE AND SAY -- I
18 CAN'T SIT UP HERE AND OBJECT TO THINGS ---

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT --- YOU KNOW, THAT'S LEGALLY SPECIFIC
21 LIKE THAT IT'S A DIFFERENT THING IF SIT UP HERE AND
22 SAY, THAT'S ALREADY BEEN ASKED AND ANSWERED, MOVE ON,
23 THAT'S MY SUPERVISION OF THE TRIAL BUT I DON'T KNOW
24 WHETHER THINGS ARE YOUR STRATEGY DECISION, AND I CAN'T
25 INTERVENE IN THOSE YOU DO UNDERSTAND THAT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

2 THE COURT ALL RIGHT I JUST WANT TO KEEP
3 ADVISING YOU OF THAT EFFECT AT THE SAME, YOU KNOW,
4 OBVIOUSLY, I CAN'T INTERVENE DEPENDING ON WHETHER
5 SOMETHING IS A STRATEGY, THE SAME THING I JUST -- I
6 DON'T KNOW AND SO IF SOMETHING THAT YOU INTRODUCE IS
7 SUPPORTIVE OF THEIR CASE, OBVIOUSLY, THEY'RE NOT GOING
8 TO OBJECT DO YOU UNDERSTAND THAT?

9 MR ALKEBULANYAHH RIGHT

10 THE COURT ALL RIGHT YES SIR

11 MR MURDAUGH YOUR HONOR, PLEASE YOU SAID
12 SOMETHING THAT GIVES ME SOME CONCERN A MOMENT AGO ABOUT
13 NOT QUESTIONING JEFF PURDY I LISTENED TO YOUR
14 QUESTIONS OF HIM, SIR AND I WAS COMPLETELY SATISFIED
15 AFTER LISTENING TO HIM AND COULD HAVE ONLY ASKED THE
16 SAME THING OVER

17 THE COURT YES, SIR I ASKED THOSE QUESTIONS
18 AFTER EVERYONE SAID THEY DID NOT HAVE ANY QUESTIONS

19 MR MURDAUGH THAT WAS ---

20 THE COURT I MEAN, IF THAT'S A MIS ---

21 MR MURDAUGH YOU PROBABLY ARE CORRECT SIR

22 THE COURT I DON'T -- IF I MIS-PERCEIVED THAT ---

23 MR MURDAUGH IT MAKES NO DIFFERENCE

24 THE COURT --- IT REALLY DOESN'T MAKE ANY
25 DIFFERENCE I JUST WANTED TO MAKE THAT STATEMENT A

STATE VS ALKEBULANYAHH

1 NEUTRAL WAY AS TO BOTH SIDES I'M NOT TRYING TO
2 CRITICIZE ONE SIDE OR THE OTHER I JUST DON'T WANT --
3 I DIDN'T WANT MY RULING TO SOUND LIKE IT WAS DIRECTED
4 TO ONE PARTICULAR SIDE

5 MR MURDAUGH I UNDERSTAND, SIR

6 THE COURT NOW, AT THIS POINT, AGAIN, I REALLY
7 DON'T KNOW WHAT THE RELIEF IS THAT YOU ARE REQUESTING
8 I WANTED TO PUT -- THE REASON I'M HAVING THIS
9 CONVERSATION, MR ALKEBULANYAHH, IS I NEEDED TO PUT IT
10 ON THE RECORD BECAUSE YOU DID IT AT SIDE BAR SO I
11 HAVE TO BE ABLE TO PRESERVE ALL OF YOUR MOTIONS FOR THE
12 RECORD, JUST SO YOU HAVE A RIGHT TO HAVE THEM REVIEWED
13 AT SOME POINT DOWN THE LINE, BECAUSE I CERTAINLY DON'T
14 WANT TO INTERFERE WITH THAT

15 MR ALKEBULANYAHH YES, SIR

16 THE COURT I NOTIFIED YOU ALL BOTH ABOUT THAT
17 QUESTION FROM THE JURY I DON'T KNOW IF YOU BOTH ARE
18 PLANNING TO DEAL WITH THAT OR NOT

19 MR MURDAUGH AT SOME POINT BEFORE IT'S OVER, I
20 WILL ADDRESS IT, SIR

21 THE COURT AND YOU'RE AWARE OF THAT QUESTION TOO?

22 MR ALKEBULANYAHH WHICH QUESTION?

23 THE COURT WHO IS NZURI?

24 MR ALKEBULANYAHH YES, SIR

25 THE COURT THE WAY I GATHERED FROM SIDE BAR, WE

STATE VS ALKEBULANYAHH

1 GOT A NOTE FROM THE JURY, ONE OR BOTH OF YOU WOULD DEAL
2 WITH THAT IN QUESTIONS
3 MR ALKEBULANYAHH OKAY
4 THE COURT IS THAT CORRECT?
5 MR ALKEBULANYAHH YES, SIR
6 THE COURT IS THAT CORRECT?
7 MR MURDAUGH YES, SIR
8 THE COURT ALL RIGHT
9 MR MURDAUGH IF YOUR HONOR, PLEASE
10 THE COURT YES, SIR
11 MR MURDAUGH IN REGARD TO THE MOTION THAT HE
12 MADE, I MADE SOME STATEMENTS TO YOU AT SIDE BAR AND I
13 NEED TO TELL YOU ---
14 THE COURT YES, SIR
15 MR MURDAUGH --- ON THE RECORD THAT AS AN
16 OFFICER OF THE COURT, I HAVE RECEIVED NO STATEMENT
17 WRITTEN STATEMENT FROM BRYAN CARMON (SIC) NOR HAVE I
18 RECEIVED ANYTHING BEARING HIS SIGNATURE
19 THE COURT ALL RIGHT, SIR
20 MR MURDAUGH IN INVESTIGATION -- I STATE TO THE
21 COURT THAT I HAVE TURNED OVER TO MR -- TO THE
22 DEFENDANT EVERYTHING THAT I HAD RELATING TO THAT
23 INCIDENT AND EVERYTHING ELSE, SIR
24 THE COURT YES, SIR AND THE OFFICER, I BELIEVE,
25 TESTIFIED IN CAMERA THAT HE HAD NOTHING ELSE AT THIS

STATE VS ALKEBULANYAHH

1 POINT, IS THAT CORRECT?

2 MR MURDAUGH THAT IS CORRECT, SIR

3 THE COURT ALL RIGHT

4 THAT WILL BE COURT'S EXHIBIT 1

5 MR MURDAUGH I SAID BRYAN CARMON IT'S BRYAN

6 NAGEL I'M SORRY

7 THE COURT MR NAGEL, YES NOW, IS THAT THE FULL
8 THING THAT WAS MARKED AS AN EXHIBIT, COURT'S EXHIBIT
9 FOR NOW, 2 PAGES?

10 MR MURDAUGH THAT IS CORRECT, SIR

11 (SUPPLEMENTARY REPORT, SERGEANT PURDY, 2 PAGES,
12 MARKED FOR IDENTIFICATION AS COURT'S EXHIBIT NO 1)

13 MR MURDAUGH MAY WE GET A COPY OF THAT BACK FROM
14 THE CLERK AFTER WE ADJOURN?

15 THE COURT YES, SIR

16 BRING THE JURY IN PLEASE

17 MR MURDAUGH WE'RE QUITTING AT 2 30, SIR?

18 THE COURT YES SIR I PLANNED TO STOP AT 3 00

19 I ASKED MR ALKEBULANYAHH HE SAID HE'D RATHER

20 CONTINUE YESTERDAY

21 MR MURDAUGH I UNDERSTAND

22 THE COURT I'M TRYING TO BE CONSISTENT WITH THE
23 DAYS

24 (THE JURY RETURNS TO THE COURTROOM AT 1 43 P M)

25 THE COURT THANK YOU PLEASE BE SEATED

STATE VS ALKEBULANYAHH

1 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
2 PROCEED AT THIS POINT WE WON'T BE RUNNING MUCH LONGER
3 TODAY GO AHEAD

4 MR MURDAUGH BILL GREEN

5 WILLIAM GREEN, BEING FIRST
6 DULY SWORN, TESTIFIED AS FOLLOWS

7 DIRECT EXAMINATION BY MR. MURDAUGH.

8 Q YOUR FULL NAME PLEASE?

9 A WILLIAM DAVEY -- IT'S D-A-V-E-Y -- GREEN,
10 G-R-E-E-N

11 Q MR GREEN, ARE YOU EMPLOYED BY THE SHERIFF'S
12 DEPARTMENT NOW?

13 A NO, SIR I'M RETIRED

14 Q MAY I ASK WHEN YOU RETIRED?

15 A 2 OCTOBER SIR

16 Q OKAY, SIR THE 2ND OF OCTOBER WERE YOU EMPLOYED
17 BY THE SHERIFF'S DEPARTMENT PRIOR TO OCTOBER 2?

18 A YES, SIR, I WAS A CIVIL SERGEANT WITH THE
19 SHERIFF'S DEPARTMENT

20 Q OKAY, SIR I ASK YOU, MR GREEN, WHETHER OR NOT
21 ON THE AFTERNOON OF JANUARY 8, 2002 YOU HAD AN OCCASION
22 TO BE INVOLVED IN THE INVESTIGATION INTO THE DEATHS OF
23 COURSEN AND TATE?

24 A YES, SIR, I DID

25 Q OKAY, SIR AT SOME POINT IN TIME DID A PERSON

STATE VS ALKEBULANYAHH

1 COME UP TO YOU AND GIVE YOU CERTAIN INFORMATION?

2 A I BELIEVE HE WAS A MARINE

3 Q OKAY, SIR AND WHAT WAS HIS NAME?

4 A MATTHEW COR -- I DON'T REMEMBER

5 Q WAS IT CARMON?

6 A CARMON, SIR

7 Q OKAY, SIR MR GREEN, AS A RESULT OF THE

8 INFORMATION YOU RECEIVED FROM MATTHEW CARMON, DID YOU

9 HAVE AN OCCASION TO DO ANYTHING?

10 A YES, SIR, I DID

11 Q AND WHAT DID YOU DO AND WHO WAS WITH YOU WHEN YOU

12 DID IT?

13 A ABOUT THAT TIME WE MOVED TO A LOCATION ON JOE

14 FRAZIER ROAD THERE'S A BRIDGE THERE WHERE MYSELF,

15 COLONEL BROWN AND KAREN DENHAM, AND I MADE AN

16 APPREHENSION OF AN INDIVIDUAL

17 Q OKAY, SIR TELL THE JURY IN YOUR OWN WORDS

18 EXACTLY WHAT HAPPENED?

19 A ON THAT AFTERNOON WE WERE TO -- COME FROM MY

20 RESIDENCE I'D BEEN OFF THAT DAY I'D BEEN AT THE

21 HOSPITAL WHEN I GOT DOWN TO AN AREA ON JOE FRAZIER,

22 THE COMMAND POST, TO TURN AROUND AND GO TO THE BRIDGE

23 I MET A MARINE I DIDN'T KNOW WHO HE WAS AT THE TIME,

24 BY THE NAME OF CARMON HE TOLD ME THAT HE SAW AN

25 INDIVIDUAL IN THE MARSH IN THE MUD BY THE BRIDGE

1 MYSELF, COLONEL BROWN, AND DENHAM -- HAD GONE DOWN
 2 TO THAT AREA I WAS THE FIRST ONE TO COME IN CONTACT
 3 WITH THE DEFENDANT HE WAS HIDING UNDER THE BRIDGE
 4 Q OKAY, SIR
 5 A I ORDERED HIM OUT AT GUNPOINT
 6 Q OKAY, SIR AND DID HE COME OUT?
 7 A AFTER HE SHOWED ME HIS HANDS, HE CAME OUT FROM
 8 UNDER THE BRIDGE HE WAS COVERED WITH MUD I GOT HIM
 9 OUT COLONEL BROWN HAD COVERED HIM
 10 Q BY COVERED, YOU MEAN?
 11 A WITH HIS WEAPON
 12 Q OKAY, SIR
 13 A I PLACED HANDCUFFS ON HIM WHO THE HANDCUFFS
 14 BELONGED TO DENHAM WE MOVED HIM FROM THE BRIDGE UP TO
 15 THE EDGE OF THE ROAD
 16 Q OKAY, SIR WHEN HE WAS MOVED UP ON THE ROAD, WAS
 17 ANYTHING TAKEN OFF OF HIM?
 18 A HE HAD A BLACK BAG WRAPPED AROUND HIS WAIST AND
 19 IT WAS CUT OFF AT A LATER TIME
 20 Q OKAY, SIR WHO WAS THAT THAT CUT IT OFF?
 21 A I BELIEVE IT WAS A CITY OFFICER, ROGER KARR
 22 Q OKAY, SIR I SHOW YOU AN ITEM AND ASK YOU IF YOU
 23 CAN IDENTIFY THIS?
 24 A IT LOOKS LIKE THE ONE THAT WAS TAKEN OFF HIM, SIR
 25 I BELIEVE

1 Q I'M SORRY I DIDN'T HEAR YOU

2 A IT LOOKS LIKE THE ONE THAT WAS TAKEN OFF HIM

3 Q OKAY, SIR

4 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
5 THIS AS AN EXHIBIT

6 THE COURT ANY OBJECTION?

7 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

8 THE COURT ALL RIGHT STATE'S 13 IN EVIDENCE
9 WITHOUT OBJECTION

10 (BLACK FANNY PACK MARKED IN EVIDENCE AS STATE'S
11 EXHIBIT NO 13)

12 Q SERGEANT GREEN, WHEN IT WAS CUT OFF OF THE
13 DEFENDANT, DID YOU SEE ANYBODY RETRIEVE IT?

14 A YES, SIR ALMOST IMMEDIATELY DETECTIVE AVERILL
15 AND JEFF PURDY WERE AT THE LOCATION THERE WERE
16 SEVERAL OTHER DEPUTIES STANDING AROUND, BUT IT WAS
17 ALMOST IMMEDIATELY HANDED TO DETECTIVE AVERILL AND
18 WHAT COLONEL BROWN HAD MENTIONED WAS HE WANTED THE
19 CHAIN OF CUSTODY KEPT TO A MINIMUM

20 Q OKAY, SIR

21 MR ALKEBULANYAHH EXCUSE ME I WOULD LIKE TO
22 WITHDRAW MY OBJECTION I WOULD LIKE TO OBJECT

23 THE COURT APPROACH THE SIDE BAR

24 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
25 OUT OF THE HEARING OF THE JURY)

STATE VS ALKEBULANYAHH

1 THE COURT THAT WAS STATE'S?

2 MR MURDAUGH 13

3 THE COURT 13 LET THE RECORD REFLECT THAT THAT
4 WAS MADE WITH AN OBJECTION BY THE DEFENDANT THE
5 OBJECTION IS OVERRULED ALL RIGHT

6 Q MR GREEN, CAN YOU TELL THE LADIES AND GENTLEMEN
7 ON THE JURY WHO THE PERSON WAS THAT YOU APPREHENDED
8 UNDER THAT BRIDGE?

9 A IT WOULD BE THE DEFENDANT AT THE TIME HE WAS
10 KNOWN AS TYREE ROBERTS, THE GENTLEMAN WITH DREDLOCKS

11 Q THE ONE THAT JUST SAT DOWN?

12 A YES, SIR, IN THE WHITE SHIRT

13 Q OKAY SIR NOW MR GREEN, CAN YOU TELL THE
14 LADIES AND GENTLEMEN ON THE JURY WHAT HIS CONDITION WAS
15 AT THE TIME HE WAS ARRESTED -- APPREHENDED?

16 A HE WAS APPREHENDED HE WAS -- HAD BEEN HIDING,
17 AND HE WAS UP IN THE -- WHAT I CALL THE CROOK OF THE
18 BRIDGE HE WAS HIDING AGAINST THE CEMENT PILLAR,
19 TRYING TO HIDE FROM US HE WAS COVERED WITH MUD HE
20 HAD SOME BLOOD ON HIM HE CAME OUT FROM UNDER THE
21 BRIDGE HE DID EXACTLY WHAT I TOLD HIM TO DO

22 I TOLD HIM I WANTED TO SEE HIS HANDS, TO MAKE SURE
23 THAT FOR OFFICER SAFETY HE DID NOT HAVE A WEAPON WITH
24 HIM

25 HE SHOWED HIS HANDS HE CAME OUT HE WAS SORT OF

STATE VS ALKEBULANYAHH

1 -- I GUESS WHIMPING AND CRYING SORT OF LIKE, AND HE
2 CAME OUT FROM UNDER THE BRIDGE WITH HIS HANDS IN FRONT
3 OF HIM I HAD HIM LAY DOWN AS HE CRAWLED OUT I JUST
4 REACHED OVER AND GRABBED HIS HANDS AND BROUGHT THEM UP
5 BEHIND HIM THEN I TOOK DENHAM'S HANDCUFFS AND I
6 PLACED THEM ON HIM

7 Q DID YOU DETERMINE WHETHER OR NOT HE HAD SUFFERED
8 ANY INJURY?

9 A HE SAID HE ---

10 Q NO NO DID YOU OBSERVE ANY INJURY ---

11 A NO SIR

12 Q --- TO HIM?

13 A NO, SIR

14 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 10 AND
15 ASK YOU IF YOU RECOGNIZE THIS?

16 A YES, SIR, THAT'S A PHOTO OVERLAY OF AN AREA OFF
17 BROAD RIVER ROAD -- OR BROAD RIVER BOULEVARD, SIR, AND
18 JOE FRAZIER

19 Q DO YOU SEE ON THAT MAP THE LOCATION WHERE HE WAS
20 WHEN YOU ARRESTED HIM?

21 A YES, SIR, IT'S THE BRIDGE

22 Q OKAY, SIR WOULD YOU PLEASE TAKE THIS GREEN
23 STICKER AND PUT IT AT -- DON'T PUT IT ACROSS -- PUT IT
24 OVER TO THE SIDE OF THE BRIDGE IF YOU WILL

25 A (COMPLIED)

STATE VS ALKEBULANYAHH

1 Q AND WILL YOU PUT YOUR INITIALS ON THAT STICKER?

2 A (COMPLIED)

3 MR MURDAUGH MAY I?

4 Q COME DOWN HERE PLEASE, MR GREEN

5 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

6 Q AND IF YOU WILL, PLEASE DON'T STAND IN FRONT OF

7 ANY OF THE JURORS CAN YOU INDICATE TO ME THE LOCATION

8 WHERE YOU ARRESTED HIM -- WHERE YOU APPREHENDED HIM?

9 A IT WOULD BE RIGHT HERE ON THE BRIDGE RIGHT

10 UNDERNEATH THE BRIDGE RIGHT HERE

11 Q OKAY SIR THAT STICKER IS A LITTLE BIT TO THE

12 RIGHT-HAND SIDE ---

13 A YES, SIR

14 Q --- OF THE BRIDGE?

15 A YES SIR

16 Q OKAY THANK YOU SIR YOU MAY GO BACK

17 (THE WITNESS RETURNS TO THE WITNESS STAND)

18 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

19 ANSWER ANY QUESTIONS HE MAY HAVE

20 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

21 Q MR GREEN, ARE YOU THE OFFICER THAT ARREST MR

22 ABDIYYAH BEN ALKEBULANYAHH ON JANUARY 8, 2002?

23 A I'M NOT THE ARRESTING OFFICER I WAS THE

24 APPREHENDING OFFICER AND I APPREHENDED -- AT THE TIME

25 IT WAS ---

1 Q EXCUSE ME, SIR
2 THE COURT RESTATE YOUR QUESTION PLEASE
3 MR ALKEBULANYAHH YES, SIR
4 Q ARE YOU THE OFFICER THAT ARRESTED MR ABDIYYAH BEN
5 ALKEBULANYAHH ON JANUARY 8, 2002?
6 A NO, SIR, I'M NOT THE OFFICER THAT ARRESTED YOU
7 I'M THE OFFICER THAT APPREHENDED ---
8 Q EXCUSE ME ---
9 A --- YOU
10 Q --- SIR
11 THE COURT HE JUST ASKED IF YOU WERE THE
12 ARRESTING OFFICER, SIR YES OR NO?
13 A NO
14 Q THANK YOU, SIR
15 THE COURT GO AHEAD
16 Q WAS YOU THE FIRST OFFICER TO COME IN CONTACT WITH
17 MR ABDIYYAH BEN ALKEBULANYAHH ON JANUARY 8 2002?
18 A YES
19 Q WAS THERE ANY OTHER OFFICERS WITH YOU WHEN YOU
20 MADE FIRST CONTACT WITH MR ALKEBULANYAHH?
21 A I BELIEVE KAREN DENHAM WAS BEHIND ME, AND COLONEL
22 BROWN WAS ALSO THERE
23 Q WHEN YOU APPROACHED MR ALKEBULANYAHH, DID YOU
24 NOTICE WHETHER OR NOT MR ALKEBULANYAHH POSSESSED A
25 WEAPON?

STATE VS ALKEBULANYAHH

1 A NO, SIR, I DID NOT SEE A WEAPON AT THAT TIME
 2 Q WAS YOU THE OFFICER THAT PUT HANDCUFFS ON MR
 3 ALKEBULANYAHH?
 4 A YES, SIR
 5 Q WHEN YOU PUT HANDCUFFS ON MR ALKEBULANYAHH, DID
 6 YOU READ HIM HIS MIRANDA RIGHTS?
 7 A NO SIR, I DIDN'T
 8 Q MR GREEN, DID YOU WRITE A INCIDENT REPORT IN
 9 REFERENCE TO WHAT YOU DID ON THAT DAY?
 10 A NO, I DIDN'T
 11 Q IS THERE ANY DOCUMENT AFFILIATED WITH YOU THAT
 12 WOULD SUPPORT YOU BEING AT THE JOE FRAZIER ROAD
 13 APPREHENDING MR ALKEBULANYAHH?
 14 A I BELIEVE EVERYTHING THAT IS IN COLONEL BROWN'S
 15 REPORT REFLECTS EVERYTHING THAT I DID THAT AFTERNOON
 16 AND I BELIEVE THERE IS TAPES WOULD INDICATE WHERE I WAS
 17 AT THAT TIME
 18 Q DID YOU YOURSELF SUBMIT ANY REPORT, WRITE ANY
 19 DOCUMENT, OR SUBMIT ANYTHING TO THE INVESTIGATORS ABOUT
 20 WHAT YOU DID ON THAT DAY, ON JANUARY 8, 2002?
 21 A NO, SIR, I DID NOT
 22 Q COULD YOU TELL THE COURT WHY YOU DIDN'T WRITE AN
 23 INCIDENT REPORT OR A REPORT OF WHAT YOU DID ON THAT
 24 DAY?
 25 A I ASKED MY SUPERVISOR, AND HE TOLD ME I DIDN'T

1 NEED TO DO ONE BECAUSE EVERYTHING WOULD BE COVERED IN
2 THE REPORT

3 Q AND WHICH SUPERVISOR TOLD YOU NOT TO WRITE A
4 REPORT OF WHAT YOU DID THAT DAY?

5 A IT WOULD HAVE BEEN COLONEL BROWN EVERYTHING WAS
6 COVERED IN HIS REPORT

7 Q HAVE YOU EVER MADE THE STATEMENT THAT SHERIFF
8 TANNER TOLD YOU NOT -- THAT YOU DID NOT HAVE TO WRITE A
9 REPORT AND NOT TO WRITE A REPORT?

10 A SHERIFF TANNER WAS NOT AT THE LOCATION AT THE
11 TIME

12 Q HAVE YOU EVER UNDER OATH STATED THAT SHERIFF
13 TANNER TOLD YOU NOT TO WRITE A REPORT?

14 A NO, SIR

15 Q HAVE YOU EVER STATED UNDER OATH THAT SHERIFF
16 TANNER STATE TO YOU THAT YOU DID NOT HAVE TO WRITE A
17 REPORT?

18 A THE SHERIFF NEVER TOLD ME THAT

19 Q DID YOU EVER STATE UNDER OATH THAT SHERIFF TANNER
20 TOLD YOU YOU DID NOT HAVE TO WRITE A REPORT?

21 THE COURT YOU'VE ALREADY ASKED THAT QUESTION,
22 SIR

23 MR ALKEBULANYAHH YOUR HONOR, HE HAS NOT
24 ANSWERED

25 THE COURT YES, HE ANSWERED THAT QUESTION

1 MR ALKEBULANYAHH NO, SIR, HE HAS NOT ANSWERED
2 THAT QUESTION
3 THE COURT YES, HE ANSWERED THAT QUESTION
4 MR ALKEBULANYAHH YOUR HONOR, IF I MAY, I THINK
5 HE SAYS THAT ---
6 THE COURT DID YOU ANSWER THAT QUESTION?
7 MR ALKEBULANYAHH --- THE SHERIFF ---
8 THE COURT GO AHEAD AND ANSWER THAT QUESTION?
9 WITNESS YES SIR, I DID ANSWER HIS QUESTION
10 THE COURT GO AHEAD AND ANSWER IT
11 A SHERIFF TANNER NEVER TOLD ME TO -- THAT I DIDN'T
12 HAVE TO WRITE A STATEMENT
13 THE COURT THAT WAS HIS PREVIOUS ANSWER GO
14 AHEAD
15 Q MR GREEN ---
16 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?
17 THE COURT YES, SIR
18 MR MURDAUGH MAY I SEE WHAT YOU'RE TALKING
19 ABOUT, SIR?
20 (PAUSE)
21 Q ARE YOU FAMILIAR WITH THIS DOCUMENT, MR GREEN?
22 A THAT'S AN AGENCY BOOKING REPORT
23 MR ALKEBULANYAHH YOUR HONOR I WOULD LIKE TO
24 ENTER THIS INTO EVIDENCE
25 MR MURDAUGH OBJECTION, SIR NO, SIR I

STATE VS ALKEBULANYAHH

1 OBJECT

2 THE COURT ALL RIGHT LET ME SEE IT

3 (PAUSE)

4 THE COURT WHAT'S THE NATURE OF YOUR OBJECTION?

5 MR MURDAUGH THE NATURE OF THE OBJECTION IT HAS
6 NO RELEVANCE AND THIS IS A BOOKING REPORT BY THE JAIL
7 THAT HAS NOTHING TO DO WITH THIS OFFICER

8 THE COURT I SUSTAIN THAT OBJECTION

9 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE
10 TO MAKE REFERENCE FOR THE REPORT THAT THIS BOOKING
11 REPORT ---

12 MR MURDAUGH YOUR HONOR, PLEASE ---

13 MR ALKEBULANYAHH IT'S BY MR GREEN

14 MR MURDAUGH THAT ABSOLUTELY ---

15 MR ALKEBULANYAHH IT HAS HIS NAME ON IT

16 MR MURDAUGH --- ISN'T PROPER, SIR

17 THE COURT DO THAT AT SOME OTHER POINT MOVE ON

18 Q MR GREEN, THE BOOKING REPORT THAT I JUST SHOWN
19 YOU, DID YOU SEE YOUR NAME ON IT?

20 MR MURDAUGH YOUR HONOR PLEASE THIS IS A
21 DOCUMENT -- I OBJECT, SIR

22 THE COURT I'VE ALREADY ---

23 MR MURDAUGH THIS IS A DOCUMENT PREPARED BY
24 ANOTHER GROUP OF PEOPLE AND HE KNOWS THIS ISN'T ---

25 MR ALKEBULANYAHH THAT'S A LIE

STATE VS ALKEBULANYAHH

1 THE COURT HOLD ON A SECOND I'VE ALREADY RULED
2 ON THE OBJECTION THAT IT'S NOT ADMISSIBLE AT THIS POINT
3 THROUGH THIS WITNESS YOU'LL HAVE TO MOVE ON, MR
4 ALKEBULANYAHH

5 (PAUSE)

6 Q MR GREEN, THE PARTICULAR FANNY PACK -- BLACK PACK
7 IN REFERENCE TO WHAT THE PROSECUTOR JUST SHOWED YOU,
8 DIDN'T YOU PLACE THAT FANNY PACK ON THE SCENE WHERE YOU
9 DETAINED MR ALKEBULANYAHH?

10 A NO

11 Q MR GREEN, DID YOU OBSERVE ANY OFFICER READ MR
12 ALKEBULANYAHH HIS MIRANDA RIGHTS?

13 A NO

14 Q MR GREEN, WHERE WAS THE LOCATION OF THE INJURIES
15 THAT YOU SAW MR ALKEBULANYAHH WITH?

16 A I BELIEVE YOU STATED YOU HAD A SHOULDER AND A HIP
17 WOUND

18 Q DID YOU SEE A SHOULDER AND A HEAD WOUND?

19 A NOT A HEAD WOUND, A HIP WOUND

20 Q HIP DID YOU SEE A SHOULDER AND HIP WOUND?

21 A YOU TOLD ME THAT YOU HAD ONE

22 Q DID YOU SEE A SHOULDER OR A HIP WOUND, MR GREEN?

23 A NO

24 Q MR GREEN, DID YOU USE ANY PROFANITY TOWARD MR
25 ALKEBULANYAHH AT THE TIME OF HIS APPREHENSION?

1 A TO THE BEST OF MY KNOWLEDGE, YES, I DID

2 Q COULD YOU STATE TO THE COURT THE TYPE OF PROFANITY

3 THAT YOU USED TOWARD MR ALKEBULANYAHH?

4 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS NOT

5 PROPER IN THIS CASE

6 THE COURT I SUSTAIN THAT OBJECTION IF YOU WANT

7 TO ASK HIM IF HE USED IT, THAT'S FINE

8 Q MR GREEN, YOUR CONDUCT WAS NOT PROFESSIONAL AND

9 ACCORDING TO LAW ENFORCEMENT OFFICIAL -- WOULD YOU

10 AGREE WITH THAT?

11 A NO I WOULDN'T

12 Q IS IT LAW ENFORCEMENT OFFICIALS (SIC) TO USE

13 PROFANITY AND TO ASSAULT A INDIVIDUAL ONCE YOU

14 APPREHEND THEM?

15 A REPEAT THE QUESTION PLEASE?

16 Q IS IT PROFESSIONAL FOR A LAW ENFORCEMENT OFFICIAL

17 TO APPREHEND A MAN PUT HIM IN HANDCUFFS AND USE

18 PROFANITY AGAINST HIM, AND ASSAULT HIM AFTER HE'S BEEN

19 APPREHENDED?

20 A I DON'T THINK THAT EVER HAPPENED

21 Q YOU DON'T THINK IT HAPPENED, IS THAT CORRECT?

22 A I KNOW IT DIDN'T HAPPEN

23 Q DIDN'T YOU ASSAULT?

24 A NO, SIR, I DID NOT

25 Q DIDN'T YOU USE PROFANITY?

1 A YES, I DID

2 Q DID YOU OBSERVE ANY OTHER OFFICER WHILE
3 APPREHENDING THE ALLEGE SUSPECT ASSAULT AND USE
4 PROFANITY AGAINST THE DEFENDANT?

5 A TO THE BEST OF MY KNOWLEDGE, NO, SIR

6 Q MR GREEN, DID YOU TAKE CLASSES IN WRITING REPORTS
7 AS A POLICE OFFICER?

8 A YES, SIR, I TOOK THEM AT THE ACADEMY I TOOK THEM
9 WHILE I WAS ON THE ROAD

10 Q WAS YOU EVER INSTRUCTED ABOUT THE PROPER PROCEDURE
11 FOR WRITING REPORTS?

12 A THE WHO, WHAT, WHEN, WHERE, AND WHY

13 Q AND THAT WHAT YOU LEARNED, WHO, WHAT, WHEN, WHERE,
14 AND WHY -- DID YOU EXERCISE THAT AFTER YOU APPREHENDED
15 MR ALKEBULANYAHH?

16 A NO, SIR, I DID NOT

17 Q SO, THEREFORE, WILL YOU AGREE THAT WHAT YOU
18 LEARNED AT THE ACADEMY ABOUT REPORTS THAT YOU WAS
19 UNPROFESSIONAL IN CARRYING OUT YOUR LAW ENFORCEMENT
20 OBLIGATION?

21 A NO SIR

22 Q SO IS IT THE COMMON PRACTICE OF ALL LAW
23 ENFORCEMENT OFFICIALS NOT TO WRITE A REPORT WHENEVER
24 THEY ARE DETAINING A SUSPECT?

25 MR MURDAUGH YOUR HONOR, PLEASE, THERE'S NO WAY

1 HE CAN TESTIFY ABOUT WHAT ALL OFFICERS DO AND THE
2 WHOLE LINE OF QUESTIONING IS IMPROPER

3 THE COURT I SUSTAIN THAT OBJECTION

4 MR MURDAUGH I'M GIVING HIM LEEWAY, BUT I
5 OBJECT

6 THE COURT I UNDERSTAND I SUSTAIN THE
7 OBJECTION

8 Q MR GREEN, DID YOU RIDE IN THE AMBULANCE WITH MR
9 ALKEBULANYAHH TO THE HOSPITAL?

10 A NO SIR, I DID NOT

11 Q DID YOU OBSERVE WHO DID?

12 A SIR, I HAVE NO KNOWLEDGE OF THAT

13 Q MR GREEN, YOU STATED THAT MR -- MS DEHAN
14 (PHONETIC) -- DEPUTY DEHAN, IS THAT CORRECT -- DID SHE
15 OBSERVE YOU WHEN YOU FIRST ENCOUNTERED MR
16 ALKEBULANYAHH?

17 A I BELIEVE SHE WAS ALMOST STANDING DIRECTLY BEHIND
18 ME

19 Q BEHIND YOU DIRECTLY BEHIND YOU, IS THAT CORRECT?

20 A SOMEWHERE BEHIND ME I DIDN'T LOOK BEHIND ME,
21 BECAUSE I WAS TRYING TO WATCH YOU

22 Q WAS IT YOUR CUFFS OR THE CUFFS OF A FELLOW OFFICER
23 THAT YOU USE ---

24 MR MURDAUGH ASKED AND ANSWERED

25 Q --- TO HANDCUFF ---

1 THE COURT I SUSTAIN THAT OBJECTION YOU'VE
2 ASKED THAT QUESTION
3 MR ALKEBULANYAHH SIR?
4 THE COURT MOVE ON
5 Q MR GREEN, HOW MANY OTHER OFFICERS WAS PRESENT
6 WHEN MR ALKEBULANYAHH WAS LYING IN THE ROAD?
7 MR MURDAUGH YOUR HONOR -- EXCUSE ME
8 THE COURT I'LL ALLOW IT GO AHEAD
9 A JUST TAKING A BALLPARK FIGURE, PROBABLY ENDED UP
10 WITH ABOUT 25 POSSIBLY EVEN MORE, SIR
11 Q MR GREEN, HOW MANY OTHER SUSPECTS IN THE PAST
12 HAVE YOU BEEN INVOLVED WITH THAT YOU PLANTED EVIDENCE
13 ON?
14 A NONE THAT I KNOW OF, SIR
15 Q NONE THAT YOU KNOW OF?
16 A NEVER HAVE AND NEVER WILL
17 Q HAVE YOU EVER WROTE UP ANOTHER FELLOW POLICE
18 OFFICER?
19 A NEVER NEEDED TO
20 Q SO NEVER IN YOUR LIFE HAVE YOU SEEN ANOTHER
21 OFFICER IN BAD CONDUCT?
22 A TO THE BEST OF MY KNOWLEDGE, NO, SIR
23 Q MR GREEN, IS IT THE REASON THAT YOU DIDN'T WRITE
24 UP A REPORT IS BECAUSE YOU CAN'T READ AND WRITE?
25 A THAT'S NOT CORRECT

1 Q IS IT THE REASON YOU DIDN'T WRITE UP A REPORT
2 BECAUSE YOU WANTED TO HIDE YOUR ACTION ON THAT DAY OF
3 JANUARY 8, 2002?

4 A NO, SIR

5 Q DIDN'T YOU THINK IT WAS IMPORTANT THAT YOUR
6 SUPERIORS OR THE INVESTIGATORS KNOW WHAT YOUR ACTION
7 WAS EXACTLY ON THE DAY OF JANUARY 8, 2002 WHEN YOU
8 DETAINED MR ALKEBULANYAHH?

9 A THEY WERE THERE FAST ENOUGH TO SEE WHAT WAS GOING
10 ON

11 Q BUT THEY WAS NOT THERE WHEN YOU MADE THE INITIAL
12 CONTACT?

13 A NO, THEY WEREN'T BUT IT'S COVERED IN ALL THE
14 REPORTS

15 Q WAS THEY THERE FAST ENOUGH TO SEE YOU KICK MR
16 ALKEBULANYAHH IN HIS FACE?

17 A IF THAT INCIDENT HAPPENED IT MUST HAVE BEEN TYREE
18 ROBERTS

19 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
20 QUESTIONS

21 REDIRECT EXAMINATION BY MR. MURDAUGH.

22 Q DID YOU KICK TYREE ROBERTS OR THIS FELLOW HERE IN
23 THE FACE?

24 A NO, SIR, I DID NOT

25 Q OKAY, SIR WAS YOUR SUPERVISOR, DAVE BROWN, ON

STATE VS ALKEBULANYAHH

1 THE OTHER SIDE OF THE BRIDGE AT THE TIME YOU PULLED HIM
2 OUT FROM UNDER THE BRIDGE?

3 A ALMOST AT THE SAME TIME THAT WE GOT HIM OUT FROM
4 UNDER THE BRIDGE, COLONEL BROWN WAS STANDING ABOVE US,
5 LOOKING DOWN, WATCHING EVERYTHING THAT WE DID

6 MR MURDAUGH THANK YOU, SIR I HAVE NO FURTHER
7 QUESTIONS

8 THE COURT ANYTHING ELSE?

9 MR ALKEBULANYAHH COULD I HAVE ONE MINUTE, SIR?

10 THE COURT YES, SIR

11 (PAUSE)

12 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
13 RESERVE THE RIGHT TO CALL BACK MR GREEN

14 THE COURT ALL RIGHT

15 MR ALKEBULANYAHH AND I ---

16 THE COURT YOU MAY STEP DOWN, SIR YOU ARE
17 SUBJECT TO RECALL THANK YOU

18 (THE WITNESS LEAVES THE WITNESS STAND)

19 MR MURDAUGH CALL DAVE BROWN

20 MR ALKEBULANYAHH AND I FURTHER WOULD LIKE TO
21 MAKE A MOTION TO THE COURT COULD I?

22 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
23 OUT OF THE HEARING OF THE JURY)

24 MR MURDAUGH DAVE BROWN

25 THE COURT MR ALKEBULANYAHH

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
2 THE COURT YOU'LL HAVE THE OPPORTUNITY TO ASK
3 ABOUT THAT

4 DAVID BROWN, BEING FIRST
5 DULY SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY MR MURDAUGH.

7 Q YOUR NAME IS?

8 A DAVID BROWN

9 Q MR BROWN, ARE YOU EMPLOYED BY THE BEAUFORT COUNTY
10 SHERIFF'S DEPARTMENT AND ARE YOU A COLONEL WITH THEM?

11 A YES, SIR

12 Q ARE YOU THE THIRD RANKING PERSON IN THE SHERIFF'S
13 OFFICE?

14 A YES SIR

15 Q BEHIND SHERIFF TANNER AND MIKE HATFIELD?

16 A YES SIR

17 Q OKAY, SIR I ASK YOU WHETHER OR NOT YOU WERE SO
18 EMPLOYED ON JANUARY 8, 2002?

19 A YES, I WAS

20 Q OKAY, SIR ON THAT DATE WERE YOU INVOLVED IN THE
21 INVESTIGATION INTO THE SHOOTING AND KILLING OF OFFICERS
22 TATE AND COURSEN?

23 A YES, SIR

24 Q OKAY, SIR DID YOU RECEIVE INFORMATION THAT
25 SOMETHING WAS HAPPENING ON THE BROAD RIVER BRIDGE --

STATE VS ALKEBULANYAHH

1 EXCUSE ME, ON THE BRIDGE OVER JOE FRAZIER ROAD?

2 A YES, SIR

3 Q DID YOU GO THERE?

4 A YES, SIR

5 Q AND WHAT WAS YOUR REASON FOR GOING THERE?

6 A AT THE TIME I WAS OUT CHECKING THE PERIMETER OF
7 THE DEPUTIES THAT WAS AROUND THE AREA WHERE THE SUSPECT
8 SUPPOSEDLY HAD BEEN LAST SPOTTED UPON MY ARRIVAL AT
9 THE INTERSECTION, I LOOKED DOWN JOE FRAZIER ROAD AT
10 THAT TIME I NOTICED THE PERIMETER WAS A LITTLE WEAK,
11 AND I WENT DOWN THE ROAD TO ACTUALLY REQUEST ADDITIONAL
12 DEPUTIES TO COME SHORE UP THE PERIMETER

13 AT THAT TIME I WAS APPROACHED BY A YOUNG MAN THAT
14 APPEARED TO BE A MARINE AND STATED THAT HE HAD SEEN
15 SOMEBODY IN THE MARSHY AREA UNDER THE BRIDGE

16 Q OKAY, SIR AND DID YOU GO TO THE BRIDGE?

17 A YES, SIR, I WAS ON THE BRIDGE WHEN I WAS INFORMED
18 OF THIS

19 Q OKAY, SIR WHO ELSE WAS ON THE BRIDGE WITH YOU?

20 A DEPUTY SERGEANT WILL GREEN?

21 Q BILL GREEN?

22 A YES, SIR

23 Q OKAY AND WHAT HAPPENED THEN?

24 A AT THAT POINT IN TIME WE QUICKLY FORMULATED A
25 APPROACH IF YOU'RE FACING JOE FRAZIER ROAD, FACING

1 BACK TO THE CAUTION LIGHT, HE WAS ON THE LEFT SIDE OF
2 THE BRIDGE, AND I WAS ON THE RIGHT SIDE

3 I TOOK MY SERVICE RIFLE OUT OF MY VEHICLE AND I
4 MADE THE APPROACH TO THE LEFT SIDE AS I APPROACHED
5 THE BRIDGE ON THE LEFT SIDE, GETTING READY TO
6 CAUTIOUSLY LOOK UNDER, BILL GREEN INFORMED ME THAT HE
7 HAD SEEN THE SUSPECT ON THE OTHER SIDE OF THE BRIDGE

8 AT THAT TIME I MOVED TO THE OTHER SIDE OF THE
9 BRIDGE TO ACT AS THE COVERING OFFICER FOR HIM

10 Q OKAY, SIR AND DID HE APPREHEND HIM?

11 A YES SIR, WE DID

12 Q AND WAS HE TAKEN UP OFF OF THE -- UNDERNEATH THE
13 BRIDGE ONTO THE ROAD?

14 A YES, SIR, HE WAS TAKEN OUT OF THE MARSH A SHORT
15 DISTANCE, SECURED IN HANDCUFFS AND THEN MOVED UP ALONG
16 THE SIDE OF THE BRIDGE, ALONG SIDE THE ROAD

17 Q OKAY, SIR DURING THAT PERIOD OF TIME FROM THE
18 TIME BILL GREEN TOLD YOU THAT HE SAW SOMEBODY UNDER THE
19 BRIDGE UNTIL HE WAS PUT UP ON THE ROAD, DID YOU SEE
20 ANYBODY KICK HIM IN THE FACE?

21 A NO, SIR, I DIDN'T

22 Q DID BILL GREEN KICK HIM IN THE FACE?

23 A NO, SIR, HE DID NOT

24 Q OKAY SIR I ASK YOU WHETHER OR NOT AT THE TIME
25 YOU HAD HIM UP ON THE ROAD -- AND WHO ARE YOU TALKING

1 ABOUT? WE TALKING ABOUT UNDER THE BRIDGE WHO YOU
2 TALKING ABOUT WAS UNDER THE BRIDGE AND WAS ARRESTED?
3 A THE DEFENDANT SITTING OVER AT THE TABLE
4 Q CAN YOU DESCRIBE HIM FOR ME?
5 A YES, SIR A BLACK MALE APPROXIMATELY 5'6" TO
6 5'8", APPROXIMATELY 165 TO 170 POUNDS, DREDLOCK
7 HAIRSTYLE, SHOULDER LENGTH PARTICULAR NOTICEABLE WAS
8 AT THE TIME HE HAD A WOUND AND THE WOUNDED AREA -- I
9 NOTICED A FADED LOOKING TATOO, TO RESEMBLED SOMETHING
10 LIKE MAYBE THE FADED LINES OF A SUN OR SOMETHING LIKE
11 THAT
12 Q AND THAT WAS WHAT PORTION OF HIS BODY, SIR?
13 A THAT WAS ON THE LEFT SHOULDER AREA
14 Q OKAY, SIR AND YOU POINTED TO YOUR LEFT AND SAID
15 THE DEFENDANT CAN YOU TELL THE LADIES AND GENTLEMEN
16 OF THE JURY WHAT HE'S WEARING TODAY?
17 A YES, SIR THE DEFENDANT IS WEARING DREDLOCK
18 HAIRSTYLE, WHITE SHIRT
19 Q AND IS HE THE FELLOW FACING THE JURY?
20 A YES, SIR, HE IS
21 Q WITHOUT A COAT ON?
22 A WITHOUT A COAT ON
23 Q OKAY, SIR NOW, MR BROWN, WHEN HE WAS PULLED UP
24 ONTO THE ROAD, DID YOU SEE ANYTHING ON OR ABOUT HIS
25 WAIST?

1 A YES, SIR, I DID
2 Q AND WHAT DID YOU SEE, SIR?
3 A IT WAS A BLACK WAIST FANNY PACK
4 Q I SHOW YOU STATE'S EXHIBIT NO 13 -- 13, AND ASK
5 YOU IF YOU CAN IDENTIFY THAT?
6 A YES, SIR, THIS IS THE FANNY PACK ON THE DAY IN
7 QUESTION
8 Q OKAY, SIR AND WAS IT CUT OFF OF HIS BODY BY
9 SOMEBODY?
10 A YES, SIR
11 Q AND WHO WAS THAT?
12 A I DON'T KNOW EXACTLY AT THAT PARTICULAR TIME I
13 KNOW DEPUTY SHERIFF MATT AVERILL AND KAREN DENHAM WAS
14 BOTH IN THE AREA AT THAT TIME I WAS UNLOADING MY
15 RIFLE, BUT I DID SEE THE FANNY PACK COME OFF SEVERAL
16 ROUNDS OF HIGH CALIBER AMMUNITION -- APPROXIMATELY THE
17 SIZE THAT WOULD FIT AN M-14 RIFLE, A CELL PHONE, AND A
18 KNIFE
19 Q OKAY SIR DID MATT AVERILL RECOVER THAT AT THE
20 SCENE AT THE TIME IT WAS CUT OFF?
21 A YES, SIR
22 MR MURDAUGH THANK YOU, SIR ANSWER ANY
23 QUESTIONS HE MAY HAVE
24 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
25 Q MR BROWN

1 A YES, SIR

2 Q ON JANUARY 8, 2002 DID YOU -- DID YOU SO HAPPEN TO
3 GO BY THE ALLEGE CRIME SCENE AT THE 21 RILEY ROAD
4 RESIDENCE?

5 A YES, SIR, I DID

6 Q DO YOU HAVE -- DO YOU KNOW THE TIME THAT YOU
7 ARRIVED THERE?

8 A THIS WAS APPROXIMATELY SOMEWHERE BETWEEN 16 00 AND
9 MAYBE 16 30, SOMEWHERE THEREABOUTS

10 Q DO YOU KNOW APPROXIMATELY WHAT TIME THAT YOU LEFT
11 THERE?

12 A APPROXIMATELY 17 10 TO CHECK THE PERIMETER

13 Q DID YOU HAVE OPPORTUNE (SIC) TO GO INTO THE
14 RESIDENCE?

15 A NO SIR I DID NOT

16 Q WHEN YOU WAS THERE WHAT DID YOU DO OUTSIDE FIRST?

17 A I'M SORRY, SIR COULD YOU REPEAT?

18 Q WHEN YOU ---

19 A TRY AND CLARIFY WHERE?

20 Q WHEN YOU WAS THERE AT THE 21 RILEY ROAD RESIDENCE
21 AND ---

22 A YES SIR

23 Q --- YOU SAY YOU DIDN'T ENTER THE -- THE CRIME
24 SCENE, IS THAT CORRECT?

25 A NOT AT THAT TIME, NO, SIR

1 Q NOT AT THAT TIME WHAT TIME DID YOU ENTER?

2 A IT WAS EARLY -- EARLY IN THE MORNING PPOBABLY

3 3 00, 3 30 MAYBE

4 Q 3 00, 3 30 SO IT WAS 3 30 A M , IS THAT CORRECT?

5 A YES, SIR, THE MORNING AFTER WHICH WOULD HAVE BEEN

6 THE 9TH

7 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

8 THE COURT YES, SIR

9 (PAUSE)

10 Q DO YOU RECOGNIZE THIS DOCUMENT, MR BROWN?

11 A YES SIR, I DO

12 MR ALKEBULANYAHH YOUR HONOR I WOULD LIKE TO

13 ENTER THIS AS A EXHIBIT

14 THE COURT HAVE YOU SHOWN IT TO THE OTHER SIDE?

15 MR MURDAUGH YES SIR, HE HAS SHOWN IT TO ME AND

16 I OBJECT TO IT IT IS NOT PREPARED BY THIS WITNESS,

17 AND IT NEEDS TO BE PREPARED BY THE -- I MEAN,

18 INTRODUCED BY THE PROPER WITNESS

19 THE COURT DID YOU PREPARE THIS REPORT, SIR?

20 WITNESS NO, SIR, I DID NOT

21 THE COURT ALL RIGHT YOU'LL HAVE TO BRING THAT

22 UP WITH ANOTHER WITNESS, SIR SUSTAINED

23 Q MR BROWN, WHEN YOU ENTERED THE ALLEGE CRIME

24 SCENE WAS THE BODY OF THE TWO DECEASED OFFICERS STILL

25 IN THE RESIDENCE?

1 A YES, THEY WERE

2 Q MR BROWN, DID YOU WEAR ANY PROTECTIVE BOOTIES OR
3 FOOTWEAR WHEN YOU ENTERED THE ALLEGE CRIME SCENE?

4 A NOT AT THAT TIME

5 Q WHEN YOU EXIT THE CRIME SCENE, DID YOU WEAR ANY
6 PROTECTIVE FOOTIES OR BOOTIES?

7 A NO, I DID NOT

8 Q MR BROWN, IS IT POSSIBLE THAT YOU COULD HAVE
9 TRACKED UP OR CONTAMINATED THE CRIME SCENE?

10 A NO THAT WOULD BE UP TO THE FORENSIC PEOPLE TO
11 MAKE THAT DETERMINATION, BECAUSE I HAD PERMISSION TO
12 ENTER THE CRIME SCENE FROM FORENSIC SPECIALISTS BEFORE
13 I DID

14 Q FORENSIC SPECIALISTS BEFORE YOU DID OKAY DID
15 YOU HAVE A LEGITIMATE REASON FOR GOING INTO THE ALLEGE
16 CRIME SCENE?

17 A YES, SIR, I DID

18 Q WAS YOU PART OF THE INVESTIGATIVE TEAM?

19 A YES, SIR, I WAS

20 Q AND WHAT WAS YOUR RESPONSIBILITY?

21 A MY RESPONSIBILITY WAS SUPERVISING THE 180-SOME
22 DEPUTIES THAT'S IN THE BEAUFORT COUNTY SHERIFF'S OFFICE
23 AT ALL TIMES

24 Q SO AT THE ALLEGE CRIME SCENE DO YOU THINK IT WAS
25 PROFESSIONAL FOR YOU TO ENTER INTO A PLACE WHERE

1 EVIDENCE CAN BE GATHERED TO DETERMINE HOW MANY PEOPLE
2 WAS IN THERE, WHAT HAPPENED, AND DIFFERENT ELEMENTS OF
3 THE INCIDENT THAT TOOK PLACE?

4 A LIKE I SAID EARLIER, I WAS GIVEN PERMISSION FROM
5 FORENSIC SPECIALISTS TO ENTER THE CRIME SCENE AND
6 ALSO I FELT IT WAS MY JOB AS A COMMAND OFFICER TO LOOK
7 AFTER THE AFTER-CARE OF MY TWO DEAD OFFICERS THAT WAS
8 LAYING IN THERE ON THE COLD FLOOR

9 Q WHAT COULD YOU HAVE DONE TO TAKE CARE OF THEM?

10 A I WAS PAYING THEM THE FINAL RESPECT BEFORE THE
11 REMAINS WERE MOVED

12 Q AND WOULDN'T YOU SAY IT WOULD HAVE BEEN MORE
13 USEFUL FOR YOU NOT TO HAVE ENTERED THAT CRIME SCENE FOR
14 THE FORENSIC AND THE EXPERTS TO COME IN TO DETERMINE TO
15 NOT TO BE ABLE TO DESTROY PERTINENT EVIDENCE IN THERE?
16 IT WOULD HAVE BEEN MORE USEFUL FOR THE OFFICER, WOULD
17 YOU -- WOULD YOU AGREE WITH THAT?

18 A I AM NOT A FORENSIC SPECIALIST I GOT PERMISSION
19 FROM THE FORENSIC PEOPLE THAT WAS ON THE AREA ON THE
20 SCENE BEFORE I WENT INTO THE CRIME SCENE

21 Q SO IN THE CRIME SCENE, WOULD YOU AGREE THAT
22 PERHAPS YOU COULD HAVE DESTROYED PRINTS OR OTHER TRACE
23 EVIDENCE THAT COULD BE USED BY TOUCH?

24 A THE FORENSIC TEAM WAS IN THE AREA WORKING, AND
25 THEY GAVE ME PERMISSION TO ENTER THE CRIME SCENE AREA

1 I WAS NOT CAUTIONED OR AWARE OF WHAT EVIDENCE THEY HAD
2 COLLECTED, THAT'S WHY I WENT THROUGH THEM PRIOR TO
3 ENTERING THE CRIME SCENE AND THEY ARE THE DULY
4 PROFESSIONALS IN THAT AREA

5 Q IS IT POSSIBLE THAT YOU COULD HAVE KICKED
6 SOMETHING OR MOVED SOMETHING BY KICKING IT OR CLOSED
7 THE DOOR OR OPEN THE DOOR WITHIN THE CRIME SCENE,
8 BECAUSE ---

9 A NO, SIR

10 Q --- YOU IN THERE?

11 A NO, SIR

12 Q SO YOU DIDN'T KICK NOTHING?

13 A NO, SIR

14 Q YOU DIDN'T MOVE NOTHING?

15 A NO SIR, I DID NOT

16 Q AND YOU DIDN'T TOUCH NOTHING?

17 A NO SIR, I DID NOT

18 Q SO YOU LEFT NO EVIDENCE OF YOURSELF IN THAT ROOM?

19 A NOTHING TO MY KNOWLEDGE IT'S A THEORY IN LAW
20 ENFORCEMENT THAT IF YOU COME INTO AN AREA, THAT YOU
21 BRING SOMETHING, YOU LEAVE SOMETHING BUT AS FAR AS
22 PHYSICALLY TOUCHING OR TAMPERING WITH EVIDENCE, NEVER
23 TOUCHED ANYTHING I LOOKED IN THERE AT MY TWO SLAIN
24 OFFICERS LAYING ON THE FLOOR, AND DEPARTED THE AREA

25 Q SO YOU AGREE THAT WHEN YOU WENT IN THERE --

1 ACCORDING TO EXPERTS, THAT YOU TOOK SOMETHING IN THERE,
2 AND WHEN YOU LEFT, YOU TOOK SOMETHING OUT OF THERE?

3 A YES, SIR I DID, MY BODY

4 Q ARE YOU SAYING YOU DISAGREEING THAT YOU LEFT
5 SOMETHING IN THERE?

6 A NO, SIR, I'M NOT BECAUSE THE FORENSIC
7 SPECIALISTS WAS WORKING IN THE AREA, AND THEY HAD
8 COMPLETELY WORKED THE CRIME SCENE

9 Q SO, THEREFORE, WHEN YOU LEFT, YOU LEFT A PART OF
10 YOU OR SOMETHING WHETHER WAS IT -- WAS IT DIRT, GRAIN
11 OFF OF THE BOTTOM OF YOUR FEET, DNA FROM A COUGH OR A
12 SNEEZE OR SOMETHING TO ANY EXTENT OF YOURSELF?

13 A AGAIN, SIR, I SAY, I'M NOT A FORENSIC EXPERT AND
14 I'M NOT GOING TO ELABORATE ON THAT QUESTION BECAUSE I
15 DON'T KNOW I'M TELLING YOU WHAT I DID THAT NIGHT, MY
16 REASON FOR GOING IN THERE, AND THE BRIEF LOOK -- I
17 LOOKED AT MY TWO SLAIN OFFICERS LAYING ON THE FLOOR AND
18 DEPARTED THE AREA A FORENSIC SPECIALIST WOULD HAVE TO
19 TELL YOU ALL OF THAT

20 Q BUT YOU DO AGREE THAT YOU WASN'T DIRECTLY
21 ASSOCIATED WITH THE INVESTIGATION PROVIDED -- THAT
22 PROVIDED ACCESS TO THE CRIME SCENE?

23 A YES, SIR, AGAIN, I REMIND YOU -- I REPEATED
24 EARLIER I AM RESPONSIBLE FOR ALL OF THE DEPUTIES IN
25 THE SHERIFF'S OFFICE WITH THE EXCEPTION OF SHERIFF

1 TANNER, WHO IS THE SHERIFF, AND THE CHIEF DEPUTY

2 Q MR BROWN, WOULD YOU SAY THE CRIME SCENE INTEGRITY
3 IS THE MOST IMPORTANT?

4 A YES, SIR, I WOULD THAT'S WHY I GOT PERMISSION
5 PRIOR TO GOING IN THERE

6 Q AND IF THE CRIME SCENE WAS MOST IMPORTANT, THEN
7 WOULDN'T YOU HAVE WORE PROTECTIVE FOOTWEAR OR BOOTIES
8 TO KEEP FROM TRACKING UP THE CRIME -- THE ALLEGE CRIME
9 SCENE IF IT WAS THAT IMPORTANT?

10 A AGAIN, SIR, I REMIND YOU, I SAY, WE'VE GOT
11 FORENSIC SPECIALISTS THAT ARE THERE AT THE SCENE
12 THEY'RE CONTROLLING THIS CRIME SCENE AND PERMISSION
13 WAS GIVEN TO GO IN IF THEY FELT THAT IT WAS A THREAT
14 OR EVIDENCE WAS GOING TO BE DESTROYED OR LOST, I'M SURE
15 THEY WOULD HAVE TOLD ME NOT TO GO IN OR TO PUT ON
16 SOMETHING THAT WAS PROTECTIVE

17 Q SO YOU HAD THE OKAY FROM THE FORENSIC TEAM TO
18 ENTER THAT RESIDENCE, IS THAT CORRECT?

19 A YES, SIR, I DID

20 Q AND THAT WAS THE SLED FORENSIC TEAM, IS THAT
21 CORRECT?

22 A YES, SIR

23 Q DID YOU OBSERVE ANY OTHER OFFICER WITHIN THE CRIME
24 SCENE OF THE 21 RILEY ROAD RESIDENCE, MR BROWN?

25 A AT WHAT TIME?

1 Q AT THE TIME THAT YOU WAS IN THERE?

2 A YES, SIR

3 Q COULD YOU TELL ME THE NAMES OF THOSE OFFICERS THAT
4 YOU OBSERVED?

5 A SHERIFF TANNER, THE SOLICITOR, AND MYSELF

6 Q DID THE SOLICITOR HAVE ANY PROTECTIVE FOOTWEAR OR
7 BOOTIES AT THE TIME HE WAS IN THE ALLEGE CRIME SCENE?

8 A NOT TO MY KNOWLEDGE

9 Q DID SHERIFF TANNER HAVE ANY PROTECTIVE BOOTIES?

10 A NOT TO MY KNOWLEDGE

11 Q AND TO YOUR KNOWLEDGE AT THAT TIME IT WAS JUST
12 YOU, TANNER, AND THE SOLICITOR, AND THE SLED FORENSIC
13 TEAM IN THE AREA, IS THAT CORRECT?

14 A IT MAY HAVE BEEN OTHER OFFICERS, BUT THOSE ARE THE
15 PEOPLE I DISTINCTLY REMEMBER

16 Q FOR THAT PARTICULAR AREA, IT WAS AWFULLY SMALL FOR
17 SO MANY ADULTS OR PEOPLE TO BE IN THAT AREA, ISN'T THAT
18 CORRECT?

19 A I DON'T KNOW YOU'RE TELLING ME SIR I'M GOING
20 TO TELL YOU WHAT I DID, THAT'S ALL I CAN TELL YOU

21 Q THAT'S A AWFULLY SMALL AREA

22 A I WALKED IN THROUGH THE BACK PORCH ---

23 Q YES, SIR

24 Q --- LOOKED INTO THE ROOM AT OFFICERS COURSEN AND
25 TATE'S DEAD BODIES LYING ON THE FLOOR I TURNED

1 AROUND, AND I DEPARTED THE AREA NOW, WHAT EVERYBODY
2 ELSE WAS DOING, I WAS MORE FOCUSING IN ON THOSE TWO
3 DEAD MEN LAYING ON THE FLOOR WHAT EVERYBODY ELSE WAS
4 DOING AROUND ME AT THAT PARTICULAR TIME WAS A LITTLE
5 BIT MOOT

6 Q AND, AGAIN, AS PART OF THE INITIAL INVESTIGATION,
7 YOU DOING ANYTHING WITHIN THERE, OTHER THAN MAKING A
8 TOUR OF THE CRIME SCENE, THAT'S PRETTY MUCH ALL YOU
9 JUST DID, IS THAT CORRECT?

10 A AT THE CRIME SCENE, YES, SIR

11 Q MR BROWN, WHEN YOU LEFT THE 21 RILEY ROAD
12 RESIDENCE, WHERE DID YOU GO THEN?

13 A AT WHICH -- WHICH POINT IN TIME? I LEFT THE
14 RESIDENCE -- I WAS IN THE AREA OF THE RESIDENCE TWICE

15 Q OKAY THE FIRST TIME WHEN YOU LEFT DID YOU COME
16 BACK TO THE RESIDENCE?

17 A THE FIRST TIME I LEFT, I NEVER ENTERED THE
18 RESIDENCE I WAS ON THE ROAD IN FRONT OF THE
19 RESIDENCE I LEFT TO GO AND CHECK THE PERIMETER

20 Q AND THE SECOND TIME, DID YOU LEAVE?

21 A THE SECOND TIME WHEN I WENT DOWN AND LOOKED AT THE
22 BODIES, I RETURNED TO THE COMMAND POST SET UP AT THE
23 ELEMENTARY SCHOOL

24 Q AND WHAT DID YOU DO FROM THERE?

25 A FROM WHICH SITUATION?

- 1 Q AT THE COMMAND AT THE ELEMENTARY SCHOOL?
- 2 A AT THE ELEMENTARY SCHOOL I ASSISTED THE SHERIFF IN
- 3 DIFFERENT REQUESTS TO FACILITATE THE INVESTIGATION
- 4 Q DID YOU DO ANY INTERVIEWING?
- 5 A NO, SIR I DID NOT
- 6 Q AND WHEN YOU LEFT THE COMMAND CENTER, WHAT DID YOU
- 7 DO FROM THERE?
- 8 A AT ---
- 9 Q AFTER YOU LEFT THE COMMAND CENTER, SIR?
- 10 A AT WHAT TIME?
- 11 Q WHENEVER YOU LEFT THE COMMAND CENTER
- 12 A OKAY I LEFT THE COMMAND CENTER TWO OR THREE
- 13 DIFFERENT TIMES SO IF YOU COULD CLARIFY IT AND GIVE ME
- 14 A SPECIFIC TIME FRAME
- 15 Q DID YOU SO HAPPEN TO LEAVE AND -- TO REPORT OF A
- 16 SUSPECT BEING APPREHENDED?
- 17 A OKAY I LEFT -- AND REPORTED WHAT, SIR?
- 18 Q OF A SUSPECT BEING APPREHENDED?
- 19 A NO SIR
- 20 Q SO HOW DID YOU BECOME INVOLVED IN THE -- MR
- 21 ALKEBULANYAHH APPREHENSION?
- 22 A IN THE APPREHENSION OF WHO?
- 23 Q MR ALKEBULANYAHH
- 24 A OH, THE DEFENDANT?
- 25 Q YES, SIR

STATE VS ALKEBULANYAHH

1 A YES, SIR OKAY THAT'S WHEN THE -- IT WAS A
2 REPORT THAT A PERSON HAD BEEN SPOTTED IN THE AREA, AND
3 A PERIMETER WAS SET UP I LEFT RILEY ROAD, AGAIN, I
4 SAY TO CHECK THE PERIMETER, SEE HOW STRONG THE
5 PERIMETER WAS, THAT'S WHY I LEFT AT THAT TIME

6 Q DID YOU -- DID YOU APPREHEND THE SUSPECT?

7 A YES, SIR, I DID

8 Q AND WHERE DID YOU APPREHEND HIM AT?

9 A THE SUSPECT WAS HIDING UNDER THE BRIDGE IN A MARSH
10 AREA, UNDER THE BRIDGE

11 Q AND WHAT DID YOU DO?

12 A AT WHAT POINT IN TIME, SIR?

13 Q WHEN YOU APPREHENDED HIM?

14 A AFTER WE APPREHENDED THE SUSPECT, WE ASKED HIM TO
15 SHOW HIS HANDS, TO MAKE SURE HE WAS UNARMED HE DID
16 SO HE WAS UNABLE TO CRAWL FROM UNDER THE BRIDGE, SO
17 WE PHYSICALLY BROUGHT HIM FROM UNDER THE BRIDGE,
18 HANDCUFFED HIM IMMEDIATELY, AND THEN TOOK HIM UP SIDE
19 THE ROAD BECAUSE HE MADE A POINT TO LET US KNOW THAT
20 HE HAD BEEN INJURED

21 Q IN THE PREVIOUS QUESTION YOU SAID I APPREHENDED
22 AND THEN IN ANSWERING YOU SAID, WE APPREHENDED

23 A YES SERGEANT GREEN WAS RIGHT THERE BY MY SIDE
24 I CAME OVER AS THE COVERING OFFICER INITIALLY BUT WE
25 PHYSICALLY AT THE SAME TIME PUT HANDS ON YOU

- 1 Q AT THE SAME TIME YOU PHYSICALLY PUT HANDS ---
- 2 A YES, SIR TO ---
- 3 Q --- ON ME?
- 4 A --- BRING YOU FROM UNDER THE BRIDGE
- 5 Q YOU AND SERGEANT GREEN, IS THAT CORRECT?
- 6 A YES, SIR
- 7 Q DID YOU READ THE SUSPECT HIS MIRANDA RIGHTS?
- 8 A NO, SIR, I DID NOT
- 9 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
- 10 THAT QUESTION THE LAW DOES NOT PROVIDE THAT IT HAS TO
- 11 BE GIVEN UNLESS YOU'RE TAKING A STATEMENT
- 12 THE COURT I SUSTAIN THAT OBJECTION
- 13 Q WHEN YOU AND SERGEANT GREEN ACCOST THE -- ACCOST
- 14 THE SUSPECT ---
- 15 MR MURDAUGH WHAT? I COULDN'T UNDERSTAND
- 16 Q WHEN YOU ---
- 17 THE COURT RESTATE YOUR QUESTION
- 18 Q WHEN YOU AND SERGEANT GREEN CAME AND TO THE
- 19 SUSPECT -- WHEN YOU ALL CAME AND APPROACH -- OR CAME
- 20 PHYSICALLY TO THE SUSPECT, WAS THAT SIMOTANEOUS
- 21 (PHONETIC)?
- 22 A WAS THAT WHAT, SIR?
- 23 Q WAS IT SIMOTANEOUS?
- 24 A SIMULTANEOUSLY?
- 25 Q YES, SIR

1 A YES, SIR, IT WAS

2 Q SO YOU ALL PUT HANDS ON THE SUSPECT AT THE SAME
3 TIME?

4 A APPROXIMATELY THE SAME TIME

5 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

6 THE COURT YES, SIR

7 (PAUSE)

8 Q MR BROWN, DO YOU RECOGNIZE THIS DOCUMENT?

9 A (PAUSE) YES, SIR

10 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
11 ENTER THIS INTO EVIDENCE

12 THE COURT ANY OBJECTION?

13 MR MURDAUGH INDULGE ME ONE MOMENT LET ME
14 FINISH READING IT, SIR

15 (PAUSE)

16 MR MURDAUGH I HAVE ABSOLUTELY NO OBJECTION
17 SIR

18 THE COURT ALL RIGHT WHAT NUMBER IS THAT
19 MA'AM?

20 REPORTER 13

21 THE COURT 13 DEFENDANT'S 13 IN EVIDENCE
22 WITHOUT OBJECTION

23 (SUPPLEMENTARY REPORT, D BROWN 2 PAGES, MARKED
24 IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 13)

25 THE COURT I'D INDICATED WE'D STOP EARLY TODAY

STATE VS ALKEBULANYAHH

1 SIR THIS IS A GOOD STOPPING POINT WE'LL PICK UP
2 TOMORROW WITH YOUR QUESTIONING

3 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

4 THE COURT SIR, YOU MAY STEP DOWN YOU MAY NOT
5 DISCUSS YOUR TESTIMONY WITH ANYONE DURING THIS BREAK
6 ALL RIGHT THANK YOU

7 (THE WITNESS LEAVES THE WITNESS STAND)

8 THE COURT ALL RIGHT LADIES AND GENTLEMEN, AS I
9 PROMISED WE'RE GOING TO STOP A LITTLE EARLY, WHICH IS
10 WHAT WE -- THIS IS ABOUT THE SAME TIME I WAS GOING TO
11 STOP YESTERDAY

12 AT THIS POINT I'LL EXCUSE YOU DO NOT DISCUSS
13 THIS CASE IN ANY WAY AS I INDICATED, YOU'RE
14 PROHIBITED FROM DISCUSSING THE CASE

15 THANK YOU VERY MUCH AND WE WILL START BACK
16 TOMORROW AT 9 00 A M HAVE A GOOD NIGHT

17 (THE JURY EXITS THE COURTROOM AT 2 45 P M)

18 THE COURT PLEASE BE SEATED I -- YOU KNOW, I
19 HAVE SOME CONCERNS AND I KEEP REITERATING THESE THINGS
20 YOU'RE ACQUIRING INFORMATION -- YOU'RE ELICITING
21 INFORMATION FROM THESE INDIVIDUALS, AND I'M NOT SO SURE
22 WHETHER OR NOT ANY OF THEM WERE PROBLEMATIC UP TO THIS
23 POINT BUT FOR EXAMPLE, WE WERE NOT GOING TO GET INTO
24 ANY STATEMENTS THAT YOU MADE WITH LAW ENFORCEMENT
25 OFFICERS PRIOR TO HAVING A HEARING ON THAT SUBJECT

STATE VS ALKEBULANYAHH

1 ALL THE STUFF IS COMING IN WITHOUT OBJECTION AND
2 I DON'T KNOW THAT'S PART OF ANYONE'S STRATEGY, BUT IT'S
3 MY UNDERSTANDING WE WERE GOING TO HAVE A HEARING ON
4 THESE

5 DOES ANYONE WANT TO ADDRESS THAT?

6 MR MURDAUGH YOU ARE ABSOLUTELY CORRECT, SIR I
7 HAD TOLD YOU THAT I WOULD NOT INTRODUCE -- WOULD NOT
8 ATTEMPT TO INTRODUCE THE STATEMENT MADE AT THE BRIDGE
9 AND WE HAD -- MY UNDERSTANDING WAS THAT WHEN WE REACHED
10 THESE OTHER PEOPLE, THE CORRECTION OFFICERS IN
11 CHARLESTON, I WOULD NOTIFY THE COURT AHEAD OF TIME, AND
12 WE'D ---

13 THE COURT WE'D HAVE A HEARING

14 MR MURDAUGH --- HAVE WHATEVER KIND OF HEARING
15 WE NEEDED

16 THE COURT MR ALKEBULANYAHH, DO YOU WISH TO
17 RESPOND? I DON'T KNOW IF YOU ARE WANTING TO HAVE A
18 HEARING ON THOSE STATEMENTS OR NOT -- ABOUT THE
19 VOLUNTARINESS OF THOSE STATEMENTS, ETCETERA JACKSON
20 VERSUS' DENNO WHETHER OR NOT THOSE STATEMENTS IF THEY
21 WERE MADE IN A CUSTODIAL SITUATION WERE MADE IN
22 RESPONSE TO SOMEONE THAT HAD BEEN GIVEN THEIR MIRANDA
23 RIGHTS, ETCETERA

24 MR ALKEBULANYAHH YOUR HONOR, I WAS -- I'M ONLY
25 PARTICULARLY BASING MY LINE OF QUESTIONING TO THE

STATE VS ALKEBULANYAHH

1 ACTIONS OF THE OFFICERS, WHY THEY GIVE TESTIMONY AT
2 THIS TIME AND WHAT WAS SAID AND WHAT WAS DONE, I'M
3 JUST PRESERVING IT FOR THE RECORD AS WE GO ALONG I
4 HAVEN'T -- YOU KNOW, AND SO THEREFORE, I WANTED TO
5 QUESTION THEM IN REFERENCE TO THEIR ACTIONS

6 THE COURT I DON'T HAVE ANY PROBLEM WITH YOU
7 QUESTIONING THEM ABOUT THEIR ACTIONS BUT I INDICATED
8 THAT WE WOULD HAVE A HEARING PRIOR TO ANY TESTIMONY
9 ABOUT STATEMENTS THAT YOU MADE, PERHAPS, WHEN YOU WERE
10 IN CUSTODY, IN A CUSTODIAL SITUATION AND -- YES, SIR,
11 DID YOU WANT TO SAY SOMETHING?

12 MR MURDAUGH YES, SIR

13 THE COURT I DON'T KNOW IF YOU'RE TELLING ME
14 YOU'RE NOT PURSUING THAT WHEN YOU ELICIT THIS
15 INFORMATION FROM THESE INDIVIDUALS OR WHAT

16 GO AHEAD, I'M SORRY

17 MR MURDAUGH IF I WAS HIS LAWYER, I WOULDN'T LET
18 IT GO IN BEING THE STATE'S LAWYER, SIR -- I MEAN, I
19 JUST DON'T OBJECT TO IT

20 ON THE OTHER HAND, YOUR HONOR, PLEASE I'M NOW
21 WONDERING IF HE UNDERSTANDS THAT AN EXHIBIT THAT HE
22 INTRODUCED CAN BE PUBLISHED TO THE JURY?

23 THE COURT DO YOU UNDERSTAND THAT?

24 MR ALKEBULANYAHH YES, SIR

25 MR MURDAUGH OKAY

STATE VS ALKEBULANYAHH

1 THE COURT ALL THESE EXHIBITS -- A LOT OF THESE
2 REPORTS HAVE IN THEM STATEMENTS -- IS THAT THE POINT
3 YOU'RE MAKING?

4 MR MURDAUGH YES, SIR THAT IS EXACTLY THE
5 POINT HE SAYS IN HERE HE TOLD HIM THE GUN WAS IN THE
6 TREE LINE, WHICH I HAD TOLD YOU I WOULD NOT PRESENT
7 DURING THE TRIAL

8 THE COURT AND ---

9 MR ALKEBULANYAHH I -- I -- I -- I WANT IT
10 PRESENT DURING THE TRIAL

11 THE COURT I DON'T -- DON'T GET ME WRONG I'M
12 NOT TRYING TO CRITICIZE YOUR STRATEGY I'M JUST TRYING
13 TO MAKE SURE YOU KNOW, MY PHILOSOPHY ABOUT JUDGES IS
14 THAT I WANT TO MAKE SURE THAT ALL THE "I'S" ARE DOTTED
15 AND ALL THE "T'S" ARE CROSSED AND WHEN I GO HOME AT
16 NIGHT IF I KNOW THAT I'VE DONE THAT, THEN THE JURY
17 MAKES ITS DECISIONS ABOUT THE FACTS THAT'S WHO YOU
18 HAVE TO APPEAL TO THE JURY

19 NOW, THE -- I'VE CONSTANTLY INDICATED THAT I DON'T
20 -- I CAN T THROW MYSELF INTO WHAT YOUR STRATEGY MAY BE
21 BECAUSE ONLY YOU KNOW THAT, OR PERHAPS THOSE AROUND YOU
22 THAT YOU MAY HAVE DISCUSSED THIS WITH

23 BUT IT'S MY NORMAL PROCEDURE TO HAVE A HEARING
24 BEFORE ANY KIND OF STATEMENTS COME IN AND I INDICATED
25 I WOULD DO THAT WHEN YOU PROCEED TO ELICIT

STATE VS ALKEBULANYAHH