

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB 17 2011

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 V OF XI

JOHN H BLUME
Cornell Law School
112 Myron Taylor Hall
Ithaca, New York 14853
(607)255-1030

Counsel for Petitioner

ALPHONSO SIMON, JR
Office of the Attorney General
P O Box 11549
Columbia, SC 29211
(803) 734-6305

Counsel for Respondent

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 INFORMATION LIKE THIS OR YOU INTRODUCE DOCUMENTS
2 YOURSELF THAT HAVE THESE STATEMENTS IN IT THE ONLY
3 THING I CAN READ INTO THAT IS THAT'S WHAT YOU WANT TO
4 DO AND YOU WAIVE ANY KIND OF REQUEST IN THAT REGARD

5 SO I THINK I WILL JUST ADD FOR PRECAUTIONARY
6 PURPOSES THAT IF IT'S NOT SOMETHING THAT'S ALREADY IN
7 ONE OF THOSE STATEMENTS OR DOCUMENTS, CAUTION ANY
8 WITNESSES NOT TO REFER TO ANY STATEMENTS CONSISTENT
9 WITH THAT

10 MR MURDAUGH I'M NOT SURE I UNDERSTAND
11 THE COURT I DON'T KNOW IF THERE'S GOING TO BE
12 ANY OTHER STATEMENTS THAT ARE COMING IN FROM ANY
13 WITNESSES

14 MR MURDAUGH ARE YOU TALKING ABOUT STATEMENTS HE
15 MADE?

16 THE COURT YES

17 MR MURDAUGH I DO NOT INTEND TO ELICIT ANY
18 STATEMENT THAT HE MADE UNTIL I GET TO THE POINT THAT I
19 WILL NOTIFY THE COURT AHEAD OF TIME

20 THE COURT BUT WHEN YOU DO IT -- WHEN YOU ELICIT
21 THOSE STATEMENTS, WHEN YOU HAVE THEM IN DOCUMENTS I
22 CAN ONLY ASSUME YOU WANT THEM TO COME IN

23 MR ALKEBULANYAHH YES, SIR IF I INTRODUCE THE
24 STATEMENTS AND I INTRODUCE THEM IN DOCUMENTS AS A
25 EXHIBIT, I WANT THEM TO COME IN

STATE VS ALKEBULANYAHH

1 THE COURT BUT DO YOU UNDERSTAND THAT NORMALLY I
2 WOULD HAVE A HEARING TO DETERMINE WHETHER OR NOT THOSE
3 STATEMENTS IF THEY WERE MADE IN A CUSTODIAL SITUATION,
4 WERE MADE FREELY AND VOLUNTARILY IN ACCORDANCE WITH
5 YOUR RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS OF THE
6 CONSTITUTION

7 YOU DO UNDERSTAND THAT NORMALLY I WOULD HAVE THAT
8 HEARING -- IF -- I SAY, IF IT'S REQUESTED, I WOULD HAVE
9 THAT HEARING FOR EXAMPLE, LET'S SAY WITHOUT TALKING
10 ABOUT THIS CASE IN PARTICULAR, LET'S SAY SOMEONE
11 ARRESTED ME AND I WAS TAKEN BACK TO THE JAIL AND I WAS
12 ASKED ALL KINDS OF QUESTIONS AND NO ONE EVER TOLD ME
13 ABOUT MY RIGHT TO HAVE A LAWYER, ETCETERA, MIRANDA, AND
14 EVERYTHING THAT GOES ALONG WITH THAT, AND I MADE ALL
15 THESE STATEMENTS THEN IF I WERE IN THE CASE I MIGHT
16 MOVE TO SAY, I WANT THOSE STATEMENTS EXCLUDED BECAUSE
17 THEY WERE NOT FREELY AND VOLUNTARILY MADE IN ACCORDANCE
18 WITH MY RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS,
19 INCLUDING MY RIGHT TO REMAIN SILENT, WHICH I CONSTANTLY
20 TELL YOU ABOUT THAT

21 DO YOU UNDERSTAND WHAT I'M SAYING?

22 MR ALKEBULANYAHH YES YES

23 THE COURT NOW, I'D PREVIOUSLY INDICATED BEFORE
24 WE GET INTO ANY STATEMENTS THAT IT MIGHT BE APPROPRIATE
25 TO HAVE A HEARING -- IT WOULD BE APPROPRIATE TO HAVE A

STATE VS ALKEBULANYAHH

1 HEARING, NOT MIGHT AND I CAUTIONED THE STATE NOT TO
2 DO THAT WITHOUT BRINGING IT TO MY ATTENTION

3 BUT YOU BY BRINGING IN SOME OF THOSE STATEMENTS IN
4 YOUR DOCUMENTS, YOU'RE DOING IT ON YOUR OWN AND I CAN
5 ONLY ASSUME YOU'RE WAIVING THAT HEARING

6 MR ALKEBULANYAHH YES I -- I -- I -- I'M
7 BRINGING IN THESE DOCUMENTS AND I'M WAIVING THAT
8 HEARING IN REFERENCE TO THE STATEMENT THAT IS MADE IN
9 THEM DOCUMENTS

10 THE COURT BECAUSE YOU REALIZE ONCE YOU BRING IN,
11 FOR EXAMPLE, A STATEMENT IN A DOCUMENT, THEN AS THEY
12 INDICATED, IT'S IN EVIDENCE AND IT'S FREE -- FREE GAME
13 FOR ANYONE TO USE A DOCUMENT IN EVIDENCE UNLESS I'VE
14 SAID, I'M GOING TO REDACT SOMETHING LATER AT SOME OTHER
15 POINT, OR SOMETHING WILL BE STRICKEN FROM THAT -- A
16 SENTENCE OR TWO THEN EVERYTHING ELSE IS FREE GAME

17 HAS THERE BEEN ANY STATEMENTS REFERENCED AT THIS
18 POINT THAT ARE IN ANY OF THOSE DOCUMENTS THAT HAVE BEEN
19 INTRODUCED?

20 MR MURDAUGH I'M ---

21 THE COURT DO YOU KNOW OF ANY STATEMENTS THAT
22 HAVE BEEN REFERENCED BY THE -- ANY DEFENSE --
23 DEFENDANT'S STATEMENTS THAT HAVE BEEN MENTIONED BY ANY
24 OFFICER THAT WEREN'T ALREADY IN ONE OF THOSE DOCUMENTS?

25 MR MURDAUGH OTHER THAN THIS ONE, SIR, I AM NOT

STATE VS ALKEBULANYAHH

1 AWARE OF ANY STATEMENTS THAT ARE MENTIONED IN THOSE
2 DOCUMENTS, OTHER THAN THE -- OTHER THAN THE STATEMENTS
3 -- YES, SIR, THE ONES GIVEN BY KIMBERLY BLAKE

4 THE COURT THOSE WEREN'T -- THOSE WEREN'T IN
5 CUSTODIAL INTERROGATION

6 MR MURDAUGH NO, SIR

7 THE COURT ALL RIGHT

8 MR MURDAUGH NO, SIR OTHER THAN THIS ONE HERE,
9 I'M NOT AWARE OF ANY

10 OUT OF AN ABUNDANCE OF PRECAUTION, JUDGE, LET ME
11 LOOK THROUGH HIS EXHIBITS JUST TO SEE

12 THE COURT YES, SIR

13 (PAUSE)

14 MR MURDAUGH THERE IS ANOTHER STATEMENT, SIR
15 HE INTRODUCED IN DEFENDANT'S EXHIBIT NO 4 THE
16 TESTIMONY OF -- DURING THE TESTIMONY OF BOB BROMAGE, ON
17 THE BOTTOM -- BOTTOM OF PAGE 4 THERE IS A REFERENCE --
18 QUESTIONS THAT HE WAS ASKED AND RESPONSES THAT HE MADE,
19 WHICH THE STATE DID NOT INTEND TO GO IN TO, SIR

20 (PAUSE)

21 THE COURT THIS IS IN EVIDENCE, CORRECT?

22 MR MURDAUGH THAT IS IN EVIDENCE, YES, SIR

23 THE COURT SO THIS WOULD BE REFERRING TO A
24 STATEMENT THAT'S NOW IN BECAUSE HE INTRODUCED THIS
25 DOCUMENT?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH THAT'S CORRECT, SIR
2 THE COURT HE INTRODUCED THIS DOCUMENT?
3 MR MURDAUGH YES, SIR, HE DID
4 THE COURT DEFENDANT'S 4 I'M TRYING TO IDENTIFY
5 IF THERE ARE ANY OTHER STATEMENTS THAT WERE NOT -- THAT
6 WERE MADE THAT MAY HAVE BEEN IN A CUSTODIAL SITUATION
7 THAT WERE NOT PART OF ANY OF THESE DOCUMENTS? IN OTHER
8 WORDS, STATEMENTS THAT WE WOULD NORMALLY HAVE A HEARING
9 ON FIRST?
10 MR MURDAUGH LET ME TALK WITH ---
11 THE COURT DO YOU UNDERSTAND MY QUESTION?
12 MR STONE I DON'T I'M SORRY
13 THE COURT ALL RIGHT
14 MR STONE ARE YOU ASKING DO WE HAVE SOME
15 STATEMENTS THAT WE'RE GOING TO OFFER THAT WE HAVEN'T
16 ADDRESSED AT ALL AT THIS POINT?
17 THE COURT NO I'M ASKING HIM, ARE THERE ANY
18 OTHERS THAT HAVE ALREADY BEEN LET IN THAT WEREN'T IN
19 ANY OF THESE DOCUMENTS?
20 MR MURDAUGH NO, SIR
21 THE COURT THE ONES THAT WE JUST MADE, FOR
22 EXAMPLE, YOU KNOW THAT ONE WAS NOT IN ANY OF THESE
23 DOCUMENTS ABOUT HE SAID THAT HE HAD BEEN HURT
24 MR MURDAUGH IT GOES FURTHER THAN THAT, SIR IT
25 SAYS THAT HE TOLD THEM HE THREW THE GUN IN THE TREE

STATE VS ALKEBULANYAHH

1 LINE -- IN THAT LAST ONE, 13

2 THE COURT I DON'T -- I DON'T THINK YOU
3 UNDERSTAND MY QUESTION

4 MR MURDAUGH I DON'T, SIR

5 THE COURT ALL RIGHT I'M ASKING, HAS THERE BEEN
6 ANY TESTIMONY FROM AN OFFICER ABOUT A STATEMENT MADE BY
7 THE DEFENDANT OTHER THAN STATEMENTS REFERENCED IN ANY
8 OF THE EXHIBITS?

9 MR MURDAUGH NO, SIR

10 THE COURT OTHER THAN LIKE ---

11 MR MURDAUGH THERE HAS BEEN NO TESTIMONY ABOUT
12 ANY STATEMENT HE HAS MADE, SIR, IF THAT ANSWERS YOUR
13 QUESTION

14 THE COURT EXCEPT FOR THIS LAST STATEMENT

15 MR MURDAUGH WELL THERE'S BEEN NO TESTIMONY
16 ABOUT THAT

17 THE COURT NO OFFICER BROWN INDICATED THAT ---

18 MR MURDAUGH OH, YES, HE SAID HE WAS SHOT, YES,
19 SIR

20 THE COURT HE SAID HE HAD BEEN HURT, THAT HE WAS
21 NOT HURT ---

22 (PAUSE)

23 THE COURT HE SAID, YOU TOLD ME YOU WERE HURT

24 MR MURDAUGH IF I'M UNDERSTANDING WHAT YOU'RE
25 ASKING ME, SIR, THERE HAS BEEN NO TESTIMONY FROM THE

STATE VS ALKEBULANYAHH

1 WITNESS STAND ABOUT ANY STATEMENT HE HAS MADE THERE
2 HAVE BEEN TWO -- EXCEPT -- EXCEPT FOR DAVE BROWN HAVING
3 SAID ---

4 THE COURT YOU TOLD ---

5 MR MURDAUGH --- YOU TOLD ME YOU WERE WOUNDED

6 THE COURT RIGHT

7 MR MURDAUGH OTHER THAN THAT, I DO NOT THINK
8 THAT THERE HAS BEEN ANY TESTIMONY REGARDING A STATEMENT
9 THAT HE MADE, SIR

10 THE COURT THAT'S WHAT I'M ASKING

11 MR MURDAUGH OKAY SIR

12 THE COURT THAT IS WHAT I'M ASKING

13 MR MURDAUGH YES, SIR THAT IS MY
14 UNDERSTANDING, YES, SIR

15 THE COURT NOW, WAS THERE ANYTHING IN ANY OF
16 THOSE DOCUMENTS ABOUT THE HIP WOUND OR SHOULDER WOUND?
17 BECAUSE I THINK OFFICER GREEN ALSO INDICATED THE
18 DEFENDANT TOLD HIM HE HAD A HIP WOUND OR SHOULDER
19 WOUND

20 MR MURDAUGH IN THE ONE THAT WAS JUST
21 INTRODUCED?

22 THE COURT THOSE ARE THE ONLY TWO SITUATIONS I
23 CAN THINK OF

24 (PAUSE)

25 THE COURT THE FACT THAT I'M ASKING THOSE

STATE VS ALKEBULANYAHH

1 QUESTIONS DOES NOT NEGATE WHAT I'M INDICATING TO YOU,
2 MR ALKEBULANYAHH, THAT YOU ARE INVITING THESE
3 RESPONSES WITH YOUR DIRECT QUESTIONS

4 HOWEVER, WHAT I'M TRYING TO SAY TO THE STATE IS IN
5 THE ABUNDANCE OF CAUTION AS TO THOSE TWO THAT AREN'T
6 REFERENCED IN ANY OF THE EXHIBITS -- PERHAPS I SHOULD
7 GO AHEAD AND HAVE A HEARING ON WHETHER OR NOT THEY ARE
8 FREELY AND VOLUNTARILY MADE -- IF IT'S BEING REQUESTED
9 BY THE DEFENDANT I DON'T KNOW IF HE'S REQUESTING IT

10 MR ALKEBULANYAHH I HAVE NOT REQUESTED IT

11 THE COURT SO YOU DO NOT WISH FOR ME TO HAVE A
12 HEARING ON THAT?

13 MR ALKEBULANYAHH NO SIR

14 THE COURT ALL RIGHT THAT RESOLVES THE ISSUE

15 MR ALKEBULANYAHH YOU HAD ALREADY -- YOU HAD¹
16 ALREADY RULED -- EXCUSE ME, YOUR HONOR, SIR

17 THE COURT YES, SIR

18 MR ALKEBULANYAHH ^ YOU HAD ALREADY RULED ON THE
19 -- THE -- THE -- YOU ALREADY RULED NOT TO SUPPRESS THE
20 EVIDENCE IN REGARDS TO MIRANDA RIGHTS NOT BEING READ,
21 IS THAT CORRECT?

22 THE COURT NO THE REASON THAT THE MIRANDA ISSUE
23 DIDN'T COME IN AT THAT POINT IS BECAUSE IF YOU'RE
24 WANTING THE STATEMENT TO BE MADE, THEN MIRANDA BECOMES
25 IRRELEVANT AT THAT POINT IF YOU'RE GOING TO ASK HIM

STATE VS ALKEBULANYAHH

1 ABOUT YOUR STATEMENT OR ANYTHING -- IF YOU'RE GOING TO
2 ELICIT A RESPONSE ABOUT A STATEMENT MIRANDA GOES TO
3 WHETHER OR NOT THAT STATEMENT SHOULD COME OUT IN THE
4 FIRST PLACE DO YOU SEE WHAT I'M SAYING?

5 IT LOSES IT RELEVANCE AT THAT POINT IF YOU'RE
6 GOING TO WANT THE STATEMENT IN -- IF YOU'RE GOING TO
7 ELICIT IT YOURSELF WITHOUT ME HAVING THE OPPORTUNITY TO
8 HAVE A HEARING ON IT

9 IF WE HAVE A HEARING ON IT I CAN HEAR QUESTIONS
10 ABOUT WHETHER OR NOT MIRANDA RIGHTS WERE GIVEN, MAKE MY
11 RULING THEN IF THERE'S ANY DISPUTE ABOUT IT, YOU
12 COULD ALSO ASK THOSE QUESTIONS IN YOUR DIRECT
13 QUESTIONS, AND THE JURY CAN DECIDE WHETHER OR NOT YOUR
14 RIGHT -- THOSE STATEMENTS WERE MADE FREELY AND
15 VOLUNTARILY

16 MR ALKEBULANYAHH I'M -- I'M NOT CONTENDING --
17 IT WAS NOT MY INTENTION TO CONTEND WITH THE STATEMENT,
18 BUT TO CONTEND WITH THE EVIDENCE THAT WAS ---

19 THE COURT I'M SORRY REPEAT THAT?

20 MR ALKEBULANYAHH IT WAS MY INTENTION TO CONTEND
21 WITH THE EVIDENCE, NOT THE -- NOT THE STATEMENTS THAT
22 IS ALLEGED SAID, BECAUSE I'M NOT SAYING EXCLUDE THOSE
23 STATEMENTS FROM THE RECORD I'M NOT -- I HAVE NOT
24 FILED A MOTION SAID ANYTHING IN REGARDS TO I DON'T WANT
25 THAT PARTICULAR STATEMENT OR THIS PARTICULAR STATEMENT

STATE VS ALKEBULANYAHH

1 TO NOT BE INTRODUCED IN THE RECORD I HAVE NO
2 CONTENTED ---

3 THE COURT WELL, THE COURT ---

4 MR ALKEBULANYAHH --- AND FILED A MOTION IN
5 REFERENCE TO THAT

6 THE COURT WELL, THE COURT -- THE COURT HAD
7 INDICTED IT WOULD HAVE A JACKSON VERSUS DENNO HEARING
8 ON ANY OF YOUR STATEMENTS AND THE VOLUNTARINESS OF
9 THOSE STATEMENTS

10 MR ALKEBULANYAHH I MEAN, IN OTHER STATEMENTS IN
11 REFERENCE TO OTHER STATEMENTS, I HAVE NOT -- YOU KNOW
12 WHAT I'M SAYING I HAVE NOT -- THERE'S OTHER STATEMENTS
13 THAT IS IN REFERENCE TO WHAT YOU SAYING WITH OTHER
14 PEOPLE THAT HE SAY HE PLAN TO INTRODUCE WHO SAID I MADE
15 STATEMENTS

16 THE COURT I'M SORRY YOU'RE GOING TO HAVE TO
17 RESTATE THAT SO I CAN UNDERSTAND THAT

18 MR ALKEBULANYAHH OKAY THE PROSECUTOR HAS
19 STATED THAT THERE'S OTHER WITNESSES THAT HE INTENDS TO
20 BRING FORTH IN REFERENCE TO STATEMENT THAT THE
21 DEFENDANT SUPPOSED TO HAVE MADE OKAY

22 THE COURT WHAT I WAS TRYING TO SAY IS THAT IF
23 YOU THINK THE STATEMENT TO MR BROWN WAS NOT MADE
24 FREELY AND VOLUNTARILY IN ACCORDANCE WITH YOUR RIGHTS,
25 MIRANDA, ETCETERA, THEN BEFORE YOU ELICITED THAT

STATE VS ALKEBULANYAHH

1 INFORMATION I SHOULD HAVE HAD A HEARING ON THAT AND
2 YOU COULD HAVE ASKED HIM ALL ABOUT MIRANDA AND THEN I
3 WOULD HAVE ALLOWED YOU TO ASK HIM ABOUT IT AGAIN IN
4 FRONT OF THE JURY

5 MR ALKEBULANYAHH BUT I COULD NOT HAVE THE
6 CHARGES DISMISSED, IS THAT CORRECT?

7 THE COURT NO THAT WOULD NOT BE THE RESULT
8 THE RESULT OF A VIOLATION UNDER THAT LINE OF REASONING
9 IS NOT THE CHARGE IS DISMISSED, IT'S THAT THE STATEMENT
10 DOESN'T COME IN

11 MR ALKEBULANYAHH THE INTRODUCTION OF THE
12 STATEMENT, IS THAT CORRECT?

13 THE COURT THE STATEMENT DOESN'T COME IN BUT
14 YOU WANT THE STATEMENT IN IS WHAT YOU'RE SAYING?

15 MR ALKEBULANYAHH RIGHT, IN REFERENCE TO -- I
16 MEAN YOU KNOW IS THE INTRODUCTION OF THE STATEMENT,
17 IS THAT CORRECT WHAT YOU EXPLAINED TO ME, YOUR HONOR?

18 THE COURT YES IT MEANS THAT IF -- IF -- IF YOU
19 MAKE A STATEMENT WHILE UNDER CUSTODIAL INTERROGATION IN
20 VIOLATION OF YOUR RIGHTS UNDER MIRANDA, THE FIFTH AND
21 SIXTH AMENDMENTS OF THE CONSTITUTION, THEN YOU HAVE THE
22 REMEDY OF HAVING THAT STATEMENT SUPPRESSED IF YOU WERE
23 NOT ---

24 MR ALKEBULANYAHH BUT ---

25 THE COURT IF IT WAS NOT FREELY AND VOLUNTARILY

STATE VS ALKEBULANYAHH

1 MADE NOW, IF YOU'RE ACTING LIKE IT WAS FREELY AND
2 VOLUNTARILY MADE AND YOU WANT IT TO COME OUT, THAT'S A
3 WHOLE DIFFERENT THOUGHT PROCESS, AND I DON'T UNDERSTAND
4 WHAT YOU'RE SAYING ABOUT IT

5 ARE YOU -- LET ME ASK YOU ARE YOU DISPUTING THAT
6 THAT STATEMENT WAS FREELY AND VOLUNTARILY MADE, THAT
7 YOU INDICATED THAT YOU HAD BEEN WOUNDED OR HURT OR
8 WHATEVER WORD WAS USED?

9 MR ALKEBULANYAHH I HAVE NOT BROUGHT THAT TO THE
10 COURT'S ATTENTION IN NO TYPE OF WAY I HAVE NOT ---

11 THE COURT ALL RIGHT

12 MR ALKEBULANYAHH --- REJECTED OR SAID -- OR
13 SAID SO SO, YOU KNOW ---

14 THE COURT IF YOU'RE NOT CHALLENGING THAT
15 STATEMENT WHY DO YOU WANT TO ASK THIS OFFICER ABOUT
16 WHETHER OR NOT HE GAVE YOU YOUR MIRANDA RIGHTS?

17 MR ALKEBULANYAHH BECAUSE ---

18 THE COURT I DIDN'T LET YOU GET INTO ---

19 MR ALKEBULANYAHH --- WHENEVER A PERSON IS
20 ARRESTED, THEIR MIRANDA RIGHTS ARE READ BY LAW -- IF
21 I'M RIGHT I THINK EVERY PERSON SHOULD HAVE THEIR
22 MIRANDA RIGHTS READ WHEN THEY ARE ARRESTED

23 THE COURT WELL, MIRANDA IS A COURT-IMPOSED RULE
24 TO -- TO ASSURE COMPLIANCE WITH THE CONSTITUTION IT'S
25 NOT A CONSTITUTIONAL PROVISION, IT'S A COURT-MADE

STATE VS ALKEBULANYAHH

1 PROVISION TO MAKE IT EASIER TO ENFORCE THE CONSTITUTION
2 -- LET'S JUST PUT IT IN THOSE WORDS THOSE AREN'T THE
3 BEST -- THOSE AREN'T LEGAL WORDS, THOSE ARE BASIC

4 NOW, I GATHER FROM YOUR STATEMENTS THAT YOU THINK
5 THAT IF SOMEONE IS NOT GIVEN THEIR MIRANDA WARNINGS,
6 THAT AN ARREST IS INVALID, IS THAT WHAT YOUR THOUGHT
7 PROCESS IS?

8 MR ALKEBULANYAHH YES, THAT'S MY THOUGHT
9 PROCESS

10 THE COURT THAT'S AN INCORRECT STATEMENT OF THE
11 LAW NOW, THERE MAY BE TIMES WHEN CASES ARE DISMISSED
12 BECAUSE SOMEONE IS NOT GIVEN THEIR MIRANDA RIGHTS, NOT
13 BECAUSE THAT'S THE REMEDY OF A VIOLATION OF MIRANDA
14 IT'S BECAUSE THERE'S NOTHING ELSE LEFT IN THE CASE
15 OTHER THAN THE STATEMENT AND IF THERE'S NOTHING TO GO
16 ON THERE'S NO CASE DO YOU SEE WHAT I'M SAYING?

17 MR ALKEBULANYAHH YES, SIR

18 THE COURT NOW ---

19 MR ALKEBULANYAHH IN ADDITION THAT WHERE THE
20 COURT HAS HELD THAT IF EVIDENCE IS FOUND ---

21 THE COURT WELL, I DON'T NEED ---

22 MR ALKEBULANYAHH GO INTO THAT?

23 THE COURT LET'S NOT GET INTO THAT ---

24 MR ALKEBULANYAHH RIGHT, EXACTLY

25 THE COURT --- KIND OF DISCUSSION ABOUT THE LAW

STATE VS ALKEBULANYAHH

1 I MEAN, OBVIOUSLY ---

2 MR ALKEBULANYAHH I MEAN, THAT ALREADY BEEN
3 BROUGHT TO YOUR ATTENTION ---

4 THE COURT --- YOU HAVE YOUR PERSPECTIVE ON THE
5 LAW

6 MR ALKEBULANYAHH --- AND YOU RULED ON THAT, IS
7 THAT CORRECT?

8 THE COURT ONLY BECAUSE YOU WERE ELICITING A LINE
9 OF QUESTIONING AS IF YOU WERE NOT CHALLENGING THE
10 VOLUNTARINESS, AND THAT MOOTS THE NEED TO GO INTO
11 MIRANDA

12 BUT YOU'RE THINKING THAT MIRANDA JUSTIFIES A
13 DISMISSAL?

14 MR ALKEBULANYAHH NO WHAT I'M SAYING IS THE
15 MIRANDA IF I'M CORRECT DEALS IN A BROAD -- IN BROADER
16 AREAS IT ALSO IS IN REFERENCE TO IF ILLEGAL-OBTAINED
17 EVIDENCE IS ACQUIRED BECAUSE OF MIRANDA THAT THAT
18 EVIDENCE COULD BE THROWN OUT BECAUSE IT BE THE TAINTED
19 FUTE (PHONETIC) OF THE -- OF THE STATEMENT THAT A
20 INDIVIDUAL MADE TO A POLICE OFFICER

21 THE COURT WELL, THAT GOES BACK TO YOUR ARGUMENT
22 ABOUT U S VERSUS BATAIN (PHONETIC) BUT ---

23 MR ALKEBULANYAHH AND ---

24 THE COURT --- I'M TALKING ABOUT THE STATEMENT
25 THAT YOU SAID THAT YOU WERE WOUNDED, THAT -- ARE YOU

STATE VS ALKEBULANYAHH

1 ARGUING -- WHY WOULD YOU ELICIT THAT WITHOUT WANTING ME
2 TO HAVE A HEARING ON IT IF YOU THINK IT WAS TAKEN IN
3 VIOLATION OF YOUR RIGHTS?

4 MR ALKEBULANYAHH IT -- IT -- IT CANNOT -- IT
5 CANNOT GIVE ME RELEASE I MEAN, YOU CANNOT -- THE
6 CHARGES ARE NOT GOING TO BE DROPPED

7 THE COURT WHAT YOU'RE TELLING ME IS YOU WANT THE
8 STATEMENT IN BUT YOU WOULD LIKE THE OPPORTUNITY TO ASK
9 THE OFFICER IF HE GAVE YOU YOUR MIRANDA RIGHTS, IS THAT
10 WHAT YOU'RE TELLING ME?

11 MR ALKEBULANYAHH WHAT I'M SAYING IS THAT WHAT
12 HAPPENED TO ME IS WHAT HAPPENED, IS WHAT HAPPENED AND
13 THAT ANY -- IN THE EVENT -- IN THE EVENT IF IT SO
14 HAPPENED THAT I DO NOT -- IF I AM NOT FOUND NOT GUILTY,
15 THEN I KNOW THAT I WOULD HAVE TO TAKE UP THAT WHICH
16 WASN'T ADDRESSED AT THE TRIAL COURT LEVEL IN THE
17 APPELLATE PROCESS SO I'M TRYING TO ---

18 THE COURT YOU BETTER BE CAREFUL ABOUT THAT,
19 BECAUSE WHEN THE COURT GIVES YOU THE OPPORTUNITY TO DO
20 THINGS AND YOU SAY YOU DON'T WANT THAT OPPORTUNITY OR
21 YOU'RE WAIVING THEM, YOU'RE NOT GOING TO GET MUCH
22 RELIEF ABOVE DO YOU UNDERSTAND THAT?

23 MR ALKEBULANYAHH WELL, I MEAN, I DON'T FIND
24 THAT THE STATEMENT OF, I'VE BEEN SHOT IN THE SHOULDER
25 OR I BEEN SHOT IN THE HIP -- WHETHER I SAID IT OR NOT

STATE VS ALKEBULANYAHH

1 IS SO DAMAGING ---
2 THE COURT I'M NOT SAYING IT IS
3 MR ALKEBULANYAHH RIGHT
4 THE COURT I'M JUST SAYING, I LIKE TO DOT MY
5 "I'S" AND CROSS MY "T'S" I DON'T KNOW THE IMPACT OF
6 ALL THIS YOU ALL KNOW THIS CASE BETTER THAN I DO, AND
7 I'M HEARING ALL THIS STUFF FOR THE FIRST TIME YOU
8 HAVE TO UNDERSTAND THAT
9 MR ALKEBULANYAHH YES, SIR
10 THE COURT YOU'VE BEEN SPENDING TWO YEARS OR
11 WHATEVER NUMBER -- 18 MONTHS OR WHATEVER IT'S BEEN ---
12 MR ALKEBULANYAHH RIGHT
13 THE COURT --- ON THIS CASE BURYING YOURSELF
14 INTO ALL THE DETAILS, AS WELL AS THEY BUT I'M HEARING
15 IT ALL FOR THE FIRST TIME ALL I CAN DO IS DOT THE
16 "I'S" AND CROSS THE "T'S" ---
17 MR ALKEBULANYAHH I GREATLY APPRECIATE IT
18 THE COURT --- BECAUSE I DON'T KNOW WHAT EFFECT
19 ANY LITTLE STATEMENT MIGHT HAVE IN THE CASE I HAVE NO
20 WAY OF KNOWING WHAT THIS JURY WILL THINK
21 ALL I CAN DO IS PROCEDURALLY SAY, THAT'S MY
22 ROUTINE I WOULD NORMALLY GIVE A HEARING IF YOU
23 CHALLENGE IT IF YOU DON'T CHALLENGE IT THAT'S A
24 WHOLE DIFFERENT THING YOU HAVE THAT RIGHT THAT'S
25 PART OF YOUR STRATEGY

STATE VS ALKEBULANYAHH

1 YOU CAN AGREE TO ALLOW ANY EVIDENCE WHATSOEVER IN
2 THIS CASE THAT YOU FEEL IS APPROPRIATE, THAT'S YOUR
3 RIGHT

4 I'M JUST TELLING YOU THIS STUFF BECAUSE IF
5 SOMETHING -- IF IT'S A RED FLAG TO ME, THEN I THINK
6 THAT -- I DO THINGS IN AN ABUNDANCE OF CAUTION

7 NOW, I'M MORE THAN HAPPY TO HAVE A HEARING ON THE
8 VOLUNTARINESS OF THAT STATEMENT AND TO THE EXTENT
9 THAT I SEE THAT YOU'RE -- YOU KNOW, WHEN HE COMES IN
10 TOMORROW, I WILL LET YOU ASK HIM THAT QUESTION DID
11 YOU GIVE MIRANDA RIGHTS?

12 I DON'T THINK THAT ABSENT THE CONTEXT OF ME RULING
13 SEPARATELY ON IT, I'M NOT SURE THAT'S GOING TO HAVE ANY
14 IMPACT IF YOU'RE NOT CHALLENGING THE STATEMENT, SEE
15 WHAT I'M SAYING? IT DOESN'T ---

16 MR ALKEBULANYAHH RIGHT

17 THE COURT I MEAN, LET'S SAY YOU WANT TO ASK A
18 QUESTION ABOUT MIRANDA IN FRONT OF THE JURY WHICH
19 NORMALLY I WOULD LET YOU DO THAT IF IT WERE AN ISSUE IN
20 THE CASE FOR EXAMPLE, IF ONE PERSON SAYS, I GAVE YOU
21 THE MIRANDA RIGHTS AND ANOTHER PERSON SAID, I DID NOT
22 RECEIVE MY MIRANDA RIGHTS, THEN I MAKE A PRELIMINARY
23 DETERMINATION ABOUT IF I THINK THE RIGHTS WERE
24 PROTECTED, ETCETERA THAT DOESN'T SUPERSEDE THE JURY'S
25 RIGHT TO SAY, I DON'T THINK THEY WERE GIVEN, AND

STATE VS ALKEBULANYAHH

1 DISREGARD ANY STATEMENTS MADE IN VIOLATION OF HIS
2 RIGHTS

3 WHAT I WAS TRYING TO SAY TO YOU IS THE WAY THAT
4 YOU ARE PROCEEDING IS, IT'S NOT AN ISSUE INsofar AS
5 THAT STATEMENT IS CONCERNED SO THAT'S WHY I SAID THE
6 QUESTION ABOUT MIRANDA DID NOT SEEM TO BE RELEVANT

7 IF YOU'RE CLAIMING IT HAS RELEVANCE TO SOME OTHER
8 ISSUE OF THE CASE, I WILL LET YOU ASK THAT QUESTION
9 WHEN HE COMES BACK ON THE STAND TOMORROW, SINCE YOU'RE
10 IN THE MIDDLE OF YOUR QUESTIONING

11 THAT STILL DOESN'T RESOLVE MY OTHER QUESTION TO
12 YOU, WHICH WOULD BE DO I NEED TO HAVE A HEARING ON
13 THE VOLUNTARINESS OF THAT STATEMENT? YOU'RE TELLING ME
14 I DO NOT?

15 MR ALKEBULANYAHH YES I'M TELLING YOU THAT YOU
16 DO NOT HAVE TO HAVE A HEARING ON THE VOLUNTARINESS OF
17 THAT PARTICULAR STATEMENT

18 THE COURT ALL RIGHT I WILL LET YOU ASK THE
19 QUESTION ABOUT MIRANDA BUT DO YOU UNDERSTAND WHAT I'M
20 SAYING ABOUT MIRANDA?

21 MR ALKEBULANYAHH SIR EXCUSE ME, THAT ---

22 THE COURT I'M GOING TO LET YOU ASK THAT QUESTION
23 SO YOU CAN PRESERVE IT FOR THE RECORD I'LL LET YOU
24 ASK THAT WITNESS THAT QUESTION SINCE WE'RE NOT HAVING A
25 SEPARATE HEARING ON THAT ISSUE AND IF YOU CAN TIE IT

STATE VS ALKEBULANYAHH

1 ALL TOGETHER SOME WAY BY THE END OF THEIR CASE IN LEGAL
2 ARGUMENTS TO ME, THEN, FINE, I'LL HEAR YOU OUT ON THAT
3 BUT I WANT TO ASK EACH SIDE TO PLEASE OUT OF -- I
4 WOULD LIKE TO ASK, UNLESS THEY'RE IN A DOCUMENT THAT'S
5 BEEN ADMITTED THAT ALL WITNESSES BE INSTRUCTED NOT TO
6 REFER TO ANY STATEMENTS WITHOUT GUIDANCE FROM THE COURT
7 FIRST, OKAY?

8 MR MURDAUGH I WILL
9 THE COURT PLEASE INSTRUCT ALL YOUR WITNESSES
10 EVEN IF THEY THINK IT'S BEING ELICITED FROM THE
11 QUESTION, I WOULD PREFER TO HEAR BOTH SIDES OUT ON THAT
12 JUST TO PROTECT THE RECORD ALL RIGHT?

13 MR MURDAUGH I WILL DO THAT, SIR
14 THE COURT NOW THE SAME WITH OFFICER GREEN HE
15 MADE THAT SAME STATEMENT ABOUT YOU BEING WOUNDED NOW,
16 IS THAT THE SAME ANALYSIS AS FAR AS YOUR PERSPECTIVE?
17 YOU WANTED THAT STATEMENT TO COME IN?

18 MR ALKEBULANYAHH HONESTLY, YOUR HONOR, I -- I
19 FIND THAT I DON'T -- I DON'T SEE NO SIGNIFICANT (SIC)
20 THAT REFLECTS (SIC) MY MIND TO ANY EXTENT THAT ---

21 THE COURT I UNDERSTAND, YOU DON'T THINK THAT
22 STATEMENT WAS IMPORTANT, THAT IT WAS DAMAGING IN ANY
23 WAY I'M NOT SAYING IT IS

24 MR ALKEBULANYAHH RIGHT

25 THE COURT I'M GOING BACK TO THE SAME THING, I

STATE VS ALKEBULANYAHH

1 WOULD HAVE PREFERRED TO HAVE A HEARING ON ANY
2 STATEMENTS -- SOME STATEMENTS CAN BE TOTALLY TRIVIAL,
3 WON'T HAVE ANY EFFECT WHATSOEVER SOME STATEMENTS
4 MIGHT UNTIL I HAVE A BIG PICTURE, IT'S BEST FOR ME TO
5 NORMALLY HAVE THAT HEARING OUTSIDE THE JURY'S PRESENCE
6 FOR ME TO SEE HOW PEOPLE ARE PUTTING THOSE THINGS
7 TOGETHER

8 NOW, AGAIN, I WOULD BE HAPPY TO HAVE A HEARING ON
9 WHETHER THAT STATEMENT IS FREELY AND VOLUNTARILY MADE,
10 UNLESS YOU'RE NOT DISPUTING THAT IT WAS FREELY AND
11 VOLUNTARILY MADE?

12 (PAUSE)

13 THE COURT YOU'RE NOT CALLING INTO QUESTION THAT
14 THE STATEMENT WAS MADE LET ME REPHRASE THAT YOU'RE
15 NOT CALLING INTO QUESTION -- NOT FOR PURPOSES OF THE
16 JURY BUT FOR PURPOSES OF THE COURT WHETHER OR NOT
17 VOLUNTARINESS IS AN ISSUE THAT I NEED TO DECIDE IN A
18 HEARING, THAT'S WHAT I'M ASKING

19 MR ALKEBULANYAHH NOT IN PARTICULAR I KNOW --
20 I KNOW THERE ARE OTHER STATEMENTS THAT I WOULD LIKE TO
21 HAVE A HEARING ON

22 THE COURT ALL RIGHT WELL, THEN MAKE SURE YOU
23 DON'T ASK ANY QUESTIONS ABOUT ANY STATEMENT UNTIL I
24 HAVE A HEARING AND I'VE ADVISED THE STATE TO MAKE
25 SURE THEY ADVISE THEIR WITNESS ABOUT ANY STATEMENTS

STATE VS ALKEBULANYAHH

1 THAT YOU HAVE MADE DO YOU UNDERSTAND?

2 MR ALKEBULANYAHH SO ---

3 THE COURT I MEAN, IF THERE ARE OTHER
4 STATEMENTS ---

5 MR ALKEBULANYAHH AM I BEING -- AM I BEING
6 LIMITED TO ASKING THEM -- NOT PARTICULAR ABOUT THIS
7 STATEMENT, BUT AT LEAST USING THE WORD MIRANDA IN THE
8 -- IN THE ---

9 THE COURT NO I LET YOU ASK ABOUT MIRANDA WITH
10 OFFICER GREEN BUT WITH OFFICER BROWN -- THE WAY IT
11 CAME OUT, I JUST THOUGHT YOU WEREN'T -- BY THAT POINT
12 SINCE IT HAD ALREADY CAME IN -- IT ALREADY CAME IN --
13 IT GETS TO BE KIND OF COMPLEX THE WAY I THINK -- NOT
14 COMPLEX, BUT COMPLEX TO EXPLAIN

15 IT CAME IN I LET YOU ASK ABOUT MIRANDA WITH
16 OFFICER GREEN

17 ONCE IT WAS IN I JUST DIDN'T THINK YOU HAD AN
18 ISSUE WITH THAT STATEMENT SO ONCE WE GOT TO OFFICER
19 BROWN, IT DID NOT SEEM THAT MIRANDA WAS ANY LONGER --
20 WAS OF ANY IMPORTANCE ANY LONGER

21 BUT IF YOU THINK IT'S IMPORTANT ENOUGH TO ASK
22 THAT DOESN'T STOP YOU FROM ASKING TOMORROW YOU HAVE
23 PLENTY OF TIME TO ASK THAT QUESTION

24 STILL DOESN'T ANSWER MY QUESTION, JUST AS I ASKED
25 ABOUT OFFICER BROWN DO YOU REQUEST FOR ME TO HAVE A

STATE VS ALKEBULANYAHH

1 HEARING ON WHETHER OR NOT THAT STATEMENT WAS FREELY AND
2 VOLUNTARILY MADE? IT'S THE SAME STATEMENT, I REALIZE
3 BUT I WANT TO ASK IT

4 MR ALKEBULANYAHH ABOUT THE WOUND TO THE
5 SHOULDER AND THE HIP?

6 THE COURT YES, HE SAID THE SHOULDER AND THE HIP
7 MORE SPECIFICALLY AND OFFICER BROWN SAID, YOU SAID
8 YOU WERE WOUNDED

9 MR ALKEBULANYAHH IF I MADE A STATEMENT AND I
10 DID NOT WANT TO -- TO TAKE A SIDE TO WHETHER I DID OR I
11 DIDN'T MAKE THAT STATEMENT ---

12 THE COURT I'M NOT ASKING YOU TO DO THAT WHAT
13 I'M SAYING IS, ARE YOU ASKING FOR A PRELIMINARY FINDING
14 FROM THE COURT THAT THAT STATEMENT WAS FREELY AND
15 VOLUNTARILY MADE, BY HAVING A HEARING ON IT?

16 MR ALKEBULANYAHH AND IF THE COURT -- IF THE
17 COURT RULES ---

18 THE COURT IF I RULE THAT IT WAS FREELY AND
19 VOLUNTARILY MADE, IT WOULD COME IN YOU CAN STILL
20 CHALLENGE IT YOU COULD STILL TRY TO CONVINCE THE JURY
21 IF YOU TAKE THE POSITION YOU DIDN'T MAKE A FREE AND
22 VOLUNTARY STATEMENT BUT IT DOESN'T SOUND LIKE THE WAY
23 YOU'RE PRESENTING IT THAT YOU ARE BUT IF YOU ARE, YOU
24 ARE

25 MR MURDAUGH JUDGE, AGAIN ---

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WE CAN HAVE A HEARING

2 MR MURDAUGH I DON'T PRESUME TO TELL THE COURT
3 WHAT TO DO BUT PERHAPS, WE'VE GOT STAND-BY COUNSEL
4 PERHAPS IT WOULD BE WELL IF WE LET HIM DISCUSS WITH
5 THEM AND ADDRESS THIS A LITTLE EARLIER IN THE MORNING

6 THE COURT WELL, IF WE NEED TO HAVE A HEARING,
7 THEN I PREFER TO DO THAT BEFORE WE START ON ANY AND ALL
8 STATEMENTS THAT NEED -- THAT MAY BE BROUGHT OUT

9 MR MURDAUGH PLEASE UNDERSTAND, THEY WERE NOT
10 BROUGHT OUT BY ME, SIR

11 THE COURT NO I'M NOT CRITICIZING ANYTHING
12 ANYONE'S DONE THIS IS DOT THE "I'S" AND CROSS THE
13 "T'S" KIND OF THING

14 MR MURDAUGH YES, SIR

15 THE COURT AND I DO WANT YOU TO INSTRUCT ALL YOUR
16 WITNESSES NOT TO REFERENCE ---

17 MR MURDAUGH I WILL DO THAT

18 THE COURT --- ANY STATEMENT BUT I AM CERTAINLY
19 FREE TO HAVE A HEARING ON THAT IF THAT'S WHAT YOU WOULD
20 LIKE

21 MR ALKEBULANYAHH MAY I HAVE A MINUTE WITH
22 STAND-BY COUNSEL, PLEASE?

23 THE COURT YES

24 (PAUSE)

25 THE COURT LET ME ASK YOU WHILE YOU ALL ARE

STATE VS ALKEBULANYAHH

1 TALKING WAS THERE A JACKSON VERSUS DENNO MOTION
2 FILED?

3 MR MURDAUGH NO SIR YOU ADDRESSED THAT IN
4 CHARLESTON

5 THE COURT YES I REALIZE I TOOK UP SOMETHING ON
6 MY OWN MOTION

7 MR ALKEBULANYAHH I THINK PERHAPS IT MAY HAVE
8 BEEN IN ONE OF MY MOTIONS ---

9 THE COURT I THINK ---

10 MR ALKEBULANYAHH --- BECAUSE I REMEMBER
11 RECALLING ---

12 THE COURT --- I SAW SOMETHING IN ONE OF THEM

13 MR ALKEBULANYAHH YEAH

14 THE COURT WHAT I GUESS I'M TRYING TO ASK YOU IS,
15 WHAT STATEMENTS IF ANY YOU ARE CHALLENGING AS BEING
16 MADE FREELY AND VOLUNTARILY? DO YOU SEE WHAT I'M
17 SAYING?

18 MR ALKEBULANYAHH RIGHT

19 THE COURT IF YOU DON'T CHALLENGE THE STATEMENT
20 BEING MADE FREELY AND VOLUNTARILY AS BEING FREELY AND
21 VOLUNTARILY MADE, THERE'S NO ISSUE FOR ME AS FAR AS THE
22 PROCEDURE

23 IF YOU HAVE CHALLENGED IT, THEN I WOULD PREFER TO
24 HAVE A HEARING, THAT'S WHAT I'M TRYING TO EXPLAIN TO
25 YOU

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH OKAY
2 THE COURT ALL RIGHT
3 MR MURDAUGH HAVING A HEARING -- WE CONCEDE,
4 SIR, THAT THEY WOULD NOT HAVE BEEN ADMISSIBLE ON BEHALF
5 OF THE STATE, BECAUSE WE DIDN'T OFFER THEM
6 THE COURT I UNDERSTAND
7 (PAUSE)
8 MR ALKEBULANYAHH YOUR HONOR
9 THE COURT YES, SIR
10 MR ALKEBULANYAHH YES, SIR, I WOULD LIKE TO HAVE
11 THE JACKSON VERSUS DENNO STATEMENTS
12 THE COURT ALL RIGHT SO NOW YOU'RE CHALLENGING
13 THE VOLUNTARINESS OF THOSE STATEMENTS?
14 MR ALKEBULANYAHH YES, SIR
15 THE COURT ALL RIGHT AND WHAT IS THE BASIS FOR
16 THAT AFTER YOU ELICITED THOSE RESPONSES?
17 MR ALKEBULANYAHH ONE MINUTE, YOUR HONOR
18 (PAUSE)
19 MR ALKEBULANYAHH YOUR HONOR
20 THE COURT YES, SIR
21 MR ALKEBULANYAHH THE STATEMENT WAS NOT
22 VOLUNTARY AND I JUST WOULD LIKE TO HAVE A HEARING TO
23 DETERMINE WHETHER THEY WAS VOLUNTARY
24 THE COURT ALL RIGHT SO YOU'RE WITHDRAWING YOUR
25 FIRST STATEMENT THAT YOU DID NOT CONTEST THEM?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH EXCUSE ME, THE STATEMENT?

2 THE COURT YOU WITHDRAW YOUR FIRST STATEMENT TO
3 ME, YOU'RE NOT CONTESTING THEM? ARE YOU CONTESTING THE
4 STATEMENT WAS MADE FREELY AND VOLUNTARILY?

5 MR ALKEBULANYAHH I'M CONTESTING THAT IT WAS NOT
6 MADE FREE AND VOLUNTARY

7 THE COURT ALL RIGHT AND ARE YOU TALKING ABOUT
8 AS TO WHICH OFFICER?

9 MR ALKEBULANYAHH TO -- TO BOTH OFFICERS

10 THE COURT SO YOU DO NOT WANT -- YOU DO NOT WANT
11 IN THE RECORD THE FACT THAT YOU WERE WOUNDED? YOU DO
12 NOT WANT THAT TO COME OUT IN THIS CASE THAT YOU SAID
13 YOU WERE WOUNDED?

14 MR ALKEBULANYAHH EXACTLY

15 THE COURT ALL RIGHT THAT'S NOT GOING TO COME
16 OUT IN ANY WAY IF I TELL THIS JURY TO DISREGARD THAT?

17 MR ALKEBULANYAHH RIGHT

18 THE COURT ALL RIGHT SO THAT'S NOT PART OF YOUR
19 THEORY IN THIS CASE?

20 MR ALKEBULANYAHH NO, SIR

21 THE COURT THAT SOMEONE WOUNDED YOU OR ANYTHING
22 LIKE THAT?

23 MR ALKEBULANYAHH NO, SIR

24 THE COURT ALL RIGHT WHAT'S THE STATE'S
25 POSITION?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I THINK YOU'RE ABSOLUTELY CORRECT,
2 SIR I MEAN, I DIDN'T ASK FOR IT TO BE INTRODUCED I
3 DON'T THINK I COULD HAVE HAD IT INTRODUCED, SIR,
4 BECAUSE I THINK IT'S IMPROPER
5 THE COURT ALL RIGHT
6 MR MURDAUGH THAT'S WHY I DIDN'T ASK ABOUT IT,
7 SIR
8 THE COURT SO THE REMEDY WOULD BE?
9 MR MURDAUGH THAT I DON'T KNOW, SIR, EXCEPT TO
10 TELL THEM TO DISREGARD IT
11 THE COURT I'LL BE HAPPY TO -- IF THE STATE'S
12 WILLING TO SAY THAT THEY WEREN'T PREPARED TO OFFER
13 THAT, ONLY BECAUSE YOU ELICITED IT -- I'LL BE HAPPY TO
14 TELL THEM TO DISREGARD THAT STATEMENT IF YOU WOULD LIKE
15 THAT?
16 MR ALKEBULANYAHH THAT WOULD BE FINE, YOUR
17 HONOR
18 THE COURT IS THAT ALL YOU REQUEST?
19 MR ALKEBULANYAHH YES, SIR
20 THE COURT I'LL BE HAPPY TO DO THAT
21 MR MURDAUGH I HAVE NO PROBLEM NOW, LET ME
22 TELL YOU SOMETHING, JUDGE THERE'S TWO OTHER THINGS
23 THAT WE PROBABLY NEED TO ADDRESS IN ADDITION ---
24 THE COURT HOLD ON HE'S NOT LISTENING LET'S
25 WAIT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I'M SORRY, YOUR HONOR

2 THE COURT ALL RIGHT

3 MR MURDAUGH IN ADDITION TO THE STATEMENTS THAT
4 WERE MADE FROM THE WITNESS STAND, HE HAS INTRODUCED TWO
5 DOCUMENTS WHICH ---

6 THE COURT I DON'T HAVE ANY PROBLEM WITH THAT
7 HE INTRODUCED THOSE

8 MR MURDAUGH OKAY, SIR

9 THE COURT YOU UNDERSTAND THAT? WHEN YOU
10 INTRODUCE THOSE DOCUMENTS, EVERYTHING IN THOSE
11 DOCUMENTS CAN BE MENTIONED IN ANY WAY WHATSOEVER DO
12 YOU UNDERSTAND THAT?

13 MR ALKEBULANYAHH YES, SIR

14 THE COURT SO ANY OF THOSE DOCUMENTS HAVE
15 STATEMENTS YOU MADE, YOU INTRODUCED THOSE DOCUMENTS
16 AND IT SUGGESTS THAT YOU DON'T TAKE ANY POSITION ON
17 THOSE STATEMENTS AS FAR AS THIS COURT NEEDING A HEARING
18 ON THOSE STATEMENTS

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT THAT'S SOMETHING YOU'VE ALREADY DONE

21 MR ALKEBULANYAHH RIGHT RIGHT I UNDERSTAND
22 NOW

23 THE COURT THAT'S WHY I SAID THE ONLY THING I HAD
24 A CONCERN ABOUT WOULD BE THE LAST STATEMENT THAT WAS
25 NOT REFLECTED IN THOSE DOCUMENTS

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR PLEASE, I'D LIKE TO PUT
2 ON THE RECORD THAT I THINK IT WAS THE DAY BEFORE
3 YESTERDAY -- I'VE LOST CONCEPTS OF TIME RIGHT NOW BUT
4 AT SOME POINT EARLIER HE WAS IN THE PROCESS OF
5 INTRODUCING A STATEMENT, AND I HAD TOLD YOU I WANTED TO
6 HAVE A SIDE BAR HE WAS UP THERE I TOLD HIM I HAD NO
7 OBJECTION TO HIM INTRODUCING THAT DOCUMENT, BUT THAT --
8 ASKING THE QUESTION, BUT IT WAS GOING TO BE DAMNING FOR
9 HIM

10 AND YOU HAD DISCUSSED WITH HIM WHAT THE
11 REPERCUSSIONS COULD BE

12 THE COURT YES, SIR ✓

13 MR MURDAUGH I JUST WANTED THAT ON THE RECORD
14 THE COURT WELL, INSOFAR AS -- YOU KNOW, NOW
15 TELLING THE JURY TO DISREGARD THAT STATEMENT IS REALLY
16 JUST A MATTER OF -- IT'S ACTUALLY A MATTER OF -- IT'S
17 NOT A -- I'M NOT GOING TO SAY THAT WORD IT'S THE
18 STATE JUST BEING A LITTLE BIT LIBERAL WITH THE FACT
19 THAT YOU ARE PROCEEDING PRO SE, BECAUSE THERE IS NO
20 OBJECTION MADE AT THE TIME THAT STATEMENT IS MADE
21 SO YOU UNDERSTAND THE RECORD IS GOING TO REFLECT
22 -- I DON'T KNOW WHAT CONVERSATION YOU HAD BUT THE
23 RECORD REFLECTS YOU DID NOT MAKE AN OBJECTION TO THAT
24 AT THE TIME THOSE STATEMENTS CAME IN SO THE FACT THAT
25 THE STATE'S AGREEING TO YOUR REQUEST TO ASK THE JURY TO

STATE VS ALKEBULANYAHH

1 DISREGARD THOSE -- THAT -- THOSE STATEMENTS, THE RECORD
2 STILL REFLECTS THAT NO OBJECTION WAS MADE

3 DO YOU UNDERSTAND, I'M NOT WAIVING THEIR RIGHT TO
4 SAY THAT NO OBJECTION WAS MADE AT THAT POINT OKAY?
5 DO YOU UNDERSTAND THAT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT AND SO WHAT YOU'RE REQUESTING IS THAT
8 I ASK THIS JURY TO JUST DISREGARD THE FACT THAT YOU HAD
9 BEEN WOUNDED?

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT THAT ANY STATEMENTS THAT YOU MADE THAT
12 YOU HAD BEEN WOUNDED, IS THAT CORRECT?

13 MR MURDAUGH AND THAT WOULD BE FROM ---

14 THE COURT OFFICER GREEN AND OFFICER BROWN

15 MR MURDAUGH YES, SIR OKAY SIR

16 THE COURT IS THERE ANYTHING YOU NEED TO DISCUSS
17 WITH YOUR ATTORNEYS ABOUT THAT?

18 MR ALKEBULANYAHH ONE MOMENT, SIR

19 (PAUSE)

20 MR ALKEBULANYAHH YOUR HONOR

21 THE COURT YES, SIR

22 MR ALKEBULANYAHH I WANT TO MAKE A MOTION TO
23 ADDRESS THE COURT TO SEEK THE ASSISTANCE OF THE COURT
24 SOME KIND OF WAY WITH THE DETENTION CENTER TO ---

25 THE COURT WELL, ANYTHING FURTHER ON THAT OTHER

STATE VS ALKEBULANYAHH

1 MATTER?

2 MR ALKEBULANYAHH YES YES

3 THE COURT NO NO ANYTHING FURTHER ON THIS
4 MATTER WE'RE TALKING ABOUT?

5 MR ALKEBULANYAHH NO, SIR

6 THE COURT ALL RIGHT NOW, YOU UNDERSTAND WHAT I
7 SAID? THERE WERE -- THERE WERE NO -- AN OBJECTION WAS
8 NOT MADE AT THE TIME IT CAME IN THE FACT THAT WE'RE
9 HAVING THIS DISCUSSION IS BECAUSE I HAD TAKEN IT UPON
10 MYSELF TO POINT THIS PROCESS OUT TO YOU

11 MR ALKEBULANYAHH THANK YOU, AND IT'S VERY
12 APPRECIATED, YOUR HONOR

13 THE COURT THE FACT THAT THE STATE IS WILLING TO
14 GO ALONG WITH THIS DOES NOT WAIVE THEIR RIGHT TO EVER
15 ASSERT AT SOME POINT THAT THE CASE SHOULD GO AT SOME
16 OTHER POINT TO SAY THERE WAS NO CONTEMPORANEOUS
17 OBJECTION TO IT, AND THAT IT WAS ELICITED FROM YOU,
18 YOURSELF I JUST WANT TO MAKE THAT CLEAR FOR THE
19 RECORD

20 NOW, WHAT'S YOUR OTHER MATTER?

21 MR ALKEBULANYAHH THE OTHER MATTER WAS IN
22 REFERENCE IN THE DEPARTMENT -- IN THE DETENTION CENTER
23 SINCE THE TRIAL BEGAN, I'VE BEEN HOUSED IN A AREA WHERE
24 THEY HAVE PUT EXTREME NOISY AND DISCRUPTIVE (PHONETIC)
25 MENTAL HEALTH PATIENTS THERE AND THEY TEND TO KEEP --

STATE VS ALKEBULANYAHH

1 THEY KEEPING ME UP THROUGHOUT THE NIGHT ONE GET UP AT
2 LIKE 3 00 OR 2 00 IN THE MORNING, A M AND CONSTANTLY
3 MAKE -- BANG THE DOOR AND MAKE NOISE AND SING LOUD --
4 LOUD RAP SONGS ALL THROUGH THE NIGHT, THROUGHOUT TO THE
5 MORNING TIME

6 AND ONE HE DESTROYED THE SPRINKLERS AND CAUSED A
7 FLOODING AND EVERYTHING TO ACCUMULATE INSIDE THE CELL
8 BLOCK AREA

9 AND THEN THE DETENTION CENTER HAD TO BRING PEOPLE
10 IN THAT USE VACUUMS AND SO FORTH TO SUCK UP THE WATER,
11 WHICH KEEP -- PREVENT ME FROM SLEEP

12 THE COURT DOES THAT HAPPEN REGULARLY OR ARE YOU
13 SAYING THAT WAS A ONE-TIME THING?

14 MR ALKEBULANYAHH NO SIR IT'S -- THIS IS
15 REGULAR AND I SPOKE TO THE DETENTION PEOPLE ABOUT IT
16 -- THAT ESCORTED ME UP HERE, MR GRAYSON AND HE'S
17 AWARE OF IT, AND SOME OTHER DETENTION OFFICERS THAT
18 WORK ON A REGULAR EVERY DAY IS AWARE OF IT AND THEY
19 DIDN'T HAVE SOME CONCERN ABOUT THAT FOR ME

20 THIS MORNING THEY WOKE ME UP ABOUT 3 00 O'CLOCK
21 THIS MORNING BECAUSE OF THE FLOODING AND THE WATER HAD
22 COME INTO THE CELLS AND EVERYTHING, AND WAS RUNNING A
23 VACUUM AND THEY DID MOVE ME TO ANOTHER LOCATION AND
24 THE LOCATION IS BETTER THAN THE LOCATION THAT THEY HAD
25 ME AT

STATE VS ALKEBULANYAHH

1 BUT I WOULD LIKE TO ASK THE COURT IF I COULD JUST
2 REMAIN IN THAT LOCATION WHERE I'M AT BECAUSE THEY
3 DON'T HOUSE THEM TYPE OF PEOPLE IN THAT AREA

4 THE COURT YOU MEAN, THEY PUT YOU IN ANOTHER
5 LOCATION?

6 MR ALKEBULANYAHH YES, SIR, THIS MORNING FOR THE
7 FIRST TIME THEY PUT ME IN A DIFFERENT LOCATION

8 THE COURT WELL, CAN THEY KEEP HIM IN THAT SAME
9 LOCATION?

10 MR MURDAUGH WE HAVE NO CORRECTION OFFICER OVER
11 HERE, SIR

12 OFFICER I'LL BE GLAD TO ASK

13 THE COURT ALL RIGHT CAN YOU SEE IF THEY CAN
14 PUT HIM IN THAT SAME LOCATION THEY'LL DO THE BEST
15 THEY CAN

16 MR ALKEBULANYAHH I APPRECIATE IT, YOUR HONOR

17 THE COURT SEE YOU ALL TOMORROW

18 (PAUSE)

19 THE COURT ORDER IN THE COURT PLEASE YES SIR

20 MR MURDAUGH MY UNDERSTANDING IS THAT THE
21 DEFENDANT AND I WISH TO STIPULATE TO THE COURT THAT
22 NZURI BATH ALKEBULANYAHH -- NZURI ---

23 MR ALKEBULANYAHH YES

24 MR MURDAUGH NZURI I'M SORRY, SIR NZURI BATH
25 ALKEBULANYAHH IS ALSO KNOWN AS MONICA DEJESUS QUEEN --

STATE VS ALKEBULANYAHH

1 AND QUEEN, AND THAT SHE IS THE WIFE OF MR
2 ALKEBULANYAHH

3 THE COURT THAT'S YOUR STIPULATION?

4 MR ALKEBULANYAHH YES, SIR

5 THE COURT ALL RIGHT IF YOU WILL STAND UP AND
6 ANNOUNCE THAT TOMORROW PLEASE

7 MR MURDAUGH I WILL, SIR

8 THE COURT THANK YOU

9 (COURT IS IN RECESS)

10 (MONDAY, OCTOBER 13 2003)

11 THE COURT MADAM COURT REPORTER, MARK THAT AS A
12 COURT'S EXHIBIT

13 (NOTE FROM JURY MARKED FOR IDENTIFICATION AS
14 COURT'S EXHIBIT NO 2)

15 THE COURT I WANTED TO TAKE SOMETHING UP ON THE
16 RECORD BEFORE -- I KNOW IT'S A LITTLE BIT EARLY I'M
17 GLAD YOU'RE ALL HERE THE JURY'S NOT READY TO GO YET

18 BUT WE LEFT THAT ISSUE YESTERDAY WHERE THE COURT
19 EXPRESSED ITS DESIRE THAT ANY FURTHER STATEMENTS BE
20 BROUGHT TO THE COURT'S ATTENTION BEFORE ANYTHING COMES
21 IN

22 I STARTED OUT THE DISCUSSION ASKING IF ANY OF THAT
23 INFORMATION WAS IN EVIDENCE -- THE ONE STATEMENT THAT
24 HAD COME OUT ABOUT YOU BEING WOUNDED FROM BOTH
25 OFFICERS

STATE VS ALKEBULANYAHH

1 BUT A REVIEW OF THE EVIDENCE DOES INDICATE THAT
2 THAT WAS IN THE RECORD IT'S IN DEFENDANT'S EXHIBIT
3 13 IT'S IN MR BROWN'S REPORT, THE STATEMENT FROM THE
4 SERGEANT, IT SAYS, I THEN OBSERVED THE SUSPECT SLOWLY
5 ATTEMPT TO EXIT FROM THE BRIDGE THE SUSPECT THEN
6 STATED THAT HE WAS WOUNDED AND UNARMED AND NEEDED HELP
7 NOW, SINCE THAT FALLS IN THE CATEGORY OF

8 STATEMENTS THAT YOU INTRODUCED, MR ALKEBULANYAHH ---

9 MR ALKEBULANYAHH YES, SIR

10 THE COURT ---- WHICH I UNDERSTAND YOUR ORIGINAL
11 PHILOSOPHY WAS YOU DIDN'T THINK THAT WAS HARMFUL
12 INFORMATION ANYWAY, CORRECT?

13 MR ALKEBULANYAHH CORRECT

14 THE COURT I DON'T KNOW IF THAT CHANGE YOUR
15 DESIRE TO -- IT REALLY DOESN'T SEEM APPROPRIATE FOR ME
16 TO TELL THE JURY TO DISREGARD THAT STATEMENT AT THIS
17 POINT SINCE IT'S IN EVIDENCE BUT, DO YOU WANT TO
18 THINK ABOUT IT FOR A SECOND I'D BE HAPPY TO HEAR YOU
19 BOTH OUT ON THAT SUBJECT

20 DO YOU ALL WANT TO LOOK AT IT

21 (PAUSE)

22 THE COURT IT'S IN THAT THIRD SECTION OF THE
23 FIRST PAGE

24 ALL RIGHT WE'VE LEFT IT OFF, IT'S KIND OF --
25 IT'S A LITTLE BIT CONFUSING FOR THE RECORD, BUT THERE

STATE VS ALKEBULANYAHH

1 IS A QUESTION ABOUT THE STATEMENT THAT WAS INTRODUCED
2 THE DEFENDANT ORIGINALLY SAID THAT HE WANTED IT IN
3 AND DIDN'T WANT A HEARING ON IT THEN CHANGED HIS MIND
4 IT WAS ALL PROMPTED BY THE COURT'S DISCUSSION WITH
5 WHETHER OR NOT THIS WAS IN EVIDENCE ALREADY
6 APPARENTLY IT IS

7 SO I DON'T KNOW WHAT YOU'VE DECIDED IN THAT
8 REGARD I'M NOT SURE IT WOULD BE APPROPRIATE TO
9 INSTRUCT THE JURY TO DISREGARD A STATEMENT THAT YOU
10 INTRODUCED BY WAY OF EXHIBIT IT MIGHT DRAW MORE
11 ATTENTION TO IT THAN NOT, BUT THAT'S A DECISION YOU
12 HAVE TO THINK ABOUT

13 MR ALKEBULANYAHH YOUR HONOR, IF I MAY I WOULD
14 LIKE TO SEEK THE COURT'S PERMISSION TO JUST HAVE A
15 HEARING ON THE STATEMENT

16 THE COURT THERE IS NO POINT IN HAVING A HEARING
17 THE STATE -- THE STATE AGREED THAT ---

18 MR ALKEBULANYAHH WELL ONCE IT'S IN, THAT'S
19 RIGHT, CORRECT?

20 THE COURT WELL, THE STATE HAS AGREED THAT IT WAS
21 A STATEMENT THAT THEY WERE NOT ENTITLED TO INTRODUCE
22 YESTERDAY SO THERE'S NO POINT IN A HEARING WHEN THEY
23 AGREE THAT THAT WAS NOT AN ADMISSIBLE STATEMENT

24 MR ALKEBULANYAHH OKAY

25 THE COURT BUT THEN YOU INTRODUCED IT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH RIGHT OKAY

2 THE COURT I'M NOT SO SURE WHAT POINT THERE WOULD
3 BE TO TELL THEM TO DISREGARD SOMETHING THAT YOU
4 YOURSELF INTRODUCED

5 MR ALKEBULANYAHH THAT'S FINE

6 THE COURT I MEAN, THAT'S WHAT I WAS TELLING YOU
7 YOU MIGHT WANT TO DISCUSS WITH YOUR ATTORNEYS -- NOT
8 THE FACT OF HAVING A HEARING, BECAUSE THEY ADMIT IT WAS
9 IN A STATEMENT THAT WAS GIVEN PURSUANT TO YOUR AFTER-
10 MIRANDA WARNING, ETCETERA

11 MR ALKEBULANYAHH WELL, THAT'S FINE BUT I ALSO
12 WANT TO -- ON THE -- ANOTHER STATEMENT MADE INTO THAT
13 -- THAT ALLEGEDLY MADE IT TO THE REPORT I WOULD LIKE
14 TO -- BY THE PERMISSION OF THE COURT TO HAVE IT
15 REDACTED

16 THE COURT REDACT WHAT?

17 MR ALKEBULANYAHH THE -- ABOUT THE QUESTIONING
18 OF THE SUSPECT WE HAVEN'T GOT TO THAT LINE -- I
19 HAVEN'T ASKED ANY QUESTIONS TOWARD THE WITNESS IN
20 REFERENCE TO A REPORT IN THE SAME PARTICULAR REPORT
21 ABOUT THE TREE LINE -- THE WEAPON IN THE TREE LINE
22 STATEMENT

23 THE COURT I'M SORRY I DON'T UNDERSTAND
24 YOU'RE GOING TO HAVE TO START ALL OVER

25 MR ALKEBULANYAHH OKAY I HAVEN'T WENT INTO ANY

STATE VS ALKEBULANYAHH

1 LINE OF QUESTIONING IN REFERENCE TO THE WITNESS THAT,
2 COLONEL BROWN -- MR BROWN ABOUT THE QUESTIONING OF THE
3 SUSPECT ABOUT WHEN HE STATED THAT HE HEARD SOMEONE
4 QUESTIONING SUSPECT AND ASK HIM WHERE HE PUT THE WEAPON
5 AND HE SAY HE THREW IT IN THE TREE LINE

6 THE COURT YES, SIR

7 MR ALKEBULANYAHH AND I WAS ASKING THE COURT IF
8 WE WOULD PLEASE HAVE THAT PARTICULAR SECTION REDACTED
9 FROM THE EXHIBIT

10 THE COURT IN THIS EXHIBIT RIGHT HERE?

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT ALL RIGHT WHAT'S THE STATE'S
13 POSITION ON THAT?

14 MR MURDAUGH MY UNDERSTANDING IS HE IS ASKING
15 THAT THAT PORTION OF IT THAT RELATES TO HIM THROWING
16 THE GUN IN THE TREE LINE BE REDACTED, IS THAT CORRECT,
17 SIR?

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT YES, SIR

20 MR MURDAUGH IF YOUR HONOR PLEASE, I THINK THAT
21 IT IS ADMISSIBLE I THINK THAT IT IS IN EVIDENCE, BUT
22 OUT OF AN ABUNDANCE OF PRECAUTION I WILL AGREE TO DO
23 THAT, SIR

24 THE COURT ALL RIGHT IN THE REPORT ITSELF
25 YOU'RE TALKING ABOUT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT ALL RIGHT YOU ALL MAKE SURE IT
3 HAPPENS BEFORE IT GOES BACK I'LL LET YOU TAKE IT FOR
4 NOW

5 MR MURDAUGH WOULD IT BE PERMISSIBLE FOR THE
6 COURT IF I TAKE THIS AND PUT SOMETHING OVER THAT --
7 THAT SECTION AND MAKE A COPY OF IT, AND SUBSTITUTE THE
8 COPY FOR THIS?

9 THE COURT YES, THAT'S FINE AND KEEP THE
10 ORIGINAL AS IT IS WE HAVE TO LEAVE THE ORIGINAL AS IT
11 IS

12 MR MURDAUGH OKAY, SIR I WILL SEE THAT THAT IS
13 DONE

14 THE COURT ALL RIGHT NOW, MR ALKEBULANYAHH, I
15 JUST -- YOU HAVE TO BE CAREFUL ABOUT THIS RUSHING TO --
16 I'M NOT GOING TO SIT UP HERE AND KEEP TELLING YOU THIS,
17 THAT YOU ARE -- WHEN YOU ADMIT AN EXHIBIT YOU'VE
18 ADMITTED AN EXHIBIT AND THEY CAN RUN WITH IT

19 YOU KNOW I CAN ONLY SAY IT'S ONLY -- IT'S
20 FORTUNATE THAT THEY ARE AGREEING TO DO THIS THAT'S
21 ABOUT ALL I WILL SAY THAT'S ALL I CAN SAY YOU'RE
22 GOING TO HAVE TO BE CAREFUL

23 THIS WHOLE QUESTION ABOUT STATEMENTS AND THINGS,
24 IT WAS RENDERED TOTALLY MOOT BY YOUR INTRODUCING
25 EVERYTHING DO YOU UNDERSTAND THAT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT NOW, IT'S MY UNDERSTANDING YOU DO NOT
3 -- IT'S NOT -- SINCE IT'S IN EVIDENCE, IT WOULD NOT BE
4 APPROPRIATE TO DISREGARD THAT, TO TELL THE JURY TO
5 DISREGARD THAT STATEMENT

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT NOW, YOU'VE INSTRUCTED ANY
8 WITNESSES ABOUT ANY OTHER STATEMENTS?

9 MR MURDAUGH I HAVE INSTRUCTED ALL OF THEM THAT
10 I HAVE BEEN ABLE TO SEE I HAVE NOT TALKED TO ALL OF
11 THEM AT THIS POINT SIR

12 THE COURT ALL RIGHT IF THERE'S ONE THAT YOU
13 CALL THAT YOU NEED A MINUTE, YOU JUST TELL ME

14 MR MURDAUGH YES SIR

15 THE COURT TELL ME YOU NEED A MINUTE

16 AND FOR THE RECORD, THAT WAS EXHIBIT NO ---

17 MR MURDAUGH 13, I THINK

18 THE COURT DEFENDANT'S 13, IN WHICH THIS
19 STATEMENT AT ISSUE YESTERDAY, THAT THE COURT WAS
20 INQUIRING ABOUT, HAD BEEN INTRODUCED INTO THE RECORD BY
21 THE DEFENDANT ABOUT THE DEFENDANT INDICATING THE
22 DEFENDANT WOUNDED

23 MR MURDAUGH MAY THE CLERK CARRY THIS AND MAKE
24 COPIES OF IT?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH THANK YOU THAT'S 13, DEFENDANT'S
2 13
3 (PAUSE)
4 MR MURDAUGH YOUR HONOR, PLEASE, THERE IS ONE
5 OTHER THING
6 THE COURT YES
7 MR MURDAUGH ON YESTERDAY THE DEFENDANT ASKED
8 THOSE PEOPLE THAT PUT THOSE GREEN MARKERS ON TO THE
9 MAP ---
10 THE COURT YES, SIR
11 MR MURDAUGH --- INITIAL THEM WE HAD ALREADY
12 PUT TWO PEOPLE UP I WILL BE HAPPY TO PUT THE INITIALS
13 OF THE WITNESSES THAT DID NOT INITIAL THEM ON THERE IF
14 THE DEFENDANT WISHES ME TO DO THAT
15 MR ALKEBULANYAHH YES SIR HE CAN
16 THE COURT ALL RIGHT THERE BEING NO OBJECTION
17 YOU MAY DO THAT
18 MR MURDAUGH WOULD ONE OF YOU ALL COME OVER
19 HERE
20 (PAUSE)
21 MR MURDAUGH YOUR HONOR, PLEASE, I HAVE DONE
22 THAT IN THE PRESENCE OF STAND-BY COUNSEL
23 THE COURT ALL RIGHT
24 (PAUSE)
25 MR MURDAUGH YOUR HONOR, PLEASE, I HAVE HAD THE

STATE VS ALKEBULANYAHH

1 DOCUMENTS REDACTED I SHOW IT TO THE COURT AND ASK
2 YOU, SIR, HOW YOU WANT TO HANDLE THIS? DO YOU WANT TO
3 PUT A NEW STICKER?

4 THE COURT YES, PUT A NEW DEFENDANT'S 13 ON
5 THERE MARK THE OTHER ONE AS A COURT'S EXHIBIT

6 HAVE YOU REVIEWED THE REDACTION?

7 MR ALKEBULANYAHH NO, SIR, I HAVEN'T

8 THE COURT DO YOU WANT TO LOOK AT IT?

9 MR MURDAUGH I'VE GIVEN HIM A COPY, SIR
10 (PAUSE)

11 MR ALKEBULANYAHH YES, SIR, I'VE REVIEWED IT

12 THE COURT IS IT FINE?

13 MR ALKEBULANYAHH YES, SIR

14 MR MURDAUGH YOUR HONOR PLEASE BEFORE WE
15 START

16 THE COURT YES, SIR

17 MR MURDAUGH THERE'S ONE OTHER THING THAT IF AT
18 ALL YOU COULD GIVE ME SOME GUIDANCE ON, I'D APPRECIATE
19 IT

20 THE COURT YES, SIR

21 MR MURDAUGH WE HAVE IN THE -- IF THERE IS A
22 NECESSITY FOR A SECOND PHASE IN THIS TRIAL ---

23 THE COURT YES, SIR

24 MR MURDAUGH --- WE HAVE A NUMBER OF WITNESSES
25 FROM THE STATE OF GEORGIA AND FROM THE STATE OF

STATE VS ALKEBULANYAHH

1 FLORIDA COULD WE PERHAPS GET SOME GUIDANCE FROM YOU
2 THAT AT THE END -- IF AT THE END OF THIS STAGE THEY
3 SHOULD FIND HIM GUILTY, SOME GUIDANCE AS TO WHEN FROM
4 THAT POINT I NEED TO HAVE THEM AVAILABLE I DON'T WANT
5 TO BRING THEM DOWN HERE AND HAVE THE 24-HOUR WAITING
6 PERIOD WITH THEM SITTING AROUND AND THE COUNTY HAVING
7 TO PAY THEIR EXPENSES

8 THE COURT WELL ---

9 MR MURDAUGH IF WE COULD GET THAT GUIDANCE
10 THE COURT I THINK THE 24-HOUR WAITING PERIOD
11 WILL DEPEND ON THE DEFENDANT THEY HAVE THAT RIGHT

12 MR MURDAUGH I UNDERSTAND

13 THE COURT HE HAS THE RIGHT TO WAIVE THAT

14 MR MURDAUGH WHAT I WAS ASKING IS IF PERHAPS WE
15 COULD MAKE SOME INQUIRY?

16 THE COURT WELL, I DON'T KNOW IF HE'S DECIDED
17 THAT OR DISCUSSED THAT WITH HIS ATTORNEYS GENERALLY,
18 I WOULD GO OVER THAT WITH HIM AT THE APPROPRIATE TIME
19 I DON'T KNOW IF I WANT TO BOX HIM INTO THAT

20 THE PROBLEM IS, EVEN IF HE MAKES A DECISION, I
21 DON'T KNOW THAT HE'S BOXED INTO THAT AT THIS POINT
22 IT'S A LEGAL RIGHT TO THAT 24-HOUR PERIOD

23 MR MURDAUGH I UNDERSTAND THAT, SIR

24 THE COURT WELL, WE'LL TAKE THAT UP LATER I
25 DON'T KNOW IF THIS IS AN APPROPRIATE TIME TO TAKE THAT

STATE VS ALKEBULANYAHH

1 UP

2 MR MURDAUGH THANK YOU, SIR

3 THE COURT MY GUESS IS THAT THERE WILL BE A 24-

4 HOUR WAITING PERIOD

5 MR MURDAUGH I CAN'T OPERATE ON A GUESS, IF YOUR

6 HONOR, PLEASE

7 THE COURT I UNDERSTAND THAT

8 MR MURDAUGH AND I'M NOT -- I HOPE I'M NOT

9 BUGGING THE COURT

10 THE COURT NO

11 MR MURDAUGH I'M JUST TRYING LOGISTICALLY FIGURE

12 THINGS OUT

13 THE COURT ALL RIGHT

14 MR MURDAUGH ONE LAST THING, SIR ON YESTERDAY

15 AFTERNOON WE ENTERED INTO A STIPULATION AND I WANT TO

16 MAKE ABSOLUTELY CERTAIN THAT I ANNOUNCE THE STIPULATION

17 CORRECTLY BEFORE THE JURY COMES IN

18 THE COURT YES, SIR

19 MR MURDAUGH THE STIPULATION BETWEEN ---

20 THE COURT DO YOU WANT TO LISTEN, MR

21 ALKEBULANYAHH, SO THAT -- THIS IS YOUR AGREEMENT

22 YESTERDAY ABOUT THE STIPULATION IN RESPONSE TO THE

23 JURORS' QUESTION

24 MR ALKEBULANYAHH YES, SIR

25 MR MURDAUGH THE STIPULATION IS THAT NZURI BATH

STATE VS ALKEBULANYAHH

1 ALKEBULANYAHH, NZURI BATH, MONICA DEJESUS AND QUEEN
2 ARE ALL THE SAME PERSON AND ARE -- OR IS, I DON'T KNOW
3 WHICH THE PROPER VERB WOULD BE -- THE WIFE OF THE
4 DEFENDANT

5 THE COURT IS THAT CORRECT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT THAT'S YOUR STIPULATION?

8 MR ALKEBULANYAHH YES, SIR

9 MR MURDAUGH WHAT WOULD BE THE PROPER VERB?
10 THEY ARE?

11 THE COURT READ THAT TO ME AGAIN

12 MR MURDAUGH THAT NZURI BATH ALKEBULANYAHH --
13 NZURI, I'M SORRY NZURI BATH ALKEBULANYAHH, NZURI
14 BATH, MONICA DEJESUS, AND QUEEN ARE THE SAME PERSON ---

15 THE COURT ALL REFER TO THE SAME PERSON

16 MR MURDAUGH ALL REFER TO THE SAME PERSON, AND
17 THEY ARE THE ---

18 THE COURT THAT PERSON BEING THE WIFE OF THE
19 DEFENDANT

20 MR MURDAUGH YES, SIR I STARTED THINKING ABOUT
21 IT, DIDN'T KNOW WHAT THE RIGHT VERB WOULD BE AT THE
22 END

23 THE COURT THAT'S ALL RIGHT

24 (PAUSE)

25 THE COURT READY TO PROCEED?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR

2 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

3 THE COURT BRING THE JURY IN PLEASE

4 MR MURDAUGH ARE WE FINISHING UP WITH DAVE BROWN

5 THIS MORNING, IS THAT CORRECT?

6 THE COURT YES, SIR IS HE HERE?

7 MR ALKEBULANYAHH I'M SORRY, I DIDN'T HEAR

8 THE COURT WE HAVE TO FINISH UP WITH MR BROWN,

9 CORRECT? HE CAN GO AHEAD AND TAKE THE STAND

10 MR MURDAUGH JUDGE, OUT OF AN ABUNDANCE OF

11 CAUTION LET ME WARN HIM OF ---

12 THE COURT YES SIR

13 MR MURDAUGH --- THE RULING THAT YOU HAD MADE

14 YESTERDAY

15 (THE REDACTED COPY OF WHAT WAS PREVIOUSLY MARKED

16 DEFENDANT'S EXHIBIT NO 13 WAS MARKED IN EVIDENCE AS

17 DEFENDANT'S EXHIBIT NO 13)

18 (SUPPLEMENTARY REPORT PREVIOUSLY MARKED

19 DEFENDANT'S EXHIBIT NO 13 WITHOUT REDACTION WAS

20 RE-MARKED COURT'S EXHIBIT NO 3)

21 (THE WITNESS RETURNS TO THE WITNESS STAND)

22 (THE JURY RETURNS TO THE COURTROOM AT 9 30 A M)

23 THE COURT THANK YOU PLEASE BE SEATED

24 GOOD MORNING, LADIES AND GENTLEMEN

25 JURORS GOOD MORNING

STATE VS ALKEBULANYAHH

1 THE COURT WE'RE READY TO PROCEED AT THIS TIME
2 WE WILL RESUME WITH THE QUESTIONING OF THIS WITNESS
3 YOU MAY PROCEED

4 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
5 CROSS EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

6 Q MR BROWN

7 A YES, SIR

8 Q YOU STATE PREVIOUSLY THAT YOU HAD ENTERED THE
9 CRIME SCENE AT THE 21 RILEY ROAD RESIDENCE?

10 MR MURDAUGH YOUR HONOR, PLEASE, THAT HAS BEEN
11 ASKED AND ANSWERED, SIR

12 THE COURT YES, SIR

13 Q MR BROWN, COULD YOU DESCRIBE THE LOW CAR (SIC)
14 PRINCIPLES OF TRANSFERENCE?

15 A COULD YOU REPEAT THE QUESTION AGAIN, SIR?

16 Q COULD YOU DESCRIBE THE LOW CAR PRINCIPLE OF
17 TRANSFERENCE?

18 A I'M NOT CLEAR ON THE QUESTION, SIR

19 Q HAVE YOU EVER HEARD OF THE LOW CAR PRINCIPLE OF
20 TRANSFERENCE?

21 A I'M NOT CLEAR ON THE QUESTION, SIR

22 THE COURT HE ASKED YOU IF YOU'VE EVER HEARD OF
23 IT HAVE YOU EVER HEARD OF IT?

24 WITNESS OF TRANSFERRING?

25 THE COURT THAT -- GO AHEAD, SIR

1 Q HAVE YOU EVER HEARD OF THE LOW CAR PRINCIPLE OF
2 TRANSFERENCE?

3 A NO, SIR, I HAVE NOT

4 Q ARE YOU AWARE THIS IS A BASIC PRE-LINE FOR
5 FORENSIC AND CRIME SCENE INVESTIGATION?

6 MR MURDAUGH YOUR HONOR, PLEASE, IF HE DOESN'T
7 KNOW WHAT IT IS, HE CAN'T KNOW ANYTHING ABOUT IT

8 THE COURT HE SAYS HE DOESN'T KNOW

9 Q MR BROWN

10 A YES, SIR

11 Q WHAT WAS YOU TAUGHT IN THE CRIMINAL JUSTICE
12 ACADEMY ABOUT CRIME SCENE INTEGRITY?

13 A THAT THE CRIME SCENE IS ALWAYS PROTECTED I NOT
14 ONLY WAS TAUGHT THAT AT THE CRIMINAL JUSTICE ACADEMY, I
15 WAS ALSO TAUGHT THAT AT FBI NATIONAL ACADEMY AND
16 SEVERAL CRIME SCENES THAT I'VE BEEN ON AND AROUND HERE
17 AT BEAUFORT COUNTY SHERIFF'S OFFICE THE INTEGRITY OF
18 THE CRIME SCENE IS ALWAYS IMPORTANT

19 Q WERE YOU EVER TAUGHT THAT A OFFICER SHOULD TAKE
20 STEPS TO PROTECT THE CRIME SCENE FROM ANYONE NOT
21 DIRECTLY INVOLVED IN INVESTIGATION, INCLUDING OTHER
22 OFFICERS, SUPERVISORS, AND COMMAND PERSONNEL?

23 A YES, SIR, THAT'S CORRECT

24 Q DID YOU TAKE ANY OF THOSE STEPS YOURSELF ON THE
25 DAY THAT YOU WAS IN THE CRIME SCENE?

1 A YES, SIR, I DID, BY CHECKING WITH THE FORENSIC
2 SPECIALIST THAT WAS AT THE CRIME SCENE THAT WAS IN
3 CONTROL OF THE CRIME SCENE THAT ALSO STATED IN A
4 DOCUMENT THAT YOU SHOWED ME YESTERDAY THAT REFLECTED
5 WHAT TIME AND WHO WENT TO THE CRIME SCENE

6 Q DID SHERIFF P J TANNER HAVE ANY LEGITIMATE REASON
7 FOR BEING IN THE CRIME SCENE FOR ANY INVESTIGATIVE
8 PURPOSE?

9 A SIR, I COULD NOT ANSWER THAT QUESTION FOR SHERIFF
10 TANNER HE'S MY SUPERVISOR AND I DON'T KNOW WHAT
11 REASON THE SHERIFF WANTED TO GO

12 Q SO IF HE WAS IN THAT CRIME SCENE, YOU DID NOT
13 FOLLOW WHAT YOU WAS TAUGHT IN CRIMINAL JUSTICE ACADEMY
14 ABOUT PROTECTING THE CRIME SCENE FROM DIRECT -- FROM
15 PEOPLE NOT DIRECTLY INVOLVED IN THE INVESTIGATION, IS
16 THAT CORRECT?

17 A AGAIN, SIR, I SAY THAT WE HAD A FORENSIC
18 SPECIALIST ON THE SCENE THAT WAS IN CONTROL OF THE
19 CRIME SCENE AND AT THAT TIME, THEY WAS THE SUPERVISOR
20 OF THAT CRIME SCENE THEY SAID WHO GO IN, WHO DID NOT
21 GO IN, WAS IT TIME TO GO IN, DO WE NEED YOU TO GO IN
22 OR YOU CANNOT GO IN NO MATTER WHAT RANK THAT YOU
23 CARRY AS FAR AS THE PECKING ORDER IN LAW ENFORCEMENT,
24 THAT'S THE RANKING SPECIALIST AT THE CRIME SCENE AT
25 THAT TIME IF THE RANKING PERSON AT THAT CRIME SCENE --

1 THAT'S THEIR CRIME SCENE, AND WE RESPECT THAT

2 Q SO WOULD YOU AGREE THAT THAT PARTICULAR RANKING
3 OFFICER, FORENSIC SCIENCE ON THAT CRIME SCENE, LET NON-
4 LEGITIMATE PEOPLE FOR NO REASON WHATSOEVER SUCH AS
5 YOURSELF, SHERIFF TANNER, THE SOLICITOR MURDAUGH, AND
6 INVESTIGATOR AVANT INTO THE CRIME SCENE?

7 A I'M SORRY, I CANNOT SAY, THAT WAS A PROFESSIONAL
8 ON THE CRIME SCENE THEY WAS IN CHARGE OF THE CRIME
9 SCENE, AND WE FOLLOW THEIR ORDERS

10 Q YOU DID OBSERVE SHERIFF TANNER SOLICITOR
11 MURDAUGH, AND CHIEF INVESTIGATOR AVANT, AND LIEUTENANT
12 BROMAGE, AND MR MORENO (SIC) IN THE CRIME SCENE, IS
13 THAT CORRECT?

14 A SIR, I DO NOT CLEARLY REMEMBER WHO ALL WAS IN THE
15 CRIME SCENE EXCEPT MYSELF, SHERIFF TANNER AND THE
16 SOLICITOR THERE WERE SEVERAL OFFICERS AROUND BUT I
17 DID NOT TAKE NOTES MY CONCERN WAS MY TWO DEAD
18 DEPUTIES, AGAIN, LAYING ---

19 MR ALKEBULANYAHH YOUR HONOR ---

20 A --- THERE ON THE FLOOR

21 MR ALKEBULANYAHH --- COULD YOU ASK HIM, WOULD
22 HE STICK TO THE ANSWERING OF THE QUESTION DIRECTLY

23 THE COURT ANSWER THE QUESTION YES, NO, OR YOU
24 DON'T KNOW, THEN YOU CAN EXPLAIN, SIR

25 LET ME SEE -- WELL, GO AHEAD

STATE VS ALKEBULANYAHH

1 Q MR BROWN, WHEN YOU WROTE IN YOUR SUPPLEMENTAL
2 REPORT YOU LISTED WHO AS THE COMPLAINANT (PHONETIC) IN
3 YOUR INCIDENT REPORT INVOLVING THIS INCIDENT?

4 (PAUSE)

5 Q I'M SORRY WHO DID YOU LIST AS THE COMPLAINANT
6 IN YOUR INCIDENT REPORT?

7 A I DID NOT LIST ANYONE I WROTE A SUPPLEMENTAL
8 REPORT, NOT THE INCIDENT REPORT

9 Q IN YOUR SUPPLEMENTAL REPORT, WHO DID YOU LIST AS
10 THE COMPLAINANT IN YOUR SUPPLEMENTAL REPORT?

11 A THE SUPPLEMENTAL REPORT IS A FOLLOW-UP TO THE
12 INCIDENT REPORT I DID NOT LIST A COMPLAINANT BECAUSE
13 IT WAS IN THE ORIGINAL INCIDENT REPORT A SUPPLEMENTAL
14 REPORT IS A SUPPLEMENT TO THE ORIGINAL ON MY ACTIONS TO
15 THE ORIGINAL INCIDENT REPORT

16 Q SO YOU TELLING ME YOU DID NOT LIST ANY
17 COMPLAINANT IN THE SUPPLEMENTAL REPORT IS THAT
18 CORRECT?

19 A YES, SIR IT WAS A CARRY-ON AND, AGAIN, IN
20 THERE IT WAS A KIMBERLY BLAKE AND THE INFORMATION THAT
21 WAS RELAYED TO ME

22 Q SO NOW YOU SAYING THAT YOU LISTED -- YOU DID LIST
23 SOMEONE IN YOUR SUPPLEMENTAL REPORT, IS THAT CORRECT?

24 A WITH THE INFORMATION I HAD THAT WAS GIVEN TO ME AT
25 THAT TIME

1 Q AND WHO WAS THAT PERSON?

2 A ACCORDING TO MY REPORT, IT WAS A KIMBERLY BLAKE

3 Q THANK YOU AND THAT WAS FROM INFORMATION THAT YOU
4 RECEIVED FROM SOME OTHER SOURCES OR SOMETHING TO THAT
5 EXTENT, IS THAT CORRECT?

6 A YES, SIR

7 Q GOING UP TO THE -- UP TO THE JOE FRAZIER ROAD
8 BRIDGE, YOU WAS ACTING AS A COVERING OFFICER FOR MR
9 GREEN, IS THAT CORRECT?

10 A YES, SIR, I WAS

11 Q DID AT ANY TIME AFTER THE APPREHENSION OF MR
12 ALKEBULANYAHH DID YOU READ HIM HIS MEMORANDA (SIC)
13 RIGHTS?

14 MR MURDAUGH YOUR HONOR, PLEASE, WE WENT INTO
15 THAT YESTERDAY THAT QUESTION HAS BEEN ASKED AND
16 ANSWERED

17 THE COURT I'LL -- GO AHEAD, I'LL ALLOW THAT

18 MR ALKEBULANYAHH THANK YOU

19 THE COURT GO AHEAD

20 MR MURDAUGH OKAY, SIR

21 A SAY AGAIN, SIR

22 Q AFTER THE APPREHENSION OF MR ALKEBULANYAHH ON THE
23 JOE FRAZIER ROAD BRIDGE DID YOU READ HIM IS MIRANDA
24 RIGHTS?

25 A NO, SIR, I DID NOT

STATE VS ALKEBULANYAHH

1 Q DID YOU OBSERVE MR GREEN READ HIM HIS MIRANDA
2 RIGHTS?
3 A NO, SIR, HE DID NOT
4 Q DID YOU OBSERVE MS -- DEPUTY DEHAN (PHONETIC)
5 READ MR ALKEBULANYAHH HIS MEMORANDA (SIC) RIGHTS?
6 A NO, SIR, I DID NOT
7 Q SIR, AT THE TIME OF MR ALKEBULANYAHH
8 APPREHENSION, WHAT -- DID YOU GIVE A WRITE OR KEEP AN
9 ACCOUNT OR A DESCRIPTION AND THE APPEARANCE OF MR
10 ALKEBULANYAHH AT THAT PARTICULAR TIME?
11 A DID I GIVE IT AT THAT PARTICULAR TIME WHEN HE'S
12 APPREHENDED?
13 Q YEAH, DID YOU MAKE A OBSERVATION AND MAKE A REPORT
14 ABOUT WHAT YOU SAW AND A GENERAL DESCRIPTION OF MR
15 ALKEBULANYAHH AT THAT TIME?
16 A YES, SIR, I DID
17 Q COULD YOU TELL ME THAT GENERAL DESCRIPTION?
18 A BLACK MALE BETWEEN 5'6" 5'8", APPROXIMATELY 165
19 POUNDS, DREDLOCK HAIRSTYLE SHOULDER LENGTH, BROWN SKIN
20 COMPLEXION, LIGHT BEARD AND MUSTACHE, WHAT APPEARED TO
21 BE A GUNSHOT WOUND IN THE LEFT SHOULDER AREA, ALSO IN
22 THE AREA A FADED PRISON-LOOKING-TYPE TATOO
23 Q MR BROWN, DO YOU KNOW WHO WAS THE BOOKING OFFICER
24 ON JANUARY 8, 2002?
25 A WHO WAS THE BOOKING OFFICER?

1 Q YES, SIR
2 A IT SHOULD HAVE BEEN GREEN AND MYSELF
3 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
4 THE COURT YES, SIR
5 MR MURDAUGH MAY I SEE?
6 MR ALKEBULANYAHH I'LL LET HIM SEE AFTER
7 THE COURT YES, SIR
8 Q ARE YOU FAMILIAR WITH THAT REPORT THERE?
9 A YES, SIR, IT'S THE STANDARD BOOKING REPORT THEY
10 USE THROUGHOUT SOUTH CAROLINA ---
11 Q AND ---
12 A --- STATING THE ARRESTING OFFICER AS SERGEANT
13 GREEN AND COLONEL BROWN
14 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
15 INTRODUCE THIS AS A EXHIBIT
16 THE COURT ANY OBJECTION?
17 MR MURDAUGH MAY I SEE IT PLEASE?
18 THE COURT YES, SIR
19 (PAUSE)
20 MR MURDAUGH I HAVE NO OBJECTION
21 THE COURT ALL RIGHT THERE BEING NO OBJECTION,
22 DEFENDANT'S 14 IN EVIDENCE WITHOUT OBJECTION
23 (BOOKING REPORT, 1 PAGE, MARKED IN EVIDENCE AS
24 DEFENDANT'S EXHIBIT NO 14)
25 Q MR BROWN, IN YOUR BOOKING REPORT -- IN THIS

1 PARTICULAR BOOKING REPORT THAT YOU'RE LOOKING AT, IN
2 THE CATEGORY WHERE IT SAYS, ARRESTEE ARMED, COULD YOU
3 STATE TO THIS COURT WHAT IS CHECKED?

4 A SAY AGAIN, SIR?

5 Q COULD YOU STATE TO THIS COURT WHERE IS LISTED
6 ARRESTEE ARMED, WHAT IS THE ANSWER?

7 A THE ANSWER WOULD BE YES

8 Q AND THIS IS WHAT IS IN THE BOOK -- IN THE BOOKING
9 REPORT THAT THE ARRESTEE MR ALKEBULANYAHH WAS ARMED,
10 IS THAT CORRECT?

11 A SIR YOU HAD A KNIFE

12 Q WHERE IT SAYS WEAPON TYPE, WHAT IS LISTED IN
13 WEAPON TYPE?

14 A THERE'S NOTHING IN THERE

15 Q SO YOU DIDN'T FILL OUT A COMPLETE REPORT YOU
16 DIDN'T DECIDE WHETHER YOU WAS GOING TO MAKE THE
17 DEFENDANT ARMED OR NOT OR LET THE PEOPLE KNOW WHERE OR
18 WHAT TYPE OF WEAPON THAT THE DEFENDANT WAS ARMED WITH
19 OR NOT?

20 A I WOULD HAVE IF I HAD WROTE THIS REPORT

21 Q IF YOU WAS RESPONSIBLE FOR THE BOOKING OF THIS
22 PARTICULAR -- THIS PARTICULAR SUSPECT, MR
23 ALKEBULANYAHH -- AND COULD YOU EXPLAIN WHY THE TYPE OF
24 WEAPON IF YOU HAVE NOT -- WHY THE TYPE OF WEAPON
25 ATTRIBUTED TO MR ALKEBULANYAHH OR THE SUSPECT WOULD

1 NOT BE IN THIS REPORT?

2 A BECAUSE AT THE TIME YOU WAS BOOKED, I WAS STILL AT
3 THE CRIME SCENE SUPERVISING, AND I DID NOT TAKE YOU IN
4 TO THE DETENTION CENTER AND DO THE BOOKING REPORT, SIR

5 Q IS IT POSSIBLE -- WOULD YOU -- WILL YOU AGREE THAT
6 THE REASON THE WEAPON TYPE IS NOT THERE AND YOU LISTED
7 -- AS YOU SAY -- MR ALKEBULANYAHH IS ARM BECAUSE IT
8 WAS YOUR INTENTION TO PLANT A WEAPON?

9 A NO, SIR BECAUSE I HAD MENTIONED IN MY
10 SUPPLEMENTAL REPORT THE WEAPON THAT WAS CARRIED, WHICH
11 WAS A SMALL BUCK KNIFE, A SMALL HUNTING KNIFE

12 Q IS THAT SMALL KNIFE ILLEGAL OR AGAINST THE LAW TO
13 POSSESS?

14 A I DON'T KNOW I DIDN'T TAKE MEASUREMENTS AT THAT
15 TIME AT THAT TIME IT WAS EVIDENCE THAT HAD BEEN
16 FURNISHED TO ME AS A TRAINED OFFICER I CONSIDER ANY
17 TYPE WEAPON A DANGER

18 Q SO A FINGERNAIL FILE OR FINGERNAIL CLIPPER COULD
19 HAVE BEEN A WEAPON TO YOU?

20 A IN THE HANDS OF THE RIGHT PERSON, YES

21 Q BUT NEVERTHELESS, BY YOU -- BY INDICATING IN THE
22 BOOKING REPORT THAT THE SUBJECT IS ARMED AND LEAVING
23 OUT THE WEAPON TYPE THAT IT LEAVES ROOM FOR ANY
24 OFFICIAL OR ANYBODY TO PLANT A WEAPON AT A LATER
25 PERIOD, IS THAT CORRECT?

1 A NO

2 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
3 QUESTIONS

4 THE COURT ALL RIGHT

5 REDIRECT EXAMINATION BY MR. MURDAUGH.

6 Q COLONEL, DID YOU PLANT ANY EVIDENCE IN THIS CASE?

7 A NO SIR

8 Q DID YOU EVER INTEND TO PLANT ANY EVIDENCE IN THIS
9 CASE?

10 A NO SIR

11 Q DID YOU HAVE ANYTHING TO DO WITH THE WRITING OF
12 THAT BOOKING REPORT?

13 A NO, SIR

14 MR MURDAUGH THANK YOU SIR

15 THE COURT YOU MAY STEP DOWN, SIR

16 (THE WITNESS LEAVES THE WITNESS STAND)

17 MR MURDAUGH CALL ROGER KARR

18 THE COURT IF YOU ALL WOULD APPROACH JUST
19 APPROACH FOR A MINUTE

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

22 MR MURDAUGH YOUR HONOR, PLEASE, THERE IS A
23 STIPULATION THAT HAS BEEN AGREED TO BY AND BETWEEN THE
24 STATE AND THE DEFENDANT, THAT STIPULATION IS THAT NZURI
25 BATH ALKEBULANYAHH, NZURI BATH, MONICA DEJESUS, AND

STATE VS ALKEBULANYAHH

1 QUEEN ARE ALL ONE AND THE SAME PERSON, AND THAT THOSE
2 NAMES ARE THE WIFE OF THE DEFENDANT

3 THE COURT IS THAT CORRECT, THE STIPULATION?

4 MR ALKEBULANYAHH YES, SIR, THAT IS CORRECT

5 THE COURT ALL RIGHT LADIES AND GENTLEMEN, A
6 STIPULATION IS JUST AN AGREEMENT AS TO EACH SIDE AS TO
7 A CERTAIN FACTUAL MATTER YOU SHOULD ACCEPT THAT
8 FACTUAL MATTER AS BEING TRUE GO AHEAD

9 MR MURDAUGH ROGER KARR THANK YOU, JUDGE, THAT
10 JUST SLIPPED MY MIND

11 ROGER KARR, BEING FIRST
12 DULY SWORN, TESTIFIED AS FOLLOWS

13 DIRECT EXAMINATION BY MR MURDAUGH.

14 Q YOUR FULL NAME PLEASE, SIR?

15 A HAROLD ROGER KARR K-A-R-R

16 Q MR KARR, BY WHOM ARE YOU EMPLOYED?

17 A TOWN OF PORT ROYAL, PORT ROYAL POLICE DEPARTMENT

18 Q AND IN WHAT CAPACITY, SIR?

19 A I'M A CAPTAIN, ASSISTANT CHIEF OF POLICE

20 Q OKAY, SIR I ASK YOU WHAT -- AND HOW LONG HAVE
21 YOU BEEN WITH THE CITY OF PORT ROYAL?

22 A I'VE BEEN WITH PORT ROYAL OVER 25 YEARS I'VE
23 BEEN IN LAW ENFORCEMENT BEAUFORT COUNTY ALMOST 33
24 YEARS

25 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON THE NIGHT

STATE VS ALKEBULANYAHH

1 OF -- THE AFTERNOON OF JANUARY 8, 2002 YOU WERE IN THE
2 VICINITY OF THE JOE FRAZIER -- THE BRIDGE OVER JOE
3 FRAZIER ROAD?

4 A YES, SIR, I WAS

5 Q AND WHY WERE YOU THERE, SIR?

6 A A CALL WENT OUT, OFFICER DOWN I IMMEDIATELY
7 RESPONDING TO THE AREA COMING INTO THE AREA WE WERE
8 ADVISED OF A SUSPECT THEY WERE POSSIBLY LOOKING FOR AT
9 THAT TIME SO WE JUST BEGAN TO PATROL THE AREA, SEE
10 WHAT WE COULD SEE WHAT WE COULD OBSERVE

11 Q OKAY, SIR AND DID YOU OBSERVE ANYTHING IN
12 PARTICULAR THAT NIGHT?

13 A YES, SIR, I DID

14 Q AND WHAT WAS THAT?

15 A A CALL CAME IN THAT A CERTAIN INDIVIDUAL SUSPECT
16 HAD BEEN SPOTTED ON JOE FRAZIER ROAD JUST AROUND A
17 SMALL BRIDGE THERE AT THE FOOT OF POSSUM HILL I
18 IMMEDIATELY WENT INTO THE AREA UPON MY ARRIVAL, I
19 OBSERVED COLONEL BROWN AND OFFICER BILL GREEN, THEY
20 WERE TAKING AN INDIVIDUAL UP THE RIVER SIDE -- BANK
21 SIDE OF THE BRIDGE I IMMEDIATELY CAME OUT OF MY
22 VEHICLE AND ASSISTED GETTING HIM RIGHT TO THE TOP OF
23 THE BRIDGE AT THAT TIME

24 Q AND WAS THAT SUSPECT HANDCUFFED?

25 A YES, SIR, HE WAS

1 Q OKAY, SIR DID YOU OBSERVE ANYTHING ON OR ABOUT
2 HIS BODY?

3 A YES, SIR, I OBSERVED BLOOD ON THE INDIVIDUAL HE
4 HAD A FANNY PACK, IF YOU WILL, AROUND HIS WAIST

5 Q DID YOU DO ANYTHING WITH THAT FANNY PACK?

6 A YES, SIR, I EXTRACTED A KNIFE THAT WAS ON THE
7 INDIVIDUAL, APPROXIMATELY 4 OR 5 INCH KNIFE, AND I CUT
8 THAT BAG FROM THE INDIVIDUAL AND LAID IT IMMEDIATELY TO
9 MY RIGHT

10 Q I SHOW YOU AN ITEM THAT HAS BEEN MARKED STATE'S
11 EXHIBIT NO 13 AND ASK IF YOU CAN IDENTIFY THAT?

12 A YES SIR, THAT'S THE SAME BAG I TOOK OFF THE
13 INDIVIDUAL

14 Q OKAY SIR AND UPON YOU CUTTING OFF OF THE
15 INDIVIDUAL DID MATT AVERILL IMMEDIATELY RECOVER IT?

16 A YES, SIR, I LAID IT BESIDE ME AND TOLD MR AVERILL
17 HE NEEDED TO TAKE CUSTODY OF IT AT THAT TIME

18 MR MURDAUGH THANK YOU, SIR, ANSWER ANY
19 QUESTIONS THAT HE MAY HAVE

20 (PAUSE)

21 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

22 Q MR KARR YOU SAID WHEN YOU ARRIVED ON THE SCENE
23 AT JOE FRAZIER ROAD, YOU OBSERVED MR BROWN AND MR
24 GREEN PULLING A SUSPECT UP ON TO THE BANK, IS THAT
25 CORRECT?

1 A PULLING HIM UP THE EMBANKMENT, YES, SIR

2 Q AND YOU ALSO HAD RAN TO THE SCENE TO ASSIST THEM,
3 IS THAT CORRECT?

4 A THAT'S CORRECT

5 Q DID YOU HAVE ANY OTHER -- ANYONE ELSE RIDING WITH
6 YOU IN YOUR CAR?

7 A THERE WAS A YOUNG MAN IN MY CAR, I COULDN'T EVEN
8 TELL YOU WHO HE WAS HE JUMPED IN MY CAR WHEN I WENT
9 THAT DIRECTION HE WAS A DEPUTY SHERIFF

10 Q DID YOU HAPPEN TO OBSERVE WHETHER OR NOT THAT
11 PARTICULAR INDIVIDUAL THAT WAS IN THE CAR WHO YOU DO
12 NOT RECALL WHO IT IS, WHETHER OR NOT HE HAD ANY -- ANY
13 -- ANY -- ANY -- ANY POSSESSIONS ON HIM, ANYTHING THAT
14 WAS ODD OR DIFFERENT IN HIS HAND?

15 A NO, SIR, I DON'T BELIEVE HE HAD ANYTHING IN HIS
16 HANDS AT THAT TIME I SNATCHED HIM OFF THE ROAD

17 Q YOU SNATCHED HIM OFF THE ROAD?

18 A YES

19 Q SO WAS IT -- IT WAS A DEPUTY ON THE ROAD THAT YOU
20 PICKED UP ON THE ROAD AND BROUGHT HIM TO THE JOE
21 FRAZIER ROAD SCENE WHERE THE ALLEGE SUSPECT WAS BEING
22 APPREHENDED, IS THAT CORRECT?

23 A THAT'S CORRECT

24 Q DO YOU KNOW WHERE THAT PARTICULAR DEPUTY MAY HAVE
25 BEEN PRIOR TO PICKING HIM UP?

- 1 A WHERE HE MIGHT HAVE BEEN PRIOR?
- 2 Q YES, SIR, WHAT WAS HIS LOCATION PRIOR TO YOU
- 3 PICKING HIM UP?
- 4 A NO ALL I CAN TELL YOU IS HE WAS ON THE SIDE OF
- 5 THE ROAD WHERE I WAS I BELIEVE IT GOES BACK TO THE
- 6 STUDIO 7 AREA
- 7 Q DID HE ALSO APPROACH THE ALLEGE SUSPECT WITH
- 8 YOURSELF IN ASSISTANCE -- IN ASSISTING MR GREEN AND
- 9 MR BROWN?
- 10 A THAT I CAN'T ANSWER I DON'T KNOW WHERE HE WAS
- 11 I BAILED OUT OF MY CAR AND WENT OVER TO THE BRIDGE
- 12 Q DID ANY -- AT ANY TIME FURTHER ALONG THAT -- SINCE
- 13 THAT DAY HAVE YOU HAD THE OPPORTUNITY TO MAYBE PERHAPS
- 14 SEE THAT INDIVIDUAL AGAIN?
- 15 A NO
- 16 Q YOU HAVEN'T?
- 17 A NO, I HAVE NOT
- 18 Q BUT IT IS CORRECT THAT HE DID RIDE TO THE CRIME
- 19 SCENE -- EXCUSE ME -- RODE TO THE JOE FRAZIER ROAD WITH
- 20 YOU IN YOUR VEHICLE?
- 21 A THAT'S CORRECT
- 22 Q DID YOU OBSERVE WHETHER OR NOT THE ALLEGE SUSPECT
- 23 AT THE JOE FRAZIER ROAD WAS ARMED OR NOT?
- 24 A HE WAS ARMED WITH A KNIFE, AND WHAT WAS IN THE
- 25 POUCH

1 Q DO YOU KNOW WHETHER THAT KNIFE WAS WITHIN THE
2 LEGAL LIMITS OF BEING WHERE EVERY ORDINARY CITIZEN CAN
3 HAVE THE RIGHT TO CARRY SUCH A KNIFE WITHOUT IT BEING
4 OUTSIDE OF BEING A WEAPON AND CONSIDERED A WEAPON?

5 A PERSONALLY, I WOULD CONSIDER IT A WEAPON YES

6 Q BUT IS IT -- ISN'T IT TRUE ---

7 MR MURDAUGH WE STIPULATE THAT IT WAS NOT AN
8 ILLEGAL WEAPON

9 THE COURT ALL RIGHT IS THAT SUFFICIENT FOR
10 YOU?

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT ALL RIGHT

13 Q SO THAT KNIFE WAS NOT AN ILLEGAL WEAPON IS THAT
14 CORRECT?

15 THE COURT THAT'S THE STIPULATION FROM THE STATE
16 YOU CAN ACCEPT THAT TO BE TRUE, LADIES AND GENTLEMEN

17 Q MR KARR, DID YOU READ THE SUSPECT AT THE JOE
18 FRAZIER ROAD HIS MIRANDA RIGHTS?

19 A NO, I DID NOT

20 Q DID YOU OBSERVE ANY OTHER OFFICER READ THE SUSPECT
21 HIS MIRANDA RIGHTS?

22 A NO, I DID NOT

23 Q DO YOU KNOW OR COULD YOU TELL US ALL THE ITEMS
24 THAT WAS EXACTLY WITHIN THAT PARTICULAR BAG?

25 A IT'S BEEN A LONG TIME

1 Q EXCUSE ME

2 A I REMEMBER THERE WERE PROBABLY -- THERE WAS A PAIR

3 OF GLOVES ---

4 Q EXCUSE ME

5 THE COURT ALL RIGHT APPROACH THE SIDE BAR

6 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD

7 OUT OF THE HEARING OF THE JURY)

8 Q MR BROWN (SIC), I'M GOING TO WITHDRAW THAT

9 QUESTION

10 MR ALKEBULANYAHH YOUR HONOR, MAY I?

11 THE COURT YES GO AHEAD

12 MR ALKEBULANYAHH THANK YOU

13 Q MR KARR, DID YOU REMAIN AROUND AT THE JOE FRAZIER

14 ROAD BRIDGE WHEN THE SUSPECT WAS PLACED IN THE

15 AMBULANCE AND THE AMBULANCE ARRIVED?

16 A I BELIEVE THEY WERE PLACING HIM INTO THE AMBULANCE

17 WHEN I LEFT

18 Q OKAY SO YOU WOULDN'T HAPPEN TO KNOW WHETHER OR

19 NOT WAS THERE ANY OFFICERS OR WHO WAS THE OFFICER THAT

20 RODE -- ACCOMPANIED THE SUSPECT IN THE AMBULANCE?

21 A NO I HAVE NO KNOWLEDGE OF THAT

22 MR ALKEBULANYAHH OKAY I HAVE NO FURTHER

23 QUESTIONS THANK YOU, MR BROWN (SIC)

24 MR MURDAUGH MR KARR ---

25 MR ALKEBULANYAHH I'M SORRY MR KARR EXCUSE

1 ME
2 MR MURDAUGH I HAVE NO FURTHER QUESTIONS YOU
3 MAY COME DOWN MAY MR KARR BE EXCUSED?
4 THE COURT ANY OBJECTION?
5 MR ALKEBULANYAHH NO, SIR, THERE'S NO OBJECTION
6 THE COURT YOU MAY BE EXCUSED, SIR
7 (THE WITNESS LEAVES THE WITNESS STAND)
8 MR MURDAUGH MATT AVERILL NEXT ONE WILL BE
9 SCOTT JOHNSON
10 MATT AVERILL BEING FIRST
11 DULY SWORN, TESTIFIED AS FOLLOWS
12 DIRECT EXAMINATION BY MR. MURDAUGH.
13 Q GIVE US YOUR FULL NAME PLEASE, SIR?
14 A FULL NAME IS MATTHEW AVERILL
15 Q MR AVERILL ARE YOU EMPLOYED BY THE BEAUFORT
16 COUNTY SHERIFF'S DEPARTMENT?
17 A YES, I AM
18 Q AND IN WHAT CAPACITY, SIR?
19 A CURRENTLY I AM STAFF SERGEANT WITH THE SHERIFF'S
20 OFFICE, POLYGRAPH EXAMINER
21 Q OKAY SIR ON JANUARY 8 2002 WERE YOU EMPLOYED
22 BY THE SHERIFF'S DEPARTMENT?
23 A YES, I WAS
24 Q AND IN WHAT CAPACITY THEN?
25 A I WAS -- I WAS A STAFF SERGEANT THEN ALSO, BUT I

STATE VS ALKEBULANYAHH

1 WAS IN CHARGE OF THE NORTHERN DIVISION INVESTIGATIONS

2 Q OKAY, SIR HOW LONG HAVE YOU BEEN IN LAW
3 ENFORCEMENT?

4 A THIS IS INTO MY TWELFTH YEAR RIGHT NOW

5 Q OKAY, SIR MR AVERILL, I ASK YOU WHETHER OR NOT
6 ON THAT NIGHT, THE AFTERNOON OF THE 8TH OF JANUARY 2002
7 YOU WERE INVOLVED IN THE INVESTIGATION INTO THE DEATHS
8 OF COURSEN AND TATE?

9 A THAT'S CORRECT

10 Q OKAY, SIR DID YOU HAVE AN OCCASION TO GO TO THE
11 BRIDGE OVER THE JOE RIVER -- JOE FRAZIER ROAD THAT
12 AFTERNOON?

13 A YES, I DID

14 Q OKAY SIR TELL US WHAT YOU OBSERVED WHILE YOU
15 WERE THERE?

16 A I ARRIVED THERE WITH SERGEANT PURDY AT THE TIME
17 WE RODE OVER THERE TOGETHER AS WE ARRIVED ON THE
18 SCENE, NUMEROUS LAW ENFORCEMENT VEHICLES IN THE AREA,
19 PEOPLE RUNNING AROUND DOING WHATEVER THEY WERE DOING
20 RIGHT AT THE BRIDGE, WHICH WAS UP AHEAD OF US, PROBABLY
21 ABOUT -- I'M GOING TO GUESS AND SAY ABOUT 25 YARDS, THE
22 DEFENDANT WAS ON THE GROUND BEING -- IN THE PROCESS OF
23 BEING HANDCUFFED THERE WAS -- LIEUTENANT COLONEL
24 BROWN WAS THERE AT THE DEFENDANT, SERGEANT GREEN, AND
25 ALSO CAPTAIN KARR WITH THE PORT ROYAL POLICE

STATE VS ALKEBULANYAHH

1 DEPARTMENT

2 Q OKAY SIR WHAT DID YOU OBSERVE HAPPEN AS HE WAS
3 BEING HANDCUFFED?

4 A AS I WAS APPROACHING TO WHERE THEY WERE, I
5 OBSERVED CAPTAIN KARR WITH A KNIFE -- I DON'T KNOW IF
6 IT WAS HIS KNIFE OR WHERE IT CAME FROM BUT HE WAS
7 CUTTING AN OBJECT OFF OF THE DEFENDANT

8 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 13 AND
9 ASK YOU IF YOU IDENTIFY THAT, SIR?

10 A YES, SIR, I DO

11 Q WHAT IS THAT?

12 A THAT IS A BLACK FANNY PACK THAT WAS CUT OFF OF THE
13 DEFENDANT

14 Q OKAY, SIR DID YOU IMMEDIATELY RECOVER IT UPON IT
15 BEING CUT OFF?

16 A WITHIN A COUPLE SECONDS, YES

17 Q OKAY, SIR NOW, MR AVERILL, CAN YOU TELL ME IF
18 THERE WERE A NUMBER OF ITEMS WITHIN THAT FANNY PACK?

19 A YES THERE WERE

20 Q AMONG THOSE ITEMS WERE THESE IN THE FANNY PACK?

21 A YES, THEY WERE

22 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE FOR THE
23 INTRODUCTION OF STATE'S EXHIBIT 3 (SIC) FOR
24 IDENTIFICATION

25 THE COURT 3 FOR IDENTIFICATION?

1 MR MURDAUGH EXCUSE ME, SIR I'M SORRY I MOVE
2 FOR THE ADMISSION OF THESE, THE CONTENTS OF THIS BAG
3 THE COURT ALL RIGHT ANY OBJECTION?
4 MR ALKEBULANYAHH YES, SIR
5 THE COURT ALL RIGHT STATE THE GROUND OF YOUR
6 OBJECTION IS THIS THE MATTER YOU PREVIOUSLY RAISED?
7 MR ALKEBULANYAHH THE EVIDENCE WAS IMPROPER ---
8 THE COURT THAT'S JUST BASED ON YOUR PREVIOUS?
9 MR ALKEBULANYAHH YES, SIR, ON THE PREVIOUS
10 ARGUMENT
11 THE COURT ALL RIGHT OVERRULED GO AHEAD
12 Q MR AVERILL ---
13 THE COURT THAT'S STATE'S 14 IN EVIDENCE WITHOUT
14 OBJECTION
15 (BROWN BAG CONTAINING EIGHT 7 62 X 39 WOLF HOLLOW
16 POINT ROUNDS MARKED IN EVIDENCE AS STATE'S EXHIBIT NO
17 14)
18 Q MR AVERILL, I ASK YOU IF YOU RECOGNIZE THE
19 CONTENTS OF STATE'S EXHIBIT 13 -- IS ACTUALLY 14, IS IT
20 NOT?
21 A YES IT IS
22 Q OKAY AND WHAT IS THE CONTENTS OF THAT BAG?
23 A THESE ARE -- THERE ARE EIGHT 7 62 BY 39 WOLF
24 ROUNDS, THEY'RE HOLLOW POINT ROUNDS
25 Q OKAY, SIR AND WHERE DID THEY COME FROM?

STATE VS ALKEBULANYAHH

- 1 A INSIDE THE BLACK FANNY PACK
- 2 Q OKAY, SIR IN ADDITION TO THE ROUNDS THAT ARE
- 3 MARKED STATE'S EXHIBIT 14, WERE THERE OTHER CONTENTS IN
- 4 THIS BAG?
- 5 A YES, SIR, THERE WERE
- 6 Q AND WITHOUT GOING IN TO WHAT IT WAS, DID YOU MAKE
- 7 AN INVENTORY OF THOSE ITEMS?
- 8 A I DID
- 9 Q OKAY, SIR CAN YOU IDENTIFY THE PERSON THAT WAS
- 10 BEING HANDCUFFED AND FROM WHOM THIS FANNY PACK CAME
- 11 FROM?
- 12 A YES, I CAN
- 13 Q AND WOULD YOU TELL THE LADIES AND GENTLEMEN OF THE
- 14 JURY WHO IT IS?
- 15 A YES IT'S THE DEFENDANT SITTING OVER THERE AT THE
- 16 TABLE WITH THE WHITE SHORT SLEEVE SHIRT
- 17 Q THE FELLOW THAT JUST STOOD UP?
- 18 A YES, SIR
- 19 Q OKAY, SIR MR AVERILL DID YOU PLANT THAT FANNY
- 20 PACK ON THE DEFENDANT, ALKEBULANYAHH?
- 21 A NO, SIR
- 22 Q DID ANYBODY ELSE IN YOUR PRESENCE PLANT THAT FANNY
- 23 PACK ON THE DEFENDANT, ALKEBULANYAHH?
- 24 A NO, SIR
- 25 Q DID YOU SEE ANYBODY KICK MR ALKEBULANYAHH IN THE

STATE VS ALKEBULANYAHH

1 FACE OR MISTREAT HIM?

2 A NO, SIR

3 Q DID YOU OBSERVE WHETHER OR NOT HE HAD ANY WOUNDS
4 ON HIS BODY?

5 A YES, I DID

6 Q AND DO YOU RECALL WHAT THOSE WOUNDS WERE?

7 A YES, HE APPEARED TO HAVE A SINGLE GUNSHOT WOUND TO
8 THE LEFT SHOULDER, AND THERE WAS ALSO -- HE HAD SOME
9 BLOOD IN THE RIGHT GROIN AREA

10 MR MURDAUGH THANK YOU, SIR JUST A SECOND

11 Q OH, WHAT DID YOU DO WITH THE FANNY PACK AND THE
12 BULLETS?

13 A TOOK THEM IN -- TOOK THEM IN TO EVIDENCE AND I
14 TURNED THEM OVER TO MS DIANE BODIE, WHO IS A SPECIAL
15 AGENT WITH SLED

16 MR MURDAUGH THANK YOU SIR

17 MR ALKEBULANYAHH YOUR HONOR, MAY I PROCEED?

18 THE COURT YES, SIR

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MR AVERILL, YOU WAS -- ARE YOU THE ONE WHO
21 CONFISCATED -- COLLECTED THE ALLEGED EVIDENCE THAT WAS
22 WITHIN THAT PARTICULAR FANNY PACK, IS THAT CORRECT?

23 A YES, I SECURED THE FANNY PACK AND ITS CONTENTS

24 Q DO YOU KNOW WHAT THE CONTENTS THAT WAS IN THAT
25 PARTICULAR FANNY PACK WERE?

1 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

2 THE COURT YES, SIR

3 (PAUSE)

4 Q ARE YOU FAMILIAR WITH THAT DOCUMENT?

5 A YES, I AM

6 Q IS THAT YOUR REPORT?

7 A THAT IS OF MY ONE SUPPLEMENTS, YES

8 MR ALKEBULANYAHH YOUR HONOR MAY I ENTER THIS
9 INTO EVIDENCE?

10 MR MURDAUGH I WOULD LIKE TO SEE IT FIRST

11 THE COURT SHOW IT TO HIM PLEASE

12 (PAUSE)

13 MR MURDAUGH JUDGE, COULD WE?

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

16 MR ALKEBULANYAHH YES, YOUR HONOR, I WANT TO
17 INTRODUCE THIS INTO EVIDENCE

18 THE COURT ANY OBJECTION?

19 MR MURDAUGH NO, SIR, NO OBJECTION

20 THE COURT ALL RIGHT DEFENDANT'S 15 IN EVIDENCE
21 WITHOUT OBJECTION

22 (SUPPLEMENTARY REPORT STAFF SERGEANT AVERILL, 4
23 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO
24 15)

25 Q MR AVERILL, ON JANUARY 12, 2002 YOU STATED THAT

1 -- IS IT CORRECT -- THAT YOU WAS INFORMED BY SERGEANT
2 WILLIAM GREEN AND CAPTAIN KARR OF THE PORT ROYAL POLICE
3 DEPARTMENT THAT THE PROPERTY ON THE GROUND BESIDE THE
4 SUSPECT WAS TAKEN OFF THE SUSPECT, IS THAT CORRECT?

5 A THAT ACTUALLY OCCURRED ON THE 8TH ON THE 12TH --
6 THE REPORT WAS WRITTEN ON THE 12TH

7 Q THANK YOU SIR

8 A YOU'RE WELCOME

9 Q AND WHEN IT SAYS THE PROPERTY COLLECTED -- COULD
10 YOU READ THOSE FOR ME, SIR?

11 A AS THEY WERE PREPARING TO EMBARK THE SUSPECT TO
12 BEAUFORT MEMORIAL HOSPITAL, I WAS INFORMED BY SERGEANT
13 WILLIAM GREEN AND CAPTAIN KARR OF THE PORT ROYAL P D
14 THAT THE PROPERTY ON THE GROUND BESIDE THE SUSPECT WAS
15 TAKEN OFF THE SUSPECT I COLLECTED THE PROPERTY
16 INCIDENT TO THE ARREST OF THE SUSPECT

17 Q AND THIS PARTICULAR PROPERTY COLLECTED, WOULD YOU
18 READ DOWN THE LIST TO THE COURT?

19 A YES THERE WAS A -- THERE WAS ONE BROWN HANDLED
20 LOCKING KNIFE WITH A 4 INCH BLADE ON IT, THERE WAS ONE
21 PAIR OF BLACK LEATHER GLOVES, THERE WAS ONE QUALCOM

22 Q C P 2760 CELLULAR TELEPHONE, THERE WAS ONE ADDRESS
23 -- SMALL ADDRESS BOOK, AT A GLANCE BRAND, THERE WAS ONE
24 STAINLESS STEEL MULTI-TOOL, BRAND NAME GREAT NECK,
25 THERE WAS ONE 4 INCH BREAKMAN FLASHLIGHT, THERE WAS ONE

1 BROKEN PAIR OF BLACK AND BLUE SUNGLASSES, AND, OF
2 COURSE THE FANNY PACK ITSELF, WHICH ALSO CONTAINED
3 EIGHT 7 62 BY 39 WOLF HOLLOW POINT ROUNDS AND 31 LUGAR
4 9 MILLIMETER ROUNDS

5 Q MR AVERILL, DID YOU YOURSELF OBSERVE THIS
6 PARTICULAR FANNY PACK ON THE SUSPECT AT THE JOE FRAZIER
7 ROAD BRIDGE?

8 A YES I DID

9 Q DID YOU OBSERVE THE ALLEGE FANNY PACK BEING ALLEGE
10 CUT OFF THIS PARTICULAR SUSPECT?

11 A YES

12 Q AND WHO WAS CUTTING THE FANNY PACK?

13 A THAT WAS CAPTAIN KARR

14 Q AND HE WAS CUTTING IT WITH WHAT?

15 A A KNIFE

16 Q DO YOU KNOW WHETHER OR NOT IT WAS HIS KNIFE OR THE
17 SUSPECT KNIFE?

18 A I DON'T KNOW

19 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

20 THE COURT YES SIR

21 Q MR AVERILL, ARE YOU FAMILIAR WITH THIS DOCUMENT
22 HERE?

23 A YES, I AM

24 Q IS THAT YOUR REPORT?

25 A THAT IS MY SECOND SUPPLEMENT, YES

1 MR ALKEBULANYAHH YOUR HONOR MAY I INTRODUCE
2 THIS INTO EVIDENCE?

3 THE COURT ANY OBJECTION?

4 MR MURDAUGH MAY I SEE IT, SIR?

5 THE COURT YES, SIR

6 (PAUSE)

7 MR MURDAUGH I HAVE NO OBJECTION IF YOUR HONOR
8 PLEASE

9 THE COURT ALL RIGHT DEFENDANT'S 16 IN EVIDENCE
10 WITHOUT OBJECTION

11 (SUPPLEMENTARY REPORT 5 PAGES MARKED IN EVIDENCE
12 AS DEFENDANT 9 EXHIBIT NO 16)

13 Q MR AVEPILL, IN YOUR REPORT ON JANUARY 17 2002
14 YOU SUBMITTED, IF I'M CORRECT THE PROPERTY THAT WAS
15 COLLECTED FROM OFF THE SUSPECT AT THE JOE FRAZIER ROAD
16 TO DIANE BODIE OF THE SLED FORENSIC SERVICE LABORATORY
17 IS THAT CORRECT?

18 A THAT IS CORRECT

19 Q AND IN THAT PARTICULAR REPORT COULD YOU FOR THE
20 COURT NAME EXACTLY WHAT YOU SUBMITTED TO MS DIANE
21 BODIE OR THE SLED FORENSIC LABORATORY THE ITEMS LISTED
22 THAT WAS COLLECTED OFF THE SUSPECT THAT YOU SUBMITTED
23 FROM THAT REPORT?

24 A THE ITEMS THAT I COLLECTED OFF OF -- OFF OF THE
25 SUSPECT?

- 1 Q YES SIR THE ITEMS LISTED?
- 2 A THERE WAS ONE BLACK PAIR OF GLOVES, LEATHER
- 3 GLOVES, ONE QUALCOM CELLULAR TELEPHONE MODEL NO Q C P
- 4 2760, ONE ADDRESS BOOK AT A GLANCE BRAND, ONE BLACK
- 5 FANNY PACK, 31 9 MILLIMETER LUGAR UNFIRED CARTRIDGES
- 6 8 7 62 BY 39 WOLF HOLLOW POINT UNFIRED CARTRIDGES 1
- 7 BROWN HANDLED KNIFE WITH A 4 INCH LOCKING BLADE 1 PAIR
- 8 OF BROKEN SUNGLASSES, 1 BREAKMAN FLASHLIGHT, 1 GREAT
- 9 NECK UTILITY TOOL, 1 BLACK BIC LIGHTER
- 10 Q IS THAT IT?
- 11 A THAT'S IT
- 12 Q DID YOU SUBMIT A VILE OF THE SUSPECT'S BLOOD?
- 13 A I DID
- 14 Q IS THAT LISTED ON THAT ITEM?
- 15 A YES, IT IS
- 16 Q SO THAT WASN'T IT WHEN YOU JUST FINISH SAYING
- 17 THAT IS THAT CORRECT?
- 18 A YOU ASKED ME TO ---
- 19 Q LIST THE ITEMS ---
- 20 A --- LIST THE ITEMS THAT I TOOK OFF OF YOU
- 21 Q NO, THAT YOU SUBMITTED TO THE -- MS DIANE BODIE
- 22 OF THE SLED FORENSIC LABORATORY?
- 23 MR MURDAUGH YOUR HONOR, HIS QUESTION WAS WHAT
- 24 YOU TOOK OUT OF FANNY PACK
- 25 THE COURT RESTATE YOUR QUESTION

1 Q MR AVERILL, WILL YOU LIST WHAT YOU SUBMITTED TO
2 MS DIANE BODIE OF THE SLED FORENSIC LABORATORY?

3 A IF THAT IS YOUR QUESTION, THEN, YES, THE LAST ITEM
4 IS 1 PLASTIC BAG -- 1 PLASTIC BAG CONTAINING 1 VILE OF
5 SUSPECT ROBERTS' BLOOD

6 Q OKAY NOW, MR AVERILL, WHEN YOU LISTED THE
7 EVIDENCE IN YOUR JANUARY 12, 2002 REPORT THAT YOU
8 COLLECTED OFF THE SUSPECT, SUBSEQUENT TO THAT -- AFTER
9 THAT, YOU TOOK THIS PROPERTY AND YOU SUBMITTED TO MS
10 DIANE BODIE OF THE FORENSIC SERVICES LABORATORY --
11 ISN'T IT TRUE THAT YOU ADDED OR PLANTED EVIDENCE WITH
12 THAT REPORT THAT YOU SUBMITTED TO THE SLED FORENSIC
13 SERVICE LABORATORY?

14 A NO

15 Q MR AVERILL YOU LISTED IN YOUR JANUARY 12 REPORT
16 THAT ITEM "C" FROM THE SUSPECT AT THE BRIDGE THERE WAS
17 NO BLACK BIC LIGHTER BUT WHEN YOU SUBMITTED THE
18 EVIDENCE TO THE SLED FORENSIC LABORATORY LISTED NO 11,
19 YOU ADDED A BLACK BIC LIGHTER, IS THAT CORRECT?

20 A YES, THERE IS A BLACK BIC LIGHTER ON THE REPORT ON
21 THE SUPPLEMENT FROM THE 17TH

22 Q THAT IS SUBMITTED TO THE SLED FORENSIC
23 LABORATORIES, IS THAT CORRECT?

24 A THAT'S CORRECT

25 Q BUT YOU DID NOT SAY THAT YOU TOOK THIS ITEM OFF

1 THE SUSPECT, IS THAT CORRECT?

2 A I DIDN'T TAKE ANY ITEMS OFF THE SUSPECT

3 Q WELL, WHO PROPERTY WAS THIS BLACK BIC LIGHTER?

4 A THIS -- THIS PROPERTY -- THIS IS THE PROPERTY THAT

5 CAME OUT OF THE BLACK FANNY PACK

6 Q AND YOU DIDN'T WANT TO LIST THAT IN YOUR REPORT?

7 A AT THE TIME ---

8 Q ON JANUARY 12, IS THAT CORRECT?

9 A AT THE TIME I HAD WRITTEN THIS REPORT ON THE 12TH,

10 I DIDN'T SEE THE BLACK LIGHTER INSIDE THE BAG, BECAUSE

11 THE BLACK FANNY PACK WAS WET ---

12 Q SO ---

13 A --- WHEN THEY TOOK IT OFF OF YOU

14 Q SO YOU DIDN'T SEE IT, SO YOU LEFT IT OFF ---

15 MR MURDAUGH YOUR HONOR ---

16 Q --- IS THAT CORRECT?

17 MR MURDAUGH --- LET HIM FINISH ANSWERING THE

18 QUESTION PLEASE

19 THE COURT DID YOU FINISH YOUR ANSWER, SIR?

20 WITNESS THAT'S FINE

21 THE COURT ALL RIGHT GO AHEAD

22 Q THIS KNIFE ALSO -- IS IT POSSIBLE YOU TOOK THE

23 SAME KNIFE THAT BELONGED TO CAPTAIN KARR AND PUT IT IN

24 -- IN THE EVIDENCE AND SAID IT BELONGED TO THE SUSPECT?

25 A NO

1 Q YOU SAID -- IS IT CORRECT -- THAT CAPTAIN KARR HAD

2 A KNIFE AND WAS CUTTING A FANNY PACK, IS THAT CORRECT?

3 A I SAID CAPTAIN KARR HAD A KNIFE

4 Q AND YOU COULDN'T ASCERTAIN WHETHER IT BELONGED TO

5 THE SUSPECT OR WHETHER IT WAS CAPTAIN KARR -- DID

6 CAPTAIN KARR PLACE THE KNIFE DOWN AND YOU TOOK THE

7 KNIFE AND YOU PUT IT IN THERE TO INCLUDE AS A WEAPON TO

8 BE ON THE SUSPECT?

9 A NO

10 Q SO THE REPORT THAT YOU MADE ON JANUARY 12, 2002,

11 IS IT CORRECT OR FALSE?

12 A THE REPORT IS CORRECT WITHOUT ADDING THAT BIC

13 LIGHTER ON AS SOON AS I DISCOVERED THE BIC LIGHTER, I

14 ADDED IT INTO THE REPORT WRITTEN ON THE 17TH

15 Q SO WHEN YOU CAME -- YOU WAS IN SCHOOL IN THE

16 ACADEMY, WAS YOU TAUGHT ABOUT WRITING ACCURATE REPORTS?

17 A YES, I WAS

18 Q WHEN GATHERING EVIDENCE, IS THAT VERY ESSENTIAL

19 AND CRITICAL FOR -- TO FORM -- TO FORM A COMPLETE

20 INVESTIGATION ABOUT THE EVIDENCE THAT GATHERED, THAT

21 EVERYTHING SHOULD BE LISTED AND KNOWN AT THAT TIME?

22 A AND/OR AS SOON AS YOU FIND SOMETHING ADDITIONAL,

23 YOU ADD IT INTO THE NEXT ONE YOU WRITE

24 Q SO IF AN OFFICER COME ALONG AND ADD SOMETHING TO

25 SOME EVIDENCE, THEN YOU WOULD HAVE TO WRITE ANOTHER

1 REPORT TO ADD THAT IN, IS THAT CORRECT, IF IT'S
2 ADDITIONAL?

3 A OR THE OFFICER WHO ADDED THE EVIDENCE IN WOULD
4 WRITE A SUPPLEMENT, YES

5 Q BUT WHAT IF THE OFFICER DIDN'T WRITE A
6 SUPPLEMENTAL REPORT AND ADDED EVIDENCE IN AND SOMEONE
7 SUCH AS YOURSELF WHO COLLECT EVIDENCE WOULD TAKE THE
8 EVIDENCE AND JUST ADD IT IN YOURSELF, SUCH AS THIS
9 SITUATION HERE?

10 A THAT WOULDN'T HAPPEN

11 Q BUT YOU DO AGREE THAT THERE WAS NO BLACK BIC
12 LIGHTER IN YOUR FIRST REPORT THAT YOU SAY YOU COLLECTED
13 THE PROPERTY OFF THE SUSPECT AT THAT PARTICULAR TIME ON
14 JANUARY 8, IS THAT CORRECT?

15 A THAT'S CORRECT TO SAY THAT THE BLACK BIC LIGHTER
16 IS NOT IN THE SUPPLEMENT WRITTEN ON THE 12TH AND WHEN
17 IT WAS DISCOVERED, IT WAS ENTERED INTO THE REPORT
18 WRITTEN ON THE 17TH

19 Q COULD YOU ANSWER YES OR NO, PLEASE? WOULD YOU
20 AGREE THAT THERE WAS NO BLACK BIC LIGHTER IN YOUR
21 REPORT ON JANUARY 12, 2002?

22 MR MURDAUGH YOUR HONOR, PLEASE I THINK THE
23 WITNESS SHOULD BE INFORMED THAT HE CAN EXPLAIN HIS
24 ANSWER

25 THE COURT YES, SIR YOU CAN ANSWER THE

1 QUESTION, THEN YOU MAY EXPLAIN, SIR
2 WITNESS I ANSWERED IT
3 THE COURT HE WANTS YOU TO ANSWER YES OR NO, AND
4 THEN YOU CAN EXPLAIN
5 Q WOULDNT' T YOU AGREE THAT IN YOUR JANUARY 12 2002
6 REPORT THERE WAS NO BLACK BIC LIGHTER LISTED IN YOUR
7 REPORT AS EVIDENCE COLLECTED OFF THE SUSPECT?
8 A YES IT IS NOT IN THAT SUPPLEMENT BUT AS SOON
9 AS IT WAS DISCOVERED, IT WAS ADDED INTO THE
10 SUPPLEMENTAL REPORT WRITTEN ON 1/17 OF 2002
11 Q AND WOULDNT' T YOU AGREE THAT ON JANUARY 17 2002
12 WHEN YOU SUBMITTED THIS EVIDENCE TO SLED AGENT DIANE
13 BODIE OF THE FORENSIC SERVICE LABORATORY, THAT YOU
14 ADDED 1 BLACK BIC LIGHTER?
15 A IT WAS ADDED TO THE EVIDENCE LIST YES
16 Q COULD YOU YES OR NO FIRST?
17 THE COURT THAT'S ---
18 A YES
19 THE COURT --- ALL RIGHT HE ANSWERED ---
20 A IT WAS ---
21 THE COURT --- THE QUESTION
22 A --- ADDED
23 THE COURT GO AHEAD NEXT QUESTION HE ANSWERED
24 THAT
25 MR ALKEBULANYAHH THANK YOU

STATE VS ALKEBULANYAHH

1 Q MR AVERILL, YOU MENTION IN YOUR REPORT THAT YOU
2 COLLECTED A PAIR OF BLACK LEATHER GLOVES, IS THAT
3 CORRECT?

4 A THAT'S CORRECT

5 Q DO YOU KNOW WHETHER OR NOT THEM BLACK -- THAT PAIR
6 OF BLACK LEATHER GLOVES WAS TESTED FOR GUNSHOT RESIDUE?

7 A I DON'T KNOW THAT

8 Q MR AVERILL, DID ALSO YOU TOOK INTO EVIDENCE A
9 PAIR OF SOUTH CAROLINA DRIVER'S LICENSE BELONGING TO
10 MS NZURI BATH ALKEBULANYAHH, IS THAT CORRECT?

11 A THAT IS CORRECT

12 Q AND THIS PAIR OF -- EXCUSE ME THIS DRIVER'S
13 LICENSE BELONGING TO MS NZURI BATH ALKEBULANYAHH YOU
14 ALSO GIVE THAT LICENSE TO ANOTHER OFFICER AND SAID,
15 THIS LICENSE CAME OFF THE SUSPECT, IS THAT CORRECT?

16 A NO, I DON'T RECALL EVER SAYING THAT

17 Q WHAT DID YOU DO WITH THOSE LICENSE THAT YOU TOOK
18 OFF MS NZURI BATH ALKEBULANYAHH?

19 A ON 1/17 OF 2002 ACCORDING TO THIS REPORT, I TURNED
20 IT IN TO THE BEAUFORT COUNTY SHERIFF'S OFFICE EVIDENCE
21 CUSTODIAN

22 Q COULD YOU TELL ME THE ITEMS THAT YOU TOOK OFF
23 NZURI BATH ALKEBULANYAHH?

24 A THERE WAS 1 BLACK HANDBAG WITH A STRAP AND A
25 STICKER READING DEJESUS MONICA -- OR MONICA DEJESUS

1 AND WITHIN THERE, THERE WERE VARIOUS PAPERS, BEAUTY
2 CARE ITEMS, SOUTH CAROLINA DRIVER'S LICENSE 007232612
3 THERE WERE 3 QUARTERS, OR 75 CENTS, 3 DIMES OR 30
4 CENTS, 6 PENNIES, 1 L G I C CELLULAR PHONE, SERIAL NO
5 002 M AS IN MIKE 013767, A SOCIAL SECURITY CARD ALSO
6 FOR NZURI BATH ---

7 Q SO YOU HAD A SOCIAL SECURITY CARD AND A DRIVER'S
8 LICENSE LISTED -- CONFISCATED FROM MS NZURI BATH
9 ALKEBULANYAHH, IS THAT CORRECT?

10 A THAT'S CORRECT

11 Q ARE YOU AWARE THAT MR ALKEBULANYAHH WAS DETAINED,
12 HOSPITALIZED, AND NAMED AS NZURI BATH ALKEBULANYAHH?

13 A YES, I THINK ORIGINALLY

14 Q YOU WERE AWARE OF THAT DO YOU KNOW HOW IT CAME
15 ABOUT HIM BEING CALLED OR NAMED OR TAKEN INTO CUSTODY
16 AS NZURI BATH ALKEBULANYAHH?

17 A NO, I DON'T

18 Q BUT THIS SOCIAL SECURITY CARD AND THIS DRIVER'S
19 LICENSE -- IT WASN'T IN POSSESSION OF MR
20 ALKEBULANYAHH, IS THAT CORRECT?

21 A NOT IN YOUR POSSESSION, NO

22 Q SO THAT SOCIAL SECURITY CARD AND THEM DRIVER'S
23 LICENSE, THAT NAME SHOULD HAVE BEEN ATTRIBUTED TO THE
24 ALLEGE SUSPECT WHO IT WAS TAKEN OFF OF, IS THAT
25 CORRECT?

1 A WE WERE USING THAT IN AN ATTEMPT TO IDENTIFY WHO
2 YOU WERE

3 Q AND IN ATTEMPTING TO IDENTIFY WHO I AM, THIS I D
4 WAS ATTRIBUTED TO MR ALKEBULANYAHH, IS THAT CORRECT
5 THAT WAS TAKEN OFF SOMEONE ELSE?

6 A I WOULDN'T GO THAT FAR

7 Q THE BLOOD THAT YOU SUBMITTED TO THE SLED FORENSIC
8 LABORATORY ---

9 THE COURT IS THIS A GOOD BREAKING POINT? THE
10 JURY HAS SENT ME A REQUEST FOR A BREAK

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT ALL RIGHT LADIES AND GENTLEMEN,
13 WE'LL SEND YOU OUT DO NOT DISCUSS THIS CASE IN ANY
14 WAY

15 (THE JURY RETIRES TO THE JURY ROOM AT 10 35 A M)

16 THE COURT YOU MAY STEP DOWN DURING THE BREAK
17 YOU MAY NOT DISCUSS YOUR TESTIMONY WITH ANYONE DURING
18 THE BREAK

19 WITNESS THANK YOU

20 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

21 THE COURT JUST WANT TO PUT ON THE RECORD THE
22 SIDE BAR CONFERENCE, JUST SO IT'S PROPERLY REFLECTED
23 NOW, YOU YOURSELF SOUGHT TO INTRODUCE THAT LIST OF
24 ITEMS THAT YOU PREVIOUSLY ASKED BE SUPPRESSED, WHICH
25 THE STATE AGREED TO SUPPRESS ALL EXCEPT FOR THAT ONE

1 THAT WE WENT OVER

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT AND THAT WAS YOUR STRATEGY DECISION?

4 MR ALKEBULANYAHH YES, SIR

5 THE COURT ALL RIGHT THANK YOU

6 MR MURDAUGH AND THAT THAT SIDE BAR CONFERENCE

7 WAS INITIATED BY THE SOLICITOR

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH THANK YOU, SIR

10 (A RECESS WAS TAKEN)

11 THE COURT PLEASE BE SEATED READY TO PROCEED?

12 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
13 INTRODUCE A MOTION TO THE COURT TO ASK THAT THE COURT
14 ALLOW THE ITEMS IN THE FANNY PACK TO BE INTRODUCED INTO
15 EVIDENCE

16 THE COURT TO ALLOW THE ITEMS IN THE FANNY PACK?

17 MR MURDAUGH I HAVE NO PROBLEM WITH THAT SIR
18 I DO NOT HAVE THEM IN THE COURTHOUSE BECAUSE I HAD TOLD
19 THE COURT THAT I DID NOT INTEND TO INTRODUCE THEM AND
20 THEY ARE AT THE EVIDENCE ROOM

21 THE COURT ALL RIGHT

22 MR ALKEBULANYAHH I WOULD LIKE TO HAVE THAT --
23 THE ITEMS IN THE FANNY PACK BEFORE I GO ANY FARTHER
24 WITH THIS WITNESS IF POSSIBLE

25 THE COURT ARE THEY AVAILABLE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR I MEAN I JUST HAVE TO
2 SEND OVER -- IT'S 300 YARDS FROM HERE

3 THE COURT ALL RIGHT

4 MR ALKEBULANYAHH THANK YOU YOUR HONOR

5 (PAUSE)

6 MR MURDAUGH YOUR HONOR, PLEASE AND I

7 APOLOGIZE TO THE COURT I JUST HAD NO ---

8 THE COURT THAT'S OKAY AGAIN, MR

9 ALKEBULANYAHH THAT WAS SOMETHING YOU ASKED TO BE
10 EXCLUDED AND THE SOLICITOR DIDN'T HAVE THOSE ITEMS HERE
11 BECAUSE HE AGREED NOW YOU WANT TO INTRODUCE THOSE
12 ITEMS?

13 MR ALKEBULANYAHH WELL WHEN I ASKED FOR
14 EXCLUSION, I WAS ASKING FOR THE TOTALITY OF THE FANNY
15 PACK TO BE EXCLUDED, NOT ANY PARTICULAR ITEM IN ITSELF,
16 AND THAT REQUEST WAS NOT GRANTED

17 THE COURT I THOUGHT YOU HAD LISTED SPECIFIC
18 ITEMS?

19 MR ALKEBULANYAHH NO, I NEVER LISTED ANY PACIFIC
20 (SIC) ITEM THAT I RECALL IF I DID IT WAS ALL THE
21 ITEMS THAT IN THE FANNY PACK

22 THE COURT THAT'S THE POINT I WAS MAKING YOU
23 SPECIFICALLY LISTED ITEMS ---

24 MR ALKEBULANYAHH WHICH IS ALL THE ITEMS

25 THE COURT --- IN THE FANNY PACK THAT YOU WANTED

1 EXCLUDED ---

2 MR ALKEBULANYAHH AND THAT REQUEST ---

3 THE COURT YES, SIR

4 MR ALKEBULANYAHH I WAS GOING TO SAY, YOU KNOW,
5 THAT REQUEST WAS NOT GRANTED

6 THE COURT WELL, I BELIEVE THE SOLICITOR HAD
7 AGREED TO ALL THE ITEMS IN THERE EXCEPT FOR THE BULLET
8 -- I THINK IT WAS THE BULLETS, IS THAT CORRECT?

9 MR MURDAUGH THAT'S CORRECT, SIR INCLUDING ---

10 THE COURT AND THE ACTUAL FANNY PACK

11 MR MURDAUGH --- THE 7 62, YES, SIR

12 THE COURT AND EVERYTHING ELSE YOU AGREED, THAT'S
13 WHY THEY'RE NOT HERE

14 MR ALKEBULANYAHH BUT WHAT I WANTED WAS I WANTED
15 EVERYTHING -- I'LL EVEN AGREE TO EVERYTHING

16 THE COURT I AGREE, YOU WANTED EVERYTHING

17 MR ALKEBULANYAHH RIGHT

18 THE COURT BUT WHAT I'M SAYING AS TO THOSE OTHER
19 ITEMS THAT THE STATE AGREED UPON NOW YOU'RE SEEKING TO
20 INTRODUCE, YOU AGREED TO EXCLUDE NOW YOU'RE SEEKING
21 TO INTRODUCE THEM, IS THAT CORRECT?

22 MR ALKEBULANYAHH YES, SIR

23 THE COURT ALL RIGHT I WILL -- AGAIN, I DON'T
24 -- IT'S NOT MY JOB TO TELL YOU HOW TO TRY YOUR CASE
25 IT'S JUST -- IT -- YOU KNOW, I ASSUME YOU HAVE SOME

STATE VS ALKEBULANYAHH

1 STRATEGY FOR WHY YOU ASK FOR THESE THINGS TO BE
2 EXCLUDED AND NOW YOU ARE INTRODUCING THEM ALL RIGHT
3 MR MURDAUGH YOUR HONOR, PLEASE
4 THE COURT YES, SIR
5 MR MURDAUGH AT THIS POINT I WOULD HAVE SOME
6 ADDITIONAL QUESTIONS I NEED TO ASK MR AVERILL
7 PERHAPS WE COULD GO WITH THAT, AND THEN WHEN WE GET THE
8 ITEMS OVER HERE, LET HIM START BACK OVER -- THINK ABOUT
9 SHORTENING AS MUCH AS POSSIBLE, SIR
10 THE COURT WHAT IS YOUR POSITION ON THAT?
11 MR ALKEBULANYAHH NO, SIR
12 THE COURT ALL RIGHT THAT'S FINE WELL, WE'RE
13 HAVING THIS DELAY BECAUSE YOU ORIGINALLY WANTED THOSE
14 ITEMS EXCLUDED
15 DO YOU HAVE ANY IDEA HOW LONG THAT WILL TAKE?
16 MR MURDAUGH JUDGE, IT'S 300 YARDS OVER THERE
17 SIR
18 THE COURT ALL RIGHT
19 MR MURDAUGH AND I WOULD ASSUME -- I MEAN,
20 THERE'S A BUNCH OF EVIDENCE TO GO THROUGH BUT I
21 WOULDN'T THINK IT WOULD TAKE ANY SUBSTANTIAL LENGTH OF
22 TIME, SIR
23 THE COURT ALL RIGHT
24 MR MURDAUGH WOULD YOU LIKE FOR ME TO GO
25 INQUIRE?

1 THE COURT YES, SIR

2 (PAUSE)

3 THE COURT MR ALKEBULANYAHH, DO YOU STILL NEED
4 THAT THIRD ROW?

5 MR ALKEBULANYAHH SIR?

6 THE COURT DO YOU STILL NEED THAT ROW?

7 MR ALKEBULANYAHH WELL, MY -- MY -- MY -- FAMILY
8 MEMBERS OF MINE ---

9 THE COURT THIS IS NOT ON THE RECORD

10 (PAUSE)

11 THE COURT DO YOU NEED THOSE ITEMS BEFORE YOUR
12 QUESTIONS?

13 MR ALKEBULANYAHH SIR?

14 THE COURT DO YOU NEED THOSE ITEMS FOR YOUR
15 QUESTIONS? YOU CAN'T JUST ASK ABOUT THE ITEMS? IS
16 THERE SOME REASON YOU NEED THEM?

17 MR ALKEBULANYAHH YES, I NEED THE ITEMS YES,
18 SIR

19 THE COURT ALL RIGHT

20 MR MURDAUGH I APOLOGIZE TO THE COURT, SIR

21 THE COURT ALL RIGHT

22 MR MURDAUGH I TELL YOU, I'M GOING TO BRING
23 EVERYTHING OVER HERE AND JUST STORE IT BACK THERE AND
24 THEN WE WON'T HAVE THIS PROBLEM

25 THE COURT THAT'S FINE

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 MR MURDAUGH JUDGE, WE HAVE EVERYTHING EXCEPT
3 ONE ITEM, IT'S IN THE -- IT SOMEHOW GOT TRANSPORTED
4 IT'S IN THE CLERK'S OFFICE HE'S GONE TO GET IT SO
5 IT WILL BE MOMENTARILY, SIR

6 THE COURT ALL RIGHT

7 (PAUSE)

8 THE COURT DID YOU SAY ONE OF THE ITEMS ---

9 MR MURDAUGH ONE OF THE ITEMS IS OVER HERE

10 THE COURT THE REST OF THEM ARE WHERE?

11 MR MURDAUGH NO, SIR THEY HAVE COME OVER
12 THEY'VE GOTTEN THEM FROM THE EVIDENCE ROOM AND NOW ARE
13 LOOKING FOR THE ONE ITEM THAT WASN'T WITH THEM

14 THE COURT ALL RIGHT I WAS JUST WONDERING,
15 SHOULD WE PROCEED WITH THE OTHER ITEMS OR HOW LONG WILL
16 IT TAKE?

17 MR MURDAUGH I'LL GET THEM TO BRING THEM IN

18 (PAUSE)

19 MR MURDAUGH YOUR HONOR, WE HAVE EVERYTHING
20 EXCEPT THE 9 MILLIMETER BULLETS I HAVE THE OTHER
21 ITEMS

22 THE COURT AND THE 9 MILLIMETER BULLETS ARE
23 WHERE?

24 MR MURDAUGH WE'RE HUNTING THEM, SIR

25 THE COURT ALL RIGHT

STATE VS ALKEBULANYAHH

1 OFFICER WE HAVE THEM I JUST CAN'T PUT MY HANDS
2 ON THEM BECAUSE OF THE SITUATION OF SECURITY, WE'VE GOT
3 A COUPLE DIFFERENT PLACES

4 THE COURT ALL RIGHT DO YOU NEED THE BULLETS?

5 MR ALKEBULANYAHH NO, SIR

6 THE COURT ALL RIGHT THEN LET'S PROCEED HE
7 DOESN'T NEED THE BULLETS

8 READY TO PROCEED?

9 MR MURDAUGH THE STATE IS
10 THE COURT DEFENSE?

11 MR ALKEBULANYAHH YOUR HONOR, I ASK THAT IF THE
12 PROSECUTOR DON'T HAVE THE ALLEGE EVIDENCE OUT AND OPEN
13 BEFORE THE JURORS, THAT THEY BE MOVED AND SECURED WHEN
14 THEY'RE READY

15 THE COURT ALL RIGHT WE'LL PUT IT ALL OUT PUT
16 IT IN BAGS PLEASE, EACH ITEM

17 MR ALKEBULANYAHH ALSO, YOUR HONOR, I WOULD ASK
18 THAT WHEN THE JUROR (SIC) COME IN THAT THE -- COULD I
19 SEE YOU AT SIDE BAR, YOUR HONOR?

20 THE COURT YES, SIR WHY, THERE S NO JURY IN
21 HERE ALL RIGHT SIDE BAR

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

23 THE COURT READY?

24 MR ALKEBULANYAHH YES, SIR, DEFENSE IS

25 MR MURDAUGH THE EVIDENCE IS OVER THERE WHAT

STATE VS ALKEBULANYAHH

1 DO YOU WANT ME TO DO WITH IT, SIR? (

2 THE COURT SET IT ON THIS COUNTER UP HERE FOR

3 NOW

4 DOES HE NEED GLOVES FOR ANY OF THAT STUFF?

5 MR MURDAUGH SIR?

6 THE COURT DOES THE DEFENDANT NEED GLOVES FOR ANY

7 OF THAT STUFF? ARE YOU GOING TO USE ANYTHING THAT'S

8 NOT IN BAGS?

9 OFFICER I HAVE GLOVES IF HE NEEDS TO USE THEM

10 THE COURT IF YOU NEED GLOVES, WE HAVE SOME

11 AVAILABLE

12 MR ALKEBULANYAHH YES, SIR

13 THE COURT YES, WHAT? YOU NEED GLOVES?

14 MR ALKEBULANYAHH THAT'S NOT IN THE BAG

15 THE COURT THERE'S A PAIR OF GLOVES

16 ARE YOU ALL READY TO PROCEED?

17 MR MURDAUGH THE STATE IS

18 MR ALKEBULANYAHH DEFENSE IS, YOUR HONOR

19 THE COURT BRING THE JURY IN PLEASE

20 (THE WITNESS RETURNS TO THE WITNESS STAND)

21 (THE JURY RETURNS TO THE COURTROOM AT 11 23 A M)

22 THE COURT THANK YOU PLEASE BE SEATED THANK

23 YOU, LADIES AND GENTLEMEN WE'RE READY TO PROCEED AT

24 THIS TIME, CONTINUE THE EXAMINATION OF THIS WITNESS

25 AS WE DID YESTERDAY WHEN YOUR LUNCH ARRIVES, WE'LL

1 STOP

2 GO AHEAD

3 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

4 THE COURT YES

5 (PAUSE)

6 MR ALKEBULANYAHH YOUR HONOR, COULD I SEE YOU AT
7 SIDE BAR, SIR?

8 THE COURT SIDE BAR?

9 MR ALKEBULANYAHH YES, SIR

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

12 CROSS EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

13 Q MR AVERILL, DID YOU SO HAPPEN WHEN YOU COLLECTED
14 THE -- WHEN YOU COLLECTED THE ITEMS AT THE JOE FRAZIER
15 ROAD BRIDGE DID YOU SO HAPPEN TO COLLECT ANY
16 IDENTIFICATION FROM OFF OF THE SUSPECT OR FROM THAT BAG
17 AT THAT TIME?

18 A NO, I DID NOT

19 Q MR PURDY -- I'M SORRY, MR AVERILL IS THAT
20 SERGEANT AVERILL OR ---

21 A STAFF SERGEANT

22 Q STAFF SERGEANT AVERILL THANK YOU, SIR STAFF
23 SERGEANT AVERILL WHEN YOU COLLECTED THE DRIVER'S
24 LICENSE -- THE SOUTH CAROLINA DRIVER'S LICENSE FROM THE
25 WOMAN NZURI ALKEBULANYAHH, WHO DID YOU TURN THEM

STATE VS ALKEBULANYAHH

1 DRIVER'S LICENSE TO?

2 A I DIDN'T COLLECT THOSE ITEMS FROM HER

3 Q YOU DIDN'T?

4 A NO, NOT HER DRIVER'S LICENSE THAT WAS -- THAT
5 WAS SERGEANT PURDY AT THE TIME

6 Q COULD YOU LOOK AT YOUR REPORT ON JANUARY 12, 2002
7 ON PAGE 2, THE SECOND PARAGRAPH, ABOUT THE LAST
8 SENTENCE OF THAT SECOND PARAGRAPH COULD YOU STATE TO
9 ME OR READ TO ME WHAT -- WHAT IS -- WHAT STATES IN YOUR
10 REPORT

11 A IT SAYS AFTER DEJESUS WAS ARRESTED I SEARCHED HER
12 PURSE INCIDENT TO ARREST AND OBSERVED THE FOLLOWING IN
13 HER BAG

14 Q AND WHAT WAS THE NUMBER ONE THING THAT YOU -- YOU
15 OBSERVED?

16 A A SOUTH CAROLINA DRIVER'S LICENSE IN THE NAME OF
17 ALKEBULANYAHH NZURI BATH

18 Q OKAY AND WHAT DID YOU DO WITH THOSE DRIVER'S
19 LICENSE AFTER YOU OBSERVED BEING IN THERE?

20 A I DIDN'T DO ANYTHING WITH THEM

21 Q YOU DIDN'T DO ANYTHING SO WHAT HAPPENED TO THAT
22 -- TO THAT BAG WITH THE SOUTH CAROLINA DRIVER'S LICENSE
23 IN IT?

24 A THE BAG WAS TAKEN IN -- SERGEANT PURDY TOOK
25 POSSESSION OF THAT DRIVER'S LICENSE AT THAT MOMENT

- 1 Q AT THAT MOMENT?
- 2 A YES
- 3 Q SO YOU WAS THE ONE THAT CONDUCTED THE SEARCH OF
- 4 THE PURSE, IS THAT CORRECT?
- 5 A THAT'S CORRECT
- 6 Q AND WHEN YOU SEARCHED THAT PURSE, YOU COLLECTED
- 7 THE DRIVER'S LICENSE FROM THAT BAG AND THAT'S PART OF
- 8 YOUR REPORT AS FAR AS WHEN YOU COLLECTED THAT BAG, THEN
- 9 YOU WROTE OUT YOUR REPORT, THAT I COLLECTED THIS AND
- 10 THIS IS WHAT I GOT OFF THIS PERSON FROM INCIDENT TO
- 11 ARREST, IS THAT CORRECT?
- 12 A NO, THAT'S NOT CORRECT
- 13 Q COULD YOU EXPLAIN SIR?
- 14 A YEAH THAT'S NO WHERE IN ANY REPORT THAT I WROTE
- 15 THAT SAYS THAT I COLLECTED THAT
- 16 Q SO YOU SEARCH THE PURSE BUT YOU DID NOT COLLECT
- 17 THE -- THE ITEMS LISTED HERE?
- 18 A THAT'S CORRECT IT WASN'T MY ARREST
- 19 Q OKAY SO WHEN YOU DISCOVERED THE ITEMS LISTED,
- 20 YOU JUST MADE OBSERVATION OF THEM?
- 21 A THAT -- THAT'S CORRECT
- 22 Q AND ONCE THESE DRIVER'S LICENSE THAT WAS ATTAINED
- 23 (SIC) INCIDENT TO AN ARREST WHICH YOU SEARCH AND SEEN,
- 24 IT WAS YOU AND -- IS THAT STAFF SERGEANT PURDY,
- 25 INVESTIGATOR PURDY?

1 A IT WAS SERGEANT PURDY AT THE TIME, BUT NOW STAFF
2 SERGEANT PURDY, YES

3 Q YOU AND STAFF SERGEANT PURDY -- YOU ALL LEFT THAT
4 INCIDENT ON JOE FRAZIER ROAD AND YOU ALL WENT TO THE
5 HOSPITAL, IS THAT CORRECT?

6 A YES, IT IS

7 Q AND UPON ARRIVING AT THE HOSPITAL, THAT SOUTH
8 CAROLINA DRIVER'S LICENSE BELONGING TO NZURI BATH
9 ALKEBULANYAHH, ALONG WITH YOU, YOU AND MR STAFF
10 SERGEANT PURDY, YOU ALL PROVIDED THAT I D TO EMERGENCY
11 ROOM PERSONNEL IS THAT CORRECT?

12 A NO, THAT'S NOT CORRECT

13 Q OKAY WHAT HAPPENED?

14 A I DON'T KNOW WHAT HAPPENED I DIDN'T HAVE THE
15 I D

16 Q YOU DIDN'T?

17 A NO I STAYED OUTSIDE OF THE HOSPITAL BY THE
18 AMBULANCE ENTRANCE

19 Q WERE YOU EVER IN -- WERE YOU EVER AWARE THAT THAT
20 PARTICULAR I D WAS PROVIDED TO THE BEAUFORT COUNTY
21 MEMORIAL HOSPITAL PERSONNEL AS PROPERTY OR BELONG TO
22 MR ALKEBULANYAHH IN WHICH HE WAS ADMITTED INTO THE
23 HOSPITAL UNDER THAT I D ?

24 A I WASN'T AWARE OF THAT, NO

25 Q WHEN A SEARCH WARRANT WAS ACQUIRED FOR THE BLOOD

1 OF THE SUSPECT, MR ALKEBULANYAHH, ARE YOU AWARE THAT
2 THAT SEARCH WARRANT WAS TAKEN OUT UNDER THE NAME MS
3 NZURI BATH ALKEBULANYAHH?

4 A I'M NOT AWARE OF THAT EITHER I DIDN'T DO THE
5 SEARCH WARRANT

6 Q WHEN YOU SUBMITTED THE VILE OF BLOOD ON THE 17TH
7 OF JANUARY 2002 TO MS BODIE OF THE SOUTH CAROLINA LAW
8 ENFORCEMENT DIVISION, WAS YOU AWARE THAT AT THAT TIME
9 THAT THAT BLOOD WAS WITH -- WAS LISTED AS NZURI BATH
10 ALKEBULANYAHH THAT WAS WITHDRAWN?

11 A I WOULD HAVE TO SEE THE EVIDENCE BAG AS TO WHAT I
12 ACTUALLY TURNED OVER TO SPECIAL AGENT BODIE

13 Q MR AVERILL, DO YOU KNOW THE OFFICER'S NAME OR THE
14 PERSONNEL THAT RODE WITH MR ALKEBULANYAHH TO THE
15 BEAUFORT MEMORIAL HOSPITAL?

16 A NO, I DO NOT

17 Q MR AVERILL -- I'M SORRY, STAFF SERGEANT AVERILL

18 A EITHER ONE IS FINE

19 Q DID YOU SEND THE SUSPECT BOOTS BACK TO THE CRIME
20 SCENE?

21 A YES, I DID

22 Q AND WHO DID YOU SEND THE SUSPECT BOOTS BACK TO THE
23 CRIME SCENE WITH?

24 A I SENT THEM BACK TO THE CRIME SCENE WITH DEPUTY
25 SHERIFF GAINES

STATE VS ALKEBULANYAHH

1 Q AND WHY WOULD YOU TAKE THE SUSPECT'S BOOTS, WHICH
2 IS EVIDENCE TAKEN INTO EVIDENCE -- PROPERTY COLLECTED
3 AND TAKEN INTO EVIDENCE -- WHY DID YOU TAKE THE BOOTS
4 AND SEND THEM BACK TO THE CRIME -- BACK TO THE CRIME
5 SCENE?

6 A TO -- TO COMPARE THE BOOT PRINTS WITH THE BOOT
7 PRINTS -- OR THE FOOTPRINTS THAT YOU LEFT OUT THERE

8 Q SO IS YOU A PARTICULAR TYPE OF EXPERT WHERE YOU
9 CAN TAKE THE BOOT AND LOOK AT THE BOTTOM OF THEM AND
10 LOOK DOWN ON THE GROUND AND DETERMINE IS THESE PRINT IS
11 COMPARISON? IS YOU CAPABLE OF DOING THAT?

12 A I'M NOT AN EXPERT BUT I CAN SAY THAT THAT LOOKS
13 LIKE IT APPEARS TO COME FROM THAT OTHER SHOE OR VISE
14 VERSA

15 Q SO WHEN YOU TOOK THE SUSPECT'S BOOTS FROM THE
16 HOSPITAL AND YOU TOOK THEM BACK TO THE CRIME SCENE TO
17 HAVE A COMPARISON MADE, THIS WAS A VISION -- VISUAL
18 COMPARISON IS, THAT CORRECT?

19 A I DIDN'T TAKE THE BOOTS BACK THERE, FIRST OF ALL
20 DEPUTY SHERIFF GAINES DID AT THE REQUEST OF LIEUTENANT
21 JOHNSON LIEUTENANT JOHNSON WANTED THOSE BOOTS -- I'M
22 NOT SURE WHAT THE REASON WAS HE MADE THE REQUEST TO
23 ME, AND I HAD THE BOOTS TRANSFERRED OUT TO WHERE HE WAS
24 AT THE CRIME SCENE

25 Q ISN'T IT NORMAL PROCEDURE FOR EVIDENCE OR PROPERTY

1 TAKEN FROM ALLEGE SUSPECTS TO BE TAKEN BACK TO THE
2 CRIME SCENE?

3 A ABSOLUTELY

4 Q THEN WOULD YOU AGREE WITH ME THAT BY TAKING THIS
5 PROPERTY BACK TO THE CRIME SCENE, THAT THERE WAS A
6 POSSIBILITY FOR CONTAMINATION?

7 A CONTAMINATION OF WHAT?

8 Q CONTAMINATION OF THE -- FOR DROPPING DEBRIS OR
9 EVIDENCE AT THAT PARTICULAR CRIME SCENE AREA?

10 A NOT THAT I KNOW OF AND AS FAR AS -- AS FAR AS I
11 KNOW, THE BOOTS NEVER EVEN WERE USED THEY NEVER CAME
12 OUT OF THE BAG

13 Q WHO HAD POSSESSION OF THE CLOTHING THAT BELONGS TO
14 THE SUSPECT?

15 A THAT WAS DEPUTY SHERIFF GAINES ALSO

16 Q AND HE WAS WORKING -- WAS HE ALSO WORKING SECURITY
17 AT THE HOSPITAL FOR THE ALLEGE SUSPECT?

18 A AT THAT POINT, YES, I BELIEVE HE WAS

19 Q SO DID YOU OBSERVE HIM LEAVE HIS SECURITY POST TO
20 GO OUT TO THE ALLEGE CRIME SCENE?

21 A I SENT HIM

22 Q YOU SENT HIM AND DID YOU OBSERVE HIM RETURN BACK
23 TO THE HOSPITAL?

24 A YES, I DID

25 Q AND HOW LONG BEFORE TIME HE LEFT BEFORE HE

1 RETURNED, DO YOU REMEMBER?

2 A I DON'T REMEMBER IT WASN'T THAT LONG

3 Q SO THE ALLEGE EVIDENCE FROM THE BEAUFORT MEMORIAL
4 HOSPITAL OF THE SUSPECT WAS BEING TRANSPORTED TO THE
5 CRIME SCENE, WAS ALL THE SUSPECT PROPERTY BEING
6 TRANSFERRED?

7 A AS FAR -- AS FAR AS I KNOW, IT WAS CLOTHING AND
8 YOUR -- AND YOUR BOOTS WE ALREADY -- I ALREADY HAD
9 YOUR FANNY PACK AND ALL OF IT -- ALL OF ITS CONTENTS

10 Q AND WHO WAS THAT YOU SAY ORDERED THAT THE BOOTS BE
11 BROUGHT OUT TO THE CRIME SCENE FOR COMPARISON?

12 A LIEUTENANT JOHNSON CALLED ME WHILE I WAS AT THE
13 HOSPITAL AND REQUESTED THAT THEY BE TRANSFERRED OUT TO
14 WHERE HE WAS AT THE CRIME SCENE

15 Q WAS THE BOOTS CONSIDERED EVIDENCE?

16 A I WOULD SAY, YES, AT THAT POINT

17 Q DID DEPUTY GAINES INFORM YOU WHO HE GIVE THE
18 SUSPECT BOOTS TO ONCE HE ARRIVED AT THE CRIME SCENE?

19 A YES HE DID

20 Q ARE YOU THE NORMAL OFFICER THAT COLLECT EVIDENCE
21 AT CRIME -- AT CRIME SCENES OR PROPERTY FROM A SUSPECT?

22 A ALL POLICE OFFICERS DO THAT

23 Q AND IS IT A REGULAR THAT -- THAT EVIDENCE SEIZED
24 INSTEAD OF BEING SEIZED AND SECURED AWAY FROM THE CRIME
25 SCENE SO THAT EVIDENCE CANNOT BE LEFT, FOR INSTANCE --

1 GIVE YOU AN EXAMPLE, IF BLOOD WAS ON THE ALLEGE
2 SUSPECT'S SHOE AND IF THE SHOES ARE TAKEN BACK TO THE
3 CRIME SCENE, THEN THERE'S A POSSIBILITY THAT SOMETHING
4 AT THE CRIME SCENE COULD BECOME CONTAMINATED, IS THAT
5 CORRECT?

6 A THAT'S KIND OF A GENERALIZATION WE'RE NOT
7 WALKING IN THOSE BOOTS WE'RE HOLDING THEM UP AND
8 LOOKING AT THEM AND COMPARING THEM TO THE FOOTPRINTS IN
9 THE AREA

10 Q LET'S SAY IF A ROCK WAS ON THE BOTTOM OF THE BOOTS
11 WITH BLOOD ON THE ROCK AND THE BOOTS WERE TAKEN TO THE
12 CRIME SCENE, ISN'T IT POSSIBLE THAT THAT ROCK COULD
13 FALL OFF AT THAT CRIME SCENE AREA?

14 A HYPOTHETICALLY, I GUESS ANYTHING IS POSSIBLE

15 Q AND IF THAT ROCK FELL OFF AT THE CRIME SCENE WHERE
16 THE BOOT IS TOOK, THEN AN INVESTIGATOR WOULD -- COULD
17 MAKE AN ASSUMPTION THAT THE SUSPECT HAD BEEN IN THAT
18 AREA BECAUSE THEY WOULD SAY THEY FOUND HIS BLOOD IS
19 THAT CORRECT?

20 A YES THAT COULD BE CORRECT BUT LIKE I SAID,
21 THOSE BOOTS -- NOTHING EVER CAME OUT OF THAT BAG IN
22 THIS PARTICULAR CASE

23 Q BUT THAT CAN BE CORRECT?

24 A SURE

25 Q NOW, IF THE SUSPECT -- IF SUSPECT HAD A PAIR OF

1 BOOTS AND HE HAD BODY HAIR IN THEM BOOTS AND THE BOOTS
2 WAS TAKEN TO THE CRIME SCENE, THERE'S A POSSIBILITY
3 THAT A BODY HAIR COULD FALL FROM THE BOOT AND AN
4 INVESTIGATOR COMES -- FORENSIC INVESTIGATOR COME
5 THROUGH AND PICK THE BODY HAIR UP THEN THEY CAN ASSUME
6 OR INDICATE ---

7 A ANYTHING IS POSSIBLE

8 Q --- OR STATE POSITIVE THAT THE DEFENDANT WAS IN
9 THAT AREA BECAUSE HE FOUND THE BODY HAIR, IS THAT
10 CORRECT?

11 A AGAIN ANYTHING IS POSSIBLE

12 Q AND YOU CANNOT DENY THAT A POSSIBLE BODY HAIR OR A
13 ROCK OR SOMETHING GENETICALLY WAS WITHIN THE BOOTS THAT
14 WAS TAKEN TO THE CRIME SCENE BELONGS TO THE DEFENDANT
15 IS THAT CORRECT?

16 A LIKE I SAID, I CAN'T DENY IT BECAUSE I DON'T -- AS
17 FAR AS I KNOW THE BOOTS NEVER MADE IT TO THE CRIME
18 SCENE

19 Q DID YOU OBSERVE THE SUSPECT BEING TAKEN TO THE --
20 LOADED INTO THE AMBULANCE AND TRANSPORTED TO THE
21 CHARLESTON MEMORIAL HOSPITAL?

22 A NO I SAW THE SUSPECT LOADED INTO THE BACK OF THE
23 AMBULANCE AND THAT'S THE LAST TIME I SAW YOU

24 Q AND THAT WAS GOING TO BEAUFORT MEMORIAL?

25 A NO THAT WAS GOING TO CHARLESTON

1 Q GOING TO CHARLESTON DID YOU EVER HAVE THE
2 OPPORTUNITY TO GO TO THE 21 RILEY ROAD RESIDENCE?

3 A NO, I DID NOT

4 Q WOULD YOU AGREE THAT THERE'S A AMOUNT OF INTEGRITY
5 THAT GOES WITH SECURING A SUSPECT PROPERTY AS EVIDENCE
6 -- SECURING EVIDENCE THAT BELONG TO A SUSPECT IN A
7 CASE?

8 A ABSOLUTELY

9 Q AND WOULDN'T YOU AGREE THAT THE INTEGRITY IS BASED
10 AROUND THAT THIS EVIDENCE ONCE HAD BEEN SECURED WOULD
11 NOT BE BROUGHT BACK TO A CRIME SCENE?

12 A I DON'T -- I DON'T UNDERSTAND YOUR QUESTION

13 Q WOULD YOU ---

14 THE COURT REPHRASE YOUR QUESTION

15 Q THE INTEGRITY OF BEING IN POSSESSION OF AN ALLEGE
16 SUSPECT PROPERTY OR EVIDENCE -- EVIDENCE TAKEN FROM A
17 SUSPECT -- EVIDENCE TAKEN FROM A SUSPECT, THE INTEGRITY
18 OF MAINTAINING AND KEEPING THAT EVIDENCE SECURE FROM
19 CONTAMINATION, FROM BEING DESTROYED SHOULD NOT BE
20 ALLOWED BE TAKEN BACK TO A ALLEGE CRIME SCENE?

21 A NO, I DO NOT AGREE

22 Q SO YOU WOULD SAY THAT IF YOU APPREHENDED A MAN AND
23 YOU TOOK HIS WALLET AND IT WAS 10 MILES AWAY FROM HIM
24 AND YOU TOOK HIS WALLET AT THE BEAUFORT COUNTY
25 JAILHOUSE AND YOU SECURED IT IN A BAG AS EVIDENCE, THAT

1 YOU ALSO WOULD TAKE THAT WALLET BACK 10 MILES AWAY TO
2 WHERE IT WAS ALLEGED THAT PERSON WOULD BE, IS THAT
3 NORMAL? IS THAT -- IS THAT ---

4 A I WOULD DO WHAT I HAD TO DO TO SOLVE A CRIME OR TO
5 INVESTIGATE THE CRIME IF IT ENTAILED TAKING YOUR
6 WALLET 20 MILES AWAY, THEN, YES, I WOULD DO IT

7 Q EVEN IF IT WAS ILLEGAL?

8 A IT'S NOT ILLEGAL

9 Q EVEN IF IT WAS OUTSIDE PROCEDURE?

10 A IT'S NOT OUTSIDE OF PROCEDURE

11 Q SO IT'S NOT OUTSIDE OF PROCEDURE TO TAKE EVIDENCE
12 GATHERED FROM A SUSPECT FROM JAIL OR FROM ANY LOCATION
13 WHEREVER YOU HAVE TOOK HIM AWAY FROM THE SCENE AND TAKE
14 THAT EVIDENCE BACK TO THE SCENE AND BE WALKING AROUND
15 THE SCENE WITH PROPERTY AND THINGS BELONGING TO A
16 SUSPECT?

17 A NO IT'S NOT AGAINST PROCEDURE

18 Q WOULDN'T A FORENSIC INVESTIGATOR HAVE -- HAVE
19 DIFFICULTY COMING TO THE CONCLUSION OF THE TRUTH IF
20 PROPERTY BY OFFICERS IS BEING TAKEN IN AND OUT OF THE
21 CRIME SCENE?

22 A WHEN YOU SAY FORENSIC INVESTIGATOR, THAT'S A
23 PRETTY BROAD BAND ALSO WHAT KIND OF INVESTIGATOR
24 SPECIFICALLY?

25 Q WHEN I SPEAK OF A FORENSIC INVESTIGATOR, I'M

1 SPEAKING OF THE FORENSIC INVESTIGATOR, SOMEBODY WHO
2 WOULD COLLECT HAIR, COLLECT DNA, COLLECT
3 FINGERPRINTING, TO THAT EXTENT TO USE -- TO DETERMINE
4 IF -- WHO WAS SUSPECTS AND IF SOMEBODY WAS A VICTIM, TO
5 THAT NATURE WHEN I SPEAK OF FORENSIC

6 A OKAY

7 Q SO WHAT I'M SAYING IS THAT IF AN INVESTIGATOR --
8 LET'S SAY SLED FORENSIC TEAM -- IF THEY WENT TO THE
9 CRIME SCENE AND THEN YOU HAVE OFFICERS TRAVELING BACK
10 AND FORTH FROM THE CRIME SCENE WITH SUSPECT CLOTHING,
11 BOOTS, OR DIFFERENT THINGS LIKE THAT WHILE THEY'RE
12 GATHERING EVIDENCE, THERE'S A POSSIBILITY THAT BECAUSE
13 OF THE OFFICERS TRAVELING BACK AND FORTH INTO THE CRIME
14 SCENE, THAT THEY WOULD GATHER EVIDENCE THAT WASN'T
15 THERE BY THE SUSPECT, BUT WAS LEFT BY THE OFFICER?

16 A NO THAT WOULDN'T HAPPEN BECAUSE THAT CRIME SCENE
17 WOULD BE SECURE UNTIL ALL THE EVIDENCE HAD BEEN
18 GATHERED SO THERE WOULDN'T BE TRAFFIC IN AND OUT OF A
19 CRIME SCENE

20 Q SO WHEN THE BOOTS WAS TAKEN BACK FOR COMPARISON
21 AND THERE WAS FOOTPRINTS, THEN THEM FOOTPRINTS SHOULD
22 HAVE BEEN SECURED, IS THAT CORRECT? THAT AREA,
23 WHEREVER THEY WERE GOING TO MAKE THAT COMPARISON AT, IT
24 SHOULD HAVE BEEN SECURED AND NO EVIDENCE BROUGHT INTO
25 THAT PARTICULAR AREA, IS THAT CORRECT?

1 A IF THAT'S WHAT THEY HAD OUT THERE YES I WASN'T
2 OUT THERE

3 Q BUT WOULD YOU SAY THAT THAT WOULD BE THE PROCEDURE
4 TO SECURE THAT AREA AND NOT BRING BOOTS ---

5 A YOU HAVE ---

6 Q --- OR ANYTHING ELSE INTO IT?

7 A YOU HAVE TO -- YOU HAVE TO BE ABLE TO LOOK AT
8 SOMETHING TO COMPARE IT TO SOMETHING ELSE IN OTHER
9 WORDS, THE INVESTIGATORS AT THE SCENE HAD TO -- WHICH
10 THEY DIDN'T DO, BY THE WAY -- BUT, HYPOTHETICALLY, LOOK
11 AT THE SOLE OF A SHOE AND COMPARE IT TO THE FOOTPRINT
12 ON THE GROUND

13 NOW, OBVIOUSLY, IF I HAVE A BOOT IN MY HAND AND I
14 SEE A FOOT WITH FIVE TOES ON IT, THEN THIS ISN'T THE
15 GUY I WAS LOOKING FOR OR IF I HAVE A SNEAKER DOWN
16 THERE AND I HAVE A TIMBERLIN BOOT PATTERN IN MY HAND,
17 THEN THAT'S NOT THE PERSON I'M LOOKING FOR

18 BUT IF I HAD A TIMBERLIN BOOT PRINT IN MY HAND AND
19 I HAVE WHAT APPEARS TO ME TO BE A BOOT PRINT IN THE
20 GROUND, THEN I'M PROBABLY ON TO SOMETHING

21 Q WOULDN'T YOU SAY THAT BEING -- ACCORDING TO MODERN
22 TECHNOLOGY THAT WE HAVE TODAY, THAT ONE COULD TAKE A
23 CAMERA AND TAKE PICTURES OF THAT PRINT AND ALSO THAT IN
24 CRIMINOLOGY THAT THEY WOULD GO OUT AND MAKE A CAST, THE
25 MUD-TYPE FIGURE THAT'S IN THAT PRINT, AND LIFT THAT

1 PRINT UP SO TO BE TAKEN TO THE LABORATORY TO BE
2 ACCURATELY EXAMINED TO EXCLUDE OR EXCLUDE (SIC)
3 POSSIBLE SUSPECTS IN A CRIME?

4 A YES

5 Q AND WOULDN'T YOU AGREE, THAT IS THE MORE REALISTIC
6 AND MORE SOPHISTICATED WAY THAT EXPERTS IN THAT FIELD
7 CONDUCT THEMSELVES WHEN THEY'RE TRYING TO GATHER FOOT
8 IMPRESSIONS, IS THAT CORRECT?

9 A IN -- IN -- IN THE FINAL -- IN THE LONG RUN, YES
10 BUT YOU HAVE TO HAVE A STARTING POINT

11 Q AND WOULDN'T YOU AGREE THAT THE STARTING POINT
12 WOULD BE SECURE THE CRIME SCENE IF IT'S FOOTPRINT,
13 TAKE PICTURES IF YOU HAVE A CAMERA, FROM DIFFERENT
14 ANGLES, CLOSE UP, FAR OFF OR HAVE SOMEONE COME IN
15 WITH THE INGREDIENT TO POURING INTO THE FOOTPRINT AND
16 MAKE A CAST SO THIS CAST WOULD BE LIFTED AND THE PHOTOS
17 TO BE USED, TO BE TAKEN TO THE LABORATORY FOR EXPERT TO
18 DETERMINE NOT -- WHETHER OR NOT THAT THIS PARTICULAR
19 INDIVIDUAL WAS ACTUALLY IN THE AREA WHERE THEY ALLEGE
20 WAS A CRIME SCENE?

21 A SURE BUT THAT'S A LOT OF TIME WHEN WE CAN WALK
22 IN, BRING THAT BOOT INTO THAT AREA AND SAY, YEAH THIS
23 IS HIM THEN WE CAN GO AHEAD AND TAKE OUR PHOTOGRAPHS
24 AND TAKE OUR PLASTER MOLDINGS -- WE CAN GO AHEAD AND DO
25 THAT FOR COURT PURPOSES BUT IT GIVES US A STARTING

STATE VS ALKEBULANYAHH

1 POINT

2 Q SO ---

3 A BUT, AGAIN IT DIDN'T HAPPEN HERE FROM WHAT I
4 WAS TOLD, IT NEVER CAME OUT OF THE BAG

5 Q OKAY SO WHEN YOU WAS IN THE ACADEMY FOR -- THE
6 CRIMINAL JUSTICE -- THE JUSTICE ACADEMY, WAS IT PART OF
7 THEY TEACHING THAT ONE CAN TAKE A SHOE AND LOOK AT THE
8 BOTTOM OF IT AND LOOK AT A FOOTPRINT ON THE GROUND AND
9 DETERMINE THAT THAT IS AN EXACT FOOTPRINT OF -- OF SOME
10 OTHER INDIVIDUAL?

11 A I DIDN'T SAY ANYTHING ABOUT EXACT I SAID A
12 STARTING POINT

13 Q WOULD THAT STARTING POINT INDICATE ANYTHING?

14 A YES

15 Q WHAT WOULD IT INDICATE?

16 A FOR INSTANCE, IF YOU HAD A PAIR OF SNEAKERS ON
17 THAT DAY AND WE TOOK BOOTS OFF OF YOU THAT WAS SOAKING
18 WET OUR INDICATION WOULD BE, WE'RE PROBABLY ON THE
19 WRONG SET OF FOOTPRINTS BECAUSE YOU HAD BOOTS ON
20 UNLESS, WHEN YOU WERE RUNNING AWAY FROM THE TRAILER YOU
21 HAD A PAIR OF SNEAKERS WITH YOU AND CHANGED IT --
22 CHANGED BACK AND FORTH, WHICH IS IRRATIONAL

23 Q RIGHT

24 MR ALKEBULANYAHH MR AVERILL I HAVE NO FURTHER
25 QUESTIONS

1 YOUR HONOR, I WOULD LIKE TO RESERVE THE RIGHT TO
2 RE-EXAMINE THIS WITNESS

3 THE COURT ANY FOLLOW-UP QUESTIONS?

4 MR MURDAUGH YES, SIR, I DO HAVE SOME QUESTIONS

5 THE COURT ALL RIGHT GO AHEAD

6 REDIRECT EXAMINATION BY MR. MURDAUGH.

7 Q MR AVERILL, I SHOW YOU A BOX AND ASK IF YOU CAN
8 IDENTIFY THE CONTENTS THEREOF?

9 A YES, THOSE ARE THE BOOTS THAT I RECEIVED LATER
10 THAT NIGHT

11 Q FROM WHO? FROM ---

12 A FROM MASTER SERGEANT BUKOFFSKY, HE DELIVERED THEM
13 TO ME AND THESE ARE THE BOOTS THAT -- AMONG OTHER
14 THINGS -- I TURNED OVER TO SPECIAL AGENT BLACK

15 MR MURDAUGH YOUR HONOR, PLEASE, I ASK THAT THIS
16 BE MARKED FOR IDENTIFICATION

17 THE COURT THAT'S FOR IDENTIFICATION PURPOSES?

18 MR MURDAUGH YES, SIR

19 THE COURT ALL RIGHT

20 (BOX CONTAINING BOOTS MARKED FOR IDENTIFICATION AS
21 STATE'S EXHIBIT NO 15)

22 Q NOW, SO THERE WON'T BE ANY QUESTION ABOUT WHAT YOU
23 DID DID YOU REMOVE CERTAIN ITEMS FROM THE FANNY PACK
24 THAT IS MARKED STATE'S EXHIBIT NO 13?

25 A YES, I DID YES

STATE VS ALKEBULANYAHH

1 Q OKAY SIR AMONG THOSE ITEMS WERE THE CONTENTS OF
2 STATE'S 14 IN THERE?

3 A YES, THEY WERE

4 MR ALKEBULANYAHH I'M GOING TO OBJECT YOUR
5 HONOR HE HAD ALREADY WENT THROUGH THESE LINE OF
6 QUESTIONS

7 THE COURT I'LL -- YES, SIR, DO YOU WANT TO
8 RESPOND? I'LL ALLOW THAT GO AHEAD

9 MR MURDAUGH YES, SIR

10 Q NOW, DID YOU FIND OTHER ITEMS?

11 A YES I DID

12 Q OKAY DID YOU FIND A VILE OF BLOOD IN THAT FANNY
13 PACK?

14 A NO, I DID NOT

15 Q OKAY, SIR WERE YOU GIVEN A VILE OF BLOOD BY
16 ANYBODY?

17 A I SIGNED THE VILE OF BLOOD OUT FROM OUR EVIDENCE
18 CUSTODIAN

19 Q AND THAT IS?

20 A MASTER SERGEANT JOHN KEOUGH

21 Q OKAY AND DID YOU TAKE THAT VILE OF BLOOD THAT
22 JOHN KEOUGH GAVE YOU ALONG WITH THE CONTENTS OF THE
23 FANNY PACK TO COLUMBIA?

24 A NO

25 Q OKAY SIR DID YOU TAKE -- WHO DID YOU TAKE IT

1 TO?

2 A I BROUGHT -- SPECIAL AGENT BODIE WAS IN MY OFFICE
3 WHILE I WAS TURNING IN THE EVIDENCE FROM THE FANNY PACK
4 AND THE FANNY PACK ITSELF IN ORDER TO SAVE ANYBODY A
5 TRIP, I WENT DOWN TO THE EVIDENCE LOCKER, SIGNED OUT
6 THE VILE OF BLOOD, AND SIGNED IT OVER TO SPECIAL AGENT
7 BODIE

8 Q DIANE BODIE?

9 A DIANE BODIE

10 Q OKAY, SIR NOW, DID YOU PLANT ANY EVIDENCE?

11 A NO

12 Q DID YOU SEE ANYBODY PLANT ANY EVIDENCE?

13 A NO

14 Q AND I THINK YOU HAVE ALREADY ANSWERED THIS
15 QUESTIONS, SIR BUT OUT OF A -- I CAN'T REMEMBER DID
16 YOU TAKE ANY EVIDENCE PHYSICALLY OFF OF NZURI BATH
17 ALKEBULANYAHH?

18 A NO

19 MR MURDAUGH THANK YOU, SIR

20 MR ALKEBULANYAHH JUST ONE FINAL QUESTION

21 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

22 Q DID YOU SEARCH MS NZURI BATH ALKEBULANYAHH
23 INCIDENT TO ARREST?

24 A I SEARCHED HER HANDBAG

25 Q AND AS A RESULT OF YOUR SEARCH AND THE ITEMS THAT

1 YOU DISCOVERED, WHAT DID YOU DO WITH THEM?

2 A I DIDN'T TAKE THEM I DIDN'T DO ANYTHING WITH
3 THEM I LEFT THEM RIGHT THERE WITH THE OFFICER AND
4 STAFF SERGEANT PURDY

5 Q WHAT WAS YOUR PURPOSE FOR SEARCHING?

6 A TO ASSIST STAFF SERGEANT PURDY AND THE OTHER
7 OFFICER WHO WERE MAKING AN ARREST

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

9 MR MURDAUGH YOU MAY COME DOWN MAY MR AVERILL
10 BE EXCUSED?

11 THE COURT ANY OBJECTION? YOU SAID YOU WANT HIM
12 TO BE ---

13 MR ALKEBULANYAHH PLEASE, SIR, I WOULD LIKE TO
14 RESERVE THE RIGHT TO RECALL IF I MAY

15 THE COURT YOU MAY STEP DOWN AT THIS TIME SIR
16 YOU WILL BE SUBJECT TO RECALL

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 MR MURDAUGH SCOTT JOHNSON NEXT ONE WILL BE
19 ANDY FAUCETT

20 SCOTT JOHNSON, BEING FIRST
21 DULY SWORN TESTIFIED AS FOLLOWS

22 DIRECT EXAMINATION BY MR. MURDAUGH.

23 Q YOUR FULL NAME PLEASE, SIR?

24 A PATRICK SCOTT JOHNSON

25 Q MR JOHNSON, ARE YOU EMPLOYED BY THE BEAUFORT

- 1 COUNTY SHERIFF'S DEPARTMENT?
- 2 A YES, SIR, I AM
- 3 Q AND HOW LONG HAVE YOU BEEN WITH THEM?
- 4 A 13 YEARS
- 5 Q DO YOU HOLD ANY RANK?
- 6 A YES, SIR, LIEUTENANT
- 7 Q OKAY, SIR WERE YOU A LIEUTENANT ON JANUARY 8,
- 8 2002?
- 9 A YES, SIR, I WAS
- 10 Q WERE YOU INVOLVED IN THE INVESTIGATION IN TO THE
- 11 DEATHS OF OFFICERS COURSEN AND TATE?
- 12 A YES SIR, I WAS
- 13 Q WAS A PART OF YOUR INVESTIGATION ON THE FOLLOWING
- 14 DAY TO LOCATE EVIDENCE THAT MAY HAVE BEEN LEFT
- 15 ANYWHERE?
- 16 A YES, SIR, I WAS
- 17 Q AND IN ORDER TO DO THAT, SIR, DID YOU HAVE CONTACT
- 18 WITH KIMBERLY BLAKE?
- 19 A YES, SIR, I -- I DID
- 20 Q DID YOU GET KIMBERLY BLAKE TO ---
- 21 MR ALKEBULANYAHH OBJECTION YOUR HONOR
- 22 LEADING
- 23 THE COURT REPHRASE
- 24 Q WHAT DID YOU GET KIMBERLY BLAKE TO DO?
- 25 A I ACTUALLY HAD HER WALK THE ROUTE THAT SHE WALKED

STATE VS ALKEBULANYAHH

1 WITH THE DEFENDANT AFTER THE CRIME

2 Q OKAY, SIR AND ON THAT WALK DID YOU FIND
3 ANYTHING?

4 A NOT ON THE WALK WITH HER

5 Q OKAY DID AFTER THE WALK WITH HER, SHOWING THE
6 PATH THAT ---

7 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
8 LEADING

9 THE COURT REPHRASE YOUR QUESTION

10 MR MURDAUGH MY QUESTION IS, AFTER HE HAD WALKED
11 THE PATH WITH HER, DID HE THEN BEGIN A SEARCH?

12 THE COURT I SUSTAIN THAT OBJECTION WHAT DID
13 YOU DO AFTER YOU WALKED THE PATH?

14 Q AFTER YOU WALKED THE PATH WITH HER WHAT DID YOU
15 DO?

16 A I PUT -- COMBINED WITNESS AND EVIDENCE
17 INFORMATION, AND I CREATED A ROUTE THAT THE SUSPECT
18 POSSIBLY TOOK AFTER THE CRIME WAS COMMITTED

19 Q AND WHAT -- DID YOU START LOOKING FOR ANYTHING?

20 A YES, WE LOOKED FOR EVIDENCE, YES, SIR

21 Q DID YOU FIND ANYTHING?

22 A YES, SIR, WE DID

23 Q AND WHAT DID YOU FIND, SIR?

24 A I FOUND A RIFLE MAGAZINE IN THE MARSH

25 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 12 AND

1 ASK IF YOU CAN IDENTIFY THAT, SIR?

2 A YES, SIR

3 Q AND WHAT IS THAT?

4 A THAT IS A RIFLE MAGAZINE

5 Q OKAY, SIR TELL ME HOW YOU CAME ABOUT FINDING IT?

6 A WHAT I DID WAS WHEN ORGANIZING THE SEARCH PARTY ON
7 THAT MORNING, WHEN WE WERE MOVING THROUGH THE AREA THAT
8 KIM BLAKE HAD BASICALLY MAPPED OUT FOR ME, WE LOCATED
9 IT IN THE MARSH AREA WHERE SHE STATED THAT HER AND THE
10 DEFENDANT HAD MOVED THROUGH THE DAY PRIOR

11 Q OKAY, SIR AND IS THAT THE ITEM YOU FOUND?

12 A YES, SIR, IT WAS

13 MR MURDAUGH YOUR HONOR PLEASE I NOW ASK THAT
14 IT BE MARKED AS AN EXHIBIT

15 THE COURT ANY OBJECTION?

16 MR ALKEBULANYAHH YES, SIR YOUR HONOR

17 THE COURT ALL RIGHT APPROACH THE SIDE BAR

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

20 MR MURDAUGH I OFFER THIS AS AN EXHIBIT

21 THE COURT YES, SIR OBJECTION OVERRULED

22 STATE'S 12 IN EVIDENCE WITHOUT OBJECTION -- I'M SORRY
23 THAT'S WITH OBJECTION BUT THE OBJECTION IS OVERRULED

24 (STATE'S EXHIBIT NO 12 RECEIVED IN EVIDENCE)

25 Q MR JOHNSON, WHEN YOU FOUND THE MAGAZINE -- THIS

STATE VS ALKEBULANYAHH

1 IS A MAGAZINE?
2 A YES SIR
3 Q WHEN YOU FOUND IT WHAT DID YOU THEN DO?
4 A I HAD AN OFFICER, ANDY FAUCETT STAND BY WITH THE
5 EVIDENCE, AND I REQUESTED AN INVESTIGATOR TO COME AND
6 -- AND RETRIEVE IT
7 Q OKAY, SIR AND THE INVESTIGATOR WAS?
8 A BOBBY TUTEN
9 Q OKAY, SIR NOW, CAN YOU INDICATE -- DO YOU
10 RECOGNIZE STATE'S EXHIBIT NO 10?
11 A YES SIR I DO
12 Q AND CAN YOU INDICATE FOR ME ON THIS EXHIBIT WHERE
13 YOU FOUND THE ITEM THAT'S MARKED ---
14 A YES, SIR, I CAN
15 Q --- WHATEVER IT'S MARKED? NO 12, THE MAGAZINE
16 I HAND YOU A RED STICKER AND ASK IF YOU WILL PUT
17 THAT ON THE MAP IN THE AREA WHERE YOU FOUND IT?
18 A (COMPLIED)
19 Q AND IF YOU WILL PUT AN "M" ON THERE FOR MAGAZINE
20 A (COMPLIED)
21 Q OKAY, SIR NOW, DID ON THE FOLLOWING DAY YOU
22 AGAIN BEGIN A SEARCH FOR SOMETHING ELSE?
23 A YES, SIR
24 Q AND WHAT WAS THAT?
25 A WE LOOKED FOR THE RIFLE, THE WEAPON

1 Q OKAY, SIR AND HOW DID YOU GO ABOUT DOING THAT?

2 A WHAT WE DID WAS WITH THE -- THE INFORMATION WE GOT
3 FROM WITNESSES, WE ROUTED -- I MADE A ROUTE OF THE WAY
4 WE THOUGHT THAT HE WENT, AND THAT'S WHERE I FOCUSED MY
5 SEARCH TEAMS ON THAT PARTICULAR DAY

6 Q OKAY AND DID YOU OBTAIN ASSISTANCE FROM ANY
7 OTHER AGENCY?

8 A YES, SIR, WE HAD -- WE HAD MULTIPLE AGENCIES
9 THERE, ATF, DNR WE ALSO HAD THE CHARLESTON CITY
10 POLICE DEPARTMENT K-9 THERE

11 Q AND DO YOU REMEMBER THE OFFICER THAT WAS IN CHARGE
12 OF THE K-9?

13 A YES KARL SMITH

14 Q OKAY, SIR DID AT SOME POINT THAT DAY YOU RECEIVE
15 WORD THAT SOMETHING HAD BEEN FOUND?

16 A YES, SIR, I DID

17 MR ALKEBULANYAHH OBJECTION, YOUR HONOR HE'S
18 TESTIFYING TO HEARSAY

19 THE COURT I'LL ALLOW THAT QUESTION GO AHEAD

20 Q YOUR ANSWER, SIR?

21 A YES, SIR, I WAS CONTACTED

22 Q AS A RESULT OF THAT, DID YOU GO ANYWHERE?

23 A YES, SIR, I DID

24 Q AND WHEN YOU -- WHERE DID YOU GO?

25 A I WENT OVER TO A LOCATION BEHIND BROAD RIVER

1 ELEMENTARY SCHOOL, RIGHT OFF OF EVERGREEN ROAD, WHERE
2 KARL SMITH HAD FOUND SOMETHING
3 Q OKAY, SIR DID YOU LOOK AT WHAT HE HAD FOUND?
4 A YES, SIR I DID
5 Q WHAT WAS IT?
6 A I SAW THE REAR BUTT STOCK OF A WEAPON
7 Q OKAY, SIR WHEN YOU FIND A WEAPON ARE YOU -- WHAT
8 KIND OF WEAPON?
9 A I DIDN'T KNOW WHAT THE WEAPON WAS AT THAT TIME I
10 KNEW IT WAS A BUTT STOCK OF A WEAPON
11 Q OKAY, SIR AND WHEN YOU SAY A BUTT STOCK, DOES
12 THAT MEAN ---
13 A THAT IS THE -- THAT IS THE REAR PART OF A RIFLE
14 Q OKAY, SIR OKAY, SIR AT THE POINT WHERE YOU
15 FOUND THE RIFLE, WHERE YOU SAW THE RIFLE ---
16 A YES, SIR
17 Q --- WHAT DID YOU THEN DO?
18 A I TOLD KARL, WE'RE BACKING OFF AND WE'RE CALLING
19 FOR INVESTIGATORS TO COME AND DEAL WITH THE EVIDENCE
20 AND WE SECURED IT NOBODY WENT IN AROUND THE EVIDENCE
21 Q DID AN INVESTIGATOR COME IN AND DO ANYTHING?
22 A YES, SIR
23 Q AND WHO WAS THAT?
24 A THAT WAS BUKOFFSKY CAME IN AND -- I BASICALLY
25 RELINQUISHED THE SCENE TO HIM HE WAS IN CHARGE OF THE

1 SCENE

2 Q AND DID YOU WATCH HIM PUT ANYTHING AROUND THERE?

3 A ABSOLUTELY WE WRAPPED CRIME SCENE TAPE AROUND
4 THE WHOLE AREA

5 Q OKAY, SIR CAN YOU INDICATE FOR ME ON THIS MAP
6 WHERE THE GUN WAS FOUND?

7 A YES, SIR, I CAN

8 Q AND, AGAIN, I HAND YOU A STICKER AND ASK YOU IF
9 YOU WILL PUT IT ON THE MAP WHERE THE GUN WAS FOUND

10 A I'M GOING TO HAVE TO PUT IT OVER THE TOP OF THIS
11 STICKER RIGHT HERE

12 Q TALK LOUDLY ENOUGH NOW

13 A I'M GOING TO HAVE TO PUT THE STICKER OVER ANOTHER
14 STICKER HERE, WHERE ---

15 Q WELL DON'T DO THAT BUT PUT IT IN AS CLOSE
16 PROXIMITY AS YOU CAN PUT IT, THEN YOU CAN POINT IT OUT
17 TO THE JURY WHAT YOU'RE TALKING ABOUT AND IF YOU
18 WILL, PUT A "G" ON THERE FOR GUN

19 A (COMPLIED)

20 MR MURDAUGH NOW, YOUR HONOR, PLEASE, MAY I
21 BRING HIM DOWN AND SHOW THE JURY?

22 THE COURT YES SIR

23 Q COME DOWN HERE PLEASE

24 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

25 THE COURT COULD YOU STEP A LITTLE FURTHER BACK,

STATE VS ALKEBULANYAHH

1 THAT WAY EVERYBODY CAN SEE BETTER

2 Q IF YOU WILL, INDICATE FOR ME, SIR, WHERE YOU FOUND
3 THE MAGAZINE THAT YOU TESTIFIED ABOUT?

4 A RIGHT HERE

5 MR ALKEBULANYAHH YOUR HONOR, MAY I?

6 THE COURT YES, SIR

7 Q AND CAN YOU INDICATE FOR ME WHERE YOU FOUND THE
8 GUN THAT YOU'VE TESTIFIED ABOUT?

9 A YES, SIR, RIGHT HERE

10 Q OKAY CAN YOU INDICATE TO THE MEMBERS -- THE
11 LADIES AND GENTLEMEN OF THE JURY THE ROUTE THAT
12 KIMBERLY BLAKE TOOK YOU ON? FIRST OF ALL, LET ME ASK
13 YOU ONE OTHER QUESTION HOW ABOUT PUT A RED STICKER AT
14 21 RILEY ROAD?

15 A OKAY, SIR

16 Q DON'T PUT IT RIGHT ON TOP PUT IT OVER TO THE
17 SIDE

18 A (COMPLIED)

19 Q JUST PUT A "21" ON THERE IF YOU WILL

20 A (COMPLIED)

21 Q OKAY, SIR SHOW ME THE ROUTE THAT KIMBERLY BLAKE
22 TOOK YOU ON THAT YOU'VE TESTIFIED ABOUT?

23 A SHE STARTED RIGHT HERE STARTED RIGHT HERE, 553
24 BROAD RIVER ROAD, WHICH WAS AT THE BACK YARD OF A
25 TRAILER WE WENT OUT THE FRONT YARD AND ACROSS BROAD

1 RIVER ROAD INTO THIS PATCH OF WOODS, PROCEEDED ON TO
2 THE INTERSECTION OF VANITA AND DONALDSON CAMP ROAD,
3 PROCEEDED DOWN VANITA APPROXIMATELY A HUNDRED YARDS,
4 VEERED OFF IN BETWEEN SOME HOUSES INTO THE MARSH,
5 PROCEEDED UP INTO THE MARSH APPROXIMATELY 100, 200
6 YARDS, AND WE CAME UP IN THE BACK YARD OF A HOUSE ON
7 VANITA AND THEN THAT'S WHERE SHE LEFT AND WENT BACK
8 AND WAS FOUND BY LAW ENFORCEMENT

9 Q OKAY YOU MAY HAVE A SEAT BACK UP THERE, SIR

10 (THE WITNESS RETURNS TO THE WITNESS STAND)

11 Q DID YOU MAKE A SEARCH OF THE AREA AROUND -- DID
12 YOU DETERMINE WHERE THE PATH OF THE DEFENDANT WHEN HE
13 LEFT 21 RILEY ROAD?

14 A YES, SIR

15 MR ALKEBULANYAHH OBJECTION YOUR HONOR

16 A I DID

17 MR ALKEBULANYAHH IT'S LEADING

18 THE COURT NO I'LL ALLOW THAT

19 A YES, SIR, I DID

20 Q OKAY, SIR AND WHAT WAS THAT PATH?

21 A THAT PATH WAS OUT THE BACK DOOR, OVER A FENCE, AND
22 THEN THROUGH A PLOWED FIELD DIRECTLY IN BACK

23 Q OKAY, SIR DID YOU LOOK IN THAT PLOWED FIELD?

24 A YES, SIR, I DID

25 Q AND DID YOU FIND ANYTHING?

STATE VS ALKEBULANYAHH

1 A YES, SIR I DID

2 Q WHAT DID YOU FIND?

3 A WHAT I FOUND WAS A RUNNING FOOTPRINTS -- RUNNING,
4 MEANING IT'S -- IT'S -- THE STRIDE IS FARTHER THAN A
5 PERSON WOULD TAKE WHEN THEY'RE NORMALLY WALKING AND
6 THAT WAS AN INDICATION TO ME THAT THE PERSON WAS
7 RUNNING THROUGH THE FIELD

8 Q OKAY, SIR DID YOU POINT THOSE SHOE PRINTS OUT TO
9 ANYBODY?

10 MR ALKEBULANYAHH YOUR HONOR, OBJECTION, YOUR
11 HONOR HE'S LEADING

12 THE COURT YES, I SUSTAIN THAT OBJECTION

13 Q DO YOU KNOW IF ANYBODY ELSE SAW THE FOOTPRINTS?

14 A I KNOW THAT I CONTACTED AN INVESTIGATOR I CAN'T
15 REMEMBER WHAT THE INVESTIGATOR'S NAME WAS AT THE TIME

16 Q OKAY, SIR AND TOLD HIM ABOUT THE ---

17 A ABSOLUTELY I LET SOMEBODY KNOW ABOUT IT BECAUSE
18 I'M NOT A -- I DO NOT COLLECT EVIDENCE

19 Q WERE YOU PRESENT AT THE AREA WHERE THE RIFLE WAS
20 LOCATED WHEN DIANE BODIE ARRIVED?

21 A YES, I WAS IN PROXIMITY OF IT

22 Q OKAY AND DID YOU SEE HER RECOVER THAT RIFLE?

23 A NO, SIR, I DIDN'T

24 MR MURDAUGH OKAY THANK YOU, SIR

25 MR ALKEBULANYAHH MAY I PROCEED?

STATE VS ALKEBULANYAHH

1 THE COURT YES

2 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

3 Q MR JOHNSON -- LIEUTENANT JOHNSON, IS THAT
4 CORRECT?

5 A YES

6 Q LIEUTENANT JOHNSON AT WHAT TIME DID YOU MEET WITH
7 MS KIMBERLY BLATE (PHONETIC) ON JANUARY 8, 2002?

8 A I THINK IT WAS AROUND 23 45 -- 11 45

9 Q 11 45 P M RIGHT?

10 A P M , YES SIR

11 Q WHERE EXACTLY DID YOU MEET WITH HER AT?

12 A I MET WITH HER AT THE COMMAND POST SHE WAS
13 BROUGHT TO THE COMMAND POST

14 Q SHE WAS BROUGHT TO THE COMMAND POST AND THAT WAS
15 JUST BEFORE 12 00 O'CLOCK MIDNIGHT?

16 A YES SIR

17 Q AND THIS MIDNIGHT -- THIS MIDNIGHT WALK THAT YOU
18 ALL HAD TOGETHER, YOU HAD FLASHLIGHTS?

19 A YES, SIR

20 Q AND THINGS LIKE THAT?

21 A YES, SIR

22 Q HAD SHE BEEN -- HOW LONG HAD SHE BEEN IN POLICE
23 CUSTODY UP TO 12 00 O'CLOCK THAT NIGHT?

24 A I HAVE NO IDEA

25 Q DID SHE APPEAR TO BE TIRED?

- 1 A I DON'T RECALL HER BEING TIRED
- 2 Q BUT YOU KNOW THAT PERHAPS THAT SHE BEEN THERE IN
- 3 POLICE CUSTODY FOR QUITE A FEW HOURS?
- 4 A I CAN'T ANSWER THAT
- 5 Q AT LEAST 6 HOURS?
- 6 A I HAVE NO IDEA I WAS NOT TOLD WHEN SHE MET WITH
- 7 LAW ENFORCEMENT
- 8 Q DID SHE INDICATE AT ANY TIME THAT SHE WANTED TO GO
- 9 HOME?
- 10 A FROM ME?
- 11 Q YES, SIR
- 12 A NO
- 13 Q DID SHE EVER INDICATE ANY TIME THAT SHE WAS TIRED?
- 14 A NO, NOT TO ME
- 15 Q WHAT TIME DID YOU ALLOW MS BLATE (PHONETIC) TO
- 16 DEPART FROM YOU?
- 17 A AFTER THAT FOR THAT NIGHT?
- 18 Q YES, SIR
- 19 A I PROBABLY WAS WITH HER FOR AN HOUR SO IF WE
- 20 STARTED AT 11 45, IT WOULD HAVE BEEN 12 45, 1 00
- 21 O'CLOCK, SOMETHING LIKE THAT
- 22 Q CLOSE TO 1 00 O'CLOCK IN THE MORNING A M ?
- 23 A A M , YES, ON THE 9TH
- 24 Q YOU INDICATED THAT YOU FOUND SOME TRACKS, IS THAT
- 25 CORRECT, BEHIND THE 21 RILEY ROAD RESIDENCE, IS THAT

1 CORRECT?

2 A YES, SIR, I DID

3 Q DID YOU TAKE STEPS TO SECURE THOSE TRACKS?

4 A I KNOW THERE WAS MANY, MANY, MANY LAW ENFORCEMENT
5 OFFICERS AROUND THE HOUSE AND I DID INDICATE TO
6 SOMEBODY THAT I HAD FOUND SOMETHING, AND THAT AN
7 INVESTIGATOR NEEDED TO COME OVER AND PHOTOGRAPH OR CAST
8 OR WHATEVER THEY FELT NECESSARY TO DO

9 SO, YES, THE FOOT TRACKS WOULD HAVE BEEN SECURED
10 DUE TO THE AMOUNT OF LAW ENFORCEMENT OFFICERS THAT WERE
11 AROUND THE RESIDENCE

12 Q AND YOU ASKED THAT -- YOU ASKED TO ONE OF THE
13 OFFICERS OR INVESTIGATORS TO COME OVER AND TO
14 PHOTOGRAPH OR TO MAKE A CAST OF THE ---

15 A RIGHT WHATEVER THEY FELT THEY NEEDED TO DO THAT
16 I HAD FOUND SOMETHING

17 Q AND WHO DID YOU NOTIFY?

18 A AT THAT TIME?

19 Q YES, SIR

20 A I CANNOT -- I CANNOT REMEMBER WHO I TOLD

21 Q WHEN YOU RELEASE THAT PARTICULAR AREA, DID YOU PUT
22 UP ANY TAPE OR ANYTHING TO PROTECT THAT AREA?

23 A IN BACK OF 21 RILEY ROAD?

24 Q YES, SIR

25 A NO, SIR, I DIDN'T

1 Q WAS A PHOTO TAKEN OR A CAST MADE OF THEM
2 FOOTPRINTS THAT YOU FOUND BEHIND THE 21 RILEY ROAD
3 RESIDENCE?

4 A I CAN'T ANSWER THAT ONCE I -- ONCE I FOUND IT
5 AND LET SOMEBODY KNOW ABOUT IT, I HAD TO LEAVE THE
6 AREA

7 Q BEING THAT THE FOOTPRINTS WOULD BE CRITICAL IN
8 BRINGING ABOUT MAYBE AN IDENTIFICATION OF A POSSIBLE
9 SUSPECT DO YOU THINK IT WAS PROPER FOR YOU TO ABANDON
10 THAT PARTICULAR AREA WITHOUT PACIFICALLY (SIC) HAVING
11 SOMEONE TO SECURE AND GUARD THE PARTICULAR AREA?

12 A IT WOULD HAVE BEEN GUARDED DUE TO THE HIGH AMOUNT
13 OF OFFICERS THAT WERE AROUND THAT HOUSE THAT NIGHT
14 THERE WAS MANY, MANY, MANY OFFICERS AROUND THAT
15 LOCATION THAT NIGHT

16 Q SO THERE IS A LIKELIHOOD THAT CASTS WAS MADE OF
17 THOSE PARTICULAR FOOTPRINTS BEHIND THE 21 RILEY ROAD
18 RESIDENCE, IS THAT CORRECT?

19 A I CAN'T ANSWER THAT I DON'T KNOW IF THE
20 INVESTIGATORS FELT IT -- DEEMED IT ENOUGH TO CAST OR
21 PHOTOGRAPH I FOUND IT AND LEFT THE AREA

22 Q YOU JUST FOUND IT AND JUST LEFT THE AREA?

23 A YES, SIR

24 Q DID YOU ORDER THAT THE BOOTS OF THE SUSPECT BE
25 BROUGHT FROM THE HOSPITAL TO THE CRIME SCENE?

1 A I DID NOT KNOW THAT THEY WERE AT THE HOSPITAL I
2 DID NOT KNOW WHERE THEY WERE AT I WANTED TO SEE THE
3 TRACK ON THE BOTTOM OF THE SHOES SO, YES, I DID ORDER
4 THEM TO BE BROUGHT TO ME

5 Q ARE YOU CAPABLE OF BEING ABLE TO DETERMINE THE
6 TRACKS AT THE BOTTOM OF THE SHOES IN COMPARISON TO SOME
7 TRACKS THAT IS FOUND ON THE GROUND?

8 A NO, SIR ALL I CAN DO IS JUST SEE IF THEY ARE
9 SIMILAR IN APPEARANCE

10 Q SIMILAR IN APPEARANCE AND SO ONCE YOU HAD THE
11 SHOES, DID YOU DETERMINE WHETHER THEY WAS SIMILAR OR
12 NOT?

13 A I NEVER GOT THE SHOES

14 Q DO YOU THINK IT WAS PROPER OR PROCEDURE FOR THE
15 SHOES TO BE BROUGHT BACK OUT TO THE CRIME SCENE?

16 A YES, SIR YES, SIR

17 Q BROUGHT BACK TO THE SCENE?

18 A YES, SIR, WE'VE DONE THAT BEFORE

19 Q WOULD IT HAVE BEEN SUFFICIENT ENOUGH AS YOU SPOKE
20 BEFORE, THAT THE SHOES BE LEFT WHERE THEY WERE AND
21 SECURED IF THEY WAS EVIDENCE AND HAD THE CAST OR THE
22 PHOTOGRAPH MADE IN PREFERENCE?

23 A CAN YOU ASK THAT ONE MORE TIME, PLEASE? I DID NOT
24 UNDERSTAND WHAT YOU'RE ASKING

25 Q WOULD YOU THINK THAT IT WOULD BE MORE LOGICAL,

1 MORE -- OR MORE SECURE THAN THAT -- MORE SECURE KEEPING
2 THE EVIDENCE MORE INTACT BY NOT HAVING IT BROUGHT TO
3 THE CRIME SCENE?

4 A I THINK -- WHAT -- WHAT I WANTED TO DO WAS I
5 WANTED TO SEE WHAT THE FOOTPRINT THAT THE SUSPECT HAD,
6 SO I COULD RULE THAT OUT AT THE CRIME SCENE, SO WE
7 WOULDN'T -- THE SUSPECT WAS ALREADY APPREHENDED I
8 DIDN'T WANT TO LOOK FOR THE SAME -- SAME SUSPECT HAD
9 ALREADY BEEN APPREHENDED I WANTED JUST TO SEE THE
10 FOOTPRINT ON THE SHOES TO RULE THAT OUT

11 Q SO YOU WOULD AGREE THAT IT WOULD HAVE BEEN MORE
12 HELPFUL TO HAVE STAYED AND SECURED WHERE SHOE PRINT WAS
13 AT AND MADE SURE THAT A CAST AND PICTURES WERE MADE
14 FIRST BEFORE YOU HAD THE SHOES BROUGHT OUT -- THAT
15 WOULD BE MORE HELPFUL TO THE FORENSIC TEAM?

16 A THE PRINTS THAT I FOUND IN BACK OF 21 RILEY ROAD
17 WERE JUST DIGS -- WHAT WE CALL A DIG THERE WAS NO
18 DISTINGUISHABLE SHOE IMPRESSION THERE WAS TOE -- WHAT
19 WE CALL TOE DIG WHEN PEOPLE RUN, THEIR TOES DIG INTO
20 THE DIRT, AND THAT MAKES IT A DIG

21 Q IS IT POSSIBLE THAT EXPERTS COULD HAVE DETERMINED
22 THE TYPE OF SHOE THAT MADE THAT DIG?

23 A I CAN'T -- I CAN'T ANSWER THAT

24 Q IF THE SHOE IS BROUGHT OR ITEMS BROUGHT OUT OF
25 EVIDENCE TO A CRIME SCENE, IS THERE A POSSIBILITY THAT

1 EVIDENCE COULD BE TRANSFERRED FROM THAT SHOE OR
2 PARTICULAR ITEMS AT THE CRIME SCENE IF IT'S BROUGHT OUT
3 THERE?

4 A THAT SHOE WAS NEVER BROUGHT TO THE CRIME SCENE

5 Q BUT IF A SHOE WAS BROUGHT TO THAT CRIME SCENE?

6 A I DON'T GET WHAT YOU'RE ASKING ME

7 Q WHAT I'M ASKING, YOU STATED THAT YOU WOULD -- YOU
8 COULD TAKE A SHOE AND YOU WAS GOING TO TAKE A SHOE, YOU
9 WAS GOING TO LOOK AT THE BOTTOM OF THE SHOE, AND YOU
10 WAS GOING TO COMPARE VISUAL ON THE GROUND TO THE BOTTOM
11 OF THE SHOE AND IF YOU HAD THAT SHOE, THEN YOU HAVE
12 TO BRING THAT SHOE -- HAVE THAT SHOE -- YOU HAVE TO
13 BRING THAT SHOE ---

14 A I WAS NOT GOING TO COMPARE THAT SHOE TO THE DIG
15 LIKE I SAID IT WAS UNDISTINGUISHABLE WHAT I WANTED
16 THE SHOE FOR IS TO LOOK AT THE TRACKS, TO SEE THAT WE
17 WEREN'T TRACKING SOMEBODY THAT WAS ALREADY CAUGHT
18 THAT'S WHY I WANTED TO LOOK AT THE SHOES

19 Q MR JOHNSON -- LIEUTENANT JOHNSON, ISN'T IT TRUE
20 THAT YOU WANTED THEM SHOES SO THAT YOU CAN MAKE FOOT
21 IMPRESSIONS -- PLANT FOOT IMPRESSIONS OF THE SUSPECT TO
22 SOLIDIFY THE PROSECUTOR CASE?

23 A NO, SIR

24 Q ISN'T IT TRUE THAT YOU WANTED THE SUSPECT PROPERTY
25 BROUGHT OUT TO THE CRIME SCENE TO SOLIDIFY THAT THE

1 SUSPECT HAD BEEN IN THAT AREA?

2 A NO, SIR

3 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
4 YOUR HONOR

5 THE COURT ANY FOLLOW-UP?

6 REDIRECT EXAMINATION BY MR. MURDAUGH.

7 Q MR JOHNSON, DID YOU EVER SEE THOSE SHOES THAT
8 NIGHT?

9 A NEVER DID

10 Q IF YOU HAD SEEN THEM WOULD YOU HAVE PLANTED THE
11 FOOTPRINTS ANYWHERE?

12 A NO, SIR, I WOULDN'T

13 MR MURDAUGH THANK YOU, SIR

14 MR ALKEBULANYAHH MAY I, YOUR HONOR

15 THE COURT YES SIR

16 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

17 Q LIEUTENANT JOHNSON YOU ORDERED THE SHOES TO BE
18 BROUGHT OUT TO THE CRIME SCENE?

19 A YES I WAS AT THE CRIME SCENE, I WANTED TO LOOK AT
20 THEM

21 Q NOW, WHY WOULD YOU ORDER SOMETHING ---

22 MR MURDAUGH YOUR HONOR, THAT HAS BEEN ASKED AND
23 ANSWERED THREE TIMES

24 MR ALKEBULANYAHH NO I HAVEN'T

25 THE COURT GO AHEAD

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO, I HAVEN'T

2 THE COURT ASK YOUR QUESTION GIVE ME A CHANCE
3 TO HEAR IT

4 Q WHY WOULD YOU ORDER SOMETHING THAT YOU DIDN'T USE?

5 A I THINK I KNOW WHAT YOU'RE ASKING I WAS CALLED
6 -- I WAS CALLED TO ANOTHER SITE WHERE THERE MIGHT HAVE
7 BEEN OTHER SUSPECTS RIGHT AFTER I LEFT 21 RILEY ROAD,
8 THAT INFORMATION THAT THERE WAS A SIGHTING ON VANITA
9 ROAD AND THAT'S WHERE I WENT TO MEET -- TO LOOK FOR
10 OTHER SUSPECTS WE WERE STILL IN THE MODE OF LOOKING
11 FOR OTHER SUSPECTS AT THAT TIME

12 Q SO YOU DID MAKE THE ORDER, BUT YOU JUST DIDN'T USE
13 THEM ---

14 A YEAH, I DIDN'T ---

15 Q --- AFTER YOU ---

16 A I DIDN'T FOLLOW UP ON IT I WAS CALLED TO
17 SOMETHING MORE IMPORTANT

18 Q DO YOU KNOW EXACTLY IF THE SHOES THAT END UP IN
19 YOUR CARE ---

20 A THEY DID NOT END UP IN MY POSSESSION AT ALL

21 Q DO YOU KNOW WHO POSSESSION THEY DID END UP IN?

22 A I HAVE NO IDEA

23 Q YOU HAVE NO IDEA WHO POSSESSION THEY ENDED UP IN?

24 A NO SIR

25 Q DO YOU KNOW WHETHER OR NOT WHO EVER THE SHOES END

1 UP IN POSSESSION OF, WHETHER OR NOT THEY WENT AND MADE
2 SOME COMPARISON?

3 A I HAVE NO IDEA

4 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
5 YOUR HONOR

6 THE COURT YOU MAY STEP DOWN, SIR YOU MAY STEP
7 DOWN, SIR

8 (THE WITNESS LEAVES THE WITNESS STAND)

9 THE COURT LADIES AND GENTLEMEN ---

10 MR MURDAUGH WE CALL ANDY FAUCETT

11 THE COURT HOLD ON LADIES AND GENTLEMEN, YOUR
12 LUNCH IS HERE I'LL SEND YOU TO THE JURY ROOM PLEASE
13 DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU VERY
14 MUCH

15 (THE JURY RETIRES TO THE JURY ROOM AT 12 27 P M)

16 THE COURT WE'LL BREAK UNTIL 1 30 THANK YOU

17 WE'LL RESUME COURT AT 1 30 THANK YOU

18 (COURT IS IN RECESS FOR LUNCH)

19 THE COURT FOR THE RECORD, THE JURY SENT OUT
20 ANOTHER NOTE WITH A SERIES OF QUESTIONS I THINK THAT
21 IN AN ABUNDANCE OF CAUTION MY INCLINATION JUST TO TELL
22 THE JURY THAT THAT'S NOT GENERAL PROCEDURES AND THAT
23 QUESTIONS WILL NOT BE ALLOWED DURING THE PRESENTATION
24 OF THIS CASE

25 MR MURDAUGH THAT MEETS WITH THE STATE'S

STATE VS ALKEBULANYAHH

1 APPROVAL, SIR
2 THE COURT YOURS?
3 MR ALKEBULANYAHH SIR?
4 THE COURT DOES THAT MEET WITH YOUR APPROVAL?
5 MR ALKEBULANYAHH CAN I SEE COUNSEL?
6 THE COURT ALL RIGHT
7 MR MURDAUGH MAY I TAKE THIS EVIDENCE ---
8 THE COURT YES, SIR
9 MR MURDAUGH --- WE HAD BROUGHT IN EARLIER
10 (PAUSE)
11 MR MURDAUGH COULD WE SEE THE NOTE, SIR?
12 THE COURT NO I PREFER NOT TO DO THAT I'LL
13 MARK IT FOR THE RECORD
14 MR MURDAUGH OKAY, SIR
15 (PAUSE)
16 MR ALKEBULANYAHH YOUR HONOR, THE DEFENSE HAVE
17 NO OBJECTION
18 THE COURT ALL RIGHT I DON'T -- IF YOU PREFER
19 IT, I DON'T MIND SHOWING YOU ALL IF YOU ALL WANT TO
20 ADDRESS THEM, YOU ALL CAN BUT I'M GOING TO TELL THE
21 JURY THEY CAN'T ASK QUESTIONS THIS IS A DISCRETIONARY
22 DECISION ON MY PART AND I JUST THINK IN AN ABUNDANCE
23 OF CAUTION, IT COULD OPEN THE DOOR TO TOO MANY THINGS
24 IN THIS CASE
25 MR ALKEBULANYAHH THAT WILL BE FINE, YOUR HONOR,

STATE VS ALKEBULANYAHH

1 TO HEAR WHAT THE QUESTIONS ARE
2 THE COURT PARDON?
3 MR ALKEBULANYAHH YEAH, I WOULDN'T MIND TO HEAR
4 WHAT THE QUESTIONS ARE
5 THE COURT ALL RIGHT YOU ALL WANT TO APPROACH
6 STRAIGHT AHEAD, YOU'RE WELCOME TO READ IT
7 (PAUSE)
8 MR MURDAUGH THANK YOU, SIR
9 THE COURT IS JURY READY? IS THE JURY READY?
10 OFFICER YES SIR
11 THE COURT BRING THEM IN
12 ALL RIGHT LET THE RECORD REFLECT, THE JURY'S
13 SENT OUT A SERIES OF QUESTIONS, WHICH THE COURT
14 INDICATE IT WOULD NOT ACCEPT QUESTIONS -- IN AGREEMENT
15 IS THE STATE AND THE DEFENSE, CORRECT?
16 MR MURDAUGH THAT'S CORRECT
17 MR ALKEBULANYAHH THAT'S CORRECT, SIR
18 THE COURT ALL RIGHT MADAM COURT REPORTER, YOU
19 CAN MARK THAT AS A COURT'S EXHIBIT
20 (NOTE FROM JURY MARKED FOR IDENTIFICATION AS
21 COURT'S EXHIBIT NO 4)
22 THE COURT EACH SIDE REVIEWED THAT LIST
23 (THE JURY RETURNS TO THE COURTROOM AT 1 36 P M)
24 THE COURT THANK YOU PLEASE BE SEATED
25 ALL RIGHT LADIES AND GENTLEMEN, I JUST WANT TO

STATE VS ALKEBULANYAHH

1 INDICATE THAT I HAVE RECEIVED YOUR NOTE AND IN
2 ACCORDANCE WITH COURT PROCEDURES, I'VE GONE OVER IT
3 WITH EACH SIDE

4 I WANT TO START OUT BY SAYING ONE THING
5 GENERALLY, IT'S UP TO THE COURT TO DECIDE WHETHER OR
6 NOT THE COURT WISHES TO ALLOW QUESTIONS FROM THE JURY
7 I CHOOSE TO FOLLOW THE PROCEDURE THAT I NOT RECEIVE
8 QUESTIONS FROM THE JURY AND THERE ARE A LOT OF
9 REASONS FOR THAT THAT'S JUST DURING THE TRIAL,
10 BECAUSE THE CASE IS STILL BEING PRESENTED, AND THERE
11 CAN BE MANY REASONS WHICH WOULD PREVENT ME FROM
12 ALLOWING PARTICULAR QUESTIONS SOME OF THEM MAY BE
13 TECHNICAL REASONS AND SOME OF THE REASONS MIGHT NOT
14 HAVE ANYTHING TO DO WITH THE PARTICULAR ANSWER THAT
15 MIGHT BE GIVEN OF A QUESTION BY A WITNESS

16 SO AT THIS POINT I'M GOING TO ASK THAT YOU NOT
17 SEND OUT ANY QUESTIONS AS THE CASE IS BEING PRESENTED
18 IF YOU WILL JUST KEEP YOUR ATTENTION ON THE CASE

19 ALSO, YOU PLEASE SHOULD REMEMBER, UNDER NO EVENT
20 ARE YOU TO BEGIN ANY DELIBERATIONS IN THIS CASE,
21 CONSIDERATION OF THE ISSUES, THAT WOULD BE CONTRARY TO
22 MY INSTRUCTIONS

23 ALL RIGHT READY TO PROCEED?

24 MR MURDAUGH THE STATE IS

25 MR ALKEBULANYAHH THE DEFENSE IS, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT CALL YOUR NEXT WITNESS

2 MR MURDAUGH ANDY FAUCETT

3 ANDY FAUCETT, BEING FIRST

4 DULY SWORN, TESTIFIED AS FOLLOWS

5 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
6 THE COURT

7 WITNESS LAST NAME IS FAUCETT, F-A-U-C-E-T-T

8 DIRECT EXAMINATION BY MR MURDAUGH.

9 Q MR FAUCETT, BY WHOM ARE YOU EMPLOYED?

10 A BEAUFORT COUNTY SHERIFF'S OFFICE

11 Q AND HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S
12 DEPARTMENT, SIR?

13 A AUGUST OF 1999

14 Q OKAY, SIR ON THE NIGHT OR AFTERNOON OF JANUARY
15 8 2002 AND THE DAYS THEREAFTER, WERE YOU INVOLVED IN
16 THE INVESTIGATION IN TO THE DEATHS OF OFFICERS COURSEN
17 AND TATE?

18 A YES, SIR

19 Q OKAY I ASK YOU WHETHER OR NOT AT SOME POINT IN
20 TIME YOU WERE REQUESTED BY ANYBODY TO DO ANYTHING --
21 SCOTT JOHNSON TO DO ANYTHING?

22 A YES, SIR

23 Q AND WHAT WAS THAT, SIR?

24 A THE MORNING OF THE 9TH ON A SEARCH FOR ARTICLES
25 OR PART OF THIS INVESTIGATION, MYSELF AND SCOTT JOHNSON

1 ARRIVED AT THE INCIDENT AREA TO CONDUCT A SEARCH WITH
2 NUMEROUS OTHERS -- A LOT OF NUMEROUS OTHERS WE
3 ARRIVED AT THE FIRST LOCATION THAT LIEUTENANT JOHNSON
4 AGREED -- OR DIRECTED ME AND OTHERS TO START ON THIS
5 SEARCH

6 SCOTT JOHNSON OR LIEUTENANT JOHNSON -- ONCE WE
7 STARTED MOVING TOWARDS THAT AREA IDENTIFIED AN OBJECT
8 CLOSE TO THE WATER LINE, DOWN AN EMBANKMENT, BEHIND
9 SOME RESIDENCE AND IT APPEARED TO BE A MAGAZINE

10 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 12 AND
11 ASK YOU IF YOU CAN IDENTIFY THAT, SIR?

12 A YES SIR, THIS APPEARS TO BE THE MAGAZINE THAT WAS
13 LAYING ON THE GROUND NEXT TO THE WATER LINE

14 Q OKAY, SIR

15 A DOWN THE EMBANKMENT

16 Q I'M SORRY?

17 A DOWN THE EMBANKMENT THE ONLY DIFFERENCE IS, THE
18 ONE THAT WE SAW -- LIEUTENANT JOHNSON DIRECTED MY EYES
19 TO ACTUALLY SAID, RIGHT OVER THERE, TAKE A LOOK WAS --
20 IT APPEARED TO BE LOADED IT HAD GOLD SHELL CASINGS OR
21 ROUNDS INSIDE OF IT, LIVE ROUNDS

22 Q OKAY, SIR NOW, DID YOU CONTINUE WATCHING THAT
23 UNTIL SOMEBODY ARRIVED?

24 A WELL, AT THAT POINT LIEUTENANT JOHNSON SAID ---

25 Q DON'T TELL ME WHAT ANYBODY TOLD YOU BUT DID YOU

1 WATCH IT?

2 A I STOOD RIGHT THERE FROM THAT POINT UNTIL -- I
3 BELIEVE HE WAS A SERGEANT AT THE TIME BOBBY TUTEN
4 ARRIVED AND COLLECTED EVIDENCE OR TOOK CHARGE OF THAT
5 AREA

6 Q DURING THAT PERIOD OF TIME THAT YOU WERE WATCHING,
7 DID ANYBODY BOTHER IT?

8 A NO, SIR

9 Q OKAY, SIR

10 MR MURDAUGH THANK YOU, SIR ANSWER ANY
11 QUESTIONS HE MAY HAVE

12 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

13 Q MR FAUCETT, THE PARTICULAR MAGAZINE THAT YOU MADE
14 OBSERVATION OF, YOU SAID IT WAS SOIL -- SOIL -- A
15 MINUTE AGO YOU USED THE WORD I CAN'T QUITE CLEARLY
16 UNDERSTAND IT

17 A I DON'T UNDERSTAND THE QUESTION

18 Q OKAY I THINK YOU SAID A MINUTE AGO WHEN YOU
19 LOOKED DOWN YOU ALL MADE OBSERVATION OF A MAGAZINE --
20 THE PARTICULAR EXHIBIT HE JUST SHOWED YOU A MINUTE AGO?

21 A YES

22 Q YOU SAID IT WAS SOIL?

23 A SOILED?

24 Q SOILED?

25 A I DON'T BELIEVE I MADE THAT STATEMENT IT WAS

STATE VS ALKEBULANYAHH

1 SOILED

2 Q IS IT -- DOES THAT MAGAZINE APPEARS LIKE IT DID

3 THE DAY THAT YOU ALL DISCOVER IT?

4 A YES

5 MR ALKEBULANYAHH OKAY I HAVE NO OTHER

6 QUESTIONS THANK YOU

7 MR MURDAUGH YOU MAY COME DOWN MAY MR FAUCETT

8 BE EXCUSED?

9 THE COURT ANY OBJECTION? ANY OBJECTION?

10 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

11 THE COURT YOU MAY BE EXCUSED

12 (THE WITNESS LEAVES THE WITNESS STAND)

13 MR MURDAUGH WE CALL BOBBY TUTEN

14 ALBERT L TUTEN, BEING

15 FIRST DULY SWORN TESTIFIED AS FOLLOWS

16 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR

17 THE COURT

18 WITNESS ALBERT LELAND TUTEN, T-U-T-E-N

19 DIRECT EXAMINATION BY MR. MURDAUGH.

20 Q MR TUTEN, BY WHOM ARE YOU EMPLOYED?

21 A BEAUFORT COUNTY SHERIFF'S OFFICE

22 Q AND IN WHAT CAPACITY, SIR?

23 A I AM A PATROL SERGEANT ON THE ROAD

24 Q OKAY, SIR HOW LONG HAVE YOU BEEN WITH THE

25 SHERIFF'S DEPARTMENT?

STATE VS ALKEBULANYAHH

1 A APPROXIMATELY 12 1/2 YEARS

2 Q OKAY, SIR ON OCTOBER (SIC) THE 8TH OF 2002 AND
3 ON THE 9TH OF 2002 WERE YOU EMPLOYED WITH THE SHERIFF'S
4 DEPARTMENT?

5 A YES SIR, I WAS

6 Q IN WHAT CAPACITY?

7 A I WAS AN INVESTIGATOR

8 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON THAT DATE
9 YOU WENT TO AN AREA AROUND THE BROAD RIVER ELEMENTARY
10 SCHOOL FOR ANY PURPOSE?

11 A ON JANUARY 8 AND 9?

12 Q 9TH

13 A YES, SIR, ON THE 9TH, I WAS THERE

14 Q FOR WHAT PURPOSE?

15 A I WAS ASSIGNED TO THE SPECIAL RESPONSE TEAM TO DO
16 EVIDENCE RECOVERY SEARCH

17 Q OKAY AND DID YOU RESPOND TO ANY PARTICULAR
18 PLACE?

19 A YES, SIR, I DID

20 Q AND FOR WHAT PURPOSE?

21 A TO COLLECT A GUN MAGAZINE AND SOME AMMUNITION

22 Q WILL YOU TELL THE LADIES AND GENTLEMEN WAS ANYBODY
23 -- WHEN YOU ARRIVED THERE, ANYBODY WATCHING IT?

24 A SERGEANT ANDY FAUCETT

25 Q OKAY, SIR WHAT DID YOU DO WHEN YOU GOT THERE?

STATE VS ALKEBULANYAHH

1 A I PHOTOGRAPHED THE AREA WHERE THE -- ACTUALLY ONE
2 BULLET AND WHAT APPEARED TO BE A BANANA GUN MAGAZINE
3 TOOK PHOTOGRAPHS, COLLECTED IT AND THEN LATER TURNED
4 IT TO AGENT DIANE BODIE OF SOUTH CAROLINA LAW
5 ENFORCEMENT DIVISION

6 Q OKAY, SIR FIRST OF ALL, THE PHOTOGRAPHS, I SHOW
7 YOU THREE PHOTOGRAPHS AND ASK YOU IF THAT IS A FAIR
8 REPRESENTATION OF THE AREA AND THE MAGAZINE?

9 A YES, IT APPEARS TO BE
10 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
11 THESE AS EXHIBITS

12 THE COURT ANY OBJECTION?

13 MR ALKEBULANYAHH I WOULD LIKE TO SEE THEM

14 (PAUSE)

15 MR ALKEBULANYAHH YES SIR YOUR HONOR, I HAVE
16 OBJECTION THE PHOTOS DOES NOT SHOW ANY PARTICULAR
17 LOCATION OR ANYTHING IN THE BACKGROUND TO DETERMINE
18 EXACTLY WHERE THAT MAGAZINE IS LOCATED IT'S CLOSE
19 SHOTS THERE'S NO WAY TO SEE ANYTHING OTHER THAN A SO
20 CLOSE SHOT TO SEE ANYTHING -- TO KNOW ANY TYPE OF
21 LOCATION WHATSOEVER THEY AT

22 THE COURT ALL RIGHT

23 Q MR TUTEN, I SHOW YOU STATE'S EXHIBIT NO 10 AND
24 ASK YOU IF YOU CAN LOOK ON HERE AND DETERMINE THE PLACE
25 WHERE THE MAGAZINE WAS LOCATED?

1 A YES RIGHT HERE ON VANITA DRIVE I CAN'T
2 PRONOUNCE IT IN THAT AREA RIGHT THERE, IN PARTICULAR
3 NO 28, BEHIND THAT -- IN THAT APPROXIMATE AREA
4 MR MURDAUGH THANK YOU SIR I NOW OFFER IT
5 THE COURT I'LL ALLOW THEM IN STATE'S 16, 17
6 AND 18 IN EVIDENCE

7 (THREE SMALL COLOR PHOTOS MARKED IN EVIDENCE AS
8 STATE'S EXHIBIT NOS 16, 17, AND 18)

9 Q ADDITIONALLY, MR TUTEN, I SHOW YOU STATE'S
10 EXHIBIT NO 12, WHICH IS THE MAGAZINE ON THE TABLE
11 RIGHT NEXT TO YOU, AND ASK YOU IF YOU IDENTIFY THAT?

12 A IF -- IF THIS IS THE MAGAZINE THAT WAS TURNED IN
13 TO DIANE BODIE, YES, THIS IS THE ONE THAT WAS THERE

14 Q OKAY, SIR NOW, WHEN YOU SAY YOU RECOVERED IT,
15 WHAT PRECAUTION -- DID YOU TAKE ANY PRECAUTIONS IN
16 RECOVERING IT?

17 A I PHOTOGRAPHED WHERE IT WAS AT, WORE RUBBER GLOVES
18 AND PUT IT IN A PAPER BAG, SECURED IT UNTIL I COULD
19 TURN IT IN TO AGENT BODIE

20 Q OKAY AND DID YOU TURN IT OVER TO AGENT BODIE?

21 A YES, I DID

22 MR MURDAUGH THANK YOU, SIR ANSWER ANY
23 QUESTIONS THAT HE MAY HAVE

24 MR ALKEBULANYAHH I DON'T HAVE ANY QUESTIONS,
25 YOUR HONOR

STATE VS ALKEBULANYAHH

1 THE COURT YOU MAY STEP DOWN
2 MR MURDAUGH MAY HE BE EXCUSED?
3 THE COURT ANY OBJECTION?
4 MR ALKEBULANYAHH NO OBJECTION
5 THE COURT YOU MAY BE EXCUSED
6 (THE WITNESS LEAVES THE WITNESS STAND)
7 MR MURDAUGH KARL SMITH JIM BUKOFFSKY
8 KARL SMITH BEING FIRST
9 DULY SWORN, TESTIFIED AS FOLLOWS
10 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
11 THE COURT
12 WITNESS KARL SMITH, K-A-R-L
13 DIRECT EXAMINATION BY MR. MURDAUGH.
14 Q MR SMITH, BY WHOM ARE YOU EMPLOYED?
15 A THE CHARLESTON POLICE DEPARTMENT
16 Q OKAY, SIR AND IN WHAT CAPACITY ARE YOU EMPLOYED
17 BY THEM?
18 A I'M A SUPERVISOR FOR THE SPECIAL OPERATIONS
19 BUREAU AND I SERVE AS A COMMANDER OF THE EXPLOSIVE
20 DEVICES TEAM
21 Q OKAY, SIR WERE YOU REQUESTED BY BEAUFORT COUNTY
22 TO COME DOWN TO MAKE A SEARCH FOR ANYTHING?
23 A I WAS
24 Q AND WAS THAT ON THE 10TH DAY OF JANUARY 2002?
25 A NO SIR I WAS REQUESTED THE NIGHT OF THE 8TH

STATE VS ALKEBULANYAHH

- 1 Q THE NIGHT OF THE 8TH?
- 2 A YES SIR THE BUREAU OF ALCOHOL, TOBACCO, AND
3 FIREARMS NOTIFIED ME
- 4 Q OKAY, SIR DID YOU MAKE A SEARCH THAT NIGHT?
- 5 A NO, SIR I WAITED UNTIL THE MORNING OF THE 9TH
- 6 Q OKAY, SIR AND DID YOU MAKE A SEARCH ON THE 9TH?
- 7 A YES, SIR, WE MADE, I BELIEVE, THREE
- 8 Q DID YOU FIND ANYTHING THEN?
- 9 A NO, SIR, WE DID NOT
- 10 Q DID YOU THEN MAKE A SEARCH THEREAFTER?
- 11 A YES SIR, WE DID
- 12 Q ON WHAT DATE?
- 13 A THE 10TH
- 14 Q OKAY, SIR ON THE 10TH WILL YOU TELL THE LADIES
15 AND GENTLEMEN OF THE JURY WHERE YOU SEARCHED, HOW YOU
16 SEARCHED, AND WHAT YOU SEARCHED FOR?
- 17 A THE MORNING OF THE 10TH WE BEGAN OFF OF VANITA
18 DRIVE, UTILIZING AN EXPLOSIVE DETECTION K-9 THAT'S
19 TRAINED TO FIND EXPLOSIVES AS WELL AS AMMUNITION AND
20 FIREARMS
- 21 Q OKAY, SIR AND HOW DID YOU -- WERE YOU GIVEN A
22 PATH TO SEARCH BY ANYBODY?
- 23 A THE MORNING OF THE 9TH I MET WITH LIEUTENANT
24 JOHNSON HERE AT THE LAW ENFORCEMENT CENTER HE TOOK ME
25 OUT TO THE AREA, SHOWED ME THE AREA AND DURING THOSE

1 SEARCHES ON THE 9TH I BECAME FAMILIAR WITH THAT AREA

2 Q OKAY SIR

3 A THE MORNING OF THE 10TH, WE STARTED OVER WITH
4 UTILIZING THE K-9'S PRIOR TO THE LARGE BODY OF SEARCH
5 MEMBERS

6 Q OKAY, SIR DID YOU HAVE ANYBODY WORKING WITH
7 YOU?

8 A THERE WERE THREE OTHER K-9'S SIR

9 Q OKAY SIR WITH YOUR PARTICULAR K-9?

10 A I HAD ONE OTHER OFFICER THAT WAS OFF TO MY -- OFF
11 TO MY FLANK

12 Q OKAY SIR TELL THE LADIES AND GENTLEMEN ON THE
13 JURY HOW YOU WENT ABOUT THE SEARCH?

14 A BASICALLY UTILIZING THE K-9 OFF LEAD DUE TO THE
15 ENVIRONMENT THAT WE WERE IN I REMOVED HER FROM HER
16 LEASH SO SHE HAS FREE REIGN I CAST HER INTO THE AREA,
17 GIVE HER A SEARCH COMMAND WHICH IS SEEK AND BASICALLY
18 JUST WATCH HER

19 DURING THE COURSE OF OUR TRAINING AND OVER OUR 540
20 SEARCHES SHE DETERMINED A SEARCH PATTERN THEN FROM
21 THERE, IT S BASICALLY JUST DIRECTING THE DOG TO COME
22 BACK IF THEY GET TOO FAR STRAY AWAY FROM ME, OR
23 SOMETHING LIKE THAT AND THEN JUST WATCH FOR AN ALERT

24 Q HOW DO YOU -- HOW DO YOU KNOW WHEN -- WHAT DO YOU
25 MEAN AN ALERT?

- 1 A AN ALERT IS A SIGNIFICANT CHANGE OF BEHAVIOR THAT
2 THE DOG DOES WHENEVER IT DETECTS AN ODOR THAT IT'S
3 TRAINED TO DETECT
- 4 Q AND THE ODORS THAT HE'S TRAINED TO DETECT -- SHE?
5 A YES, SIR, IT'S A SHE THERE'S -- THE COMBINATION
6 WAS, THERE'S OVER 19,000 ODORS
- 7 Q OKAY, SIR IS GUN POWDER FIREARM ONE OF THEM?
8 A GUN POWDER IS, YES, SIR SINGLE BASE OR DOUBLE
9 BASE
- 10 Q OKAY, SIR AND DID YOU HAVE A PERSON WORKING WITH
11 YOU THAT THE DOG WORKED BACK AND FORTH BETWEEN?
12 A YES, SIR THAT'S OFFICER ENGLAND (PHONETIC)
- 13 Q AND HE WOULD CALL IT ONE WAY AND YOU WOULD CALL IT
14 BACK?
- 15 A YES, SIR WHAT WE DID IS WE SPREAD OUT PROBABLY
16 FROM HERE TO THE BACK OF THE COURTROOM SO WE CAN COVER
17 A BROADER AREA WITH HER I'D CAST HER TOWARD OFFICER
18 ENGLAND ONCE HE -- ONCE SHE GOT OVER TOWARD HIS AREA,
19 THAT WAS KIND OF OUR -- THE EDGE OF OUR PERIMETER FOR
20 THAT SWEEP, HE'D CAST HER BACK TOWARD ME
- 21 Q OKAY, SIR AND DID AT SOME POINT YOU SEE THE DOG
22 ALERT?
- 23 A YES, SIR, I DID
- 24 Q OKAY, SIR AND TELL THE LADIES AND GENTLEMEN OF
25 THE JURY EXACTLY WHAT HAPPENED -- WHAT DID THE DOG DO?

STATE VS ALKEBULANYAHH

1 A WELL, SIR, MY DOG IS A FOOD REWARD DOG
2 BASICALLY, YOU HAVE TWO TYPES OF DOGS, PLAY REWARDER OR
3 FOOD REWARDER OBVIOUSLY, THE PLAY REWARD, THEY GET A
4 BALL OR A CONE OR SOMETHING MY DOG BEING A FOOD
5 REWARD RECEIVES FOOD FOR FINDING AN ITEM

6 SHE GOT INTO A SMALL THICKET AREA, GIVE ME A NICE
7 SHARP HEAD TURN, LOOKING AT ME IN MY DIRECTION SHE'S
8 EXPECTING THE REWARD, SHE'S ANTICIPATING THAT

9 AS I WAS APPROACHING HER, SHE WENT DOWN TO SOURCE
10 AND WHAT I MEAN BY THAT IS THE K-9 IS TRAINED TO
11 CONTINUALLY GO DOWN TO THE GREATEST SOURCE OF ODOR

12 SO AS I WAS APPROACHING HER SHE KEPT NOSING DOWN
13 ONTO THE GROUND AND THEN A CLEAR PATHOLOTHIAN
14 (PHONETIC) RESPONSE, WHAT I CALL SHOE STRINGS -- LARGE
15 SALIVA COMING FROM HER JAWS I APPROACHED HER LOOKED
16 DOWN, GIVE HER A REWARD, PEPPED HER UP, AND GIVE HER
17 SOME MORE REWARD

18 Q DID YOU LOOK AT WHAT SHE WAS ALERTING ON?

19 A YES, SIR, I DID

20 Q AND WHAT WAS THAT, SIR?

21 A FROM WHAT I COULD TELL AT THE -- AT THE TIME,
22 THERE WAS A LARGE PILE OF LEAVES AND SOME LIMBS IN AN
23 AREA ABOUT THE SIZE OF A TOP OF A CUP I NOTICED A SLING
24 AND A LIKE A POLYMER STOCK OF A FIREARM

25 Q I SHOW YOU THREE PHOTOGRAPHS AND ASK YOU IF YOU

1 CAN IDENTIFY THESE?
2 A YES SIR
3 Q AND WHAT ARE THEY, SIR?
4 A THOSE ARE THE LOCATION OF ALANA'S (PHONETIC)
5 ALERT, AND WHAT I SAW DURING THE -- THE POINT OF THE
6 ALERT
7 Q OKAY, SIR
8 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
9 THESE AS EXHIBITS
10 THE COURT ANY OBJECTION?
11 (PAUSE)
12 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
13 THE COURT WHAT'S YOUR OBJECTION?
14 MR ALKEBULANYAHH THE PHOTOS DOES NOT -- THEY
15 ARE CLOSE-UP PHOTOS AND IT DOES NOT SHOW THE AREA
16 AROUND WHERE THE LOCATION OF THAT PARTICULAR ITEM WAS
17 FOUND
18 THE COURT ASK HIM IF HE CAN IDENTIFY THE AREA
19 MR MURDAUGH YES SIR
20 Q I ASK YOU, SIR, AT THE POINT WHERE THE DOG ALERTED
21 AND YOU SAW THE GUN THAT YOU'VE TESTIFIED ABOUT ---
22 A YES, SIR
23 Q --- DID YOU NOTIFY ANYBODY TO COME TO YOU?
24 A YES SIR, WE DID WE DIDN'T HAVE COMMUNICATION
25 WITH BEAUFORT COUNTY ONCE WE FOUND THE FIREARM, I

STATE VS ALKEBULANYAHH

1 STOOD BY THE FIREARM TO GET MY BEARINGS AS FAR AS WHERE
2 I WAS I IMMEDIATELY SENT THE OTHER DOG, DOG HANDLERS,
3 AND MY OTHER ASSISTANT TO THE ROADWAY THERE'S A DIRT
4 ROAD SINCE WE DIDN'T HAVE RADIO COMMUNICATIONS WITH
5 THEM, ONE OF THE OFFICERS BORROWED A CELL PHONE AND
6 NOTIFIED BEAUFORT COUNTY THAT WE'D LOCATED IT

7 Q OKAY AND DID AN OFFICER FROM BEAUFORT COUNTY
8 COME TO YOUR AREA?

9 A YES, SIR, LIEUTENANT JOHNSON

10 Q SCOTT JOHNSON?

11 A YES, SIR

12 Q OKAY, SIR AND IS THE POINT -- DID YOU EVER MOVE
13 THE GUN AFTER YOU FOUND IT?

14 A NO, SIR ONCE SHE GOT THE ALERT AND THE REWARD, I
15 GOT MY BEARINGS TO -- TO IDENTIFY THE AREA, AND THEN I
16 WENT TO THE ROADWAY

17 MR MURDAUGH YOUR HONOR, PLEASE, SCOTT JOHNSON
18 SHOWED ON THE MAP WHERE IT WAS, SIR

19 THE COURT ALL RIGHT I'LL ALLOW THOSE IN
20 STATE S 19, 20, AND 21 IN EVIDENCE

21 (THREE SMALL COLOR PHOTOS MARKED IN EVIDENCE AS
22 STATE'S EXHIBIT NOS 19, 20, AND 21)

23 Q DID YOU REMAIN THERE WITH THE GUN AND WITH SCOTT
24 JOHNSON FOR A PERIOD OF TIME?

25 A YES, SIR I DID

1 Q AND DID A LADY BY THE NAME OF DIANE BODIE COME UP
2 TO THAT AREA?

3 A I DON'T ---

4 Q EXCUSE ME JIM BUKOFFSKY?

5 A I DON'T RECALL ANY NAMES, SIR I WAS ON THE
6 ROADWAY

7 Q ALL RIGHT SIR DID ANOTHER OFFICER FROM BEAUFORT
8 COUNTY COME UP AND DO ANYTHING TO THE AREA?

9 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
10 LEADING

11 THE COURT I'LL -- NO I'LL GO AHEAD AND ALLOW
12 THAT GO AHEAD

13 A YES, SIR SHORTLY AFTER I NOTIFIED LIEUTENANT
14 JOHNSON HE ARRIVED SEVERAL MEMBERS OF BEAUFORT
15 COUNTY SHERIFF'S DEPARTMENT ARRIVED ON SCENE AND WERE
16 PROCESSING

17 Q OKAY, SIR DID THEY -- WHAT DID THEY DO WHEN THEY
18 GOT THERE IN THE AREA SURROUNDING THE RIFLE?

19 A I STAYED ON THE ROADWAY, SIR I MEAN, I COULD SEE
20 THE LOCATION THEY ALERT FROM THE ROADWAY I SAW SOME
21 PHOTOGRAPHS BEING TAKEN

22 Q OKAY, SIR

23 MR MURDAUGH THANK YOU SIR

24 (PAUSE)

25 Q DID YOU EVER GO INTO THE DWELLING AT 21 RILEY

1 ROAD?

2 A NO, SIR, I DID NOT

3 MR MURDAUGH ANSWER ANY QUESTIONS HE MAY HAVE

4 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

5 Q MR SMITH, ON WHAT DATE AND TIME WAS IT THAT YOU
6 DISCOVERED THE WEAPON?

7 A JANUARY 10 AT ABOUT 11 45

8 Q ABOUT 11 45 WAS ANYONE FROM THE BEAUFORT COUNTY
9 SHERIFF DEPARTMENT ASSISTING YOU UPON YOUR FINDINGS?

10 A NO, SIR IT WAS MYSELF, THREE OTHER OFFICERS FROM
11 CHARLESTON POLICE DEPARTMENT UTILIZING ANOTHER K-9, ONE
12 MEMBER FROM THE CHARLESTON -- AT LEAST ONE MEMBER FROM
13 THE CHARLESTON COUNTY SHERIFF'S OFFICE UTILIZING A K-9,
14 AND I BELIEVE CHATHAM COUNTY, GEORGIA ALSO HAD A K-9

15 Q HAD ANYONE -- DID ANYONE SUGGEST TO YOU ANY
16 POSSIBLE AREA THAT THE WEAPON MAY BE FOUND?

17 A WELL, SIR, THE MORNING OF THE 9TH, WHENEVER I
18 ARRIVED AT THE LAW ENFORCEMENT CENTER, I MET WITH
19 LIEUTENANT JOHNSON AT THAT TIME HE TOOK ME TO, I
20 BELIEVE JOE FRAZIER ROAD -- I BELIEVE JOE IS THE
21 CORRECT NAME I BELIEVE IT'S FRAZIER ROAD SHOWED ME
22 WHERE THE SUSPECT WAS APPREHENDED AND FROM THERE I
23 DETERMINED MY SEARCH PATTERN

24 Q WAS THERE ANY INDICATION OF ANYONE SAYING THAT IN
25 A PARTICULAR AREA, LIKE WATER, WOODS, TREE LINE, ROAD,

1 ANYTHING LIKE THAT WAS SUGGESTED?
2 A WELL SIR IN THAT AREA ABOUT ALL THERE IS IS
3 WATER, MARSH AND WOODS
4 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
5 THANK YOU
6 MR MURDAUGH YOU MAY COME DOWN MAY MR SMITH
7 BE EXCUSED?
8 THE COURT ANY OBJECTION?
9 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
10 HONOR
11 THE COURT YOU MAY BE EXCUSED, SIR
12 (THE WITNESS LEAVES THE WITNESS STAND)
13 MR MURDAUGH WE CALL JIM BUKOFFSKY
14 JAMES W BUKOFFSKY BEING
15 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
16 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
17 THE COURT
18 WITNESS JAMES W BUKOFFSKY
19 DIRECT EXAMINATION BY MR. MURDAUGH.
20 Q MR BUKOFFSKY, WHO ARE YOU EMPLOYED BY?
21 A BEAUFORT COUNTY SHERIFF'S OFFICE SIR
22 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED BY THEM?
23 A I'M THE LIEUTENANT OVER -- ASSISTANT COMMANDER
24 OVER PATROL DIVISION AND THE CRIMINAL INVESTIGATORS
25 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON THE 10TH

STATE VS ALKEBULANYAHH

1 DAY OF JANUARY 2002 YOU WERE INVOLVED IN THE
2 INVESTIGATION IN TO THE DEATHS OF OFFICERS COURSEN AND
3 TATE?

4 A YES, SIR

5 Q WERE YOU INVOLVED IN A SEARCH FOR ANYTHING?

6 A YES, SIR

7 Q AND WHAT WERE YOU INVOLVED IN A SEARCH FOR?

8 A FOR A POSSIBLE WEAPON

9 Q OKAY, SIR AT SOME POINT IN TIME WERE YOU
10 NOTIFIED BY SCOTT JOHNSON TO DO ANYTHING?

11 A YES SIR

12 Q AND WHAT WAS THAT?

13 A THAT WAS TO PUT UP OUR YELLOW CRIME SCENE TAPE
14 AROUND THE RIFLE THAT THEY HAD FOUND

15 Q OKAY SIR DID YOU DO THAT?

16 A I DID, SIR

17 Q OKAY, SIR AND IN WHAT AREA DID YOU ENCOMPASS
18 WHEN YOU PUT THE CRIME SCENE TAPE UP?

19 A I PUT IT IN A PRETTY LARGE AREA, TO BLOCK ALL
20 AROUND, SO IF THERE WAS ANY POTENTIAL FOOTWEAR
21 IMPRESSIONS OR EVIDENCE AROUND, IT WOULD BE SECURED

22 Q OKAY, SIR AND WHAT WAS THE LOCATION THAT YOU PUT
23 THE CRIME SCENE TAPE AROUND?

24 A IT WAS BACK BEHIND THE BROAD RIVER ELEMENTARY
25 SCHOOL

- 1 Q IS THAT -- DO YOU REMEMBER THE NAME OF THE ROAD?
- 2 A NO, SIR, NOT OFF THE TOP OF MY HEAD
- 3 Q IF I SHOWED YOU A MAP AND ASK YOU IF YOU CAN
- 4 IDENTIFY IT SIR?
- 5 A YES SIR, IT WOULD BE WHERE ---
- 6 Q LOUDER PLEASE
- 7 A YES, SIR THAT WOULD BE WHERE THE "G" IS, BACK
- 8 DOWN HERE
- 9 Q YOU TALKING ABOUT THAT RED ---
- 10 A YES, SIR
- 11 Q --- STICKER?
- 12 A YES, SIR
- 13 Q OKAY, SIR YOU'RE TALKING ABOUT WHERE NOW, SIR?
- 14 A RIGHT HERE
- 15 Q OKAY AFTER PUTTING THE CRIME SCENE TAPE UP, DID
- 16 YOU THEN STAY IN THAT AREA TO DETERMINE WHETHER OR NOT
- 17 ANY -- PREVENT ANYBODY ELSE FROM GOING INTO IT?
- 18 A I DID, SIR
- 19 Q AND DID ANYBODY ELSE GO INTO THAT AREA UNTIL DIANE
- 20 BODIE GOT THERE?
- 21 A NO, SIR
- 22 Q OKAY AFTER DIANE BODIE CAME, DID SHE DO CERTAIN
- 23 THINGS IN THAT AREA?
- 24 A SHE DID, SIR
- 25 Q OKAY, SIR DID SHE FIND A GUN?

STATE VS ALKEBULANYAHH

1 A YES, SIR

2 Q DID YOU SEE THE GUN?

3 A YES, SIR

4 MR ALKEBULANYAHH YOUR HONOR, HE'S LEADING

5 THE COURT YES, SUSTAINED

6 Q DID SHE COME TO THE AREA THAT YOU HAD CORDONED

7 OFF?

8 A YES SIR

9 MR ALKEBULANYAHH OBJECTION

10 THE COURT I'LL GIVE YOU SOME LEEWAY, BUT GO

11 AHEAD PLEASE

12 Q WHEN SHE GOT THERE, WHAT DID SHE DO?

13 A WHEN SHE -- WHEN SHE ARRIVED THERE SIR I ASKED

14 HER -- WHEN SHE ARRIVED THERE STAFF SERGEANT PURDY

15 ARRIVED AT THE SAME TIME AND SHE WAS THE EVIDENCE

16 TECH WHO COLLECTED ALL THE EVIDENCE PRIOR, AND SHE WAS

17 DETAIL,, I GUESS, TO PROCESS THAT EVIDENCE AND COLLECT

18 IT FROM WHATEVER WAS INSIDE THAT TAPE THAT I HAD PUT

19 UP AND SHE DID DO THAT SHE COLLECTED THE RIFLE AND

20 SOME OTHER STUFF FROM THERE

21 Q COLLECTED A RIFLE?

22 A YES, SIR

23 Q OKAY, SIR I SHOW YOU AN ITEM AND ASK IF YOU CAN

24 IDENTIFY IT? I SHOW YOU STATE'S EXHIBIT NO 11 AND ASK

25 YOU IF YOU CAN IDENTIFY THAT, SIR?

STATE VS ALKEBULANYAHH

1 A YES, SIR, THAT'S THE RIFLE
2 Q EXCUSE ME?
3 A YES, SIR, THAT IS THE RIFLE
4 Q OKAY, SIR DID SHE PUT IT IN A BOX?
5 A SHE DID, SIR
6 Q OKAY, SIR DO YOU RECOGNIZE THIS ITEM, SIR?
7 A NO, SIR, I DO NOT
8 Q DID SHE PUT IT IN A BOX THAT LOOKED LIKE THAT?
9 A NO, SIR SHE PUT IT IN A -- WE USE THE BOX TO
10 CARRY IT FROM THE WOODS
11 Q OKAY, SIR WAS THAT THIS BOX?
12 A NO, SIR
13 Q OKAY DID YOU CARRY THE BOX THAT IT -- WERE YOU
14 INVOLVED WITH THE BOX THAT SHE PUT THE GUN IN?
15 A YES, SIR, SHE HANDLED ALL THE EVIDENCE STAFF
16 SERGEANT PURDY DID SOME -- ASSISTED HER IN SOME, AS
17 WELL, AND CUT THE NOTCHES OUT OF THE BOX SO THE WEAPON
18 WOULD STAND STRAIGHT UP AND I CARRIED THE BOX FROM
19 THE LOCATION IT WAS RECOVERED FROM TO STAFF SERGEANT
20 PURDY'S VEHICLE FOR TRANSPORTING BACK TO THE
21 HELICOPTER
22 MR MURDAUGH OKAY THANK YOU, SIR ANSWER ANY
23 QUESTIONS HE MAY HAVE
24 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
25 Q YOU ARE -- YOUR RANK IS OFFICER, SIR?

STATE VS ALKEBULANYAHH

1 A YES, SIR, I'M LIEUTENANT

2 Q LIEUTENANT LIEUTENANT BUKOFFSKY, HOW DID YOU --
3 WHEN DID YOU FIRST BECOME INVOLVED IN THE INCIDENT THAT
4 TOOK PLACE ON JANUARY 8, 2002?

5 A I WAS ONE OF THE -- I BELIEVE I WAS ABOUT THE
6 FIFTH OR SIXTH OFFICER TO ARRIVE ON RILEY ROAD, SIR

7 Q AND WHEN YOU ARRIVED ON THE RILEY ROAD, WHAT DID
8 YOU DO?

9 A MY JOB WAS TO -- INITIALLY MY JOB WAS TO SECURE
10 THAT SCENE, TAKE RESPONSIBILITY FOR THE SECURITY OF
11 THAT SCENE -- I SHOULD SAY, TO POST PEOPLE IN POSITIONS
12 THAT WOULD ENSURE THAT NOBODY COULD ENTER INSIDE THE
13 FENCED IN AREA

14 Q SO YOU TOOK CHARGE OVER THE ALLEGE CRIME SCENE, IS
15 THAT CORRECT?

16 A YES, SIR

17 Q COULD YOU TELL ME WHAT WERE YOU -- WHAT WERE YOU
18 TAUGHT AT THE CRIMINAL JUSTICE ACADEMY ABOUT CRIME
19 SCENE INTEGRITY?

20 A BASIC -- IN BASIC POLICE OFFICER TRAINING YOU'RE
21 INSTRUCTED TO SECURE THE SCENE AND MINIMIZE THE ENTRIES
22 AND EXITS OF THE CRIME SCENE, EXCEPT FOR THE PERSONNEL
23 THAT OBVIOUSLY NEED TO ENTER, EMS, FIRE, INVESTIGATORS,
24 WHAT HAVE YOU

25 Q SO ANYONE THAT'S PRETTY MUCH NOT DIRECTLY INVOLVED

1 WITH THE INVESTIGATION ITSELF WOULD BE CONSIDERED
2 PEOPLE THAT UNNECESSARILY ALLOWED -- YOU KNOW,
3 SHOULDN'T BE ALLOWED TO GO INSIDE THE CRIME SCENE, IS
4 THAT CORRECT?

5 A I THINK EACH SITUATION DICTATES KIND OF WHO GOES
6 IN AND OUT CERTAINLY, WHEN AN INCIDENT INVOLVES
7 OFFICERS AND YOU HAVE COMMAND STAFF, THAT THEY -- BUT I
8 THINK WE TOOK THE NECESSARY PRECAUTIONS TO SECURE THAT
9 SCENE PROPERLY

10 Q HAVE YOU EVER READ THE BOOK, TECHNIQUES OF CRIME
11 INVESTIGATION BY BARRY FISHER (PHONETIC)?

12 A NO, SIR

13 Q DO YOU KNOW ANYTHING ABOUT THE LOW CAR (PHONETIC)
14 PRINCIPLE OF TRANSFERENCE?

15 A NO, SIR

16 Q WOULDN'T YOU SAY THAT THE CRIME SCENE INTEGRITY IS
17 THE MOST -- UPMOST (PHONETIC) IMPORTANT?

18 A YES, SIR

19 Q AND WOULD YOU AGREE THAT UNNECESSARY ASSETS (SIC)
20 ABOUT THE CRIME SCENE NOT ONLY CAN DISTURB OR DESTROY
21 EVIDENCE, BUT PERSONS ENTERING AND EXITING THE SCENE
22 NOT ONLY LEAVE TRACE EVIDENCE, BUT ALSO TAKE IT AWAY?

23 A I'M NOT SURE WHAT YOU MEAN BY ASSETS, SIR

24 Q MAKING A TOUR, GOING IN AND OUT OF THE CRIME
25 SCENE, ASSETS, PEOPLE THAT HAVE ASSETS TO GO IN -- A

1 CITIZEN OR SOMEONE JUST ALONG THE CRIME SCENE, THEY
2 WOULDN'T HAVE ASSETS, WOULD THEY?

3 A I THINK -- I THINK IT'S CERTAINLY RESTRICTED I
4 THINK IT'S CERTAINLY RESTRICTED AND I UNDERSTAND YOUR
5 QUESTION REGARDING TRANSFER OR CARRYING POTENTIAL
6 EVIDENCE IN OR OUT OF THE CRIME SCENE IN THIS
7 PARTICULAR CASE, THERE WAS ONE ROOM THAT WAS DESIGNATED
8 AS A CRIME SCENE WITHIN THE PERIMETER OF THE AREA THAT
9 WE WERE PROTECTING

10 Q SO WOULD YOU SAY THAT EVERYTHING OUTSIDE OF THAT
11 ROOM WAS NOT CONSIDERED A CRIME SCENE?

12 A NO, SIR, I DON'T THINK THAT IT HELD THE SAME VALUE
13 IN REGARDS TO TRANSFERRING AND BEING ABLE TO CARRY OR
14 MOVE POTENTIAL EVIDENCE

15 Q COULD THERE HAVE POSSIBLE BEEN EVIDENCE OF FOOT
16 TRACKS, BLOOD DROPPINGS, AND EVERYTHING OUTSIDE OF THAT
17 ROOM THAT SHOULD BE CONSIDERED FOR PROTECTION?

18 A THERE -- THE POSSIBILITY EXISTS YES, SIR

19 Q AND WAS THAT -- DID YOU TAKE ANY ACTION TO MAKE
20 SURE YOU SECURE -- TO MAKE SURE THAT ANY EVIDENCE
21 OUTSIDE OF THE ROOM WOULD NOT BE DISTURBED OR
22 DESTROYED?

23 A YES, SIR, I DID

24 Q AND WHAT MEASURES DID YOU TAKE?

25 A EACH -- EACH TIME, SIR, THAT ANYONE ENTERED OR HAD

1 TO ENTER -- FOR INSTANCE, WHEN THE SOLICITOR CAME IN
2 WITH THE CORONER OR THE MEDICAL PERSONNEL, ONCE I WAS
3 ON SCENE, THEY WERE TAKEN THROUGH THE EXACT SAME PATH,
4 SAME DIRECT ROUTE TO THE BACK DOOR TO THE PORCH AND
5 THEY WERE CLEARLY ADVISED OF WHERE POTENTIAL EVIDENCE
6 WAS THAT THEY NEED TO STAY AWAY FROM

7 Q WOULD YOU AGREE WITH ME THAT OFFICERS SHOULD --
8 RESPONSIBLE FOR A ALLEGE CRIME SCENE OR CRIME SCENE
9 SHOULD TAKE STEPS TO PROTECT THE SCENE FROM ANYONE NOT
10 DIRECTLY INVOLVED WITH THE INVESTIGATION, INCLUDING
11 OFFICERS, SUPERVISORS, AND COMMAND PERSONNEL?

12 A NO SIR, I WOULD NOT

13 Q WHEN YOU WAS AT THE CRIMINAL JUSTICE ACADEMY, THEY
14 DID NOT TEACH YOU THAT YOU SHOULD PROTECT THE CRIME
15 SCENE FROM UNNECESSARY PEOPLE WHO WAS NOT DIRECTLY
16 RELATED WITH -- WHO'S NOT DIRECTLY INVOLVED IN -- IN
17 INVESTIGATION, TO NOT ALLOW THEM IN?

18 A THE CRIME SCENE CLASSES THAT ARE TAUGHT AT THE
19 CRIMINAL JUSTICE ACADEMY BASIC COURSE, ARE VERY VAGUE
20 THEY ARE NOT SPECIFIC IN ANY TYPE OR FORM IN REGARDS TO
21 ANY EVIDENCE OR FORENSIC EVIDENCE

22 Q WOULD YOU AGREE THAT THINGS IN A PARTICULAR CRIME
23 SCENE CAN BE INADVERTENTLY KICKED OR MOVED OR DOOR
24 CLOSED OR SOMETHING OPEN?

25 A I WOULD SAY A POSSIBILITY EXISTS, YES, SIR

1 Q AND WOULDN'T YOU AGREE THAT THOSE PARTICULAR
2 THINGS SHOULD BE UNNECESSARY ASSETS (SIC) BY PEOPLE
3 WHOSE NOT DIRECTLY INVOLVED SHOULD NOT BE IN THERE TO
4 PREVENT THEM PARTICULAR THINGS FROM AT LEAST HAPPENING,
5 WOULD YOU AGREE WITH THAT?

6 A CERTAINLY, THE LESS NUMBER OF PEOPLE IN WOULD
7 PREVENT THAT FROM HAPPENING, YES, SIR

8 Q DID YOU ALLOW SHERIFF TANNER AND THE SOLICITOR IN
9 THE CRIME SCENE?

10 A SIR, THEY WERE ALLOWED IN THE BACK PORCH, AND
11 STEPPED INSIDE THE BACK DOOR TO THE MOBILE HOME, AT THE
12 SECOND DOOR AS YOU GO IN BUT THEY WERE NOT ALLOWED TO
13 ENTER INTO THE BEDROOM TO THE RIGHT WHERE THE OFFICERS
14 WERE

15 Q SO THEY DID NOT ENTER THE BEDROOM, IS THAT
16 CORRECT?

17 A THAT'S CORRECT

18 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
19 THE COURT YES, SIR

20 Q ARE YOU FAMILIAR WITH THIS DOCUMENT, SIR?

21 A YES SIR

22 Q IS THAT A DOCUMENT ATTRIBUTED TO YOU?

23 A YES, SIR

24 MR ALKEBULANYAHH YOUR HONOR, MAY I ENTER THIS
25 INTO EVIDENCE?

1 THE COURT ANY OBJECTION?
2 MR MURDAUGH I'D LIKE TO SEE IT, SIR
3 (PAUSE)
4 MR MURDAUGH NO OBJECTION, SIR
5 THE COURT DEFENDANT'S 17 IN EVIDENCE WITHOUT
6 OBJECTION
7 (SUPPLEMENTARY REPORT, BUKOFFSKY, 4 PAGES MARKED
8 IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 17)
9 Q YOU DID SAY LIEUTENANT BUKOFFSKY, IS THAT CORRECT?
10 A YES, SIR
11 Q YES, SIR THANK YOU LIEUTENANT BUKOFFSKY, COULD
12 YOU TURN TO YOUR CRIME SCENE LOG IN YOUR SUPPLEMENTAL
13 REPORT?
14 A YES, SIR
15 Q AT 17 29, THE TIME, THE TRAILER WAS CLEARED FOR A
16 SECOND TIME BY BUKOFFSKY AND WALTON (PHONETIC) AND
17 BEARDEN, IS THAT WHAT THEY SAY, CORRECT?
18 A YES, SIR
19 Q AND THAT SECOND TIME THAT YOU MADE THIS CLEARING,
20 IT WAS JUST FOR PROTECTIVE MEASURE, SIR, IF I MAY ASK?
21 A YES, SIR
22 Q WHO WAS MR WALTON ON THERE?
23 A LIEUTENANT WALTON
24 Q LIEUTENANT WALTON AND WHO IS MR BEARD?
25 A SERGEANT BEARD IS THE INVESTIGATOR WITH THE

1 SHERIFF'S OFFICE

2 Q COULD YOU FIND ON YOUR CRIME SCENE LOG THE TIME
3 THAT LIEUTENANT WALTON ENTERED THE CRIME SCENE?

4 A REFERENCE THE SWEEP OF THE -- OF THE TRAILER, SIR,
5 OR ---

6 Q JUST ENTERING, BECAUSE, YOU KNOW, ONCE YOU ENTER,
7 YOU KNOW, IN THE HALL OR THE AREA WHEREVER YOU SWEEP,
8 YOU DO CONSIDER THE HOME OR THE ROOM IN THAT AREA IS
9 PART OF THE CRIME SCENE, DIDN'T YOU -- OR THE ALLEGE
10 CRIME SCENE?

11 A SIR, WHAT WAS -- IF I MAY, WHAT WAS SWEPT WAS, WE
12 WERE -- MYSELF AND LIEUTENANT WALTON WERE STANDING IN
13 FRONT OF THAT RESIDENCE AND AS THE CRIME SCENE -- AS
14 MY REPORT SAYS, OFFICER BEARD WAS AT THE BACK DOOR WE
15 HEARD A POPPING NOISE WHICH WE LATER BELIEVED TO BE
16 THE METAL SIDING ON THAT HOME AND MYSELF AND
17 LIEUTENANT WALTON CHECKED THE FRONT HALF OF THAT
18 TRAILER WE DID NOT ENTER THE BEDROOM WHERE THE TWO
19 OFFICERS WERE

20 Q DID YOU AT ANY TIME EVER ENTER THE AREA WHERE THE
21 TWO OFFICERS WAS AT?

22 A AT THE TIME THAT THEIR BODIES WERE CARRIED FROM --
23 I HELPED CARRY THEIR BODIES FROM THAT ROOM

24 Q YOU WAS -- YOU ENTERED?

25 A YES, SIR

- 1 Q DID YOU LOG DOWN WHAT TIME YOU ENTERED?
- 2 A NO, SIR AT THAT POINT SLED FORENSIC TEAM WAS IN
- 3 CHARGE OF THE CRIME SCENE, AND WE WERE NOT -- WE WERE
- 4 NOT LONGER PROVIDING SECURITY FOR THEM
- 5 Q WHO DID YOU LOG TO ENTER AS FAR AS GOING IN AND
- 6 OUT OF THE CRIME SCENE -- ALLEGE CRIME SCENE?
- 7 A AS THE REPORT INDICATES, THERE WERE SEVERAL PEOPLE
- 8 ENTERED THE CRIME SCENE
- 9 Q COULD YOU NAME SOME OF THOSE PEOPLE?
- 10 A YES, SIR
- 11 Q FROM YOUR REPORT?
- 12 A UPON MY ARRIVAL, OF COURSE, CAPTAIN ROPER AND
- 13 STAFF SERGEANT STETTMIER AND STAFF SERGEANT WHITE WERE
- 14 INSIDE THE RESIDENCE CHECKING ON OUR OFFICERS
- 15 Q AND WHAT TIME DID YOU LOG THEM IN FOR ENTERING THE
- 16 ALLEGE CRIME SCENE?
- 17 A THEIR TIME WAS APPROXIMATELY 16 47 HOURS
- 18 Q 16 47?
- 19 A YES, SIR
- 20 Q THAT WAS ROPER, STETTMIER, AND SERGEANT WHITE?
- 21 A YES, SIR
- 22 Q ANY OTHER PEOPLE?
- 23 A CAPTAIN ROPER THEN REQUESTED EMS AND BURTON FIRE
- 24 AND RESCUE THEY ENTERED AT 16 55
- 25 Q IS THERE ANY OTHER?

- 1 A LIEUTENANT COLONEL BROWN WAS NOTIFIED OF THE
2 OFFICERS' CONDITION UPON THEN, AND SLED AND THEN ---
3 Q EXCUSE ME MR -- LIEUTENANT BUKOFFSKY,
4 LIEUTENANT COLONEL BROWN ENTERED THE CRIME SCENE ALSO?
5 A NO, SIR, HE WAS NOTIFIED ACCORDING TO THE CRIME
6 SCENE LOG
7 Q SO HE NEVER ENTERED AND WHO WAS THE NEXT PERSON
8 TO ENTER THE -- THE CRIME SCENE, LIEUTENANT BUKOFFSKY?
9 A NEXT PERSON TO ENTER WAS LIEUTENANT BROMAGE
10 Q AND WHAT TIME DID HE ENTER?
11 A AT 18 12 HOURS
12 Q AND WHO'S THE NEXT PERSON TO ENTER?
13 A OFFICER MORENO WAS POSITIONED INSIDE THE FENCED-IN
14 AREA CAPTAIN WALLS AND LIEUTENANT HORTON WERE
15 ESCORTED BY MYSELF TO THAT BACK PORCH TO THE BEDROOM
16 DOOR
17 Q BUT NONE OF THEM WENT INSIDE THE ROOM?
18 A NO, SIR
19 Q AND WHO WAS THE NEXT TO ENTER?
20 A NEXT TO ENTER WAS CAPTAIN ROPER, NEWMAN, AND
21 EDWARDS -- THEY BROUGHT LIGHTING FOR THE EXTERIOR --
22 NOT THE HOUSE, BUT THE EXTERIOR INSIDE THE FENCED-IN
23 AREA
24 Q WHO WAS THE NEXT TO ENTER, SIR?
25 A AT 21 15 THE FORENSIC TEAM FROM SLED BEGAN --

1 BEGAN THEIR PHOTOGRAPHING AND WERE IN -- TAKING CHARGE
2 OF THE SCENE AT THAT POINT
3 Q WHO WAS THE NEXT TO ENTER?
4 A NEXT WAS LIEUTENANT BROMAGE AND SLED INVESTIGATOR
5 AVANT, THAT WAS 21 45
6 Q WHO WAS THE NEXT TO ENTER, SIR?
7 A AT 22 40 WAS SOLICITOR MURDAUGH AND THE COUNTY
8 CORONER, MR COPELAND
9 Q WHO WAS THE NEXT TO ENTER, SIR?
10 A SHERIFF TANNER AND COLONEL BROWN
11 Q AND WHO WAS THE NEXT TO ENTER, SIR?
12 A STAFF SERGEANT PURDY
13 Q WHAT TIME WAS THAT?
14 A THAT WAS AT 23 30
15 Q WAS ANYBODY ELSE FURTHER ENTER, SIR?
16 A EXCUSE ME, SIR?
17 Q DID ANYBODY FURTHER ENTER?
18 A NO, SIR THAT WAS IT, OTHER THAN THE SLED FORENSIC
19 TEAM
20 Q MR BUKOFFSKY -- I'M SORRY, LIEUTENANT BUKOFFSKY,
21 WHAT INVOLVEMENT DID MR -- LIEUTENANT BROMAGE HAVE TO
22 DO WITH THE -- WHAT WAS HIS ROLE THAT NECESSITATED HIM
23 TO BE ABLE TO GO INTO THE CRIME SCENE? WHAT WAS --
24 WHAT WAS HIS PURPOSE TO BE IN THERE?
25 A HE WAS -- HE WAS THE COUNTY CORNER, AND HE WAS

1 TASKED BY THE SHERIFF TO SHADOW SLED INVESTIGATOR
2 TRAVIS AVANT

3 Q AND MR MORENO -- DEPUTY MORENO, WHAT WAS HIS
4 PURPOSE OF BEING WITHIN THE CRIME SCENE?

5 A HE WAS PART OF MY SECURITY, SIR HE ROTATED WITH
6 SERGEANT BEARD AT THAT BACK POINT TO WATCH THE BACK
7 DOOR, THE SCREENED IN PORCH DOOR

8 Q AND WHAT WAS SHERIFF TANNER ROLE FOR BEING INSIDE
9 THE CRIME SCENE?

10 A SHERIFF TANNER CAME WITH A -- WITH COLONEL BROWN
11 TO CHECK ON HIS FALLEN OFFICERS, AND HE IS CONSIDERED
12 BY VIRTUE OF HIS POSITION THE LEAD INVESTIGATOR OF OUR
13 CRIME SCENE

14 Q BUT AS FAR AS ANYTHING DEALING WITH INVESTIGATION,
15 THEY HAD NO PURPOSE IS THAT CORRECT?

16 A NO, SIR, THAT WOULD NOT BE CORRECT

17 Q OKAY WHAT TYPE OF INVESTIGATIVE ACTION THAT THEY
18 TOOK THAT WAS CONDUCIVE TO -- TO GATHERING EVIDENCE?

19 A SHERIFF TANNER'S POSITION AT THAT POINT -- AND
20 WOULD BE AT ANY OTHER CRIME SCENE -- IS THAT HE IS THE
21 LEAD INVESTIGATOR HE DICTATES WHO GOES WHERE AND DOES
22 WHAT AND WHAT THEIR ROLES ARE WITH THAT INVESTIGATION
23 IT IS HIS INVESTIGATION ULTIMATELY

24 Q DID HE MAKE ANY REPORTS OR NOTES OR ANYTHING ABOUT
25 HIS INVESTIGATION -- HIS INVESTIGATION OR THE PEOPLE

1 THAT WAS WORKING FOR HIM IN THE INVESTIGATION, DO YOU
2 KNOW?

3 A I DO NOT KNOW, SIR

4 Q SO NORMALLY IF HE WAS IN CHARGE OF THE
5 INVESTIGATION OF A ALLEGE CRIME SCENE THEN HE WOULD --
6 HE SHOULD HAVE SUBMITTED A REPORT OF THE ACTION THAT HE
7 TOOK ONCE HE TOOK CONTROL OF THAT PARTICULAR CRIME
8 SCENE BEING THAT HE'S THE CHIEF IN COMMAND, IS THAT
9 CORRECT?

10 A NO, SIR

11 Q WOULDN'T BE CORRECT SO HE DO NOT HAVE TO JOT
12 DOWN ANY NOTE, LIST WHAT HE DISCOVERED, LIST WHAT HE
13 SEEN, SAY WHO'S BEEN THERE, WHAT'S BEING TAKEN AND
14 WHAT'S BEING MOVED BEING THAT HE'S IN CHARGE OF THE
15 ENTIRE CRIME SCENE, IS THAT CORRECT?

16 A I WOULD SAY, SIR -- THE WAY THAT I WOULD ANSWER
17 THAT WOULD BE THAT CERTAINLY HE IS THE SHERIFF, AND HE
18 CAN DO WHAT HE WANTS TO DO IN REGARDS TO HOW HE
19 DOCUMENTS IT OR RECORDS IT IF HE CHOOSES TO DO THAT
20 THROUGH THE OFFICERS THAT ARE ACTUALLY DOING THE TASK
21 THAT HE ASSIGNED THEM, THEN I WOULD SAY THAT'S AN
22 ACCEPTABLE STANDARD

23 Q THIS -- THIS ALLEGE CRIME SCENE -- ALL THE
24 ACTIVITY THAT TOOK PLACE BY THE BEAUFORT COUNTY SHERIFF
25 DEPARTMENT AND ALL THESE OFFICERS BACK IN AND OUT -- IT

1 WAS A VERY SMALL AREA WOULDNT'T YOU AGREE?

2 A SMALL AREA AS IN THE FENCED-IN AREA?

3 Q AS FAR AS THE -- THE ALLEGE ROOM WHERE -- I MEAN,
4 WHERE THE ALLEGE CRIME SUPPOSED TOOK PLACE IN THE ROOM
5 WHERE THE TWO DEPUTIES WERE FOUND?

6 A THE ROOM IS SMALL, YES SIR

7 Q AND ALL THESE PEOPLE SEEM TO HAVE BEEN TRAVELING
8 FROM THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT FROM
9 TANNER, MR BROMAGE, FROM MORENO, FROM BEARD, FROM
10 COLONEL BROWN, TO HORTON, AND ALL THESE PARTICULAR
11 PEOPLE -- AND BEARD THAT YOU SAID AS GOING BACK AND
12 FORTH UNNECESSARILY, ALL THIS ACTUALLY TOOK PLACE
13 BEFORE THE CRIME SCENE WAS TURNED OVER TO THE SLED --
14 TO THE SOUTH CAROLINA LAW ENFORCEMENT FORENSIC TEAM, IS
15 THAT CORRECT?

16 A I COULD NOT AGREE WITH THAT STATEMENT, NO, SIR

17 Q COULD YOU TELL ME AT 23 30 IN YOUR CRIME LOG, DOES
18 IT STATES THAT THE CRIME SCENE WAS RELEASED TO THE SLED
19 FORENSIC TEAM AT THAT PARTICULAR TIME?

20 A YES, SIR

21 Q IS THAT INFORMATION ACCURATE?

22 A YES, SIR

23 Q AND FROM THIS INFORMATION, DOES IT NOT APPEAR OR
24 DOES IT NOT SHOW THAT THE PEOPLE THAT YOU JUST ALLEGE
25 FROM COLONEL BROWN, TANNER, THE SOLICITOR, MR WALTON,

1 LIEUTENANT BROMAGE -- THEM ALREADY BE IN AND OUT OF THE
2 CRIME SCENE BEFORE IT EVEN BEEN TURNED OVER TO THE
3 SOUTH CAROLINA DEPARTMENT -- SOUTH CAROLINA LAW
4 ENFORCEMENT DEPARTMENT -- THE LEGITIMATE CRIME SCENE
5 INVESTIGATORS?

6 A AGAIN, IT WAS SHERIFF TANNER'S CRIME SCENE UNTIL
7 SUCH TIME AS HE CHOSE TO RELEASE IT TO ANOTHER AGENCY
8 NUMBER ONE NUMBER TWO, EACH AND EVERY TIME SOMEBODY
9 ENTERED THAT CRIME -- THAT AREA INSIDE THE FENCE, WHICH
10 WAS BEING SECURED THEY WERE ESCORTED AND DID NOT ENTER
11 THE ROOM THAT CONTAINED THE EVIDENCE THAT ULTIMATELY
12 WAS TAKEN

13 Q SO WOULD YOU AGREE THAT SHERIFF TANNER AND
14 YOURSELF LET OTHER OFFICERS AND SO FORTH JUST TOUR AND
15 TRACK UP AND DOWN IN THE CRIME SCENE, BEING THAT NONE
16 OF YOU ALL -- IF I'M CORRECT, MAYBE I'M NOT -- NONE OF
17 YOU ALL ARE FORENSIC EXPERTS?

18 A THAT WOULD NOT BE A CORRECT STATEMENT

19 Q OKAY WHO DO YOU KNOW THAT WAS AT THAT PARTICULAR
20 LOCATION THAT WAS A FORENSIC EXPERT?

21 A I DIDN'T -- I DIDN'T ANSWER NO TO YOUR FORENSIC --
22 I ANSWERED NO THAT WE WOULDN'T ALLOW PEOPLE JUST TO
23 TRACK UP THE CRIME SCENE

24 Q OKAY BUT WOULD YOU AGREE THAT NOT ANY OF YOU
25 ALL, TANNER -- EXCUSE ME, SHERIFF P J TANNER,

1 LIEUTENANT BROMAGE, MR WALTON, MR BEARD MR HAWTHORN
2 (PHONETIC), SOLICITOR MURDAUGH -- NONE OF YOU ALL ARE
3 FORENSIC EXPERT, IS THAT CORRECT?

4 A I CAN ONLY ANSWER FOR MYSELF AND TELL YOU THAT I
5 AM NOT

6 Q YOU ARE NOT OKAY AND THE SOUTH CAROLINA LAW
7 ENFORCEMENT DIVISION FORENSIC TEAM BY THE TIME THEY GOT
8 THERE, THE SCENE HAD BEEN TOURED BY NUMEROUS OFFICERS
9 FOR THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT, IS THAT
10 CORRECT?

11 A NO, SIR

12 Q IT'S NOT?

13 A NO, SIR

14 Q SO YOU REALLY DIDN'T PREVENT ANYONE FROM
15 UNNECESSARY ENTRY INTO THE ALLEGE CRIME SCENE IS THAT
16 CORRECT?

17 A NO, THAT'S NOT CORRECT

18 Q DO YOU KNOW ANYBODY IN PARTICULAR THAT YOU
19 PREVENTED FROM ENTERING?

20 A I SECURED THE SCENE AND MAINTAINED THE INTEGRITY
21 OF THE ROOM CONCERNED WITH THE SLAIN OFFICERS

22 Q IN YOUR CRIME SCENE LOG I HAD NOTICED THAT YOU HAD
23 NEVER LISTED YOURSELF AFTER YOUR INITIAL ENTRY INTO THE
24 CRIME SCENE I NOTICE THAT YOU DID NOT LIST YOURSELF
25 AS EXITING -- EXITING THE CRIME SCENE, IS THAT CORRECT?

- 1 A I'D HAVE TO REFER TO THE LOG SIR
- 2 Q WOULD YOU REFER? THANK YOU
- 3 A YES, SIR
- 4 (PAUSE)
- 5 A YES, SIR, THE CRIME SCENE LOG AFTER -- AFTER THE
- 6 CHECK -- I'M SORRY AFTER THE CHECK OF THE TRAILER,
- 7 THE CRIME SCENE LOG, IT CLEARLY STATES THAT I EXITED
- 8 WITH LIEUTENANT HORTON AT 18 25 HOURS
- 9 Q AND WHAT TIME DID YOU ENTER BEFORE THAT?
- 10 A I ENTERED AT 18 21 WITH LIEUTENANT HORTON, CAPTAIN
- 11 WALLS AND MORENO, 4 MINUTES PRIOR
- 12 Q AND THEN YOU RETURN AT 20 05, IS THAT CORRECT?
- 13 A YES, SIR
- 14 Q AND YOU EXITED, IS THAT CORRECT?
- 15 A YES, SIR
- 16 Q AND YOU ENTERED AT 20 51, IS THAT CORRECT?
- 17 A YES, SIR
- 18 Q AND YOU EXIT AT 20 55, IS THAT CORRECT?
- 19 A YES SIR
- 20 Q AND YOU EXITED AGAIN AT 21 27, IS THAT CORRECT?
- 21 A I ENTERED AT 21 27 AND EXITED AT 21 28
- 22 Q WELL, ACCORDING TO THIS CRIME SCENE THAT YOU'RE
- 23 LOOKING AT, DOESN'T IT SAY THAT YOU EXITED AT 21 27?
- 24 A IT SAYS I ENTERED AT 21 27, EXITED AT 21 28
- 25 Q IT SAYS YOU ENTER AT WHAT TIME, SIR?

- 1 A 21 27 AND EXIT AT 21 28
- 2 Q AND SOLICITOR MURDAUGH AND THE CORONER ENTER AT
- 3 22 40, IS THAT CORRECT?
- 4 A SOLICITOR MURDAUGH ENTERS AT 22 40, YES SIR
- 5 Q AND COULD YOU DIRECT ME TO WHAT TIME HE EXITED?
- 6 A YES, SIR, HE EXITED AT 23 03
- 7 Q NOW, MR BUKOFFSKY, WHEN THESE OFFICERS ENTERED,
- 8 DID YOU MAKE OBSERVATION OF WHETHER OR NOT THESE
- 9 OFFICERS WAS BRINGING THINGS IN OR TAKING ANYTHING OUT?
- 10 A COULD YOU BE MORE SPECIFIC?
- 11 Q DID YOU NOTICE ANY OFFICERS COLLECTING CASINGS OR
- 12 SHELLS OR ANYTHING TO THAT NATURE?
- 13 A NO, SIR, THEY WERE NOT
- 14 Q SO NO ONE DID?
- 15 A NO SIR
- 16 Q DID ANY OFFICER HAVE PROTECTING GLOVING
- 17 (PHONETIC)?
- 18 A NO, SIR
- 19 Q DID ANY OFFICER HAVE PROTECTING FOOTWEAR?
- 20 A NO, SIR
- 21 Q SO NO ONE TOOK NECESSARY MEASURES TO PREVENT FROM
- 22 TRACKING UP THE ALLEGE CRIME SCENE WITH PROTECTIVE
- 23 GLOVING (PHONETIC) OR PROTECTIVE BOOTIES IS THAT
- 24 CORRECT, AS FAR AS YOU KNOW FROM WHAT YOU SEEN BECAUSE
- 25 YOU WAS RESPONSIBLE FOR, IS THAT CORRECT?

1 A NO SIR THEY COULD NOT -- THEY WERE NOT ALLOWED
2 TO ENTER THE AREA THAT -- THAT WAS WHERE THE OFFICERS
3 WERE, THAT WOULD BE CONSIDERED THE AREA THAT COULD BE
4 CONTAMINATED OR TRANSFERRED

5 Q SO YOU'RE TELLING ME THAT SHERIFF TANNER, COLONEL
6 BROWN, AND THE SOLICITOR, AND LIEUTENANT BROMAGE DID
7 NOT ENTER THE ROOM, IS THAT CORRECT?

8 A THAT'S CORRECT, SIR

9 Q LIEUTENANT BUKOFFSKY, WHEN YOU SAY YOU NORMALLY BE
10 RESPONSIBLE FOR SETTING UP CRIME SCENE TAPE AROUND
11 AREAS WHERE THERE POSSIBILITY THAT EVIDENCE WOULD BE,
12 IS THAT CORRECT?

13 A IF THAT'S MY PARTICULAR JOB THAT DAY, YES, SIR

14 Q WAS YOU NOTIFIED OF ANY FOOTPRINTS BEING BEHIND OR
15 NEAR THE 21 RILEY ROAD RESIDENCE?

16 A NO, SIR

17 Q DID YOU PUT UP ANY TAPE OR ANYTHING BEHIND THE 21
18 RILEY ROAD RESIDENCE?

19 A JUST ALONG THE FENCE THAT'S ACTUALLY PART OF THAT
20 PROPERTY, THAT'S ALL, SIR

21 Q OKAY WITHIN THE FENCE?

22 A YES, SIR

23 Q DID LIEUTENANT SCOTT JOHNSON NOTIFY YOU THAT HE
24 FOUND FOOTPRINTS DIRECTLY BEHIND THE 21 RILEY ROAD
25 RESIDENCE?

- 1 A NOT TO MY KNOWLEDGE, NO, SIR
- 2 Q DO YOU KNOW IF HE NOTIFIED ANYBODY AT THE 21 RILEY
- 3 ROAD RESIDENCE WHO WAS PART OF SECURING THE AREA THAT
- 4 HE FOUND FOOTPRINTS BEHIND THE 21 RILEY ROAD RESIDENCE?
- 5 A NO, SIR, I'M NOT AWARE OF WHAT LIEUTENANT JOHNSON
- 6 WAS DOING
- 7 Q AND YOURSELF OR ANYONE ELSE YOU SAID AS THEY WENT
- 8 INTO THE CRIME SCENE, NO ONE CHANGED THEIR SHOES OR
- 9 ANYBODY BROUGHT ANYBODY ANY BOOTIES, IS THAT CORRECT?
- 10 A WHEN -- WHEN STAFF SERGEANT WHITE AND -- EXCUSE
- 11 ME WHEN STAFF SERGEANT WHITE AND CAPTAIN ROPER CAME
- 12 OUT UPON MY INITIAL ARRIVAL, I HAD THEM TAKE THEIR
- 13 SHOES OFF AND LEAVE THEM ON THE BACK PORCH, BECAUSE
- 14 THEY WERE IN THAT ROOM WHERE THE OFFICERS WERE, AND WE
- 15 LEFT THEM FOR THE SLED FORENSIC TEAM TO CHECK BEFORE WE
- 16 GAVE THEM BACK
- 17 Q AND THAT WAS JUST WHO?
- 18 A THAT WAS STAFF SERGEANT WHITE AND CAPTAIN ROPER
- 19 Q LIEUTENANT BUKOFFSKY, WHEN YOU FENCED IN THE AREA,
- 20 WAS THERE A BLACK TRUCK OR A GREEN PONTIAC GRAND AM IN
- 21 THE YARD SIR?
- 22 A I DON'T REMEMBER A VEHICLE I'M NOT SURE IF THERE
- 23 WAS OR NOT
- 24 Q DID YOU NOTICE WERE THERE ANY VEHICLES OUTSIDE OF
- 25 PATROL CARS OR ANYTHING OR WAS THERE ANY PATROL CARS

- 1 WITHIN THAT YARD?
- 2 A I DON'T REMEMBER ANY VEHICLES AT ALL, SIR
- 3 Q SERGEANT WHITE -- DID YOU TAKE NOTICE WHEN HE LEFT
- 4 AT THE 21 RILEY ROAD RESIDENCE?
- 5 A I'M NOT SURE I UNDERSTAND WHAT YOU'RE ASKING, SIR
- 6 Q I'M ASKING, DID YOU TAKE NOTICE WHEN HE DEPARTED
- 7 FROM THE 21 RILEY ROAD RESIDENCE?
- 8 A YES, SIR, HE'S ONE OF THE ONES THAT I HAD LEAVE
- 9 HIS SHOES BEHIND -- OR HIS BOOTS, ACTUALLY
- 10 Q AND HE TOOK SOME MORE SHOES WITH HIM OR HE JUST
- 11 LEFT BARE FOOTED OR ---
- 12 A LEFT IN HIS SOCKS, YES, SIR
- 13 Q LEFT IN SOCKS AND HE LEFT IN HIS PATROL CAR?
- 14 A I'M NOT SURE WHERE HE WENT WHEN HE LEFT THERE,
- 15 SIR
- 16 Q DO YOU KNOW OF ANY TYPE OF EVIDENCE THAT WAS
- 17 COLLECTED AT THAT PARTICULAR LOCATION AROUND THAT
- 18 LOCATION THAT YOU HAD SET UP THE PERIMETER FOR THE
- 19 CRIME SCENE TAPE THAT YOU WAS IN CHARGE OF? DO YOU
- 20 KNOW OF ANY -- ANY EVIDENCE -- ANY TYPE OF ANY EVIDENCE
- 21 WAS ACTUALLY COLLECTED?
- 22 A ASIDE FROM THAT RESIDENCE?
- 23 Q YES, SIR
- 24 A NO, SIR
- 25 Q DID YOU KEEP THAT SECURITY OVER THE CRIME SCENE --

1 ALLEGE CRIME SCENE AREA UNTIL IT WAS RELEASED TO THE
2 SOUTH CAROLINA LAW ENFORCEMENT DIVISION FORENSIC TEAM?

3 A YES, SIR

4 Q WAS ANYBODY ELSE THAT YOU SHARED THE DUTIES WITH
5 THAT MADE CRIME SCENE LOG?

6 A YES, SIR INITIALLY -- INITIALLY, LIEUTENANT
7 SMITH AND LIEUTENANT WALTON KIND OF SHARED IN THAT
8 RESPONSIBILITY, UNTIL WE COULD GET DUTIES DESCRIBED AND
9 PEOPLE ASSIGNED TO CERTAIN THINGS, AND THAT'S WHEN I
10 TOOK IT

11 Q YOU STATED EARLIER THAT IF I'M CORRECT -- I JUST
12 WANT TO BE CORRECT ON THIS PARTICULAR POINT, SIR, THAT
13 LIEUTENANT COLONEL BROWN WAS ONE THAT NEVER ENTERED THE
14 ALLEGE CRIME SCENE, IS THAT CORRECT?

15 A YOU SAID COLONEL BROWN SIR?

16 Q YES, SIR, COLONEL BROWN

17 A YES, SIR

18 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
19 YOUR HONOR THANK YOU, 'SIR

20 MR MURDAUGH I HAVE NO QUESTIONS, SIR EXCUSE
21 ME I DO HAVE SOME QUESTIONS

22 REDIRECT EXAMINATION BY MR. MURDAUGH.

23 Q REFER TO PAGE 2 OF YOUR REPORT THAT HAS BEEN
24 MARKED DEFENDANT'S EXHIBIT -- DEFENDANT'S EXHIBIT 17
25 IF YOU WILL REFER TO PAGE 2, AND THERE'S A LINE THERE

- 1 SAYS, OFFICERS' NOTES
- 2 A YES, SIR
- 3 Q WHAT'S THAT SAY?
- 4 A IT SAYS, ENTRY INTO THE SCENE AS LOGGED ON THE
- 5 CRIME SCENE WAS RESTRICTED TO THE EXTERIOR AND DID NOT
- 6 INCLUDE THE ROOM THE VICTIMS WERE KILLED IN
- 7 Q SO IF SOMEBODY WAS -- TELL ME, WHAT WAS CONSIDERED
- 8 THE CRIME SCENE?
- 9 A IT WAS INDICATED ON THAT LOG, SIR, THAT THEY MADE
- 10 ENTRY TO THE CRIME SCENE, THAT MEANT THAT THEY WERE
- 11 ALLOWED INSIDE THE FENCED-IN AREA, THAT THEY WERE
- 12 ESCORTED THROUGH THE BACK PORCH, AND ALLOWED TO LOOK
- 13 INTO THE ROOM WHERE THE VICTIMS WERE LAYING
- 14 Q OKAY, SIR WHEN YOU ARRIVED, WAS RICKY ROPER AND
- 15 GEORGE WHITE IN THE ROOM WHERE THE VICTIMS WERE KILLED?
- 16 A YES, SIR
- 17 Q AND DID ANYONE ELSE GO IN THERE AFTER YOU TOOK
- 18 CONTROL OF THE CRIME SCENE BEFORE THE -- BEFORE -- I'M
- 19 TALKING ABOUT IN THE ROOM WHERE THE VICTIMS WERE
- 20 KILLED, DID ANYBODY ELSE ENTER THAT ROOM UNTIL SLED GOT
- 21 THERE AND TOOK OVER?
- 22 A EMS PERSONNEL, SIR
- 23 Q OKAY THAT WOULD BE JOE SCHEAFER?
- 24 A YES, SIR
- 25 Q OKAY ANYBODY ELSE?

1 A NO, SIR

2 MR MURDAUGH THANK YOU, SIR

3 MR ALKEBULANYAHH YES, SIR

4 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

5 Q IN YOUR OFFICER NOTE ENTRY INTO THE SCENE AS
6 LOGGED ON THE CRIME SCENE WAS RESTRICTED TO EXTERIOR
7 AND DID NOT INCLUDE THE ROOM THAT VICTIMS WERE KILLED
8 DID ANYBODY MAKE A CRIME SCENE LOG OF THOSE WHO WENT
9 INSIDE OF THE ROOM AND EXITED? IS THERE A REPORT OR
10 CRIME SCENE LOG?

11 A INTO THE ACTUAL ROOM WHERE THE VICTIMS WERE, SIR?

12 Q YES

13 A THIS -- THIS WAS THE CRIME SCENE LOG AND ONLY --
14 IT ONLY COVERED OUR OFFICERS THAT WERE IN THE THAT ROOM
15 AT THE TIME I HAD ARRIVED AND THEN AFTER THAT IT WOULD
16 HAVE BEEN UP TO SLED TO SAY WHO WAS IN THE ROOM FROM
17 THAT FORENSIC TEAM

18 Q SO IF PEOPLE WAS ACTUALLY GOING IN AND OUT OF THIS
19 ROOM, THEN YOU WOULDN'T HAVE LOGGED IT BECAUSE -- IF
20 I'M CORRECT YOU STATING THIS WAS JUST FOR BEING ON THE
21 GROUNDS, IS THAT CORRECT, WITHIN THE TAPE?

22 A NO, SIR WHAT THIS IS -- WHAT THIS OFFICER NOTE
23 INDICATES AND WHAT THIS LOG WAS FOR WAS ENTRY INTO THE
24 PERIMETER BUT ENTRY INTO THAT ROOM WHERE THE VICTIMS
25 LAY WAS ONLY RESTRICTED -- WAS RESTRICTED TO JUST

1 CAPTAIN ROPER AND SERGEANT WHITE AND EMS PERSONNEL

2 Q COULD YOU STATE WHY NO ONE WAS KEEPING A LOG OF
3 ANY AND EVERYONE THAT WAS ALSO ENTERING INTO THE ROOM?

4 A THERE WAS NO LOG TO KEEP, BECAUSE NO ONE WAS
5 ENTERING IT WAS PART OF MY JOB TO ENSURE THAT NO ONE
6 DID AND NO ONE DID ENTER THAT ROOM

7 Q YOU SAID ROPER AND SOME OTHER PEOPLE DID ENTER,
8 RIGHT?

9 A STAFF SERGEANT WHITE AND CAPTAIN ROPER, WHO WERE
10 IN THAT ROOM UPON MY ARRIVAL

11 Q OKAY AND YOU SAID EMS AND THE CORONER AND PEOPLE
12 CAME AFTER, IS THAT CORRECT?

13 A EMS WAS THE ONLY ONE THAT WENT IN THE ROOM THE
14 CORONER DID NOT GO IN THE ROOM

15 Q CORONER NEVER WENT IN THE ROOM?

16 A NOT TO MY KNOWLEDGE

17 Q SO THERE STILL IS NO EXACT LOG OF THE PEOPLE THAT
18 ENTERED THE ROOM -- A LOG, SOMETHING DOCUMENT TIME --
19 NO MATTER IF ONE SINGLE PERSON WENT IN THAT ROOM,
20 YOU'RE TELLING THERE IS NO LOG FOR THAT, IS THAT
21 CORRECT?

22 A NO, SIR MY -- MY LOG INDICATES THAT ENTRY MADE
23 IN THE TRAILER BY CAPTAIN ROPER AND STAFF SERGEANT
24 WHITE AND STAFF SERGEANT STETTMIER WAS AT 16 47 HOURS
25 AND THEY WERE IN THERE UPON MY ARRIVAL

1 Q SO ---

2 A THAT'S -- THAT'S THE APPROPRIATE PLACE IT WOULD BE
3 DOCUMENTED

4 Q SO YOUR ENTERS -- ENTRIES AND EXITED CONSIST OF A
5 DUAL TYPE OF DEFINITION SO IF I -- IF ONE WERE TO
6 EXIT THE BEDROOM, THEN HE EXIT THAT PARTICULAR AREA IS
7 THAT RIGHT, YOU WOULD LOG IT OUT AS BEING EXITED,
8 RIGHT? EXITED THE ROOM?

9 A IF HE WOULD HAVE EXITED -- IF SOMEBODY WOULD HAVE
10 ENTERED OR EXITED THE SPECIFIC ROOM, THEN I WOULD HAVE
11 INDICATED THEY ENTERED OR EXITED THE BEDROOM WHERE THE
12 VICTIMS WERE OTHERWISE, IT WOULD -- IT WOULD NOT
13 INCLUDE THAT ROOM

14 Q OKAY AND IF YOU -- IF SOMEONE WERE TO ENTER
15 INSIDE THE TAPE AROUND THE FENCE YOU WOULD ENTER THAT
16 THEY ENTER AND EXITED THAT PARTICULAR CRIME SCENE, IS
17 THAT CORRECT?

18 A THAT THEY ENTERED THE SCENE, YES, SIR

19 Q SO PRETTY MUCH THE SAME DEFINITION FOR BOTH
20 SITUATION IS THAT CORRECT, THE EXACT WORDS WOULD BE
21 USED FOR THE SAME SITUATION?

22 A IT WOULD JUST CLEARLY STATE, YES, SIR, WHERE THEY
23 WENT IF IT WAS JUST THAT SCENE IN GENERAL, MY REPORT
24 REFLECTS SCENE -- IF IT SAYS SCENE THEY ENTERED IN BUT
25 DID NOT ENTER INTO THE BEDROOM

- 1 Q OKAY BECAUSE I WAS WONDERING -- I DIDN'T SEE ANY
2 WHERE IN YOUR CRIME SCENE LOG WHERE YOU LIST AND SAID
3 ANYONE ENTERED THE BEDROOM PACIFICALLY (SIC) OR NOT
4 SO THAT WAS KIND OF CONFUSING, BECAUSE ACTUALLY BY THE
5 CRIME SCENE LOG, I THINK -- WOULD YOU AGREE THAT IT --
6 IT'S VERY -- IT WOULD BE DIFFICULT TO DETERMINE WHETHER
7 ONE CAME INTO THE FENCED-IN AREA WHERE YOU PUT THE TAPE
8 AT OR WHETHER ONE CAME INTO THE ROOM INTO THE HOME,
9 WOULDN'T YOU AGREE?
- 10 A NO, SIR
- 11 Q COULD YOU POINT THAT OUT TO MAKE MORE CLEARLY
12 DEFINE ABOUT THE DIFFERENCE BETWEEN EXIT AND ENTER?
- 13 A YES, SIR, THAT WAS THE PURPOSE OF THE OFFICER'S
14 NOTES ENTRY INTO THE SCENE AS LOGGED ON THE CRIME
15 SCENE WAS RESTRICTED TO THE EXTERIOR AND DID NOT
16 INCLUDE THE ROOM THE VICTIMS WERE KILLED IN, THAT WAS
17 THE PURPOSE OF PUTTING THAT STATEMENT IN THIS REPORT
- 18 Q AND SO, THEREFORE, THIS LOG DOES NOT CONFIRM TO
19 ANY ENTRIES INTO THE BEDROOM IS THAT CORRECT?
- 20 A IT INDICATES THAT STAFF SERGEANT WHITE AND CAPTAIN
21 ROPER WERE IN THE TRAILER AT THE TIME, AND I HAVE
22 THROUGH MY TESTIMONY, I THINK, CLEARLY ADVISED YOU THAT
23 I DID SEE THEM IN THAT ROOM UPON MY ARRIVAL TO THAT
24 HOME
- 25 Q BUT MY QUESTION IS IF IT COULD BE ANSWERED IN A

1 YES OR NO FORM ACCORDING TO THIS CRIME SCENE LOG THAT
2 THIS CRIME SCENE LOG WAS NOT ESTABLISHED AND IS NOT
3 ESTABLISHED TO REPRESENT ENTRY AND EXITING OF THE
4 BEDROOM THIS IS FOR THE EXTERIOR ENTRY AND EXITING
5 THE HOME?

6 A THE WHOLE AREA ON RILEY ROAD WAS DESIGNATED AS A
7 CRIME SCENE AREA, WAS TAPED OFF AS SUCH I THINK IT
8 CLEARLY DEFINES -- I THINK THE CRIME SCENE LOG CLEARLY
9 DEFINES ENTRY AND EXIT TO THAT FACILITY WHETHER
10 RESTRICTION WITHIN -- WITHIN THAT PARTICULAR AREA WAS
11 CONTAINED I THINK -- I THINK -- THAT'S WHAT I'M
12 TRYING TO CONVEY TO YOU, SIR, IS THAT THIS LOG CLEARLY
13 SHOWS WHO ENTERED INTO THAT AREA THAT WE MARKED OFF
14 WITH CRIME SCENE TAPE ON RILEY ROAD

15 AND THEN BY VIRTUE OF MY TESTIMONY I CAN TELL YOU
16 THAT THAT IS THE ONLY PEOPLE THAT WERE IN THAT ROOM
17 DURING MY TIME THERE, WHICH WAS VIRTUALLY THE TIME, YOU
18 KNOW, THE FIRST OFFICERS RESPONDED UNTIL FORENSIC TOOK
19 OVER WERE CAPTAIN ROPER AND STAFF SERGEANT WHITE

20 Q SO WHAT WAS THE INTERIOR AREA?

21 A THE INTERIOR AREA WAS EVERYTHING WITH INSIDE THAT
22 CYCLONE FENCE THAT SURROUNDS THAT EDGE OF THAT PIECE OF
23 PROPERTY THERE

24 Q AND THAT INCLUDES THE BEDROOM AS WELL, IS THAT
25 CORRECT?

1 A NO, NOT FROM THE ENTRY ON THESE LOGS, NO, SIR

2 Q BUT AS FAR AS YOU CATEGORIZING THIS LOG SHEET, YOU
3 SAID THIS DID NOT INCLUDE -- I'M SORRY, THIS RESTRICTED
4 -- WAS RESTRICTED ONLY TO THE EXTERIOR -- EXTERIOR MEAN
5 OUTWARD EXTERIOR MEAN OUTWARD IS THAT CORRECT?

6 A I DON'T THINK YOU CAN DEFINE EXTERIOR IN THIS
7 PARTICULAR CASE LIKE THAT

8 Q COULD YOU ---

9 A I CAN'T GIVE YOU A YES OR NO ANSWER I'M TRYING
10 TO SAY ---

11 Q I WOULD LIKE A YES OR NO ANSWER IF I POSSIBLY CAN,
12 BECAUSE I JUST WANT TO KNOW EXTERIOR IS OUTWARD, AND
13 INTERIOR IS INWARD?

14 THE COURT IF YOU CAN ANSWER YES OR NO, THEN ---

15 A THEN I WOULD SAY, YES, TO THAT, SIR

16 Q SO EXTERIOR IS THE THINGS THAT WERE DEALING WITH
17 THE OUTWARDS, CORRECT, OUTSIDE OF THE -- THE WHOLE
18 FENCED-IN AREA WHICH YOU SAY YOU PUT TAPE AT, RIGHT?

19 A NO SIR BECAUSE I THINK I DEFINE EXTERIOR AS
20 BEING THE OUTSIDE OF THAT BEDROOM

21 Q SO YOU LEAVE ROOM TO ---

22 MR MURDAUGH IF YOUR HONOR, PLEASE, WE HAVE GONE
23 INTO THIS ---

24 THE COURT I SUSTAIN THAT OBJECTION

25 MR MURDAUGH NUMEROUS TIMES

STATE VS ALKEBULANYAHH

1 THE COURT I SUSTAIN THAT OBJECTION YOU'VE BEEN
2 THAT ROUTE

3 MR ALKEBULANYAHH I'M GOING TO ASK THIS
4 Q PACIFICALLY (SIC), LIBUTENANT, IT DOES CLEARLY
5 STATE IN YOUR OFFICER NOTE THAT THE CRIME SCENE LOG WAS
6 RESTRICTED TO THE EXTERIOR ---

7 THE COURT YOU'VE ASKED THAT QUESTION ANYTHING
8 FURTHER?

9 MR ALKEBULANYAHH NO, SIR

10 THE COURT ALL RIGHT YOU MAY STEP DOWN

11 (THE WITNESS LEAVES THE WITNESS STAND)

12 MR MURDAUGH YOU MAY COME DOWN I CALL REGINA
13 ATKINS LESLIE ROBINSON WILL BE NEXT

14 THE COURT HOLD ON A SECOND DO YOU ALL NEED A
15 BREAK LADIES AND GENTLEMEN? IF SO, RAISE YOUR HANDS
16 JURORS (SHAKES HEADS)

17 THE COURT ALL RIGHT THANK YOU

18 MR MURDAUGH MAY MR BUKOFFSKY BE EXCUSED?

19 THE COURT ANY OBJECTION?

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

21 THE COURT YOU MAY BE EXCUSED, SIR

22 REGINA ATKINS BEING FIRST

23 DULY SWORN, TESTIFIED AS FOLLOWS

24 DIRECT EXAMINATION BY MR. MURDAUGH.

25 Q YOUR NAME IS REGINA ATKINS?

STATE VS ALKEBULANYAHH

- 1 A YES
- 2 Q AND WOULD YOU SPELL YOUR LAST NAME?
- 3 A A-T-K-I-N-S
- 4 Q OKAY MS ATKINS, WHERE DO YOU NOW LIVE?
- 5 A IN JACKSONVILLE, FLORIDA
- 6 Q OKAY AND DO YOU WORK DOWN THERE?
- 7 A YES, I DO
- 8 Q IN WHAT CAPACITY ARE YOU WORKING? WITH WHOM AND
- 9 IN WHAT CAPACITY?
- 10 A WITH JACKSONVILLE MEMORIAL HOSPITAL, AND I'M A
- 11 PHLEBOTOMIST
- 12 Q OKAY AND A PHLEBOTOMIST IS?
- 13 A I OBTAIN BLOOD SPECIMENS BY SUCCESSFUL VENAL
- 14 PUNCTURE
- 15 Q THAT MEANS YOU STICK NEEDLES IN PEOPLE AND DRAW
- 16 BLOOD OUT?
- 17 A YES SIR I DO
- 18 Q MS ATKINS WHEN DID YOU -- DID YOU USED TO LIVE
- 19 IN BEAUFORT?
- 20 A YES, I DID
- 21 Q AND WHEN DID YOU LEAVE BEAUFORT?
- 22 A IN DECEMBER OF THIS -- OF LAST YEAR
- 23 Q OF 2002?
- 24 A YES
- 25 Q OKAY WERE YOU WORKING IN BEAUFORT ON JANUARY 8,

1 2002?

2 A YES, I WAS

3 Q AND WHERE DID YOU WORK?

4 A AT BEAUFORT MEMORIAL HOSPITAL

5 Q OKAY I ASK YOU WHETHER OR NOT ON THAT DAY IN THE

6 AFTERNOON WERE YOU WORKING?

7 A YES, I WAS

8 Q OKAY AND WHAT WAS YOUR JOB AT BEAUFORT MEMORIAL

9 HOSPITAL?

10 A I WAS A PHLEBOTOMIST ALSO

11 Q OKAY DID THAT AFTERNOON THE DEFENDANT COME INTO

12 THE HOSPITAL?

13 A YES HE DID

14 Q OKAY AND WHAT DID YOU DO TO HIM?

15 A WE DREW BLOOD FROM HIM

16 Q OKAY AND FOR WHAT PURPOSE?

17 A HE CAME IN FOR GUNSHOT WOUNDS, I BELIEVE AND I

18 WAS SUMMONSED BY THE DOCTOR TO DRAW BLOOD FROM HIM

19 Q OKAY AND DID YOU DRAW BLOOD?

20 A YES, I DID

21 Q OKAY AND SO THERE WON'T BE ANY QUESTION ABOUT

22 WHO YOU'RE TALKING ABOUT DESCRIBE FOR THE JURY FOR ME

23 PLEASE WHO YOU DREW THE BLOOD FROM?

24 A HE WAS A GENTLEMAN, A BLACK MALE, I GUESS AROUND

25 MIDDLE AGE, WITH DREDLOCKS, GOATEE, KIND OF FAIR

- 1 COMPLETED NOT VERY HEAVY IN WEIGHT
- 2 Q DO YOU SEE HIM IN THE COURTROOM?
- 3 A YES, I DO
- 4 Q AND WHERE IS HE?
- 5 A OVER THERE
- 6 Q YOU'RE POINTING TO YOUR RIGHT?
- 7 A TO MY RIGHT -- OFF TO MY RIGHT
- 8 Q ARE YOU TALKING ABOUT THE FELLOW STANDING UP THERE
- 9 AT THE TABLE?
- 10 A YES
- 11 Q OKAY YOU DREW BLOOD FROM HIM?
- 12 A YES
- 13 Q DID YOU LABEL THAT BLOOD?
- 14 A YES, I DID
- 15 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
- 16 THIS PLEASE?
- 17 A YES
- 18 Q WHAT IS THAT?
- 19 A THIS IS A LABEL THAT WE USE TO PUT ON OUR
- 20 SPECIMENS, AND THE BAR CODE IS USED TO READ THE TEST
- 21 AND IDENTIFY THE SPECIMEN IN THE COMPUTER
- 22 Q OKAY DID YOU PREPARE THAT LABEL?
- 23 A YES, I DID
- 24 Q AND DID YOU PUT IT ON ANYTHING?
- 25 A YES, I DID I PUT IT ON THE TUBE

1 Q ON WHAT?

2 A ON THE BLOOD SPECIMEN, WHICH IS A TUBE

3 Q THE TUBE OF BLOOD?

4 A YES

5 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER

6 THIS AS AN EXHIBIT

7 THE COURT ANY OBJECTION?

8 MR ALKEBULANYAHH YES, SIR, OBJECTION YES,

9 SIR, I HAVE OBJECTION, YOUR HONOR

10 THE COURT APPROACH SIDE BAR

11 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

12 OUT OF THE HEARING OF THE JURY)

13 Q MS ATKINS ---

14 THE COURT HOLD ON SUSTAINED AT THIS POINT

15 YOU MAY ASK SOME MORE QUESTIONS

16 Q MS ATKINS, THE PERSON THAT YOU DREW THE BLOOD

17 FROM IS WHO?

18 A IS -- I CAN'T PRONOUNCE HIS LAST NAME IT'S VERY

19 LONG

20 Q I MEAN, WHAT -- IS HE IN HERE?

21 A YES, HE IS

22 Q WHO IS HE?

23 A THE GENTLEMAN OVER THERE WITH THE WHITE SHIRT ON

24 Q OKAY NOW, AT THE TIME YOU DREW THE BLOOD, DID

25 YOU HAVE AN IDENTIFICATION?

1 MR ALKEBULANYAHH OBJECTION YOUR HONOR,
2 LEADING
3 THE COURT SORRY?
4 MR MURDAUGH I ASKED DID SHE HAVE AN
5 IDENTIFICATION OF HIM?
6 THE COURT NO I'LL ALLOW IT GO AHEAD
7 A NO, SIR, AT THE TIME WE DIDN'T WHEN THEY COME IN
8 AND THE IDENTIFICATION IS NOT FULLY ESTABLISHED, WE
9 GIVE THEM A SESSION NUMBER, WHICH IS A E R TRAUMA
10 NUMBER
11 Q AND IS THAT NUMBER ON THIS LABEL?
12 A NO SIR
13 Q OKAY DID YOU LATER COME TO BELIEVE HE WAS A
14 PARTICULAR PERSON?
15 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
16 THE COURT YES, SIR
17 MR ALKEBULANYAHH HE ASKING HER WHAT SHE LATER
18 MAY OBTAIN TO BE INSTEAD OF ASKING WHO THE PERSON IS
19 THE COURT RESTATE YOUR QUESTION
20 MR MURDAUGH I ASKED HER IF SHE LATER CAME TO
21 KNOW WHO THE PERSON -- WAS SHE LATER GIVEN AN
22 IDENTIFICATION?
23 A YES, WE WERE
24 THE COURT I'LL ALLOW THAT QUESTION GO AHEAD
25 Q WERE YOU LATER GIVEN AN IDENTIFICATION FOR THAT

STATE VS ALKEBULANYAHH

1 FELLOW OVER THERE?

2 A YES, SIR, WE DID

3 Q OKAY AND WHERE DID THAT IDENTIFICATION COME

4 FROM?

5 A FROM THE E R REGISTRATION OFFICE

6 Q OKAY AND WHAT WAS THE NAME THAT YOU WERE GIVEN

7 FOR HIM?

8 A I CAN'T PRONOUNCE HIS NAME I'M SORRY BUT I

9 KNOW ---

10 Q IF YOU CAN'T PRONOUNCE IT, SPELL IT, PLEASE?

11 A A-L-K-E-B-U-L-A-N-Y-A-H-H, N-Z-U-R-I,

12 BATH B-A-T-H

13 Q OKAY AND IS THAT HOW THE BLOOD WAS LABELED?

14 A YES, THAT WAS

15 MR MURDAUGH YOUR HONOR, PLEASE, I NOW OFFER IT

16 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

17 THE COURT APPROACH SIDE BAR

18 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

19 OUT OF THE HEARING OF THE JURY)

20 THE COURT LADIES AND GENTLEMEN, STRIKE THE

21 QUESTION AND ANSWER ABOUT WHETHER THEY FOUND SOME

22 INFORMATION OUT FROM ANOTHER OFFICE AND THE RESPONSE

23 THAT THEY FOUND OUT

24 MA'AM, YOU INDICATED THAT THAT WAS THE VILE THAT

25 YOU PUT IN THAT ENVELOPE?

1 WITNESS YES
2 THE COURT ALL RIGHT I'LL ALLOW IT IN STATE'S
3 22 OVER THE DEFENDANT'S OBJECTION
4 (PLASTIC SLED EVIDENCE BAG CONTAINING SMALL BROWN
5 ENVELOPE "SEROLOGY/DNA" LABEL MARKED IN EVIDENCE AS
6 STATE'S EXHIBIT NO 22)
7 Q SO THERE WON'T BE ANY QUESTION, MS ATKINS,
8 STATE'S EXHIBIT NO 22 THERE IS A LABEL ON THAT LITTLE
9 SHEET
10 A UH-HUH
11 Q DID YOU PREPARE THAT LABEL?
12 A YES I DID
13 Q OKAY DID YOU PUT IT ON A VILE?
14 A YES I DID
15 Q AND WHOSE BLOOD WAS IN THE VILE THAT YOU PUT IT
16 ON?
17 A MR A ---
18 Q YOU'VE GOT TO TALK A LITTLE BIT LOUDER
19 A MR ALKEBULANYAHH NZURI BATH -- I CAN'T PRONOUNCE
20 IT I'M SORRY
21 Q AND WHO IS THAT?
22 A THAT IS THE YOUNG MAN OVER THERE
23 Q OKAY SO THE BLOOD CAME OUT OF THAT FELLOW OVER
24 YONDER?
25 A YES IT DID

)

STATE VS ALKEBULANYAHH

1 Q OKAY WHAT DID YOU DO WITH THE BLOOD AFTER YOU
2 DREW IT AND LABELED IT?

3 A I SENT IT OVER FROM THE E R TO THE LAB, WENT
4 THROUGH OUR PNEUMATIC TUBE SYSTEM

5 Q OKAY

6 A AND AFTER THAT, IT WAS -- ONE OF THE TECHS, LESLIE
7 ROBINSON, RECEIVED IT AND BEGAN TO PROCESS IT

8 Q OKAY AND DID YOU GO TO THE LAB?

9 A YES

10 Q OKAY DID SOMEBODY COME TO THE LAB ASKING FOR
11 ANYTHING?

12 A YES MR PURDY DID, JEFF PURDY

13 Q AND WHAT DID HE ASK FOR?

14 A HE ASKED FOR -- TO RECEIVE A SPECIMEN -- ONE OF
15 THE SPECIMENS THAT WE HAD ALREADY COLLECTED FROM MR
16 BATH AND HE ALSO HAD A SEARCH WARRANT TO RECEIVE THAT
17 SPECIMEN

18 Q OKAY AND DID YOU GIVE HIM THE VILE THAT THAT
19 LABEL WAS ON?

20 A YES

21 MR MURDAUGH OKAY THANK YOU, MA'AM ANSWER
22 ANY QUESTIONS HE MAY HAVE

23 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

24 Q GOOD EVENING, MS ATKINS

25 A HI

1 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
2 THE COURT YES
3 Q MS ATKINS, ARE YOU FAMILIAR WITH THIS DOCUMENT?
4 A YES I AM
5 Q DOES YOUR NAME APPEAR ON THAT DOCUMENT?
6 A YES, IT DOES
7 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
8 OFFER THIS INTO EVIDENCE
9 THE COURT SHOW IT TO THE OTHER SIDE
10 (PAUSE)
11 MR MURDAUGH I HAVE NO PROBLEM WITH THIS SIR
12 THE COURT ALL RIGHT DEFENDANT'S 18 IN EVIDENCE
13 WITHOUT OBJECTION
14 (SEARCH WARRANT FOR VILE OF BLOOD, 4 PAGES, MARKED
15 IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 18)
16 Q MS ATKINS
17 A YES
18 Q THE DOCUMENT THAT YOU HAVE BEFORE YOU IS A RETURN
19 SEARCH WARRANT, IS THAT CORRECT?
20 A YES
21 Q THAT YOU WAS INVOLVED WITH?
22 A UH-HUH
23 Q AND THE BLOOD VILE THAT YOU LISTED -- THIS IS A
24 SWORN AFFIDAVIT IS THAT CORRECT?
25 A YES

STATE VS ALKEBULANYAHH

1 Q AND IT LIST THE PERSON THAT THE BLOOD WAS TAKEN
2 FROM WAS NZURI -- N-Z-U-R-I -- BATH ALKEBULANYAHH IS
3 THAT CORRECT?

4 A YES, THAT IS CORRECT

5 Q AND AT ANY TIME THAT YOU AWARE THAT NZURI BATH
6 ALKEBULANYAHH WAS ALSO A SUSPECT AT THE 21 RILEY ROAD
7 RESIDENCE, IS THAT CORRECT?

8 A I DON'T QUITE UNDERSTAND YOUR QUESTION

9 Q ARE YOU AWARE THAT THERE WAS TWO ALKEBULANYAHH?

10 A NO

11 Q YOU WASN'T OKAY BUT THIS PARTICULAR
12 ALKEBULANYAHH WAS A FEMALE ARE YOU AWARE OF THAT?

13 A NO

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

16 MR MURDAUGH ONE LAST QUESTION

17 REDIRECT EXAMINATION BY MR. MURDAUGH.

18 Q AT THE TIME YOU DREW THE BLOOD AND LABELED IT
19 NZURI BATH ALKEBULANYAHH, WHO DID YOU THINK NZURI BATH
20 ALKEBULANYAHH WAS?

21 A THE GENTLEMAN THAT I DREW BLOOD FROM OVER THERE

22 Q IS THAT THE BLOOD THAT WENT IN THAT VILE?

23 A YES, IT IS

24 MR MURDAUGH THANK YOU

25 THE COURT YOU MAY STEP DOWN, MA'AM THANK YOU

1 (THE WITNESS LEAVES THE WITNESS STAND)
2 MR MURDAUGH MAY MS ATKINS BE EXCUSED?
3 THE COURT ANY OBJECTION?
4 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION
5 THE COURT YOU MAY BE EXCUSED MA'AM
6 MR MURDAUGH WE CALL LESLIE ROBINSON
7 LESLIE W ROBINSON BEING
8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
9 DIRECT EXAMINATION BY MR MURDAUGH
10 Q YOUR FULL NAME PLEASE, MA'AM?
11 A LESLIE WILLIAMS ROBINSON
12 Q AND, MS ROBINSON, WHERE DO YOU WORK?
13 A I WORKED AT BEAUFORT MEMORIAL HOSPITAL FROM 2001
14 TO 2003
15 Q OKAY THANK YOU, MA'AM WERE YOU WORKING THERE
16 ON -- AND WHAT DO YOU DO WITH BEAUFORT MEMORIAL
17 HOSPITAL?
18 A I AM A MEDICAL LAB TECHNICIAN, I RUN THE TESTS IN
19 THE LABORATORY
20 Q ON WHAT?
21 A ON BODY FLUIDS
22 Q OKAY
23 A THAT INCLUDES BLOOD, URINE, AND SPINAL FLUIDS
24 Q OKAY I ASK YOU WHETHER OR NOT ON JANUARY 8, 2002
25 YOU HAD AN OCCASION TO RECEIVE A VILE OF BLOOD THROUGH

1 THE PNEUMATIC TUBE BEARING -- BEARING THE LABEL THAT'S
 2 CONTAINED INSIDE STATE'S EXHIBIT 22?
 3 A YES, SIR
 4 Q OKAY AND DID YOU DO ANYTHING WITH THAT BLOOD?
 5 A I RAN THE TEST ORDERED
 6 Q OKAY AT SOME POINT IN TIME WAS REGINA ATKINS IN
 7 THE LAB WITH YOU?
 8 A YES, SIR
 9 Q AND DID SOMEBODY COME WITH A SEARCH WARRANT THAT
 10 IS STATE'S EXHIBIT -- EXCUSE ME, DEFENDANT'S EXHIBIT 18
 11 ASKING FOR BLOOD?
 12 A YES, SIR
 13 Q AND DID REGINA ATKINS GET THAT BLOOD AND TURN IT
 14 OVER TO ANYBODY?
 15 A YES, SIR
 16 Q AND DO YOU KNOW WHO SHE TURNED IT OVER TO?
 17 A DETECTIVE PURDY
 18 MR MURDAUGH THANK YOU, MA'AM ANSWER ANY
 19 QUESTIONS THEY MAY HAVE
 20 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
 21 Q MS ROBINSON, IS THAT CORRECT?
 22 A YES, SIR
 23 Q MS ROBINSON WERE YOU AWARE THAT THE SEARCH
 24 WARRANT THAT WAS ATTAINED (SIC) FOR THE VILE OF BLOOD
 25 WAS INACCURATE?

STATE VS ALKEBULANYAHH

1 A NO, SIR

2 Q WAS YOU AWARE THAT THE SEARCH WARRANT THAT WAS
3 ATTAINED (SIC) FOR THE VILE OF BLOOD HAD A NAME ON IT
4 OTHER THAN THE PERSON THAT IS ALLEGE TO HAVE HAD THE
5 BLOOD WITHDRAWN?

6 A I'M SORRY I DON'T UNDERSTAND YOUR QUESTION

7 Q ARE YOU AWARE -- ARE YOU AWARE THAT THE BLOOD THAT
8 WAS ALLEGEDLY DRAWN -- WITHDRAWN FROM THE PERSON HAD A
9 NAME ON IT OTHER THAN THE PERSON WHO THE BLOOD
10 BELONGED?

11 A YES SIR

12 Q OKAY AND THE PERSON NZURI BATH ALKEBULANYAHH,
13 WAS THE NAME THAT THE BLOOD WAS WITHDRAWN, IS THAT
14 CORRECT?

15 A THAT WAS THE NAME THAT WAS ON THE VILE YES, SIR

16 Q AND ARE YOU AWARE THAT MS NZURI BATH
17 ALKEBULANYAHH WAS ALSO IN THE BEAUFORT MEMORIAL
18 HOSPITAL ON JANUARY 8?

19 A NO SIR

20 Q DID ANYONE EVER TELL YOU AT ANY TIME THAT THE
21 WARRANT WAS SEIZED FOR THE WRONG PERSON?

22 A NO, SIR

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

25 MR MURDAUGH MAY MS ROBINSON BE EXCUSED?

1 THE COURT ANY OBJECTION?

2 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR

3 HONOR

4 THE COURT YOU MAY BE EXCUSED

5 (THE WITNESS LEAVES THE WITNESS STAND)

6 MR MURDAUGH WE CALL DAVID RANDALL

7 THE COURT LET'S GO AHEAD AND TAKE OUR AFTERNOON

8 BREAK

9 MR MURDAUGH I'M SORRY

10 THE COURT LET'S GO AHEAD AND TAKE OUR AFTERNOON

11 BREAK

12 I'LL SEND YOU TO THE JURY ROOM LADIES AND

13 GENTLEMEN DO NOT DISCUSS THE CASE IN ANY WAY THANK

14 YOU VERY MUCH

15 (THE JURY RETIRES TO THE JURY ROOM AT 3 13 P M)

16 (A RECESS WAS TAKEN)

17 THE COURT ARE YOU READY TO PROCEED?

18 MR MURDAUGH THE STATE IS

19 MR ALKEBULANYAHH DEFENSE IS

20 THE COURT BRING THE JURY IN PLEASE

21 (PAUSE)

22 MR MURDAUGH JUDGE, I HAD DAVID RANDALL

23 SUBPOENAED TO BE IN COURT HE WAS GOING TO TESTIFY

24 THAT HE WAS THE AFFIANT ON THE SEARCH WARRANT IT WAS

25 INTRODUCED BY THE DEFENDANT PRIOR TO GETTING TO THAT

STATE VS ALKEBULANYAHH

1 POINT SO I WOULD ASK THAT HE BE RELEASED FROM HIS
2 SUBPOENA AT THIS TIME, SIR

3 THE COURT ANY OBJECTION?

4 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

5 THE COURT ALL RIGHT HE'S RELEASED FROM THE
6 SUBPOENA

7 (THE JURY RETURNS TO THE COURTROOM AT 3 35 P M)

8 THE COURT THANK YOU PLEASE BE SEATED

9 MR MURDAUGH JEFF PURDY

10 JEFFREY A PURDY BEING

11 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

12 DIRECT EXAMINATION BY MR. MURDAUGH.

13 Q GIVE US YOUR FULL NAME PLEASE, SIR?

14 A JEFFREY ALLEN PURDY

15 Q MR PURDY BY WHOM ARE YOU EMPLOYED?

16 A THE BEAUFORT COUNTY SHERIFF'S OFFICE

17 Q AND WERE YOU SO EMPLOYED ON JANUARY 8, 2002?

18 A YES, SIR, I WAS

19 Q WERE YOU INVOLVED IN THE INVESTIGATION IN TO THE
20 DEATHS OF OFFICERS COURSEN AND TATE?

21 A YES, SIR, I WAS

22 Q I ASK YOU WHETHER OR NOT AT SOME POINT IN TIME THE
23 SEARCH WARRANT, WHICH IS MARKED DEFENSE EXHIBIT 11
24 (SIC), WAS OBTAINED BY DAVID RANDALL AND GIVEN TO YOU
25 TO SERVE?

STATE VS ALKEBULANYAHH

- 1 A YES, SIR, IT WAS
- 2 Q AND WHAT WERE YOU SEEKING?
- 3 A A VILE OF BLOOD
- 4 Q OKAY, SIR DID YOU GO TO THE BEAUFORT HOSPITAL?
- 5 A YES, I DID
- 6 Q DID YOU SERVE THE SEARCH WARRANT ON ANY PERSON?
- 7 A YES, I DID
- 8 Q AND WHO WAS THAT?
- 9 A LESLIE ROBINSON AND REGINA ATKINS
- 10 Q OKAY AND DID YOU OBTAIN A VILE OF BLOOD FROM
- 11 THEM?
- 12 A YES, I DID
- 13 Q OKAY, SIR I ASK YOU WHETHER OR NOT THE VILE OF
- 14 BLOOD THAT YOU OBTAINED FROM THEM HAD THE LABEL THAT IS
- 15 SHOWN ON STATE'S EXHIBIT 22?
- 16 A YES, SIR, IT WAS IT WAS ON A LAVENDER VILE OF
- 17 BLOOD
- 18 Q OKAY, SIR BUT DID IT HAVE THAT LABEL ON IT
- 19 THAT'S SHOWN IN STATE'S EXHIBIT 22?
- 20 A YES, SIR, IT DID
- 21 Q DID -- WHAT -- AFTER RECEIVING THAT BLOOD FROM
- 22 REGINA ATKINS AND LESLIE ROBINSON, WHAT DID YOU DO WITH
- 23 IT?
- 24 A I SECURED IT IN MY JEEP
- 25 Q DID YOU GIVE IT TO ANYBODY LATER?

1 A UNTIL THE NEXT MORNING AND THE NEXT MORNING, THE
2 FIRST THING IN THE MORNING WHEN I GOT TO WORK, I GAVE
3 IT TO MASTER SERGEANT JOHN KEOUGH

4 Q OKAY, SIR NOW, THE LABEL THAT'S SHOWN ON THAT,
5 SHOWS NZURI BATH ALKEBULANYAHH?

6 A YES, SIR

7 Q DO YOU KNOW WHERE THAT NAME CAME FROM?

8 A YES, SIR

9 Q PLEASE TELL THE LADIES AND GENTLEMEN OF THE JURY
10 HOW THAT NAME CAME TO BE ON THAT LABEL?

11 A I OBTAINED AN IDENTIFICATION CARD WITH THAT NAME
12 ON IT SOUTH CAROLINA DRIVER'S LICENSE OR I D I CAN'T
13 REMEMBER FOR SURE AND I TOOK IT, AND I THOUGHT THAT
14 IT WAS THE DEFENDANT AT THAT TIME I BASICALLY ASSUMED
15 IT WAS I SHOWED IT TO SEVERAL OTHER PEOPLE AND THEY
16 SAID IT LOOKED LIKE HIM IT LOOKED LIKE HIM

17 AT THE TIME I SAW THE DEFENDANT, HE HAD -- HE'S
18 BEING WORKED ON BY EMS I REALLY COULDN'T GET A GOOD
19 LOOK AT HIM SO I WAS BASICALLY IDENTIFYING HIM FROM
20 HIS SIDE AND THE BACK OF HIS HAIR I ASSUMED THAT, AND
21 CARRIED THAT TO BEAUFORT MEMORIAL HOSPITAL WITH ME I
22 SHOWED IT TO SEVERAL OTHER PEOPLE, AND THEY WERE --
23 THEY BASICALLY CONCURRED, BELIEVING THAT THAT WAS
24 POSSIBLY THE INDIVIDUAL THAT WE WERE DEALING WITH
25 HOWEVER WE FOUND OUT LATER THAT IT WASN'T

- 1 Q OKAY AND DO YOU KNOW -- WAS THE BLOOD DRAWN IN
2 YOUR PRESENCE OR DID YOU COME UP AFTERWARDS?
- 3 A I WAS THERE I WAS IN THE ROOM THE WHOLE TIME I
4 CAN'T TELL YOU EXACTLY IF IT WAS DRAWN IN MY PRESENCE
5 I BELIEVE IT WAS, BUT I DON'T KNOW FOR SURE, AND I
6 CAN'T ANSWER THAT
- 7 Q DO YOU KNOW NZURI BATH ALKEBULANYAHH?
- 8 A I DO NOW
- 9 Q OKAY, SIR WAS SHE ARRESTED THAT NIGHT?
- 10 A UNDER THE NAME OF MONICA DEJESUS
- 11 Q OKAY WAS SHE PLACED IN JAIL THAT NIGHT?
- 12 A YES, SHE WAS
- 13 Q WAS SHE EVER AT THE BEAUFORT MEMORIAL HOSPITAL?
- 14 A NO, SIR
- 15 Q NOW, THE PERSON -- DID YOU EVER TAKE ANY
16 FINGERPRINTS FROM ANYBODY IN THIS CASE?
- 17 A YES, I DID
- 18 Q AND WHO WAS THAT?
- 19 A THE DEFENDANT
- 20 Q TELL ME WHO YOU'RE TALKING ABOUT SO THE LADIES AND
21 GENTLEMEN OF THE JURY WILL KNOW?
- 22 A IT WAS TYREE ROBERTS, ALSO KNOWN AS MR ---
- 23 Q ALKEBULANYAHH?
- 24 A --- ALKEBULANYAHH
- 25 Q OKAY, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH JUST ONE MOMENT PLEASE, SIR
2 (PAUSE)
3 Q CAN YOU TELL US WHAT YOU DID TO THE DEFENDANT?
4 A AT BEAUFORT MEMORIAL HOSPITAL?
5 Q YES, SIR
6 A PROCESS HIS HAND WITH THE GUNSHOT RESIDUE EVIDENCE
7 COLLECTION KIT I CLIPPED HIS FINGERNAILS ON BOTH
8 HANDS AND I FINGERPRINTED HIM BECAUSE WE DIDN'T KNOW
9 EXACTLY WHO HE WAS LIKE I SAID EARLIER, WE ASSUMED HE
10 WAS NZURI BATH, BUT WE DIDN'T KNOW FOR SURE I
11 FINGERPRINTED HIM SO WE KNEW EXACTLY WHO HE WAS
12 Q OKAY, SIR AND WHEN YOU FINGERPRINTED HIM, HOW
13 DID YOU GO ABOUT DOING THAT?
14 A HE WAS -- HE WAS UNCONSCIOUS AT THE TIME I GUESS
15 HE WAS UNDER SOME MEDICATION
16 Q PLEASE TALK LOUDLY ENOUGH SO ALL THESE LADIES AND
17 GENTLEMEN CAN HEAR YOU
18 A HE WAS NOT CONSCIOUS AT THE TIME HE WAS UNDER --
19 I ASSUME -- SOME SORT OF MEDICATION AND WHEN SOMEONE
20 CANNOT ASSIST YOU IN RUNNING THEIR PRINTS, YOU CUT THE
21 FINGERPRINT CARD UP AND USE A -- IT'S A SPOON AND YOU
22 FILE THE CARD THROUGH THE SPOON AND YOU BASICALLY GET
23 INK ON THEIR FINGER, AND YOU STICK IT IN THE SPOON
24 AND THEN GET INK ON THEIR NEXT FINGER, AND YOU STICK IT
25 IN THE SPOON YOU DO IT FOR ALL HIS FINGERS AND THEN

1 YOU DO REGULAR FINGERPRINTS ON THE FINGERS

2 Q OKAY, SIR I SHOW YOU AN ITEM AND ASK YOU IF YOU
3 CAN IDENTIFY THIS, SIR?

4 A YES, SIR, THESE ARE THE -- THIS IS THE FINGERPRINT
5 CARD THAT I CUT UP TO FINGERPRINT THE DEFENDANT

6 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
7 THIS AS AN EXHIBIT

8 THE COURT ANY OBJECTION?

9 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

10 THE COURT YOUR OBJECTION?

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT WHAT'S YOUR OBJECTION?

13 MR ALKEBULANYAHH I'D LIKE FOR THE EVIDENCE TO

14 -- TO -- TO -- THEY OFFERED THEM WAS MY PRINTS

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 OVERRULED STATE'S EXHIBIT NO 23 IN
19 EVIDENCE SUBJECT TO THE EXCEPTION OF THE DEFENDANT

20 (SHEET WITH FINGERPRINTS MARKED IN EVIDENCE AS
21 STATE'S EXHIBIT NO 23)

22 Q MR PURDY WHAT DID YOU DO WITH THESE FINGERPRINTS
23 AFTER YOU ROLLED THEM FROM THE DEFENDANT, MR
24 ALKEBULANYAHH?

25 A I TURNED THEM OVER TO AGENT DAVID CROW (PHONETIC)

STATE VS ALKEBULANYAHH

1 WITH THE FBI TO TURN OVER TO CHRIS WILSON WITH THE
2 SHERIFF'S OFFICE

3 Q BUT THESE ARE THE PRINTS THAT YOU DREW -- I MEAN
4 ROLLED?

5 A THAT'S MY SIGNATURE ON THE BACK, YES, SIR

6 MR MURDAUGH OKAY, SIR THANK YOU ANSWER ANY
7 QUESTIONS HE MAY HAVE PLEASE

8 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q MR PURDY, YOU MADE A SUPPLEMENTAL REPORT AND WHO
10 DID YOU STATE WAS YOUR COMPLAINTANT (PHONETIC)?

11 A I PUT ON THE SUPPLEMENTAL REPORT IT WAS STRAWBERRY
12 WASHINGTON

13 Q AND HOW DID YOU CAME TO THAT CONCLUSION?

14 A ONE OF TWO WAYS I EITHER GOT IT FROM THE
15 ORIGINAL INCIDENT REPORT OR I GOT IT THROUGH THE SYSTEM
16 THAT WE HAVE AT THE SHERIFF'S OFFICE THROUGH DISPATCH
17 AND I CAN'T TELL YOU WHICH WAY I GOT IT IT WAS ONE OF
18 THE TWO

19 Q MR PURDY, DID YOU HAVE THE OPPORTUNITY TO BE
20 PRESENT AT THE APPREHENSION OF MR ALKEBULANYAHH, THE
21 DEFENDANT IN THIS CASE?

22 A YES, I DID

23 Q AND DID YOU OBSERVE OTHER OFFICERS PRESENT?

24 A YES, I DID

25 Q COULD YOU NAME THOSE WHO YOU OBSERVED THAT WAS

STATE VS ALKEBULANYAHH

1 PRESENT?

2 A LIEUTENANT COLONEL BROWN, SERGEANT BILL GREEN,
3 STAFF SERGEANT AVERILL, WHO WAS WITH ME, WE DROVE
4 TOGETHER, LANCE CORPORAL DENHAM, LIEUTENANT MADDOX
5 LANCE CORPORAL KEITH GREGG, CORPORAL ALLEN LANGFORD
6 SERGEANT REYES, DEPUTY SHERIFF NIEVES, EMS WAS THERE
7 OFFICER ROGER KARR WAS THERE THAT'S ALL I CAN THINK
8 OF AT THIS TIME

9 Q WHO YOU SAY YOU DROVE WITH?

10 A STAFF SERGEANT AVERILL

11 Q AVERILL?

12 A MATT AVERILL

13 Q ARE YOU FAMILIAR WITH A BENJI COOK, IS THAT
14 CORRECT?

15 A THAT'S CORRECT YES HE'S A GOOD FRIEND OF MINE

16 Q HE'S A GOOD FRIEND OF YOURS DID HE HAPPEN TO
17 CONTACT YOU ON JANUARY 8, 2002?

18 A HE DID HE CALLED ME BY CELL PHONE

19 Q AND TELL ME WHAT THE CONTENTS OF THAT CONVERSATION
20 WAS ABOUT?

21 A HE CALLED ME TO ASK ME WHAT WAS GOING ON OUT THERE
22 OFF OF JOE FRAZIER ROAD HE'D RECEIVED A PHONE CALL
23 FROM ONE OF HIS OTHER FRIENDS BRYAN NAGEL, WHO I KNEW
24 THROUGH BENJI BRYAN HAD CALLED HIM WONDERING WHAT WAS
25 GOING ON BENJI CALLED ME TO FIND OUT WHAT WAS GOING

1 ON

2 Q AND WHAT DID THEY -- WHAT DID YOU TELL HIM WAS
3 GOING ON?

4 (PAUSE)

5 A I DON'T KNOW IF I TOLD HIM ANYTHING I MAY HAVE
6 TOLD HIM THAT TWO OFFICERS WERE SHOT BUT I DON'T KNOW
7 IF I TOLD HIM ANYTHING I THINK I WAS IN THE LISTENING
8 MODE, TRYING TO GET FROM THE COURTHOUSE IS WHERE I WAS
9 WHEN I LEARNED ABOUT DANA AND A J 'S DEATH I WAS
10 TRYING TO GET FROM HERE TO THERE

11 AND BENJI COOK BASICALLY PUT ME ON JOE FRAZIER
12 ROAD THERE WAS A LOT OF RADIO TRAFFIC COMMUNICATION
13 DEALING WITH THE PERIMETER, TRYING TO GET SET UP FOR
14 THE DOGS, SO ON AND SO FORTH IT WAS PRETTY CONFUSING
15 ON THE RADIO

16 I FELT LIKE I HAD A DIRECT LINK WHEN BENJI CALLED
17 ME AND SAID THAT THERE WAS AN INDIVIDUAL ON JOE FRAZIER
18 ROAD SO I WENT STRAIGHT THERE

19 AS I WAS TURNING ONTO JOE FRAZIER ROAD, THAT'S
20 WHEN I THAT -- ACTUALLY, I'D ALREADY -- I BELIEVE I
21 PROBABLY ALREADY BEEN ON JOE FRAZIER ROAD STAFF
22 SERGEANT AVERILL AND I -- WHEN LIEUTENANT COLONEL BROWN
23 AND SERGEANT BILL GREEN HAD PUT THEIR HANDCUFFS ON YOU
24 THEY HAD FOUND YOU UNDER THE BRIDGE AND HAD ARRESTED
25 YOU AT THAT POINT OR DETAINED YOU

1 Q DID MR -- MR -- MR COOK -- HE DIRECTED YOU TO
2 THE JOE FRAZIER ROAD, IS THAT WHAT YOU SAID?

3 A HE -- HE DIDN'T DIRECT ME THERE HE TOLD ME WHAT
4 BRYAN NAGEL HAD OBSERVED, WHICH LED ME TO BELIEVE THAT
5 THAT WAS ACCURATE INFORMATION I WAS GOING TO JOE
6 FRAZIER ROAD TO TRY AND HELP

7 Q COULD YOU TELL ME WHAT BRYAN NAGEL HAD OBSERVED?

8 A WELL, BRYAN TOLD ME HE BASICALLY OBSERVED A BLACK
9 MALE WITH DREDLOCKS -- I BELIEVE HE CALLED IT A WHEAT
10 COLORED SHIRT OR JACKET, DARK JEANS, IN THE -- IN THE
11 MARSH ON JOE FRAZIER ROAD ACTUALLY, THE NEXT DAY I
12 WENT OUT THERE WITH HIM TO MAKE SURE EXACTLY WHERE HE
13 SAW THIS I MET WITH HIM THE NEXT DAY I NEVER TALKED
14 WITH HIM ON THE 8TH OF JANUARY I TALKED TO HIM ON THE
15 9TH OF JANUARY

16 Q AND WHEN YOU ARRIVED ON THE JOE FRAZIER ROAD
17 BRIDGE, IF I'M CORRECT, TO BE ACCURATE, YOU SAID
18 SERGEANT BILL GREEN, LIEUTENANT MATTOX, A CORPORAL
19 KEITH GREGG, A CORPORAL ALLEN LANGFORD, A SERGEANT
20 REED, AND A D S DEES (PHONETIC), AND LANCE CORPORAL
21 DENHAM, AND EMS, AND SERGEANT AVERILL ON THE SCENE, IS
22 THAT CORRECT?

23 A LIEUTENANT MATTOX LIEUTENANT COLONEL BROWN WAS
24 THERE SERGEANT BILL GREEN WAS THERE THERE WERE
25 OTHER ONES THAT HAD THEIR HANDS ON YOU -- THEY WERE

1 HANDS-ON WITH YOU LIEUTENANT MATTOX WAS IN THE AREA
2 LANCE CORPORAL KEITH GREGG WAS IN THE AREA CORPORAL
3 ALLEN LANGFORD SERGEANT BENITO REYES, DEPUTY SHERIFF
4 NIEVES, LANCE CORPORAL KAREN DENHAM, AND STAFF SERGEANT
5 MATT AVERILL, THEY WERE IN THE AREA AS WELL AS FIRE AND
6 EMS -- OR EMS AND I REMEMBER SEEING ROGER KARR ALSO
7 IN THE AREA

8 Q WHAT DID YOU DO AFTER YOU ARRIVED IN THE AREA?

9 A THE FIRST THING I DID WAS APPROACH YOU AND I WAS
10 TRYING TO IDENTIFY YOU I ASKED YOU BASICALLY WHO YOUR
11 NAME WAS TRYING TO GET YOUR NAME TO FIND OUT WHO YOU
12 WERE ASKED -- TRY TO ASKED YOU WHAT HAD HAPPENED TO
13 YOU BASICALLY ASKED YOU WHERE THE GUN WAS AND YOU
14 DIDN'T RESPONSE AT ALL -- RESPOND TO ME AT ALL YOU
15 WERE BASICALLY LAYING ON YOUR SIDE ---

16 THE COURT HOLD ON PLEASE COUNSEL, APPROACH

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

19 THE COURT DO NOT REFER TO ANY STATEMENTS, SIR
20 GO AHEAD

21 A YOU WERE LAYING ON YOUR SIDE EMS WAS -- WAS
22 THERE THEY WERE CUTTING YOUR SHIRT OFF YOU WERE
23 BASICALLY LAYING ALL COVERED IN MUD AND WATER, YOU WERE
24 WET AND I WAS TRYING TO OBTAIN INFORMATION

25 Q WAS YOU ABLE TO ATTAIN (SIC) ANY INFORMATION?

1 MR MURDAUGH YOUR HONOR, PLEASE

2 THE COURT YES, SIR

3 MR MURDAUGH HIS QUESTION WAS, WERE YOU ABLE TO
4 OBTAIN ANY INFORMATION AND, AGAIN, I ---

5 THE COURT APPROACH SIDE BAR

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

8 Q MR PURDY, WERE YOU ABLE TO -- I'LL START AT THE
9 BEGINNING WHAT DID YOU ATTEMPT TO DO ONCE YOU CAME TO
10 THE JOE FRAZIER ROAD UPON COMING UP ON THE ALLEGE
11 SUSPECT? WHAT WAS YOUR FIRST REACTION? WHAT WAS YOUR
12 STEPS AS YOU WAS EXPLAINING A MINUTE AGO?

13 A I WAS ATTEMPTING TO IDENTIFY YOU

14 Q AND WHAT DID YOU DO NEXT?

15 A I BEGAN ASKING YOU QUESTIONS

16 Q AND -- AND CONTINUE ON AND WHAT NEXT?

17 A THEN I STEPPED BACK AND WATCHED EMS TEND TO YOU

18 Q WHAT TYPE OF QUESTIONS DID YOU ASK?

19 A I ASKED WHAT YOUR NAME WAS, ASKED WHAT HAPPENED TO
20 YOU, AND I ASKED WHERE THE GUN WAS

21 Q AND FROM THERE ON, WHAT HAPPENED NEXT?

22 A YOU DIDN'T RESPOND YOU WERE IN AND OUT OF
23 CONSCIOUSNESS, IF YOU WILL

24 Q SO YOU SAYING THAT YOU DIDN'T HAVE NO
25 COMMUNICATION, IS THAT CORRECT?

- 1 A THAT WOULD BE CORRECT
- 2 Q HOW DID YOU BECOME IN POSSESSION WITH NZURI BATH
- 3 ALKEBULANYAHH?
- 4 A HOW DID I COME IN POSSESSION OF HER?
- 5 Q YES DID YOU MAKE -- DID YOU MAKE CONTACT ON THAT
- 6 DAY WITH NZURI BATH ALKEBULANYAHH?
- 7 A MONICA DEJESUS?
- 8 Q YES IF ---
- 9 A YES, SIR
- 10 Q IF THAT'S WHAT YOU WANT TO REFER TO HER AS
- 11 A YES
- 12 Q AND HOW DID YOU IDENTIFY HER AS BEING NZURI BATH
- 13 ALKEBULANYAHH OR MONICA DEJESUS -- HOW DID THE
- 14 IDENTIFICATION PROCESS CAME -- CAME FROM?
- 15 A I IDENTIFIED HER AS MONICA DEJESUS BECAUSE SHE
- 16 TOLD ME THAT'S WHAT HER NAME WAS
- 17 Q DID YOU RECEIVE OR DID YOU TAKE ANY PROPERTY
- 18 INCIDENT TO AN ARREST FROM THE ALLEGED MONICA DEJESUS?
- 19 A YES, I DID I TOOK THE IDENTIFICATION OR DRIVER'S
- 20 LICENSE CARD -- SOUTH CAROLINA DRIVER'S LICENSE WITH
- 21 THE NAME OF NZURI BATH ALKEBULANYAHH I TOOK THAT IN
- 22 MY POSSESSION
- 23 Q AND THAT WAS HER DRIVER'S LICENSE THAT YOU HAD
- 24 THAT WAS NZURI BATH ALKEBULANYAHH THAT YOU TOOK OUT OF
- 25 HER POSSESSION, IS THAT CORRECT?

1 A THAT'S CORRECT NOW AT THE TIME I DIDN'T KNOW IT
2 WAS SHE IDENTIFIED HERSELF AS MONICA DEJESUS AND
3 SHE DIDN'T LOOK AT THAT POINT TO ME LIKE WHAT WAS ON
4 THE IDENTIFICATION CARD THE IDENTIFICATION CARD WAS
5 TWO YEARS OLD AND SHE DIDN'T APPEAR TO BE THAT
6 INDIVIDUAL THAT WAS ---
7 Q MR PURDY ---
8 A --- ON THE DRIVER'S LICENSE
9 Q EXCUSE ME MR PURDY
10 A SURE
11 Q COULD YOU FOR A TIME BEING STICK TO A YES OR NO
12 ANSWER AS CLOSE AS YOU POSSIBLY CAN? COULD YOU
13 POSSIBLY STICK TO A YES OR NO ANSWER ---
14 A YES
15 Q --- FOR THE TIME BEING?
16 THE COURT IF YOU NEED TO EXPLAIN, YOU CAN, SIR
17 Q IF YOU NEED TO EXPLAIN, YOU CAN THANK YOU YOU
18 DID TAKE A SOUTH CAROLINA DRIVER'S LICENSE 007232612
19 FROM NZURI BATH ALKEBULANYAHH AS SEARCH INCIDENT TO
20 ARREST, IS THAT CORRECT?
21 A THAT'S CORRECT
22 Q THERE WAS A SOCIAL SECURITY CARD ALSO, IS THAT
23 CORRECT?
24 A I CAN'T ANSWER THAT I WAS -- I COLLECTED THE
25 DRIVER'S LICENSE THERE WERE SEVERAL OTHER -- SEVERAL

1 OTHER THINGS IN THE PURSE I COULDN'T TELL YOU EXACTLY
2 WHAT WAS IN THE PURSE

3 Q WHEN YOU TOOK THAT DRIVER'S LICENSE FROM MS NZURI
4 BATH ALKEBULANYAHH AND YOU WENT TO THE HOSPITAL IS
5 THAT CORRECT, FROM THERE?

6 A THAT IS CORRECT

7 Q AND YOU TOOK THAT EVIDENCE AND WHICH YOU SEIZED
8 FROM MS NZURI BATH ALKEBULANYAHH AND ATTRIBUTED IT
9 EVIDENCE BELONGING TO ABDIYYAH BEN ALKEBULANYAHH, IS
10 THAT CORRECT?

11 A THAT IS CORRECT

12 Q AND THAT EVIDENCE SHOULD HAVE NOT BEEN INVOLVED
13 WITH ABDIYYAH BEN ALKEBULANYAHH BECAUSE THAT WAS NOT
14 TAKEN OFF ABDIYYAH BEN ALKEBULANYAHH, IS THAT CORRECT?

15 A YES, THAT'S CORRECT

16 Q AND WHEN YOU SPOKE OF -- IF I'M CORRECT, A MINUTE
17 AGO YOU SAID BECAUSE OF SOMETHING ABOUT THE GENERAL
18 APPEARANCE OF MR ABDIYYAH BEN ALKEBULANYAHH IS THE
19 REASON THAT YOU TOOK THE PROPERTY OF NZURI BATH
20 ALKEBULANYAHH AND PUT IT ON ABDIYYAH BEN ALKEBULANYAHH
21 IS BECAUSE OF THE GENERAL APPEARANCE, IS THAT CORRECT?

22 A I DIDN'T PUT IT ON ANYBODY I SEIZED IT, BECAUSE
23 AT THAT TIME I BELIEVED THAT IT FAVORED YOU AND I WAS
24 TRYING TO IDENTIFY YOU AND WHEN YOU SAID AT THAT
25 TIME I WAS THINKING THAT THAT WAS POSSIBLY YOU

1 THAT'S WHY WE DID THE FINGERPRINT CARDS BECAUSE WE
2 DIDN'T KNOW EXACTLY WHO WE WERE DEALING WITH

3 Q OKAY SO YOU ASSUME THAT -- LET ME SEE DID MR
4 ALKEBULANYAHH OR DID NZURI OR DID THEY BOTH -- DID THEY
5 HAVE -- DID NZURI BATH ALKEBULANYAHH POSSESS A BEARD OR
6 A MUSTACHE?

7 A NO, SIR

8 Q DID ABDIYYAH BEN ALKEBULANYAHH POSSESS A BEARD OR
9 A MUSTACHE?

10 A I'M NOT REALLY SURE AT THAT TIME I BASICALLY --
11 LIKE I SAID EARLIER, I WAS LOOKING AT YOU FROM THE
12 BACK AND I WAS BASICALLY LOOKING AT THE HAIR AND I
13 DIDN'T GET A REAL GOOD LOOK AT YOUR FACE AT THAT
14 POINT I WAS IN THE ASSUMPTION MODE -- ASSUMING I WAS
15 ASSUMING

16 Q BUT YOU WAS -- YOU WAS SPEAKING THAT YOU KNOW
17 FROM THE GENERAL APPEARANCE -- SO YOU WAS SAYING THERE
18 WAS A SIMILARITY IN APPEARANCE BETWEEN NZURI BATH
19 ALKEBULANYAHH AND THE APPEARANCE OF ABDIYYAH BEN
20 ALKEBULANYAHH, IS THAT CORRECT?

21 A THE HAIR APPEARED THE SAME I THINK THAT WOULD BE
22 A CORRECT STATEMENT

23 Q AND YOU HAD NO GENERAL APPEARANCE OF ABDIYYAH BEN
24 ALKEBULANYAHH THAT YOU KNOW OF RIGHT NOW, THAT YOU CAN
25 THINK OF PUT HIM IN A CERTAIN TYPE APPEARANCE AT THAT

1 TIME IS THAT CORRECT?

2 A YOU HAD NO SHIRT ON, AND YOUR -- YOU WEPE COVERED
3 IN MUD AND WATER AND YOU WERE BASICALLY LIKE I JUST
4 SAID I SAW YOU FROM A -- ALMOST FROM THE BACK, SIDE
5 BACK, AND I COULDN'T DESCRIBE YOUR FACIAL FEATURES AT
6 THAT TIME

7 Q WOULD YOU CONSIDER THE I D THAT YOU TOOK INCIDENT
8 TO ARREST AS EVIDENCE?

9 A IT HAS BEEN TURNED INTO A PIECE OF EVIDENCE, YES
10 IT IS

11 Q AND THAT EVIDENCE SOMEHOW ENDED BEING ATTRIBUTED
12 TO OR BEING BELONGING TO ABDIYYAH BEN ALKEBULANYAHH, IS
13 THAT CORRECT?

14 A CAN YOU REPEAT THAT, I DON'T THINK I UNDERSTAND
15 WHAT YOU'RE ASKING

16 Q THAT PARTICULAR EVIDENCE ENDED UP BEING ATTRIBUTED
17 TO OR BELONGING TO ABDIYYAH BEN ALKEBULANYAHH, IS THAT
18 CORRECT?

19 A I DON'T -- IT NEVER BELONGED TO YOU IT WAS
20 TURNED IN AS EVIDENCE

21 Q WASN'T THAT EVIDENCE USED TO MAKE A IDENTIFICATION
22 OF MR ALKEBULANYAHH?

23 A NO, SIR

24 Q IT WASN'T SO THE EMERGENCY REGISTRATION WOULD
25 NOT HAVE LISTED -- IF I'M CORRECT THIS IS THE WAY IT

1 WENT -- ABDIYYAH BEN ALKEBULANYAHH AS NZURI -- AS NZURI
2 BATH ALKEBULANYAHH BECAUSE OF THAT PARTICULAR I D
3 WASN'T THAT -- DIDN'T YOU HAND THAT I D TO THE
4 EMERGENCY REGISTRATION AT BEAUFORT MEMORIAL HOSPITAL?
5 A NO I HAD IT IN THE TRAUMA ROOM SOME OF THE
6 NURSES LOOKED AT IT AND I TOLD THEM THAT WE DIDN'T
7 KNOW WHO -- EXACTLY WHO WE WERE DEALING WITH AT THAT
8 TIME THIS COULD BE THE PERSON WE WERE DEALING WITH
9 AT THAT TIME I BELIEVE EVERYBODY ASSUMED THE SAME THING
10 THAT I ASSUMED, AND THEY PUT YOU IN THE HOSPITAL UNDER
11 HER NAME AND ALL THE RECORDS FROM BEAUFORT MEMORIAL
12 HOSPITAL AT THAT POINT WERE UNDER YOUR NAME, UNTIL I
13 THINK THEY WERE -- EVENTUALLY YOU WERE IDENTIFIED LATER
14 AS ---

15 Q IF THAT EVIDENCE WAS SECURED -- IF THAT PARTICULAR
16 EVIDENCE WAS SECURED AND TAKEN OFF A INDIVIDUAL THEN
17 THERE SHOULD HAVE BEEN NO ROOM FOR THE MISTAKE FOR THAT
18 EVIDENCE TO BE PLACED IN REFERENCE TO ANOTHER
19 INDIVIDUAL IF THAT WAS EVIDENCE SEIZED TO A SEARCH
20 INCIDENT TO ARREST BECAUSE THAT IS EVIDENCE, IT SHOULD
21 HAVE BEEN BAGGED IT SHOULD ---

22 MR MURDAUGH YOUR HONOR, PLEASE

23 Q --- HAVE BEEN ---

24 MR MURDAUGH HE'S MAKING A STATEMENT, SIR
25 THE COURT HOLD ON HOLD ON A SECOND YOU'RE

1 MAKING A STATEMENT

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT AND/OR A COMPOUND QUESTION ONE AT A
4 TIME PLEASE

5 MR ALKEBULANYAHH YES, SIR

6 THE COURT WELL, ONE QUESTION AT A TIME

7 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR

8 THE COURT GO AHEAD

9 Q THAT PARTICULAR EVIDENCE SEIZED INCIDENT TO ARREST
10 SHOULDN'T IT HAVE BEEN BAGGED AND TAGGED?

11 A EVENTUALLY

12 Q AND THAT EVIDENCE SHOULD NOT HAVE BEEN TAKEN AND
13 MANIPULATED, IS THAT CORRECT?

14 A IT WAS NEVER TAKEN AND MANIPULATED

15 Q THEN THE DRIVER'S LICENSE THAT YOU SEIZED FROM
16 NZURI BATH ALKEBULANYAHH SHOULD SHE HAVE BEEN ARRESTED
17 ACCORDING TO THAT DRIVER'S LICENSE?

18 A SHE WAS ARRESTED AS MONICA DEJESUS

19 Q SHOULDN'T THAT DRIVER'S LICENSE THAT YOU SEIZE
20 FROM HER -- DID YOU SEIZE A DRIVER'S LICENSE FROM
21 MONICA DEJESUS ON IT?

22 A NO I SEIZED THE LICENSE WE'RE REFERRING TO, AND
23 THAT WAS ALL I SEIZED

24 Q AND SO IF YOU SEIZED HER DRIVER'S LICENSE FROM
25 HER, THEN LOOK LIKE HER ARREST, THE PAPERWORK AND

1 EVERYTHING SHOULD HAVE HAD NZURI BATH ALKEBULANYAHH ON
2 HER BECAUSE THAT'S POSITIVE IDENTIFICATION IS IT --
3 WAS IT A SOUTH CAROLINA DRIVER'S LICENSE?

4 MR MURDAUGH YOUR HONOR, PLEASE HE'S MAKING
5 STATEMENTS

6 THE COURT YOU'RE MAKING STATEMENTS ASK A
7 QUESTION, SIR

8 MR ALKEBULANYAHH YES, SIR, YOUR HONOR THANK
9 YOU

10 Q WAS THAT A SOUTH CAROLINA DRIVER'S LICENSE, SIR?

11 A YES, IT WAS

12 Q AND WAS IT A VALID SOUTH CAROLINA DRIVER'S
13 LICENSE?

14 A CAN YOU REPEAT THAT?

15 Q WAS IT A VALID SOUTH CAROLINA DRIVER'S LICENSE?

16 A I NEVER RAN IT TO SEE IF IT WAS A VALID OR NOT

17 Q INCIDENT TO ARREST, SHOULD THAT DRIVER'S LICENSE
18 HAVE BEEN USED TO IDENTIFY THAT PARTICULAR SUSPECT?

19 A SHE IDENTIFIED HERSELF AS MONICA DEJESUS, WHO IS
20 ANOTHER NAME THAT THAT WOMAN USES

21 Q BUT YOU DO AGREE THAT IT IS TRUE THAT ABDIYYAH BEN
22 ALKEBULANYAHH NEVER HAD THAT DRIVER'S LICENSE ON HIM,
23 IS THAT CORRECT?

24 A THAT IS CORRECT

25 Q AND THAT DRIVER'S LICENSE WAS NOT SEIZED OUT OF

1 THE PROPERTY OR ANY PROPERTY BELONGING TO MR
2 ALKEBULANYAHH, IS THAT CORRECT?

3 A THAT IS CORRECT IT WAS SEIZED FROM MONICA
4 DEJESUS

5 Q AND YOU -- YOU STATED THAT YOU ALSO WAS DOING A
6 GUNSHOT RESIDUE TEST ON MR ALKEBULANYAHH WAS YOU
7 INVOLVED IN THAT, SIR?

8 A ABSOLUTELY, A GUNSHOT RESIDUE EVIDENCE COLLECTION
9 KIT, YES THAT IS TRUE

10 Q AND THAT GUNSHOT RESIDUE COLLECTION EVIDENCE TEST
11 WAS CONDUCTED ON ABDIYYAH BEN ALKEBULANYAHH, IS THAT
12 CORRECT?

13 A IT WAS CONDUCTED ON YOU

14 Q OKAY AND WHAT DID YOU DO -- WHAT WAS THE STEPS
15 THAT YOU DID WHILE GETTING THAT GUN POWDER RESIDUE
16 TEST? HOW DID YOU PERFORM IT? WHAT STEPS YOU TOOK?

17 A IT'S CALLED A G S R , A GUNSHOT RESIDUE EVIDENCE
18 COLLECTION KIT IF YOU HAVE A G S R KIT FOR ME TO
19 LOOK AT, I'D BE HAPPY TO SHOW YOU EXACTLY WHAT I DO
20 WITH IT

21 Q AND YOU TOOK THAT?

22 A YES, SIR, I DID

23 Q WHAT ELSE DID YOU TAKE?

24 A I TOOK FINGERNAIL CLIPPINGS FROM YOUR LEFT AND
25 RIGHT HAND

1 Q FROM THE LEFT AND RIGHT HAND DID YOU HAVE AN
2 ARREST WARRANT OR A SEARCH WARRANT WHEN YOU TOOK THEM
3 FINGERNAIL CLIPPINGS FROM THE LEFT AND RIGHT HAND?

4 A I DID NOT

5 Q ISN'T IT STANDARD PROCEDURE TO HAVE AN ARREST
6 WARRANT BEFORE YOU TAKE ---

7 MR MURDAUGH YOUR HONOR, PLEASE

8 Q --- THEM FINGERNAIL CLIPPINGS?

9 MR MURDAUGH I OBJECT TO THAT QUESTION THAT
10 HAS NO RELEVANCE IN THIS CASE, BECAUSE THERE'S NO OFFER
11 OF USING THAT AS EVIDENCE

12 THE COURT YES, SIR

13 MR ALKEBULANYAHH YOUR HONOR, THIS IS -- THIS IS
14 -- THIS -- THIS -- THIS -- THIS IS RELEVANT TO THE TEST
15 BECAUSE IT WAS SUBMITTED ALSO TO THE SOUTH CAROLINA LAW
16 ENFORCEMENT DIVISION FORENSIC SCIENCE -- FORENSIC FOR
17 TESTING TO DETERMINE WHETHER MR ALKEBULANYAHH FIRED A
18 WEAPON OR NOT

19 THE COURT ARE YOU JUST ASKING GENERALLY WHETHER
20 YOU THINK HE FOLLOWED CERTAIN PROCEDURES?

21 MR ALKEBULANYAHH YES, I WAS ASKING DID -- DID
22 -- DID -- IN GENERAL DID HE GET A SEARCH WARRANT TO
23 ATTAIN (SIC) THE FINGERNAIL CLIPPINGS

24 THE COURT YOU'RE ASKING IF THAT'S THE NORMAL
25 PROCEDURE?

1 MR ALKEBULANYAHH I'M ASKING, DID HE GET ONE
2 THEN I'M ASKING HIM DID -- SHOULD HE HAVE GET ONE
3 SHOULD HE HAVE TAKEN ONE?

4 THE COURT THAT'S A MATTER OF LAW I SUSTAIN THE
5 OBJECTION GO AHEAD

6 MR ALKEBULANYAHH I'LL REFRAIN (SIC) MY
7 QUESTION

8 Q DID YOU HAVE A SEARCH WARRANT TO SEIZE THE
9 FINGERNAILS FROM THE LEFT AND RIGHT HAND FROM MR
10 ALKEBULANYAHH?

11 A NO I DID NOT

12 Q BUT IT IS CORRECT YOU DID SEIZE IT, IS THAT
13 CORRECT?

14 A THAT IS CORRECT

15 Q AND WHO DID YOU TURN OVER THE GUNSHOT RESIDUE
16 EVIDENCE COLLECTION KIT AND FINGERNAIL CLIPPING OVER
17 TO?

18 A KIMBERLY BLACK FROM SLED SHE'S A SLED AGENT

19 Q DID YOU SO HAPPEN TO ENCOUNTER A MR OTIS IVY?

20 A I BELIEVE THAT'S THE MAN I GIVE A RIDE HOME TO

21 Q COULD YOU GIVE US THE NATURE OF THAT ENCOUNTER
22 AND ---

23 A I WAS ASKED TO GIVE HIM A RIDE HOME I BELIEVE I
24 WAS ASKED TO GIVE HIM A RIDE TO A GAS STATION I GIVE
25 HIM A RIDE TO THE GAS STATION, AND I WENT BACK ABOUT MY

1 BUSINESS

2 Q FOR WHAT PURPOSES -- WHAT PURPOSE WERE YOU GIVING
3 HIM A RIDE TO THE GAS STATION?

4 A HE NEEDED A RIDE HE HAD BEEN -- I BELIEVE HE HAD
5 BEEN AT THE SHERIFF'S OFFICE AND HE NEEDED A RIDE HOME
6 AND I WAS LEAVING THE SHERIFF'S OFFICE, SO I WAS HAPPY
7 TO GIVE HIM A RIDE AND I GIVE HIM A RIDE

8 Q DO YOU KNOW HIS BUSINESS -- WHAT HE WAS DOING AT
9 THE SHERIFF'S OFFICE?

10 MR MURDAUGH YOUR HONOR, PLEASE AGAIN, THAT
11 HAS NOTHING TO DO WITH THIS CASE

12 THE COURT I SUSTAIN THAT OBJECTION

13 Q WERE YOU AWARE THAT MR OTIS IVY WAS DETAINED BY
14 THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT ON JANUARY 8,
15 2002?

16 MR MURDAUGH OBJECTION SIR

17 THE COURT I SUSTAIN THE OBJECTION

18 Q DID YOU SO HAPPEN TO GIVE AN INTERVIEW OR
19 INTERVIEW MR BRYAN NAGEL?

20 A YES, I DID

21 Q AND WHAT WAS THE BASIS FOR THAT INTERVIEW?

22 A THE BASIS FOR THAT INTERVIEW WAS THE PHONE
23 CONVERSATION THAT I RECEIVED FROM BENJI COOK ON MY WAY
24 TO -- TO JOE FRAZIER ROAD ON JANUARY 8

25 Q AND WHAT WAS THAT INFORMATION?

- 1 A WHAT INFORMATION DID BRYAN NAGEL PROVIDE ME?
- 2 Q YES, SIR
- 3 A BRYAN INFORMED ME THAT HE WAS DRIVING HOME FROM
- 4 WORK DOWN JOE FRAZIER ROAD WHEN HE SAW WHAT IS
- 5 DESCRIBED TO BE A BLACK MALE WITH DREDLOCKS WEARING
- 6 DARK PANTS AND WHAT APPEARED TO BE A WHEAT COLORED
- 7 JACKET, BASICALLY THAT'S WHAT HE SAW IN THE AREA OF JOE
- 8 FRAZIER ROAD THAT'S THE INFORMATION I'D RECEIVED MORE
- 9 OR LESS FROM BENJI COOK, THAT'S WHAT I ACTED ON TO GET
- 10 TO THE ARREST OF THE DEFENDANT
- 11 I MET OUT THERE WITH BRYAN NAGEL SO HE COULD
- 12 DESCRIBE TO ME WHAT HE SAW I TOOK NOTES AS TO WHAT HE
- 13 SAW, THE DEFENDANT TRACKING THROUGH THE MARSH AREA I
- 14 GOT A VERBAL STATEMENT FROM HIM AS TO THAT EFFECT HE
- 15 POINTED OUT TO ME WHERE THE DEFENDANT WAS -- WAS
- 16 WALKING I TOOK NOTES, AND I PHOTOGRAPHED IT GOT
- 17 PICTURES -- I'VE GOT PICTURES OF WHAT APPEARS TO BE
- 18 FOOTPRINTS IN THE MUD WHERE BRYAN NAGEL DESCRIBED HE
- 19 HAD SEEN THE DEFENDANT
- 20 Q DID YOU GET A WRITTEN STATEMENT OF ---
- 21 A FROM BRYAN NAGEL?
- 22 Q YES
- 23 A NO, SIR
- 24 Q YOU DIDN'T?
- 25 A NO SIR

1 Q DID YOU RECORD HIS STATEMENT?

2 A NO, SIR

3 Q DID YOU CONSIDER HIM A WITNESS IN THIS INCIDENT?

4 A YES, I CONSIDERED A WITNESS BUT THE PHOTOGRAPHS
5 THAT I TOOK WERE MORE OF A CORROBORATING HIS BRIEF
6 STATEMENT THAT HE GAVE THAT I DOCUMENTED, AND THEY
7 SPOKE LOUDER THAN THE WORDS THAT HE PROVIDED THEY
8 WERE ACTUALLY -- YOU CAN ACTUALLY VISUALIZE WHAT HE WAS
9 SAYING, WHICH WAS BASICALLY HE SAW WHAT I JUST
10 DESCRIBED, A BLACK MALE WITH DREDLOCKS WADING THROUGH
11 THE MARSH

12 Q IS IT STANDARD PROCEDURE THAT IF ANYBODY WITNESS
13 SOMETHING IN A INCIDENT, THAT OFFICERS SHOULD TAKE
14 STATEMENTS FROM THEM?

15 A IT'S STANDARD THAT YOU TAKE STATEMENTS BUT, YOU
16 KNOW, YOU DON'T HAVE TO TAKE A VERBAL -- YOU DON'T HAVE
17 TO TAKE A WRITTEN OR TAPED STATEMENT FROM ANYBODY HIS
18 STATEMENT WAS VERY BRIEF I DOCUMENTED IT MYSELF IT
19 WAS ACCURATE FROM BRYAN NAGEL, AND THAT'S HOW IT WAS
20 DOCUMENTED

21 Q DID ANYBODY ELSE -- YOU GIVE THAT -- ANY OTHER
22 INVESTIGATORS THAT YOU GIVE ANY -- GIVE THAT
23 INFORMATION ABOUT WHAT BRYAN NAGEL STATED THAT HE SAW
24 IN REFERENCE TO A ALLEGE SUSPECT INVOLVED IN THIS?

25 A ABSOLUTELY, I TOLD TRAVIS AVANT THAT

1 Q DO YOU KNOW WHETHER OR NOT HE ATTAINED (SIC) A
2 WRITTEN STATEMENT OF HIS OBSERVATION WHAT HE SEEN THAT
3 DAY? MR BRYAN NAGEL, DO YOU KNOW WHETHER OR NOT ---

4 A DID HE PROVIDE AGENT AVANT A ---

5 Q YES ---

6 A --- WRITTEN STATEMENT?

7 Q --- WHETHER OR NOT, DID HE?

8 A I DON'T KNOW

9 Q DID YOU SO HAPPEN TO ASSIST SPECIAL AGENT AL
10 STUCKEY IN EXECUTING A SEARCH WARRANT?

11 A YES I DID

12 Q COULD YOU TELL ME THE NATURE OF THAT SEARCH
13 WARRANT?

14 A WE -- JUST TO GIVE YOU A BACKGROUND REAL QUICK IF
15 YOU'RE INTERESTED I WENT TO FORENSIC SCIENCE TRAINING
16 UP AT SLED FOR THREE WEEKS I DID AN INTERN WITH THEM,
17 AND I BASICALLY DID IT WITH A FEW OF THE SLED AGENTS
18 AND AL STUCKEY WAS FAMILIAR WITH WHAT I'D LEARNED UP
19 THERE, AND HE ASKED ME TO ASSIST HIM IN EXECUTING A
20 SEARCH WARRANT ON THIS VEHICLE THAT WAS SEIZED

21 AGENT STUCKEY DIDN'T KNOW WHERE THE VEHICLE WAS,
22 AND HE NEEDED MY ASSISTANCE, SO I DROVE HIM TO THE
23 VEHICLE AND ASSISTED HIM IN EXECUTING THE SEARCH
24 WARRANT OF THE VEHICLE

25 Q DO YOU SO HAPPEN TO POSSESS THAT SEARCH WARRANT?

1 A NO, I DON'T I WAS ASSISTING HIM HE WAS -- IT
2 WAS HIS SEARCH WARRANT, THAT WASN'T MINE I HAD
3 NOTHING TO DO WITH THAT

4 Q OKAY YOU DIDN'T GET A CHANCE TO SEE THAT SEARCH
5 WARRANT?

6 A I DON'T BELIEVE I -- I PROBABLY SAW IT DO I
7 REMEMBER -- DO I HAVE A COPY OF IT, NO

8 MR MURDAUGH YOUR HONOR, PLEASE AGAIN, I'M
9 HESITANT TO OBJECT IN VIEW OF THE SITUATION BUT THIS
10 HAS NOTHING TO DO WITH THIS CASE

11 THE COURT I SUSTAIN THAT OBJECTION GO AHEAD
12 (PAUSE)

13 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH THE
14 WITNESS?

15 THE COURT YES SIR

16 Q ARE YOU FAMILIAR WITH THIS DOCUMENT HERE?

17 A YES, I AM

18 Q AND WHAT MAY IT BE?

19 A IT'S THE FIRST PAGE OF MY INCIDENT REPORT

20 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
21 INTRODUCE THIS INTO EVIDENCE

22 MR MURDAUGH MAY I SEE IT SIR

23 THE COURT IF YOU WILL PLEASE SHOW EACH OTHER THE
24 DOCUMENTS FIRST THANK YOU

25 (PAUSE)

1 THE COURT THAT LAST OBJECTION I SUSTAINED THE
2 OBJECTION, MR ALKEBULANYAHH

3 MR ALKEBULANYAHH YES, YOUR HONOR

4 THE COURT REGARDING THE LAST OBJECTION, I
5 SUSTAINED THE OBJECTION BECAUSE I THINK THE QUESTION
6 HAS BEEN ASKED AND ANSWERED THAT'S WHY

7 MR MURDAUGH I HAVE NO OBJECTION TO THE ITEM
8 THAT HE HANDED ME, SIR

9 THE COURT ALL RIGHT DEFENDANT'S 19 IN EVIDENCE
10 WITHOUT OBJECTION

11 (PAUSE)

12 MR MURDAUGH NO, SIR, DO I HAVE ANY OBJECTION TO
13 THIS LAST DOCUMENT THAT HE'S HANDED ME

14 MR ALKEBULANYAHH I WAS GOING TO STAPLE THAT
15 WITH THAT

16 MR MURDAUGH HOWEVER YOU DO IT SUITS ME

17 THE COURT THAT'S FINE IF YOU WANT TO STAPLE IT
18 ALL TOGETHER, MR ALKEBULANYAHH

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT MARK THIS AS ONE EXHIBIT, DEFENDANT'S
21 19 IN EVIDENCE WITHOUT OBJECTION

22 (SUPPLEMENTARY REPORT, SERGEANT PURDY, 15 PAGES,
23 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 19)

24 THE COURT LADIES AND GENTLEMEN, AS I INDICATED
25 AT THE START OF THE TRIAL, WHENEVER I SUSTAIN THE

1 OBJECTION TO A QUESTION, YOU SHOULD DISREGARD ANYTHING
2 ABOUT THAT YOU SHOULD DISREGARD THE ANSWER THAT'S
3 PROVIDED TO THAT QUESTION

4 IF I OVERRULE THE OBJECTION, THAT MEANS I'M GOING
5 TO ALLOW THE QUESTION

6 ONE OTHER THING YOU SHOULD KNOW IS JUST BECAUSE I
7 SUSTAIN AN OBJECTION, EACH SIDE MIGHT GIVE ME REASONS
8 THAT THEY THINK SOMETHING IS OBJECTIONABLE THAT
9 DOESN'T MEAN THAT'S WHY I'M SUSTAINING OR OVERRULING
10 THE OBJECTION I DO THAT AS A MATTER OF LAW BASED ON
11 MY UNDERSTANDING I DON'T PROVIDE MY REASONS BACK TO
12 THEM ALWAYS WHY I'M DOING THAT

13 YOU SHOULD NOT READ INTO ANYTHING THEY ARE ARGUING
14 TO ME ABOUT AN OBJECTION AS THE BASIS FOR MY RULING ON
15 THAT OBJECTION

16 GO AHEAD, SIR

17 MR ALKEBULANYAHH THANK YOU YOUR HONOR

18 Q MR PURDY, YOU HAVE A MAP THAT YOU'VE DRAWN WITHIN
19 THE SUPPLEMENTAL REPORT THAT YOU ADDED TO, CONCERNING
20 THE STATEMENT, THE OBSERVATION OF MR BRYAN NAGEL, IS
21 THAT CORRECT?

22 A THAT IS CORRECT

23 Q COULD YOU TAKE A LOOK AT THAT MAP PLEASE, SIR?

24 A YES, SIR

25 Q I NOTICE HERE AT THE SCE&G POLE NO 233347, IS

1 THAT THE LOCATION THAT MR BRYAN NAGEL ALLEGEDLY SEEN
2 THE SUSPECT?

3 A THAT'S ONE OF THE AREAS HE SAW HIM

4 Q YES IS THAT ONE OF -- ONE OF THE AREAS, PRETTY
5 MUCH THE INITIAL AREA?

6 A THAT WOULD BE CORRECT

7 Q AND THAT IS TO THE RIGHT OF JOE FRAZIER ROAD GOING
8 NORTH, IS THAT CORRECT, JUST PAST POSSUM HILL ROAD?

9 A THAT WOULD -- THAT WOULD BE CORRECT, NORTH AND
10 NORTHEAST OR EAST

11 Q AND YES NORTHEAST OKAY AND THE POLE IS ON
12 THE RIGHT OF JOE FRAZIER ROAD, IS THAT CORRECT?

13 A YES, SIR

14 Q YOU SAY YOU OBSERVED SOME -- SOME FOOT TRACKS,
15 FOOT IMPRESSIONS, TO THE -- IN THAT PARTICULAR AREA
16 NORTHEAST TO THE RIGHT OF JOE FRAZIER ROAD IS THAT
17 CORRECT?

18 A THERE ARE DIGS THAT ARE CONSISTENT WITH FOOT
19 TRACKS THROUGH THE MARSH AREA THERE -- OF COURSE,
20 WE'RE DEALING WITH A TIDE IN THAT AREA, SO THERE WAS --
21 THERE WERE DIG MARKS IN THE MUD YOU COULD SEE WHERE
22 SOMEONE HAD BEEN, THAT IS CORRECT

23 Q YOU TOOK SOME PICTURES OF THE -- THE PARTICULAR
24 FOOT TRACKS, SIR?

25 A WELL, IN GENERAL PHOTOGRAPHY I DIDN'T TAKE ANY

1 -- ANY CLOSE-UP SHOTS OF ANYTHING, BECAUSE THERE'S NO
2 DETAIL IT WAS JUST BASICALLY, LIKE I JUST SAID, DIG
3 MARKS WHICH ARE CONSISTENT WITH WHAT BRYAN NAGEL HAD
4 TOLD ME

5 Q THE PARTICULAR PICTURES THAT YOU TOOK, DID YOU
6 SUBMIT THEM TO ANY INVESTIGATOR AS EVIDENCE?

7 A YES, SIR, I TURNED THEM IN AS EVIDENCE ON FEBRUARY
8 13 IT LOOKS LIKE 11 00 A M , I TURNED THEM IN TO
9 ALENE RIOS (PHONETIC), WHO'S AN EVIDENCE TECHNICIAN
10 WITH BEAUFORT COUNTY SHERIFF'S OFFICE

11 Q THAT'S FEBRUARY 13?

12 A YES, SIR

13 Q TO ALLEN RIO?

14 A ALENE RIOS YES, SIR, SHE'S OUR EVIDENCE TECH

15 Q COULD YOU SPELL RIOS FOR ME PLEASE, SIR?

16 A I BELIEVE IT'S R-I-O-S BUT I CAN'T QUITE READ
17 HER WRITING, BUT I KNOW IT'S HER SIGNATURE BECAUSE I'VE
18 WORKED WITH HER

19 Q OKAY AND SHE'S A FORENSIC TECH -- WHAT, A
20 TECHNICIAN, IS SHE? WHAT'S HER TITLE, SIR?

21 A NO SHE'S -- SHE ASSISTS MASTER SERGEANT JOHN
22 KEOUGH IN THE EVIDENCE DIVISION, MAINTAINING CUSTODY
23 AND CONTROL OF EVIDENCE SHE IS ONE OF HIS ASSISTANTS,
24 ALENE IS SHE COLLECTS EVIDENCE AND SAVES IT FOR US
25 THOSE PHOTOGRAPHS WERE TURNED OVER TO HER

1 Q WAS ANY CAST MADE OF THEM FOOT IMPRESSIONS, DO YOU
2 KNOW WHETHER OR NOT?

3 A NO, THERE WERE NOT

4 Q THERE'S A BOOKING REPORT ALSO THAT YOU INCLUDED IN
5 YOUR SUPPLEMENTAL REPORT DO YOU HAVE THAT UP THERE
6 ALSO WITH YOU, SIR?

7 A I BELIEVE THIS EXHIBIT JUST CAME UNATTACHED IS
8 IT PART OF THIS EXHIBIT?

9 THE COURT MADAM COURT REPORTER, IS THAT PART OF
10 THE EXHIBIT?

11 MR MURDAUGH YES, THAT WAS INTENDED TO BE PART
12 OF IT IF YOUR HONOR, PLEASE

13 (PAUSE)

14 A THANK YOU YES, IT HAS A COPY OF THAT BOOKING
15 REPORT

16 Q IN THIS BOOKING REPORT I WAS NOTICING WHERE YOU
17 INCLUDED THE ARRESTEE ARMED YOU MARKED BOTH YES AND
18 NO IT'S MARKED BOTH YES AND NO, IS THAT CORRECT?

19 A THAT IS CORRECT

20 Q COULD YOU CLARIFY WHETHER SHE (SIC) WAS ARMED OR
21 NOT?

22 A IT SHOULD BE NO LOOKS LIKE A TYPOGRAPHICAL
23 ERROR

24 Q I NOTICE IN THE EVIDENCE SUBMITTAL FORM ---

25 A WHICH ONE?

- 1 Q THE ONE THAT'S DATED AT THE BOTTOM FOR FEBRUARY
2 13, 2002
- 3 A OKAY
- 4 Q AT 11 00
- 5 A YES, SIR
- 6 Q I NOTICE THAT THE DESCRIPTION OF EVIDENCE FOR THE
7 EVIDENCE SUBMITTAL FORM, THAT YOU INCLUDED THAT BRYAN
8 -- YOU GOT A STATEMENT FROM BRYAN NAGEL, IS THAT
9 CORRECT?
- 10 A THAT'S A VERBAL STATEMENT
- 11 Q SO THAT WAS A VERBAL STATEMENT?
- 12 A THAT'S CORRECT IT WAS IN REFERENCE TO -- IT
13 SAYS PHOTOGRAPH ENVELOPE CONTAINING 16 PHOTOGRAPHS AND
14 RESPECTIVE NEGATIVES OF JOE FRAZIER ROAD AREA IN
15 REFERENCE TO NAGEL'S STATEMENT -- THE PICTURE'S ARE IN
16 REFERENCE TO THE DRAWING IN REFERENCE TO THE VERBAL
17 STATEMENT THAT HE PROVIDED ME
- 18 Q I WANT TO REFER BACK TO THE BOOKING REPORT RIGHT
19 QUICKLY ARE YOU THERE, SIR?
- 20 A YES, SIR
- 21 Q I NOTICE THAT YOU MARK NZURI BATH ALKEBULANYAHH OR
22 MONICA DEJESUS AS RACE BEING BLACK AND SEX BEING A
23 MALE WAS THAT IN RELATIONS TO THE I D THAT YOU
24 MISTAKEN HER TO BE A MALE OR SHE JUST LOOKED LIKE A
25 MALE?

1 A I THINK THAT WAS PROBABLY ANOTHER TYPOGRAPHICAL
2 ERROR

3 Q A TYPIGRAFICAL (PHONETIC) ERROR?

4 A TYPOGRAPHICAL

5 Q TYPOGRAPHICAL

6 A YES, SIR WHEN WE DO THESE BOOKING REPORTS, THEY
7 ARE BASICALLY IN A FORMAT, AND THAT'S SOMETHING THAT I
8 OVERLOOKED

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

11 MR MURDAUGH YOU MAY COME DOWN MAY MR PURDY
12 BE EXCUSED?

13 THE COURT ANY OBJECTION?

14 MR ALKEBULANYAHH NO OBJECTION YOUR HONOR

15 THE COURT YOU MAY BE EXCUSED, SIR

16 (THE WITNESS LEAVES THE WITNESS STAND)

17 MR MURDAUGH JOHN KEOUGH WAIT A MINUTE I
18 HAVE ONE QUESTION FOR MR PURDY I'M SORRY, SIR

19 THE COURT GO AHEAD

20 (THE WITNESS RETURNS TO THE WITNESS STAND)

21 REDIRECT EXAMINATION BY MR. MURDAUGH.

22 Q I THINK I ASKED YOU THIS QUESTION BUT, AGAIN,
23 OUT OF AN ABUNDANCE OF PRECAUTION THE BLOOD VILE THAT
24 YOU OBTAINED FROM REGINA ATKINS AND LESLIE ROBINSON,
25 WHAT DID YOU DO WITH IT?

1 A THIS BLOOD VILE RIGHT ---
2 Q YES, SIR
3 A IN REFERENCE TO THIS? I TURNED IT OVER TO JOHN
4 KEOUGH, MASTER SERGEANT JOHN KEOUGH
5 MR MURDAUGH THANK YOU, SIR
6 THE COURT ANYTHING ELSE?
7 MR ALKEBULANYAHH THAT WILL BE IT, YOUR HONOR
8 THE COURT YOU MAY STEP DOWN
9 (THE WITNESS LEAVES THE WITNESS STAND)
10 MR MURDAUGH JOHN KEOUGH
11 JOHN KEOUGH, BEING FIRST
12 DULY SWORN, TESTIFIED AS FOLLOWS
13 DIRECT EXAMINATION BY MR. MURDAUGH.
14 Q YOUR NAME, SIR?
15 A MY NAME IS KEOUGH K-E-O-U-G-H
16 Q MR KEOUGH, WHAT ARE -- ARE YOU EMPLOYED BY THE
17 SHERIFF'S DEPARTMENT IN BEAUFORT COUNTY?
18 A YES, I AM
19 Q AND IN WHAT CAPACITY, SIR?
20 A I'M THE SUPERVISOR OF THE EVIDENCE SECTION
21 Q OKAY, SIR AND WERE YOU SO EMPLOYED IN THE MONTH
22 OF JANUARY OF 2002?
23 A YES I WAS
24 Q I ASK YOU WHETHER OR NOT JEFF PURDY TURNED OVER TO
25 YOU A VILE OF BLOOD BEARING THE LABEL THAT IS CONTAINED

1 ON STATE'S EXHIBIT NO 22?

2 A YES, HE DID

3 Q AND WHAT DID YOU DO WITH IT AFTER HE TURNED IT
4 OVER TO YOU, SIR?

5 A I IMMEDIATELY REFRIGERATED IT UNTIL IT WAS
6 REQUESTED BY ANOTHER INVESTIGATOR

7 Q AND WHO -- DID YOU TURN IT OVER TO ANYBODY?

8 A YES, I DID

9 Q AND WHO WAS THAT SIR?

10 A I TURNED IT OVER TO STAFF SERGEANT AVERILL

11 Q MATT AVERILL?

12 A THAT'S CORRECT, SIR

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 THE COURT YOU MAY STEP DOWN, SIR YOU MAY BE
18 EXCUSED

19 (THE WITNESS LEAVES THE WITNESS STAND)

20 THE COURT ANY OBJECTION TO HIM BEING EXCUSED?

21 MR ALKEBULANYAHH NO, SIR, THERE'S NO OBJECTION
22 FROM THE DEFENSE

23 MR MURDAUGH DINA GRAY

24 BOB BROMAGE, BEING FIRST

25 DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR MURDAUGH.

2 Q MR BROMAGE, YOU'VE ALREADY TESTIFIED

3 A YES, SIR

4 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON THE 20TH
5 DAY OF MAY 2003 YOU OBTAINED A SEARCH WARRANT FOR 21
6 RILEY ROAD?

7 A YES, SIR, THAT'S CORRECT

8 Q IS THIS A COPY OF THAT SEARCH WARRANT?

9 A THAT IS THE ORIGINAL SEARCH WARRANT, SIR

10 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
11 THIS AS AN EXHIBIT

12 THE COURT ANY OBJECTION?

13 (PAUSE)

14 THE COURT ANY OBJECTION?

15 MR ALKEBULANYAHH YES, SIR

16 THE COURT STATE YOUR OBJECTION?

17 MR ALKEBULANYAHH I DON'T THINK IT'S THE
18 ORIGINAL SEARCH WARRANT

19 (PAUSE)

20 THE COURT DO YOU HAVE AN OBJECTION?

21 MR ALKEBULANYAHH YOUR HONOR, I WASN'T AWARE OF
22 THIS DOCUMENT HERE

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 LADIES AND GENTLEMEN, I'LL SEND YOU TO
2 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY
3 THANK YOU VERY MUCH

4 (THE JURY RETIRES TO THE JURY ROOM AT 4 42 P M)
5 (PAUSE)

6 MR MURDAUGH JUDGE

7 THE COURT YES JUST FOR THE RECORD, I'M GOING
8 TO GIVE YOU A CHANCE TO LOOK AT THAT DOCUMENT

9 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

10 THE COURT AND TELL ME IF THERE'S ANY KIND OF
11 ISSUES PERTAINING TO YOUR CLAIM YOU DID NOT HAVE IT
12 YES, SIR

13 MR MURDAUGH WHAT I'M THINKING ABOUT, SIR IS
14 THE WITNESS -- ASSUMING THAT YOU ADMIT THE SEARCH
15 WARRANT THE EVIDENCE THAT WAS OBTAINED BY THAT SEARCH
16 WARRANT WILL BE BY A LADY OF THE NAME OF DINA GRAY, AND
17 HER TESTIMONY WILL BE EXTENDED

18 THE COURT YES SIR I'M GOING TO STOP BETWEEN
19 5 00 AND 5 30, SO

20 MR MURDAUGH OKAY, SIR

21 THE COURT WE'LL START WHAT WE HAVE, AND THEN
22 WE'LL STOP

23 (PAUSE)

24 THE COURT DO YOU HAVE ANYONE THAT WOULD KNOW
25 WHETHER THAT WAS TURNED OVER?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH MAYBE, SIR

2 (PAUSE)

3 THE COURT SIR, YOU MAY STEP DOWN DURING THIS
4 BREAK YOU MAY NOT DISCUSS YOUR TESTIMONY WITH ANYONE
5 THANK YOU

6 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

7 MR MURDAUGH YOUR HONOR, PLEASE, I'M HAVING MY
8 SECRETARY LOOK THROUGH HER FILES

9 THE COURT ALL RIGHT

10 MR MURDAUGH TO MAKE THAT DETERMINATION, SIR

11 (PAUSE)

12 THE COURT YES, SIR

13 MR MURDAUGH I HAVE RECEIVED A COPY OF THE
14 SEARCH WARRANT SOME TIME SUBSEQUENT TO 8/7/03
15 EVERYTHING THAT I HAVE RECEIVED I HAVE SENT TO THE --
16 MOSTLY TO MS CHILDS I ASKED HER -- I HAVE NO
17 SPECIFIC LETTER SENDING IT

18 SHE SAYS SHE DOES NOT REMEMBER IT

19 BUT I ALSO TELL YOU, SIR, THAT THE PURPOSE OF THIS
20 WAS TO MAKE MEASUREMENTS AND TO BUILD A MODEL WE HAVE
21 HAD A MODEL BUILT, AND IT HAS BEEN MADE AVAILABLE TO
22 THE DEFENSE AND THEY HAVE LOOKED AT IT

23 THE COURT YES SIR WELL HAVE YOU LOOKED AT
24 THIS DOCUMENT? IS THERE ANY KIND OF -- WHERE'S THE
25 PREJUDICE NOW THAT YOU HAVE THE DOCUMENT? YOU'VE HAD

STATE VS ALKEBULANYAHH

1 THE OPPORTUNITY TO LOOK AT IT IS THERE ANYTHING
2 FURTHER YOU'D DO IN REGARD TO THIS DOCUMENT?

3 MR ALKEBULANYAHH WELL YOUR HONOR I JUST FEEL
4 LIKE THAT -- THAT ALL DOCUMENTS PERTAINING TO THAT YOU
5 KNOW, SPECIALLY (SIC) SINCE A MOTION FOR DISCOVERY,
6 BRADY VERSUS MARYLAND, WAS REQUESTED AND BEFORE THIS
7 PERIOD THAT ALL DOCUMENTS PERTAINING TO THIS PARTICULAR
8 CASE SUPPOSED TO BE SUBMITTED

9 AND THIS PARTICULAR INCIDENT WAS -- IN WHICH THE
10 ACTION THAT THE OFFICER TOOK, IT ALLEGE THAT IT WAS A
11 FORCED ENTRY INTO THE RESIDENT (SIC) AND ---

12 THE COURT WELL, AS FAR AS HE UNDERSTOOD ---

13 MR ALKEBULANYAHH IT CONCERNS ME

14 THE COURT AS FAR AS HE UNDERSTOOD HE
15 TRANSMITTED IT TO YOU YOU SAY HE TRANSMITTED ALL THE
16 DOCUMENTS TO THE INVESTIGATOR

17 MR ALKEBULANYAHH WELL ---

18 THE COURT DID YOU, MA'AM, RECEIVE THIS DOCUMENT?

19 LADY NO SIR, I HAVE NO RECOLLECTION

20 MR MURDAUGH IF YOUR HONOR, PLEASE I HAVE JUST
21 LEARNED FROM TRAVIS AVANT WHO IS THE LEAD INVESTIGATOR
22 IN THIS MATTER THAT HE MET WITH THEM ON THE 8TH -- 7TH
23 OF JULY -- AUGUST THE 25TH -- MET WITH MS CHILDS IN
24 COLUMBIA AND HE TELLS ME THAT AT THAT TIME HE GAVE
25 THEM A COPY OF TWO SEARCH WARRANTS, ONE OF WHICH WAS

STATE VS ALKEBULANYAHH

1 THIS AND A NUMBER OF OTHER ITEMS WHICH HE CAN ENUMERATE
2 IF YOU CARE TO HEAR FROM HIM, SIR

3 THE COURT WELL, FIRST, DO YOU REMEMBER THAT
4 MEETING?

5 LADY YES SIR, I REMEMBER THE MEETING I DON'T
6 SPECIFICALLY REMEMBER A COPY OF THE WARRANT BUT I
7 HAVE LOOKED AT THE MODEL AND I HAVE PHOTOGRAPHED THE
8 MODEL, AND I HAVE GIVEN PHOTOGRAPHS OF THE MODEL TO ---

9 THE COURT WELL, DO YOU HAVE THE DOCUMENTS THAT
10 YOU OBTAINED AT THAT MEETING?

11 LADY IF I GOT THAT DOCUMENT, IT WOULD BE IN MY
12 STUFF

13 THE COURT I MEAN, WOULD IT BE LABELED AS WHEN
14 YOU GOT IT? WOULD IT BE MARKED? DO YOU HAVE THINGS
15 FILED ACCORDING TO WHEN YOU RECEIVED THEM OR ANYTHING
16 LIKE THAT?

17 LADY NO, I DON'T HAVE IT FILED ACCORDING TO WHEN
18 I RECEIVED THEM I HAVE THEM FILED ACCORDING TO WHAT
19 THEY ARE

20 THE COURT WELL, HAVE YOU CHECKED TO SEE IF YOU
21 HAVE THAT?

22 LADY I HAVEN'T CHECKED THAT I DON'T HAVE ALL
23 MY STUFF HERE PART OF IT IS WHERE I'M STAYING

24 THE COURT HAVE YOU CHECKED WHERE -- WHAT YOU
25 HAVE HERE?

1 LADY YES

2 THE COURT IT'S NOT LOCATED HERE?

3 LADY NO, SIR

4 THE COURT WELL, WHAT FURTHER WOULD YOU DO AS FAR
5 AS PREPARING SO FAR AS THIS DOCUMENT IS CONCERNED MR
6 ALKEBULANYAHH? IF NECESSARY, I COULD BREAK AND YOU
7 COULD LOOK AT OVERNIGHT BUT I DON'T KNOW -- THAT'S UP
8 TO YOU I'LL GIVE YOU SOME TIME SINCE YOU CLAIM YOU
9 DIDN'T GET IT BUT I'LL GIVE YOU TIME TO GO THROUGH
10 YOUR FILES

11 MR ALKEBULANYAHH I JUST FIND THAT IT WAS -- YOU
12 KNOW, THIS HAS JUST COME AS A SURPRISE THAT YOU KNOW,
13 HE WOULD TRY TO INTRODUCE A DOCUMENT INTO EVIDENCE THAT
14 HAS NOT BEEN TURNED OVER TO THE DEFENSE

15 THE COURT WELL THE FACT THAT YOU'RE SURPRISED,
16 THAT'S NOT THE END OF THE ANALYSIS I MEAN, THE NEXT
17 THING FOR ME IS WHETHER OR NOT YOU'RE PREJUDICED ANY
18 WAY OR WHETHER I SHOULD BREAK THE TRIAL TO GIVE YOU
19 TIME TO LOOK AT THE DOCUMENT OR IF YOU'VE ALREADY
20 UNDERSTOOD THAT THEY HAVE USED THESE MEASUREMENTS TO
21 CONSTRUCT THIS MODEL, YOU HAVE TO TELL ME WHAT KIND OF
22 PREJUDICE YOU HAVE OR WHAT YOU NEED TO DO FURTHER

23 LIKE I SAID I'D BE HAPPY TO BREAK AND YOU CAN
24 THINK ABOUT IT YOU CAN STUDY THE DOCUMENT OVERNIGHT
25 AND DO WHATEVER YOU THINK IS APPROPRIATE ---

1 MR ALKEBULANYAHH WELL ---
2 THE COURT --- SINCE YOU CLAIM YOU DID NOT HAVE
3 IT
4 MR ALKEBULANYAHH WELL, LET ME STUDY THE
5 DOCUMENT OVERNIGHT, YOUR HONOR
6 THE COURT I WOULD LIKE FOR THE INVESTIGATOR TO
7 CHECK YOUR FILES TO LET ME KNOW WHETHER THIS WAS
8 RECEIVED, BECAUSE MR AVANT IS INDICATING THAT THIS
9 DOCUMENT WAS TRANSMITTED IN COLUMBIA, ALONG WITH SOME
10 OTHERS
11 WHAT OTHER DOCUMENTS WERE TRANSMITTED THAT DAY,
12 SIR?
13 OFFICER YOUR HONOR, THERE WERE SEVERAL THINGS,
14 PHOTOGRAPHS THAT WERE PART OF THE ANALYSIS THAT AGENT
15 DEFREESE DID THAT WAS PROVIDED THERE WAS AT THE TIME
16 PROVIDED ALSO DOCUMENTS WHICH WERE NOTES OF JAN BRYSON,
17 WHO IS TRACE EVIDENCE
18 THE COURT DO YOU REMEMBER THOSE?
19 LADY YES, SIR
20 THE COURT WELL, STATE YOUR NAME FOR THE RECORD
21 OFFICER TRAVIS AVANT, T-R-A-V-I-S, A-V-A-N-T
22 LADY VICKY CHILDS
23 THE COURT YOU'RE AN INVESTIGATOR?
24 LADY YES, SIR
25 THE COURT AND YOU'RE AN INVESTIGATOR?

STATE VS ALKEBULANYAHH

1 OFFICER YES SIR

2 THE COURT YOU'RE THE INVESTIGATOR FOR THE STATE,
3 MR AVANT, AND, MS CHILDS, YOU'RE AN INVESTIGATOR FOR
4 THE DEFENSE

5 LADY YES, SIR

6 THE COURT NOW, DO YOU REMEMBER GETTING -- START
7 AGAIN WITH THE NOTES

8 OFFICER WE MET ON AUGUST THE 25TH FOR THE
9 PURPOSE OF REVIEWING ALL THE EVIDENCE THAT SLED HAD
10 WHILE WE WERE THERE, THERE WERE SEVERAL THINGS
11 ADDITIONALLY PROVIDED

12 ONE WAS PROVIDED TO BOTH OF US AT THE SAME TIME,
13 WHICH WAS MS BRYSON'S NOTES, HANDWRITTEN NOTES

14 THE COURT ALL RIGHT DO YOU REMEMBER GETTING
15 THOSE?

16 LADY YES SIR

17 THE COURT ALL RIGHT WHAT IS THE NEXT THING?

18 OFFICER TWO SUPPLEMENTAL REPORTS, ATTACHED TO
19 TWO COPIES OF SEARCH WARRANTS WHICH THE SUPPLEMENTAL
20 REPORT IS PREPARED BY BOB BROMAGE THOSE WARRANTS FOR
21 21 RILEY ROAD, AND COPIES OF AN ADDRESS BOOK WAS MADE
22 WHILE WE WERE THERE

23 THE COURT AND WERE ONE OF THOSE THE SEARCH
24 WARRANT AT ISSUE?

25 OFFICER YES SIR, THE ONE FOR 21 RILEY ROAD, FOR

STATE VS ALKEBULANYAHH

1 THE PURPOSES OF CREATING EXACT MEASUREMENTS FOR
2 CREATING THIS MODEL

3 THE COURT DO YOU REMEMBER GETTING THOSE
4 SUPPLEMENTAL REPORTS?

5 LADY I REMEMBER GETTING THE TECH REPORTS THAT
6 HE'S TALKING ABOUT AND THE ADDRESS BOOK THAT HE
7 PHOTOCOPIED FROM EVIDENCE

8 THE COURT COULD IT BE THAT THE SEARCH WARRANT IS
9 ATTACHED TO THAT SUPPLEMENTAL REPORT?

10 LADY IF THE SEARCH WARRANT IS THERE, SIR, AND I
11 HAVE IT IT WILL BE IN MY STUFF AND I WILL CERTAINLY
12 LOOK FOR IT

13 THE COURT ALL RIGHT

14 LADY WE DID TALK ABOUT THE MODEL THAT WAS MADE
15 THAT DAY AND HE SAID AS SOON AS IT WAS DONE, IT WOULD
16 BE MADE AVAILABLE FOR ME TO PHOTOGRAPH AND IT WAS, AND
17 I DID

18 AND MR ALKEBULANYAHH WAS GIVEN PHOTOS

19 THE COURT DO YOU REMEMBER IF THAT SEARCH WARRANT
20 WAS ATTACHED TO THAT SUPPLEMENTAL REPORT, BY CHANCE?

21 OFFICER I FEEL SURE IT WAS ATTACHED, BECAUSE
22 THAT WOULD BE TWO SUPPLEMENTAL REPORTS THAT ---

23 THE COURT ALL RIGHT

24 OFFICER --- THEY DID NOT HAVE UNTIL THAT TIME

25 THE COURT IT MAY VERY WELL MAY BE ATTACHED TO

STATE VS ALKEBULANYAHH

1 THAT IF YOU WOULD PLEASE CHECK
2 LADY I WILL, YES, SIR
3 THE COURT WE'LL BREAK OVER NIGHT FOR YOU TO
4 CHECK INTO THAT OTHERWISE I'M GIVING THIS BREAK,
5 LET THE RECORD REFLECT, IN THE ABUNDANCE OF CAUTION IN
6 THE EVENT YOU DID NOT RECEIVE THIS DOCUMENT, TO GIVE
7 YOU A CHANCE TO STUDY IT, TO SEE IF YOU WOULD PREPARE
8 DIFFERENTLY ABSENT SOME SHOWING OF PREJUDICE, I JUST
9 DON'T SEE ANY REASON I SHOULDN'T LET IT GO FORWARD
10 YES SIR
11 MR MURDAUGH I NEED TO GET ---
12 THE COURT YES, SIR
13 MR MURDAUGH BEFORE WE LEAVE
14 THE COURT CAN YOU ALL MAKE A COPY -- CAN WE MAKE
15 SOME COPIES OF THAT?
16 MR MURDAUGH I CAN GIVE YOU A COPY OF THAT, SIR
17 THE COURT WELL IT'S THE DEFENSE THAT NEEDS A
18 COPY PLEASE
19 (PAUSE)
20 THE COURT ALL RIGHT LET ME BRING THE JURY IN
21 AND WE'LL ---
22 MR ALKEBULANYAHH YOUR HONOR ---
23 THE COURT --- JUST BREAK EARLY
24 MR ALKEBULANYAHH WE HAVE TIME -- DO WE HAVE
25 TIME TO ADDRESS YOU ABOUT ANOTHER ISSUE?

STATE VS ALKEBULANYAHH

1 THE COURT ONCE I LET THE JURY GO?
2 MR ALKEBULANYAHH YES
3 THE COURT YES I'LL JUST LET THE JURY GO FIRST
4 NO NEED FOR ME TO KEEP THEM HERE, BECAUSE WE'RE NOT
5 CONTINUING TESTIMONY
6 BRING THE JURY IN PLEASE
7 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD -- FOR
8 THE OVERNIGHT, I WOULD SUBMIT STATE VERSUS HUGHES AT
9 336 S C AT 585 AS BEING A CASE ON POINT SIR
10 THE COURT IN REGARD TO THE ACTION I'M TAKING?
11 MR MURDAUGH YES, SIR
12 THE COURT YES SIR
13 (THE JURY RETURNS TO THE COURTROOM AT 5 02 P M)
14 THE COURT THANK YOU PLEASE BE SEATED
15 ALL RIGHT LADIES AND GENTLEMEN WE'RE GOING TO
16 BREAK A LITTLE EARLY I WAS GOING TO TRY TO RUN FOR
17 ABOUT 30 MORE MINUTES OR SO, BUT WE'RE GOING TO BREAK A
18 LITTLE EARLY SO I CAN TAKE CARE OF A FEW HOUSEKEEPING
19 MATTERS
20 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY
21 WHATSOEVER I HOPE YOU ALL HAVE A GOOD NIGHT THANK
22 YOU VERY MUCH SEE YOU TOMORROW BACK AT 9 00 A M
23 THANK YOU
24 (THE JURY EXITS THE COURTROOM AT 5 03 P M)
25 THE COURT ALL RIGHT SEE YOU ALL TOMORROW

STATE VS ALKEBULANYAHH

1 THANK YOU

2 MR MURDAUGH THANK YOU, SIR

3 MR ALKEBULANYAHH YOUR HONOR ---

4 MR MURDAUGH OH ---

5 THE COURT IF YOU ALL COULD PLEASE -- I'M SORRY

6 IF YOU ALL PLEASE WILL BE HERE AT 8 00 -- BE HERE AT

7 8 30, I CAN TAKE UP THIS ISSUE

8 MR MURDAUGH YES, SIR

9 MR ALKEBULANYAHH YOUR HONOR

10 THE COURT YES, SIR

11 MR ALKEBULANYAHH I WANTED TO ADDRESS THE COURT

12 IT JUST COME TO MY ATTENTION, I DIDN'T -- YOU KNOW, I

13 DIDN'T THINK -- I THOUGHT YOU WAS JUST -- WE WERE

14 SEQUESTER ALL THE WITNESSES INVOLVED IN THIS CASE AND

15 I -- I THINK -- I THOUGHT MR TRAVIS AVANT BEEN SITTING

16 THERE AMONGST THE TESTIMONY -- LISTENING TO TESTIMONY

17 OF WITNESSES AND SO FORTH

18 THE COURT DURING THE PRETRIAL HEARING OR PRELIM

19 -- OR DURING ONE OF THE PRELIMINARY HEARINGS, THEY

20 ASKED IF THEIR INVESTIGATOR COULD STAY IN THE

21 COURTROOM, AND YOU AGREED TO THAT

22 MR ALKEBULANYAHH I THOUGHT I AGREED TO -- AFTER

23 TESTIMONY WAS GIVEN

24 THE COURT NO YOU SPECIFICALLY AGREED TO MR

25 AVANT STAYING IN THE COURTROOM I ASKED YOU IF THAT --

STATE VS ALKEBULANYAHH

1 THAT'S MY RECOLLECTION

2 MR MURDAUGH THAT IS MY RECOLLECTION, AND I
3 DON'T INTEND TO CALL HIM, SIR

4 THE COURT THE RECORD WILL SHOW THAT YOU AGREED
5 -- ACTUALLY, I REMEMBER THE EXACT CONVERSATION WAS,
6 THEY ASKED IF TWO INVESTIGATORS COULD STAY IN THE
7 COURTROOM, AND I SAID ONLY ONE

8 MR MURDAUGH BOB BROMAGE AND TRAVIS AVANT
9 THE COURT YES, SIR

10 MR MURDAUGH AND I SELECTED TRAVIS AVANT, THAT'S
11 CORRECT SIR

12 THE COURT YES, SIR AND YOU AGREED TO THAT
13 THERE WAS NO OBJECTION FOR THAT

14 MR MURDAUGH YOUR HONOR, PLEASE, I WANT TO PLACE
15 ONE THING ON THE RECORD

16 WHILE JEFF PURDY WAS TESTIFYING, YOU HAD GIVEN US
17 AN ADMONITION TO WARN THE OFFICERS NOT TO TALK ABOUT
18 CONVERSATIONS THAT THEY HAD IT STARTED, AND I ASKED
19 THAT YOU HAVE A SIDE BAR CONFERENCE WITH THE DEFENDANT
20 PRESENT AND AT THAT TIME WE WENT INTO THAT MATTER AND
21 CAME BACK AND THEN HE CONTINUED TO ASK HIM ABOUT
22 THAT, SIR

23 AND I JUST WANTED THE RECORD TO REFLECT THAT IN
24 KEEPING WITH YOUR DIRECTION I CALLED IT TO YOUR
25 ATTENTION BEFORE IT CAME OUT, I THINK

STATE VS ALKEBULANYAHH

1 THE COURT YES SIR I ALSO WANT TO PUT ON THE
2 RECORD TO PRESERVE YOUR OBJECTION -- THE DEFENSE
3 OBJECTED TO THE INTRODUCTION OF THE FINGERPRINTS

4 AND IS THERE ANYTHING ELSE YOU WANT TO PUT ON THE
5 RECORD ABOUT THAT, TO PRESERVE IT? I ALLOWED THE
6 FINGERPRINTS TO BE ADMITTED IT WAS MY UNDERSTANDING
7 THEY WERE TAKEN AFTER YOU HAD BEEN ARRESTED

8 SO IS THERE ANYTHING ELSE YOU NEED TO PUT ON THE
9 RECORD TO PRESERVE YOUR OBJECTION?

10 (PAUSE)

11 THE COURT I BELIEVE WHAT YOU SAID AT THE SIDE
12 BAR WAS YOU DIDN'T KNOW AT WHAT POINT YOU WERE
13 ARRESTED

14 MR ALKEBULANYAHH I WAS JUST THINKING I
15 THOUGHT IT WAS ANOTHER ISSUE ALSO -- ANOTHER PIECE THAT
16 I OBJECTED TO

17 THE COURT THAT'S ALL I REMEMBER, THAT YOU DID
18 NOT KNOW AT WHAT POINT THEY (SIC) ARE ARRESTED -- THAT
19 YOU ARE ARRESTED

20 MR ALKEBULANYAHH FOR THE -- DO THE RECORD
21 REFLECT ABOUT THE OBJECTION TO THE BLOOD THE VILE?

22 THE COURT YES, SIR, YOU -- I THINK THAT WAS ON
23 THE RECORD YOU OBJECTED TO THE INTRODUCTION OF THE
24 VILE AND AS I TOLD YOU AT SIDE BAR, THE TESTIMONY
25 ABOUT CALLING THE OTHER OFFICE WAS HEARSAY AND I TOLD

STATE VS ALKEBULANYAHH

1 THE JURY TO DISREGARD THAT HOWEVER, THE COURT'S RULE
2 WAS BASED ON THE FACT THAT THE WITNESS IDENTIFIED THE
3 PERSON AND THE LABEL FOR WHICH THAT VILE WAS
4 ASSOCIATED SO THAT PROPERLY CAME IN

5 BUT YOUR OBJECTION, I THINK, WAS MADE ON THE
6 RECORD IF IT WASN'T, I'LL GO AHEAD AND SAY IT, YOU
7 MADE THE OBJECTION, IT SHOULD BE PRESERVED FOR THE
8 RECORD

9 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
10 THE COURT LET'S SEE LET ME CHECK THESE SIDE
11 BAR CONFERENCES

12 (PAUSE)

13 THE COURT THE OTHER THING WAS -- THERE WAS ONE
14 OTHER THING ABOUT THE BOOKING REPORT AND AT THE TIME
15 I SUSTAINED THE OBJECTION SAYING YOU COULD NOT BRING
16 THAT IN THROUGH THAT WITNESS

17 IT'S MY UNDERSTANDING THAT BOOKING REPORT IS NOW
18 IN THE RECORD ANY WAY

19 MR MURDAUGH THAT'S CORRECT, SIR

20 THE COURT SO THAT'S MOOT AND ---

21 MR MURDAUGH UN-OBJECTED TO

22 THE COURT --- WITHOUT OBJECTION

23 (PAUSE)

24 THE COURT ANY OTHER MATTERS AT SIDE BAR THAT WE
25 NEED TO PUT ON THE RECORD? I DON'T THINK THERE ARE ANY

STATE VS ALKEBULANYAHH

1 OTHERS

2 MR MURDAUGH I'M NOT AWARE OF ANY, SIR

3 THE COURT DO YOU KNOW OF ANY OTHERS?

4 MR ALKEBULANYAHH NO, SIR, I'M NOT AWARE OF ANY

5 THE COURT NOW, DO YOU HAVE ANOTHER MATTER -- IS

6 THIS AN EXPENDITURE MATTER?

7 MR THORNTON IT'S NOT AN EXPENDITURE MATTER,

8 YOUR HONOR I JUST WANTED TO GIVE THE COURT AN UPDATE

9 IT CAN BE DONE OFF THE RECORD

10 THE COURT ALL RIGHT

11 MR THORNTON I THINK IT WOULD BE EX-PARTE EVEN

12 IF I PUT IT ON THE RECORD

13 THE COURT ALL RIGHT

14 MR THORNTON I THINK I COULD DO THAT IF YOUR

15 HONOR WOULD LET ME APPROACH FOR 2, 3 MINUTES

16 THE COURT ALL RIGHT IS THAT OKAY WITH THE

17 STATE?

18 MR MURDAUGH YES, SIR

19 THE COURT ALL RIGHT OKAY THANK YOU ALL SEE

20 YOU AT 8 30 TOMORROW HE'S ENTITLED TO LOOK AT THAT

21 DOCUMENT

22 (COURT IS IN RECESS)

23 (TUESDAY, OCTOBER 14, 2003)

24 THE COURT MR ALKEBULANYAHH, DID YOU HAVE TIME

25 TO LOOK AT THAT DOCUMENT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH EXCUSE ME, YOUR HONOR?

2 THE COURT DID YOU HAVE SUFFICIENT TIME TO LOOK
3 AT THAT DOCUMENT?

4 MR ALKEBULANYAHH YES, SIR, YOUR HONOR BUT IF
5 -- IF -- IF I COULD HAVE 5 MORE MINUTES BEFORE WE
6 BEGIN

7 THE COURT ALL RIGHT

8 MR ALKEBULANYAHH THANK YOU

9 (PAUSE)

10 THE COURT ARE YOU READY?

11 MR ALKEBULANYAHH YES, SIR, YOUR HONOR YOUR
12 HONOR, IN REFERENCE TO THE WARRANT, THE AFFIDAVIT IN
13 REFERENCE TO THE ISSUE YESTERDAY

14 THE COURT YES, SIR

15 MR ALKEBULANYAHH I WOULD ASK THE -- I WOULD
16 LIKE TO ASK THE COURT TO MOVE FOR A MOTION THAT THE
17 INFORMATION PERTAINING TO THE WITNESSES KIMBERLY BLATE
18 (PHONETIC), STRAWBERRY WASHINGTON, AND MS BRENDA BE
19 REDACTED FROM THE AFFIDAVIT FOR THE SEARCH WARRANT

20 THE COURT BE REDACTED?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT WHAT IS THAT INFORMATION?

23 MR ALKEBULANYAHH THIS PARTICULAR INFORMATION IS
24 -- IT STATES THAT -- THAT OFFICER DEPUTY COURSEN AND
25 TATE RESPONDED TO AN INCIDENT AT 21 RILEY ROAD

STATE VS ALKEBULANYAHH

1 REGARDING A REPORT OF A WOMAN NAMED KIMBERLY BLATE
2 (PHONETIC) BEING HELD AGAINST HER WILL AT THE RESIDENT
3 (SIC)

4 IT WAS REPORTED TO THE BEAUFORT COUNTY DISPATCH
5 SERVICE THAT STRAWBERRY WASHINGTON -- THAT BLATE
6 (PHONETIC) HAD IN FACT IN HER -- IN FACT CALLED HER AND
7 INDICATED THAT SHE WANTED WASHINGTON TO CALL THE LAW
8 ENFORCEMENT TO HELP HER

9 UPON ARRIVAL COURSEN AND TATE, BRENDA SMITH,
10 RESIDENT, ALLOWED THE TWO DEPUTIES ENTER INTO THE
11 RESIDENCE

12 THE COURT THAT'S ALL STUFF THAT'S IN EVIDENCE,
13 ISN'T IT?

14 MR MURDAUGH YES, SIR BUT OUT OF AN ABUNDANCE
15 OF PRECAUTION, SIR, I HAVE NO PROBLEM MARKING THIS AS A
16 COURT'S EXHIBIT ---

17 THE COURT ALL RIGHT

18 MR MURDAUGH --- BECAUSE IT'S A DECISION FROM
19 WHICH YOU MUST MAKE A DECISION AS TO WHETHER OR NOT THE
20 SEARCH IS PROPER

21 THE COURT DO YOU HAVE ANY PROBLEM WITH THAT,
22 JUST USING IT AS A COURT'S EXHIBIT, THEN IT WON'T COME
23 IN IT WILL ONLY COME IN FOR PURPOSES OF ANY QUESTIONS
24 ABOUT THE SEARCH AND NOT GO BACK TO THE JURY, THEN YOU
25 DON'T HAVE TO WORRY ABOUT REDACTING IT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT THAT'S FINE?

3 MR ALKEBULANYAHH YEAH, THAT BE FINE

4 THE COURT ALL RIGHT MARK THAT AS COURT'S I D

5 (SEARCH WARRANT DATED MAY 20, 2003, 4 PAGES,

6 MARKED FOR IDENTIFICATION AS COURT'S EXHIBIT NO 5)

7 THE COURT JUST FOR PURPOSES OF PLANNING, WE'LL

8 PROBABLY START TOMORROW AT 8 30 AS FAR AS THE JURY

9 MR MURDAUGH YES, SIR

10 MR ALKEBULANYAHH WOULD YOU REPEAT THAT, YOUR

11 HONOR?

12 THE COURT WE'LL PROBABLY START WITH THE JURY

13 TOMORROW AT 8 30 I'M GOING TO TRY AND GET THEM OUT AT

14 A DECENT HOUR EVERY DAY I'D RATHER START EARLIER

15 SO I'LL HAVE YOU BROUGHT IN IF YOUR PEOPLE WANT

16 TO MEET WITH YOU, I'LL HAVE YOU BROUGHT IN BY 8 00

17 EVERY DAY

18 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR

19 THE COURT , ANY OTHER MATTERS? THAT DIDN'T TAKE

20 AS LONG AS I THOUGHT

21 MR MURDAUGH I'M NOT AWARE OF ANY, SIR

22 THE COURT ALL RIGHT THE JURY'S NOT HERE YET

23 OFFICER NOT YET, SIR

24 THE COURT WELL, AS SOON AS THE JURY GETS HERE,

25 WE CAN GO AHEAD AND START

STATE VS ALKEBULANYAHH

1 (PAUSE)
2 THE COURT YOU ALL GO AHEAD AND TAKE A BREAK,
3 I'LL LET YOU KNOW WHEN THE JURY IS HERE
4 MR MURDAUGH THANK YOU, SIR
5 MR KELLY YOUR HONOR, IF IT PLEASE THE COURT
6 MAY ATTORNEY THORNTON APPROACH FOR AN EX PARTE MATTER?
7 THE COURT YES, SIR
8 (A RECESS WAS TAKEN)
9 THE COURT PLEASE RAISE YOUR RIGHT HANDS DO
10 EACH OF YOU SWEAR THAT YOU WILL FOLLOW THIS COURT'S
11 INSTRUCTIONS AS TO SECURITY PROCEDURES, THAT IF YOU
12 HAVE DUTIES PERTAINING TO THE JURY THAT YOU WILL KEEP
13 THE JURY IN THE APPOINTED HOUSING, THAT YOU WILL ALLOW
14 NO PERSON TO SPEAK TO THEM WITHOUT LEAVE OF THE COURT
15 THAT YOU WILL NOT SPEAK TO THEM REGARDING THIS CASE,
16 NOR PERMIT THEM TO SPEAK WITH ANOTHER ABOUT THIS CASE,
17 AND THAT YOU WILL PRESENT THEM AT THIS COURT AT THE
18 APPOINTED TIME AND SEE TO THEIR CARE AND SAFETY WHILE
19 THEY'RE IN YOUR CHARGE SO HELP YOU GOD?
20 OFFICERS I DO
21 THE COURT ALL RIGHT THANK YOU
22 (PAUSE)
23 THE COURT ALL RIGHT THE JURY'S HERE LET'S GO
24 AHEAD AND GET STARTED A FEW MINUTES EARLY READY?
25 MR ALKEBULANYAHH YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT BRING THE JURY IN PLEASE
2 (THE JURY RETURNS TO THE COURTROOM AT 8 55 A M)
3 THE COURT PLEASE BE SEATED GOOD MORNING,
4 LADIES AND GENTLEMEN
5 JURORS GOOD MORNING
6 THE COURT READY TO PROCEED CALL YOUR NEXT --
7 WE'LL RESUME WITH THE WITNESS
8 MR MURDAUGH YOUR HONOR, AS I UNDERSTAND, THE
9 SEARCH WARRANT HAS BEEN MARKED AS A COURT'S EXHIBIT
10 THE COURT YES, SIR
11 MR MURDAUGH AND WE HAD MR BROMAGE ON THE
12 STAND I DO NOT THINK IT IS NECESSARY NOW THAT I ASK
13 HIM ANY QUESTIONS
14 THE COURT ALL RIGHT DO YOU HAVE QUESTIONS?
15 MR ALKEBULANYAHH YES I HAVE QUESTIONS FOR MR
16 BROMAGE
17 THE COURT ALL RIGHT MR BROMAGE
18 MR MURDAUGH BOB BROMAGE PLEASE AND DINA GRAY
19 WILL BE NEXT
20 MR ALKEBULANYAHH YOUR HONOR, AM I ALLOWED TO
21 ASK HIM A QUESTION ---
22 THE COURT APPROACH THE SIDE BAR
23 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
24 OUT OF THE HEARING OF THE JURY)
25 MR MURDAUGH COME AROUND AND BE SEATED, MR

STATE VS ALKEBULANYAHH

1 BROMAGE

2 (THE WITNESS RETURNS TO THE WITNESS STAND)

3 DIRECT EXAMINATION CONTINUED BY MR. MURDAUGH

4 Q MR BROMAGE, I SHOW YOU COURT'S EXHIBIT NO 5 AND
5 ASK YOU IF -- WHAT THAT IS?

6 A THIS IS A SEARCH WARRANT TO ENTER 21 RILEY ROAD IN
7 BEAUFORT, SOUTH CAROLINA

8 Q DID YOU SIGN THE AFFIDAVIT TO OBTAIN THAT SEARCH
9 WARRANT?

10 A YES, SIR, I DID

11 Q AND WAS THE SEARCH WARRANT ISSUED BY A MAGISTRATE?

12 A MAGISTRATE SIMMONS, YES, SIR

13 Q RITA SIMMONS?

14 A YES, SIR

15 Q OKAY, SIR AND WHAT WAS THE PURPOSE OF OBTAINING
16 THAT SEARCH WARRANT?

17 A THE PURPOSE OF OBTAINING THE SEARCH WARRANT WAS TO
18 OBTAIN MEASUREMENTS FOR A SCALE MODEL OF THAT
19 RESIDENCE TO BE CONSTRUCTED BY THE FBI

20 Q AND DID YOU GO OUT THERE WITH ANYBODY ---

21 A YES, SIR

22 Q --- PURSUANT TO THAT SEARCH WARRANT?

23 A YES, SIR, I DID

24 Q AND WHO WAS THAT?

25 A DINA GRAY WITH THE FBI, DAN DEFREESE, AND DIANE

STATE VS ALKEBULANYAHH

1 BODIE

2 MR MURDAUGH THANK YOU, SIR ANSWER ANY
3 QUESTIONS THIS FELLOW MAY HAVE FOR YOU
4 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

5 Q MR BROMAGE, DO YOU -- DO YOU -- DO YOU SOCIALIZE
6 WITH MS KIMBERLY BLATE (PHONETIC)?

7 A NO, SIR, I DON'T

8 Q MR BROMAGE, ON JANUARY 8, 2002, ON THE DAY OF
9 THIS INCIDENT, DID MS BLATE (PHONETIC), KIMBERLY BLATE
10 (PHONETIC), STATE TO YOU ---

11 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
12 THIS AS BEING ASKED AND ANSWERED HER STATEMENTS ARE
13 IN EVIDENCE BY HIM SIR

14 MR ALKEBULANYAHH NO, IT HAS NOT BEEN ASKED TO
15 THE WITNESS YOUR HONOR

16 THE COURT WILL YOU ASK HIM IF SHE MADE A
17 STATEMENT TO HIM FIRST?

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT ALL RIGHT ASK HIM IF THE STATEMENT
20 WAS MADE FIRST GO AHEAD

21 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

22 THE COURT WITHOUT SAYING THE STATEMENT GO
23 AHEAD

24 Q MR BROMAGE, WAS A STATEMENT MADE TO YOU BY
25 KIMBERLY BLATE (PHONETIC) ON JANUARY 8, 2002?

1 A YES

2 Q WAS THE STATEMENT MADE TO YOU THAT MR
3 ALKEBULANYAHH STATED, I KILLED THOSE TWO WHITE BITCHES
4 AND GOING TO SAY IT WAS SELF-DEFENSE?

5 A THAT STATEMENT WAS MADE IN ONE OF THE MANY
6 INTERVIEWS WE DID WITH HER, YES SIR

7 Q WAS THAT STATEMENT MADE ON JANUARY 8, 2002?

8 A IF YOU ALLOW ME TO LOOK ---

9 Q YES, SIR

10 A --- AT MY ---

11 MR MURDAUGH YOUR HONOR, PLEASE I AGAIN OBJECT
12 AS BEING ASKED AND ANSWERED AND GONE IN TO THOROUGHLY
13 THE COURT I THINK HE DID GO OVER THE STATEMENTS
14 WITH HIM, BUT I'LL LET HIM CHECK AND SEE ABOUT THE
15 DATE GO AHEAD

16 (PAUSE)

17 A I DON'T BELIEVE SHE DID ON THAT DATE, SIR

18 MR ALKEBULANYAHH THANK YOU I HAVE NO FURTHER
19 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL
20 HIM

21 THE COURT ALL RIGHT YOU MAY BE EXCUSED, SIR
22 YOU WILL BE SUBJECT TO RECALL THANK YOU

23 (THE WITNESS LEAVES THE WITNESS STAND)

24 MR MURDAUGH WE CALL DINA GRAY

25 DINA M GRAY, BEING FIRST

STATE VS ALKEBULANYAHH

1 DULY SWORN, TESTIFIED AS FOLLOWS

2 DIRECT EXAMINATION BY MR. MURDAUGH.

3 Q MS GRAY, WILL YOU GIVE US YOUR FULL NAME PLEASE?

4 A DINA MARIE GRAY

5 Q WHERE DO YOU LIVE, MS GRAY?

6 A QUANTICO, VIRGINIA

7 Q AND BY WHOM ARE YOU EMPLOYED?

8 A THE FEDERAL BUREAU OF INVESTIGATION

9 Q FBI?

10 A YES

11 Q OKAY HOW LONG HAVE YOU WORKED WITH THE FBI?

12 A 13 YEARS

13 Q WHAT IS YOUR AREA OF SPECIALTY, MS GRAY?

14 A VISUAL INFORMATION SPECIALIST

15 Q IN LAY TERMS WILL YOU TELL US WHAT THAT MEANS?

16 A WE PLAN, DESIGN, CONSTRUCT THREE DIMENSIONAL SCALE
17 MODELS

18 Q OKAY HOW LONG HAVE YOU DONE THIS?

19 A 10 YEARS

20 Q OKAY WHAT ARE YOUR RESPONSIBILITIES IN DOING
21 YOUR SPECIALTY?

22 A MY RESPONSIBILITY IS TO TRAVEL TO THE SCENE,
23 OBTAIN INFORMATION GATHER INFORMATION TO CONSTRUCT A
24 MODEL TO SCALE

25 Q AND HOW LONG HAVE YOU BEEN DOING THE DEVELOPMENT

1 OF TRIAL MODELS?

2 A 10 YEARS

3 Q OKAY WHAT TYPE OF TRAINING DO YOU HAVE TO DO
4 THIS?

5 A FOR THE PAST 10 YEARS I'VE WORKED WITH A SENIOR
6 EMPLOYEE AND THEY ACTUALLY HAVE BEEN TRAINING ME
7 I'VE ALSO BEEN TO SEVERAL SPECIALIZED CLASSES WITHIN
8 THE BUREAU

9 Q OKAY HOW MANY OCCASIONS IF YOU CAN REMEMBER HAVE
10 YOU PREPARED MODELS FOR TRIAL PRESENTATION?

11 A APPROXIMATELY 13 TIMES

12 Q OKAY WERE YOU INVOLVED IN ANY PARTICULAR -- THE
13 PREPARING OF ANY PARTICULAR MODELS THAT WOULD BE OF
14 NOTICE TO US?

15 A I WORKED ON THE WORLD TRADE CENTER, I WORKED ON
16 OKLAHOMA CITY BOMBINGS

17 Q OKAY HOW MANY TIMES HAVE YOUR MODELS THAT YOU
18 HAVE MADE HAVE BEEN ADMITTED INTO EVIDENCE IN TRIAL?

19 A APPROXIMATELY 10 TIMES

20 Q OKAY DID YOU PREPARE A MODEL FOR THIS CASE?

21 A YES, I DID

22 Q OKAY WHAT DOES THE MODEL DEPICT?

23 A A TRAILER LOCATED AT 21 RILEY ROAD

24 Q OKAY DID YOU GO TO 21 RILEY ROAD PURSUANT TO THE
25 SEARCH WARRANT?

1 A YES, I DID

2 Q OKAY AND WHO DID YOU GO WITH?

3 A A COLLEAGUE OF MINE, DAVE SMITH

4 Q OKAY WAS ANYBODY ELSE THERE?

5 A LIEUTENANT BROMAGE AND TRAVIS AVANT

6 Q OKAY WHAT WAS THE INFORMATION THAT YOU USED TO

7 PREPARE THIS MODEL?

8 A WHEN I TRAVELED TO THE SCENE ON MAY 21, I OBTAINED

9 INFORMATION I TOOK -- PHYSICALLY I TOOK

10 MEASUREMENTS I ALSO USED MEASUREMENTS THAT WERE

11 PROVIDED TO ME BY DAN DEFREESE AND DIANE BODIE OF THE

12 SOUTH CAROLINA LAW ENFORCEMENT DIVISION

13 Q WERE THEY WITH YOU WHEN YOU WENT TO THE TRAILER?

14 A DAN DEFREESE WAS

15 Q OKAY THE MODEL THAT YOU PREPARED, IS IT TO

16 SCALE?

17 A YES IT IS

18 Q AND WHAT IS THE SCALE ON THAT MODEL?

19 A 1 1/2 INCH EQUALS 1 FOOT

20 Q OKAY IS THE MODEL TRUE AND ACCURATE TO YOUR ---

21 A YES, IT IS

22 MR MURDAUGH YOUR HONOR, PLEASE I PROPOSE HER

23 AS AN EXPERT IN VISUAL ---

24 WITNESS INFORMATION SPECIALIST

25 MR MURDAUGH AS A VISUAL INFORMATION SPECIALIST

1 IN BUILDING MODELS

2 THE COURT ANY OBJECTION TO HER QUALIFICATION?

3 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

4 THE COURT ALL RIGHT THE COURT FINDS HER TO BE

5 QUALIFIED ADMITTED WITHOUT OBJECTION

6 Q OKAY MS GRAY ---

7 MR MURDAUGH BRING THE MODEL PLEASE

8 Q I'M GOING TO SHOW YOU SOMETHING AND ASK YOU TO

9 EXPLAIN TO THE JURY WHAT IT IS

10 (PAUSE)

11 Q \ MS GRAY, IS THIS THE MODEL THAT YOU PREPARED?

12 A YES, IT IS

13 Q OKAY THAT'S FINE WOULD YOU EXPLAIN TO THE JURY

14 WHAT THIS IS ---

15 MR MURDAUGH MAY I BRING HER DOWN HERE SIR?

16 THE COURT YES

17 Q PLEASE COME DOWN IF YOU WILL AND ALSO, PLEASE

18 KEEP YOUR VOICE LOUD

19 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

20 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

21 THE COURT YES

22 Q KEEP YOUR VOICE LOUD SO THE COURT REPORTER AND THE

23 JURORS CAN HEAR EVERYTHING YOU SAY CLEARLY AND

24 DISTINCTLY

25 THE COURT LET US COME DOWN WE'LL GO OVER THERE

STATE VS ALKEBULANYAHH

1 SO WE'LL SEE TOO

2 MR MURDAUGH YES, SIR

3 (PAUSE)

4 Q IF YOU WILL, MS GRAY, EXPLAIN WHAT THIS IS?

5 A THIS IS A TRAILER LOCATED AT 21 RILEY ROAD THIS
6 IS THE BATHROOM

7 (PAUSE)

8 Q IF YOU WILL, PLEASE, SPEAK INTO THIS AND SEE IF
9 THIS IS ANY BETTER

10 A THIS IS THE TRAILER THAT WAS LOCATED AT 21 RILEY
11 ROAD IT IS 1 1/2 INCH EQUALS 1 FOOT THIS IS THE
12 BATHROOM THIS IS THE LIVING ROOM WITH ALL THE
13 FURNITURE THAT WAS THERE THE RODS ARE THE BULLET
14 TRAJECTORY ALL THE FURNITURE WAS PLACED TO SHOW THE
15 SIZE OF THE ROOM EVERYTHING IS TO SCALE THE
16 FURNITURE WAS DONE WITH AN ARCHITECTURAL STANDARDS
17 BOOK BASICALLY WE JUST WENT THROUGH AND FIGURED OUT
18 WHAT FURNITURE WAS IN THE TRAILER AND USED THE BOOK TO
19 GET THE RIGHT SIZE

20 Q WILL YOU INDICATE TO THE MEMBERS OF THE JURY WHERE
21 THE FRONT DOOR OF THAT TRAILER WAS?

22 A THE FRONT DOOR IS RIGHT HERE AND THEN THE REAR
23 DOOR IS BACK HERE

24 Q OKAY YOU HAVE GOT AN OPEN END DOWN HERE CAN
25 YOU TELL US THE LADIES AND GENTLEMEN OF THE JURY WHAT

STATE VS ALKEBULANYAHH

1 WAS DOWN THAT WAY?

2 A THIS WAS A LIVING ROOM THE WHOLE REASON I PUT
3 THIS ON THE MODEL WAS SO YOU COULD SEE WHERE THE PEOPLE
4 CAME IN THE FRONT WAY SO IT WOULDN'T HAVE BEEN CONFUSED
5 WITH THE BACK ENTRANCE OF THE TRAILER

6 Q OKAY NOW, I NOTICE THAT -- WHAT IS THIS ROOM
7 HERE?

8 A THAT'S THE BATHROOM

9 Q OKAY AND THIS ROOM IS WHERE THE TOILET IS?

10 A YES

11 Q AND WHAT IS THIS LITTLE ROOM?

12 A THIS IS THE CLOSET

13 Q OKAY I NOTICE YOU -- YOU'VE TESTIFIED THAT THE
14 LINES IN HERE SHOW THE TRAJECTORY OF THE ---

15 A YES

16 Q --- PROJECTILES, IS THAT CORRECT?

17 A YES

18 Q I NOTICE THAT YOU HAVE SOME ONE COLOR AND SOME
19 ANOTHER CAN YOU TELL THE LADIES AND GENTLEMEN OF THE
20 JURY WHAT THAT -- THE SIGNIFICANCE OF THAT IS?

21 A AS ON THE LEGEND, YELLOW REPRESENTS THE 7 62
22 MILLIMETER, AND THE BLUE IS THE 40 SMITH AND WESSON
23 WHICH WERE THE TWO CALIBERS USED

24 Q OKAY

25 (PAUSE)

1 Q MS GRAY, I NOTICE DOWN AT THIS END IS SOME PAPER
2 AND SOME THINGS WHAT IS THAT?

3 A THEY'RE ACTUALLY PEOPLE THAT COULD BE PLACED IN
4 THE MODEL

5 Q \ OKAY AND WHAT IS THE SCALE OF THE PEOPLE?

6 A THEY'RE ACTUALLY 6 FEET TO THE SCALE

7 Q OKAY MS GRAY, HAVE A SEAT BACK UP THERE

8 (THE WITNESS RETURNS TO THE WITNESS STAND)

9 Q LET ME ASK YOU (PAUSE) MS GRAY, I SHOW YOU
10 ANOTHER ITEM AND ASK YOU IF YOU CAN IDENTIFY THIS?

11 A THIS IS A SCALE DRAWING THAT I PROVIDED OF THE
12 TRAILER

13 Q OF THE TRAILER IS IT TO THE SAME SCALE AS THE
14 MODEL ITSELF IS?

15 A YES, IT IS

16 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
17 THIS AS AN EXHIBIT

18 THE COURT ANY OBJECTION?

19 MR ALKEBULANYAHH NO, SIR, NO OBJECTION

20 THE COURT STATE'S 24 IN EVIDENCE WITHOUT
21 OBJECTION

22 (LARGE DIAGRAM OF 21 RILEY ROAD MARKED IN EVIDENCE
23 AS STATE'S EXHIBIT NO 24)

24 MR MURDAUGH THANK YOU, MA'AM I HAVE NO
25 FURTHER QUESTIONS IF, YOUR HONOR, PLEASE, I WOULD

STATE VS ALKEBULANYAHH

1 LIKE PERMISSION IF THE JURY WOULD CARE TO TO COME DOWN
2 AND VIEW THE MODEL BECAUSE IT'S SOMEWHAT FAR FROM THEM
3 MR ALKEBULANYAHH YOUR HONOR ---
4 THE COURT YES, SIR
5 MR ALKEBULANYAHH --- BEFORE THEY DO CAN I TAKE
6 A LOOK AT -- APPROACH THE MAP RIGHT THERE, SIR
7 MR MURDAUGH I'M SORRY
8 (PAUSE)
9 MR ALKEBULANYAHH THANK YOU
10 THE COURT I'LL WAIT UNTIL AFTER HE ASKS HIS
11 QUESTIONS GO AHEAD WITH YOUR QUESTIONS
12 MR MURDAUGH LET ME ASK ONE QUESTION ABOUT THIS
13 MODEL -- A COUPLE QUESTIONS ABOUT THIS MODEL
14 Q I NOTICE THAT IN THE BATHROOM YOU'VE GOT A LINE
15 DRAWN WHAT IS THAT?
16 A THAT IS THE SINK
17 Q OKAY AND A LINE DRAWN -- AT THE REAR ENTRANCE?
18 A THAT'S JUST A SKELETAL PORTION OF THE PORCH
19 Q OKAY THERE IS A PORCH OUT HERE?
20 A THERE'S A PORCH ON THE FRONT AND ALSO ON THE BACK
21 MR MURDAUGH OKAY YOUR HONOR, PLEASE I HAVE
22 NO FURTHER QUESTIONS I WOULD REQUEST THAT THE JURORS
23 BE ALLOWED TO COME DOWN AND VIEW IT
24 THE COURT ALL RIGHT FIRST, LET'S SEE IF THERE
25 ARE ANY QUESTIONS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES SIR

2 THE COURT GO AHEAD

3 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

4 Q GOOD MORNING MS GRAY

5 A GOOD MORNING

6 MR MURDAUGH I DID NOT OFFER THAT MODEL AS AN
7 EXHIBIT I DO NOW

8 THE COURT ANY OBJECTION?

9 MR ALKEBULANYAHH NO SIR

10 THE COURT STATE'S 25 IN EVIDENCE WITHOUT
11 OBJECTION

12 (MODEL OF 21 RILEY ROAD MARKED IN EVIDENCE AS
13 STATE'S EXHIBIT NO 25)

14 Q MS GRAY, WHEN YOU STATED THAT THE YELLOW RODS
15 REPRESENTED THE PROJECTORY (SIC) OF THE 7 62 SHELLS IS
16 THAT CORRECT?

17 A YES

18 Q THAT'S CORRECT AND THE BLUE REPRESENT THE 40 --
19 THE 40 CALIBER IS THAT CORRECT?

20 A 40 SMITH AND WESSON CORRECT

21 Q WHEN YOU STATE THAT IS THAT INFORMATION THAT WAS
22 GIVEN TO YOU THAT THEM TYPE OF HOLES IN THAT PARTICULAR
23 MODEL WAS MADE FROM THE PARTICULAR TYPE OF WEAPON?

24 A YES

25 Q COULD YOU TELL ME WHO GIVE YOU THAT INFORMATION?

1 A DIANE BODIE AND DAN DEFREESE

2 Q AND FROM THAT IS WHY YOU MADE THE STATEMENT THAT
3 THOSE PARTICULAR RODS AND THOSE PARTICULAR HOLES CAME
4 FROM THAT -- THEM TYPE OF WEAPONS, IS THAT CORRECT?

5 A CORRECT

6 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
7 THANK YOU

8 MR MURDAUGH YOU MAY COME DOWN MAY MS GRAY BE
9 EXCUSED?

10 THE COURT ANY OBJECTION?

11 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
12 HONOR

13 THE COURT YOU MAY BE EXCUSED

14 (THE WITNESS LEAVES THE WITNESS STAND)

15 MR MURDAUGH WE CALL BUSTER EDWARDS DIANE
16 BODIE WILL BE NEXT

17 THE COURT HOLD ON A SECOND CAN EVERYONE SEE
18 THAT OKAY? DOES ANYONE WANT TO STAND UP? DO YOU ALL
19 WANT TO WALK DOWN AND SEE IT REAL QUICK?

20 JUROR YES, SIR, JUDGE

21 THE COURT THAT'S FINE

22 (PAUSE AS JURORS VIEW STATE'S EXHIBIT NO 25)

23 MR MURDAUGH BUSTER EDWARDS

24 BUSTER EDWARDS, BEING FIRST
25 DULY SWORN TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. MURDAUGH.

2 Q YOUR NAME IS WHAT, SIR?

3 A BUSTER EDWARDS

4 Q MR EDWARDS, BY WHOM ARE YOU EMPLOYED?

5 A THE SOUTH CAROLINA STATE LAW ENFORCEMENT DIVISION

6 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED BY THEM?

7 A SUPERVISORY SPECIAL AGENT, RANK OF LIEUTENANT

8 Q OKAY SIR AND HOW LONG HAVE YOU HAD THAT TITLE?

9 A ABOUT 10 YEARS, SIR

10 Q OKAY, SIR MR EDWARDS, I ASK YOU WHETHER OR NOT

11 ON THE AFTERNOON OF JANUARY 8 2002 YOU HAD AN OCCASION

12 (TO COME TO BEAUFORT COUNTY TO AID AND ASSIST IN THE

13 INVESTIGATION INTO THE DEATHS OF DEPUTY SHERIFFS

14 COURSEN AND TATE?

15 A YES, SIR I DID

16 Q OKAY, SIR AS A PART OF YOUR DUTY, DID YOU GATHER

17 CERTAIN INFORMATION AND SIGN AN AFFIDAVIT RELATING TO A

18 SEARCH WARRANT?

19 A YES, SIR, I DID

20 Q AND I ASK YOU IF YOU RECOGNIZE THIS ITEM?

21 A YES, SIR, I DO

22 Q WHAT IS THAT, SIR?

23 A THAT IS A SEARCH WARRANT SIGNED BY ME

24 Q OKAY, SIR AND WAS THE -- BASED UPON YOUR

25 AFFIDAVIT, WAS THE SEARCH WARRANT ISSUED BY A

1 MAGISTRATE IN BEAUFORT COUNTY?

2 A THAT'S CORRECT, SIR

3 MR MURDAUGH OKAY, SIR YOUR HONOR, PLEASE, I

4 WOULD OFFER THIS AS AN EXHIBIT

5 THE COURT ANY OBJECTION?

6 MR ALKEBULANYAHH YES I WOULD LIKE TO READ THE

7 SEARCH WARRANT

8 (PAUSE)

9 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR

10 HONOR

11 THE COURT ALL RIGHT STATE'S 26 IN EVIDENCE

12 WITHOUT OBJECTION

13 (SEARCH WARRANT DATED JANUARY 8, 2002 MARKED IN

14 EVIDENCE AS STATE'S EXHIBIT NO 26)

15 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

16 ANSWER ANY QUESTIONS HE MAY HAVE

17 (PAUSE)

18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

19 Q MR EDWARDS, ON JANUARY 8, 2002 DID YOU PER CHANCE

20 INTERVIEW ANY OF THE WITNESSES THAT ARE INVOLVED IN THE

21 INCIDENT THAT YOU ARE HERE FOR TODAY?

22 A YES, SIR, I DID

23 Q AND COULD YOU RECALL WHO THE WITNESS WAS?

24 A I BELIEVE THERE'S FIVE WITNESSES THAT I DID

25 INTERVIEW, SIR

STATE VS ALKEBULANYAHH

1 Q YES, SIR

2 A ONE WAS KIMBERLY BLAKE, STRAWBERRY WASHINGTON

3 THERE'S THREE OTHER PEOPLE I CAN'T REMEMBER I

4 BELIEVE THERE WAS A MR RILEY, RIGBY, AND A SMITH, IF

5 I'M NOT MISTAKEN

6 Q WOULD THAT BE BRENDA SMITH RILEY?

7 A I'M NOT POSITIVE, SIR I'LL HAVE TO LOOK AT THOSE

8 STATEMENTS

9 Q DID YOU TAKE STATEMENTS FROM THEM, SIR?

10 A WRITTEN STATEMENTS WAS PROVIDED, SIR

11 (PAUSE)

12 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE THE

13 WITNESS VIEW EXHIBIT NO 11?

14 THE COURT I'M SORRY MAY HE HAVE ---

15 MR ALKEBULANYAHH STATE'S EXHIBIT NO 11

16 THE COURT DO YOU NEED TO SEE IT?

17 MR ALKEBULANYAHH YES SIR

18 THE COURT DO YOU HAVE STATE'S 11, PLEASE

19 (PAUSE)

20 THE COURT IT'S OVER HERE

21 MR ALKEBULANYAHH SORRY, YOUR HONOR DEFENSE

22 THE COURT DEFENSE NO 11?

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

24 (PAUSE)

25 MR ALKEBULANYAHH I'M SORRY STATE'S EXHIBIT --

STATE VS ALKEBULANYAHH

1 DEFENSE EXHIBIT NO 5

2 THE COURT ALL RIGHT DO YOU HAVE IT?

3 (PAUSE)

4 Q ARE YOU FAMILIAR WITH THAT PARTICULAR DOCUMENT,
5 THAT PARTICULAR STATEMENT, SIR?

6 A YES, SIR, I AM

7 (PAUSE)

8 Q MR EDWARDS, HAVE YOU HAD THE OPPORTUNITY TO VIEW
9 IT?

10 A MY SIGNATURE IS ON IT, SIR, SO I AM FAMILIAR WITH
11 SOME OF IT

12 Q MR EDWARDS, ON JANUARY 8, 2002 DID A MS KIMBERLY
13 BLATE (PHONETIC) STATE TO YOU THAT MR ALKEBULANYAHH
14 STATED THAT HE KILLED THOSE TWO WHITE BITCHES AND HE
15 WAS GOING TO SAY IT WAS SELF-DEFENSE?

16 A IF IT'S IN THE STATEMENT, SHE SAID IT I DO NOT
17 SEE IT AT THIS POINT

18 Q COULD YOU REVIEW IT AND SEE IF IT'S IN IT FOR ME,
19 SIR?

20 A YOU WANT TO KNOW WHAT NOW SIR?

21 Q IF SHE MADE THE STATEMENT IN HER STATEMENT TO YOU
22 THAT MR ALKEBULANYAHH KILLED THOSE TWO WHITE BITCHES
23 AND WAS GOING TO SAY IT WAS SELF-DEFENSE?

24 A ALL RIGHT, SIR STAND BY (PAUSE) NO, SIR, I
25 DON'T SEE ANYTHING LIKE THAT IN THE STATEMENT -- IN

STATE VS ALKEBULANYAHH

1 THIS HANDWRITTEN STATEMENT PROVIDED TO ME BY MS
2 KIMBERLY BLAKE

3 Q AND YOU ALSO TOOK A STATEMENT FROM MR ISAAC RILEY
4 AND BRENDA SMITH, IS THAT CORRECT?

5 A I WOULD HAVE TO SEE IT

6 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
7 THE COURT YES, SIR

8 Q IS THAT THE STATEMENT YOU TOOK, MR EDWARDS?

9 A THIS IS A STATEMENT PROVIDED TO ME BY MS BRENDA
10 SMITH, THAT'S CORRECT, SIR

11 Q AND THAT'S EXHIBIT NO 9?

12 A THAT'S CORRECT

13 Q MR EDWARDS, DO YOU RECALL OR SEE IN THE STATEMENT
14 OF MS BRENDA SMITH RILEY ON JANUARY 8, 2002 HER EVER
15 STATING TO YOU OR ANY OF HER STATEMENTS THAT SHE -- THE
16 OFFICERS ASKED HER CAN SHE (SIC) COME INTO THE HOME,
17 AND SHE SAID, YES, AND THE OFFICERS ASKED HER CAN SHE
18 (SIC) SEARCH THE HOME, AND SHE SAID, YES?

19 A STAND BY, SIR (PAUSE) NO, SIR, IT'S NOT IN
20 THIS STATEMENT

21 Q MR EDWARDS ---

22 (PAUSE)

23 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?
24 THE COURT YES, SIR

25 Q ARE YOU FAMILIAR WITH THAT DOCUMENT THERE, SIR?

1 A YES, SIR THIS IS A STATEMENT PROVIDED TO ME BY --
2 LOOKS LIKE A BOBBY GENE RIGBY MY SIGNATURE IS ON THE
3 BOTTOM OF THE STATEMENT

4 Q AND WHAT DATE IS THAT?

5 MR MURDAUGH YOUR HONOR, PLEASE IF HE INTENDS
6 TO INTRODUCE THIS, I OBJECT TO IT BOBBY GENE RIGBY --
7 JUST ISN'T ADMISSIBLE, SIR

8 THE COURT BRING THAT TO SIDE BAR PLEASE

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

11 MR ALKEBULANYAHH YOUR HONOR, I WANT THIS MARKED
12 FOR I D PURPOSES FOR DEFENSE

13 THE COURT THAT WILL BE FINE DEFENDANT'S 20 FOR
14 IDENTIFICATION

15 (VOLUNTARY STATEMENT OF BOBBY GENE RIGBY 2 PAGES
16 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO
17 20)

18 Q MR EDWARDS, COULD YOU SCAN THAT PARTICULAR
19 STATEMENT FOR A MINUTE OR SO SIR?

20 A I'M LOOKING IT OVER (PAUSE) ALL RIGHT, SIR

21 Q AND WAS IT STATED TO YOU ---

22 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO ANY
23 TESTIMONY THAT COMES FROM THAT PAPER

24 THE COURT I SUSTAIN THAT OBJECTION YOU CAN ASK
25 HIM IF HE TOOK THE STATEMENT AND WHAT IF ANYTHING HE

STATE VS ALKEBULANYAHH

1 DID IN RESPONSE TO THAT STATEMENT REGARDING THIS
2 INVESTIGATION WITHOUT SAYING WHAT THE WITNESS SAID,
3 BECAUSE THE INDIVIDUAL -- THAT WOULD BE HEARSAY

4 YOU CAN ASK IF HE TOOK A STATEMENT FROM THAT
5 INDIVIDUAL AND WHAT DID HE DO IF ANYTHING AFTER TAKING
6 THAT STATEMENT?

7 Q DID YOU TAKE A STATEMENT FROM THAT PARTICULAR
8 INDIVIDUAL, MR BOBBY RIGBY?

9 A THE STATEMENT WAS PROVIDED TO ME BY MR BOBBY GENE
10 RIGBY YES, SIR, THAT'S CORRECT MY SIGNATURE IS ON
11 THE BOTTOM

12 Q OKAY AND AS A RESULT OF THAT STATEMENT, DID YOU
13 TAKE ANY ACTION BEHIND THAT STATEMENT?

14 A NO, SIR, I DID NOT

15 Q WAS THERE -- DID YOU PASS THIS STATEMENT ON TO
16 ANYONE?

17 A THE STATEMENT WAS MADE AVAILABLE FOR THE FILES
18 YES, SIR IT WAS ACTUALLY PASSED ON TO THE LEAD
19 INVESTIGATOR WHICH IS SPECIAL AGENT TRAVIS AVANT

20 Q DID YOU RECEIVE ANY INFORMATION IN REFERENCE TO
21 THE 21 RILEY ROAD INCIDENT?

22 A RECEIVE?

23 Q YES

24 A FROM THIS PARTICULAR PERSON?

25 Q YES, SIR

1 A JUST WHAT WAS SPECIFICALLY ---
2 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
3 ANYTHING ---
4 THE COURT YES, SIR, I SUSTAIN THE OBJECTION
5 Q DID YOU SEARCH THIS INDIVIDUAL ON JANUARY 8, 2002?
6 A NO, SIR, I DID NOT
7 Q DO YOU KNOW OF ANY OTHER OFFICERS HAD SEARCH OR
8 DETAINED THIS INDIVIDUAL ON JANUARY 8, 2002?
9 A NO, SIR, I DO NOT
10 Q WAS YOU INFORMED BY THIS INDIVIDUAL ---
11 MR MURDAUGH YOUR HONOR, PLEASE ---
12 Q --- THAT HE WAS DETAINED?
13 THE COURT I SUSTAIN THE OBJECTION YOU CANNOT
14 GET INTO WHAT SOMEONE ELSE SAID
15 (PAUSE)
16 MR MURDAUGH IS IT DIM IN HERE TO YOU, SIR?
17 THE COURT YES SIR, I WAS/ JUST LOOKING AT THE
18 LIGHTS I DON'T KNOW -- THEY'RE CLICKING ON AND OFF
19 RANDOMLY
20 (PAUSE)
21 THE COURT A POWER SURGE GO AHEAD, SIR
22 ANYTHING FURTHER?
23 Q WHAT WAS THE BASIS OF THAT INTERVIEW?
24 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
25 THAT QUESTION -- THE BASIS OF THE INTERVIEW IS

1 IRRELEVANT TO THE TRIAL OF THIS CASE HE CAN CALL
2 RIGBY IF HE WANTS TO

3 THE COURT YOU CAN ASK HIM IF HE WAS AT THE SCENE
4 OR SOMETHING LIKE THAT THOSE ARE JUST EXAMPLES

5 Q WAS MR RIGBY AT THE SCENE OF THIS INCIDENT?

6 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD BE
7 HEARSAY, SIR, IF HE ANSWERED THAT AT THE SCENE

8 THE COURT IF HE SAW HIM AT THE SCENE, HE CAN
9 ANSWER THAT QUESTION IF THIS INDIVIDUAL SAW HIM AT
10 THE SCENE

11 MR MURDAUGH OKAY

12 A AT THE SCENE, I'M NOT SURE

13 THE COURT YOU NEED TO SPECIFY WHAT YOU MEAN BY
14 SCENE

15 Q AT THE 21 RILEY ROAD RESIDENCE?

16 A INFORMATION FROM MR RIGBY'S STATEMENT INDICATE
17 THAT HE WAS ---

18 MR MURDAUGH YOUR HONOR, PLEASE ---

19 THE COURT NO NO DID YOU SEE HIM AT 21 RILEY
20 ROAD?

21 WITNESS I DID NOT SEE HIM AT 21 RILEY ROAD

22 Q WAS HE EVER CONSIDERED A SUSPECT IN THE JANUARY 8
23 INCIDENT OF 2002?

24 A I'M NOT SURE IF MR RILEY (SIC) WAS -- NO SIR
25 NO, SIR, NOT AT ALL

1 Q AND WHY NOT?

2 A I CANNOT ANSWER THAT, OTHER THAN THE INFORMATION
3 WE GATHERED FROM HIM DID NOT PUT HIM AT THE PARTICULAR
4 SCENE

5 Q AND WHAT INFORMATION DID YOU GATHER FROM HIM?

6 A IT'S WRITTEN ON THE STATEMENT

7 MR MURDAUGH YOUR HONOR, PLEASE

8 THE COURT WE'VE BEEN THROUGH THAT

9 Q YOU STATED THE INFORMATION THAT YOU GATHERED FROM
10 HIM DID NOT PLACE HIM AT THE SCENE, IS THAT CORRECT?

11 MR MURDAUGH I OBJECT TO THAT, SIR

12 MR ALKEBULANYAHH THAT WAS HIS STATEMENT, YOUR
13 HONOR

14 THE COURT YES, SIR RESTATE THE QUESTION

15 MR ALKEBULANYAHH I SAID, THE INFORMATION THAT
16 HE RECEIVE, WHICH HE STATED PUT HIM ON THE SCENE ---

17 THE COURT NO, SIR

18 MR ALKEBULANYAHH DID NOT PUT HIM ON THE SCENE
19 OF THE INCIDENT

20 THE COURT WE'VE ALREADY BEEN THROUGH THAT HE
21 CANNOT TESTIFY ABOUT WHAT ANOTHER PERSON TOLD HIM

22 Q MR EDWARDS, WAS A GUNSHOT RESIDUE TEST PERFORMED
23 ON MR BOBBY RIGBY?

24 A NOT TO MY KNOWLEDGE, SIR

25 Q WAS HIS CLOTHING TAKEN?

STATE VS ALKEBULANYAHH

1 A NOT TO MY KNOWLEDGE, SIR IF IT WAS IT WOULD
2 HAVE BEEN DONE BY THE C S U

3 Q DID YOU RECEIVE ANY INFORMATION FROM ANYONE
4 CONCERNING MR BOBBY RIGBY?

5 MR MURDAUGH OBJECTION IF YOUR HONOR, PLEASE
6 THE COURT YES, SIR

7 MR MURDAUGH DID HE RECEIVE ANY INFORMATION FROM
8 ANYONE CONCERNING BOBBY RIGBY

9 THE COURT I SUSTAIN THAT YOU CAN'T GET INTO
10 HEARSAY INFORMATION

11 WHILE WE'RE GOING THROUGH THIS, LADIES AND
12 GENTLEMEN YOU HEARD A STATEMENT ABOUT THE DEFENDANT
13 COULD PUT A CERTAIN INDIVIDUAL UP, THE DEFENDANT HAS NO
14 BURDEN TO PUT ANY WITNESSES UP WHATSOEVER THE
15 DEFENDANT HAS NO OBLIGATION THE STATE HAS TO PROVE
16 THIS CASE BEYOND A REASONABLE DOUBT

17 Q WAS ANYTHING CONSISTENT WITH THE INFORMATION YOU
18 ATTAIN (SIC) IN THE INTERVIEW THAT WAS IN RELATION TO
19 THE SUSPECT, MR ALKEBULANYAHH, ON JANUARY 8, 2002?

20 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT

21 THE COURT I SUSTAIN THAT OBJECTION YOU CANNOT
22 GO INTO THE SUBSTANCE OF ANY STATEMENT, MR
23 ALKEBULANYAHH IT WOULD BE HEARSAY

24 Q MR EDWARDS, IN STATE'S EXHIBIT 26 -- DO YOU HAVE
25 THAT IN FRONT OF YOU, SIR?

- 1 A YES, I DO
- 2 Q AND THAT IS THE SEARCH WARRANT THAT YOU APPLIED
- 3 FOR, IS THAT CORRECT?
- 4 A THAT'S CORRECT, SIR
- 5 Q AND ON THE AFFIDAVIT IN THE DESCRIPTION OF
- 6 PREMISE, PERSON, PLACE, OR THING TO BE SEARCHED, IN THE
- 7 SECTION OF THE AFFIDAVIT IN THE LAST SENTENCE COULD
- 8 YOU STATE THE WORDING THAT YOU USE IN THIS PARTICULAR
- 9 AFFIDAVIT, SIR?
- 10 A THE LAST SENTENCE EVIDENCE THAT MAY BE COLLECTED
- 11 BY LAW ENFORCEMENT PERSONNEL RELATING TO CRIME THAT
- 12 OCCURRED AT THE INCIDENT LOCATION
- 13 Q COULD YOU READ FROM THE -- I'M SORRY, THE
- 14 AFFIDAVIT -- THE AFFIDAVIT FOR THE SEARCH WARRANT?
- 15 A I AM LOOKING AT THE AFFIDAVIT
- 16 Q ARE YOU LOOKING AT -- THAT'S PART OF THE
- 17 AFFIDAVIT?
- 18 A THAT'S THE AFFIDAVIT
- 19 THE COURT DO YOU WANT TO SHOW HIM WHERE YOU'RE
- 20 TALKING ABOUT?
- 21 MR ALKEBULANYAHH YES, SIR MAY I APPROACH,
- 22 YOUR HONOR?
- 23 THE COURT YES, SIR
- 24 (PAUSE)
- 25 A THIS?

1 Q YES, SIR

2 A 21 RILEY ROAD, BURTON, SOUTH CAROLINA, FURTHER
3 IDENTIFIED AS SINGLE WIDE MOBILE HOME, BROWN TRIM ON
4 TOP, LIGHT BLUE BODY, WHITE BOTTOM TRIM, UNDER-
5 SKIRTING THE HOME HAS TWO ATTACHED PORCHES ALSO
6 LISTS, SEARCH SHALL INCLUDE ANY OUT-BUILDING AND
7 VEHICLES ON THE PROPERTY, SPECIFICALLY, A BROWN, LATE
8 MODEL PONTIAC

9 Q WAS THE PONTIAC -- BROWN LATE MODEL PONTIAC IN
10 REFERENCE TO THIS SEARCH WARRANT -- WAS IT SEARCHED?

11 A THAT'S UNKNOWN BY ME, SIR THE SEARCH WARRANT WAS
12 PRESENTED TO SPECIAL AGENT DIANE BODIE FOR SERVING

13 Q THERE'S A RETURN ATTACHED TO THAT COULD YOU
14 INDICATE WHETHER OR NOT IT WAS INDICATED IN THAT
15 RETURN?

16 A STAND BY, SIR (PAUSE) IT DOES NOT INDICATE
17 THAT A VEHICLE HAD BEEN SEARCHED

18 (PAUSE)

19 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
20 THE COURT YES, SIR

21 Q ARE YOU FAMILIAR WITH THIS DOCUMENT, SIR?

22 A YES, SIR, I AM, IT'S MY SIGNATURE ON THE BOTTOM
23 IT'S THE STATEMENT PROVIDED BY MR ISAAC RILEY

24 MR ALKEBULANYAHH YOUR HONOR, COULD I INTRODUCE
25 THIS AS AN EXHIBIT?

1 THE COURT OBJECTION?

2 MR MURDAUGH YOUR HONOR, YES, SIR THERE IS AN

3 OBJECTION ISAAC RILEY IS DECEASED

4 LET ME LOOK AT IT, IF I MAY

5 THE COURT ALL RIGHT LOOK AT THAT DOCUMENT

6 PLEASE

7 (PAUSE)

8 MR MURDAUGH YOUR HONOR, PLEASE, THIS JUST ISN'T

9 ADMISSIBLE AND I OBJECT TO IT, SIR

10 THE COURT MAY I SEE IT

11 MR MURDAUGH YOU CERTAINLY MAY

12 (PAUSE)

13 THE COURT I'LL LET YOU MARK IT FOR I D

14 PURPOSES I'M NOT GOING TO ALLOW IT

15 (VOLUNTARY STATEMENT OF ISAAC RILEY, 2 PAGES

16 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO

17 21)

18 Q MR EDWARDS DO YOU RECALL IN YOUR INTERVIEW OF

19 MR ISAAC RILEY ---

20 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO

21 ANYTHING THAT HE OBTAINS OUT OF THIS DOCUMENT

22 THE COURT I SUSTAIN THE OBJECTION YOU CAN ASK

23 HIM WHAT HE DID IN RESPONSE TO ANY STATEMENT

24 MR ALKEBULANYAHH YOUR HONOR, I ---

25 THE COURT YOU CAN ASK HIM WHAT HE DID IN

STATE VS ALKEBULANYAHH

1 RESPONSE TO ANY STATEMENT HE RECEIVED

2 MR ALKEBULANYAHH YOUR HONOR, MAY WE APPROACH?

3 THE COURT YES, SIR

4 MR ALKEBULANYAHH MAY I APPROACH?

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

7 Q DID YOU DO ANYTHING IN RESPONSE TO THAT STATEMENT
8 TAKEN?

9 A NO, SIR, I DID NOT

10 Q MR EDWARDS, AFTER YOUR INTERVIEW WITH THE
11 INDIVIDUALS ON JANUARY 8 2002, WHAT ELSE DID YOU DO
12 THAT DAY? WHAT YOUR INVOLVEMENT WITH THE INCIDENT ON
13 JANUARY 8?

14 A BEING A SUPERVISOR THE -- THE ON-CALL SUPERVISOR
15 FOR THAT PARTICULAR WEEK, I STAYED AT THE SCENE AND
16 MADE SURE THAT -- I SUPERVISED

17 Q AND WAS YOU ABLE TO GATHER ANY EVIDENCE OR
18 ANYTHING FROM ANY OF YOUR SUBORDINATES CONCERNING
19 ANYTHING INVOLVED IN THIS CASE?

20 A THE EVIDENCE WAS TURNED OVER TO THE C S U

21 Q WHO IS THE HEAD OF THE C S U ?

22 A THE LEAD PERSON FOR THE C S U AT THAT PARTICULAR
23 INCIDENT WAS DIANE BODIE, SPECIAL AGENT DIANE BODIE

24 Q WHEN MR BOBBY RIGBY WAS INTERVIEWED BY YOU AT THE
25 COMMAND POST, DID YOU ATTAIN (SIC) A BLOOD SAMPLE FROM

1 MR RIGBY?
2 A I DID NOT
3 Q DID YOU ATTAIN (SIC) ANY HAIR SAMPLE FROM MR
4 RIGBY?
5 A NO, SIR, I DID NOT
6 Q DID YOU ATTAIN (SIC) THE SHOES OF MR RIGBY?
7 A NO, SIR, I DID NOT
8 Q DID YOU OBSERVE ANY OTHER INDIVIDUALS AT THE
9 COMMAND POST THAT WAS INVOLVED WITH MR RIGBY?
10 A OBSERVED, YES, SIR, I OBSERVED OTHER PEOPLE
11 INVOLVED WITH MR RIGBY AT THE COMMAND POST
12 Q COULD YOU RECALL THE NAME OF THOSE PEOPLE?
13 A NO, SIR, I DO NOT
14 Q COULD YOU RECALL ANY INFORMATION THAT YOU RECEIVED
15 FROM THOSE PEOPLE?
16 A PERTAINING TO MR RIGBY?
17 MR MURDAUGH YOUR HONOR, PLEASE THAT WOULD BE
18 HEARSAY SIR
19 THE COURT I SUSTAIN THE OBJECTION
20 (PAUSE)
21 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
22 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL
23 THIS WITNESS, YOUR HONOR
24 THE COURT ALL RIGHT
25 MR MURDAUGH ONE QUESTION

1 REDIRECT EXAMINATION BY MR MURDAUGH.

2 Q YOU MADE REFERENCE AT LEAST TWICE DURING YOUR
3 TESTIMONY OF THE THING C S U , IS THAT CORRECT?

4 A YES, SIR, THAT'S CORRECT

5 Q FOR A LAY PERSON LIKE THAT, WHAT'S THAT?

6 A IT'S THE CRIME SCENE UNIT, SIR

7 MR MURDAUGH OKAY THANK YOU, SIR

8 MR ALKEBULANYAHH I HAVE ONE FURTHER QUESTION

9 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.

10 Q MR EDWARDS, DID YOU ENTER THE RESIDENCE -- THE 21
11 RILEY ROAD RESIDENCE ON JANUARY 8, 2002?

12 A NO, SIR, I DID NOT

13 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

14 MR MURDAUGH YOU MAY COME DOWN MAY MR EDWARDS
15 BE EXCUSED?

16 THE COURT ANY OBJECTION?

17 MR ALKEBULANYAHH YES, OTHER THAN I WANT THE
18 RIGHT TO RECALL HIM

19 THE COURT ALL RIGHT YOU MAY BE EXCUSED, SIR,
20 SUBJECT TO BEING RECALLED BY THE DEFENDANT

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 MR MURDAUGH DIANE BODIE

23 THE COURT HOLD ON THE JURY'S REQUESTED A
24 BREAK

25 I'LL SEND YOU TO THE JURY ROOM DO NOT DISCUSS

STATE VS ALKEBULANYAHH

1 THIS CASE IN ANY WAY, LADIES AND GENTLEMEN
 2 (THE JURY RETIRES TO THE JURY ROOM AT 10 00 A M)
 3 THE COURT THANK YOU WE'LL BE AT EASE
 4 (A RECESS WAS TAKEN)
 5 THE COURT READY TO PROCEED?
 6 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
 7 THE COURT NOT READY?
 8 MR ALKEBULANYAHH NO, SIR
 9 THE COURT ALL RIGHT
 10 (PAUSE)
 11 THE COURT ARE YOU READY NOW?
 12 MR ALKEBULANYAHH YES, SIR, DEFENSE IS READY
 13 THE COURT BRING THE JURY IN PLEASE
 14 (THE JURY RETURNS TO THE COURTROOM AT 10 17 A M)
 15 MR MURDAUGH WE CALL DIANE BODIE
 16 THE COURT THANK YOU PLEASE BE SEATED
 17 MR MURDAUGH JOE POWELL WILL BE NEXT
 18 DIANE BODIE, BEING FIRST
 19 DULY SWORN, TESTIFIED AS FOLLOWS
 20 DIRECT EXAMINATION BY MR. MURDAUGH.
 21 Q MS BODIE, IF YOU WOULD, GIVE US YOUR FULL NAME
 22 AND SPELL YOUR LAST NAME?
 23 A MY NAME IS DIANE ---
 24 MR MURDAUGH IS THE MICROPHONE OFF?
 25 THE COURT I APOLOGIZE GO AHEAD

STATE VS ALKEBULANYAHH

1 A MY NAME IS DIANE WATTS BODIE, B-O-D-I-E
 2 Q OKAY MS BODIE, BY WHOM ARE YOU EMPLOYED?
 3 A I'M EMPLOYED WITH THE STATE LAW ENFORCEMENT
 4 DIVISION COMMONLY REFERRED TO AS SLED
 5 Q OKAY AND HOW LONG HAVE YOU BEEN WITH SLED?
 6 A I HAVE BEEN WITH SLED APPROXIMATELY 25 YEARS
 7 Q OKAY PRIOR TO GOING TO WORK WITH SLED, WHERE DID
 8 YOU WORK?
 9 A PRIOR TO GOING TO WORK WITH SLED, I WAS EMPLOYED
 10 BY THE FBI IN WASHINGTON, DC
 11 Q OKAY AND WHAT WERE THE YEARS OF WORK WITH THE
 12 FBI?
 13 A I WORKED WITH THE FBI FOR A LITTLE OVER 6 YEARS AS
 14 A FINGERPRINT EXAMINER
 15 Q OKAY MS BODIE, WHAT ARE YOUR RESPONSIBILITIES
 16 AT SLED?
 17 A I'M ASSIGNED TO THE LATENT PRINT CRIME SCENE UNIT
 18 IN A FORENSIC LABORATORY AT SLED MY PRIMARY
 19 RESPONSIBILITIES ARE RESPONDING TO CRIME SCENES ALL
 20 OVER THE STATE AS REQUESTED BY LOCAL AGENCIES, AS WELL
 21 AS THE EXAMINATION OF PHYSICAL EVIDENCE AS IT RELATES
 22 TO IMPRESSION EVIDENCE, THAT WOULD INCLUDE FOOTWEAR,
 23 TIRE TREADS, FINGERPRINTS, BLOOD SPATTER AND FABRIC
 24 Q WHAT TRAINING HAVE YOU HAD TO DO YOUR WORK?
 25 A I WAS IN TRAINING, I RECEIVED APPROXIMATELY OVER

1 3,000 HOURS IN THE SCIENCE OF FINGERPRINTS, AS WELL AS
2 1500 -- APPROXIMATELY 1500 HOURS DEALING WITH CRIME
3 SCENE PROCESSING, FOOTWEAR, BLOOD SPATTER, FABRIC, AND
4 CRIME SCENE INVESTIGATION

5 Q THOSE 4500 HOURS, I THINK IS WHAT THAT TOTALS UP
6 TO, HAVE BEEN CLASSES?

7 A YES, SIR

8 Q OKAY IN ADDITION TO THE CLASSES THAT YOU HAVE
9 ATTENDED, HAVE YOU HAD ANY PRACTICAL WORK EXPERIENCE?
10 THAT'S A SILLY QUESTION, BUT I NEED TO ASK YOU

11 A YES SIR I HAVE RESPONDED TO OVER 300 CRIME
12 SCENES, THE MAJORITY OF THOSE CRIME SCENES HAVE DEALT
13 WITH DEATH INVESTIGATION

14 Q OKAY AND WHAT IS YOUR TITLE WITH SLED?

15 A I'M A SPECIAL AGENT IN THE CRIME SCENE DEPARTMENT

16 Q OKAY HAVE YOU TESTIFIED AS AN EXPERT WITNESS IN
17 THE COURTS OF SOUTH CAROLINA AND OTHER COURTS?

18 A YES I'VE BEEN QUALIFIED IN THE COURTS OF SOUTH
19 CAROLINA AS WELL AS IN FEDERAL COURT

20 MR MURDAUGH YOUR HONOR PLEASE, I WOULD PROFFER
21 HER AS AN EXPERT IN FORENSIC INVESTIGATION

22 Q IS THAT CORRECT?

23 THE COURT ANY OBJECTION?

24 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

25 MR MURDAUGH THANK YOU

STATE VS ALKEBULANYAHH

1 THE COURT THE COURT FINDS HER TO BE QUALIFIED IN
2 THAT AREA WITHOUT OBJECTION
3 Q MS BODIE I SHOW YOU STATE'S EXHIBIT NO 26 AND
4 ASK YOU IF YOU RECOGNIZE THAT?
5 A YES SIR, I DO
6 Q AND WHAT IS THAT ITEM?
7 A THIS IS THE SEARCH WARRANT ON 21 RILEY ROAD
8 Q OKAY WHEN THE MAGISTRATE ISSUED THAT SEARCH
9 WARRANT, DID YOU SERVE IT ON 21 RILEY ROAD?
10 A YES, SIR, I DID
11 Q AND HOW DID YOU SERVE IT ON THEM?
12 A (NO RESPONSE)
13 Q DID YOU GIVE IT TO ANYBODY?
14 A WHENEVER I DID THE RETURN
15 Q OKAY AND DID YOU SERVE IT ON SOMEBODY?
16 A ON ISAAC RILEY
17 Q OKAY NOW, PURSUANT TO THIS SEARCH WARRANT, DID
18 YOU GO INTO THE DWELLING AT 21 RILEY ROAD TO DO AN
19 INVESTIGATION?
20 A AFTER I RECEIVED THE SEARCH WARRANT?
21 Q YES, MA'AM, AND AFTER YOU SERVED IT?
22 A YES, SIR, I DID
23 Q OKAY AND WHO WAS WITH YOU?
24 A AGENT AL STUCKEY WITH THE SLED LATENT PRINT CRIME
25 SCENE DEPARTMENT HE RESPONDED WITH ME TO THE SCENE, AS

1 WELL AS BEAUFORT COUNTY OFFICER JIM BUKOFFSKY AND DID
2 AN INITIAL WALK-THROUGH OF THE SCENE

3 Q CAN YOU TELL ME WHAT TIME YOU ARRIVED ON THE SCENE
4 OF 21 RILEY ROAD?

5 A WE ARRIVE AT 21 RILEY ROAD APPROXIMATELY 7 20 IN
6 THE EVENING, AND WE ENTERED THE TRAILER AROUND 7 30
7 THAT EVENING

8 Q AND THAT WOULD HAVE BEEN AFTER THE SEARCH WARRANT
9 WAS SERVED?

10 A THE SEARCH WARRANT WAS ALREADY SIGNED YES SIR

11 Q OKAY WHERE DID YOU HAVE TO COME FROM TO GET
12 HERE?

13 A I CAME FROM HEADQUARTERS IN COLUMBIA

14 Q OKAY AS WELL AS THE OTHER PEOPLE YOU SAID WEPE
15 WITH YOU AL STUCKEY AND DAN DEFREESE?

16 A AL STUCKEY CAME WITH ME FROM -- WE RODE TOGETHER
17 FROM COLUMBIA

18 Q OKAY

19 A DAN DEFREESE HAPPENED TO BE HERE AT THE TIME

20 Q THAT'S RIGHT AND ALSO WAS A KIMBERLY BLACK WITH
21 YOU AT THE CRIME SCENE?

22 A YES SIR KIMBERLY BLACK WAS AT THE CRIME SCENE
23 THAT EVENING HOWEVER SHE DID NOT RIDE WITH ME DOWN
24 HERE SHE DID COME FROM COLUMBIA

25 Q IS SHE AVAILABLE TO COME TO BEAUFORT THIS WEEK?

1 A NO, SIR

2 Q CAN YOU TELL THE LADIES AND GENTLEMEN OF THE JURY

3 WHY?

4 A SHE JUST HAD HER FIRST CHILD LAST WEEK

5 Q OKAY NOW, MS BODIE, WILL YOU TELL THE LADIES

6 AND GENTLEMEN OF THE JURY WHAT YOU DID WHEN YOU GOT

7 THERE? 7 30, I THINK YOU SAID, YOU WENT INTO THE

8 RESIDENCE?

9 A YES, SIR, 7 30

10 Q OKAY TELL THE LADIES AND GENTLEMEN OF THE JURY

11 WHAT YOU DID AND WHAT YOU FOUND? A READERS DIGEST

12 VERSION RIGHT NOW PLEASE

13 A YES, SIR WE -- AS I SAID, WE MET WITH OFFICER

14 BUKOFFSKY WITH THE BEAUFORT COUNTY SHERIFF'S OFFICE

15 AND HE TOOK US TO THE BACK WE WENT -- ENTERED INTO

16 THE TRAILER WALKED IN THE -- GOT TO THE BEDROOM DOOR,

17 AND IMMEDIATELY UPON ENTRY INTO THAT BEDROOM DOOR, WE

18 SAW THE BODY OF OFFICER COURSEN, DEPUTY COURSEN, AT THE

19 -- THERE'S A COT RIGHT WHEN YOU ENTER THE DOOR HE WAS

20 LAYING ACROSS THE COT

21 AS WE LOOKED INTO THE ROOM, THE ROOM WAS VERY --

22 HAD LOTS OF FURNITURE, AND THERE WERE A LOT OF ITEMS ON

23 THE FLOOR THERE WAS A T V THAT WE COULD SEE TO THE

24 RIGHT OF WHERE OFFICER -- WHERE DEPUTY COURSEN WAS

25 LYING YOU COULD SEE THE TUBE IN THE T V HAD BEEN

1 SHOT

2 AND AS YOU GO, YOU COULD SEE OFFICER -- DEPUTY
3 TATE ALSO LAYING AT THE ENTRANCE AND IN THE BATHROOM
4 DOOR AREA

5 THERE WAS A LOT OF ITEMS ON THE FLOOR AND ON THE
6 BED, A LOT OF DISARRAY ABOUT THE ROOM AND WE WALKED
7 THROUGH AND WE SAW THE -- THERE WAS A CLOSET DOOR IN
8 BETWEEN THE TWO OFFICERS, THERE'S A CLOSET IN THE
9 CORNER AND IN THIS DOOR WAS VERY OBVIOUS BULLET HOLES
10 THROUGH THE DOOR AND IT WAS ITEMS OF CLOTHING ON THE
11 FLOOR AND ON THE BED BLANKETS, AND BROKEN GLASS WE
12 COULD SEE HOLES IN WINDOWS WE COULD SEE HOLES IN THE
13 WALL

14 Q OKAY

15 A AND CARTRIDGE -- SOME CARTRIDGE CASES LYING ON THE
16 FLOOR

17 Q WHEN YOU ALL MADE YOUR TOUR THROUGH THE ROOM, WERE
18 YOU -- DID YOU TAKE PRECAUTIONS NOT TO MOVE ANYTHING?
19 IS THAT A PART OF YOUR MUCH SCHOOL?

20 A YES, SIR THE FIRST THING WE DID, WE ALWAYS --
21 YOU TAKE ONE STEP AT A TIME, AND YOU MAKE SURE YOU'RE
22 NOT -- YOU'RE NOT DESTROYING ANYTHING AS YOU GO YOU
23 LOOK DOWN YOU LOOK AROUND YOU LOOK OVER IN EVERY
24 DIRECTION

25 WHEN WE -- THE VERY FIRST THING WE WANT TO DO IS

1 DOCUMENT THE ROOM PHOTOGRAPHY -- WITH PHOTOGRAPHY AS IT
2 IS WHEN WE ARRIVED ON THE SCENE AND THAT IS OUR FIRST
3 -- WHAT WE DO

4 SO AT THIS POINT, BASICALLY, WHAT WE SAW WAS
5 PRETTY MUCH ANYONE COULD HAVE SEEN IF THEY STOOD IN
6 THAT DOORWAY ENTERING INTO THE BEDROOM

7 Q OKAY DID YOU THEN START TO PROCESS THE CRIME
8 SCENE FROM THAT DOORWAY TOWARD THE BACK OF THE ROOM?

9 A YES, SIR, WE DID WE STARTED IN THE ENTRANCE WAY,
10 BECAUSE WE HAVE AN OFFICER WHO IS DOWN RIGHT AS WE GET
11 INTO THE DOOR AND WE HAVE TO WORK FROM THAT POINT ONE
12 SEGMENT AT A TIME UNTIL WE ARE ALL OF THE WAY TO THE
13 BACK OF THE TRAILER

14 Q AND DID YOU IN THE PROCESS OF DOING THAT GATHER
15 CERTAIN EVIDENCE?

16 A YES, SIR, WE DID

17 Q CAN YOU AGAIN IN A READERS DIGEST VERSION -- I'LL
18 GO INTO MORE DETAIL LATER -- TELL ME WHAT ALL YOU GOT?

19 A DURING THE COURSE OF THE INVESTIGATION INSIDE THAT
20 ROOM, WHICH WE SPENT 30 HOURS INSIDE THAT ROOM IN
21 THOSE 30 HOURS WE GATHERED APPROXIMATELY 20 7 62
22 CARTRIDGE CASES

23 Q 20 7 62 OKAY

24 A 20 7 62 CARTRIDGE CASES WE ALSO COLLECTED 10 40
25 CALIBER CARTRIDGE CASES

1 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
2 APPROACH SIDE BAR?
3 THE COURT YES
4 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
5 OUT OF THE HEARING OF THE JURY)
6 Q MS BODIE, I'M NOT SURE WHAT I LAST ASKED YOU
7 A YOU ASKED ME WHAT I COLLECTED AT THE SCENE,
8 BASICALLY, IN AN EDITED VERSION
9 Q OKAY AND YOU'VE TESTIFIED THAT YOU COLLECTED
10 WHAT?
11 A WE COLLECTED 20 7 62 ---
12 Q OKAY I REMEMBER YOU TESTIFYING TO THAT NOW
13 AND ---
14 A AND 10 40 CALIBER CARTRIDGE CASES
15 Q OKAY NOW, LET'S STOP RIGHT THERE JUST A MINUTE
16 AND LET ME ASK YOU ABOUT THOSE ITEMS THEN WE'LL GO TO
17 OTHER STUFF
18 A YES SIR
19 Q THE CARTRIDGE CASINGS TELL ME WHAT THOSE ARE?
20 A WHEN YOU FIRE A GUN AND THE BULLET EJECTS, THE
21 CARTRIDGE CASE IS INSIDE THE CHAMBER, AND IT WILL EJECT
22 OUTSIDE THE GUN AS THE BULLET GOES THROUGH THE GUN TO
23 SHOOT
24 Q BEFORE I GET INTO THAT, MS BODIE, LET ME ASK YOU
25 ONE OTHER QUESTION DID YOU -- YOU SAID THAT OFFICER

STATE VS ALKEBULANYAHH

1 COURSEN WAS RIGHT NEXT TO THE DOOR ENTERING THE ROOM?

2 A YES, SIR

3 Q CAN YOU DESCRIBE TO THE LADIES AND GENTLEMEN OF
4 THE JURY WHAT HIS POSITION WAS AND WHAT INJURIES IF ANY
5 YOU SAW ON HIM?

6 A RIGHT INSIDE THE DOORWAY TO THE LEFT OF THE DOOR,
7 INSIDE THE TRAILER, THERE'S A COT AND THEN NEXT TO IT
8 IS A DOUBLE BED AND THEN IN FRONT OF THE COT -- IN
9 FRONT OF THE DOORWAY ACTUALLY, THERE IS A STOOL WHEN
10 I ARRIVED, OFFICER COURSEN'S HEAD BASICALLY WAS LAYING
11 OVER THE COT WITH HIS HEAD FACING THE DOOR, AND HIS
12 HEAD WAS DOWN ON THE COT HIS ARM WAS KIND OF RESTING
13 ACROSS THE STOOL, AND HIS LEGS WERE STRETCHED BACK IN
14 THE HALLWAY TOWARD THE CLOSET AREA

15 IT WAS OBVIOUS HE HAD SOME KIND OF INJURY TO HIS
16 HAND HE HAD A HOLE IN THE BACK OF HIS HEAD WHERE HE
17 WAS LAYING ON THE COT

18 CHECKING OFFICER COURSEN, THERE WAS A FLASHLIGHT
19 LAYING ON THE COT NEXT TO HIM HIS GUN WAS STILL
20 HOLSTERED IN HIS DUTY BELT ON HIS WAIST AND IT WAS
21 JUST A LOT OF BLOOD IN THAT GENERAL AREA

22 Q NOW, WHEN YOU SAY HIS GUN WAS HOLSTERED, DO YOU
23 RECALL WHETHER OR NOT IN ADDITION TO THE HOLSTER ITSELF
24 THERE WAS A STRAP HOLDING IT IN PLACE?

25 A I RECALL IT BEING HOLSTERED AND IF THERE'S A

1 STRAP, IT WOULD HAVE BEEN STRAPPED DOWN WHEN I SAY
2 HOLSTERED, IT'S -- YOU HAVE TO DO SOMETHING TO REMOVE
3 IT FROM THE WEAPON IT WASN'T RELEASED

4 Q OKAY NOW, THE CARTRIDGE CASINGS, SPENT CARTRIDGE
5 CASINGS -- WOULD THAT BE A FAIR DESCRIPTION OF THE 7 62
6 AND THE 40 CALIBER?

7 A YES, SIR

8 Q OKAY THE SPENT CARTRIDGE CASINGS THAT YOU FOUND,
9 DID YOU RECOVER THOSE?

10 A YES, SIR, I DID

11 Q AND DID YOU MAKE NOTATIONS OF THE POINT AT WHICH
12 YOU RECOVERED THOSE IN THE ROOM?

13 A YES, SIR, WE -- WE NOTED ON THE TIN WHERE THEY
14 WERE RECOVERED IN THE ROOM AND WE ALSO PHOTOGRAPH IT
15 AS WELL, GIVING IT A MARKER NUMBER

16 Q OKAY AND DID YOU GIVE THEM A -- NOT AN EVIDENCE
17 NUMBER, BUT A DESIGNATION?

18 A YES, SIR, WE DID

19 Q AND WHAT WERE THOSE DESIGNATIONS? WERE THEY
20 NUMBERS OR ALPHABET?

21 A THE ALPHABET WE STARTED WITH MARKER "A"

22 Q OKAY FOR EXAMPLE I SHOW YOU AN ITEM, MA'AM, AND
23 ASK IF YOU WILL IDENTIFY THIS FOR ME?

24 A YES, THIS IS MARKER "C", THIS IS A 7 62 CARTRIDGE
25 CASE THAT WE COLLECTED UNDER THE COOLER AND A KEROSENE

1 HEATER IN THE BEDROOM

2 Q OKAY ATTACHED TO THAT, IS THERE A PHOTOGRAPH?

3 A YES, SIR, THERE'S A PHOTOGRAPH THAT SHOWS A

4 PICTURE OF THE CARTRIDGE CASE, AS WELL AS MARKER "C"

5 Q OKAY NOW, I ASK YOU, MS BODIE, WHETHER OR NOT

6 AT MY REQUEST YOU PLACED THE ALPHABET NUMBER

7 CORRESPONDING WITH YOUR "C" ON THE BOTTOM OF THE BOX?

8 A YES, SIR, I DID

9 Q AND DID YOU ALSO PLACE ON THE PHOTOGRAPH DEPICTING

10 THAT SPENT CARTRIDGE CASE A LETTER?

11 A YES, SIR, I DID

12 Q OKAY SO CARTRIDGE -- THE BOX CONTAINING THE

13 SPENT CARTRIDGE IS MARKED "C", AND THE PHOTOGRAPH

14 CORRESPONDING TO IT WOULD BE MARKED "C"?

15 A YES, SIR THE BOX

16 Q AND DID YOU ALSO DO THIS WITH EACH AND EVERY OTHER

17 SPENT CARTRIDGE CASING?

18 A YES, SIR, I DID

19 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD

20 AT THIS TIME MOVE FOR THE INTRODUCTION OF THIS ITEM AND

21 THE PHOTOGRAPH

22 THE COURT ANY OBJECTION?

23 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

24 THE COURT STATE'S 27 AND 28 IN EVIDENCE WITHOUT

25 OBJECTION

STATE VS ALKEBULANYAHH

1 (ROUND METAL CONTAINER "C" MARKED IN EVIDENCE AS
2 STATE'S EXHIBIT NO 27)

3 (SMALL COLOR PHOTO "C" MARKED IN EVIDENCE AS
4 STATE'S EXHIBIT NO 28)

5 Q MS BODIE, OPENING THE ITEM MARKED STATE'S EXHIBIT
6 27, WOULD YOU DO THAT AND DISPLAY FOR THE JURY WHAT
7 WE'RE TALKING ABOUT?

8 A (COMPLIED) THIS IS MARKER "C", 7 62 CARTRIDGE
9 CASE THAT WAS COLLECTED UNDERNEATH THE KEROSENE HEATER
10 AND COOLER

11 MR MURDAUGH OKAY MAY I EXHIBIT THIS TO THE
12 JURY IN ORDER TO SHOW THEM HOW WE'RE DOING IT?

13 (PAUSE)

14 MR MURDAUGH YOU ALL MAY PASS IT -- MAY I HAVE
15 THEM PASS IT DOWN, SIR?

16 THE COURT THAT'S FINE

17 (PAUSE)

18 MR MURDAUGH JUDGE, WOULD YOU INFORM THEM THAT
19 THEY WILL HAVE THIS

20 THE COURT YES, YOU WILL HAVE ALL THE EVIDENCE
21 THAT'S ACTUALLY ADMITTED INTO THE CASE WITH YOU IN THE
22 JURY ROOM DURING YOUR DELIBERATIONS, LADIES AND
23 GENTLEMEN FROM TIME TO TIME WE WILL ALLOW INDIVIDUALS
24 TO PUBLISH EXHIBITS TO THE JURY, THAT MEANS, JUST LET
25 YOU HAVE ACCESS TO THEM OR SEE THEM WHILE THE CASE IS

STATE VS ALKEBULANYAHH

1 GOING ON

2 (PAUSE)

3 Q MS BODIE, DO YOU HAVE NOTES SHOWING WHERE IN THAT
4 ROOM THE CARTRIDGE CASING WAS FOUND?

5 A YES, SIR, I DO

6 Q OKAY IN ADDITION TO ASKING YOU TO PUT ON THE
7 BACK OF THE THINGS THE CORRESPONDING NUMBERS FOR THE
8 PHOTOGRAPH AND THE CANISTER, DID I ASK YOU TO DO IT IN
9 A PARTICULAR COLOR?

10 A YES, SIR, YOU DID

11 Q AND WHAT DID -- WHY DO YOU HAVE YELLOW ON THESE?

12 A YELLOW REPRESENTS THE 7 62 CARTRIDGE CASE

13 Q DO YOU ALSO HAVE SOME THAT YOU WILL TESTIFY ABOUT
14 LATER WITH A DIFFERENT COLOR?

15 A YES YES SIR BLUE WILL REPRESENT THE 40
16 CALIBER CARTRIDGE CASE

17 Q OKAY DOES THAT CORRESPOND TO THE TRAJECTORY
18 SHOWN IN STATE'S EXHIBIT NO 25, WHICH HAS BEEN
19 IDENTIFIED AS THE MODEL OF THAT ROOM?

20 A YES, SIR, THE COLOR YELLOW ON THE MODEL IN THAT
21 ROOM RESPONDS TO THE 7 62 TRAJECTORY AND THE BLUE
22 RESPONDS TO THE 40 CALIBER TRAJECTORY

23 Q OKAY NOW, I SHOW YOU STATE'S EXHIBIT 24, WHICH
24 HAS BEEN IDENTIFIED AS A TO-SCALE FLOOR PLAN OF THAT
25 MODEL DO YOU RECOGNIZE IT?

1 A YES, SIR

2 Q DID I ALSO ASK YOU TO BE PREPARED TO PUT THE SAME

3 NUMBER, SUCH AS "C" ON THIS EXHIBIT, STATE'S EXHIBIT

4 27, TO PUT A STICKER ON THIS MODEL ---

5 A YES, SIR

6 Q --- SO WE CAN SHOW WHERE IT WAS RECOVERED FROM?

7 A YES, SIR, YOU DID

8 Q WOULD YOU DO THAT PLEASE?

9 A YES SIR (COMPLIED)

10 MR MURDAUGH YOUR HONOR, PLEASE, I DO NOT INTEND

11 TO GO THROUGH EACH OF THESE THE WAY I'M DOING NOW IT

12 BUT I'D LIKE TO EXPLAIN -- SHOW THE JURY HOW WE ARE

13 DOING IT

14 THE COURT ALL RIGHT GO AHEAD

15 MR MURDAUGH MAY I BRING HER DOWN?

16 THE COURT YES SIR

17 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

18 MR ALKEBULANYAHH MAY I APPROACH YOUR HONOR?

19 THE COURT YES, SIR

20 Q YOU HAVE INTRODUCED EXHIBIT "C", WHICH IS THE

21 SPENT CARTRIDGE CASE, IS THAT CORRECT?

22 A YES, SIR

23 Q THE PHOTOGRAPH, WHICH IS 28 WITH A "C" ON THE BACK

24 OF IT IN YELLOW, WHICH IS ---

25 A THIS IS THE PHOTOGRAPH OF THE CARTRIDGE CASE

STATE VS ALKEBULANYAHH

1 CONTAINED IN THIS CONTAINER, WITH THE MARKER "C"

2 Q OKAY NOW, YOU HAD PLACED A "C" ON THIS BOARD,
3 STATE'S EXHIBIT NO 24 -- YES, 24, IS THAT CORRECT?

4 A YES, SIR

5 Q AND WHAT IS THAT "C" THAT'S ON THERE RIGHT NOW
6 REPRESENT?

7 A IT REPRESENTS THE 7 62 CARTRIDGE CASE THAT WAS
8 COLLECTED AT THAT POINT

9 Q OKAY

10 A AT MARKER C

11 Q THANK YOU, MA'AM YOU MAY HAVE A SEAT BACK UP
12 THERE

13 (THE WITNESS RETURNS TO THE WITNESS STAND)

14 Q I'M GOING TO ASK YOU, MS BODIE, TO GO THROUGH A
15 SERIES OF OTHER ITEMS AND I'M GOING TO ASK YOU --
16 WELL, I WILL I SHOW YOU ANOTHER ITEM AND ASK YOU IF
17 YOU CAN IDENTIFY THIS?

18 MR MURDAUGH YOUR HONOR, PLEASE WE PROBABLY
19 NEED TO DISCUSS A MATTER, SIR

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

22 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
23 THIS?

24 A YES, SIR THIS IS AN ITEM MARKED WITH EVIDENCE
25 MARKER "E", IT REPRESENTS 3 7 62 CARTRIDGE CASINGS THAT

1 WERE FOUND VERY CLOSE TO WHERE "C" IS LOCATED, BETWEEN
2 "C" AND THE CLOSET DOOR

3 Q OKAY AND THE PHOTOGRAPH?

4 A THIS IS THE PHOTOGRAPH SHOWING MARKER "E" AND THE
5 CARTRIDGE CASES

6 MR MURDAUGH YOUR HONOR PLEASE, I WOULD OFFER
7 THESE TWO AS EXHIBITS

8 THE COURT ALL RIGHT

9 MR ALKEBULANYAHH YES, SIR, I OBJECT, YOUR
10 HONOR

11 THE COURT ALL RIGHT OVERRULED I'LL ALLOW
12 THOSE TWO IN STATE'S 29 AND 30 IN EVIDENCE

13 (SMALL COLOR PHOTO "E" MARKED IN EVIDENCE AS
14 STATE'S EXHIBIT NO 29)

15 (ROUND METAL CONTAINER "E" MARKED IN EVIDENCE AS
16 STATE'S EXHIBIT NO 30)

17 Q AND AGAIN, MS BODIE, ALL ITEMS MARKED WITH AN
18 "E" BOTH THE PHOTOGRAPH AND THE CARTRIDGE CASES?

19 A YES SIR

20 Q AND IS THAT TO SHOW THAT THIS PHOTOGRAPH GOES WITH
21 THESE THREE CARTRIDGE CASES?

22 A YES, SIR

23 Q OKAY WOULD YOU TAKE A STICKER AND PUT IT ON THE
24 BOARD WHERE THOSE WERE LOCATED?

25 A (COMPLIED)

STATE VS ALKEBULANYAHH

1 Q OKAY THANK YOU, MA'AM I SHOW YOU ANOTHER ITEM
2 AND ASK YOU IF YOU CAN IDENTIFY THAT?

3 A THIS IS MARKED "G" IT REPRESENTS 2 7 62
4 CARTRIDGE CASES THAT WERE COLLECTED FROM UNDER THE
5 STOOL AND OFFICER COURSEN'S BODY AND THIS IS THE
6 PHOTOGRAPH SHOWING THE STOOL AND THE MARKER "G" WITH
7 THE CARTRIDGE CASES

8 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
9 THESE AS AN EXHIBIT

10 THE COURT ANY OBJECTION?

11 MR ALKEBULANYAHH I WOULD LIKE TO VIEW THEM,
12 YOUR HONOR

13 THE COURT ALL RIGHT

14 MR MURDAUGH THESE ARE THE ONES ---

15 THE COURT THE ONES THAT WE'VE LOOKED AT AT SIDE
16 BAR

17 MR ALKEBULANYAHH OKAY

18 (PAUSE)

19 MR ALKEBULANYAHH NO OBJECTION

20 THE COURT ALL RIGHT STATE'S 31 AND 32 IN
21 EVIDENCE WITHOUT OBJECTION

22 MR ALKEBULANYAHH YOUR HONOR, IT WAS THE THREE
23 WE SAW A MINUTE AGO?

24 THE COURT THAT WAS THE SIDE BAR -- THOSE WOULD
25 BE IN OVER THE DEFENDANT'S OBJECTION

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH OKAY
2 (ROUND METAL CONTAINER "G" MARKED IN EVIDENCE AS
3 STATE'S EXHIBIT NO 31)
4 (SMALL COLOR PHOTO "G" MARKED IN EVIDENCE AS
5 STATE'S EXHIBIT NO 32)
6 Q OKAY WILL YOU NOW PLACE FOR ME ON THIS CHART
7 WHERE THESE WERE FOUND?
8 A YES, SIR (COMPLIED)
9 Q I NOW SHOW YOU -- I SHOW YOU AN ITEM MARKED "P"
10 WHAT IS THAT?
11 A THIS CONTAINER STATES "P", ONE 7 62 CARTRIDGE
12 CASE, WHICH WAS COLLECTED UNDER THE LEFT KNEE OF DEPUTY
13 COURSEN
14 Q OKAY
15 A AND THE PHOTOGRAPH REPRESENT THE 7 2 -- 7 62
16 CARTRIDGE CASE AND THE MARKER "P"
17 Q AND THERE ARE HOW MANY PHOTOGRAPHS?
18 A FIVE
19 MR MURDAUGH THANK YOU YOUR HONOR, PLEASE, I
20 WOULD OFFER THESE AS EXHIBITS
21 MR ALKEBULANYAHH YES, I WOULD LIKE TO VIEW
22 THEM, YOUR HONOR
23 THE COURT ALL RIGHT
24 (PAUSE)
25 MR MURDAUGH I AGAIN OFFER THEM AS EXHIBITS,

1 SIR

2 THE COURT ANY OBJECTION?

3 MR ALKEBULANYAHH YES, SIR, YOUR HONOR SHE SAY
4 "P" WAS REPRESENTING THE CARTRIDGE FOUND UNDER THE LEFT
5 KNEE?

6 THE COURT APPROACH THE SIDE BAR PLEASE

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

9 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
10 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY
11 WHATSOEVER

12 (THE JURY RETIRES TO THE JURY ROOM AT 10 53 A M)

13 THE COURT DO YOU WANT TO CLARIFY IT FIRST SHE
14 MAY HAVE SAID IT UNDER THE KNEE

15 Q WHERE DID YOU SAY THAT YOU FOUND STATE'S EXHIBIT
16 NO -- THE ITEM MARKED "P"?

17 A I STATED UNDER THE LEFT KNEE OF COURSEN, AND I CAN
18 EXPLAIN THAT

19 Q OKAY

20 A I HAVE IN MY CRIME SCENE NOTES THAT WHEN THE BODY
21 WAS -- WHEN COURSEN'S BODY WAS REMOVED THAT IS WHEN WE
22 LOCATED THE CARTRIDGE CASE IT SLID OUT FROM
23 UNDERNEATH THE BODY WHEN IT WAS REMOVED WE HAD NO
24 PHOTO OF IT BEFORE WE MOVED THE BODY

25 THE COURT ANY OBJECTION?

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I --
2 YOU KNOW, I FEEL LIKE, YOU KNOW, BECAUSE THE PHOTO
3 BEING INTRODUCED AFTER, THAT MAYBE THEY -- THE PHOTO
4 COULD HAVE BEEN TAKEN AT THE TIME, YOU KNOW --
5 THE COURT WELL ---
6 MR ALKEBULANYAHH --- WHEN IT WAS FIRST REMOVED
7 THE COURT THEY'RE GOING TO ASK ME TO ALLOW THAT
8 PICTURE WITH THE BODY IN IT
9 MR MURDAUGH I CAN CERTAINLY ---
10 MR ALKEBULANYAHH DO WE HAVE A PICTURE OF IT
11 WITH THAT, BECAUSE ---
12 THE COURT SHE SAID IT DIDN'T COME OUT UNTIL ---
13 MR ALKEBULANYAHH THEY MIGHT NOT HAVE -- THEY
14 MIGHT NOT HAVE A PICTURE WITH THE BODY IN IT WITH A
15 CARTRIDGE UNDERNEATH
16 THE COURT SHE TESTIFIED ---
17 MR ALKEBULANYAHH THEY ESTABLISH ---
18 THE COURT SHE TESTIFIED THAT IT CAME OUT WHEN
19 THEY MOVED THE BODY I MEAN, THERE'S NOT A REQUIREMENT
20 THERE THAT EVERYTHING BE PHOTOGRAPHED ANYWAY
21 MR ALKEBULANYAHH I MEAN, YOU KNOW IF YOU JUST
22 -- I JUST -- THAT MY OBJECTION IF YOU WANTS TO JUST
23 OVERRULE, YOU KNOW
24 THE COURT ALL RIGHT I OVERRULE THE OBJECTION
25 DO YOU ALL WANT TO GO THROUGH THE OTHER PICTURES FIRST?

1 MR MURDAUGH YES, SIR

2 (PAUSE)

3 MR MURDAUGH THANK YOU, MA'AM

4 YOUR HONOR, PLEASE, I RECKON I OUGHT TO DO THIS

5 BEFORE THE JURY I'LL HAND THEM TO THE CLERK

6 THE COURT THOSE ARE THE ONES YOU WANT TO SHOW

7 HIM NOW?

8 MR MURDAUGH NO, SIR THOSE ARE THE ONES I'VE

9 ALREADY SHOWED HIM BUT I JUST DON'T WANT HIM TO THINK

10 I WAS SUBSTITUTING, SO I'M GOING TO LEAVE THEM WITH THE

11 CLERK

12 THE COURT THAT'S FINE

13 MR MURDAUGH THE ONES THAT'S BEEN TESTIFIED TO

14 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE MY

15 INVESTIGATORS LOOK AT THOSE?

16 THE COURT YES

17 (PAUSE)

18 MR MURDAUGH YOUR HONOR, PLEASE, MIGHT WE

19 INQUIRE AT THIS POINT IF THERE'S ANY HE HAS NO

20 OBJECTION TO, I COULD GO AHEAD AND GET THEM MARKED

21 THE COURT DO YOU HAVE ANY THAT YOU AGREE TO?

22 MR ALKEBULANYAHH YES, SIR, ONCE I ---

23 MR MURDAUGH I'M TALKING ABOUT ON THIS SIDE OVER

24 HERE, ANY OBJECTION ON THIS SIDE?

25 MR ALKEBULANYAHH NO, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH COULD I START MARKING THESE SIR?

2 THE COURT YES, SIR

3 MR ALKEBULANYAHH I DON'T KNOW IF IT WILL BE A
4 CONFLICT WITH THE TESTIMONY WITH THE ITEM FOUND, THEN I
5 MIGHT HAVE A OBJECTION THEN

6 THE COURT OKAY

7 (PAUSE)

8 MR MURDAUGH YOUR HONOR, PLEASE, HE HAS NOW
9 VIEWED THEM COULD WE START MARKING ANY HE HAS NO
10 OBJECTION TO?

11 THE COURT ARE THERE ANY YOU HAVE NO OBJECTION
12 TO?

13 MR ALKEBULANYAHH THERE WAS SOME I DON'T I
14 DON'T KNOW LIKE I SAID, IN PARTICULAR I DON'T KNOW
15 THE ITEMS THAT -- ACCORDING TO WHAT THE TESTIMONY IS --
16 IN REFERENCE TO THE ---

17 THE COURT IF HE'S NOT GOING TO AGREE TO ANY OF
18 THEM WE MIGHT AS WELL PROCEED

19 MR MURDAUGH I UNDERSTAND SIR

20 THE COURT ALL RIGHT BRING THE JURY BACK IN

21 (PAUSE)

22 THE COURT YOU ALL READY?

23 MR MURDAUGH THE STATE IS

24 THE COURT DEFENSE READY?

25 MR ALKEBULANYAHH DEFENSE IS, SIR

STATE VS ALKEBULANYAHH

1 THE COURT BRING THE JURY IN, PLEASE

2 (THE JURY RETURNS TO THE COURTROOM AT 11 11 A M)

3 THE COURT THANK YOU, LADIES AND GENTLEMEN

4 WE'RE READY TO PROCEED PLEASE BE SEATED

5 Q MS BODIE, YOU HAVE TESTIFIED ABOUT THE ITEM

6 MARKED "P", IS THAT CORRECT?

7 A YES, SIR

8 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD NOW

9 OFFER THAT AS AN EXHIBIT

10 THE COURT ANY OBJECTION?

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

12 OBJECTION

13 THE COURT ALL RIGHT STATE'S 33 THROUGH 38 IN

14 EVIDENCE WITHOUT OBJECTION

15 (ROUND METAL CONTAINER "P" MARKED IN EVIDENCE AS

16 STATE'S EXHIBIT NO 33)

17 (5 SMALL COLOR PHOTOS "P" MARKED IN EVIDENCE AS

18 STATE'S EXHIBIT NOS 34, 35, 36, 37, AND 38)

19 Q I HAND YOU ANOTHER ITEM AND ASK IF YOU CAN

20 IDENTIFY THIS, PLEASE?

21 A THIS CONTAINER IS MARKED "R", REPRESENTING 3 7 62

22 CARTRIDGE CASES COLLECTED FROM THE INSIDE CLOSET AND

23 UNDER BLANKET AND CLOTHING ON THE FLOOR

24 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD

25 OFFER THESE AS EXHIBITS

STATE VS ALKEBULANYAHH

1 THE COURT ANY OBJECTION?

2 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

3 THE COURT STATE'S 39 THROUGH 46 IN EVIDENCE

4 WITHOUT OBJECTION

5 (ROUND METAL CONTAINER "R" MARKED IN EVIDENCE AS

6 STATE'S EXHIBIT NO 39)

7 (7 SMALL COLOR PHOTOS "R" MARKED IN EVIDENCE AS

8 STATE'S EXHIBIT NOS 40, 41, 42, 43, 44, 45, AND 46)

9 Q I NEGLECTED TO ASK YOU ON "P", CAN YOU TAKE THE

10 STICKERS AND MARK ON THIS STATE'S EXHIBIT 24 WHERE THEY

11 WERE LOCATED?

12 A "P" WAS ONE CARTRIDGE CASE (COMPLIED)

13 Q OKAY AND "R"?

14 A "R" ---

15 Q THE ITEM THAT IS MARKED STATE'S EXHIBIT NO ---

16 A 39

17 Q --- 39, WHERE WAS IT LOCATED?

18 A (COMPLIED)

19 Q THERE WERE 3 ON "R"?

20 A YES, SIR, 3 WERE IN THE CLOSET AREA AND UNDER A

21 BLANKET AND SOME CLOTHING THAT WAS ON THE FLOOR

22 Q OKAY I SHOW YOU STATE'S EXHIBIT NO -- EXCUSE

23 ME, AN ITEM AND ASK YOU IF YOU CAN IDENTIFY THAT?

24 A THIS ITEM IS MARKED "Q", REPRESENTING ONE 7 62

25 COLLECTED FROM THE AREA OF THE CLOSET

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
2 THESE AS EXHIBITS

3 THE COURT ANY OBJECTION?

4 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

5 THE COURT STATE'S 47 THROUGH 50 IN EVIDENCE
6 WITHOUT OBJECTION

7 (ROUND METAL CONTAINER "Q" MARKED IN EVIDENCE AS
8 STATE'S EXHIBIT NO 47)

9 (3 SMALL COLOR PHOTOS "Q" MARKED IN EVIDENCE AS
10 STATE'S EXHIBIT NOS 48, 49, AND 50)

11 Q AND I SHOW YOU ANOTHER ITEM AND ASK YOU IF YOU CAN
12 RECOGNIZE THAT?

13 A THIS ITEM IS MARKED "T", REPRESENTING ONE 7 62
14 CARTRIDGE CASE COLLECTED AT THE FLOOR BETWEEN THE
15 CLOSET WALL AND BLACK SUITCASE WHICH WAS INSIDE THE
16 CLOSET

17 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
18 THESE AS EXHIBITS

19 THE COURT ANY OBJECTION?

20 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

21 THE COURT ALL RIGHT STATE'S 51 THROUGH 54 IN
22 EVIDENCE WITHOUT OBJECTION

23 (ROUND METAL CONTAINER "T" MARKED IN EVIDENCE AS
24 STATE'S EXHIBIT NO 51)

25 (3 SMALL COLOR PHOTOS "T" MARKED IN EVIDENCE AS

1 STATE'S EXHIBIT NOS 52, 53 AND 54)
 2 Q MS BODIE, I THINK I FORGOT TO ASK YOU TO PUT "Q"
 3 ON THIS CHART DID I?
 4 A YES SIR
 5 Q WOULD YOU PUT "Q" ON THE CHART? DO YOU REMEMBER
 6 WHERE IT WAS LOCATED?
 7 A "Q" WAS LOCATED ON THE FLOOR OF THE CLOSET AREA
 8 Q OKAY OKAY AND THE LAST ONE, STATE'S EXHIBIT
 9 "T", WHERE WAS THAT LOCATED?
 10 A "T" IS LOCATED ON THE WALL, BETWEEN THE LONG BLACK
 11 SUITCASE WHICH IS IN THE CLOSET
 12 Q OKAY WOULD YOU PUT IT ON, PLEASE?
 13 A (COMPLIED)
 14 Q OKAY I NOW HAND YOU AN ITEM MARKED "X" WITH YOUR
 15 NOTATIONS, AND ASK YOU IF YOU CAN IDENTIFY THAT?
 16 A THIS CONTAINER IS MARKED "X", REPRESENTING 2
 17 CARTRIDGE CASES 7 62 CARTRIDGE CASES WHICH WERE FOUND
 18 UNDER BED BY THE BATHROOM DOOR, RIGHT AT THE EDGE OF
 19 THE BED BY THE BATHROOM DOOR
 20 MR MURDAUGH YOUR HONOR ---
 21 A AND PHOTOGRAPHS TO MATCH
 22 MR MURDAUGH IF YOUR HONOR PLEASE, I WOULD ASK
 23 THAT THESE BE MARKED AS EXHIBITS
 24 THE COURT ANY OBJECTION?
 25 MR ALKEBULANYAHH NO, SIR, NO OBJECTION

STATE VS ALKEBULANYAHH

1 THE COURT STATE'S 55 THROUGH 60 IN EVIDENCE
2 WITHOUT OBJECTION

3 (ROUND METAL CONTAINER "X" MARKED IN EVIDENCE AS
4 STATE'S EXHIBIT NO 55)

5 (5 SMALL COLOR PHOTOS "X" MARKED IN EVIDENCE AS
6 STATE'S EXHIBIT NOS 56, 57, 58, 59, AND 60)

7 Q WILL YOU MARK -- AND THOSE ARE DESIGNATED "X" ON
8 THE LIST?

9 A YES, SIR

10 Q WOULD YOU MARK ON HERE WHERE THEY WERE FOUND?

11 A (COMPLIED)

12 Q THANK YOU, MA'AM I SHOW YOU ANOTHER ITEM, MA'AM,
13 AND ASK YOU IF YOU CAN IDENTIFY THIS?

14 A THIS CONTAINER IS MARKED "Y", REPRESENTING ONE
15 7 62 CARTRIDGE CASE, WHICH WAS FOUND ON THE COT WHEN
16 THE HUGGIES DIAPERS WERE REMOVED

17 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
18 THIS AS AN EXHIBIT

19 THE COURT ANY OBJECTION?

20 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

21 THE COURT STATE'S 61 THROUGH 63 IN EVIDENCE
22 WITHOUT OBJECTION

23 (ROUND METAL CONTAINER "Y" MARKED IN EVIDENCE AS
24 STATE'S EXHIBIT NO 61)

25 (2 SMALL COLOR PHOTOS "Y" MARKED IN EVIDENCE AS

STATE VS ALKEBULANYAHH

1 STATE'S EXHIBIT NOS 62 AND 63)
2 Q WOULD YOU PLACE THOSE ON THE CHART AT THE POINT
3 WHERE YOU FOUND THEM?
4 A (COMPLIED)
5 Q THAT'S "Y"?
6 A YES, SIR, THAT'S MARKER "Y"
7 Q I SHOW YOU ANOTHER ITEM AND ASK YOU IF YOU CAN
8 IDENTIFY THAT?
9 A THIS IS A 7 62 CARTRIDGE CASE WHICH IS FOUND
10 UNDERNEATH THE GREEN CURTAIN ON THE FLOOR IN THE
11 BEDROOM BY THE BATHROOM DOOR
12 MR MURDAUGH OKAY IF YOUR HONOR, PLEASE, I
13 MOVE THE INTRODUCTION
14 THE COURT OBJECTION?
15 MR ALKEBULANYAHH NO OBJECTION YOUR HONOR
16 THE COURT ALL RIGHT STATE'S 64 THROUGH 68 IN
17 EVIDENCE WITHOUT OBJECTION
18 (ROUND METAL CONTAINER "YY" MARKED IN EVIDENCE AS
19 STATE'S EXHIBIT NO 64)
20 (4 SMALL COLOR PHOTOS "YY" MARKED IN EVIDENCE AS
21 STATE'S EXHIBIT NOS 65, 66, 67 AND 68)
22 Q I SHOW YOU ONE LAST ITEM AND ASK YOU -- EXCUSE ME
23 I SHOW YOU AN ITEM AND ASK IF YOU CAN IDENTIFY THAT?
24 A THIS IS MARKED "AC", WHICH REPRESENTS ONE 7 62
25 COLLECTED FROM CLOSET IN BEDROOM

STATE VS ALKEBULANYAHH

1 MR MURDAUGH IF YOUR HONOR, PLEASE, I MOVE THE
2 INTRODUCTION
3 THE COURT OBJECTION?
4 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR
5 THE COURT STATE'S EXHIBITS 69 AND 70 IN EVIDENCE
6 WITHOUT OBJECTION
7 (ROUND METAL CONTAINER "AC" MARKED IN EVIDENCE AS
8 STATE'S EXHIBIT NO 69)
9 (SMALL COLOR PHOTO "AC" MARKED IN EVIDENCE AS
10 STATE'S EXHIBIT NO 70)
11 Q IF I SHOW YOU AN ITEM -- WOULD YOU PUT IT ON THE
12 BOARD, PLEASE, WHERE YOU LOCATED IT?
13 A (COMPLIED)
14 Q IS THAT ALL -- IS THAT ALL OF THE 7 62'S?
15 A NO, SIR
16 Q WHAT AM I MISSING?
17 A "S" MARKER "S"
18 Q EXCUSE ME, MA'AM I SHOW YOU AN ITEM AND ASK IF
19 YOU CAN IDENTIFY THIS?
20 A THIS CONTAINER IS MARKER "S", 3 7 62 CARTRIDGE
21 CASES IN THE CLOSET ON TOP OF THE BROWN SUITCASE
22 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE THE
23 INTRODUCTION
24 THE COURT ANY OBJECTION?
25 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

STATE VS ALKEBULANYAHH

1 THE COURT STATE'S 71 THROUGH 75 IN EVIDENCE
2 WITHOUT OBJECTION

3 (ROUND METAL CONTAINER "S" MARKED IN EVIDENCE AS
4 STATE'S EXHIBIT NO 71)

5 (4 SMALL COLOR PHOTOS "S" MARKED IN EVIDENCE AS
6 STATE'S EXHIBIT NOS 72, 73, 74, AND 75)

7 Q WILL YOU PLACE ON THE BOARD IN THE LOCATION WHERE
8 THESE ITEMS WERE FOUND, "S"?

9 A (COMPLIED)

10 Q I SHOW YOU AN ITEM -- SHOW YOU AN ITEM AND ASK IF
11 YOU RECOGNIZE THIS?

12 A THIS IS MARKER "A", REPRESENTS A 40 CALIBER
13 CARTRIDGE CASE

14 Q OKAY HAVE WE GOTTEN ALL OF THE 7 62'S THAT YOU
15 RECOVERED IDENTIFIED?

16 A WE'VE IDENTIFIED THEM, I HAVEN'T MARKED ALL OF
17 THEM ON THE CHART

18 Q I'M SORRY PLEASE MARK "YY" I KNEW YOU WOULD
19 KEEP ME STRAIGHT

20 A "YY", AGAIN, WAS FOUND UNDERNEATH THE CURTAIN ON
21 THE FLOOR IN THE BEDROOM BY THE BATHROOM (COMPLIED)

22 Q THANK YOU NOW, THE ITEM THAT YOU HAVE BEFORE
23 YOU YOU SAID WAS?

24 A THIS IS MARKER "A", 40 CALIBER CARTRIDGE CASE,
25 WHICH WAS FOUND IN THE BATHROOM FLOOR, RIGHT NEXT TO

1 DEPUTY TATE

2 MR MURDAUGH I MOVE THE INTRODUCTION, YOUR
3 HONOR, PLEASE

4 THE COURT OBJECTION?

5 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

6 THE COURT APPROACH SIDE BAR

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

9 MR MURDAUGH YOUR HONOR, I WOULD MOVE THE
10 INTRODUCTION OF THIS ITEM

11 THE COURT ALL RIGHT I'LL ALLOW THAT IN OVER
12 THE DEFENDANT'S OBJECTION

13 (ROUND METAL CONTAINER "A" MARKED IN EVIDENCE AS
14 STATE'S EXHIBIT NO 76)

15 (SMALL COLOR PHOTO "A" MARKED IN EVIDENCE AS
16 STATE'S EXHIBIT NO 77)

17 Q I ASK YOU, YOU HAVE BLUE STICKERS WITH THE
18 DESIGNATION ---

19 THE COURT HOLD ON 76 AND 77 ARE IN EVIDENCE
20 GO AHEAD

21 MR MURDAUGH THANK YOU, SIR EXCUSE ME

22 Q WOULD YOU INDICATE ON STATE'S EXHIBIT 24 WHERE
23 THESE WERE LOCATED?

24 A THIS CARTRIDGE CASE WAS LOCATED ON THE BATHROOM
25 FLOOR AT DEPUTY TATE'S BODY

STATE VS ALKEBULANYAHH

1 Q DOES THE PHOTOGRAPH MARKED STATE'S EXHIBIT 77 SHOW
2 WHERE IT WAS LOCATED?
3 A YES, SIR, IT DOES
4 Q AND DOES IT SHOW ANYTHING ELSE?
5 A IT SHOWS THE OFFICER'S GUN
6 Q AND WAS THE -- I MEAN, THE CARTRIDGE CASING FOUND
7 RIGHT NEXT TO THE GUN?
8 A THE CARTRIDGE CASE WAS BETWEEN THE OFFICER -- THE
9 OFFICER AND THE GUN
10 Q I SHOW YOU ANOTHER ITEM AND ASK IF YOU CAN
11 IDENTIFY THAT?
12 A YES, SIR THIS IS A PHOTO OF MARKER "B", THE
13 CONTAINER CONTAINS ONE 40 CALIBER CARTRIDGE CASE,
14 WHICH WAS COLLECTED NEAR DEPUTY TATE'S HEAD
15 MR MURDAUGH YOUR HONOR, PLEASE, I OFFER THIS AS
16 AN EXHIBIT
17 THE COURT ANY OBJECTION?
18 MR ALKEBULANYAHH YES, YOUR HONOR NO
19 OBJECTION YOUR HONOR
20 THE COURT ALL RIGHT STATE'S 78 AND 79 IN
21 EVIDENCE WITHOUT OBJECTION
22 (ROUND METAL CONTAINER "B" MARKED IN EVIDENCE AS
23 STATE'S EXHIBIT NO 78)
24 (SMALL COLOR PHOTO "B" MARKED IN EVIDENCE AS
25 STATE'S EXHIBIT NO 79)

STATE VS ALKEBULANYAHH

1 Q AND IF YOU WOULD, PLACE ON THAT CHART WHERE "B"
2 WAS FOUND?

3 A (COMPLIED)

4 Q I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
5 THAT?

6 A THIS IS A PHOTOGRAPH WITH MARKER "D" IN THE
7 PHOTOGRAPH, INSIDE THE CONTAINER MARKER "D" REPRESENTS
8 ONE 40 CALIBER CARTRIDGE CASE IT WAS ON METAL SHELF
9 AREA NEAR TATE'S LEFT ARM

10 MR MURDAUGH YOUR HONOR, PLEASE, I OFFER THAT AS
11 AN EXHIBIT

12 THE COURT ANY OBJECTION?

13 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

14 THE COURT STATE'S 80 AND 81 IN EVIDENCE WITHOUT
15 OBJECTION

16 (ROUND METAL CONTAINER "D" MARKED IN EVIDENCE AS
17 STATE'S EXHIBIT NO 80)

18 (SMALL COLOR PHOTO "D" MARKED IN EVIDENCE AS
19 STATE'S EXHIBIT NO 81)

20 Q AND WOULD YOU PLACE IT ON THE CHART PLEASE,
21 STATE'S EXHIBIT 24?

22 A (COMPLIED)

23 Q OKAY MS BODIE DID YOU DO THE SAME THING WITH
24 THE 7 -- WITH THE 40 CALIBER THAT YOU DID WITH THE
25 7 62? IN OTHER WORDS, MARK A LETTER DESIGNATION THAT'S

1 ON THE BACK OF THE CANISTER ON THE PHOTOGRAPH AND ON
2 THE CHART?

3 A YES, SIR, I DID

4 Q AND I SHOW YOU ANOTHER ITEM AND ASK IF YOU CAN
5 IDENTIFY THAT?

6 A THIS IS A PHOTOGRAPH OF MARKER "I" THIS
7 CONTAINER REPRESENTS MARKER "I", A 40 CALIBER
8 CARTRIDGE CASE THIS WAS ACTUALLY COLLECTED BETWEEN
9 THE COT AND THE BED IN THE BEDROOM AND THE PHOTO
10 REPRESENTS WHERE IT WAS LOCATED

11 MR MURDAUGH MOVE THE INTRODUCTION YOUR HONOR
12 PLEASE

13 THE COURT ANY OBJECTION?

14 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

15 THE COURT STATE'S 82, 83, AND 84 IN EVIDENCE
16 WITHOUT OBJECTION

17 (ROUND METAL CONTAINER "I" MARKED IN EVIDENCE AS
18 STATE'S EXHIBIT NO 82)

19 (2 SMALL COLOR PHOTOS MARKED IN EVIDENCE AS
20 STATE'S EXHIBIT NOS 83 AND 84)

21 Q WILL YOU MARK IT ON THE CHART PLEASE, MA'AM?

22 A (COMPLIED)

23 Q I SHOW YOU ANOTHER ITEM AND ASK IF YOU CAN
24 IDENTIFY THAT?

25 A THESE ARE PHOTOGRAPHS OF MARKER "W" INSIDE

STATE VS ALKEBULANYAHH

1 CONTAINER MARKER "W" ARE 2 CARTRIDGE CASES 40 CALIBER
2 FOUND IN THE BATHROOM UNDER RUG ONCE IT WAS REMOVED

3 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD MOVE
4 THE INTRODUCTION

5 THE COURT ANY OBJECTION?

6 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

7 THE COURT STATE'S 85 THROUGH 89 IN EVIDENCE
8 WITHOUT OBJECTION

9 (ROUND METAL CONTAINER "W" MARKED IN EVIDENCE AS
10 STATE'S EXHIBIT NO 85)

11 (4 SMALL COLOR PHOTOS "W" MARKED IN EVIDENCE AS
12 STATE'S EXHIBIT NOS 86, 87, 88, AND 89)

13 Q I SHOW YOU ONE OTHER ITEM AND ASK YOU IF YOU CAN
14 IDENTIFY THESE? OH, LET'S PUT IT ON THE BOARD, I'M
15 SORRY

16 A THIS IS MARKER "W" (COMPLIED)

17 Q THESE WERE THREE OR TWO -- TWO CASINGS?

18 A TWO

19 Q I SHOW YOU ANOTHER ITEM AND ASK IF YOU CAN
20 IDENTIFY IT?

21 A THESE ARE PHOTOGRAPHS OF MARKER "AB", WHICH
22 REPRESENTS ONE CARTRIDGE CASE, 40 CALIBER, COLLECTED
23 ON THE BOOKSHELF, THE BOOK CASE

24 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE THE
25 INTRODUCTION

1 THE COURT ANY OBJECTION?
2 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR
3 Q DO YOU HAVE ---
4 THE COURT HOLD ON STATE'S ---
5 MR MURDAUGH I NEED TO CLARIFY SOMETHING BEFORE
6 I DO THAT
7 THE COURT ALL RIGHT GO AHEAD
8 Q DID YOU MARK THE BACK OF THIS CANISTER?
9 A NO, SIR
10 Q OKAY DO YOU HAVE A BLACK PEN?
11 A NO, SIR
12 Q IF YOU WILL, I BELIEVE THIS IS "AB" I BELIEVE YOU
13 TESTIFIED ABOUT?
14 A YES, SIR
15 Q OKAY MARK IT PLEASE
16 A (COMPLIED)
17 MR MURDAUGH NOW I MOVE THE INTRODUCTION
18 THE COURT THOSE ARE THE ONES YOU PREVIOUSLY --
19 WITHOUT OBJECTION, THEY'RE STILL THE SAME
20 (PAUSE)
21 THE COURT THOSE ARE THE ONES HE JUST ASKED
22 ABOUT SHE MARKED SOMETHING ON THE BACK OF ONE
23 (PAUSE)
24 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR
25 THE COURT ALL RIGHT STATE'S 90 THROUGH 93 IN

STATE VS ALKEBULANYAHH

1 EVIDENCE WITHOUT OBJECTION

2 (ROUND METAL CONTAINER "AB" MARKED IN EVIDENCE AS
3 STATE'S EXHIBIT NO 90)

4 (3 SMALL COLOR PHOTOS "AB" MARKED IN EVIDENCE AS
5 STATE'S EXHIBIT NOS 91, 92, AND 93)

6 Q I NOTICE IN STATE'S EXHIBIT NO 92 THERE IS
7 SOMEBODY'S PICTURE THERE WHO IS THAT?

8 A THAT IS ME

9 Q OKAY THAT IS A PICTURE THAT WAS TAKEN BY WHO?

10 A AGENT AL STUCKEY

11 Q OKAY I SHOW YOU THE NEXT TO LAST ITEM, I THINK
12 OH, PUT IT ON THE BOARD, I'M SORRY WHAT WAS THE LAST
13 NUMBER?

14 A "AB"

15 Q OKAY

16 A (COMPLIED)

17 Q THAT WAS ONE PRO -- I MEAN, ONE SPENT CASING?

18 A YES, SIR, ONE 40 CALIBER CARTRIDGE CASE

19 Q OKAY I HAND YOU THE NEXT TO THE LAST ITEM?

20 A THIS IS A PHOTOGRAPH OF MARKER "AG" THE
21 CONTAINER CONTAINS UNDER MARKER "AG", CONTAINS ONE 40
22 CALIBER CARTRIDGE CASE COLLECTED BEHIND SINK ON THE
23 OUTSIDE WALL OF THE BATHROOM

24 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE THE
25 INTRODUCTION

1 THE COURT ANY OBJECTION?

2 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

3 THE COURT ALL RIGHT STATE'S 94 95 AND 96 IN

4 EVIDENCE WITHOUT OBJECTION

5 (ROUND METAL CONTAINER "AG" MARKED IN EVIDENCE AS

6 STATE'S EXHIBIT NO 94)

7 (2 SMALL COLOR PHOTOS "AG" MARKED IN EVIDENCE AS

8 STATE'S EXHIBIT NOS 95 AND 96)

9 Q I SHOW YOU THE LAST ITEM OF THIS NATURE AND ASK
10 YOU IF YOU IDENTIFY IT?

11 A YES, SIR, THIS IS A PHOTOGRAPH OF A 40 CALIBER
12 CARTRIDGE CASE ON A JACKET THE CONTAINER STATES ONE
13 40 CALIBER CARTRIDGE CASE COLLECTED FROM BLACK JACKET
14 ON BED NEXT TO DOORWAY

15 MR MURDAUGH OKAY YOUR HONOR, PLEASE I MOVE
16 THE INTRODUCTION

17 THE COURT ANY OBJECTION?

18 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

19 THE COURT ALL RIGHT STATE'S 97 AND 98 IN

20 EVIDENCE WITHOUT OBJECTION

21 (ROUND METAL CONTAINER "ZZ" MARKED IN EVIDENCE AS

22 STATE'S EXHIBIT NO 97)

23 (SMALL COLOR PHOTO "ZZ" MARKED IN EVIDENCE AS

24 STATE'S EXHIBIT NO 98)

25 MR ALKEBULANYAHH YOUR HONOR, MAY I REQUEST

STATE VS ALKEBULANYAHH

1 WHICH MARKER THAT WAS?

2 THE COURT WHICH MARKER WAS THAT?

3 WITNESS I'M SORRY THAT WAS MARKER "ZZ"

4 Q MS BODIE, I FORGOT AGAIN, DIDN'T I? DID I DO

5 "AG", THE ONE THAT WAS INTRODUCED RIGHT BEFORE THIS

6 ONE?

7 A NO, SIR

8 Q THANK YOU, MA'AM WILL YOU SHOW ME WHERE THE 40

9 CALIBER CARTRIDGE CASING DESIGNATED "AG"?

10 A "AG" WAS ON THE BATHROOM SINK AREA (COMPLIED)

11 Q AND "ZZ" WAS WHERE?

12 A "ZZ" WAS LOCATED ON THE BED ON THE BLACK JACKET

13 (COMPLIED)

14 Q THANK YOU, MA'AM DOES THAT TAKE CARE OF ALL OF

15 THE SPENT CARTRIDGE CASINGS THAT YOU LOCATED AT THE

16 SCENE?

17 A YES, SIR

18 Q MS BODIE, I NEGLECTED TO ASK YOU A MOMENT AGO

19 FROM THE TIME YOU ARRIVED AT THE SCENE ON 21 RILEY

20 ROAD, DID ANYONE ENTER THAT ROOM UNTIL YOU ALL HAD

21 CONCLUDED YOU ALL'S WORK?

22 A I DO NOT RECALL ANYONE COMING INTO THE ROOM PAST

23 THE DOORWAY AREA OF THE BEDROOM OF THAT TRAILER

24 Q DO YOU REMEMBER THE CORONER, CURT COPELAND, ME,

25 DAVE BROWN, P J TANNER, AND OTHER PEOPLE COMING TO

1 THAT ROOM?

2 A I REMEMBER YOU ALL COMING TO THAT ROOM, HOWEVER,

3 YOU DID NOT WALK THROUGH THE BEDROOM

4 Q DID WE REMAIN AT THE DOORWAY?

5 A YES, SIR, YOU DID

6 Q OKAY IN DOING YOUR INVESTIGATION, DID YOU --

7 YOU'VE SAID YOU PICKED UP CERTAIN PROJECTILES FROM

8 WITHIN THE CLOSET CAN YOU DESCRIBE FOR ME WHERE THAT

9 CLOSET IS LOCATED IN RELATION TO THE DOOR TO THE ROOM,

10 ENTRANCE TO THE ROOM?

11 A WHEN YOU ENTER THE ROOM, YOU LOOK STRAIGHT -- YOU

12 LOOK STRAIGHT AHEAD, YOU SEE THE CLOSET

13 Q OKAY

14 A IT'S IN THE CORNER OF THE BEDROOM

15 Q DID YOU EXAMINE THE DOOR TO THAT CLOSET?

16 A YES SIR I DID

17 Q AND ON THE BACK -- AND ON THE BACK OF THAT DOOR,

18 WAS THERE LOCATED ANYTHING? THE INSIDE OF THE DOOR?

19 A OKAY ON THE INSIDE OF THE CLOSET DOOR THERE

20 WERE APPROXIMATELY -- APPROXIMATELY 11 GARMENTS HANGING

21 ON THE INSIDE OF THE DOOR

22 MR MURDAUGH OKAY YOUR HONOR, PLEASE, WE HAD

23 THEM OUTSIDE AND I'M BRINGING THEM IN NOW

24 THE COURT ALL RIGHT

25 MR MURDAUGH I INTEND TO ASK HER ABOUT THEM

1 Q WHILE WE'RE WAITING FOR THAT, LET ME ASK YOU A
2 QUESTION DID AT SOME POINT AFTER MAKING THE RETURN ON
3 THE SEARCH WARRANT, WHICH IS MARKED STATE'S EXHIBIT NO
4 26, DID YOU CONTACT THE MAGISTRATE WITH WHOM THE RETURN
5 WAS MADE?

6 A YES, SIR, I DID

7 Q AND FOR WHAT PURPOSE?

8 A I HAD LEFT OFF THREE ITEMS ON THE RETURN THAT I
9 HAD COLLECTED THAT EVENING

10 Q DO YOU HAVE A COPY OF THAT LETTER WITH YOU?

11 A YES, SIR

12 Q MAY I SEE IT I NEED IT, PLEASE

13 A IT'S PART OF THE CASE JACKET THOUGH

14 THE COURT YES, SIR DO YOU NEED ME?

15 MR MURDAUGH AS SOON AS I GET THIS OUT OF THE
16 FILE, I GUESS

17 Q IS THIS THE LETTER THAT YOU WROTE REGARDING THE
18 LEAVING THE THREE ITEMS OFF?

19 A YES, SIR, IT IS

20 MR MURDAUGH YOUR HONOR, PLEASE, I'D LIKE THAT
21 MARKED FOR I D

22 THE COURT ALL RIGHT JUST FOR I D PURPOSES AT
23 THIS POINT STATE'S 99 FOR IDENTIFICATION

24 (LETTER TO JUDGE SMITH DATED JANUARY 16, 2002,

25 FROM DIANE BODIE, 1 PAGE MARKED IN EVIDENCE AS STATE'S

1 EXHIBIT NO 99)
 2 Q MA'AM, I SHOW YOU A DOOR AND ASK YOU IF YOU CAN
 3 IDENTIFY IT?
 4 A YES, SIR
 5 Q DO YOU NEED TO COME DOWN AND LOOK AT IT?
 6 A WELL ---
 7 Q OR NOT IF YOU DON'T, THAT'S FINE
 8 A YES, SIR, I RECOGNIZE THE DOOR
 9 Q WHAT IS THIS DOOR?
 10 A THIS IS A CLOSET DOOR IN THE BEDROOM OF THE
 11 TRAILER
 12 Q OKAY IT'S UPSIDE DOWN, ISN'T IT?
 13 A YES SIR
 14 MR MURDAUGH YOUR HONOR PLEASE, I WOULD MOVE
 15 THE INTRODUCTION OF THIS
 16 THE COURT ANY OBJECTION?
 17 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
 18 THE COURT ALL RIGHT STATE'S 100 IN EVIDENCE
 19 WITHOUT OBJECTION
 20 (DOOR MARKED IN EVIDENCE AS STATE'S EXHIBIT NO
 21 100)
 22 Q THERE IS SOME TAPE OVER -- I MEAN, SOME PAPER OVER
 23 THIS MIRROR WHAT IS THAT?
 24 A THIS BROWN BAG OVER THE MIRROR?
 25 Q YES

STATE VS ALKEBULANYAHH

1 A THERE'S A HOLE IN THE MIRROR, IT'S COMING FROM THE
 2 INSIDE OF THE DOOR, WHERE SHOTS WERE FIRED FROM THE
 3 INSIDE OF THE DOOR
 4 Q OKAY WHAT IS ALL OF THIS DOWN HERE, MS BODIE?
 5 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
 6 THE COURT YES, SIR
 7 Q I NOTICE ONE, TWO, THREE, FOUR HOLES HERE WHAT
 8 ARE THOSE?
 9 A THOSE ARE THE HOLES THAT WE PROBED AS THE 40
 10 CALIBER
 11 Q I'M SORRY, DO WHAT?
 12 A THOSE ARE THE HOLES THAT WE PROBED GOING FROM THAT
 13 SIDE OF THE DOOR THROUGH THE DOOR
 14 Q OKAY NOW, WOULD THIS -- WHICH DIRECTION WOULD
 15 THIS DOOR BE FACING WHEN YOU GOT THERE?
 16 A THAT DOOR WAS ACTUALLY HALF WAY OPEN WHEN WE GOT
 17 THERE
 18 Q IS IT THE SAME AS THE MODEL SHOWS?
 19 A YES, SIR
 20 Q AND THAT'S THE LOCATION IT WAS IN WHEN YOU ALL
 21 ARRIVED?
 22 A YES, SIR
 23 Q OKAY LOOKING ON THE BACK OF THIS DOOR, THERE ARE
 24 A BUNCH OF THINGS BACK HERE WHAT ARE THOSE?
 25 A THOSE ARE THE HOLES AT THE BOTTOM RIGHT -- MY

1 RIGHT YOUR RIGHT REPRESENT THAT HOLE -- THOSE TWO
 2 HOLES REPRESENT THE 7 62 FIRED THROUGH THERE AND THE
 3 BIG HOLE, APPROXIMATELY THREE WERE PROBED FROM THAT
 4 HOLE THERE MIGHT HAVE BEEN MORE, BUT THERE'S A BIG
 5 GAP IN IT, AND THE DOOR WAS BASICALLY -- THAT AREA IS
 6 MISSING AROUND THE DOOR KNOB THOSE HOLES ARE COMING
 7 INSIDE THE DOOR THIS OTHER AREA, THEY'RE GOING
 8 THROUGH THE DOOR
 9 Q OKAY
 10 A AND THAT IS ON THE INSIDE -- THAT DOOR IS CLOSED,
 11 WOULD BE INSIDE THE CLOSET
 12 Q THIS SIDE HERE?
 13 A THAT SIDE THERE, YES, SIR
 14 Q OKAY SO IN OTHER WORDS, IF THE -- IF THE
 15 ENTRANCE TO THE ROOM WERE RIGHT HERE THAT DOOR WOULD
 16 HAVE BEEN LOCATED -- HOW WOULD IT HAVE BEEN LOCATED
 17 WHEN YOU ALL ARRIVED, IN POSITION OF IT?
 18 A DO YOU WANT ME TO GET DOWN?
 19 Q YES MA'AM I DO
 20 WITNESS MAY I STEP DOWN, YOUR HONOR?
 21 THE COURT YES MA'AM
 22 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
 23 Q NOW, THIS BEING -- RIGHT WHERE I'M STANDING -- THE
 24 ENTRANCE WAY TO THAT ROOM POSITION THAT DOOR AS IT
 25 WOULD HAVE BEEN?

1 A (COMPLIED)
 2 Q LOUDER PLEASE
 3 A IT WOULD BE PRETTY MUCH LIKE THIS, THE CORNER --
 4 THE CLOSET IS IN THE CORNER OF THE BEDROOM
 5 THE COURT YOU'VE GOT TO SPEAK UP MA'AM WE
 6 CAN'T HEAR
 7 A THE CLOSET IS IN THE CORNER OF THE ROOM AS
 8 REPRESENTED IN THE MODEL THERE WHEN YOU WALK INTO THE
 9 ROOM, YOU CAN SEE THE CLOSET
 10 Q OKAY WOULD IT BE -- IN THIS SPACE, WOULD IT BE
 11 FURTHER TO THE LEFT OR FURTHER TO THE RIGHT OR ---
 12 A PROBABLY AN ANGLE IT'S ANGLED AT THE ENTRANCE OF
 13 THE DOORWAY PROBABLY ANGLING THIS WAY, YOU CAN SEE THE
 14 INSIDE OF THE CLOSET DOOR PROBABLY SOMETHING LIKE
 15 THIS
 16 Q OKAY THANK YOU MA'AM YOU MAY RETURN TO YOUR
 17 SEAT
 18 (THE WITNESS RETURNS TO THE WITNESS STAND)
 19 Q AND, AGAIN, TELL ME, THERE WERE WHAT PROJECTILES
 20 GOING INTO AND WHAT COMING OUT OF THAT DOOR?
 21 A THE 40 CALIBER PROJECTILES WERE GOING INTO THE
 22 CLOSET DOOR
 23 Q SO THAT WOULD BE THE OPPOSITE SIDE THAT THE JURY'S
 24 LOOKING AT NOW?
 25 A YES, SIR

1 Q OKAY

2 A AND THE 7 62 CALIBER PROJECTILES ARE GOING -- THE

3 BULLETS ARE GOING THROUGH THE CLOSET DOOR FROM THE

4 INSIDE

5 Q FROM INSIDE THE CLOSET?

6 A YES, SIR

7 Q OKAY WAS THERE ANYTHING ON THE BACK OF THAT

8 DOOR?

9 A ON THE BACK, MEANING, THE INSIDE OF THE DOOR?

10 Q THAT PART RIGHT THERE THAT WE'RE LOOKING AT

11 A YES SIR THERE WAS NUMEROUS GARMENTS LEFT HANGING

12 ON HANGERS INSIDE THAT DOOR

13 Q I SHOW YOU SOME ITEMS AND ASK IF YOU CAN IDENTIFY

14 THESE?

15 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

16 THE COURT YES, SIR

17 WITNESS MAY I STAND OVER, YOUR HONOR?

18 THE COURT YES MA'AM

19 Q CAN YOU IDENTIFY THESE?

20 A YES, SIR, I'VE WRITTEN A DESCRIPTION OF THE ITEMS

21 IF YOU WOULD LIKE ME TO REACH EACH ITEM THAT THESE ARE

22 THE ITEMS

23 Q NO, I DON'T WANT YOU TO DO THAT GENERALLY TELL

24 ME WHAT THESE ARE?

25 A THESE ARE THE CLOTHING THAT WAS HANGING ON THE

1 INSIDE OF THE CLOSET DOOR

2 Q OKAY AND ARE THEY A NUMBER OF DRESSES AND THINGS
3 OF THAT NATURE? BETTER READ YOUR DESCRIPTION WAS IT
4 HANGING ON THIS WHITE THING UP HERE?

5 A YES, SIR

6 Q LIKE THAT?

7 A YES, SIR

8 Q OKAY TELL ME WHAT WAS IN THERE?

9 A HANGING ON THE CLOSET DOOR INSIDE WERE CLOTHING
10 ITEMS LISTED IN THE ORDER THEY WERE HANGING, WAS ONE
11 YELLOW PANT SUIT, ONE BLUE DRESS WITH FISH IMPRINT, ONE
12 GREEN AND ORANGE DRESS ONE RUST IN COLOR DRESS, ONE
13 GRAY FLORAL DRESS, ONE BLACK DRESS, ONE BLUE WITH GOLD
14 IN COLOR TRIM PANT SUIT, ONE RUST IN COLOR DRESS, ONE
15 GRAY WITH WHITE IN COLOR TRIM PANT SUIT ONE GRAY WITH
16 GOLD IN COLOR PANT SUIT, ONE BLACK WITH GOLD TRIM PANT
17 SUIT

18 THESE ITEMS WERE ALL HANGING ON THE CLOSET DOOR
19 SOME OF -- SOME ITEMS HAD LARGE HOLES IN THE ITEMS, AND
20 SOME DID NOT HAVE SOME LARGE HOLES

21 Q OKAY DID THE HOLES IN THE ITEMS THAT YOU FOUND
22 CORRESPOND WITH THE HOLES THAT WERE IN THE DOOR?

23 A YES, SIR

24 Q THANK YOU, MA'AM

25 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE THE

1 INTRODUCTION OF THAT GROUP OF CLOTHING SHE'S JUST
2 IDENTIFIED

3 THE COURT ANY OBJECTION?

4 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

5 THE COURT ALL RIGHT STATE'S 101 IN EVIDENCE
6 WITHOUT OBJECTION

7 (CLOTHES ON HANGER MARKED IN EVIDENCE AS STATE'S
8 EXHIBIT NO 101)

9 Q NOW, I NOTICE, MS BODIE, THAT THERE ARE SOME
10 INITIALS ON THERE WERE THOSE PUT THERE BY PEOPLE AT
11 SLED?

12 A YES, SIR, AGENT BLACK COLLECTED THE ITEMS AND TOOK
13 THEM BACK TO SLED WHERE THEY WERE LOGGED IN IN THE
14 EVIDENCE LOG IN

15 Q OKAY NOW I ASKED YOU A MOMENT AGO WHETHER OR
16 NOT YOU SENT THE LETTER MARKED STATE'S EXHIBIT NO 99
17 FOR IDENTIFICATION TO THE MAGISTRATE WAS THAT DONE AT
18 MY ADVICE?

19 A YES SIR, I -- WHEN I REALIZED I HAD LEFT THESE
20 THREE ITEMS OFF OF THE RETURN, I CALLED YOU AND ASKED
21 YOU WHAT I SHOULD -- THE PROPER WAY TO HANDLE IT

22 MR ALKEBULANYAHH OBJECTION YOUR HONOR

23 THE COURT I THINK I -- I SUSTAIN THAT OBJECTION

24 MR MURDAUGH I DON'T DISAGREE WITH THAT AT ALL
25 THE COURT GO AHEAD

STATE VS ALKEBULANYAHH

1 Q DID YOU SEND IT?

2 A YES, SIR

3 Q OKAY AND DOES IT MAKE MENTION OF THREE ITEMS OF
4 EVIDENCE?

5 A YES, SIR

6 Q OKAY IS THIS ONE OF THE ITEMS OF EVIDENCE THAT'S
7 MENTIONED IN THAT LETTER?

8 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

9 THE COURT WHAT'S YOUR OBJECTION?

10 MR ALKEBULANYAHH MY OBJECTION IS THAT THESE
11 ITEMS ARE NOT INCLUDED IN THE AFFIDAVIT -- THE ORIGINAL
12 SEARCH WARRANT THAT WAS RETURNED SIGNED BY A
13 MAGISTRATE

14 THE COURT APPROACH THE SIDE BAR

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

17 THE COURT OVERRULED

18 Q I SHOW YOU AN ITEM AND ASK YOU WHAT THAT IS?

19 A THIS IS A BOX OF WOLF 7 62 -- 20 -- CONTAINING 20
20 CARTRIDGES, 7 62 CARTRIDGES

21 Q AND WHAT'S THE SIGNIFICANCE OF THOSE?

22 A WE COLLECTED THESE OUT OF THE BEDROOM IN THE
23 TRAILER

24 Q I'M SORRY I'M NOT UNDERSTANDING

25 A WE COLLECTED THESE CARTRIDGES OUT OF THE BEDROOM

1 IN THE TRAILER

2 Q DO YOU REMEMBER WHERE IN THAT BEDROOM YOU FOUND
3 THEM?

4 A THEY WERE IN A NIGHTSTAND BEHIND THE COT IN THE --
5 BETWEEN THE COT AND BED THERE WAS A NIGHTSTAND DIRECTLY
6 BEHIND THE COT

7 MR MURDAUGH YOUR HONOR, PLEASE, I MOVE THE
8 INTRODUCTION OF THIS ITEM

9 THE COURT ALL RIGHT THAT'S STATE'S 102 AND
10 YOU HAVE AN OBJECTION TO THAT?

11 MR ALKEBULANYAHH I OBJECT, YOUR HONOR

12 THE COURT ALL RIGHT OVERRULED

13 (BOX OF WOLF, 7 62 X 39 CARTRIDGES MARKED IN
14 EVIDENCE AS STATE'S EXHIBIT NO 102)

15 Q CAN YOU, MS BODIE, IDENTIFY ON THIS CHART WHERE
16 YOU FOUND THAT ITEM?

17 A IN THE SAME -- IN THE NIGHTSTAND BEHIND THE COT
18 THE DOUBLE BED IS RIGHT HERE THERE WAS A NIGHTSTAND
19 HERE AND A COT HERE

20 Q OKAY

21 A IT WAS IN THIS NIGHTSTAND HERE

22 Q DO YOU HAVE A PEN -- MY PEN UP THERE WOULD YOU
23 PUT SOMETHING UP THERE SHOWING WHERE YOU FOUND IT?
24 WHAT ARE YOU GOING TO PUT?

25 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 Q TAKE ONE OF THOSE GREEN STICKERS AND PUT ON THERE
3 WHERE YOU FOUND IT?

4 A (COMPLIED) IT IS ACTUALLY ITEM 83 DO YOU WANT
5 ME TO PUT 83?

6 Q NO, MA'AM, I DO NOT JUST PUT THE THING UP THERE
7 WHERE YOU FOUND THOSE CARTRIDGES OR BULLETS?

8 A (COMPLIED)

9 Q AND THAT IS THE GREEN STICKER THAT IS NOW ON THIS?

10 A YES, SIR

11 Q OKAY WE HAVE TALKED ABOUT, MA'AM, SPENT
12 CARTRIDGE CASINGS DID YOU IN YOUR EXAMINATION OF THAT
13 ROOM FIND A NUMBER OF OTHER ITEMS IN AND ABOUT THE
14 WALLS?

15 MR ALKEBULANYAHH OBJECTION YOUR HONOR,
16 LEADING

17 THE COURT I'LL ALLOW THAT QUESTION GO AHEAD

18 A WE ALSO COLLECTED BULLET FRAGMENTS OR PROJECTILES
19 THROUGHOUT THE BEDROOM AREA AND SOME IN THE LIVING ROOM
20 AND OUTSIDE WALLS OF THE TRAILER, AS WELL AS THE
21 TRANSFORMER IN THE YARD

22 Q OKAY

23 (PAUSE)

24 THE COURT WHEN YOU GET TO A GOOD STOPPING POINT,
25 LET ME KNOW, BECAUSE THE JURY'S LUNCH IS HERE

STATE VS ALKEBULANYAHH

1 MR MURDAUGH THIS WOULD BE ABOUT AS GOOD AS ANY
2 SIR

3 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL
4 SEND YOU TO THE JURY ROOM PLEASE DO NOT DISCUSS THIS
5 CASE IN ANY WAY WE'LL GO AHEAD AND BREAK FOR LUNCH
6 UNTIL 1 15 THANK YOU

7 (THE JURY RETIRES TO THE JURY ROOM AT 12 00 NOON)

8 THE COURT MA'AM YOU MAY STEP DOWN DURING THE
9 BREAK YOU MAY NOT DISCUSS YOUR TESTIMONY WITH ANYONE
10 THANK YOU

11 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

12 THE COURT WE'RE ADJOURNED UNTIL 1 15

13 (COURT IS IN RECESS FOR LUNCH)

14 THE COURT READY TO PROCEED?

15 MR MURDAUGH YES, SIR

16 THE COURT READY TO PROCEED?

17 MR ALKEBULANYAHH DEFENSE IS

18 THE COURT ALL RIGHT BRING -- YES SIR

19 MR THORNTON YOUR HONOR, I HAVE A BRIEF MATTER
20 I'D LIKE TO TAKE UP WITH YOU AT THE BENCH

21 THE COURT ALL RIGHT

22 (PAUSE)

23 THE COURT THERE'S ONE EXHIBIT THAT DOESN'T HAVE
24 A NUMBER ON IT SO I DON'T KNOW -- IF YOU ALL APPROACH
25 TO LOOK AT IT PLEASE

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 MR MURDAUGH UNLESS YOU WANT IT IN, I'LL JUST
3 WITHDRAW IT

4 THE COURT ALL RIGHT YOU WITHDRAW IT?

5 MR ALKEBULANYAHH LEAVE IT IN

6 THE COURT YOU WANT IT IN?

7 MR MURDAUGH YES, SIR, I DO NO, SIR I TOLD
8 HIM THAT IF IT SUITED HIM, I WOULD WITHDRAW IT, BECAUSE
9 I HAVE OTHER PHOTOGRAPHS BUT HE SAYS HE WANTS IT IN
10 THE COURT YOU WOULD LIKE IT IN?

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT ALL RIGHT GO AHEAD AND MARK IT
13 STATE'S EXHIBIT

14 (PAUSE)

15 MR MURDAUGH JUDGE THIS IS 40 THROUGH 46, THE
16 SAME THING COULD WE MARK IT 46-A?

17 THE COURT WELL, WHAT ARE THOSE?

18 MR MURDAUGH THESE ARE THE SAME PHOTOGRAPHS IN
19 ESSENCE THAT THE ONE THAT'S UNMARKED IS

20 THE COURT ALL RIGHT THOSE ARE ALREADY IN
21 EVIDENCE?

22 MR MURDAUGH YES, SIR THESE ARE IN EVIDENCE,
23 APPARENTLY WE JUST ---

24 THE COURT THAT'S FINE 46-A IS THAT FINE?

25 MR ALKEBULANYAHH YES, THAT WILL BE FINE, YOUR HONOR

STATE VS ALKEBULANYAHH

1 (SMALL COLOR PHOTO "R" MARKED IN EVIDENCE AS
2 STATE'S EXHIBIT NO 46-A)
3 THE COURT ALL RIGHT BRING THE JURY IN, PLEASE
4 (THE WITNESS RETURNS TO THE WITNESS STAND)
5 (THE JURY RETURNS TO THE COURTROOM AT 1 22 P M)
6 THE COURT THANK YOU PLEASE BE SEATED
7 ALL RIGHT LADIES AND GENTLEMEN I HOPE YOU HAD A
8 NICE LUNCH WE ARE READY TO PROCEED WITH THIS WITNESS
9 GO AHEAD
10 DIRECT EXAMINATION CONTINUED BY MR. MURDAUGH.
11 Q MS BODIE, I HAND YOU A BOX OF ITEMS AND ASK YOU
12 IF YOU CAN IDENTIFY THE CONTENTS OF THOSE -- OF THAT
13 BOX?
14 A THESE -- THESE APPEAR TO BE THE FRAGMENTS OF
15 BULLETS THAT WE COLLECTED AT THE SCENE
16 Q DID YOU COLLECT THOSE BULLETS OR WERE THEY
17 COLLECTED IN YOUR PRESENCE?
18 A YES, SIR, THEY WERE
19 Q OKAY WHERE DID YOU COLLECT THEM FROM GENERALLY
20 NOT SPECIFICALLY?
21 A THE MAJORITY OF THEM CAME FROM THE BEDROOM AREA
22 BATHROOM AND A FEW FROM THE LIVING ROOM
23 Q OKAY AND WHAT ARE THESE ITEMS?
24 A THESE ARE THE PROJECTILE
25 Q FROM WHAT?

1 A FROM EITHER THE 40 CALIBER GUN OR THE 7 62
2 WEAPON

3 Q DOES THE MODEL AND THE YELLOW AND THE BLUE DOWELS
4 IN THAT MODEL GO TO THE POINTS WHERE THESE ITEMS WERE
5 RECOVERED?

6 A THE YELLOW AND THE BLUE RODS IN THE MODEL
7 REPRESENT A TRAJECTORY OF THE BULLETS THE BULLETS
8 NOT NECESSARILY RIGHT FROM WHERE THOSE LINES ARE DRAWN,
9 BECAUSE OF THE ITEMS THEY MAY PENETRATE OR DEFLECT
10 FROM, BUT IN THE GENERAL VICINITY, YES

11 Q OKAY IF SOMEBODY WERE TO ASK YOU, COULD YOU TELL
12 THEM WHERE EACH INDIVIDUAL PROJECTILE IS IN THAT BOX --
13 AND THERE ARE A NUMBER OF THEM, ARE THERE NOT?

14 A YES, SIR THERE'S 17 OF THEM

15 Q 17 OF THEM COULD YOU TELL SOMEBODY WHERE THEY
16 WERE FOUND WITHIN THAT MODEL?

17 A YES SIR

18 Q AND DO YOU HAVE A PHOTOGRAPH ATTACHED TO EACH OF
19 THOSE ITEMS SHOWING WHERE IT WAS RECOVERED FROM?

20 A YES SIR, I DO

21 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD MOVE
22 THE INTRODUCTION OF THESE ITEMS AS ONE EXHIBIT

23 THE COURT ANY OBJECTION?

24 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

25 THE COURT ALL RIGHT STATE YOUR OBJECTION?

1 MR ALKEBULANYAHH THE PARTICULAR FRAGMENTS ARE
2 NOT LISTED INDIVIDUALLY TO THE PARTICULAR LOCATION THAT
3 THEY GOING TO BE INTRODUCED AS

4 THE COURT ALL RIGHT I OVERRULE THAT GO
5 AHEAD YOU MAY PUT THOSE IN EVIDENCE STATE'S 103 IN
6 EVIDENCE OVER THE DEFENDANT'S OBJECTION

7 (BOX CONTAINING FRAGMENTS AND PHOTOS MARKED IN
8 EVIDENCE AS STATE'S EXHIBIT NO 103)

9 Q SO IT WON'T BE ANY QUESTION, MS BODIE, DO YOU
10 KNOW HOW MANY INDIVIDUAL CONTAINERS THERE ARE IN THIS
11 BOX?

12 A 17

13 Q 17?

14 A YES, SIR

15 Q OKAY NOW, MS BODIE, I ASK YOU -- SHOW YOU AN
16 ITEM AND ASK YOU IF YOU CAN IDENTIFY IT, PLEASE?

17 A I'M LOOKING AT AN EVIDENCE BAG THAT'S BEEN SEALED
18 BY MYSELF IN THE LABORATORY, STATES ITEM 138 IT HAS
19 THE LAB NUMBER, WHICH WAS L-02353, MY INITIALS, AND THE
20 DATE THAT I SEALED THE ENVELOPE INSIDE THE ENVELOPE,
21 THE DESCRIPTION OF ITEM 138 READS ONE GLOCK 22 40
22 CALIBER PISTOL, BEARING SERIAL NO B C 129S0 WITH
23 MAGAZINE -- WELL, THIS IS JUST THE GUN

24 Q WHERE DID THAT COME FROM?

25 A HOLD ON ONE SECOND, PLEASE

STATE VS ALKEBULANYAHH

1 Q YES, MA'AM
 2 (PAUSE)
 3 A I'M SORRY TO TAKE SO LONG I JUST WANT TO VERIFY
 4 THAT I AM TELLING YOU THE EXACT RIGHT INFORMATION
 5 (PAUSE) THE SERIAL NO, I REPEAT IT, WAS B C 129S0 IS
 6 OFFICER COURSEN'S GUN
 7 Q OKAY AND WHERE DID YOU RECOVER THAT GUN FROM?
 8 A THIS GUN WAS COLLECTED -- THIS GUN WAS ON OFFICER
 9 COURSEN'S BODY AND HOLSTERED IN THE DUTY BELT
 10 Q MS BODIE, I SHOW YOU AN ITEM THAT'S BEEN
 11 IDENTIFIED AND INTRODUCED AS THE BELT AND UNIFORM OF
 12 OFFICER COURSEN IS THAT THE HOLSTER FROM WHICH YOU
 13 RECOVERED IT?
 14 A MAY I HOLD THE ITEM?
 15 Q YOU MAY
 16 (PAUSE)
 17 Q MY QUESTION TO YOU -- IT'S BEEN TESTIFIED THIS IS
 18 A PART OF HIS UNIFORM
 19 A YES, SIR THE REASON I'M NOT ANSWERING QUICKLY TO
 20 THAT, I DID NOT COLLECT THIS ITEM
 21 Q THAT'S CORRECT
 22 A AND THEREFORE, POSITIVELY IDENTIFYING THIS TO BE
 23 THE EXACT ITEM, I COULD NOT SAY COLLECTION WISE IT IS
 24 LISTED ON HERE AS ITEM 171 I DO NOT HAVE THAT LOG IN
 25 SHEET IN MY JACKET TO VERIFY THAT

1 Q IF, MA'AM, IN ACCORDANCE WITH THE TESTIMONY THAT'S
2 BEEN IN THIS COURTROOM, THIS IS THE UNIFORM -- A PART
3 OF THE UNIFORM OF OFFICER COURSEN ---

4 MR ALKEBULANYAHH OBJECTION, YOUR HONOR SHE
5 HAS STATED THAT SHE DIDN'T COLLECT THAT PARTICULAR
6 ITEM, AND HE CONTINUE TO ASK, YOU KNOW, AS TO WHETHER
7 THAT PARTICULAR EVIDENCE BELONGING TO THAT PERSON AND
8 SHE HAS STATED THAT SHE DID NOT COLLECT THE ITEM, SHE
9 CAN'T PACIFICALLY (SIC) SAY THAT'S IT SHE HAVE NO
10 TIES WITH THAT PARTICULAR EVIDENCE

11 THE COURT DO YOU WISH TO RESPOND?

12 MR MURDAUGH IT HAS BEEN TESTIFIED THAT THIS IS
13 THE UNIFORM AND BELT THAT WAS COLLECTED FROM COURSEN AT
14 THE AUTOPSY BY DR COLLINS GIVEN TO ---

15 THE COURT ALL RIGHT

16 MR MURDAUGH --- BAKER

17 THE COURT OVERRULED GO AHEAD

18 MR MURDAUGH OKAY

19 Q IF THIS IS THE GUN -- THE BELT THAT BELONGED AS A
20 PART OF OFFICER COURSEN'S UNIFORM, WHERE DID YOU FIND
21 THE GUN THAT YOU HAVE BEEN TALKING ABOUT?

22 A THE GUN WOULD HAVE BEEN HOLSTERED IN THIS POUCH

23 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
24 OFFER THE GUN AS AN EXHIBIT

25 THE COURT ANY OBJECTION?

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR SHE
2 STATE SHE DIDN'T COLLECT THE EVIDENCE

3 THE COURT OVERRULE STATE'S 104 IN EVIDENCE
4 (GLOCK MARKED IN EVIDENCE AS STATE'S EXHIBIT NO
5 104)

6 Q 104 IN EVIDENCE IS WHAT NOW, JUST SO THERE WON'T
7 BE ANY QUESTION?

8 A 40 -- 40 CALIBER GLOCK PISTOL BELONGING TO
9 OFFICER COURSEN

10 Q SHOW ME WHERE THE GLOCK WAS, STATE'S EXHIBIT 104,
11 WHEN YOU RECOVERED IT? PUT IT BACK JUST LIKE IT WAS
12 WHEN YOU RECOVERED IT

13 A (COMPLIED)

14 Q AND THAT THING WAS SNAPPED?

15 A YES SIR WHEN WE ARRIVED ON THE SCENE, THAT'S ONE
16 OF THE THINGS WE CHECKED, WAS IS THE SNAP HOLSTERED

17 Q OKAY NOW, THE GUN ITSELF, DID IT HAVE A CLIP IN
18 IT?

19 A YES, SIR, THE MAGAZINE WAS LOADED WITH 15 ROUNDS

20 Q OKAY I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN
21 IDENTIFY THAT?

22 A THIS IS THE LISTED AS ITEM 138 AND I WILL READ
23 YOU THE DESCRIPTION IT'S ONE GLOCK 22 40 CALIBER
24 PISTOL THIS IS PART OF 138, I'M SORRY THIS IS THE
25 MAGAZINE WITH 16 UNFIRED CARTRIDGES HEAD STAMPED

STATE VS ALKEBULANYAHH

1 FEDERAL 40 S&W

2 Q DID YOU CHECK TO SEE IF THERE WAS A LIVE ROUND IN

3 THE CHAMBER?

4 A YES, SIR

5 Q WAS THERE?

6 A YES, SIR

7 Q OKAY SO IT HAD 17 BULLETS AVAILABLE, IS THAT

8 CORRECT?

9 A NO, SIR, THERE WAS 15 IN THE MAGAZINE, 1 IN THE

10 CHAMBER, WHICH WOULD TOTAL 16 ROUNDS

11 Q OKAY OKAY

12 MR MURDAUGH YOUR HONOR, PLEASE ---

13 Q AND HAVE THE ROUNDS BEEN REMOVED FROM THE

14 MAGAZINE?

15 A YES, SIR, THE ROUNDS ARE IN THE -- IN ANOTHER

16 ENVELOPE INSIDE THIS CONTAINER

17 Q WAS THAT DONE BY ANOTHER AGENT OR DID YOU DO IT?

18 A THIS WAS EITHER DONE BY MYSELF OR DAN DEFRESE,

19 WHO'S THE FIREARMS ---

20 MR MURDAUGH THANK YOU, MA'AM I OFFER THE

21 MAGAZINE AND THE BULLETS AS AN EXHIBIT, SIR

22 THE COURT ANY OBJECTION?

23 MR ALKEBULANYAHH NO, SIR

24 THE COURT ALL RIGHT STATE'S 105 IN EVIDENCE

25 WITHOUT OBJECTION

STATE VS ALKEBULANYAHH

1 (MAGAZINE CLIP AND BULLETS MARKED IN EVIDENCE AS
2 STATE'S EXHIBIT NO 105)

3 Q DID YOU RECOVER ANY OTHER GUNS OUT OF THAT ROOM?

4 A YES, SIR, I DID I RECOVERED ---

5 Q WHERE -- WHERE DID YOU RECOVER AND WHAT DID YOU
6 RECOVER OTHER GUNS?

7 A I RECOVERED ANOTHER GLOCK PISTOL FROM THE BATHROOM
8 FLOOR NEXT TO OFFICER TATE'S BODY

9 Q OKAY I SHOW YOU TWO ITEMS AND ASK IF YOU CAN
10 IDENTIFY THEM?

11 A THIS ALSO IS IN A SEALED CONTAINER WITH ITEM NO
12 137, AND A LAB NO L-02353 THE SERIAL NO ON THIS
13 ITEM IS B C 085S0

14 Q AND WHAT IS THAT?

15 A ITEM 137, THE DESCRIPTION READS, ONE GLOCK 22 40
16 CALIBER PISTOL BEARING SERIAL NO B C 085S0, WITH
17 MAGAZINE CONTAINING 6 UNFIRED CARTRIDGES HEAD STAMPED
18 FEDERAL 40 S&W, BELONGING TO OFFICER TATE

19 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
20 OFFER THAT AS AN EXHIBIT

21 THE COURT ANY OBJECTION?

22 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

23 THE COURT ALL RIGHT STATE'S 106 IN EVIDENCE
24 WITHOUT OBJECTION

25 (GLOCK IN PLASTIC BAG MARKED IN EVIDENCE AS

1 STATE'S EXHIBIT NO 106)
 2 Q THE OTHER ITEM THAT YOU HAVE IN YOUR HAND IS WHAT,
 3 MA'AM?
 4 A THIS IS A PART OF THE GLOCK I JUST MENTIONED ITEM
 5 137 THIS IS THE MAGAZINE WITH THE 6 UNFIRED
 6 CARTRIDGES
 7 MR MURDAUGH I WOULD OFFER THAT AS AN EXHIBIT,
 8 IF YOUR HONOR PLEASE
 9 THE COURT ANY OBJECTION?
 10 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
 11 HONOR
 12 THE COURT STATE'S 107 IN EVIDENCE WITHOUT
 13 OBJECTION
 14 (MAGAZINE CLIP AND BULLETS MARKED IN EVIDENCE AS
 15 STATE'S EXHIBIT NO 107)
 16 Q DID YOU CHECK THIS GUN TO DETERMINE WHETHER OR NOT
 17 THERE WERE ANY ROUNDS IN THE CHAMBER?
 18 A IN THE CHAMBER WAS A FIRED CARTRIDGE CASE, AND WAS
 19 STUCK IN THE CHAMBER
 20 Q OKAY I SHOW YOU STATE'S EXHIBIT -- STATE'S
 21 EXHIBIT NO 77 AND ASK YOU IF THAT IS -- WHAT IS THAT?
 22 A THAT IS A FIRED CARTRIDGE CASE
 23 Q WHAT'S THAT THING RIGHT THERE?
 24 A THAT IS THE GLOCK BELONGING TO THE OFFICER
 25 Q BELONGING TO WHO?

STATE VS ALKEBULANYAHH

1 A OFFICER TATE

2 Q OKAY I SHOW YOU ANOTHER ITEM AND ASK YOU IF YOU

3 CAN IDENTIFY THIS?

4 A ON THE OUTSIDE OF THE BAG READS THE DESCRIPTION

5 ONE MAG LIGHT LOCATED NEXT TO BODY OF OFFICER COURSEN

6 Q IS THIS THE MAG LIGHT YOU'RE TALKING ABOUT?

7 A YES, SIR, THIS IS THE MAG LIGHT

8 Q THERE'S SOMETHING ELSE IN HERE, WHAT IS THAT?

9 A IT'S A PIECE OF THE LENS HERE OF THE MAG LIGHT

10 THAT WAS BROKEN

11 MR MURDAUGH IF YOUR HONOR, PLEASE, I WOULD

12 OFFER THIS AS AN EXHIBIT

13 THE COURT ANY OBJECTION?

14 MR ALKEBULANYAHH I HAVE NO OBJECTION

15 THE COURT STATE'S 107 IN EVIDENCE WITHOUT

16 OBJECTION -- 108 IN EVIDENCE WITHOUT OBJECTION

17 (BROWN BAG CONTAINING MAG LIGHT MARKED IN EVIDENCE

18 AS STATE'S EXHIBIT NO 108)

19 Q MS BODIE, DID YOU GO TO A WOODED AREA IN BEAUFORT

20 COUNTY THAT IS INDICATED ON STATE'S EXHIBIT NO 10 AS

21 BEING THE PLACE HERE WHERE THE "G" IS ON THE RED

22 MARKER?

23 A YES, SIR I RESPONDED TO EVERGREEN ROAD, NEXT TO

24 BROAD RIVER ELEMENTARY

25 Q OKAY AND WHAT DID YOU FIND WHEN YOU GOT THERE?

STATE VS ALKEBULANYAHH

1 A I FOUND A GUN, A RIFLE THAT HAD BEEN LOCATED IN
 2 THE WOODS IT WAS UNDERNEATH A LIMB, TREE LIMB, BRANCH
 3 -- WELL, ACTUALLY, A LIMB AND IT HAD LEAVES ALL ON
 4 TOP OF THE RIFLE
 5 Q MA'AM, I SHOW YOU STATE'S EXHIBITS NO 19, 20, AND
 6 21 AND ASK YOU WHAT THOSE ARE?
 7 A THESE REPRESENT THE AREA IN THE WOODS WHERE THE
 8 GUN WAS RECOVERED YOU CAN SEE THE GUN UNDERNEATH THE
 9 LEAVES, THERE AT THAT LIMB I WAS TELLING YOU ABOUT
 10 WHERE IT WAS LOCATED
 11 Q OKAY AT THE TIME YOU ARRIVED THERE DID YOU
 12 NOTICE WHETHER OR NOT THE AREA HAD BEEN SECURED?
 13 A YES, SIR, WHEN I ARRIVED THERE, THERE WAS CRIME
 14 SCENE TAPE DOWN THE ROAD BLOCKING OFF THAT AREA OF THE
 15 WOODS
 16 Q OKAY DID YOU LOOK THROUGHOUT THAT AREA THAT WAS
 17 BLOCKED OFF BY -- DO YOU REMEMBER WHO THE OFFICER WAS
 18 THAT HAD TAPED IT OFF AND WHO WAS SECURING IT?
 19 A I KNOW THE TWO OFFICERS I MET WITH WERE OFFICERS
 20 JEFF PURDY AND JIM BUKOFFSKY
 21 Q BUKOFFSKY?
 22 A YES, SIR
 23 Q OKAY AND TELL US WHAT YOU FOUND WHEN YOU
 24 SEARCHED WITHIN THAT AREA?
 25 A WE FOUND, ALONG WITH THE RIFLE, APPROXIMATELY 7

1 FEET IN FRONT OF THE RIFLE, WE FOUND A LIMB THAT
2 APPEARED TO HAVE BLOOD STAINS ON THE LIMB I COLLECTED
3 THAT STICK AND TOOK IT TO THE LAB TO HAVE IT CHECKED
4 FOR DNA

5 Q OKAY I SHOW YOU A PHOTOGRAPH AND ASK YOU IF YOU
6 CAN TELL ME -- TWO PHOTOGRAPHS -- ONE PHOTOGRAPHS, AND
7 ASK YOU IF CAN TELL ME WHAT THAT IS?

8 A THIS IS THE MARKER 2 REPRESENTING THE STICK IN THE
9 WOODS, AND MARKER 1 REPRESENTED WHERE THE GUN WAS
10 LOCATED UNDER THE BRANCH, THE TREE LIMB

11 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
12 OFFER THAT AS AN EXHIBIT

13 THE COURT ANY OBJECTION?

14 MR ALKEBULANYAHH YES, I HAVE OBJECTION, YOUR
15 HONOR

16 THE COURT SIR?

17 MR ALKEBULANYAHH I OBJECT

18 THE COURT YOU OBJECT?

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT APPROACH THE SIDE BAR

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

23 THE COURT I'LL ALLOW THAT IN

24 MR MURDAUGH MAY I ASK HER ONE QUESTION BEFORE I
25 OFFER THIS?

1 THE COURT YES SIR
2 Q DID YOU TAKE THIS PICTURE OR WAS IT TAKEN IN YOUR
3 PRESENCE?
4 A MAY I HOLD THE PHOTOGRAPH?
5 Q ALL RIGHT
6 A THIS PICTURE, AT THE BOTTOM OF THE PICTURE IT'S
7 STAMPED SLED 02353 THIS IS A PHOTOGRAPH I TOOK
8 Q OKAY THAT IS A PICTURE OF WHAT?
9 A THAT IS A PICTURE OF THE WOODS OFF OF EVERGREEN
10 WHERE THE STICK WAS LOCATED AND WHERE THE GUN WAS
11 LOCATED
12 MR MURDAUGH NOW I OFFER IT, SIR
13 THE COURT ANY OBJECTION? SAME OBJECTION?
14 MR ALKEBULANYAHH YES, SAME OBJECTION, YOUR
15 HONOR
16 THE COURT ALL RIGHT OVERRULE THAT I'LL ALLOW
17 IT IN 109 IN EVIDENCE SUBJECT TO THE DEFENDANT'S
18 OBJECTION -- OR WITH THE DEFENDANT'S OBJECTION
19 (SMALL COLOR PHOTO #2 MARKED IN EVIDENCE AS
20 STATE'S EXHIBIT NO 109)
21 Q I SHOW YOU 2 ADDITIONAL PICTURES, MS BODIE, AND
22 ASK YOU IF YOU CAN IDENTIFY THOSE TWO PICTURES?
23 A THESE TWO PICTURES REPRESENT MARKER NO 2 WHICH IS
24 WHERE THE STICK THAT I COLLECTED FROM THE WOODS IT'S
25 JUST A PICTURE -- I GUESS, YOU'D SAY A GENERAL PICTURE

STATE VS ALKEBULANYAHH

1 AND MID-RANGE PICTURE GENERAL WOULD BE THE ONE JUST
2 ADMITTED THESE ARE MORE CLOSE-UP PICTURES OF THAT
3 STICK

4 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
5 OFFER THESE TWO AS EXHIBITS

6 THE COURT ANY OBJECTION?

7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

8 THE COURT SAME OBJECTION?

9 MR ALKEBULANYAHH CAN I SEE THE PICTURES ALSO?

10 THE COURT YES

11 MR MURDAUGH I EXHIBITED THEM TO HIM JUST A
12 MOMENT AGO, SIR

13 MR ALKEBULANYAHH OH, THE SAME, I SEEN THEM
14 (PAUSE)

15 THE COURT SAME OBJECTION?

16 MR ALKEBULANYAHH SAME OBJECTION, YOUR HONOR

17 THE COURT ALL RIGHT I'LL ALLOW THEM IN
18 STATE'S 110 AND 111

19 (2 SMALL COLOR PHOTOS #2 MARKED IN EVIDENCE AS
20 STATE'S EXHIBIT NOS 110 AND 111)

21 Q NOW MS BODIE YOU SAID YOU FOUND A GUN AND A
22 STICK?

23 A YES, SIR

24 Q OKAY I SHOW YOU AN ITEM AND ASK YOU IF YOU CAN
25 IDENTIFY THIS? IT'S BEEN MARKED STATE'S EXHIBIT NO

STATE VS ALKEBULANYAHH

1 11

2 A YES, SIR, THIS IS AN ITEM I COLLECTED IN THE

3 WOODS ITEM 154, ONE CHINESE SKS SEMI-AUTOMATIC RIFLE,

4 7 62, SERIAL NO 1724943 COLLECTED IN WOODS EVERGREEN,

5 WITH DEBRIS COVERING GUN

6 Q WHEN YOU -- EXCUSE ME I DIDN'T MEAN TO INTERRUPT

7 YOU GO AHEAD

8 A I COMPARED THE SERIAL NUMBER OF THIS GUN WITH MY

9 NOTES I TOOK AT THE SCENE, AND THEY MATCH

10 Q YOU SAY YOU COLLECTED IT CAN YOU TELL THE LADIES

11 AND GENTLEMEN OF THE JURY WHAT YOU DID IN GOING ABOUT

12 THE COLLECTION AND WHY YOU DID IT THE WAY YOU DID IT?

13 A WE WOULD HAVE SUSPENDED THIS GUN IN A BOX AND WE

14 PUT THE GUN IN THE BOX, AND I CARRIED -- IT'S CARRIED

15 OUT OF THE WOODS AND I TOOK IT BACK TO THE

16 LABORATORY LOGGED IT IN TO EVIDENCE IN THE EVIDENCE

17 LOG IN WHERE IT WAS SENT TO EVIDENCE PROCESSING TO BE

18 PROCESSED

19 Q OKAY AT THE SAME PLACE YOU'RE TALKING ABOUT, YOU

20 TESTIFIED THAT THERE WAS A 1 AND A 2 IN A PICTURE?

21 A YES, SIR

22 Q AND 2 WAS WHAT?

23 A 2 WAS A STICK THAT I COLLECTED TO HAVE AN AREA OF

24 THE STICK TESTED FOR DNA

25 Q OKAY AND THAT IS DEPICTED IN STATE'S EXHIBIT 111

1 AND 110?

2 A YES, SIR, THIS PICTURE SHOWED A STICK AT MARKER

3 NO 2, WHICH IS THE STICK I COLLECTED OFF EVERGREEN IN

4 THE WOODS IT'S MY ITEM 87, WHICH I TOOK BACK TO THE

5 LAB AND LOGGED IT IN TO THE EVIDENCE LOG IN UNIT THE

6 DESCRIPTION IS ONE STICK COLLECTED FROM GROUND

7 APPROXIMATELY 7 FEET 11 INCHES FROM THE GUN

8 Q OKAY AND I SHOW YOU AN ITEM AND ASK IF YOU CAN

9 IDENTIFY THAT?

10 A YES, SIR THE OUTSIDE CONTAINER SAYS, STICK AND

11 IT'S SIGNED BY THE -- A TECHNICIAN IN THE EVIDENCE DNA

12 -- THE EVIDENCE PROCESSING AREA, WHICH IS WHERE IT WAS

13 LOGGED IN TO

14 Q WHAT IS IT?

15 A IT'S THE STICK

16 Q I KNOW YOU THINK THAT'S WHAT IT IS INSIDE THAT

17 BAG, BUT I WANT YOU TO LOOK AT IT AND MAKE SURE

18 PLEASE, MA'AM

19 A INITIALS ON THE STICK IS ITEM 87 BY THE EVIDENCE

20 TECHNICIAN THIS IS THE STICK THAT I SUBMITTED TO THE

21 LOG IN UNIT

22 Q THAT IS THE STICK THAT'S SHOWN IN EXHIBITS 2 --

23 EXCUSE ME, NOT EXHIBITS 2, EXHIBITS 110 AND 111?

24 A YES, SIR, EXHIBIT 110, 111 SHOWS STICK AT MARKER

25 2, AND THIS IS THE STICK THAT I COLLECTED FROM THE

1 WOODS

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

4 THE COURT ANY OBJECTION?

5 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

6 THE COURT ALL RIGHT STATE'S 112 IN EVIDENCE
7 WITHOUT OBJECTION

8 (STICK IN BROWN PAPER BAG MARKED IN EVIDENCE AS
9 STATE'S EXHIBIT NO 112)

10 Q WHY DID YOU COLLECT THIS STICK, MS BODIE?

11 A BECAUSE I FELT THE PERSON WHO PUT THE GUN IN THE
12 WOODS POSSIBLY MIGHT HAVE BLED ON THAT STICK APPARENT
13 -- IT LOOKED LIKE BLOOD TO ME I'M NOT A BLOOD -- A
14 DNA PERSON THAT'S WHY I COLLECTED THE STICK FOR IT TO
15 BE SWABBED AND TAKEN TO DNA

16 Q OKAY DID YOU DO A SWAB OF THAT -- EXCUSE ME
17 THE ITEM THAT HAS BEEN MARKED AS STATE'S EXHIBIT 12, A
18 MAGAZINE FOUND IN THE WOODS DO YOU RECOGNIZE THAT?

19 A YES SIR THIS IS AGAIN, A SEALED ENVELOPE
20 SEALED BY ME, CONTAINING ITEM 140 AND THE DESCRIPTION
21 OF ITEM 140 IS ONE BLACK METAL MAGAZINE WITH 7 62
22 UNFIRED CARTRIDGES COLLECTED BETWEEN NO 28 AND 32
23 VANITA IN BURTON, SOUTH CAROLINA

24 Q OKAY WAS THAT ITEM TURNED OVER TO YOU BY
25 ANYBODY?

1 A YES SIR IT WAS THAT ITEM I HAVE A CHAIN OF
2 CUSTODY FORM FROM BOBBY TUTEN OF BEAUFORT COUNTY TO
3 MYSELF STATING ONE MAGAZINE WITH AN UNKNOWN AMOUNT OF
4 CARTRIDGES

5 Q OKAY I ASK YOU AFTER RECEIVING THAT MAGAZINE
6 THAT'S MARKED STATE'S EXHIBIT NO 12, DID YOU DO
7 ANYTHING WITH IT?

8 A THAT IS ITEM 140 YES, SIR I VISUALLY EXAMINED
9 THE ITEM I CHECKED THE ITEM FOR BLOOD I SWABBED A
10 DESIGNATED -- A CERTAIN AREA, AND DESIGNATED THAT SWAB
11 AS ITEM 140 3 I THEN BLACK POWDERED THE MAGAZINE
12 VISUALLY EXAMINED THE MAGAZINE AGAIN I NOTED RIDGE
13 FINGERPRINTS ON THE MAGAZINE RIDGED ON THE MAGAZINE I
14 HAD THE RIDGE DETAIL PHOTOGRAPHED, AS WELL AS I DID A
15 LATENT LIFT OFF OF THE MAGAZINE OF THAT RIDGE DETAIL
16 AND THEN I TRANSFERRED THE MAGAZINE TO THE FIREARMS
17 DEPARTMENT

18 Q OKAY NOW YOU SAID THAT YOU -- FIRST OF ALL, YOU
19 CHECKED IT FOR BLOOD?

20 A YES, SIR, I CHECKED IT FIRST FOR BLOOD AND I DID
21 NOTE -- I DID SEE AN AREA THAT I THOUGHT MIGHT BE
22 BLOOD I SWABBED THAT AREA AND TRANSFERRED THAT SWAB
23 TO THE DNA BOX

24 Q TELL ME WHAT YOU'RE TALKING ABOUT WHEN YOU SAY YOU
25 SWABBED IT, PLEASE?

1 A I MAINLY TAKE A COTTON -- A SWAB, COTTON SWAB I
2 PUT SALINE ON THE SWAB, AND I SWAB THAT ITEM PUT IT
3 IN AN ENVELOPE AND SEND THE ENVELOPE FOR DNA TO CHECK
4 FOR BLOOD -- TO IDENTIFY SOMEONE'S BLOOD
5 Q OKAY I HAND YOU AN ITEM AND ASK YOU IF YOU CAN
6 IDENTIFY THAT?
7 A THIS IS THE SEALED ENVELOPE INITIALED BY MYSELF
8 STATING ITEM NO 140 3, LAB NO L-02353 DESCRIPTION
9 IS IT'S ON THE EDGE OF THE MAGAZINE ON THE BACK I HAD
10 DRAWN WHERE I COLLECTED THE SWAB
11 MR MURDAUGH YOUR HONOR, PLEASE, I OFFER THIS AS
12 AN EXHIBIT
13 THE COURT ANY OBJECTION?
14 MR ALKEBULANYAHH I HAVE NO OBJECTION
15 THE COURT STATE'S 113 IN EVIDENCE WITHOUT
16 OBJECTION
17 (SMALL BROWN ENVELOPE, ITEM 140 3, MARKED IN
18 EVIDENCE AS STATE'S EXHIBIT NO 113)
19 Q MS BODIE, DID YOU LOOK INSIDE OF THE ROOM WHERE
20 THE BODIES OF OFFICERS COURSEN AND TATE WERE LOCATED
21 AND DID YOU TAKE A NUMBER OF SWABS FROM IN THAT ROOM?
22 A YES, SIR, I DID
23 Q WAS ONE OF THE SWABS YOU TOOK CONNECTED TO THIS
24 THING I NOW HAND YOU?
25 A THIS AGAIN, IS A SEALED ENVELOPE, AND IT HAS A

1 DIAGRAM ON THE BACK STATING, OUTSIDE OF BEDROOM DOOR
2 AND EDGE OF DOOR, 1 SWAB ABOUT 12 INCHES FROM KNOB
3 AND IT'S ITEM 72 AND THAT DESCRIPTION IS SWAB
4 COLLECTED FROM EDGE OF DOOR, OUTSIDE BEDROOM DOOR

5 MR MURDAUGH YOUR HONOR, PLEASE, I WOULD OFFER
6 THIS AS AN EXHIBIT

7 THE COURT ANY OBJECTION?

8 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

9 THE COURT STATE'S 114 IN EVIDENCE WITHOUT
10 OBJECTION

11 (SMALL BROWN ENVELOPE, ITEM 72, MARKED IN EVIDENCE
12 AS STATE'S EXHIBIT NO 114)

13 Q NOW MS BODIE, I ASK YOU WHETHER OR NOT STATE'S
14 EXHIBIT NO 114 AND 113, WHICH ARE THE TWO SWABS YOU'VE
15 JUST TESTIFIED WERE GOTTEN TO A FELLOW BY THE NAME OF
16 GRAY AMICK?

17 A YES, SIR

18 Q OKAY NOW, THE MAGAZINE THAT IS MARKED STATE'S
19 EXHIBIT NO 12, DID YOU EXAMINE THAT AND THE GUN THAT
20 IS MARKED STATE'S EXHIBIT NO 11 FOR FINGERPRINTS?

21 A COULD YOU TELL ME WHICH GUN IS STATE'S EXHIBIT 11?

22 Q I'M SORRY STATE'S EXHIBIT 11 IS THE GUN THAT YOU
23 FOUND IN THE WOODS

24 A I EXAMINED THE MAGAZINE FOR FINGERPRINTS I DID
25 NOT EXAMINE THE RIFLE FOR FINGERPRINTS

STATE VS ALKEBULANYAHH

1 Q OKAY WHY WAS IT THAT YOU DID NOT EXAMINE THE
2 RIFLE FOR FINGERPRINTS?

3 A I DIDN'T EXAMINE THE RIFLE FOR FINGERPRINTS
4 BECAUSE THE RIFLE HAD A FAIR AMOUNT OF BLOOD ALL OVER
5 THE RIFLE AND AT THE TIME I FELT LIKE IDENTIFYING
6 ANYONE'S BLOOD ON THAT RIFLE WAS VERY IMPERATIVE

7 Q OKAY WHEN YOU EXAMINED THAT MAGAZINE, WHAT DID
8 YOU FIND BY WAY OF FINGERPRINTS?

9 A I FOUND A FINGERPRINT ON THE EDGE OF THE MAGAZINE

10 Q WHEN YOU FOUND IT -- AND HOW DID YOU FIND IT?
11 WHAT DO YOU DO TO FIND A FINGERPRINT?

12 A WELL, FIRST WE VISUALLY EXAMINE IT WE USE -- WE
13 HAVE ALTERNATE LIGHT SOURCE, WHICH ALLOWS US TO LOOK AT
14 THINGS WITH DIFFERENT WAVE LENGTHS OF LIGHT AND WE
15 ALSO HAVE PROCESSES WE CAN APPLY TO ITEMS TO ENHANCE
16 THAT PRINT SO THAT WE CAN SEE THEM BETTER

17 I BLACK POWDERED -- AMINO BLACK POWDERED THIS
18 PARTICULAR ITEM, WHICH JUST MAKES THE RIDGE DETAIL SHOW
19 UP A LITTLE MORE VISUAL FOR ME, TO THE POINT WHERE I
20 COULD HAVE IT PHOTOGRAPHED OR LIFT THE PRINT SO I CAN
21 DO MY EXAMINATION

22 Q OKAY DID YOU DO THOSE THINGS TO THAT MAGAZINE --
23 TO THE PRINT THAT YOU FOUND ON THAT MAGAZINE?

24 A YES, SIR, WHEN I -- WHEN I NOTICED RIDGE DETAIL ON
25 THE MAGAZINE I HAD IT PHOTOGRAPHED

1 Q OKAY DID YOU COMPARE THE PHOTOGRAPH OF THE
2 LATENT PRINT THAT YOU FOUND ON STATE'S EXHIBIT 12, THE
3 MAGAZINE, TO ANYTHING?

4 A YES, SIR, I COMPARED THEM TO KNOWN STANDARD
5 FINGERPRINTS OF THE DEFENDANT

6 Q MR JEFF PURDY TESTIFIED THAT STATE'S EXHIBIT NO
7 23 WERE LIFTED FROM THE DEFENDANT BY HIM DID YOU
8 COMPARE THE FINGERPRINT ON THE MAGAZINE TO HIS
9 FINGERPRINTS -- TO THOSE THINGS IN ITEM 23?

10 A YES, SIR, STATE'S EXHIBIT 23 IS MY LAB NO 170,
11 WHICH READS, 6 STRIPS BEARING INKED IMPRESSIONS OF
12 FINGERS 1 THROUGH 10 AND PRINT IMPRESSIONS OF -- THE
13 DEFENDANT'S NAME -- BY JEFF PURDY, BEAUFORT COUNTY
14 SHERIFF'S OFFICE

15 Q OKAY THEN WHAT DID THE COMPARISON OF THE
16 FINGERPRINTS THAT JEFF PURDY LIFTED FROM ALKEBULANYAHH
17 AND THE LATENT PRINT THAT YOU LIFTED OFF OF THE
18 MAGAZINE REVEAL?

19 A I IDENTIFIED THE LEFT THUMB OF THE DEFENDANT TO
20 THE PRINT THAT I LIFTED FROM THE MAGAZINE

21 (PAUSE)

22 MR MURDAUGH INDULGE ME JUST ONE MOMENT, SIR

23 (PAUSE)

24 MR MURDAUGH I HAVE NO FURTHER QUESTIONS IF YOUR
25 HONOR, PLEASE

1 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

2 Q HELLO, MS BODIE

3 A GOOD AFTERNOON

4 Q I WANT TO START OFF BY ASKING YOU ABOUT CRIME
5 SCENE INTEGRITY WOULD YOU AGREE THAT CRIME SCENE
6 INTEGRITY IS OF THE UTMOST IMPORTANCE?

7 A YES, SIR, I WOULD

8 Q WOULD YOU AGREE THAT UNNECESSARY ASSESS (SIC)
9 ABOUT THE CRIME SCENE NOT ONLY CAN DISTURB OR DESTROY
10 EVIDENCE?

11 A YES, SIR

12 Q WOULD YOU AGREE THAT PERSONNEL ENTERING AND
13 EXITING THE SCENE NOT ONLY LEAVE TRACE EVIDENCE, BUT
14 ALSO TAKE IT AWAY?

15 A YES SIR

16 Q HAVE YOU EVER HAD THE OPPORTUNITY TO READ THE
17 BOOK TECHNIQUES OF CRIME SCENE INVESTIGATION BY BARRY
18 FISHER?

19 A YES, SIR

20 Q DO YOU -- DO YOU RECALL A QUOTE ABOUT THE PROPER
21 CRIME SCENE INVESTIGATING PROCEDURE, QUOTE AS SOON AS
22 POSSIBLE AFTER ARRIVING AT THE SCENE THE OFFICERS
23 SHOULD TAKE STEPS TO PROTECT THE SCENE FROM ANYONE NOT
24 DIRECTLY INVOLVED WITH THE INVESTIGATION, INCLUDING
25 OTHER OFFICERS, SUPERVISOR, COMMAND PERSONNEL, THE

STATE VS ALKEBULANYAHH

1 PRESS, CURIOSITY SEEKERS, AND FAMILY MEMBERS? IS THAT
2 A PARTICULAR ---

3 A I DON'T KNOW THAT THAT'S AN EXACT QUOTE BUT I
4 WOULD AGREE WITH THAT STATEMENT

5 Q YOU WOULD AGREE WITH THAT STATEMENT WILL YOU
6 AGREE THAT EXCESSIVE AMOUNT OF UNNECESSARY ENTRIES BY
7 PEOPLE WITH NO LEGITIMATE REASON TO BE IN THE CRIME
8 SCENE BEFORE SLED PROCESS THE CRIME SCENE, THERE'S A
9 POSSIBILITY OF EVIDENCE BEING DESTROYED OR THE SCENE
10 BEING CONTAMINATED?

11 A COULD YOU REPEAT THAT?

12 Q WOULD YOU AGREE THAT AN EXCESSIVE AMOUNT OF
13 UNNECESSARY ENTRY INTO THE CRIME SCENE BY PEOPLE WITH
14 NO LEGITIMATE REASON TO BE IN THE CRIME SCENE BEFORE IT
15 IS PROCESSED BY SOUTH CAROLINA LAW ENFORCEMENT
16 DIVISION, THAT THERE'S A POSSIBILITY THAT THE CRIME
17 SCENE CAN BE CONTAMINATED AND EVIDENCE CAN BE
18 DESTROYED?

19 A YES, SIR, I BELIEVE YOU SHOULD NEVER ALLOW
20 EXCESSIVE ENTRANCE TO ANY CRIME SCENE, NO MATTER WHO'S
21 PROCESSING IT

22 Q COULD YOU TELL ME WHY IT IS A -- WHY IT IS A BAD
23 PRACTICE TO HAVE POLICE OFFICERS ALLOWED TOURS OF THE
24 CRIME SCENE PRIOR TO THE FORENSIC BEING ABLE TO PROCESS
25 THE SCENE?

1 A I WOULD THINK THAT WOULD BE A VERY BAD PRACTICE TO
 2 ALLOW TOURS OF A CRIME SCENE PRIOR TO PROCESSING YES,
 3 SIR
 4 Q IF -- IF -- IF -- IF POLICE OFFICERS, SOLICITOR,
 5 OR OTHER PEOPLE THAT INSIDE THE CRIME SCENE, ISN'T IT
 6 POSSIBLE THAT THEY CAN INADVERTENTLY KICK OR MOVE
 7 THINGS AND CLOSE DOORS OR OPEN DOORS, TO CHANGE THE --
 8 THE CRIME SCENE ACTUAL SCENERY IF THE SOUTH CAROLINA
 9 LAW ENFORCEMENT DIVISION FORENSIC TEAM HAS NOT ARRIVED?
 10 A IS IT POSSIBLE?
 11 Q YES, MA'AM
 12 A YES SIR, IT'S POSSIBLE ANYONE COULD COME IN AND
 13 CHANGE SOMETHING
 14 Q AND IF THAT WERE TO TAKE PLACE, WOULD YOU AGREE
 15 THAT THE FORENSIC INVESTIGATORS WILL LOG DOWN THINGS AS
 16 THEY WERE OR THINGS AS THEY ARE EVEN THOUGH THEY MAY
 17 HAVE BEEN INADVERTENTLY KICKED OR DOORS CLOSED OR
 18 SOMETHING MOVED OR TOUCHED THAT SHOULD NOT BE WITH THE
 19 FORENSIC INVESTIGATORS' LIST OR LOG DOWN THEM THINGS AS
 20 THEY SEE WHEN THEY ARRIVE?
 21 A WE DOCUMENT THE SCENE AS WE SEE IT WHEN WE ARRIVE,
 22 AND WE DOCUMENT THOROUGHLY UNTIL WE DEPART
 23 Q COULD YOU TELL ME WHETHER THE MORE PEOPLE WHO
 24 VISIT A CRIME SCENE, WHETHER THAT INCREASES THE
 25 LIKELIHOOD OF CONTAMINATION OR DESTRUCTION OF EVIDENCE?

1 A THE MORE PEOPLE THAT ENTER INTO A SECURE CRIME
2 SCENE AREA ABSOLUTELY COULD INTERFERE WITH ANYTHING
3 GOING ON IN THAT AREA

4 Q WHEN YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE ON
5 JANUARY 8, 2002, WHAT TIME DID THE FORENSIC TEAM ARRIVE
6 OR YOU ARRIVE?

7 A YOU TALKING ABOUT ME?

8 Q YES, MA'AM, DID YOU ARRIVE BEFORE THE TEAM DID OR
9 DID YOU ARRIVE ---

10 A NO, SIR WE -- WE TRAVELED -- WE WORK -- THE
11 CRIME SCENE UNIT WORKS IN PAIRS TWO OF US ARE
12 ASSIGNED ON-CALL DUTY FOR A WEEK, 24 HOURS A DAY, FOR
13 THAT 7 DAYS ANOTHER AGENT, AL STUCKEY, AND I WERE ON
14 CALL AT THE TIME THE CALL CAME INTO SLED HEADQUARTERS
15 AT THAT TIME HE AND I WERE DISPATCHED TO BEAUFORT
16 COUNTY WE ALSO REQUESTED THE ASSISTANCE OF THE OTHER
17 TWO AGENTS WHO ARRIVED ON THE SCENE AT A LATER TIME
18 HOWEVER, AGENT STUCKEY AND MYSELF ARRIVED APPROXIMATELY
19 AT 7 20 AT RILEY ROAD

20 Q MS BODIE, WHEN YOU ARRIVED, WAS THERE ANYONE WHO
21 HAD TOOK COMMAND OF SECURITY OVER A CRIME SCENE LOG
22 WHEN YOU ARRIVED?

23 A WHEN I ARRIVED I MET WITH A BEAUFORT COUNTY
24 OFFICER BY THE NAME OF JIM BUKOFFSKY

25 Q AND UPON YOUR ARRIVAL, WHEN YOU MET WITH MR

1 BUKOFFSKY, WHAT DID YOU DO NEXT?

2 A OFFICER BUKOFFSKY BASICALLY TOLD US THE
3 INFORMATION HE HAD ON HAND AT THE TIME AND THEN UPON
4 RECEIVING THE SEARCH WARRANT, SIGNED AND IN HAND WE
5 ENTERED THE TRAILER AND BEGAN THE DOCUMENTATION PROCESS
6 OF THE CRIME SCENE

7 Q DID YOU ASCERTAIN WHETHER OR NOT HOW MANY PEOPLE
8 BEFORE YOU ARRIVED HAD BEEN IN AND OUT OF THE CRIME
9 SCENE?

10 A I ASKED IF THERE WERE AN ENTRY LOG BEING KEPT, AND
11 I WAS INFORMED THAT BEAUFORT COUNTY WAS KEEPING A LOG
12 AND I DID ASK WHO HAD BEEN IN THE ROOM I DON'T HAVE
13 THAT DOCUMENTED BUT I KNOW THAT THEY HAD THAT ON THE
14 LOG

15 Q WERE YOU AWARE THAT THE LOG THAT MR BUKOFFSKY WAS
16 KEEPING WAS FOR THE EXTERIOR ONLY -- DOCUMENT OF THE
17 EXTERIOR OF THE PEOPLE THAT ENTERED THE CRIME SCENE AS
18 FAR AS THE EXTERIOR OF THE ROOM IN WHERE THE INITIAL --
19 OR WHERE THE ALLEGE SHOOTING HAD TOOK PLACE?

20 A I'M NOT AWARE OF WHAT AREA -- THE CRIME SCENE LOG
21 TO ME REPRESENTS WHOEVER ENTERS THE CRIME SCENE

22 Q AND WOULD YOU AGREE THAT THE CRIME SCENE -- WOULD
23 YOU SAY A CRIME SCENE AT THAT PARTICULAR AREA WAS CRIME
24 SCENE THAT -- WOULD YOU DIFFERENTIATE BETWEEN IN THE
25 BEDROOM AREA WHERE THE TWO DEPUTIES WAS FOUND AND

1 BETWEEN THE OUTER PERIMETER OUTSIDE OF THE ROOM
2 BETWEEN THE YARD AND THE FENCED IN ENCLOSURE?

3 A GENERALLY, I WOULD SAY -- EXCUSE ME THE WHOLE
4 FENCED IN AREA SHOULD HAVE BEEN THE CRIME SCENE AREA
5 THE BEDROOM WAS AN AREA WHERE IT WOULD BE VERY
6 IMPORTANT THAT NUMEROUS AMOUNT OF PEOPLE DID NOT WALK
7 IN

8 Q AND IF THEY DID, EVEN TO THE POINT OF JUST PEEKING
9 IN THE ROOM, ISN'T THERE A STRONG POSSIBILITY FOR
10 DESTROYING THE EVIDENCE OR CONTAMINATION OF THE AREA IF
11 THEY WAS TRACKING BACK AND FORTH BETWEEN THE ROOM AND
12 THE OUTER PERIMETER, THE OUT DOOR OF THAT PARTICULAR
13 AREA?

14 A THE AREA OF THE DOOR THAT LEADS TO THE OUTSIDE OF
15 THE TRAILER YOU CAN STAND IN THAT AREA OF THE DOOR AND
16 PRETTY MUCH SEE INSIDE THAT BEDROOM

17 Q IS THERE A POSSIBILITY THAT BLOOD FROM THE VICTIM
18 -- ALLEGE -- FROM THE ALLEGE VICTIM OR THE ALLEGE
19 SUSPECT OR SOME SUSPECTS COULD HAVE BEEN WITHIN THE
20 OUTSKIRTS OF THAT PARTICULAR BEDROOM, THE HALLWAY, AND
21 THROUGHOUT THE BACK DOOR?

22 A YES SIR, THERE COULD HAVE BEEN BLOOD WHATEVER
23 DIRECTION THE PERSON WENT OUT THE BACK DOOR OR FRONT
24 DOOR, WHATEVER DIRECTION THE PERSON MIGHT HAVE EXITED
25 THE BUILDING HOWEVER, I DID NOT NOTE ANY BLOOD

1 OUTSIDE OF THAT BACK DOOR AREA

2 Q BUT BEFORE YOU GOT THERE, AND IF OTHER OFFICERS
3 HAD BEEN THERE, COULD THERE HAVE BEEN THE LIKELIHOOD OF
4 EVIDENCE BEING DESTROYED BY THEM BEING IN THE HALLWAY
5 OR COMING INTO THE DOOR IF THEY CAME TO THAT POINT?

6 A IF THEY CAME TO THE BACK DOOR?

7 Q YES, OR TO THE HALLWAY, TO THE DOOR OF THE
8 BEDROOM?

9 A I DON'T RECALL ANY EVIDENCE BEING COLLECTED
10 OUTSIDE THE BACK DOOR AREA

11 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

12 THE COURT YES, SIR

13 Q CAN YOU SEE THE MODEL?

14 A YES, SIR

15 Q IN THIS MODEL ---

16 MR MURDAUGH MAY I --

17 THE COURT YES, SIR

18 MR MURDAUGH --- PUT THE GUN BACK BEHIND THE
19 COUNTER?

20 THE COURT YES SIR

21 Q IN THIS MODEL, THIS IS THE BACK DOOR HERE, IS THAT
22 CORRECT?

23 A YES, SIR

24 Q HERE?

25 A THAT'S THE BACK DOOR

- 1 Q AND HERE IS THE HALLWAY, IS THAT CORRECT?
- 2 A YES SIR
- 3 Q AND THIS IS THE ENTRY INTO THE ROOM, IS THAT
- 4 CORRECT?
- 5 A YES SIR
- 6 Q IF OFFICERS CAME -- BUT BACK HERE IS ALSO A PORCH,
- 7 IS THAT CORRECT, ENCLOSED PORCH?
- 8 A YES, SIR
- 9 Q IF OFFICER CAME INTO THE HALLWAY HERE AND STOOD IN
- 10 THIS BEDROOM -- STOOD IN THE DOOR OF THIS BEDROOM,
- 11 WOULD YOU CONSIDER THAT THEY ARE PART OF THE ALLEGE
- 12 CRIME SCENE IF THEY WAS IN THE PROXIMITY OF ANYWHERE
- 13 WITHIN THIS LOCATION?
- 14 A YES, SIR
- 15 Q AND WOULD YOU AGREE THAT THERE'S A POSSIBILITY
- 16 THAT EVIDENCE COULD HAVE BEEN TRACKED OR DESTROYED BY
- 17 THEM COMING TO TOUR OR VISIT THIS PARTICULAR AREA, JUST
- 18 FOR THE PURPOSE OF LOOKING IN THE BEDROOM?
- 19 A AS WE DISCUSSED EARLIER, ANY TIME SOMEONE ENTERS
- 20 AN AREA AND LEAVES AN AREA, THERE IS A POSSIBILITY THEY
- 21 COULD LEAVE OR TAKE SOMETHING WITH THEM
- 22 Q AND ISN'T IT TRUE THAT ACCORDING TO YOUR TESTIMONY
- 23 THAT SOME BLOOD WAS FOUND ON THE EDGE OF THE DOOR THAT
- 24 EXIT THE BEDROOM, IS THAT CORRECT?
- 25 A THAT'S CORRECT SIR

1 Q AND THE EDGE OF THE -- AND THE BLOOD THAT FOUND ON
 2 THE EDGE OF THIS DOOR WOULD BE WITHIN DIRECT PROXIMITY
 3 OF ANY OFFICERS OR SOLICITOR MURDAUGH OR P J TANNER
 4 AND THEM IF THEY STOOD AT THE DOOR WOULD BE WITHIN
 5 INCHES FROM THE ALLEGE CRIME SCENE WOULD YOU AGREE?
 6 A IF THE BLOOD IS ON THE EDGE OF THAT DOOR YOU'D
 7 HAVE TO WALK INTO THAT BEDROOM IT'S ON THE EDGE OF
 8 THE DOOR FRAME
 9 Q SO WHEN YOU SAY THE EDGE, YOU TALKING ABOUT THE
 10 OUTER REGION ---
 11 A UH-HUH
 12 Q --- OF THE DOOR?
 13 A YES, SIR
 14 Q SO ---
 15 A THE PART OF THE DOOR THAT GOES INTO THE ROOM
 16 WHERE THE KNOB IS
 17 Q WHERE THE KNOB IS?
 18 A YES SIR, ABOVE THAT
 19 Q AND WAS IT IN THE INSIDE OR THE OUTSIDE OF THAT
 20 EDGE?
 21 A THE OUTSIDE OF THE BEDROOM DOOR
 22 Q THE OUTSIDE?
 23 A THE OUTSIDE OF THE DOOR IS THE INSIDE OF THE
 24 BEDROOM AT THIS TIME
 25 Q DID YOU TAKE NOTICE THAT THIS DOOR SWINGS BACK

1 AUTOMATICALLY WITHOUT -- WITHOUT BEING -- WITHOUT ANY
2 HUMAN FORCE USED TO SHUT IT?

3 A YES, SIR BUT I DID TAKE NOTE OF BLOOD THAT WAS
4 ON THAT DOOR AND ON THE T V STAND THERE AND I
5 DETERMINED THAT THAT DOOR WAS ABOUT AT THE ANGLE THAT
6 IT IS IN THE ROOM WHEN WE ARRIVED THERE, BECAUSE OF THE
7 WAY BLOOD WAS SPATTERED ON THE WALL YOU HAVE A MIRROR
8 BEHIND THAT DOOR, AND ON THAT MIRROR, HALF OF THE
9 MIRROR HAD BLOOD STAIN ON IT, AND THE OTHER HALF --
10 WHICH COULD SHOW THE VOID AREA WHERE THE DOOR WAS
11 CONNECTING WITH THE MIRROR, AND BLOOD DID NOT SPATTER
12 ONTO THE MIRROR

13 Q WAS IT EVER TO YOUR KNOWLEDGE ASCERTAINED THE
14 BLOOD THAT WAS ON THE DOOR -- WHOSE BLOOD THAT BELONGS
15 TO?

16 A THE BLOOD THAT YOU'RE ASKING ME ABOUT ---

17 Q YES, MA'AM

18 A --- THAT WE'VE ENTERED INTO EVIDENCE?

19 Q YES, MA'AM

20 A YES, SIR I DIDN'T DO THE EXAM, BUT I HAVE READ
21 THE REPORT

22 Q YOU READ THE REPORT?

23 A YES, SIR

24 Q DO YOU KNOW ALL THE SWABS THAT YOU TAKEN OF BLOOD
25 SAMPLES, DO YOU KNOW ANY IDENTIFICATION WITH ANY OF THE

- 1 BLOOD -- WITH ALL OF THE BLOODS THAT YOU TOOK?
- 2 A INSIDE THAT ROOM?
- 3 Q YES, MA'AM
- 4 A I DO KNOW OF TWO SWABS THAT I COLLECTED I DO KNOW
- 5 THE RESULTS OF THOSE
- 6 Q YOU KNOW THE RESULTS OF THOSE BUT YOU COULD --
- 7 COULD YOU GIVE THE RESULTS OF ALL THE SWABS THAT WAS
- 8 TAKEN OF THE BLOOD?
- 9 A NO, SIR, I DID NOT DO THE EXAMINATION
- 10 (PAUSE)
- 11 Q MS BODIE, THERE WAS A SEARCH WARRANT THAT -- THAT
- 12 WAS ENTERED FOR THE 21 RILEY ROAD RESIDENCE AND IN
- 13 THE RETURN IF I'M CORRECT YOU STATED THAT THERE WAS
- 14 ITEMS THAT WAS LEFT OFF, IS THAT CORRECT?
- 15 A YES, SIR
- 16 Q AND ABOUT EIGHT DAYS LATER THERE WAS A REQUEST
- 17 FROM YOU TO HAVE THESE ITEMS INCLUDED INTO THE RETURN
- 18 ON THE ARREST (SIC) WARRANT FROM A MAGISTRATE, IS THAT
- 19 CORRECT?
- 20 A YES, SIR
- 21 Q AND THESE ITEMS THAT YOU WANTED TO BE INCLUDED
- 22 EIGHT DAYS LATER WAS ITEMS PERTAINING TO CARTRIDGES,
- 23 BULLETS, TO THAT NATURE, IS THAT CORRECT?
- 24 A I BELIEVE THEY WERE ALL CARTRIDGES
- 25 Q AND THESE PARTICULAR ITEMS WAS NOT LISTED AS ITEMS

1 BEING FOUND IN THE RETURN AND YOU ALSO -- IF IT'S
2 CORRECT ---

3 MR MURDAUGH YOUR HONOR, PLEASE HE NEEDS TO ASK
4 ONE QUESTION AT A TIME

5 THE COURT ASK YOUR QUESTION, SIR

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT YOU'RE ASKING A COMPOUND QUESTION GO
8 AHEAD

9 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

10 Q AT THE WRITING OF THE RETURN ABOUT THE EVIDENCE
11 FROM THE SEARCH WARRANT WAS SLED AGENT DAN DEFREESE
12 PRESENT?

13 A AT THE WRITING OF THE RETURN?

14 Q YES, MA'AM

15 A OF THE ORIGINAL -- OF THE SEARCH WARRANT ON THE
16 9TH?

17 Q ON THE 8TH, WERE THEY WITNESS TO -- WELL, YES
18 SWORN ON THE 9TH

19 A DAN DEFREESE WAS THERE I HAD THE ASSISTANCE OF
20 SPECIAL AGENT BLACK TO RECORD THE ITEMS ON THE RETURN
21 WE SAT OUT IN THE FRONT OF THE TRAILER AND WROTE DOWN
22 EVERYTHING THAT WE HAD COLLECTED

23 Q AND ISN'T IT IMPORTANT TO BE ACCURATE IN THE
24 EVIDENCE THAT YOU HAVE COLLECTED AT AN ALLEGE CRIME
25 SCENE?

1 A YES, SIR

2 Q AND BECAUSE OF THE INACCURACY OR NOT BEING
3 ACCURATE IS IT POSSIBLE THAT -- THAT EITHER SOME
4 EVIDENCE COULD BE PLANTED OR ADDED IF YOU ALLEGE
5 SOMETHING WAS THERE AND IT WAS NOT THERE?

6 A NO, SIR I BELIEVE THE FACT I LEFT THOSE THREE
7 ITEMS OFF THE EVIDENCE RETURN DOES NOT REFLECT THE FACT
8 THAT -- DOES NOT REFLECT THAT POSSIBLY SOMEONE COULD
9 HAVE PLANTED EVIDENCE

10 Q WOULD IT -- COULD -- COULD ONE -- COULD IT BRING
11 DOUBT AS FAR AS IN REFERENCE TO THIS EVIDENCE ACTUALLY
12 BEING FOUND IF IT WAS GOING TO BE INTRODUCED EIGHT DAYS
13 LATER?

14 A I HAVE IN MY CRIME SCENE NOTES WHERE WE HAD
15 COLLECTED THEM THE CRIME SCENE NOTES WERE THE 8TH
16 -- THE NIGHT OF THE 8TH AND 9TH I HAVE DOCUMENTATION
17 OF FINDING THOSE ITEMS IN MY CRIME SCENE NOTES

18 HOWEVER, AT THE THIRTIETH HOUR OF FILLING OUT THE
19 RETURN ON THE EVIDENCE SHEET, THESE THREE ITEMS WERE ON
20 A DIFFERENT PAGE AND THESE ITEMS BASICALLY WERE
21 COLLECTED JUST TO SHOW THERE WERE CARTRIDGES IN THE
22 TRAILER I COLLECTED CARTRIDGES FROM WEAPONS THAT I
23 NEVER EVEN COLLECTED AT THE TRAILER BUT THAT'S
24 NORMALLY WHAT I DO AT CRIME SCENES IF I FIND OTHER
25 AMMUNITION IN A CRIME SCENE, I WILL COLLECT IT

1 Q ARE YOUR NOTES ALWAYS ACCURATE, YOUR CRIME SCENE
2 NOTES?

3 A I TRY TO BE AS ACCURATE AS I CAN I AM ONLY
4 HUMAN, AND I TRY TO DO THE BEST JOB I CAN

5 Q DO YOUR NOTES TEND TO HAVE FALSE INFORMATION IN
6 THEM?

7 A NO, SIR

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

10 Q IS THIS -- IS YOU FAMILIAR WITH THEM PARTICULAR
11 NOTES THERE SOMETHING -- A DOCUMENT YOU'RE FAMILIAR
12 WITH?

13 A THIS IS PART OF MY NOTES, YES, SIR IT'S SIGNED
14 AT THE TOP WITH MY CASE NUMBER AND MY INITIALS

15 Q COULD YOU TELL ME THE CASE NUMBER?

16 A L-02353

17 MR ALKEBULANYAHH YOUR HONOR, MAY I MOVE THIS
18 INTO EVIDENCE?

19 THE COURT OBJECTION?

20 MR MURDAUGH NEED TO SEE IT, SIR

21 THE COURT SHOW IT TO HIM PLEASE

22 (PAUSE)

23 MR MURDAUGH YOUR HONOR PLEASE, MAY I MAKE AN
24 INQUIRY AS TO WHAT THIS IS?

25 THE COURT THE WITNESS?

1 MR MURDAUGH COULD I ASK HER?

2 THE COURT GO AHEAD AND ASK HER, MR

3 ALKEBULANYAHH

4 Q MS BODIE, WHAT ARE THESE -- THIS DOCUMENT THAT
5 YOU HAVE JUST PREVIOUSLY SEEN?

6 A THAT LOOKS LIKE PART OF MY NOTES

7 MR MURDAUGH I OBJECT TO IT, UNLESS HE INTENDS
8 TO IMPEACH HER WITH IT, SIR

9 THE COURT APPROACH THE SIDE BAR

10 MR MURDAUGH IT HAS NO EVIDENTIARY VALUE IF SHE
11 TESTIFIES

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

14 MR ALKEBULANYAHH YOUR HONOR, MAY I?

15 THE COURT YES, SIR

16 Q MS BODIE ---

17 A YES, SIR

18 Q --- WHEN YOU WRITE YOUR NOTES, DO YOU PUT -- DO
19 YOU WRITE IN YOUR NOTES THINGS THAT OTHER OFFICERS AND
20 SO FORTH TELL YOU ABOUT FACTS AROUND ALLEGE CRIME?

21 A YES, SIR

22 Q AND MAY I ASK YOU DO YOU KNOW WHETHER OR NOT
23 OTHER PEOPLE OUTSIDE OF THE OFFICERS THAT CAME AND LEFT
24 THE 21 RILEY ROAD RESIDENCE OTHER THAN OFFICERS?

25 A COULD YOU REPEAT THAT PLEASE?

STATE VS ALKEBULANYAHH

1 Q DO YOU KNOW OF ANY OTHER PEOPLE OUTSIDE OF LAW
2 ENFORCEMENT THAT CAME AND LEFT THE 21 RILEY ROAD
3 RESIDENCE?

4 A THE ONLY -- THE RESIDENCE?

5 Q YES, MA'AM

6 A THE ONLY INDIVIDUALS THAT I KNOW THAT WOULD HAVE
7 BEEN AT 21 RILEY ROAD -- INSIDE THE TRAILER? ARE WE
8 TALKING INSIDE THE TRAILER?

9 Q WELL, WE TALKING ABOUT THE RESIDENCE IN ITSELF

10 A I KNOW EMS CAME TO REMOVE THE BODIES OF THE TWO
11 OFFICERS LATER -- EARLY IN THE MORNING OF THE NEXT DAY

12 Q WHEN YOU WAS TOLD ABOUT THE -- ABOUT WHAT THE
13 RESPONSE FOR -- ABOUT THE RESPONSE OF WHAT -- WHO CAME
14 AND WHO GONE OF THE PEOPLE INVOLVED IN THIS INCIDENT,
15 DID YOU LOG ANYTHING DOWN IN YOUR CRIME SCENE NOTE
16 ABOUT PEOPLE THAT'S INVOLVED IN THIS INCIDENT?

17 A YOU MEAN PERHAPS THE PEOPLE THAT WERE AT THE
18 TRAILER WHEN THE OFFICERS ARRIVED OR THINGS OF THAT?

19 Q YEAH, PERHAPS ABOUT THE PEOPLE THAT -- WHO RESIDE
20 AT THE RESIDENCE OR PEOPLE WHO WAS INVOLVED WITH THE
21 INCIDENT DID NOT RESIDE AT THE RESIDENCE?

22 A I WAS -- I WAS TOLD WHO RESIDED AT THE RESIDENCE
23 AND I DON'T KNOW ---

24 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT, SIR
25 THIS WOULD BE HEARSAY AND WOULD NOT BE ADMISSIBLE

1 THE COURT ARE YOU ASKING WHAT SOMEONE ELSE TOLD
2 HER?

3 MR ALKEBULANYAHH NO, MA'AM -- NO, SIR

4 THE COURT REPHRASE YOUR QUESTION THEN

5 Q WHAT -- WHAT DID YOU PUT IN YOUR NOTES IN
6 REFERENCE TO WHAT HAPPENED IN -- IN REFERENCE TO THE
7 OCCASION THAT THE OFFICERS ARRIVED AT THE 21 RILEY ROAD
8 RESIDENCE?

9 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD HAVE
10 TO BE HEARSAY

11 THE COURT I SUSTAIN THE OBJECTION

12 IF YOU WANT TO ASK HER A QUESTION ABOUT HER
13 PERCEPTION OF THINGS, AND THERE'S SOMETHING
14 INCONSISTENT THEREIN, THEN YOU CAN DO THAT DON'T GO
15 TO THE NOTES FIRST

16 Q DID YOU KNOW ANYTHING ABOUT THE INITIATION OF THE
17 OFFICERS ARRIVING AT THE 21 RILEY ROAD RESIDENCE?

18 A YES, SIR

19 Q AND ---

20 MR MURDAUGH AND IF THAT WOULD BE BASED ON
21 HEARSAY, SIR, I WOULD OBJECT

22 THE COURT HE ASK HER IF SHE NOTED ANYTHING

23 MR MURDAUGH YES, SIR

24 THE COURT THAT'S ALL RIGHT SHE DIDN'T SAY WHAT
25 THE STATEMENT IS GO AHEAD

1 Q AND WHAT IS YOUR PERCEPTION OF THAT WHICH YOU
2 NOTED ABOUT THE ---

3 THE COURT YOU CAN ASK HER WHAT SHE DID IN
4 RESPONSE TO ANYTHING?

5 Q WHAT DID YOU DO IN RESPONSE TO ---
6 THE COURT HER NOTATION?

7 Q --- YOUR NOTATION?

8 A IN RESPONSE TO MY NOTATION -- I'M -- I'M CONFUSED
9 I'M SORRY

10 THE COURT DID YOU DO ANYTHING IN RESPONSE TO
11 THAT INFORMATION -- THAT'S WHAT HE'S ASKING YOU DID
12 YOU TAKE ANY ACTION?

13 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
14 WITNESS DID I TAKE ANY NOTES IN RESPONSE TO WHAT
15 I WAS TOLD?

16 THE COURT DID YOU TAKE ANY ACTION?

17 Q ACTION

18 THE COURT IF YOU DIDN'T, YOU DIDN'T

19 WITNESS NO, SIR I WORKED THE CRIME SCENE BASED
20 ON WHAT WAS AT THE CRIME SCENE

21 Q WHAT DID YOU LEARN ABOUT WHAT TRANSPIRED AT THE 21
22 RILEY ROAD RESIDENCE?

23 MR MURDAUGH YOUR HONOR, PLEASE, UNLESS IT'S OF
24 HER OWN KNOWLEDGE, I OBJECT

25 THE COURT THAT'S THE SAME OBJECTION I SUSTAIN

1 IT

2 (PAUSE)

3 Q MS BODIE, DID YOU MAKE A DOCUMENT OF LISTING OF
4 ITEMS OF EVIDENCE OF -- OF ALL THE ITEMS THAT YOU
5 COLLECTED AND WENT THROUGH ON JANUARY 8, 2002?

6 A DID I MAKE A DOCUMENT OF ALL ITEMS I COLLECTED?

7 Q YES DID YOU PUT TOGETHER A REPORT FOR THE -- FOR
8 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION LAT
9 (PHONETIC) PRINT DEPARTMENT?

10 MR MURDAUGH I DIDN'T UNDERSTAND ---

11 THE COURT RESTATE YOUR QUESTION, PLEASE

12 Q DID YOU MAKE A REPORT FOR THE LAT (PHONETIC)
13 PRINTS DEPARTMENT -- FOR FORENSIC SERVICE LABORATORY?

14 A YES, SIR, I ISSUED A REPORT IT WAS BASED ON THE
15 ITEMS THAT I WOULD HAVE EXAMINED -- PROCESSED AND
16 EXAMINED IT WOULD NOT REFLECT ALL THE ITEMS THAT I
17 COLLECTED AT THE SCENE

18 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

19 THE COURT YES

20 Q COULD YOU TELL ME IF THIS IS THE REPORT?

21 A YES, SIR, IT'S A COPY OF THE REPORT AND IT'S
22 SIGNED BY ME

23 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
24 ENTER THIS INTO EVIDENCE

25 THE COURT ANY OBJECTION?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH WHAT WAS IT?

2 THE COURT SHOW HIM THE DOCUMENT, PLEASE

3 (PAUSE)

4 MR MURDAUGH YOUR HONOR, PLEASE, I DO OBJECT TO

5 IT, SIR I HAVE NO PROBLEM WITH HIM ASKING HER ANY

6 QUESTION AND IF SHE ANSWERS DIFFERENTLY THAN ON THAT

7 REPORT, I HAVE NO PROBLEM WITH HIM INTRODUCING IT AT

8 THAT POINT

9 THE COURT APPROACH THE SIDE BAR

10 MR MURDAUGH SECOND THOUGHT, I'LL LET IT IN

11 THE COURT YOU'LL LET IT IN?

12 MR MURDAUGH YES, SIR

13 THE COURT ALL RIGHT NO OBJECTION WHAT NUMBER

14 IS THAT, MADAM COURT REPORTER?

15 REPORTER DEFENDANT'S 22

16 THE COURT DEFENDANT'S 22 WITHOUT OBJECTION OF

17 THE STATE

18 (SLED FORENSIC SERVICES LABORATORY REPORT, DIANE

19 BODIE, 9 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S

20 EXHIBIT NO 22)

21 Q MS BODIE, IN -- IN THIS REPORT DATED AUGUST 1, ON

22 THE COVER SHEET OF 2002, ITEMS OF EVIDENCE, ITEM 14 6,

23 ONE PAIR OF BROWN BOOTS, TIMBERLIN SIZE 9 IS THOSE

24 BOOTS BELONGS TO MR ALKEBULANYAHH IN THIS CASE?

25 A YES, SIR, THOSE BOOTS WERE COLLECTED FROM THE

1 DEFENDANT IN THIS CASE, ONE PAIR OF BROWN BOOTS,
 2 TIMBERLINE, SIZE 9 MEDIUM
 3 Q AND ITEM 16 WAS A GREEN CURTAIN THAT WAS FROM THE
 4 BEDROOM FLOOR, THE BATHROOM DOOR, IS THAT CORRECT?
 5 A YES, SIR, ITEM 16, A GREEN CURTAIN FROM BEDROOM
 6 FLOOR BY THE BATHROOM DOOR
 7 Q AND THAT PARTICULAR GREEN CURTAIN, IT WAS ON THE
 8 -- WAS IT ON THE FLOOR OR HANGING UP IN THE BATHROOM OR
 9 NEAR THE BATHROOM DOOR?
 10 A SIR WHEN I ARRIVED AT THE SCENE, IT WAS ON THE
 11 FLOOR
 12 Q IT WAS ON THE FLOOR OKAY AND THERE WAS -- WAS
 13 IT BY THE OFFICER, IN PROXIMITY OF THE OFFICER, NEAR
 14 THE OFFICER?
 15 A YES, SIR, IT WAS
 16 Q AND WHAT DID YOU FOUND ON THAT CURTAIN NEAR THE
 17 OFFICER IN THE BATHROOM FLOOR?
 18 A THERE WAS SOME FOOTWEAR IMPRESSIONS REPRESENTED ON
 19 THAT ITEM
 20 Q AND WAS THOSE FOOTWEAR IMPRESSIONS IDENTIFIED WITH
 21 MR ALKEBULANYAHH IN THIS CASE?
 22 A NO, SIR
 23 Q WAS THOSE FOOTWEAR IMPRESSIONS IDENTIFIED WITH
 24 ANYBODY TO THIS POINT THAT YOU MAY KNOW OF?
 25 A NO, SIR, THEY WERE COMPARED TO ITEM 14 6, WHICH

1 WERE THE TIMBERLIN BOOTS THEY WERE NOT IDENTIFIED

2 Q THAT PARTICULAR FOOTWEAR IMPRESSION, IT -- IT
3 COULD HAVE BEEN -- IT WAS -- YOU SAY IT WAS THE
4 FOOTWEAR OF SOMEBODY THAT YOU DID NOT HAVE ANY SHOES
5 OF?

6 A THE FOOTWEAR IMPRESSION REPRESENTED ON THAT
7 CURTAIN COULD HAVE BEEN A POLICE BOOT, THE DETAIL ON
8 THE IMPRESSION WAS THAT CONSISTENT WITH THE ROCKY BOOT
9 WHICH IS WHAT OFFICER TATE HAD ON

10 Q WAS ---

11 A SORRY I'M SORRY

12 Q COULD THAT FOOTWEAR HAVE BEEN OF A SUSPECT WHO WAS
13 NOT APPREHENDED?

14 A THAT FOOTWEAR COULD HAVE BEEN FOOTWEAR THAT I HAVE
15 NOT SEEN IT COULD HAVE BEEN ANYONE'S FOOTWEAR

16 Q OTHER THAN THE PEOPLE THAT WAS INVOLVED IN THE
17 INCIDENT THAT YOU KNOW OF?

18 A THE ONLY EXAMINATION I CONDUCTED WAS ON THE
19 FOOTWEAR OF ITEM 14 6, THE BOOTS

20 Q IS IT POSSIBLE THAT THAT FOOTWEAR COULD HAVE BEEN
21 SOMEBODY OTHER THAN MR ALKEBULANYAHH, OFFICER COURSEN,
22 AND OFFICER TATE?

23 A HAVING NOT IDENTIFIED THE FOOTWEAR, IT'S POSSIBLE
24 THAT FOOTWEAR COULD BE ANYTHING

25 Q IN ITEM NO 16 ---

1 A YES, SIR

2 Q --- THERE WAS ONE FRAGMENT COLLECTED FROM THE EDGE

3 OF THE COT IN THE BEDROOM DOOR WAS THAT FRAGMENT

4 COLLECTED IN THE PROXIMITY OF DEPUTY COURSEN?

5 A SIR, YOU STATED ITEM 16 ---

6 Q 116, I'M SORRY, MA'AM

7 A OKAY THANK YOU

8 Q I'M SORRY

9 A MY DESCRIPTION OF ITEM 116 IS ONE FRAGMENT

10 COLLECTED AT EDGE OF COT IN BEDROOM DOOR AT MARKER "V"

11 Q WOULD THAT ---

12 A AND, YES, THAT WAS COLLECTED AT THE EDGE OF THE

13 COT WHERE OFFICER COURSEN WAS

14 Q AND WAS IT EVER A DETERMINATION OF WHETHER THAT --

15 WHAT TYPE OF SHELL OR BULLET THAT FRAGMENT BELONGED TO?

16 A ALL OF THE FRAGMENTS THAT I COLLECTED AT THE CRIME

17 SCENE WERE COLLECTED LOGGED IN IN THE LABORATORY

18 SWABBED FOR DNA, AND TRANSFERRED TO THE FIREARMS

19 SECTION WHERE THE FIREARMS EXAMINER DID THE

20 EXAMINATION I AM NOT A FIREARMS EXAMINER, THEREFORE,

21 I DO NOT KNOW THE RESULTS OF ITEM 116 HOWEVER, IT WAS

22 EXAMINED

23 Q AND ---

24 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

25 THE COURT YES, SIR

1 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE THE
2 WITNESS STEP TO THE MODEL PLEASE?

3 THE COURT YES

4 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

5 Q MA'AM, IN ITEM NO 119 AND 120, 7 62 TIMES 39
6 CARTRIDGE CASES, WHICH WAS FOUND UNDER THE BEDROOM
7 (SIC), IS THAT CORRECT?

8 A UNDER THE BED

9 Q UNDER THE BED COULD YOU POINT TO WHERE THOSE
10 PARTICULAR CARTRIDGES?

11 A (INDICATES)

12 THE COURT HOLD ON BECAUSE YOUR BACK IS TURNED,
13 THE COURT REPORTER CAN'T HEAR

14 A THEY ARE REPRESENTED ON THE BOARD TOO OF THE FLOOR
15 PLAN MARKED AS "X" REPRESENTING THE CARTRIDGE CASES
16 THAT YOU ARE INQUIRING ABOUT, 119 AND 120 -- CORRECT?

17 Q YES, MA'AM AND THAT'S ON THE RIGHT SIDE OF THE
18 BED, NEAREST THE BATH -- BATHROOM, IS THAT CORRECT?

19 A THAT'S CORRECT

20 Q AND ---

21 THE COURT SPEAK UP, MA'AM

22 A YES, SIR

23 THE COURT ALL RIGHT

24 Q AND THE ONE FRAGMENT IN ITEM NO 116 THAT WAS
25 FOUND ON THE EDGE OF THE COT IN THE BEDROOM, COULD YOU

1 POINT TO?

2 A (INDICATES)

3 Q AND MR COURSEN WAS FOUND ---

4 A MR COURSEN WAS LAYING OVER THE EDGE OF THE COT,
5 AND PART OF HIS ARM WAS ON THE STOOL, WHICH IS IN THE
6 DOORWAY OF THE BEDROOM AREA, AT THE FRONT OF THE
7 BEDROOM

8 Q AND MR TATE WAS LYING ---

9 A MR -- OFFICER TATE WAS LYING -- HIS HEAD WAS
10 LYING IN THIS BATHROOM DOOR AREA, HIS FEET EXTENDED
11 INTO THE BATHROOM HIS LEFT ARM WAS NEXT TO THE SHELF,
12 NEXT TO THE OUTSIDE WALL OF THE FRONT OF THE TRAILER

13 Q THANK YOU

14 (THE WITNESS RETURNS TO THE WITNESS STAND)

15 Q YOU DIDN'T HAVE ANYTHING THAT YOU CAN BE ABLE TO
16 POINT TO OR REPRESENT THE SCE&G POLE WHERE THE
17 TRANSFORMER AT WHERE A BULLET FRAGMENT WAS FOUND, DO
18 YOU?

19 A I COULD POSSIBLY GIVE YOU AN IDEA BY STANDING BY
20 THAT FLOOR PLAN

21 Q YES MA'AM

22 WITNESS MAY I STEP DOWN, YOUR HONOR?

23 THE COURT YES, MA'AM

24 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

25 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

1 THE COURT YES, SIR

2 MOVE THAT MICROPHONE, PLEASE THAT WILL BE FINE

3 Q AND THAT WOULD BE IN THE CEILING?

4 A THIS REPRESENTS THE HOLE IN THE ROOF OF THE
5 TRAILER AGENT STUCKEY ACTUALLY GOT ON TOP OF THE
6 TRAILER AND PHOTOGRAPHED THE HOLE AT AN ANGLE TO THE
7 TRANSFORMER IN THE FRONT YARD AT 21 RILEY ROAD -- IT
8 WAS IN THE BACK YARD, WHEREVER THAT TRANSFORMER WAS, IN
9 THAT AREA AT THIS ANGLE WHERE THIS BULLET WOULD HAVE
10 GONE INTO THE TRANSFORMER AT THE TOP OF THE POLE IT
11 WAS AN SCE&G TRANSFORMER

12 AND IN MY NOTES I HAVE DOCUMENTED THE ACTUAL
13 NUMBER OF THE TRANSFORMER, SO IF THERE WAS EVER A
14 QUESTION, YOU COULD ACTUALLY FOLLOW THIS LINE VISUALLY
15 TO THE ANGLE WHERE WE RETRIEVED THE BULLET FROM THE
16 TRANSFORMER

17 Q THERE IS ALSO LISTED ITEM 127, A BULLET WAS FOUND
18 IN THE BOTTOM OF THE DRAWER IN THE BATHROOM

19 A MAY I GET MY NOTES?

20 Q YES, MA'AM

21 (PAUSE)

22 A THAT WOULD BE 127?

23 Q YES, MA'AM

24 THE COURT LADIES AND GENTLEMEN, I KNOW IT'S BEEN
25 AN HOUR AND 45 MINUTES DO YOU NEED A BREAK?

1 JUROR YES

2 THE COURT ALL RIGHT I'LL SEND YOU TO THE JURY
3 ROOM DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU
4 VERY MUCH

5 (THE JURY RETIRES TO THE JURY ROOM AT 2 56 P M)

6 THE COURT MA'AM, YOU MAY TAKE A BREAK YOU MAY
7 NOT DISCUSS YOUR TESTIMONY WITH ANYONE THANK YOU

8 (A RECESS WAS TAKEN)

9 THE COURT YOU READY?

10 MR MURDAUGH WE ARE, SIR

11 MR ALKEBULANYAHH MAY I HAVE A MINUTE, YOUR
12 HONOR?

13 THE COURT YES, SIR

14 MR MURDAUGH YOUR HONOR, PLEASE, I UNDERSTAND
15 THAT THERE WAS A PROBLEM WITH SOME WITNESSES FROM
16 CHARLESTON COMING IN HERE, SIR, AND I TAKE FULL
17 RESPONSIBILITY FOR THAT, AND I APOLOGIZE TO THE COURT

18 THE COURT YES, SIR

19 MR MURDAUGH IT WAS NOT THE OFFICERS' FAULT THAT
20 THEY CAME IN

21 THE COURT THEY CAME IN -- THEY DID NOT COME IN
22 DURING TESTIMONY, IS THAT CORRECT?

23 MR MURDAUGH THAT IS CORRECT, SIR

24 THE COURT ALL RIGHT

25 MR MURDAUGH AND I MIGHT ALSO TELL THE COURT

STATE VS ALKEBULANYAHH

1 THAT THEY KNOW NOTHING OF THE INVESTIGATION AND NEVER
 2 HAVE BEEN FROM CHARLESTON DOWN HERE INVOLVING ANYTHING
 3 THAT WILL BE REGARDING STATEMENTS THAT WERE MADE
 4 AND IF IT WAS SOMEBODY INVOLVED IN THE
 5 INVESTIGATION, I WOULD NOT HAVE ALLOWED IT, SIR AND I
 6 APOLOGIZE TO THE COURT

7 THE COURT YES, SIR

8 (PAUSE)

9 MR ALKEBULANYAHH YOUR HONOR, DEFENSE IS READY
 10 THE COURT ALL RIGHT READY TO PROCEED?

11 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

12 MR MURDAUGH THE STATE IS

13 THE COURT ALL RIGHT BRING THE JURY IN, PLEASE

14 (THE JURY RETURNS TO THE COURTROOM AT 3 21 P M)

15 (THE WITNESS RETURNS TO THE WITNESS STAND)

16 THE COURT THANK YOU PLEASE BE SEATED WE'RE
 17 READY TO PROCEED, LADIES AND GENTLEMEN

18 Q MS BODIE, DID YOU RECEIVE THE FINGERPRINTS OF
 19 KIMBERLY BLATE (PHONETIC)?

20 A NO, SIR

21 MR MURDAUGH JUDGE, DO YOU HAVE THE MICROPHONE
 22 OFF?

23 THE COURT I APOLOGIZE

24 A NO, SIR, I DID NOT RECEIVE THE FINGERPRINTS OF
 25 KIMBERLY BLAKE

1 Q ISAAC RILEY?

2 A NO, SIR

3 Q BRENDA RILEY?

4 A NO, SIR

5 Q BOBBY RIGBY?

6 A NO, SIR

7 Q WHO ALL DID YOU DID RECEIVE FINGERPRINTS OF?

8 A I HAVE POST-MORTEM PRINTS, THEY WERE COLLECTED AT

9 AUTOPSY ON THE TWO OFFICERS TATE AND COURSEN, AND THE

10 SIX STRIPS, THE FINGERPRINTS OF THE DEFENDANT BY

11 OFFICER JEFF PURDY OF BEAUFORT COUNTY

12 Q JUST INCLUDE ONE -- I JUST WANT TO MENTION A NAME

13 HOW ABOUT A DEVON IVY?

14 A NO, SIR

15 Q WHEN YOU SPOKE OF THE OFFICER WEAPON BEING

16 HOLSTERED ---

17 A YES, SIR

18 Q --- YOU HAD STATED EARLIER AT ONE TIME IN YOUR

19 TESTIMONY ABOUT THAT IF IT WAS HOLSTERED THAT WITHOUT

20 STRAPPING IT IN OR ON, THAT'S CONSIDERED SECURED TO

21 YOU IS THAT CORRECT?

22 A WITH -- WITH IT BEING STRAPPED, IT'S CONSIDERED

23 SECURE, YES, SIR

24 Q IF IT WASN'T STRAPPED, IT WOULD BE UNSECURED,

25 WOULD YOU SAY?

1 A IT WOULDN'T BE STRAPPED IT'S STILL HOLSTERED
2 WITHOUT A STRAP HOWEVER, YOU HAVE TO GO THROUGH THE
3 UNSTRAPPING IT AND PULLING IT OUT OF THE HOLSTER

4 Q SO COULD A WEAPON BE IN A HOLSTER AND IF IT'S IN A
5 HOLSTER ITSELF, THEN IT'S CONSIDERED SECURE, JUST BEING
6 IN A HOLSTER?

7 A NORMALLY, WHEN YOU HAVE A WEAPON ON YOUR SIDE,
8 IT'S SECURED WITH THE STRAP ON WHEN YOU DRAW THE
9 WEAPON, YOU RELEASE THE STRAP AND PULL IT OUT OF THE
10 HOLSTER

11 Q AND WHEN YOU STICK A WEAPON BACK IN, DOES THE
12 STRAP AUTOMATICALLY STRAP IN AUTOMATICALLY BY ITSELF
13 WITHOUT HUMAN HELP?

14 A NO SIR IT HAS TO BE SNAPPED

15 Q AND WHEN YOU CAME UPON THE BODY OF MR COURSEN,
16 WAS HIS STRAP PACKED DOWN?

17 A IN MY NOTES I HAVE IT WAS HOLSTERED AND I HAD
18 ANOTHER AGENT LOOK AT IT WITH ME, AND IT WAS STRAPPED

19 Q WHEN YOU MADE OBSERVATION OF DIFFERENT HOLES IN
20 THE WALLS OF THE HOME AND THE DIFFERENT PLACES, COULD
21 YOUR -- COULD THEM HOLES COULD HAVE BEEN MADE BY
22 WEAPONS LIKE A REVOLVER OTHER THAN WEAPONS THAT
23 SUSPENSE (SIC) SHELLS OR CASINGS?

24 A NO THE HOLES WERE REPRESENTATIVE PRETTY MUCH OF
25 THE 40 CALIBER AND 7 62 AND THE FACT THAT THE ONLY

1 CARTRIDGE CASINGS COLLECTED AT THE SCENE LEADS ME TO
2 DETERMINE THERE WERE TWO GUNS AT THAT SCENE THAT WERE
3 FIRED, ONE WAS A GLOCK AND ONE WAS A 7 62

4 Q BUT YOU COULD NOT RULE OUT THAT MAYBE A WEAPON
5 SUCH AS A 38 OR A 22 OR A 357 REVOLVER -- YOU CAN'T
6 RULE OUT THAT THEY COULD HAVE BEEN USED, IS THAT
7 CORRECT?

8 A I HAD AGENT DAN DEFRESE, WHO'S A FIREARMS EXPERT
9 AT THE SCENE HE'D PROBABLY BETTER QUALIFIED TO ANSWER
10 THAT QUESTION HOWEVER, MOST OF THE HOLES THAT WE
11 PROBED APPEARED TO BE CONSISTENT WITH THE OTHER HOLES
12 WE HAD PROBED OF COURSE, WHEN YOU HIT AN ITEM, IT
13 COULD DISTORT SOME WAY, ESPECIALLY IN THIS SMALL AREA
14 THE WAY IT WAS GOING THROUGH OTHER ITEMS ON ITS PATH
15 AND THAT QUESTION IS I CAN SAY, IF WE HAD ANY
16 OTHER WEAPON IN THERE, WE HAD NO FRAGMENTS IDENTIFIED
17 TO SUCH ITEMS THAT YOU ARE SPEAKING OF, AS WELL AS WE
18 HAD CARTRIDGE CASINGS THAT WERE IDENTIFIED -- CARTRIDGE
19 CASES THAT REPRESENTED THE 40 CALIBER GLOCK THAT WAS
20 ON THE SCENE, AS WELL AS A 7 62 RIFLE THAT WAS SHOT AT
21 THE SCENE

22 Q SO THE IDENTIFICATION OF THE HOLE BASICALLY WAS
23 THE REPRESENTATION FROM THE CASING THAT WAS FOUND?

24 A AND THE SIZE OF THE HOLE I MEAN, IT WAS NOT A
25 22 CALIBER HOLE IN THE WALL

1 Q WHAT ABOUT 357 TYPE OF WEAPON?

2 A SIR, I'M NOT A FIREARMS EXPERT THERE'S SOME
3 BULLETS -- THERE'S NOT A BIG DIFFERENCE BETWEEN SOME
4 AND OTHERS THE 40 IS NOT AS LARGE AS A 45
5 HOWEVER, I THINK THAT QUESTION WOULD BE BETTER ANSWERED
6 BY THE FIREARMS EXAMINER WHO WAS PRESENT AT THE SCENE

7 Q WHEN YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE,
8 THE CLOSET AREA, YOU STATED THE CLOSET DOOR WAS OPEN,
9 IS THAT CORRECT, HALFWAY OR SOMETHING LIKE THAT, TO
10 THAT EXTENT?

11 A YES, SIR

12 Q THERE WAS DEPUTIES THAT CAME IN AND OUT OF THE
13 ALLEGE AREA BEFORE YOU ARRIVED IS IT POSSIBLE THAT
14 THEY COULD HAVE OPENED THE DOOR TO LOOK INTO THE CLOSET
15 AS A PROTECTIVE SWEEP OR WALK PAST THE DOOR AND THEY
16 PUSHED IT TO GO AROUND TO -- TO GO FARTHER AND DEEPER
17 INTO THE HOME?

18 A WHEN I ARRIVED ON THE SCENE AND WENT THROUGH MY
19 INITIAL WALK THROUGH, WALKING THROUGH THE BEDROOM AREA
20 FROM THE FRONT OF THE BEDROOM, THE ENTRANCE OF THE
21 BEDROOM, TO THE BACK WHERE THE BATHROOM AND THE
22 BATHROOM AREA WHERE OFFICER TATE WAS LOCATED, I COULD
23 GET BY THE DOOR AT THE POSITION THE DOOR WAS IN
24 HOWEVER, THERE WAS A LOT OF -- NUMEROUS ITEMS ON THE
25 FLOOR, APPEARING TO BE CARRIED OUT FROM THE CLOSET

1 AREA, SUCH AS A BLANKET THAT I MENTIONED, I FOUND
2 CARTRIDGE CASES UNDER THE BLANKET AT THE CLOSET DOOR,
3 THAT WAS THROWN INTO THE AREA OF THE ROOM AT THE FOOT
4 OF THE BED SO I -- I -- I DON'T BELIEVE THE DOOR WAS
5 ALTERED MUCH, BECAUSE WHEN WE WALKED BY IT, WE HAD ROOM
6 TO GET BY THE DOOR

7 Q WHEN YOU MADE YOUR EXAMINATION OF THE DOOR WITH
8 THE RODS THAT WAS IN THE MODEL, THEY -- THAT DOOR THE
9 WAY IT OPEN IN THE MODEL IS A REPRESENTATION OF WHAT
10 YOU ALL BELIEVE OR SPECULATE THE POSITION OF THE DOOR
11 WHEN THE SHOOTING BEGAN OR AFTER THE SHOOTING OR AT
12 SOME POINT?

13 A WE PROBED THROUGH THE DOOR ON THE INSIDE OF THE
14 DOOR, THROUGH, AND COULD FOLLOW A STRAIGHT LINE TO A
15 HOLE IT EITHER EXITED THROUGH THE WALL OR THE WINDOW
16 OF THE FRONT OF THE TRAILER, OR PERHAPS HIT SOMETHING
17 -- RAN THROUGH AN ITEM -- WENT THROUGH AN ITEM THAT WAS
18 ON THE BED OR IN THE WALL BY THE BED SOME OF THE
19 HOLES PROBED DIDN'T GO THROUGH THE DOOR, AND THEY
20 ACTUALLY EXITED THROUGH THE BEDROOM, LIVING ROOM
21 THROUGH THE WALL, OF THE ITEMS THAT WE BELIEVE WERE
22 SHOT FROM AROUND THE CLOSET AREA, INCLUDING INSIDE THE
23 CLOSET AREA, BECAUSE OF THE FACT WE HAD TRAJECTORIES
24 GOING THROUGH THE DOOR INSIDE THE CLOSET DOOR

25 Q THAT PARTICULAR CLOSET, IS IT A SMALL AREA OR A

1 LARGE CLOSET?

2 A THE CLOSET WAS VERY FULL OF -- IT HAD SUITCASES IN
3 IT, THINGS STACKED ON TOP OF OTHER THINGS WHAT -- I
4 GUESS IT SEEMED TO HAVE SOME SHELVING OR SOMETHING IN
5 THE BACK -- BACK AREA I WOULDN'T -- IT'S NOT A TINY
6 CLOSET I COULD WALK IN THERE AND STAND INSIDE THE
7 CLOSET

8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

9 THE COURT YES SIR

10 MR ALKEBULANYAHH COULD I SEE STATE'S EXHIBIT 71
11 THROUGH 75?

12 (PAUSE)

13 MR MURDAUGH WHAT ARE YOU LOOKING FOR? MAYBE I
14 CAN HELP YOU

15 MR ALKEBULANYAHH STATE'S EXHIBIT 71

16 MR MURDAUGH WHAT IS THAT?

17 MR ALKEBULANYAHH THAT'S THE CLOSET AREA

18 (PAUSE)

19 Q IS THIS A REFLECTION (SIC) OF STATE'S EXHIBIT NO
20 75 OF THE CLOSET AND THE CONTENTS IN IT?

21 A YES, SIR

22 MR ALKEBULANYAHH YOUR HONOR MAY I PASS THAT TO
23 THE JUROR?

24 THE COURT YES, SIR HOLD IT UP AND WALK IT
25 DOWN THERE YOU GO

1 (PAUSE)

2 Q AND IN THE STATE'S EXHIBIT 75 OF THE CLOSET, IS
3 THERE A STEREO SYSTEM AND LARGE SUITCASES AND SO FORTH
4 IN THAT PARTICULAR CLOSET?

5 A YES, SIR

6 Q WOULD IT APPEAR TO YOU THAT THAT CLOSET IS REALLY
7 PACKED WITH ITEMS AND OBJECTS?

8 A YES SIR

9 Q DOES IT LOOK -- APPEARS TO YOU THAT THAT
10 PARTICULAR CLOSET WAS OVER PACKED WITH ITEMS TO THE
11 POINT THAT AIN'T TOO MUCH ELSE CAN GET IN THAT CLOSET,
12 OUTSIDE THE ITEMS THAT WAS IN IT, ALL THE WAY TO THE
13 DOORWAY -- THERE'S ITEMS ALL THE WAY UP TO THE DOOR?

14 A ITEMS WERE UP TO THE DOOR AND SOME WERE COMING
15 THROUGH THE DOORWAY AND IT WOULD APPEAR THAT THE
16 CLOSET WAS VERY FULL OF ITEMS AND THE CLOTHING ON THE
17 DOOR REPRESENTED -- IT APPEARED TO ME THAT POSSIBLY
18 SOMEONE WAS IN BETWEEN THE CLOTHING ON THE DOOR,
19 BECAUSE OF THE LARGE HOLES ON PART OF THE CLOTHING THAT
20 WERE NOT PRESENT ON ALL THE CLOTHING SO I FEEL LIKE
21 PART OF THE CLOTHING WAS BEHIND THE PERSON, AND THE
22 REST WAS IN FRONT OF THE PERSON

23 Q THAT WAS ---

24 A AND POSSIBLY COULD HAVE DISGUISED HIMSELF IN THAT
25 CLOSET WITH THE CLOTHING ON THE DOOR

1 Q AND THAT IS THESE PARTICULAR CLOTHING HERE IS
2 THAT CORRECT?

3 A YES, SIR

4 Q WAS THESE CLOTHING -- PARTICULAR CLOTHING HANGING
5 AS THEY ARE OR WOULD YOU KNOW?

6 A SIR, I COLLECTED THE CLOTHING I DID NOT -- I
7 PHOTOGRAPHED THE CLOTHING THE CLOTHING WAS COLLECTED
8 AT THE SCENE BY THE TRACE EVIDENCE PERSON AND THAT
9 CLOTHING MAY HAVE BEEN ALTERED IN SOME WAY BY DOING
10 CUTTINGS OR SOMETHING LIKE THAT FROM THE CLOTHING SO
11 THEY WOULD HAVE TO TESTIFY TO THE ORIGINAL CONDITION
12 WHEN THEY TOOK IT INTO THE LAB

13 Q I SEE THAT THE HOLE IN THE DOOR WHERE IT APPEARS
14 TO BE BULLET SHOTS WHICH -- WHICH ENTRY INTO THE DOOR
15 HERE, SEEM TO BE DEAD CENTER OF THE DOOR, IS THAT
16 CORRECT?

17 A IT'S A LITTLE BIT BELOW THE KNOB

18 Q AND THAT THESE CLOTHES WAS HUNG ON THIS DOOR TO
19 THIS POINT, THEN THESE HOLES WOULD BASICALLY APPEAR TO
20 BE TORN ALL UP FROM THE BULLETS COMING FROM THE
21 OPPOSITE SIDE OF THIS PARTICULAR DOOR, IS THAT CORRECT?

22 A SOME OF THE CLOTHES HAD HOLES IN -- AND I DON'T
23 KNOW EXACTLY WHERE IN THE CLOTHING SOME WERE VERY
24 LARGE HOLES, WHICH, AS I SAID, I'M NOT AN EXAMINER OF
25 THE TRACE DEPARTMENT THAT DID THE EXAMINATION ON THE

1 CLOTHES THEY PERHAPS COULD PROVIDE YOU WITH MORE
2 INFORMATION

3 Q MA'AM, COULD YOU STEP DOWN FOR A MINUTE TO THE
4 MODEL, PLEASE?

5 WITNESS MAY I STEP DOWN, YOUR HONOR?

6 THE COURT YES, MA'AM

7 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

8 Q THE BLUE RODS ARE REPRESENTATION OF THE 40
9 CALIBER WEAPON USED BY THE OFFICER, IS THAT CORRECT?

10 A THAT'S CORRECT

11 Q AND WAS THERE ANY HOLES FOUND INSIDE THE CLOSET
12 THAT REPRESENT THAT THE OFFICER WAS SHOOTING INTO THE
13 CLOSET?

14 A THERE'S HOLES IN THE DOOR SHOWING THE OFFICER
15 SHOOTING, AND THE HOLES SHOWING WHERE THEY'RE GOING
16 OUTSIDE THE BACK OF THE TRAILER

17 Q BUT ---

18 A RIGHT HERE THERE WERE NO HOLES -- WE DID NOT
19 FIND ANY HOLES IN THE CLOSET AREA

20 Q SO THERE WAS NO HOLE FOUND INSIDE THE CLOSET?

21 A NO, SIR

22 Q SO WOULD WE SAY THAT THE OFFICER WHO SHOT SEVEN
23 SHOTS, DID NOT SHOOT ONE TIME INTO THE CLOSET?

24 A THE OFFICER SHOOTING INTO THE DOOR, WHERE THE
25 SHOTS WERE COMING THROUGH THE DOOR

1 Q AND THOSE SHOTS -- YOU -- APPEARS TO BE WENT
2 THROUGH THE DOOR, BUT NOT INTO THE CLOSET, IS THAT
3 CORRECT?

4 A THE SHOTS WERE AIMING AT THE SHOTS THAT WERE
5 COMING THROUGH THE DOOR AT HIM

6 Q OKAY AND HIS SHOTS ARE AIMED OUTSIDE OF THE
7 CLOSET IS THAT CORRECT, ACCORDING TO THE
8 REPRESENTATION ON THE MODEL?

9 A HIS SHOTS APPEAR TO ME TO BE ANGLING IN A
10 DIRECTION OF THE SHOTS THAT ARE BEING FIRED

11 Q OKAY ARE YOU AWARE THAT THE -- MR ALKEBULANYAHH
12 IN THIS CASE WAS WOUNDED IN THE SHOULDER AND SHOT
13 THROUGH THE HIP?

14 A I HAVE BEEN TOLD HE'D BEEN HIT I WASN'T SURE
15 EXACTLY WHERE

16 Q WAS ANY OF MR ALKEBULANYAHH BLOOD FOUND IN THE
17 CLOSET, IN FRONT OF THE CLOSET, NEAR THE DOOR, AROUND
18 THE T V , OR ON THE FLOOR OUT OF ALL THE SWABS THAT YOU
19 DID IN THAT AREA, WAS ANY DROP OR SMEAR OR MR
20 ALKEBULANYAHH BLOOD WAS FOUND IN THAT AREA?

21 A I FOUND ONE SWAB OF BLOOD, I BELIEVE IDENTIFIED TO
22 THE DEFENDANT ON THE OUTSIDE DOOR -- ON THE BEDROOM
23 DOOR, GOING OUTSIDE OF THE BEDROOM

24 Q SO YOU FOUND ONE SWAB OF MR ALKEBULANYAHH BLOOD
25 ON THE DOOR ON THE EXITING OF THE BEDROOM -- ON A

1 CORNER EDGE BY THE DOOR KNOB, IS THAT CORRECT?

2 A YES SIR

3 Q BUT MR ALKEBULANYAHH BLOOD -- THERE WAS NO OTHER

4 BLOOD IN THE BATHROOM, ON THE BEDROOM ON THE FLOOR, ON

5 ANY ITEMS OR ANYTHING WITHIN THE BEDROOM OTHER THAN THE

6 BLOOD ON THE DOOR EDGE EXITING THE ROOM WAS FOUND OF

7 MR ALKEBULANYAHH, IS THAT CORRECT?

8 A NOT THAT I FOUND, THAT IS CORRECT

9 Q AND THE GREEN CURTAIN WITH THE FOOTPRINT ON IT

10 THAT WAS NOT IDENTIFIED WITH MR ALKEBULANYAHH, WHERE

11 WAS THAT CURTAIN FOUND WAS IN THE MODEL?

12 A THE CURTAIN WAS IN BETWEEN THE BEDROOM -- THE BED

13 AND THE BATHROOM DOOR

14 Q THE BED AND THE BATHROOM DOOR, HERE?

15 A YES, SIR

16 Q IT APPEARS THAT THE PERSON THAT WAS FIRING A

17 WEAPON ---

18 MR MURDAUGH YOUR HONOR ---

19 Q --- IN THIS DIRECTION ---

20 MR MURDAUGH --- THAT IS NOT A QUESTION, SIR

21 THE COURT ASK A QUESTION

22 MR ALKEBULANYAHH OKAY

23 Q COULD YOU TELL ME WHETHER OR NOT THAT THE RODS --

24 THE SHOTS THAT ARE GOING OUT INTO THE BATHROOM DOOR,

25 WHERE WOULD THE PERSON -- IF THE PERSON WAS SHOOTING

1 THE GUN AT THE DEPUTY WOULD BE STANDING OR SITTING OR
2 WHATEVER TO GET THE SHOTS TO GOING OUT THAT WAY? COULD
3 YOU ---

4 A IT APPEARS TO ME THE PERSON WAS IN THE CLOSET AND
5 BEGAN SHOOTING OFFICER HIS SHOTS ROTATED AROUND THE
6 ROOM HE CAME OUT OF THE CLOSET THESE ARE ALMOST
7 STRAIGHT AHEAD, TOWARD OFFICER TATE, CONTINUED FIRING
8 AT OFFICER TATE, I BELIEVE UNTIL OFFICER TATE WAS
9 TOTALLY DOWN ON THE GROUND, AND THE PERSON LEFT

10 Q SO THIS PERSON WOULD HAVE BEEN -- WHERE YOU SAY
11 THIS PERSON WAS AT PERHAPS, MS BODIE?

12 A AT WHAT TIME?

13 Q AT THE -- AT THE TIME THE SHOOTING OCCURRED WHEN
14 YOU SAY THE PERSON THAT DID THE SHOOTING THROUGH THE
15 DOOR, MA'AM?

16 A THE SHOOTING, THE PERSON IN THE CLOSET?

17 Q YES, MA'AM WHERE WOULD YOU ASSUME OR SPECULATE
18 HE MAY HAVE BEEN?

19 A MAYBE ABOUT RIGHT HERE

20 Q ABOUT RIGHT THERE AND WHERE DO YOU ASSUME THAT
21 MR TATE MAY HAVE BEEN AT THE TIME WHEN THE SHOOTING
22 TOOK PLACE?

23 A I THINK MR TATE WAS ON THIS SIDE OF THE DOOR

24 Q ON THAT SIDE OF THE DOOR?

25 A I CAN'T GET IN HERE, BUT I BELIEVE HE WAS CLOSE TO

1 THE DOOR WHEN THE SHOOTING BEGAN

2 Q AND FROM THERE, YOU WOULD SAY THAT HE FLEE TO THE
3 BATHROOM?

4 A I BELIEVE HE WAS RETREATING FOR COVER AND FIRING
5 HIS WEAPON

6 Q AND FIRING HIS WEAPON AND HE WAS FOUND HERE, IS
7 THAT CORRECT, THIS WAY?

8 A YES SIR, HE WAS FOUND ON THE FLOOR WITH HIS HEAD
9 IN THE DOORWAY OF THE BATHROOM AND THE BEDROOM

10 Q AND WOULD THAT -- WOULD -- A HUMAN BEING, WOULD
11 YOU MAKE THE MOVEMENT TO WHERE YOU BELIEVE THAT THAT
12 PERSON CAME THAT MADE THE FIRE -- SHOTS INTO THE
13 BATHROOM?

14 A I BELIEVE HE CAME IN FRONT OF OFFICER TATE AND
15 CONTINUED FIRING

16 Q AND ---

17 A CLOSE TO IT I CAN'T -- BUT YOU CAN SEE THE
18 ANGLE OF THE TRAJECTORY IS HERE SOMEWHERE THERE'S A
19 GUN IN FRONT OF THIS ANGLE FIRING THESE BULLETS, AND
20 THEY BEGAN FROM OVER HERE TO GET TO ONE OUT OF THE ROOF
21 TO THE TRANSFORMER

22 SO I BELIEVE, SIR, THAT SOMEONE WAS IN THIS
23 CLOSET FIRED UPON OFFICER COURSEN OFFICER COURSEN
24 HAD NEVER DRAWN A WEAPON -- POLICE OFFICERS DON'T WAIT
25 TO HEAR -- DON'T WAIT FOR FIVE SHOTS TO BE FIRED

1 THROUGH THE DOOR OR SOMETHING BEFORE THEY DRAW THEIR
2 WEAPON

3 I BELIEVE THE FIRING STARTED AND HE WENT IN ALMOST
4 A 180 DEGREE DIRECTION, AS THE GUY EXITED OUT OF THE
5 CLOSET AND CONTINUED SHOOTING, UNTIL OFFICER TATE WAS
6 DOWN ON THE FLOOR

7 Q AND -- AND YOU BELIEVE THAT THIS INDIVIDUAL
8 TRAVELED AFTER SHOOTING HERE, TRAVELED TO HERE AND
9 FIRED SHOTS INTO THAT WAY, CORRECT?

10 A YES

11 Q INTO THE BATHROOM?

12 A YES, SIR, I DO

13 Q IN THIS PARTICULAR AREA FROM THE CLOSET, OUT THE
14 CLOSET IN FRONT OF THE TELEVISION IN FRONT OF THE BED,
15 AND ALL THE WAY INTO THE FRONT OF THE BATHROOM WAS MR
16 ALKEBULANYAHH BLOOD OR ANY DNA FOUND OF MR
17 ALKEBULANYAHH IN THAT PARTICULAR AREA WHERE YOU SAY THE
18 SHOOTER STARTED THE FIRING THE SHOTS AND MOVED AROUND
19 THE ROOM INTO THE FRONT OF THE BATHROOM? WAS ANY OF
20 MR ALKEBULANYAHH BLOOD FOUND IN THAT AREA?

21 A SIR, I COLLECTED SWABS IN NUMEROUS AREAS THERE
22 WAS A LARGE AMOUNT OF BLOOD AROUND OFFICER TATE'S BODY,
23 AS WELL AS OFFICER COURSEN I DID NOT DO EXAMINATIONS
24 OF THOSE SWABS AND DO NOT KNOW IF EXAMINATIONS WERE
25 DONE OF THOSE SWABS TO SEE IF MORE THAN ONE BLOOD

STATE VS ALKEBULANYAHH

1 SOURCE COULD BE NOTED IN THE AREA THAT I SWABBED
 2 HOWEVER, I DID COLLECT SWABS ANYWHERE THAT I SAW
 3 CERTAIN BLOOD AREAS AND SUBMITTED THOSE SWABS TO THE
 4 DNA LAB AT THE SLED FORENSIC BUILDING WHERE GRAY AMICK
 5 RECEIVED THEM

6 Q BUT OF THE SWABS THAT YOU DID DISCOVER AND FOUND
 7 AND COME TO KNOW, NONE -- NONE OF IT -- OR NONE OF THE
 8 BLOOD BELONGS TO MR ALKEBULANYAHH FROM THE RESULTS
 9 THAT WAS ATTAINED (SIC), IS THAT CORRECT, FROM THE
 10 SWABS THAT YOU DID ACQUIRE?

11 A OTHER THAN THE SWAB ON THE DOOR?

12 Q OTHER THAN THE SWAB ON THE DOOR ON THE EXIT OF THE
 13 BEDROOM?

14 A YES, SIR, TO MY KNOWLEDGE THAT'S THE ONLY BLOOD
 15 MATCHING THE DEFENDANT TO MY KNOWLEDGE I'M NOT THE
 16 EXAMINER

17 Q OKAY AND BOTH OF THE OFFICER WEAPONS -- THEY ARE
 18 16 ROUND SHOT WEAPONS, THEY HOLD 16 BULLETS?

19 A 16 ROUNDS 15 IN THE MAGAZINE 1 IN THE CHAMBER

20 Q OKAY AND HOW MANY BLUE RODS REPRESENTING THE
 21 SHOTS THAT OFFICER TATE FIRED?

22 A THERE APPEARS TO BE 7 BLUE RODS 7

23 Q 7 BLUE RODS AND HOW MANY INTO THE DOOR OF THE
 24 CLOSET IN THE BEDROOM?

25 A 4 TRAJECTORY MATCHING THE 40 CALIBER WEAPON WERE

1 PROBED THROUGH THE CLOSET DOOR

2 Q AND THE OTHER THREE ARE SHOTS GOING NEAR THE EXIT
3 DOOR, IS THAT CORRECT?

4 A THAT IS CORRECT

5 Q AND HOW MANY ROUNDS WERE FOUND IN MR TATE'S GUN?

6 A THERE WERE 6 CARTRIDGES IN HIS MAGAZINE

7 Q AND WAS IT EVER DETERMINED ABOUT THE OTHER 3
8 ROUNDS THAT WAS SHOT?

9 A WELL, SIR, YOU SAID YOUR DEFENDANT WAS SHOT, AND I
10 BELIEVE THOSE BULLETS WERE NEVER RETRIEVED THAT IS
11 PROBABLY THE PATH THAT BULLET TOOK, WHICH I DON'T HAVE
12 THE DEFENDANT IN THE SCENE TO PROBE THE TRAJECTORY OF
13 THAT PARTICULAR BULLET AND YOU SAID THE DEFENDANT HAD
14 BEEN SHOT TWICE IF BOTH OF THOSE BULLETS HAD NOT BEEN
15 RECOVERED THAT IS PROBABLY THE PATH THAT THE OFFICER'S
16 BULLET TOOK

17 Q AND IF THE DEFENDANT WAS -- MR ALKEBULANYAHH WAS
18 SHOT TWICE, WHICH WOULD MAKE IT 15 SHOTS THEN THERE'S
19 ONE SHOT OR ONE BULLET OR ONE CASING MISSING WOULD
20 YOU AGREE, BEING IT BEING A 16 SHOT?

21 A WE FOUND -- WE HAVE 10 CASINGS, 1 WAS IN THE
22 CHAMBER AND 9 WERE FOUND THROUGHOUT THE ROOM YES,
23 SIR

24 Q SO YOU FOUND 9 IN THE ROOM AND YOU HAVE 10 CASES
25 AND MR ALKEBULANYAHH WAS SHOT TWICE SO YOU WOULD BE

1 -- YOU WOULD BE MISSING A BULLET, IS THAT CORRECT, THAT
2 IS UNDISCOVERED?

3 A YES, SIR IT'S POSSIBLE THAT BULLET DIDN'T HIT A
4 PATH THAT -- IT COULD BE ONE OF THE BULLETS THAT WE
5 COLLECTED FROM THE SCENE, WHICH AGENT DEFREESE WILL
6 TESTIFY TO WHAT HE BELIEVES ALL THE FRAGMENTS COULD
7 MATCH TO AT THAT TIME, DETERMINATION COULD BE MADE
8 POSSIBLY TO THE TENTH PART OF THE 40 CALIBER BULLET

9 Q COULD IT BEEN POSSIBLE IF IT WAS A TENTH PART,
10 THAT THE BULLET -- THE TENTH, THE MISSING BULLET COULD
11 HAVE BEEN THE BULLET THAT WENT IN THE BACK OF MR
12 COURSEN'S HEAD FROM OFFICER TATE WEAPON?

13 A COULD IT BE POSSIBLE?

14 Q YES, COULD THAT BE RULED OUT THAT THE BULLET
15 THAT'S MISSING IS THE BULLET THAT'S IN THE HEAD OF
16 OFFICER COURSEN?

17 A ANYONE IN THAT ROOM COULD HAVE BEEN HIT BY THAT
18 BULLET IF THEY'RE IN THE PATH OF THAT BULLET THE
19 EXAMINER WHO EXAMINED THE BULLETS, WOULD HAVE TO TELL
20 YOU WHAT BULLET HIT COURSEN AND I DON'T KNOW THOSE
21 DETAILS

22 Q THANK YOU, MS BODIE

23 (THE WITNESS RETURNS TO THE WITNESS STAND)

24 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

25 THE COURT YES, SIR

1 (PAUSE)

2 Q MS BODIE ---

3 A YES, SIR

4 Q --- I WANT YOU TO TAKE A LOOK AT STATE'S EXHIBIT
5 109 110, AND 111 109, IS THAT THE AREA WHERE YOU SAY
6 THE STICK WITH THE BLOOD WAS FOUND ON IT?

7 A YES, SIR

8 Q AND IS 110 IS THE STICK ITSELF WHERE THE BLOOD WAS
9 FOUND, IS THAT CORRECT?

10 A YES, SIR

11 Q AND 111 IS ALSO A PICTURE OF THE STICK WHERE THE
12 BLOOD WAS FOUND, IS THAT CORRECT?

13 A YES, SIR

14 MR ALKEBULANYAHH YOUR HONOR, MAY I SHOW THE
15 JURY

16 THE COURT HOLD THEM UP

17 (PAUSE)

18 Q MS BODIE, IN THE AREA OF THE LOCATION WHERE THE
19 STICK WAS FOUND WAS ANY BLOOD FOUND ON THE GROUND
20 ABOUT THE STICK?

21 A I DON'T REMEMBER IF I NOTED BLOOD IN OTHER AREAS
22 RIGHT AROUND THE STICK I COLLECTED THE STICK BECAUSE
23 OF THE AMOUNT OF BLOOD THAT WAS ON THE STICK, AND I
24 FELT LIKE THE DISTANCE THE STICK WAS AWAY FROM THE GUN
25 WITH THE LEAVES ON IT, I DID COLLECT THE LEAVES THAT

1 WERE ON TOP OF THE GUN AS WELL, SWABBED THOSE I WAS
2 JUST DOCUMENTING THAT THERE WAS BLOOD IN THE AREA, AND
3 THE STICK HAD THE MOST AMOUNT OF BLOOD ON IT

4 Q MS BODIE, WAS ANY OF THE LEAVES AROUND THE STICK
5 HAD ANY BLOOD ON THEM?

6 A I DON'T RECALL IF THEY DID OR DIDN'T I REMEMBER
7 SEEING, YOU KNOW -- SEEING THE STICK AND THINKING THE
8 STICK HAD -- I FELT BLOOD ON IT I COLLECTED THE STICK
9 BECAUSE OF THE AMOUNT ON THE STICK

10 Q BUT ALSO NORMALLY WHEN THERE IS BLOOD DROPPINGS OR
11 SPILLING OR SO FORTH LIKE THAT, SOME TIME BLOOD SEEM TO
12 GET ON A OBJECT AND GETS AROUND IT, AND IT LOOKS LIKE
13 -- IN A SITUATION LIKE THIS STICK, BLOOD WOULD HAVE
14 DRAIN OFF THE STICK INTO THE GROUND OR BEEN ON SOME
15 LEAVES AROUND THE STICK, BEING THAT IT SATURATED -- THE
16 AREA IS SATURATED WITH LEAVES AND DEBRIS THAT WOULD
17 ALSO ABSORB AND HOLD BLOOD, IS THAT CORRECT?

18 A SIR, YOU CAN TELL LOOKING AT THE LEAVES BLOOD IS
19 HARD TO NOTE NECESSARILY ON THE LEAVES, AND IT WAS
20 NOTED ON THE STICK SO, THEREFORE, I COLLECTED THE
21 STICK

22 Q BUT YOU DID NOT COLLECT ANY OF THE LEAVES OR SOIL
23 AROUND THE STICK TO DETERMINE WHETHER THAT BLOOD WAS
24 INTENTIONALLY PUT ON THERE BY SOMEONE OTHER THAN WHO
25 THAT BLOOD BELONG?

1 A I COLLECTED THE STICK, AND I DID NOT HAVE ANY
2 REASON TO BELIEVE THERE WAS ANY INTENTIONALLY SET
3 THERE

4 Q AND ON THIS PARTICULAR STICK, IN THAT WHOLE
5 PARTICULAR AREA, THERE IS NO OTHER BLOOD FOUND EXCEPT
6 ON THIS ONE PARTICULAR STICK IN THAT WHOLE AREA, IS
7 THAT CORRECT?

8 A SIR, I AM -- I CAN'T SAY I FINE TOOTH COMBED EVERY
9 LEAF IN THAT AREA TO SEE IF I FOUND BLOOD ON IT

10 Q WAS THERE ANY OTHER STICKS OR BRANCHES OR LEAVES
11 OR ANYTHING ELSE THAT YOU WAS CALLED TO EXAMINE FOR
12 BLOOD IN THAT PARTICULAR AREA, OTHER THAN THIS ONE
13 STICK?

14 A NO, SIR I COLLECTED THAT STICK

15 Q IN THE HOME AT THE 21 RILEY ROAD RESIDENCE, YOU
16 STATED THAT IF I'M CORRECT I'M SURE, THAT YOU FOUND
17 TWO TYPES OF CASINGS, IS THAT CORRECT?

18 A YES, SIR

19 Q AND YOU DIDN'T FIND ANY OTHER CASINGS OUTSIDE OF
20 THEM TWO TYPES OF CASINGS?

21 A NO, SIR

22 Q AND THE MAGAZINE THAT YOU SAID THAT YOU WENT TO --
23 THAT -- THAT WAS PRESENTED TO YOU WITH THE THUMB PRINT
24 YOU ALLEGE OF MR ALKEBULANYAHH ON IT, IS THAT CORRECT,
25 YOU FOUND A THUMB PRINT ON THE MAGAZINE?

1 A YES, SIR

2 Q AND WAS IT JUST -- WAS IT DETERMINED WHETHER THE
3 RIGHT THUMB OR THE LEFT THUMB PRINT?

4 A AS I TESTIFIED EARLIER, IT WAS THE LEFT THUMB OF
5 THE DEFENDANT

6 Q AND YOU DIDN'T FIND ANY FINGERPRINTS OR THUMB
7 PRINTS ON THE RIFLE BELONGING TO MR -- WELL, THE RIFLE
8 THAT'S INVOLVED IN THIS INCIDENT? YOU DIDN'T FIND NO
9 THUMB PRINTS OF MR ALKEBULANYAHH ON THE RIFLE THAT WAS
10 DISCOVERED?

11 A NO, SIR AS I STATED EARLIER IN TESTIMONY, I DID
12 NOT PROCESS THIS RIFLE FOR FINGERPRINTS I WAS
13 INTERESTED IN DISCOVERING ANY BLOOD EVIDENCE THAT WAS
14 ON THAT GUN, BECAUSE I BELIEVE THE GUN WAS INVOLVED IN
15 THE SHOOTING INCIDENT ON 21 RILEY ROAD WHERE I HAVE TWO
16 OFFICERS WHO HAVE DIED AND WERE BLEEDING AS WELL AS
17 THE SUSPECT AND I WANTED TO MAKE SURE WE CHECK FOR
18 BLOOD ON THE GUN TO MATCH ANY OF THE THREE PERSONS
19 INVOLVED

20 Q MS BODIE, DID YOU HAVE ANY INVOLVED (SIC) WITH
21 TESTING OR GETTING THE RESULTS OF THE GUNSHOT RESIDUE
22 THAT WAS TAKEN FROM MR ALKEBULANYAHH?

23 A WAS I INVOLVED IN THE TAKING OF IT?

24 Q YES, MA'AM, IN THE PROCESS OR DETERMINATION OF IT
25 IN ANY TYPE OF WAY?

1 A NO, SIR THE AGENT BLACK WHO RESPONDED TO THE
2 SCENE WITH US WOULD HAVE DONE THE G S R COLLECTION
3 SHE DID THE COLLECTION AND BROUGHT THE EVIDENCE TO THE
4 LAB, WHERE SHE WOULD HAVE DONE THE EXAMINATION

5 Q ARE YOU AWARE THAT THE RESULTS OF MR
6 ALKEBULANYAHH WAS NEGATIVE FOR HAVING ANY ---

7 MR MURDAUGH YOUR HONOR ---

8 Q --- GUNSHOT RESIDUE ---

9 MR MURDAUGH --- PLEASE ---

10 Q --- ON HIS HAND?

11 THE COURT HOLD IT

12 MR MURDAUGH SHE JUST FINISHED TESTIFYING SHE
13 DIDN'T KNOW ANYTHING ABOUT IT

14 THE COURT YES, SIR WHAT IS YOUR QUESTION?

15 MR ALKEBULANYAHH SHE -- DID THAT -- THAT -- I
16 WAS ASKING HER THAT WAS SHE AWARE THAT MR
17 ALKEBULANYAHH ---

18 MR MURDAUGH ASKING FOR THE RESULTS OF THE TEST
19 SIR

20 MR ALKEBULANYAHH --- GUNSHOT RESIDUE WAS
21 NEGATIVE

22 THE COURT THAT'S WHAT IT SOUNDS LIKE AND
23 YOU'RE ASKING HER IF SHE WAS AWARE OF THE RESULTS?

24 MR MURDAUGH YES, SIR, AND SHE TESTIFIED THAT
25 SHE WAS NOT AWARE OF THE RESULTS

1 THE COURT IS THAT WHAT YOU'RE ASKING?

2 MR ALKEBULANYAHH WHAT I'M ASKING, DO SHE KNOW

3 THE COURT THAT'S THE SAME THING SHE SAID SHE
4 WAS NOT AWARE OF THE RESULTS IS THAT WHAT YOU'RE
5 ASKING?

6 MR ALKEBULANYAHH WELL, I'M ASKING ACCORDING TO
7 HER KNOWLEDGE, YOU KNOW, OF -- OF -- OF, YOU KNOW, LIKE
8 IF SHE WAS INVESTIGATING AND TRYING, YOU KNOW ---

9 THE COURT I THINK ---

10 MR ALKEBULANYAHH I KNOW THEY COLLABORATE
11 TOGETHER TO -- TO SOLVE A CRIME

12 THE COURT I THINK THAT YOUR QUESTION, IF SHE WAS
13 AWARE, SHE WOULD HAVE BEEN AWARE WHETHER -- YOUR
14 QUESTION WASN'T SPECIFIC AS TO PERSONALLY OR THROUGH
15 OTHER SOURCES IN HER INVESTIGATION

16 MR ALKEBULANYAHH CAN I ASK THAT QUESTION, YOUR
17 HONOR SIR?

18 THE COURT GO AHEAD, I'LL GIVE YOU THE
19 OPPORTUNITY TO REPEAT THAT

20 Q THROUGH YOUR SOURCES WERE YOU EVER AWARE THAT MR
21 ALKEBULANYAHH GUN POWDER RESIDUE FROM FIRING A WEAPON
22 WAS NOT FOUND ON HIS HANDS?

23 A NO, SIR I'LL EXPLAIN THAT SOME WE -- THE
24 EXAMINERS IN THE FORENSIC LAB -- I WILL -- I MAY
25 COLLECT ALL THE EVIDENCE AT A CRIME SCENE HOWEVER,

STATE VS ALKEBULANYAHH

1 I'M ONLY RESPONSIBLE FOR THE EXAMINATION OF -- AS I
2 SAID EARLIER -- IMPRESSION EVIDENCE SO I TURN IN THE
3 EVIDENCE TO THE LOG IN, WHERE IT WILL GO TO THE
4 APPROPRIATE EXAMINER IN THAT DEPARTMENT, WHO HAS
5 EXPERTISE IN THAT AREA AND THEY WILL DO THE
6 EXAMINATION THEY WILL CREATE A REPORT AND THEY WILL
7 SEND THAT REPORT TO THE LEAD AGENT IN CHARGE OF THAT
8 CASE

9 PROBABLY MORE TIMES THAN NOT, I NEVER KNOW WHAT
10 HAPPENS WITH A CASE OTHER THAN WHAT MY EXAMINATION --
11 WHAT I DISCOVERED IN MY EXAMINATIONS

12 ALL THESE REPORTS -- ALL OF THE LAB REPORTS WOULD
13 HAVE BEEN FORWARDED TO SLED AGENT TRAVIS AVANT, AND HE
14 WOULD HAVE THEN DOCUMENTED THE COLLECTION OF ALL OF THE
15 LAB REPORTS TO COMPLETE THE INVESTIGATION OF THE CRIME
16 SCENE

17 I'M INVOLVED IN THE COLLECTION DOCUMENTATION AND
18 GETTING THE EVIDENCE TO THE DEPARTMENT WHERE IT
19 BELONGS, AND ALL OF US TOGETHER WILL ISSUE OUR REPORTS
20 TO STATE WHAT THE EVIDENCE HAS TOLD US, AND GIVE THE
21 REPORTS TO TRAVIS AVANT

22 AND TO MY KNOWLEDGE, HE'S PROBABLY THE ONLY ONE AT
23 SLED HAS THE REPORTS OF EVERYONE INVOLVED IN THIS CASE

24 Q DO YOU KNOW WHETHER OR NOT, MS BODIE, THE
25 EXAMINER FOR THE GUNSHOT RESIDUE TEST ---

1 MR MURDAUGH YOUR HONOR ---

2 Q --- WILL TESTIFY TODAY? I MEAN, TESTIFY DURING
3 THIS HEARING?

4 THE COURT I SUSTAIN THAT OBJECTION IT'S THE
5 STATE'S JOB TO DECIDE WHO THEY WANT TO CALL AS
6 WITNESSES

7 MR ALKEBULANYAHH MS BODIE, THANK YOU I HAVE
8 NO FURTHER QUESTIONS

9 MR MURDAUGH YOU MAY COME DOWN

10 THE COURT YOU MAY STEP DOWN THANK YOU

11 MR MURDAUGH CALL JOE POWELL

12 THE COURT MAY SHE BE EXCUSED? ANY OBJECTION?

13 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

14 MR MURDAUGH WE ARE GOING TO NEED HER LATER

15 THE COURT ALL RIGHT YOU'RE SUBJECT TO RECALL
16 THANK YOU YOU MAY STEP DOWN

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 JOSEPH POWELL, BEING FIRST
19 DULY SWORN TESTIFIED AS FOLLOWS

20 DIRECT EXAMINATION BY MR. MURDAUGH.

21 Q YOUR NAME IS JOE POWELL?

22 A YES, SIR, THAT'S CORRECT

23 Q MR POWELL, BY WHOM ARE YOU EMPLOYED?

24 A I'M CURRENTLY EMPLOYED AT THE SOUTH CAROLINA LAW
25 ENFORCEMENT DIVISION, COMMONLY KNOWN AS SLED

STATE VS ALKEBULANYAHH

1 Q HOW LONG HAVE YOU BEEN THERE, SIR?

2 A 21 YEARS

3 Q AND IN WHAT CAPACITY?

4 A I'M CURRENTLY SUPERVISOR OF THE TRACE EVIDENCE
5 SECTION

6 Q AND WHAT DOES TRACE EVIDENCE MEAN?

7 A TRACE EVIDENCE IS A DISCIPLINE WHERE WE DEAL WITH
8 GUNSHOT RESIDUE, GUN POWDER, EXPLOSIVES, FIBERS,
9 PAINTS, AND OTHER TYPES OF MATERIALS THAT ARE FOUND AT
10 CRIME SCENES

11 Q OKAY, SIR HOW DID YOU LEARN TO BECOME A
12 SUPERVISOR IN THE TRACE EVIDENCE AREA?

13 A ORIGINALLY I BECAME EMPLOYED AT SLED IN 1982 I
14 HAD RECEIVED MY DEGREE IN CHEMISTRY FROM THE UNIVERSITY
15 OF SOUTHERN MISSISSIPPI I STARTED AS A DRUG CHEMIST
16 AFTER FINISHING MY INITIAL TRAINING, I WORKED ABOUT
17 8 YEARS IN THE DRUG DEPARTMENT WHILE AT THE
18 DEPARTMENT, WAS ALSO DOING TRACE EVIDENCE ANALYSIS,
19 ALONG WITH DRUGS

20 AFTER A PERIOD OF TIME SLED DECIDED TO SUBDIVIDE,
21 AND I TOOK THE OPPORTUNITY TO MOVE INTO THE TRACE
22 EVIDENCE DEPARTMENT 8 YEARS AGO THE OPPORTUNITY AROSE
23 WHERE I COULD MOVE INTO THE SUPERVISOR OF THE
24 DEPARTMENT, AND I TOOK ADVANTAGE OF THAT

25 Q OKAY, SIR HAVE YOU BEEN TO ANY SCHOOLS TO LEARN

1 TO DO WHAT YOU DO?

2 A YES, SIR, I HAVE BEEN TO NUMEROUS SCHOOLS AROUND
3 THE COUNTRY ON ALL ASPECTS OF BOTH DRUG ANALYSIS AS
4 WELL AS TRACE EVIDENCE

5 Q IN ADDITION TO GOING TO SCHOOL, HAVE YOU TAUGHT?

6 A YES, SIR, I HAVE BEEN INVOLVED WITH TEACHING
7 I'VE BEEN INVOLVED WITH SPEAKING IN THE FORM OF
8 SYMPOSIUMS WITH PEOPLE AROUND THE WORLD INVOLVING TRACE
9 EVIDENCE

10 Q HAVE YOU EVER BEEN QUALIFIED AS AN EXPERT IN
11 ANALYSIS OF TRACE EVIDENCE IN OUR COURTS?

12 A YES, SIR, I HAVE

13 Q ON -- DO YOU KNOW HOW MANY OCCASIONS?

14 A I HAVE BEEN QUALIFIED OVER 600 TIMES IN TOTAL, OF
15 THAT ABOUT 280 IN THE AREA OF TRACE EVIDENCE

16 MR MURDAUGH OKAY, SIR IF YOUR HONOR, PLEASE,
17 I OFFER HIM AS AN EXPERT IN TRACE EVIDENCE ANALYSIS
18 THE COURT ANY OBJECTION?

19 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I DON'T
20 KNOW WHAT AREA HIS TESTIMONY WILL BE DIRECTED TOWARD
21 I DON'T KNOW HIS INVOLVEMENT IN THIS PARTICULAR
22 SITUATION

23 THE COURT THEY'RE SEEKING TO QUALIFY HIM AS AN
24 EXPERT IN TRACE ANALYSIS DO YOU WISH TO VOIR DIRE HIM
25 ABOUT HIS QUALIFICATIONS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I WOULD LIKE TO KNOW WHETHER
2 OR NOT ---

3 THE COURT DO YOU SEEK TO ASK HIM SOME QUESTIONS
4 ABOUT HIS QUALIFICATIONS?

5 MR ALKEBULANYAHH YES, SIR

6 THE COURT ABOUT HIS QUALIFICATIONS GO AHEAD
7 CROSS EXAMINATION BY MR ALKEBULANYAHH.

8 Q SIR, MR POWELL, IN THE TRACE EVIDENCE DEPARTMENT,
9 DOES YOUR EXPERTISE ALSO INCLUDES GUNSHOT RESIDUE?

10 A YES, SIR, ONE OF THE TESTS THAT WAS PERFORMED IS
11 GUNSHOT RESIDUE

12 Q DOES IT ALSO INCLUDE LIKE DEBRIS FROM -- FROM --
13 FROM LIKE A FIREARM, A BULLET -- FROM THE BULLET MAKE
14 IMPACT UPON OBJECTS?

15 A IT CAN I BELIEVE WHAT YOU'RE DESCRIBING WOULD BE
16 LOOKING FOR LEAD, LEAD RESIDUE FROM THE IMPACT OF A
17 WEAPON

18 Q YES, SIR

19 A IT COULD IN CERTAIN CASES WE ALSO DEAL WITH
20 ANALYSIS OF GUN POWDER, IN THE CASE OF WHAT'S ON
21 CLOTHING

22 Q HAVE YOU DONE ANYTHING, ANY TEST OR ANYTHING IN --
23 IN -- ON ANY YOUR EXPERTISE INVOLVING ANY EVIDENCE IN
24 THIS CASE?

25 A I SAID ---

1 MR MURDAUGH YOUR HONOR, PLEASE THE QUESTIONS
2 SHOULD GO TO HIS QUALIFICATIONS AS AN EXPERT, NOT TO
3 WHAT HE'S DONE IN THIS CASE SIR

4 THE COURT I SUSTAIN THAT OBJECTION ASK HIM
5 ABOUT HIS QUALIFICATIONS

6 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
7 YOUR HONOR

8 THE COURT ALL RIGHT ANY OBJECTION TO HIS
9 QUALIFICATION?

10 MR ALKEBULANYAHH NO, I DON'T OBJECT

11 THE COURT ALL RIGHT THE COURT FINDS HIM TO BE
12 SO QUALIFIED IN THAT AREA, TRACE EVIDENCE

13 DIRECT EXAMINATION BY MR. MURDAUGH.

14 Q MR POWELL, I ASK YOU AS A PART OF YOUR DUTIES,
15 DID YOU HAVE AN OCCASION TO LOOK AT THE ITEMS THAT ARE
16 MARKED STATE'S EXHIBIT NO 101 -- NO 101?

17 A YES, SIR, THE ENTIRE ---

18 MR ALKEBULANYAHH I HAVE OBJECTION, YOUR HONOR
19 THE COURT YES SIR

20 MR ALKEBULANYAHH I HAVE NOTHING ---

21 THE COURT APPROACH THE SIDE BAR

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

24 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
25 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY

STATE VS ALKEBULANYAHH

1 THANK YOU VERY MUCH

2 (THE JURY RETIRES TO THE JURY ROOM AT 4 13 P M)

3 THE COURT YES, SIR, YOUR OBJECTION?

4 MR ALKEBULANYAHH MY OBJECTION WAS THAT -- NOT
5 TO DISPUTE MR POWELL QUALIFICATION, BUT IN REFERENCE
6 TO THIS PARTICULAR CASE I HAVE NO DOCUMENTS OR ANYTHING
7 OF HIM DOING ANY EXAMINATION WITH ANY OF THE EVIDENCE
8 IN THIS CASE AND, THEREFORE, I AM NOT PREPARED --
9 HAVE NOTHING TO BE ABLE TO USE TO BE ABLE TO CROSS
10 EXAMINE HIM CONCERNING THE EVIDENCE THAT AT HAND
11 INVOLVED IN THIS CASE

12 THE COURT YES, SIR

13 MR MURDAUGH I HAVE NOTHING EITHER, SIR

14 THE COURT DID HE PERFORM SOME TEST OR
15 EXAMINATION?

16 MR MURDAUGH I CAN ASK HIM, SIR

17 THE COURT ALL RIGHT WELL, IF YOU DON'T KNOW,
18 WHY IS HE BEING CALLED?

19 MR MURDAUGH I DO KNOW, SIR

20 THE COURT ALL RIGHT WELL, WHAT IS IT?

21 MR MURDAUGH HE LOOKED AT THIS CLOTHING TO GIVE
22 ME AN ANSWER TO A QUESTION I'M GOING TO ASK HIM ABOUT
23 IT

24 THE COURT ALL RIGHT AND SO YOU DON'T KNOW WHAT
25 THAT ANSWER IS GOING TO BE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR, I DO KNOW WHAT THAT
2 ANSWER IS GOING TO BE

3 THE COURT ALL RIGHT GO AHEAD, ASK HIM

4 Q AT MY REQUEST DID YOU LOOK AT THAT CLOTHING OVER
5 THERE THAT'S MARKED STATE'S EXHIBIT NO 101?

6 A YES, SIR, I DID

7 Q DID YOU MAKE A DETERMINATION AS TO WHETHER OR NOT
8 THERE WAS GUN POWDER RESIDUE ON THAT CLOTHING?

9 A I MADE THE DETERMINATION THAT THERE WERE HOLES
10 WHICH WERE CONSISTENT WITH CONTACT, AND SOME WHICH WERE
11 FURTHER BACK THERE WAS NUMEROUS HOLES FOUND IN THESE
12 GARMENTS

13 MR MURDAUGH OKAY SIR THAT'S MY QUESTION
14 THE COURT DO YOU WISH TO RESPOND? I'M SORRY
15 RESTATE THAT, SIR, AGAIN?

16 WITNESS I FOUND NUMEROUS HOLES ON THESE
17 GARMENTS SOME OF THESE WERE CONTACT HOLES, AND SOME
18 OF THESE WERE NOT BUT THERE'S NUMEROUS HOLES FOUND
19 WITHIN THOSE GARMENTS THAT ARE CONTACT

20 THE COURT WHAT'S THE -- WHY DO WE NEED EXPERT
21 TESTIMONY ON THAT?

22 MR MURDAUGH TO SHOW THAT THE BULLETS CAME FROM
23 INSIDE THE CLOSET GOING OUT, SIR, EXACTLY AS THE
24 TRAJECTORY ON THE MODEL

25 THE COURT IS HE GOING TO SAY SOMETHING MORE THAN

1 THERE'S JUST HOLES IN THESE CLOTHES?

2 MR MURDAUGH GUNSHOT HOLES, SIR

3 Q IS THAT RIGHT, ARE THEY GUNSHOT HOLES?

4 A YES, SIR, THEY ARE CONTACT HOLES PRODUCED BY A
5 WEAPON

6 MR MURDAUGH YES, SIR

7 THE COURT YES, SIR

8 MR ALKEBULANYAHH WELL, I THINK THAT THE DEFENSE
9 SHOULD BE ABLE TO QUESTION THE -- THE -- THE FACTS AND
10 EXAMINATION THAT WOULD PROVE THAT -- WHETHER THE
11 GUNSHOT RESIDUE OR THE POWDER WAS ON THE FRONT OR THE
12 BACK OF SOMETHING I THINK THEY SHOULD BE SOME
13 DOCUMENT STATING THAT WHATEVER WAS FOUND, WHATEVER THE
14 EXAMINATION WAS, THAT WOULD -- THAT WOULD PROVE THAT,
15 THAT WOULD -- THAT CAN AUTHENTICATE THAT -- HOW THAT
16 RESULT CAME, HOW THAT RESULT CAME, SOMETHING TO GO
17 ALONG WITH HOW THAT RESULT -- HOW HE CAME TO THAT
18 DETERMINATION

19 THE COURT WELL, YOU CAN ASK HIM THAT QUESTION

20 MR ALKEBULANYAHH I WOULD RATHER HAVE SOMETHING
21 IN WRITING

22 THE COURT WELL, DID YOU ISSUE ANY WRITTEN
23 REPORT, SIR?

24 WITNESS I DID NOT ISSUE A WRITTEN REPORT, NO,
25 SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE, THIS RESULTED
2 WHEN WE FOUND OUT KIMBERLY BLACK WAS PREGNANT, WAS NOT
3 GOING TO BE ABLE TO ATTEND COURT, WHEN I ASKED HIM TO
4 MAKE THE OBSERVATION I'VE ASKED HIM ABOUT, SIR

5 MR ALKEBULANYAHH THEN IF -- THEN IN THAT CASE,
6 IF THIS RESULTED AS KIMBERLY BLACK IS NOT BEING ABLE TO
7 MAKE A PARTICULAR OBSERVATION, WHICH I WOULD LIKE TO
8 CROSS EXAMINE MS KIMBERLY BLACK ABOUT THE GUNSHOT
9 RESIDE TEST THAT WAS PERFORM ON ALL THE PEOPLE AT THE
10 21 RILEY ROAD RESIDENCE, THEN HE SHOULD HAVE BEEN
11 BRIEFED THOROUGHLY ABOUT ALL THE ACTIONS OR THE
12 EXAMINATIONS OF MS KIMBERLY BLACK WORK SO THAT HE CAN
13 BE ABLE TO COVER THE WHOLE ASPECT OF WHAT MS KIMBERLY
14 BLACK INVOLVEMENT WAS IN THIS CASE, BECAUSE THERE'S
15 AREAS THAT I WANT TO EXAMINE OR CROSS EXAMINE IN -- IN
16 --WITH THE SAME EXPERTISE THAT HE HAVE THAT MS BLACK
17 ALSO HAVE THAT THINGS THAT ARE INVOLVED DIRECTLY WITH
18 THIS CASE

19 AND HE'S GIVEN TESTIMONY ABOUT GUNSHOT POWDER --
20 GUNSHOT RESIDUE ON CLOTHING, AND I WANT TESTIMONY TO BE
21 GIVEN ABOUT GUNSHOT RESIDUE THAT WAS TAKEN ON PEOPLE
22 HAND, TO DETERMINE WHETHER THEY SHOT A WEAPON OR NOT

23 THE COURT WELL, WE'RE TALKING ABOUT THIS EXPERT
24 RIGHT NOW WHAT IS THE -- IS IT YOUR POSITION THAT YOU
25 COULD HAVE AN EXPERT GIVE YOU RESULTS OF AN ANALYSIS

STATE VS ALKEBULANYAHH

1 ORALLY AND YOU COULD AVOID TURNING THAT OVER? IS THAT
2 YOUR LEGAL POSITION, THAT IF AS LONG AS AN EXPERT DOES
3 NOT HAVE A WRITTEN REPORT, THAT YOU COULD AVOID
4 DISCLOSING THE RESULTS OF THE ANALYSIS OF THAT EXPERT?

5 MR MURDAUGH THAT IS MY POSITION, SIR BUT, I
6 HAVE GIVEN MS CHILDS A WITNESS LIST AND A -- THAT I
7 WAS GOING TO USE WITH JOE POWELL'S NAME ON IT AND I
8 HAVE TOLD HER WHAT HE WAS GOING TO TESTIFY TO, SIR SO
9 THEY HAVE NOTICE OF WHAT WE'RE TALKING ABOUT

10 THE COURT IS THAT CORRECT, YOU ARE ON NOTICE OF
11 THAT?

12 LADY I WAS GIVEN A WITNESS LIST, YES, SIR BUT
13 I DIDN'T KNOW WHO MR POWELL WAS UNTIL WE GOT DOWN HERE
14 TO BEAUFORT HE HAD FAXED IT TO ME THE FRIDAY BEFORE
15 THE TRIAL STARTED THAT IS TRUE

16 THE COURT WHAT I'M ASKING IS, WAS THE DEFENDANT
17 AWARE OF THE FACT THAT THIS GENTLEMAN WAS GOING TO
18 DISCUSS THE FACT THAT THESE HOLES IN THIS CLOTHING WAS
19 THE RESULT OF GUNSHOTS?

20 LADY WHEN -- WHAT DAY WAS IT WE STOOD OUTSIDE
21 AND TALKED ABOUT THE WITNESS LIST?

22 MR MURDAUGH COULDN'T ANSWER THAT

23 LADY I BELIEVE IT WAS LAST ---

24 MR MURDAUGH LAST ---

25 LADY --- THURSDAY?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH --- WEEK SOME TIME
2 LADY I BELIEVE IT WAS LAST THURSDAY WE DISCUSSED
3 THE WITNESSES
4 THE COURT WHAT I'M ASKING IS WAS MR
5 ALKEBULANYAHH AWARE OF THAT?
6 LADY I DON'T BELIEVE I WAS SPECIFICALLY AWARE
7 ABOUT WHAT MR POWELL WAS GOING TO TESTIFY TO
8 THE COURT WELL, HOW IS IT YOU SAY THAT THEY WERE
9 TOLD? DID YOU TELL THEM WHAT HE WAS GOING TO TESTIFY
10 ABOUT?
11 MR MURDAUGH YES SIR
12 LADY I MADE SOME NOTES, IF YOU WILL ---
13 THE COURT ALL RIGHT PLEASE CHECK YOUR NOTES
14 MR MURDAUGH AIN'T NO QUESTION ABOUT THAT SIR
15 (PAUSE)
16 THE COURT DID YOU MAKE DISCOVERY REQUEST FOR THE
17 RESULTS OF ANY TESTS OR EXAMINATION BY AN EXPERT?
18 MR ALKEBULANYAHH YES, SIR
19 MR KELLY YOUR HONOR IF I MAY
20 THE COURT YES, SIR
21 MR KELLY IN THE COURT'S FILE AND SERVED ON THE
22 SOLICITOR IS COMPLETE WITH DISCOVERY OF ALL THE TESTS,
23 ORAL OR WRITTEN I THINK ACTUALLY THERE IS TWO
24 DIFFERENT LONG AND SPECIFIC DISCOVERY REQUESTS
25 THE COURT DOES IT SAY ORAL?

STATE VS ALKEBULANYAHH

1 MR KELLY I THINK SO, JUDGE IT COVERED
2 EVERYTHING

3 THE COURT DO YOU HAVE THAT?

4 MR KELLY JUDGE, IT WOULD BE IN THE COURT FILE
5 I DON'T HAVE MY FILE WITH ME IT'S IN THE COURT'S
6 FILE AND IT WAS PROBABLY FILED AT LEAST 5 OR 6 MONTHS
7 AGO

8 THE COURT DID YOU GET A REQUEST FOR ANY ORAL
9 RESULTS OF EXAMINATION BY AN EXPERT WITNESS?

10 MR MURDAUGH NO, SIR, I DID NOT GET A REQUEST
11 FOR THAT

12 THE COURT LET'S CHECK ---

13 MR MURDAUGH BUT I ACKNOWLEDGE THAT IF I COME IN
14 CONTACT, I HAVE TO GIVE IT TO HIM AND I TELL -- AND I
15 STATE TO THE COURT THAT I HAVE DONE THAT

16 THE COURT WELL BUT THEY HAVE TO KNOW THE
17 RESULTS TOO OF THAT

18 MR MURDAUGH I TOLD THEM WHAT HE WOULD TESTIFY
19 TO, SIR

20 THE COURT I'M NOT SAYING YOU DIDN'T THEY'RE
21 CHECKING THAT RIGHT NOW

22 MR MURDAUGH YES, SIR AND I MIGHT ALSO INFORM
23 THE COURT THAT HIS TESTIMONY WOULD BE THE SAME AS
24 KIMBERLY BLACK BECAUSE THAT'S WHO HE'S REPLACING IN MY
25 -- IN MY WITNESS ROTATION AND KIMBERLY BLACK HAS

STATE VS ALKEBULANYAHH

1 GIVEN HER REPORT, AND THEY HAVE IT

2 MR ALKEBULANYAHH FROM MY UNDERSTANDING, MS
3 KIMBERLY BLACK WON'T BE HERE TO TESTIFY AND IT WAS MY
4 INTENTION TO INQUIRE OF THE COURT THAT THE -- THE --
5 THE TESTIMONY THAT SHE GIVE IS GERMANE TO MY DEFENSE

6 THE COURT WELL, LET'S CHECK THE INFORMATION
7 FIRST I THINK IF THEY MADE A REQUEST FOR THE RESULTS
8 OF ANY ORAL TESTS -- ORAL RESULTS OF ANY TESTS OR
9 EXAMINATION, THEY'RE ENTITLED TO IT UNDER THE RULE

10 MR KELLY YOUR HONOR, MAY IT PLEASE THE COURT
11 I'D HAVE TO CHECK THE WORDING THERE, BUT I BELIEVE THE
12 WORDING THAT IT WOULD BE THAT WOULD BE ANY TYPE OF
13 REPORT, OF ANY CHARACTER WHATSOEVER

14 THE COURT IT'S YOUR POSITION THAT IF IT WERE
15 ORALLY CONVEYED TO THE STATE, IT WOULD BE DISCLOSEABLE?

16 MR KELLY ABSOLUTELY

17 THE COURT YES SIR

18 MR KELLY ANYTHING LIKE THAT WOULD HAVE TO BE
19 TURNED OVER

20 THE COURT I AGREE WITH THAT

21 (PAUSE)

22 MR MURDAUGH YOUR HONOR, PLEASE, CAN WE DO THIS
23 CAN WE BRING HIM DOWN NOW AND LET ME PUT MY NEXT
24 WITNESS -- BECAUSE HE'S THE ONE THAT NEEDS TO GO TO
25 COLORADO

STATE VS ALKEBULANYAHH

1 THE COURT THIS WITNESS RIGHT HERE OR YOUR NEXT
2 ONE?
3 MR MURDAUGH MY NEXT ONE
4 THE COURT THAT'S FINE
5 MR MURDAUGH AND THEN WE CAN ADDRESS THIS AFTER
6 WE EXCUSE THE JURY, SIR IF THAT'S AGREEABLE
7 THE COURT THAT'S FINE WITH ME
8 MR MURDAUGH SORRY, JOE
9 THE COURT YOU MAY STEP DOWN, SIR
10 (THE WITNESS LEAVES THE WITNESS STAND)
11 MR MURDAUGH DAN DEFREESE
12 THE COURT WILL YOU ALL LOOK IN TO THAT?
13 MR ALKEBULANYAHH YES SIR
14 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
15 (THE JURY RETURNS TO THE COURTROOM AT 4 25 P M)
16 THE COURT ALL RIGHT LADIES AND GENTLEMEN, THE
17 LAST WITNESS HAS STEPPED DOWN WE'RE GOING TO TAKE HIM
18 OUT OF ORDER, WE'RE GOING TO GO TO THE NEXT WITNESS WHO
19 HAS A FLIGHT TO CATCH AFTER THIS -- AFTER HIS
20 TESTIMONY GO AHEAD
21 MR MURDAUGH DAN DEFREESE
22 FRANK DAN DEFREESE, BEING
23 FIRST DULY SWORN TESTIFIED AS FOLLOWS
24 DIRECT EXAMINATION BY MR. MURDAUGH.
25 Q YOUR NAME PLEASE?

STATE VS ALKEBULANYAHH

1 A MY NAME IS FRANK DAN DEFREESE

2 Q MR DEFREESE, BY WHOM ARE YOU EMPLOYED?

3 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT
4 DIVISION IN THE FORENSIC SERVICES LABORATORY IN
5 COLUMBIA

6 Q AND WHAT IS YOUR POSITION WITH THEM IN THE
7 FORENSIC SERVICES LABORATORY?

8 A WITHIN THE LABORATORY I'M ASSIGNED TO THE UNIT
9 THAT DOES THE EXAMINATION OF FIREARM AND TOOL MARK
10 EVIDENCE

11 Q WHAT TRAINING DO YOU HAVE IN THAT REGARD, SIR?

12 A MY PRINCIPAL TRAINING I RECEIVED AT SLED I WAS
13 EMPLOYED WITH SLED IN JANUARY OF 1967 AND I BEGAN A
14 PERIOD OF TRAINING THAT LASTED FOR ABOUT 2 1/2 YEARS IN
15 THE FIELDS OF FIREARM AND TOOL MARK ANALYSIS I
16 STUDIED THOSE TECHNIQUES UNDER A GENTLEMAN NAMED
17 MILLARD KATE AND ONE NAMED CARL STOKES MR KATE
18 ESTABLISHED THE SLED LABORATORY WHEN SLED ITSELF WAS
19 ESTABLISHED IN 1947

20 AFTER ABOUT A PERIOD OF 2 1/2 YEARS OF STUDY UNDER
21 HIS DIRECT SUPERVISION, I BEGAN ACCEPTING CASES ON MY
22 OWN I'VE BEEN TESTIFYING SINCE 1969

23 Q OKAY SIR MR DEFREESE, HAVE YOU GONE TO ANY
24 SCHOOLING IN REGARD TO YOUR AREA OF EXPERTISE?

25 A I HAVE I ATTEND TRAINING CONFERENCES PUT ON BY

STATE VS ALKEBULANYAHH

1 THE ASSOCIATION OF FIREARM AND TOOL MARK EXAMINERS FROM
2 TIME TO TIME

3 Q OKAY, SIR

4 A AND WE ALSO ENGAGE IN OUR OWN SELF-TEACHING AT
5 SLED AS WE DISCOVER DIFFERENT THINGS FROM DIFFERENT
6 CASES, WE SHARE THEM WITH EACH OTHER

7 Q AND DO YOU DO ANY TEACHING?

8 A NOT AT THIS PRESENT TIME, BUT I HAVE IN THE PAST

9 Q OKAY, SIR HAVE YOU TESTIFIED AS AN EXPERT
10 FIREARMS IDENTIFICATION PERSON IN THESE COURTS BEFORE?

11 A YES, SIR

12 Q AND HOW MANY TIMES HAVE YOU TESTIFIED AS AN EXPERT
13 IN -- IN -- WHAT IS YOUR AREA?

14 A IT'S IN FIREARMS IDENTIFICATION

15 Q FIREARMS IDENTIFICATION

16 A FIREARM AND TOOL MARK IDENTIFICATION

17 Q HOW MANY TIMES HAVE YOU TESTIFIED AS AN EXPERT IN
18 THAT AREA?

19 A I THINK I'M STILL SOMEWHERE BETWEEN 5 AND 600
20 TIMES

21 MR MURDAUGH OKAY SIR YOUR HONOR, PLEASE, I
22 OFFER HIM AS AN EXPERT IN FIREARM IDENTIFICATION
23 THE COURT ANY OBJECTION?

24 MR ALKEBULANYAHH I HAVE NO OBJECTION

25 THE COURT THE COURT FINDS HIM TO BE QUALIFIED IN

STATE VS ALKEBULANYAHH

1 THAT AREA WITHOUT OBJECTION

2 Q MR DEFREESE, FIRST OF ALL, SIR I ASK YOU WHETHER

3 YOU HAD THE OPPORTUNITY TO EXAMINE STATE'S EXHIBITS NO

4 104, 106, AND ALSO 105, AND 107?

5 A MAY I OPEN THE CONTAINER?

6 Q CERTAINLY

7 A YES, SIR, I HAVE EXAMINED THESE

8 Q WHAT IS THAT YOU ARE LOOKING AT, IS THAT STATE'S

9 EXHIBIT ---

10 A THIS IS STATE'S EXHIBIT 107

11 Q YES, SIR

12 A STATE'S EXHIBIT 107 CONTAINS A GLOCK MAGAZINE

13 ASSEMBLY, AND IT CONTAINS 6 UNFIRED 40 SMITH AND

14 WESSON CALIBER CARTRIDGES

15 Q YES, SIR

16 A WHICH WERE RECEIVED WITH THIS MAGAZINE

17 Q OKAY, SIR WHEN YOU RECEIVED THAT MAGAZINE, WAS

18 IT IN A GUN?

19 A NO

20 Q IT WAS OUT OF THE GUN?

21 A YES, SIR

22 Q OKAY

23 A IT ACCOMPANIED STATE'S EXHIBIT 106 WHEN I FIRST

24 SAW IT WHEN I ACTUALLY TOOK CUSTODY OF IT FOR THE

25 PURPOSES OF MY EXAMINATION, IT WAS NOT IN THIS GUN

- 1 STATE'S EXHIBIT 106 IS A GLOCK MODEL 22, 40 SMITH AND
2 WESSON CALIBER SEMI-AUTOMATIC PISTOL ITS SERIAL NO
3 IS B C 085S0
- 4 Q DID YOU CHECK THE -- WHETHER OR NOT THE GUN HAD
5 ANYTHING IN IT?
- 6 A I DID
- 7 Q AND WHAT DID YOU FIND OUT, SIR?
- 8 A AT THE TIME THAT I FIRST SAW THE PISTOL IN STATE'S
9 EXHIBIT 106, IT WAS AT THE CRIME SCENE
- 10 Q YES, SIR
- 11 A WHEN I FIRST SAW IT, IT HAD A FIRED CARTRIDGE CASE
12 STILL IN ITS CHAMBER, AND IT HAD THE MAGAZINE, WHICH IS
13 IN STATE'S EXHIBIT 107 WITH THE 6 UNFIRED CARTRIDGES
14 STILL IN IT
- 15 Q OKAY SIR WHAT -- IT HAD AN UNFIRED CARTRIDGE IN
16 THE CHAMBER?
- 17 A NO IT HAD A FIRED CARTRIDGE ---
- 18 Q FIRED ---
- 19 A --- CASE
- 20 Q FIRED CARTRIDGE?
- 21 A RIGHT
- 22 Q IN OTHER WORDS, A BULLET THAT HAD BEEN SHOT AND
23 THE CASING STAYED IN THE GUN?
- 24 A THAT'S CORRECT
- 25 Q DID YOU DETERMINE WHY?

1 A NOT EXACTLY THERE ARE SEVERAL REASONS THAT COULD
2 CONTRIBUTE TO THIS IN SEMI-AUTOMATIC PISTOLS IT'S
3 NECESSARY FOR THE FIRER TO OFFER RESISTANCE, THAT IS,
4 HE HAS TO PUT A LITTLE EFFORT BEHIND THE FRAME OF THE
5 PISTOL SO THAT THE SLIDE WILL PROPERLY RECOIL IF THE
6 OPERATOR, FOR INSTANCE, HAD LITTLE STRENGTH LEFT OR DID
7 NOT OFFER MUCH OPPOSITION TO THE PISTOL'S MOVEMENT IT
8 WOULD NOT PERMIT IT TO CYCLE CORRECTLY

9 Q OKAY

10 A ANOTHER REASON WOULD BE A WEAK CARTRIDGE ANOTHER
11 REASON WOULD BE SOMETHING OBSTRUCTED THE SLIDE FROM
12 MOVING FULLY TO THE REAR IT COULD HAVE MOVED PART OF
13 THE WAY TO THE REAR BUT NOT FAR ENOUGH TO BE EXTRACTED
14 AND EJECTED AND THEN THE SLIDE WOULD HAVE JUST GONE
15 THAT FAR AND THEN CLOSED

16 Q OKAY, SIR IN THE NORMAL COURSE OF THINGS IF IT
17 IS HELD FIRMLY AND FIRED, DOES THE CARTRIDGE EJECT OUT
18 OF THE PISTOL?

19 A YES, SIR

20 Q OKAY, SIR DID YOU ALSO LOOK AT THE OTHER ITEM I
21 HAND YOU, THE OTHER GLOCK?

22 A THE OTHER GLOCK, STATE'S EXHIBIT 104, IS THE SAME
23 MAKE AND MODEL IT'S A GLOCK MODEL 22, AND 40 SMITH
24 AND WESSON CALIBER AND ITS SERIAL NO IS B C 129S0
25 AND AT THE TIME I FIRST SAW IT, IT HAD A FULLY LOADED

1 MAGAZINE AND 1 IN THE CHAMBER

2 Q OKAY, SIR AND WHERE DID YOU FIRST SEE THAT GLOCK
3 THAT WAS FULLY LOADED?

4 A WHEN I FIRST SAW IT, IT WAS IN THE HOLSTER,
5 STRAPPED DOWN IN THE HOLSTER STILL ATTACHED TO OFFICER
6 COURSEN'S BODY

7 Q OKAY, SIR HAVE YOU CHECKED TO SEE WHETHER OR NOT
8 THOSE GUNS ARE IN WORKING ORDER?

9 A I DID I TEST FIRED BOTH OF THEM

10 Q AND WHAT WAS YOUR CONCLUSION?

11 A THEY WERE BOTH IN WORKING ORDER

12 Q OKAY SIR I ASK YOU WHETHER YOU HAD AN
13 OPPORTUNITY TO EXAMINE STATE'S EXHIBIT NO 11?

14 A YES, SIR, I DID

15 Q WHEN DID YOU DO THAT SIR IF YOU CAN REMEMBER?

16 A I'M LOOKING TO EXACTLY TO SEE WHAT THE CHAIN OF
17 CUSTODY WAS I DID NOT SEE THIS AT THE CRIME SCENE

18 Q YES, SIR

19 A IT WAS FURNISHED TO ME AFTER MY RETURN TO THE
20 LABORATORY

21 Q OKAY, SIR DID AT SOME POINT AFTER JANUARY 8,
22 2002 YOU DO AN EXAMINATION OF THAT RIFLE?

23 A I DID

24 Q OKAY, SIR DID YOU DETERMINE WHETHER OR NOT IT
25 WAS IN WORKING CONDITION?

1 A YES, SIR, I DID

2 Q AND WAS IT?

3 A IT WAS INDEED

4 Q OKAY, SIR THAT RIFLE, WHAT KIND OF RIFLE IS IT?

5 A THIS IS A SEMI-AUTOMATIC RIFLE KNOWN AS A SKS
6 THIS PARTICULAR ONE IS A CHINESE MADE VERSION THE SKS
7 RIFLE WAS ORIGINALLY DESIGNED AND BUILT IN RUSSIA, AND
8 WAS SUBSEQUENTLY BUILT BY A NUMBER OF OTHER COMMUNIST
9 BLOCK NATIONS THIS PARTICULAR ONE BEING MADE BY THE
10 COMMUNIST CHINESE

11 AS THE RIFLE IS ORIGINALLY FURNISHED -- THAT IS,
12 AS THE CHINESE ISSUED IT TO THEIR MILITARY, IT WOULD
13 NOT HAVE HAD THIS TYPE OF STOCK THIS IS A FOLDING
14 STOCK ASSEMBLY WAS ACTUALLY MADE IN AMERICA IT'S AN
15 AFTER-MARKET PRODUCT THAT WAS INSTALLED ON THE RIFLE
16 THE RIFLE DID ORIGINALLY HAVE THE FOLDED BAYONET,
17 AND IT ORIGINALLY HAD A NON-DETACHABLE MAGAZINE, WHICH
18 WOULD HAVE HELD 10 ROUNDS THAT WOULD NORMALLY BE LOADED
19 FROM THE TOP

20 THIS RIFLE HAS BEEN ALTERED IN THAT THE ORIGINAL
21 MAGAZINE WAS REMOVED SO AS TO PERMIT DETACHABLE,
22 REMOVABLE MAGAZINE ASSEMBLIES TO BE USED IN IT

23 Q OKAY, SIR

24 A IT'S A SEMI-AUTOMATIC AFTER THE FIRST ROUND IS
25 -- AFTER THE FIRST ROUND IS INSERTED IN THE CHAMBER,

1 WHICH WOULD NORMALLY BE DONE BY LOADING A MAGAZINE AND
2 PERMITTING THE BOLT TO MOVE FORWARD, IT WILL FIRE 1
3 ROUND EVERY TIME THE TRIGGER IS PULLED

4 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 12 UP
5 THERE, SIR, AND ASK YOU WHAT THAT IS?

6 A STATE'S EXHIBIT NO 12 IS A DETACHABLE MAGAZINE
7 ASSEMBLY FOR USE WITH SKS RIFLES SUCH AS THIS RIFLE

8 Q OKAY, SIR DID YOU FIRE THAT GUN?

9 A YES, SIR

10 Q OKAY, SIR AND I ASK YOU WHETHER OR NOT YOU
11 COMPARED THE BULLETS THAT WERE FIRED FROM THAT GUN BY
12 YOU TO ANYTHING ELSE?

13 A I DID

14 Q AND WHAT DID YOU COMPARE THEM TO, SIR?

15 A I COMPARED -- I COMPARED TEST BULLETS FIRED BY ALL
16 THREE, BY BOTH OF THE PISTOLS AND BY THIS RIFLE, WITH
17 BULLETS AND BULLET FRAGMENTS, AND, OF COURSE, CARTRIDGE
18 CASES RECOVERED AT THE SCENE

19 Q OKAY, SIR SPECIFICALLY, DID YOU COMPARE THE
20 BULLETS THAT CAME OUT OF STATE'S EXHIBIT NO 11, I
21 THINK?

22 A YES, SIR

23 Q 11 WITH THE PROJECTILES THAT ARE IN STATE'S
24 EXHIBIT 2, 3 -- 2, 4, 5, 6?

25 A (PAUSE) YES, SIR, I DID

1 Q OKAY, SIR AND ALSO THE CONTENTS OF THE PACKAGE
2 -- FOUR PACKAGES MARKED AS STATE'S EXHIBIT 7?
3 A (PAUSE) I DID
4 Q OKAY, SIR DIRECTING YOUR ATTENTION TO STATE'S
5 EXHIBIT NO 2, WHICH HAS BEEN TESTIFIED AS A BULLET
6 REMOVED FROM THE BODY OF OFFICER COURSEN, WHAT DID YOUR
7 -- HOW DID YOU GO ABOUT MAKING A COMPARISON AND WHAT
8 DID THAT COMPARISON SHOW?
9 A WELL, AS I MENTIONED, I TEST FIRED BOTH THE
10 PISTOLS AND THE RIFLE
11 Q YES, SIR
12 A AND IN EACH CASE, I TOOK THE BULLETS WHICH I KNEW
13 THESE GUNS HAD FIRED, AND I FIRST STARTED COMPARING THE
14 BULLETS WITH THEMSELVES, TO DETERMINE IF THE BARRELS
15 WERE CONSISTENT IN THE MARKINGS THAT THEY LEFT ON THE
16 BULLETS THAT WERE FIRED IN THEM
17 Q IN OTHER WORDS, YOU FIRED TWO OUT OF ONE GUN, AND
18 COMPARE THOSE TO EACH OTHER?
19 A WELL MANY MORE THAN THAT, BUT AT LEAST TWO
20 Q YES, SIR
21 A YOU CAN -- USING THE MICROSCOPE THAT I USE, YOU
22 CAN VIEW TWO BULLETS SIMULTANEOUSLY, OR TWO CARTRIDGE
23 CASES, TWO OBJECTS SIMULTANEOUSLY SO I CAN COMPARE
24 FIRST MY TEST BULLETS WITH EACH OTHER AND THEN I CAN
25 TAKE A TEST BULLET ONCE I'M FAMILIAR WITH ITS

STATE VS ALKEBULANYAHH

1 CHARACTERISTICS, AND I CAN REVIEW IT AGAINST ANY OTHER
2 OBJECT -- IN THIS CASE, AGAINST THIS EVIDENCE BULLET --
3 TO SEE IF THE SAME INDIVIDUAL MARKINGS THAT ARE LEFT
4 THERE AS A RESULT OF IT BEING FIRED THROUGH THE BARREL
5 OF STATE'S EXHIBIT 11 ARE PRESENT

6 Q OKAY, SIR NOW, MR DEFREESE, WHAT DO YOU LOOK
7 FOR -- I MEAN, WHAT MARKINGS -- WHAT DO YOU LOOK FOR?

8 A WELL, INSIDE THE BARREL -- THE BARREL OF A FIREARM
9 IS THIS TUBULAR OR PIPE-LIKE STRUCTURE INSIDE THE
10 BARREL OF A SHOTGUN, IT'S USUALLY SMOOTH IT HAS
11 NOTHING BUT A SMOOTH SURFACE INSIDE THE BARREL OF A
12 RIFLE SHOT -- A RIFLE FIREARM, SUCH AS A RIFLE OR A
13 PISTOL OR A REVOLVER, THERE ARE A SERIES OF RAISED AND
14 LOWERED SEGMENTS WHICH SPIRAL ON THE INSIDE SURFACE OF
15 THE BARREL THEY'RE CALLED RIFLING

16 RIFLING GRIPS THE BULLET AS THE BULLET IS BEING
17 FORCED DOWN AND OUT THE BARREL, OUT OF THE FIREARM --
18 BECAUSE OF THE FACT THE BULLET REALLY IS SORT OF
19 INTERFERENCE FIT WITH THE BARREL THE RIFLING WILL
20 GRIP THE BULLET AND CAUSE THE BULLET TO SPIN

21 IT DOES THIS TO ENHANCE THE ACCURACY OF THE BULLET
22 IN FLIGHT MUCH IN THE SAME WAY THAT A QUARTERBACK
23 PUTS A SPIN ON A FOOTBALL TO KEEP IT FROM TUMBLING END
24 OVER END, THE RIFLING PUTS A SPIN ON THE BULLET TO KEEP
25 THE BULLET FROM TUMBLING END OVER END

1 WE FOUND BY EXAMINING RECOVERED BULLETS THAT IN
2 ADDITION TO JUST THE RIFLING IMPRESSIONS, WE FIND
3 MICROSCOPIC MARKINGS, WHICH ARE LEFT OVER AS A RESULT
4 OF DIFFERENCES IN MANUFACTURER AND AS A RESULT OF
5 WEAR, USE -- AND USE, THESE CHARACTERISTICS ARE
6 PECULIAR TO ONE FIREARM BARREL AND ONLY ONE FIREARM
7 BARREL AND WHERE WE CAN RECOVER BULLETS IN
8 SUFFICIENTLY UNDAMAGED CONDITION, IT'S POSSIBLE FOR US
9 TO IDENTIFY A PARTICULAR BULLET BACK TO A PARTICULAR
10 BARREL FROM WHICH IT WAS FIRED

11 IN SOME CASES BULLETS ARE NOT RECOVERED IN
12 SUFFICIENTLY UNDAMAGED CONDITION, BECAUSE BULLETS ARE
13 TRAVELING AT A HIGH VELOCITY AND IF THEY HIT SOMETHING
14 HARD, A LOT OF TIMES THEY TEAR THEMSELVES UP TO THE
15 EXTENT WE CAN'T TELL

16 SOME FIREARMS SIMPLY DON'T LEAVE ENOUGH UNIQUE
17 REPEATABLE MARKINGS TO IDENTIFY THE BULLETS TO A
18 PARTICULAR BARREL SO THERE ARE REASONS WHY IN SOME
19 CASES WE CAN AND SOME CASES WE CANNOT IDENTIFY A
20 PARTICULAR BULLET OR A PARTICULAR FRAGMENT OF A BULLET
21 BACK TO THE GUN BARREL IN WHICH IT WAS FIRED

22 THE SURFACE OF THE BULLET THAT TOUCHES THE INSIDE
23 OF THE BARREL IS WHAT WE WOULD LOOK FOR IN THE CASE
24 OF SOME OF THESE BULLETS -- ALL OF THESE BULLETS IN
25 FACT -- THERE ARE A TYPE OF BULLET THAT'S KNOWN AS A

1 JACKETED BULLET, THAT IS, THE OUTSIDE OF THE BULLET IS
2 MADE OF A HARDER ALLOY THAN THE CORE, THE CENTER OF THE
3 BULLET, THE CENTER OF THE BULLET BEING MADE OUT OF LEAD
4 AND THE JACKET BEING MADE OUT OF EITHER COPPER PLATED
5 STEEL OR OUT OF A COPPER ALLOY

6 Q OKAY, SIR

7 A SO IT'S NOT POSSIBLE TO IDENTIFY A BULLET COVER
8 WITH THE BARREL OF A GUN, BECAUSE IT WAS NEVER IN
9 CONTACT WITH THE GUN

10 Q JUST THE PART THAT ACTUALLY COMES IN CONTACT WITH
11 IT?

12 A CORRECT, IT WILL BE THE SIDES, THE CYLINDRICAL
13 SIDES OF THE BULLET WILL COME INTO CONTACT WITH THE
14 BORE AND THEY WILL BE ENGRAVED AS THEY ARE PRESSED
15 INTO THE RIFLING DURING THE PROCESS OF BEING EXPELLED
16 OUT OF THE BARREL BECAUSE OF THE PRESSURE THAT'S BUILT
17 UP INSIDE THE CARTRIDGE

18 Q OKAY IF I SHOOT MS NANCY GREEN OVER THERE, THE
19 DOCTORS RECOVER THE BULLET, CAN YOU COMPARE THE BULLET
20 THAT CAME OUT OF HER TO THE GUN THAT I USE?

21 A YES

22 Q AND WHEN YOU COMPARE IT, CAN YOU SAY IT IS OR
23 ISN'T?

24 A SOME TIMES SOME TIMES I CAN SAY IF THE GUN IS
25 SUFFICIENT -- SUFFICIENTLY REPEATABLE IN ITS MARKINGS

1 -- THAT IS, IF IT LEAVES CONSISTENT MARKINGS ON THE
2 BULLET AND IF THE BULLET IS RECOVERED IN SUFFICIENTLY
3 GOOD CONDITION, THEN I COULD IDENTIFY IT BACK TO THE
4 GUN IN WHICH IT WAS FIRED

5 Q OKAY, SIR DID YOU EXAMINE STATE'S EXHIBIT NO 2,
6 WHICH IS TESTIFIED AS THE BULLET BEING REMOVED FROM
7 OFFICER COURSEN'S BODY WITH THAT GUN?

8 A I DID

9 Q AND WHAT DID IT REVEAL, SIR?

10 A I FOUND THE SAME INDIVIDUAL IDENTIFIED
11 CHARACTERISTICS -- I FOUND THE SAME CLASS
12 CHARACTERISTICS AS THIS FIREARM BUT BEYOND THAT, I
13 FOUND THE SAME INDIVIDUAL CHARACTERISTICS PRESENT ON
14 THIS BULLET AND ON TEST BULLETS FIRED BY THIS RIFLE BY
15 STATE'S EXHIBIT 11 FROM WHICH I WAS ABLE TO CONCLUDE
16 THAT THE BULLET, STATE'S EXHIBIT 2, WAS FIRED BY THIS
17 RIFLE, BY STATE'S EXHIBIT 11

18 Q OKAY SIR SO THAT RIFLE FIRED STATE'S EXHIBIT 2?

19 A YES, SIR

20 Q OKAY, SIR DID YOU ALSO EXAMINE, SIR, THE
21 CONTENTS OF STATE'S EXHIBITS 4, 5, AND 6 WITH THE
22 RIFLE, ALL BEING ITEMS THAT TESTIFIED AS COMING FROM
23 THE DEAD BODY OF OFFICER TATE?

24 A I DID

25 Q AND WHAT DID THAT REVEAL, SIR?

1 A IN THE CASE OF STATE'S EXHIBITS 4 AND STATE'S
2 EXHIBIT 6, THE CONTENTS OF THESE CONTAINERS WERE
3 FRAGMENTS WHICH WERE UNSUITABLE FOR IDENTIFICATION WITH
4 STATE'S EXHIBIT 11 OR WITH ANY PARTICULAR GUN

5 Q WHICH IS THE GUN?

6 A YES, THE RIFLE

7 Q THE RIFLE

8 A THAT'S BECAUSE THEY SIMPLY DO NOT HAVE ANY
9 MARKINGS ON THEM THAT WERE SUITABLE FOR IDENTIFICATION
10 THEY WERE FRAGMENTS OF BULLET JACKET OR CORE, WHICH
11 WERE JUST NOT MARKED BY THE RIFLING NOW, THESE COULD
12 HAVE BEEN FIRED BY STATE'S EXHIBIT 11, BUT THERE'S JUST
13 NOTHING THERE TO IDENTIFY THEM AS BEING FROM STATE'S
14 EXHIBIT 11 THEY WERE JUST VERY TINY FRAGMENTS

15 NOW THE FIRED BULLET JACKET FRAGMENT, WHICH IS IN
16 STATE'S EXHIBIT 5, DID HAVE SUFFICIENT REMAINING
17 MARKINGS ON IT TO BE IDENTIFIED AND I IDENTIFIED THE
18 BULLET JACKET FRAGMENT, STATE'S EXHIBIT 5, AS BEING
19 FIRED BY THIS RIFE, BY STATE'S EXHIBIT 11 SO THIS WAS
20 FIRED BY THIS RIFLE THE OTHER ONES COULD HAVE BEEN,
21 BUT I CAN'T SAY

22 Q SO NO 2 THAT CAME OUT OF COURSEN WAS FIRED BY
23 THAT RIFLE?

24 A I BELIEVE YOU HAVE -- STATE'S EXHIBIT 2 AND
25 STATE'S EXHIBIT 5 WERE BOTH FIRED BY THIS RIFLE, BY

1 STATE'S EXHIBIT 11 STATE'S EXHIBIT 4 AND 6 I CAN'T
2 TELL

3 Q OKAY, SIR

4 A SIMILARLY, THE FRAGMENTS THAT ARE COLLECTIVELY
5 STATE'S EXHIBIT 7 WERE -- IF YOU WILL INDULGE ME JUST A
6 SECOND THEY WERE ALSO UNSUITABLE FOR IDENTIFICATION
7 WITH A PARTICULAR GUN THEY WERE THE SAME AS STATE'S
8 EXHIBITS 4 AND 6 THEY WERE FRAGMENTS OF BULLETS, BUT
9 THE FRAGMENTS DID NOT HAVE ANY MARKINGS ON THEM THAT
10 WERE MADE BY A PARTICULAR GUN SO I COULDN'T SAY FOR
11 SURE THEY WERE FIRED BY STATE'S EXHIBIT 11, BUT THEY
12 COULD HAVE BEEN

13 Q MR DEFREESE, I SHOW YOU A BOX MARKED STATE'S
14 EXHIBIT NO 2 AND ASK YOU WHAT THAT IS?

15 A WITHOUT OPENING IT, THIS IS A BOX OF WOLF BRAND
16 7 62 BY 39 MILLIMETER CARTRIDGES THESE WERE LOADED
17 WITH A TYPE OF BULLET KNOWN AS A JACKETED HOLLOW POINT
18 THEY ARE 122 GRAIN JACKETED HOLLOW POINT CARTRIDGES,
19 AND THE MAJORITY OF THE AMMUNITION INVOLVED IN THIS
20 CASE THAT WAS 7 62 BY 39 MILLIMETER WAS WOLF BRAND, AND
21 THE MAJORITY WAS LOADED WITH JACKETED HOLLOW POINT --
22 JACKETED HOLLOW POINT BULLETS

23 THE BULLETS ARE MADE -- THE JACKETS ARE MADE OF
24 STEEL THAT HAVE A VERY THIN COPPER WASH OR A THIN
25 COPPER PLATING, SO THAT AS YOU LOOK AT IT, IT APPEAR TO

- 1 BE COPPER COLORED, BUT THEY'RE ACTUALLY STEEL
- 2 Q OKAY, SIR I SHOW YOU STATE'S EXHIBIT NO 8 --
- 3 14 14 AND THE CONTENTS OF STATE'S EXHIBIT 14, AND ASK
- 4 YOU IF YOU CAN IDENTIFY THOSE, SIR?
- 5 A YES, SIR, I CAN THESE ARE 8 UNFIRED 7 62 BY 39
- 6 MILLIMETER CARTRIDGES THEY ARE THE PROPER CALIBER OF
- 7 CARTRIDGE FOR USE IN THE ITEM 11 RIFLE THEY ARE NOT
- 8 THE RIGHT CARTRIDGE FOR USE IN EITHER ONE OF PISTOLS
- 9 Q OKAY, SIR AND WHAT MAKE IS IT?
- 10 A THESE ARE ALSO WOLF BRAND
- 11 Q OKAY, SIR
- 12 A THE SAME MAKE AS THE CARTRIDGES IN STATE'S EXHIBIT
- 13 102
- 14 Q NOW IN ADDITION TO EVERYTHING YOU'VE JUST
- 15 TESTIFIED WERE YOU INVOLVED IN A TRIAL IN BEAUFORT
- 16 COUNTY THE DAY THE TWO OFFICERS WERE KILLED?
- 17 A YES, SIR
- 18 Q SEPARATE AND APART FROM ANYTHING?
- 19 A CORRECT
- 20 Q OKAY, SIR DID YOU GO TO THE SCENE OF 21 RILEY
- 21 ROAD?
- 22 A I DID
- 23 Q DID YOU MEET UP WITH DIANE BODIE AL STUCKEY, AND
- 24 KIMBERLY BLACK?
- 25 A I DID

1 Q WERE YOU -- DID YOU ASSIST IN THE INVESTIGATION --
2 FORENSIC INVESTIGATION THAT THEY WERE -- WERE YOU A
3 PART OF THAT INVESTIGATION IN THE ROOM WHERE THE BODIES
4 WERE FOUND?

5 A I WAS I ASSISTED DIANE

6 Q OKAY SIR WERE YOU PRESENT WHEN ALL OF THE SPENT
7 CARTRIDGE CASINGS WERE PICKED UP OFF OF THE FLOOR?

8 A I BELIEVE I WAS THERE WAS A PERIOD OF TIME -- IF
9 YOU RECALL, I WAS ON THE WITNESS STAND TESTIFYING, AND
10 I LEFT AND WENT TO THE SCENE THE NEXT MORNING,
11 BECAUSE MY TESTIMONY WAS INTERRUPTED I HAD TO COME
12 BACK TO COURT

13 Q YES, SIR

14 A SO THERE WAS A PERIOD OF TIME WHEN DIANE AND AL
15 WERE THERE, AND I WAS NOT THERE BECAUSE I WAS RIGHT
16 HERE

17 Q OKAY SIR

18 A AND DURING THAT PERIOD OF TIME, I DON'T RECALL IF
19 THERE MIGHT HAVE BEEN A CARTRIDGE CASE FOUND, BUT WITH
20 THE EXCEPTION OF THE TIME THAT I HAD TO RETURN TO COURT
21 THE NEXT MORNING, I WAS THERE THE ENTIRE TIME

22 Q DID YOU EXAMINE ALL OF THE CARTRIDGE CASINGS THAT
23 WERE FOUND?

24 A I DID

25 Q OKAY SIR OF THE 7 62 CARTRIDGE CASINGS, DID YOU

1 TRY OR ATTEMPT TO MAKE A DETERMINATION AS TO WHETHER
2 THEY HAD BEEN FIRED BY STATE'S EXHIBIT NO 11, THE
3 RIFLE IN FRONT OF YOU?

4 A YES, SIR, I DID

5 Q AND WHAT DID YOUR -- WHAT WAS YOUR DECISION ABOUT
6 THAT, SIR?

7 A THERE WERE 20 FIRED 7 62 BY 39 MILLIMETER
8 CARTRIDGE CASES

9 Q YES SIR

10 A OF THOSE 20, 19 WERE FIRED BY STATE'S EXHIBIT 11
11 I FOUND EITHER MATCHING BREACH FACE MARKINGS OR
12 MATCHING FIRING PIN MARKINGS OR BOTH SUFFICIENT TO
13 CONCLUDE THAT THEY WERE FIRED BY THIS GUN AND BY NO
14 OTHER GUN

15 ONE OF THOSE CARTRIDGES SIMPLY DID NOT BEAR ENOUGH
16 INDIVIDUAL MARKINGS TO BE IDENTIFIED AS BEING FIRED BY
17 THIS GUN IT COULD HAVE BEEN FIRED FROM THIS GUN, BUT
18 I JUST CAN'T SAY SO FOR CERTAIN

19 Q OKAY, SIR AND DID YOU EXAMINE THE 40 CALIBER
20 CARTRIDGE CASINGS THAT WERE RECOVERED IN THAT ROOM
21 WHERE COURSEN AND TATE WERE?

22 A YES, SIR

23 Q AND DID YOU MAKE A DETERMINATION AS TO WHETHER --
24 WHAT GUN THEY WERE FIRED FROM?

25 A I DID

1 Q AND WHAT WAS YOUR CONCLUSION?

2 A THERE WERE 10 FIRED 40 SMITH AND WESSON CALIBER
3 CARTRIDGE CASES THAT WERE RECOVERED, AND ALL 10 OF THEM
4 WERE FIRED BY OFFICER TATE'S GUN NONE OF THEM WERE
5 FIRED BY OFFICER COURSEN'S GUN

6 Q OKAY, SIR I ASK YOU ALSO, SIR, IF YOU MADE AN
7 INVESTIGATION -- ASSISTED IN THE INVESTIGATION OF
8 RECOVERING PROJECTILES THAT HAD BEEN PUT IN THAT HOUSE?

9 A YES, SIR, I DID

10 Q IT HAS BEEN TESTIFIED THAT THE CONTENTS OF THIS
11 BOX HOLD THE PROJECTILES THAT WERE FOUND DID YOU MAKE
12 AN EXAMINATION OF EVERY PROJECTILE THAT WAS FOUND IN
13 THAT HOUSE?

14 A YES, SIR, OF EVERY ONE WE RECOVERED

15 Q OKAY AND WERE THEY RECOVERED FROM VARIOUS
16 PLACES?

17 A YES SIR

18 Q OKAY SIR CAN YOU ---

19 A THERE WAS 17 PROJECTILE SPECIMENS THAT WE
20 RECOVERED AT THE SCENE, AND THERE WERE ANOTHER 7
21 SPECIMENS THAT WERE SUBMITTED FROM AUTOPSIES AS WE --
22 AS WE NUMBERED THEM

23 Q OKAY, SIR I'M TALKING ABOUT THE ONES THAT WERE
24 FOUND IN THE -- IN AND AROUND 21 RILEY ROAD?

25 A YES, THERE WERE 17

1 Q 17 OKAY, SIR DID YOU EXAMINE THE PROJECTILES
2 TO MAKE A DETERMINATION OF WHERE THEY HAD COME FROM?

3 A YES, SIR, I DID

4 Q OKAY, SIR AND WHAT DID THAT -- DID ANY OF THOSE
5 PROJECTILES COME FROM EITHER A GUN DIFFERENT FROM
6 STATE'S EXHIBIT NO 11 AND OFFICER TATE'S GUN?

7 A ' NOT THAT I COULD TELL, NO SOME OF THE FRAGMENTS
8 THAT ARE IN STATE'S EXHIBIT 103 I COULDN'T POSITIVELY
9 IDENTIFY WITH A PARTICULAR GUN AND IN THE CASE OF THE
10 TWO GLOCK 40 CALIBER PISTOLS, I COULD NOT IDENTIFY THE
11 TEST BULLETS FIRED BY THESE PISTOLS WITH EACH OTHER
12 FOR THAT REASON, I COULDN'T IDENTIFY ANY OF THE 40
13 CALIBER BULLET FRAGMENTS OR BULLETS THAT I FOUND WITH A
14 PARTICULAR GUN

15 BUT THERE'S -- THERE'S SO MUCH DIFFERENCE IN THE
16 CLASS CHARACTERISTICS OF THE BULLETS FIRED BY THE
17 PISTOL, LIKE IN STATE'S EXHIBIT 106, AND THE RIFLE
18 STATE'S EXHIBIT 11 THE RIFLE IS A -- HAS A 7 62
19 MILLIMETER BORE IT'S ABOUT A 30 CALIBER OR 31
20 CALIBER BARREL THE PISTOL IS A 40 CALIBER SO THE
21 PISTOL WAS A THIRD LARGER

22 THE RIFLE HAS MORE LANDS AND GROOVES WITH RIGHT-
23 HAND TWIST AND WAS FIRING THE STEEL JACKETED
24 AMMUNITION

25 THE PISTOL HAS 6 LANDS AND GROOVES WITH RIGHT-HAND

STATE VS ALKEBULANYAHH

1 TWIST WAS FIRING COPPER ALLOY JACKETED AMMUNITION

2 SO EVEN THOUGH I COULDN'T IDENTIFY ANY OF THE 40

3 CALIBER TYPE SPECIMENS TO EITHER GUN, OR FOR THAT

4 MATTER TO ANY OTHER GUN I WAS ABLE TO IDENTIFY SOME OF

5 THE FRAGMENTS AS BEING FIRED BY THE RIFLE IN STATE'S

6 EXHIBIT 11, THE FRAGMENTS THAT WERE NOT IN REALLY BAD

7 CONDITION

8 Q NOW, WERE THERE ANY FRAGMENTS TAKEN OUT OF THE

9 BODY OF OFFICER TATE -- THAT WOULD BE 4, 5, 6, AND 7,

10 THAT WOULD BE CONSISTENT WITH A 40 CALIBER PISTOL?

11 A NO NOT TO THE EXTENT THAT I CAN TELL SOME OF

12 THOSE FRAGMENTS WERE JUST LEAD FRAGMENTS BUT THE

13 FRAGMENTS THAT WERE BULLET JACKET FRAGMENTS WERE COPPER

14 PLATED STEEL THEY WERE THE TYPE OF FRAGMENT

15 ASSOCIATED WITH THE RIFLE WITH STATE'S EXHIBIT 11 AND

16 NOT ASSOCIATED WITH EITHER OF THE PISTOLS

17 Q OKAY, SIR STATE'S EXHIBIT 2, WHICH HAS BEEN

18 TESTIFIED AS BEING TAKEN OUT OF THE DEAD BODY OF

19 OFFICER COURSEN, COULD IT BE ASSOCIATED WITH A 40

20 CALIBER?

21 A NO

22 Q WHY NOT?

23 A IT WAS A 7 62 MILLIMETER SIZED BULLET, AND IT WAS

24 FIRED BY STATE'S EXHIBIT 11

25 Q ONE OTHER QUESTION, SIR AFTER YOU HAD FOUND THE

1 PROJECTILES AT VARIOUS PLACES AROUND THE HOUSE, DID YOU
2 BEGIN TRYING TO FIND OUT WHAT THE TRAJECTORY OF THE
3 BULLETS WERE LEADING TO THE PROJECTILES?

4 A YES

5 Q OKAY AND HOLES IN THE DWELLING?

6 A YES, SIR WE WERE TRYING TO FIGURE OUT WHAT HAD
7 HAPPENED AND TOWARD THAT END, WE MADE A STUDY OF THE
8 VARIOUS PLACES WHERE PROJECTILES PERFORATED THE HOUSE
9 AND OTHER OBJECTS WITHIN THE HOUSE TO -- IN AN ATTEMPT
10 TO FIGURE OUT FROM WHICH DIRECTION THE SHOOTING BEGAN
11 AND TO WHICH DIRECTION IT ENDED

12 Q AND DID YOU RUN DOWELS AND STRINGS ALONG THOSE
13 AREAS?

14 A YES, SIR, AS A METHOD OF TRYING TO MAP THESE --
15 THE FLIGHT OF THESE PROJECTILES WE USED A COMBINATION
16 OF DOWELS AND COLORED STRINGS TO DOCUMENT THAT

17 Q OKAY, SIR AND DID YOU TALK WITH A LADY BY THE
18 NAME OF DINA GRAY?

19 A YES, I DID

20 Q WITH THE FBI?

21 A YES

22 Q AND AS A RESULT OF THAT, I SHOW YOU STATE'S
23 EXHIBIT NO 25 HAVE YOU SEEN IT BEFORE?

24 A YES, SIR, I HAVE

25 Q IS IT -- ACCORDING TO THE SPECIFICATIONS THAT YOU

1 ALL DETERMINED THE TRAJECTORIES WERE AT THE SCENE?

2 A YES, IT IS

3 Q OKAY, SIR

4 MR MURDAUGH THANK YOU ANSWER ANY QUESTIONS HE
5 MAY HAVE

6 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

7 Q HOW YOU DOING, MR DEFREESE?

8 A FINE

9 Q HOW DID YOU -- HOW DID YOU ALL MEASURE THE ANGLES
10 WITH THE TRAJECTORY RODS?

11 A I USED A PROTRACTOR

12 Q A PROTRACTOR AND HOW DID YOU DETERMINE THE ANGLE
13 OF THE TRAJECTORY?

14 A WELL, WHATEVER ANGLE -- FOR INSTANCE IF WE USED A
15 DOWEL OR IF WE USED A STRING, YOU WOULD TAKE A
16 PROTRACTOR, AND YOU WOULD NOTE THE ANGLE BEGINNING AT
17 THE -- FOR INSTANCE, THE HOLE IN THE WALL, AND YOU'D
18 NOTE THE ANGLE THAT IT FORMED WITH RESPECT TO THE -- TO
19 THE WALL SO YOU GET A DEGREE READING UP AND DOWN, AND
20 YOU GET A DEGREE READING LEFT AND RIGHT AND WE
21 RECORDED THOSE

22 Q WHAT TYPE OF PROTRACTOR DID YOU USE?

23 A IT'S JUST A SMALL PLASTIC PROTRACTOR LIKE YOU'D
24 USE FOR DRAFTSMEN-TYPE WORK

25 Q YOU WOULDN'T HAVE TO HAVE A PROTRACTOR -- THAT

1 TYPE OF SUBTRACTOR (PHONETIC) -- PROTRACTOR AVAILABLE,
2 WOULD YOU?

3 A I DON'T KNOW WHETHER I HAVE IT WITH ME OR NOT,
4 BECAUSE I USUALLY KEEP A PROTRACTOR IN MY CAR BUT I'M
5 NOT SURE WHETHER THE ONE I HAVE NOW IS THE SAME ONE
6 THAT I HAD AT THAT TIME, BECAUSE THEY'RE PLASTIC AND
7 THEY DO BREAK FROM TIME TO TIME

8 Q COULD YOU DESCRIBE THAT TYPE OF PROTRACTOR?

9 A IT LOOKS LIKE A SEMI-CIRCLE IT HAS -- THE BACK
10 SIDE OF IT IS STRAIGHT, AND THE FRONTWARD SIDE OF IT IS
11 CURVED, AND IT -- IT'S GRADUATED IN BOTH DIRECTIONS
12 FROM ZERO TO 180 DEGREES, WITH THE MID POINT BEING
13 WHERE YOU START THE ANGULAR MEASUREMENT FROM SO YOU
14 COULD LAY THE PROTRACTOR AGAINST THE DOWEL OR STRING OR
15 WHAT HAVE YOU AND NOTE AT WHAT POINT THE ANGLE FORMED
16 BETWEEN THE STRING OR DOWEL AND THE WALL, FOR INSTANCE,
17 AT WHAT POINT IT INTERSECTED, AND WE COULD GIVE THAT AN
18 ANGULAR MEASUREMENT OF ANYTHING FROM ZERO TO 180

19 AND I DID THE SAME THING IN THE OTHER DIRECTION,
20 THE LEFT-RIGHT DIRECTION

21 Q DO YOU THINK YOU CAN DRAW A DIAGRAM OF A
22 PROTRACTOR?

23 A YES, SIR

24 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

25 THE COURT YES, SIR

1 (PAUSE)

2 MR ALKEBULANYAHH YOUR HONOR, MAY I EXAMINE THE
3 WEAPON?

4 THE COURT YES, SIR

5 (PAUSE)

6 A IT'S NOT A VERY GOOD DRAWING, BUT IT -- GENERALLY,
7 A PROTRACTOR LOOKS SOMETHING LIKE THAT I KIND OF WENT
8 OVER ON THE LINES, BUT IT'S A SEMI-CIRCLE IT HAS ZERO
9 DEGREES AT ONE SIDE AND 180 ON THE OTHER AND WE WOULD
10 MEASURE FROM THE MID POINT AND I ONLY DREW IN A FEW,
11 LIKE 45 DEGREES 90 DEGREES, 135, AND 180 BUT THERE
12 WOULD BE LITTLE DEGREE MARKS IN BETWEEN, BECAUSE THE
13 CIRCLE IS DIVIDED INTO 180 EQUAL PARTS AND WHATEVER
14 ANGLE IT FORMED FROM THE CENTER OUTWARD WOULD BE THE
15 ANGLE WE RECORDED

16 Q THANK YOU

17 (PAUSE)

18 THE COURT DO YOU WISH TO ASK A QUESTION?

19 MR ALKEBULANYAHH YES, SIR

20 (PAUSE)

21 Q MR DEFREESE, IN YOUR REPORT ITEMS SUBMITTED ---

22 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH

23 Q IS THIS YOUR REPORT, MR DEFREESE? COULD YOU TELL
24 ME IF YOU FAMILIAR WITH THAT DOCUMENT?

25 A YES SIR, IT APPEARS TO BE A COPY OF MY REPORT,

1 WHICH CONSISTED OF 9 PAGES

2 Q AND THE FRAGMENTS, THE ITEMS UP HERE IS ALSO
3 INCLUDED IN THIS PARTICULAR REPORT, IS THAT CORRECT?

4 A THAT'S CORRECT

5 MR ALKEBULANYAHH YOUR HONOR, CAN I INTRODUCE IT
6 AS A EXHIBIT?

7 THE COURT ANY OBJECTION? ANY OBJECTION FROM THE
8 STATE?

9 MR MURDAUGH MAY I SEE IT, SIR?

10 THE COURT YES, SIR

11 (PAUSE)

12 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO THE
13 REPORT SIR

14 THE COURT APPROACH THE SIDE BAR

15 MR MURDAUGH WAIT A MINUTE RATHER THAN DO
16 THAT, SIR, I'LL LET IT IN I'M SORRY I'M SORRY, SIR

17 THE COURT DEFENDANT'S 23 IN EVIDENCE WITHOUT
18 OBJECTION

19 (SLED FORENSIC SERVICES LABORATORY REPORT DAN
20 DEFREESE, 9 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S
21 EXHIBIT NO 23)

22 A EXCUSE ME I SHOULD NOTE, THERE ARE SOME -- THERE
23 ARE SOME ADDITIONS TO THIS WHICH WERE NOT ON THE
24 ORIGINAL REPORT THERE'S SOMETHING HANDWRITTEN AT
25 LEAST ON PAGE 7 PAGE 8 APPEARS TO BE MISSING AND

STATE VS ALKEBULANYAHH

1 THERE'S ALSO A NOTATION ON PAGE 9 I HAVE A COPY OF
2 THE REPORT WHICH HAS NO OTHER MARKINGS ON IT IF YOU
3 LIKE

4 Q OKAY

5 MR MURDAUGH HE SAYS HE HAS AN UNMARKED COPY OF
6 HIS REPORT, SIR CAN WE JUST SUBSTITUTE IT?

7 THE COURT ANY OBJECTION?

8 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION

9 THE COURT ALL RIGHT DO YOU HAVE THAT COPY,
10 / SIR?

11 WITNESS YES, SIR

12 (PAUSE)

13 THE COURT SUBSTITUTE THAT, MADAM COURT REPORTER

14 Q WHAT NUMBER?

15 A I CAN'T TELL IF I CAN LOOK AT IT I CAN TELL
16 YOU ONE OF THEM HAS A PAGE 8 AND THE OTHER ONE
17 DOESN'T THIS IS THE MARKED UP ONE THIS ONE IS THE
18 UNMARKED ONE AND HAS A PAGE 8

19 Q IS THIS THE EXHIBIT?

20 A YES

21 THE COURT WHAT NUMBER IS THAT?

22 REPORTER DEFENDANT'S 23

23 THE COURT DEFENDANT'S 23 IN EVIDENCE WITHOUT
24 OBJECTION

25 (SUBSTITUTION FOR DEFENDANT'S EXHIBIT NO 23 WAS

1 MARKED AND RECEIVED IN EVIDENCE)

2 Q MR DEFREESE, YOU STATED THAT -- TO BE CORRECT,
3 THAT IT WAS 20 7 62 CASINGS DISCOVERED AT THE RESIDENCE
4 AT 21 RILEY ROAD?

5 A YES, SIR

6 Q AND THOSE 20, WERE THEY IN ONE PARTICULAR AREA OF
7 THE HOUSE OR SECTION ROOM?

8 A WELL, THERE WERE A GREAT MANY OF THEM AT OR NEAR
9 THE CLOSET BUT THERE WERE OTHER ONES IN THE BEDROOM
10 AREA

11 Q BUT NONE WAS OUTSIDE OF THE BEDROOM AREA?

12 A I DON'T INDEPENDENTLY RECALL I HAVE THEM NOTED
13 ACCORDING TO THE DESCRIPTION -- BECAUSE DIANE BODIE
14 ASSIGNED THE DESCRIPTIONS AND THE LOCATIONS TO ALL OF
15 THEM I MAY HAVE BEEN SHOWN SOME OF THEM BUT THE
16 OVERWHELMING MAJORITY OF THE CARTRIDGE CASES WERE FOUND
17 IN THE BEDROOM AND IN THE CLOSET IN THE BEDROOM AREA

18 Q OKAY AND YOU ALSO -- IS IT SAFE TO BE CORRECT,
19 THERE WAS 19 OF THE CASINGS THAT YOU FOUND AND ONLY 1
20 -- WHEN 19 WAS CONSISTENT, YOU DETERMINED WITH BEING
21 PARTICULAR CASINGS BELONG TO THAT RIFLE, IS THAT
22 CORRECT?

23 A NO OF THE 20 FIRED 7 62 MILLIMETER CASES, ONE OF
24 THEM WAS CONSISTENT WITH BEING FIRED BY THIS GUN, AND
25 19 OF THEM WERE FIRED BY THE GUN

1 Q OKAY

2 A SO ALL 20 OF THEM COULD HAVE BEEN FIRED BY THE
3 GUN, BUT 1 OF THE CASES JUST DIDN'T HAVE ENOUGH CLEAR,
4 INDIVIDUAL MARKINGS ON IT TO IDENTIFY IT FOR CERTAIN
5 THE MARKINGS THAT WERE PRESENT ON THAT CARTRIDGE CASE
6 WERE SIMILAR TO THE CARTRIDGE CASES FIRED BY THIS GUN,
7 BUT IT JUST WASN'T QUITE ENOUGH TO BE CERTAIN

8 Q OKAY IN YOUR ITEM -- IN YOUR -- IN YOUR -- IN
9 THE REPORT THAT YOU HAVE UP -- UP THERE WITH YOU THAT
10 JUST BEEN INTRODUCED AS A EXHIBIT ---

11 A YES, SIR

12 Q --- IN ITEM NO 105, WOULD YOU STATE TO THE -- \
13 STATE FOR THE RECORD WHAT 105 STATES?

14 A ACCORDING TO MY REPORT, ITEM 105 IS DESCRIBED AS
15 1 FIRED BULLET JACKET FRAGMENT RECEIVED IN CONTAINER
16 MARKED O, 1 BULLET FRAGMENT UNDER OFFICER COURSEN'S
17 HEAD

18 Q WAS ANY ONE OF THEM FRAGMENTS UP THERE IN RELATION
19 TO 105 HERE?

20 A I THINK THE 1 THAT WOULD HAVE BEEN 105 IS PROBABLY
21 IN STATE'S EXHIBIT 103 WITH THE OTHER FRAGMENTS IF
22 YOU GIVE ME A MINUTE, I'LL SEE IF I CAN FIND IT

23 (PAUSE)

24 A YES, SIR, THAT WOULD BE THIS BULLET

25 Q AND THAT WOULD BE STATE'S EXHIBIT 103?

1 A WELL, IT'S IN THE BOX WITH THE OTHER EXHIBITS
2 THAT'S IN STATE'S EXHIBIT 103 MY ITEM IN THE STATE'S
3 EXHIBIT NUMBER -- ARE ACTUALLY JUST -- I HAVE AN ITEM
4 NUMBER THAT I ASSIGNED TO ALL MY EVIDENCE, BUT IT'S NOT
5 NECESSARILY COINCIDENT WITH THE STATE'S EXHIBIT NUMBER

6 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
7 THE COURT YES, SIR

8 Q THIS PARTICULAR ITEM WE SPEAKING OF ---

9 A YES, SIR

10 Q --- ITEM NUMBER ---

11 A THIS IS THE ITEM WHICH IS IDENTIFIED AS O, AND
12 IT'S ALSO MARKED BULLET FRAGMENT UNDER OFFICER
13 COURSEN'S HEAD IT ADDITIONALLY HAS LIKE THE SLED
14 LABORATORY CASE NUMBER, IT HAS MY NUMBER, AND IT HAS MY
15 INITIALS

16 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
17 INTRODUCE THIS EXHIBIT

18 THE COURT IS THAT NOT ALREADY IN?

19 MR MURDAUGH IT IS AN EXHIBIT, SIR

20 THE COURT IT'S ALREADY IN DOES IT HAVE A
21 NUMBER ON IT?

22 MR ALKEBULANYAHH I DON'T SEE NO NUMBER ON IT,
23 THAT'S WHY I WAS -- I DIDN'T SEE NO NUMBER ON IT

24 MR MURDAUGH YOUR HONOR, PLEASE ---

25 THE COURT THAT WAS PART OF THE STUFF IN THE BOX,

1 I BELIEVE

2 MR ALKEBULANYAHH ALL THAT IN THE BOX

3 Q WHAT EXHIBIT IS ALL THAT IN THE BOX?

4 A 103

5 Q 103

6 THE COURT YOU PUT THAT BACK IN THE BOX?

7 WITNESS YES, SIR

8 THE COURT THANK YOU

9 Q THIS -- THIS BULLET JACKET FRAGMENT THAT WAS
10 DISCOVERED UNDER THE HEAD OF DEPUTY COURSEN, WAS IT
11 CONSISTENT WITH THE RIFLE FRAGMENTS?

12 A NO THIS WOULD HAVE BEEN THE TYPE OF FRAGMENT
13 THAT WOULD BE ASSOCIATED WITH THE PISTOL THIS WAS A
14 COPPER ALLOY JACKETED FRAGMENT WHICH HAS RIFLING
15 CONSISTENT WITH 6 LANDS AND GROOVES, WITH WHAT WE CALL
16 POLYGONAL RIFLING, THAT'S A SHAPE OF RIFLING THAT'S
17 USED IN GLOCK PISTOLS SO THIS BULLET WOULD BE
18 CONSISTENT WITH BEING FIRED BY OFFICER TATE'S GUN,
19 SINCE OFFICER COURSEN'S GUN WAS NOT FIRED AND IT'S
20 NOT CONSISTENT WITH BEING FIRED BY THE RIFLE

21 Q AND THIS PARTICULAR BULLET JACKET FRAGMENT WAS
22 FOUND UNDER THE HEAD OF MR COURSEN, IS THAT CORRECT?

23 A IT WAS FOUND IN THAT AREA

24 Q ITEM NO 16 (SIC), COULD YOU STATE IN THE REPORT
25 WHAT -- WHAT YOU REPORT IN THIS?

- 1 A MY ITEM NO 116?
- 2 Q YES, SIR, MR DEFREESE
- 3 A MY ITEM NO 116 IS LISTED, WHAT'S DESCRIBED AS 1
- 4 FIRED BULLET JACKET FRAGMENT RECEIVED IN CONTAINER
- 5 MARKED LETTER "V", FRAGMENT COLLECTED AT EDGE OF COT
- 6 AND BEDROOM DOOR
- 7 Q THAT PARTICULAR FRAGMENT THAT WAS COLLECTED AT THE
- 8 EDGE OF THE COT NEAR THE BEDROOM DOOR WAS THE BULLET
- 9 JACKET THAT WAS COLLECTED NEAR THE BODY OF DEPUTY
- 10 COURSEN, IS THAT CORRECT?
- 11 A IT WOULD HAVE BEEN CLOSEST TO HIS BODY, YES, SIR
- 12 Q AND WAS THAT PARTICULAR FRAGMENT CONSISTENT WITH
- 13 THE RIFLE -- THAT PARTICULAR BULLET FRAGMENT WAS
- 14 CONSISTENT WITH THE RIFLE OR WAS IT CONSISTENT WITH
- 15 DEPUTY TATE WEAPON?
- 16 A IT WOULD HAVE BEEN CONSISTENT WITH THE TYPE OF
- 17 BULLETS FIRED FROM DEPUTY TATE'S PISTOL AND NOT
- 18 CONSISTENT WITH THE TYPE OF BULLETS FIRED BY THE RIFLE,
- 19 BY STATE'S EXHIBIT 11 IT WAS A COPPER ALLOY BULLET
- 20 JACKET FRAGMENT, BUT IT HAD NO RIFLING IMPRESSIONS ON
- 21 IT AT ALL BUT ALL OF THE 7 62 MILLIMETER BULLET
- 22 JACKET FRAGMENTS RECOVERED WERE STEEL JACKETED AND NOT
- 23 COPPER JACKETED
- 24 Q AND THAT PARTICULAR BULLET JACKET FRAGMENT FROM
- 25 105 WAS UNDER OFFICER COURSEN HEAD AND THE ONE BY THE

1 COT AND THE BEDROOM DOOR, WHICH WAS CLOSEST TO WHERE
2 HIS BODY LAID, WAS CONSISTENT WITH THE WEAPON FIRED BY
3 DEPUTY TATE, IS THAT CORRECT?

4 A YES, IN MY -- MY ITEMS 105 AND 116 WERE -- WERE
5 MORE CONSISTENT WITH THE 40 S&W CALIBER BULLETS AND
6 NOT CONSISTENT WITH A 7 62 MILLIMETER I COULDN'T SAY
7 THAT THEY WERE FIRED BY THAT GUN, BECAUSE I REALLY
8 CAN'T IDENTIFY BULLETS FROM THAT GUN BUT THEY WERE
9 NOT CONSISTENT WITH THE TYPE OF AMMUNITION USED IN THE
10 ITEM 11 RIFLE

11 Q ITEM NO 54, THE RIFLE, IS THAT CORRECT?

12 A ITEM 11 IS THE RIFLE

13 Q OH, 11 IS THE RIFLE?

14 A YES, SIR ALL OF THESE BULLETS WERE RECOVERED
15 SORT OF IN A TRACT AS YOU NOTE THE RODS GOING THROUGH
16 THE CLOSET DOOR -- THE BLUE RODS ---

17 Q YES, SIR

18 A --- WHICH DEPICT GENERALLY THE DIRECTION FROM
19 WHICH OFFICER TATE WAS FIRING THROUGH THE CLOSET
20 DOOR ---

21 Q RIGHT

22 A --- SOME OF THEM STRUCK THE WALL AND PENETRATED
23 AND I CAN'T TELL FOR CERTAIN, BUT IT WOULD CERTAINLY BE
24 CONSISTENT WITH SOME OF THE BULLETS FRAGMENTING AND
25 HITTING SOMETHING AND FALLING TO THE FLOOR IN THE

1 GENERAL AREA OF OFFICER COURSEN

2 Q AND OF THE MODEL, THERE WAS NOTHING -- THERE WAS
3 NO BULLET HOLES OR FRAGMENTS FOUND INSIDE THE CLOSET
4 IS THAT CORRECT? WAS ANYTHING FOUND INSIDE THE CLOSET
5 BULLET FRAGMENTS OR BULLET HOLES?

6 A NOT THAT I RECALL EVERYTHING ASSOCIATED WITH THE
7 CLOSET, WAS ASSOCIATED WITH THE CLOSET DOOR AND NOT THE
8 INTERIOR CLOSET WALLS THERE WERE A NUMBER OF SHOTS
9 THAT WERE FIRED FROM THE DIRECTION WHERE OFFICER TATE'S
10 BODY WAS RECOVERED THAT EITHER WENT THROUGH THE DOOR OR
11 WENT THROUGH THE BACK WALL OF THE TRAILER, AND MANY OF
12 THEM KEPT ON GOING

13 Q THE SHOTS THAT WENT THROUGH THE BACK WALL, WHICH
14 WOULD BE TOWARD THE BATHROOM WAS THERE -- DID YOU --
15 DID YOU ALL DO ANY PARTICULAR TYPE OF MEASUREMENTS OF
16 THE HOLES TO DETERMINE WHETHER THE TYPES OF WEAPON --
17 WHETHER THERE WAS OTHER TYPES OF WEAPONS USED IN THAT
18 -- IN THAT INCIDENT?

19 A WELL, THE SIZE OF THOSE HOLES WERE MORE CONSISTENT
20 WITH 7 62 MILLIMETER THAN THEY WERE WITH 40 CALIBER
21 THE 40 CALIBER BEING SUBSTANTIALLY LARGER IN DIAMETER
22 THAN THE 31 -- 30 OR 31 CALIBER

23 Q IS THERE ANY TYPE OF OTHER WEAPONS THAT WOULD MAKE
24 THAT SIMILAR TYPE OF HOLE?

25 A YES, THERE ARE -- THERE ARE OTHER FIREARMS THERE

1 ARE A NUMBER OF FIREARMS THAT ARE NEAR 30 CALIBER
2 FIREARMS

3 Q THE FRAGMENT THAT WAS -- THE ALLEGE FRAGMENT THAT
4 WAS COLLECTED FROM THE S&G (SIC) POLE TRANSFORMER, WAS
5 -- WAS YOU ABLE TO IDENTIFY IT WITH ANY PARTICULAR
6 WEAPON?

7 A THE BULLET -- IF YOU GIVE ME A SECOND DO YOU
8 KNOW WHICH ONE OF MY ITEM NUMBERS IT IS?

9 Q 134

10 A OKAY (PAUSE) ITEM 134 WAS A PLAIN LEAD
11 FRAGMENT IT WAS CONSISTENT WITH BEING A BULLET CORE
12 FRAGMENT THE JACKET PORTION OF IT, HAVING BEEN
13 STRIPPED AWAY AS A RESULT OF PENETRATING THE TRAILER
14 AND THE OUTER CASING OF THE TRANSFORMER THERE WASN'T
15 THE CHARACTERISTIC COPPER PLATED STEEL OUTER JACKET ON
16 THIS FRAGMENT IT WAS A PLAIN LEAD FRAGMENT BUT IT
17 WAS CONSISTENT WITH BEING THE CORE -- THAT IS, THE
18 SHAPE OF IT WAS LIKE THE SHAPE OF THE CORE OF A 7 62
19 MILLIMETER RIFLE BULLET, WHICH IS LONG COMPARED TO THE
20 SHAPE OF THE 40 CALIBER SMITH & WESSON PISTOL BULLET
21 THE 40 SMITH & WESSON IS SORT OF LARGE IN DIAMETER AND
22 SHORT, AND A 7 62 IS SMALLER IN DIAMETER AND MUCH
23 LONGER

24 SO THIS WOULD -- THIS CORE CERTAINLY IS CONSISTENT
25 WITH BEING THE CORE OF A 7 62 MILLIMETER

1 MR ALKEBULANYAHH THAT WILL BE ALL, MR
2 DEFREESE

3 MR MURDAUGH YOU MAY COME DOWN, MR DEFREESE I
4 CALL JAN BRYSON PLEASE

5 THE COURT THAT'S ALL FOR TODAY

6 SIR, YOU MAY STEP DOWN THANK YOU

7 (THE WITNESS LEAVES THE WITNESS STAND)

8 THE COURT ALL RIGHT LADIES AND GENTLEMEN,
9 WE'LL PICK BACK UP AT 8 30 TOMORROW MORNING DO NOT
10 DISCUSS THIS CASE IN ANY WAY THANK YOU VERY MUCH

11 (THE JURY EXITS THE COURTROOM AT 5 28 P M)

12 THE COURT ALL RIGHT SEE YOU ALL TOMORROW

13 YES, SIR

14 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I
15 WANTED TO ADDRESS THE COURT ABOUT HAVING THE TRACE
16 EVIDENCE EXAMINER COMING FORTH I WAS UNDER THE
17 ASSUMPTION THAT -- FROM MY INVESTIGATOR THAT PEOPLE
18 THAT WAS ALREADY GOING TO BE SUBPOENAED BY THE
19 PROSECUTOR TO TESTIFY, AND I REMEMBER THE SITUATION
20 WITH MS BLACK AND THE BABY AND I WANT TO ASK THE
21 COURT IF THE COURT CAN ASSIST ME WITH HAVING -- IF SHE
22 CAN'T TESTIFY, SOMEBODY IN THAT DEPARTMENT CAN TESTIFY
23 TO THE AUTHENTICITY OF HER REPORT

24 THE COURT I DON'T THINK HER REPORT IS BEING
25 ADMITTED

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I HAD THE MAN THAT CAN TESTIFY TO
2 THIS I HAD HIM ON THE STAND AND HE OBJECTED TO HIM
3 MR ALKEBULANYAHH NO, THAT WASN'T THE CASE HE
4 SAID THAT HE WAS NOT ABLE -- WOULD NOT BE ABLE TO
5 TESTIFY TO THIS REPORT SO THAT WAS ---
6 THE COURT HER REPORT HAS NOT BEEN ADMITTED
7 MR ALKEBULANYAHH EXCUSE ME
8 THE COURT HER REPORT HAS NOT BEEN ADMITTED
9 MR ALKEBULANYAHH WHAT I'M SAYING IS, I WANT TO
10 CALL HER AND I WANT TO EXAMINE HER IN REFERENCE TO THE
11 REPORT MYSELF
12 THE COURT YOU HAVE A RIGHT TO DO THAT YOU
13 AREN'T UNDER THE OBLIGATION TO CALL ANYONE BUT YOU
14 HAVE THE RIGHT TO SUBPOENA ANYONE YOU FEEL YOU WANT TO
15 SUBPOENA
16 MR ALKEBULANYAHH WOULD THAT OVERRIDE THE
17 DECISION OF THE -- OF YOURSELF, YOUR HONOR, FOR
18 RELEASING HER BECAUSE OF THE BABY SITUATION, BECAUSE
19 SHE HAVE A NEWBORN BABY?
20 THE COURT I DIDN'T RELEASE ANYONE
21 MR MURDAUGH I RELEASED HER
22 THE COURT HE JUST DECIDED NOT TO CALL HER THAT
23 WAS THEIR SUBPOENA YOU'RE FREE TO SUBPOENA ANYONE YOU
24 WANT TO SUBPOENA ----
25 MR ALKEBULANYAHH THANK YOU

STATE VS ALKEBULANYAHH

1 THE COURT --- THAT YOU THINK IS RELEVANT TO THE
2 CASE

3 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

4 THE COURT ALL RIGHT

5 MR MURDAUGH AND I MIGHT ALSO ADD TO YOU, SIR,
6 IF YOUR HONOR, PLEASE, HE AGREED TO IT ON THE RECORD IN
7 ONE OF THE HEARINGS WE HAD

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH WELL, YOUR HONOR, AT THAT
10 PARTICULAR TIME I ASSUMED THAT HE WAS TALKING ABOUT
11 TESTIMONY THAT WOULD BE DEALING WITH A HEARING

12 MR MURDAUGH THAT ISN'T WHAT HE COULD HAVE EVEN
13 HAD ANY CONCEIVABLE IDEA THAT HE'S TELLING YOU THE
14 COURT, SOMETHING THAT JUST ISN'T TRUE

15 MR ALKEBULANYAHH WELL I'M GOING TO SUBPOENA
16 HER

17 THE COURT WELL, EITHER WAY ---

18 MR ALKEBULANYAHH I'M GOING TO SUBPOENA HER

19 THE COURT EITHER WAY, I STAND BY MY DECISION
20 YOU CAN SUBPOENA ANYONE YOU WANT TO SUBPOENA

21 MR ALKEBULANYAHH I WILL SUBPOENA HER

22 THE COURT YOU'RE FREE TO DO THAT ALL RIGHT
23 SEE YOU ALL TOMORROW THANK YOU

24 (COURT IS IN RECESS)

25 (WEDNESDAY, OCTOBER 15, 2003)

STATE VS ALKEBULANYAHH

1 THE COURT READY TO PROCEED?
2 MR MURDAUGH STATE IS
3 MR ALKEBULANYAHH DEFENSE IS, SIR
4 THE COURT ALL RIGHT BRING ---
5 MR MURDAUGH YOUR HONOR, PLEASE, BEFORE WE BRING
6 THE JURY IN THOUGH IN CONVERSATION YESTERDAY
7 AFTERNOON, I GOT TO THE OPINION THAT THEY WANTED ME TO
8 BRING JOE POWELL BACK AND I HAVE DONE THAT AND IF
9 THAT IS NOT CORRECT, I NEED TO KNOW NOW
10 MR ALKEBULANYAHH IF MR POWELL WOULD BE -- IF
11 THE COURT WOULD ALLOW -- MR MURDAUGH ALLOW THAT MR
12 POWELL BE ABLE TO -- TO TESTIFY TO THE DOCUMENT AND THE
13 REPORTS OF MS KIMBERLY BLACK WHO IS HAVING -- HAD A
14 CHILD AND SHE -- SHE -- THE TYPE OF PROCEDURE THAT SHE
15 HAVE MAY LIMIT HER FROM BEING ABLE TO BE CALLED ---
16 MR MURDAUGH I THINK AS AN EXPERT, HE CAN DO
17 THAT, SIR
18 THE COURT DO YOU WISH FOR HIM TO BE HERE?
19 MR ALKEBULANYAHH YES, IF HE COULD TESTIFY ---
20 THE COURT THAT'S ALL HE'S ASKING
21 MR ALKEBULANYAHH IF HE COULD TESTIFY TO THE
22 REPORT OF MS KIMBERLY BLACK
23 MR MURDAUGH I HAVE NOT ASKED HIM THAT QUESTION
24 I MEAN, I HAVE NO OBJECTION TO HIM DOING IT
25 THE COURT ALL RIGHT ALL RIGHT BRING THE JURY

STATE VS ALKEBULANYAHH

1 IN PLEASE

2 (THE JURY RETURNS TO THE COURTROOM AT 8 43 A M)

3 THE COURT PLEASE BE SEATED

4 GOOD MORNING, LADIES AND GENTLEMEN

5 JURORS GOOD MORNING

6 THE COURT WE'RE READY TO PROCEED AT THIS TIME

7 CALL YOUR WITNESS

8 MR MURDAUGH JOE POWELL JAN BRYSON WILL BE THE

9 SECOND

10 THE COURT WE WILL CONTINUE WITH THE WITNESS,

11 LADIES AND GENTLEMEN, THAT WE TOOK DOWN TEMPORARILY

12 YESTERDAY

13 SIR, YOU'LL JUST REMAIN UNDER OATH FROM YESTERDAY

14 JOSEPH POWELL, HAVE BEEN

15 PREVIOUSLY FIRST DULY SWORN TESTIFIED AS FOLLOWS

16 DIRECT EXAMINATION BY MR. MURDAUGH.

17 Q MR POWELL, ON YESTERDAY I'D ASKED YOU CERTAIN

18 QUESTIONS IN REGARD TO YOUR EDUCATION, TRAINING, AND

19 EXPERIENCE AND YOU HAD ANSWERED THOSE?

20 A YES, SIR

21 MR MURDAUGH YOUR HONOR, PLEASE, I NOW PROFFER

22 HIM AS AN EXPERT WITNESS

23 THE COURT IN WHAT AREA?

24 MR MURDAUGH IN THE AREA OF TRACE -- EXAMINATION

25 OF ---

1 Q WHAT IS YOUR AREA OF EXPERTISE? HOW DO YOU SAY
2 IT?

3 A THE GENERAL TERM WOULD BE TRACE EVIDENCE ANALYSIS
4 WHICH IS SUBDIVIDED INTO GUN POWDER, GUNSHOT ---

5 MR MURDAUGH TRACE EVIDENCE ANALYSIS

6 THE COURT ALL RIGHT ANY OBJECTION?

7 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
8 HONOR

9 THE COURT ALL RIGHT THE COURT FINDS HIM TO BE
10 SO QUALIFIED IN THAT AREA

11 Q MR POWELL I ASK YOU WHETHER OR NOT YOU EXAMINED
12 THE CLOTHING THAT'S MARKED STATE'S EXHIBIT 101, I
13 THINK? 101, THE CLOTHING HANGING ON THE BACK OF THIS
14 DOOR?

15 A YES, SIR, THAT CLOTHING WAS SUBMITTED TO ME TO
16 TAKE A LOOK AT AND TO EXAMINE, TO SEE IF I COULD FIND
17 EVIDENCE OF GUNSHOT RESIDUE

18 Q OKAY SIR AND DID YOU MAKE SUCH AN EXAMINATION?

19 A I DID A VISUAL EXAMINATION OF THE GARMENTS AND I
20 FOUND PHYSICAL EVIDENCE WHICH LEAD TO A CONCLUSION

21 Q OKAY, SIR AND WHAT WAS YOUR CONCLUSION?

22 A THAT THOSE -- SEVERAL OF THOSE GARMENTS HAVE BEEN
23 EXPOSED TO CLOSE FIRE FROM A WEAPON THERE WERE
24 SEVERAL CONTACT SHOTS FOUND IN THOSE GARMENTS

25 Q COULD YOU COME DOWN AND SHOW THE JURY WHAT YOU

1 OBSERVED ABOUT THESE GARMENTS?

2 A YES, SIR

3 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

4 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

5 THE COURT YES, SIR

6 Q GO AHEAD THEY ARE ALL PUT TOGETHER, IF YOU WILL

7 JUST AS WE GO

8 A THIS IS ONE OF THE HOLES THAT I FOUND IN THE

9 GARMENT IF YOU WILL NOTICE, THIS IS A LARGE GAPING

10 HOLE THIS IS CHARACTERISTIC OF THE BLAST FROM A

11 WEAPON THERE'S ALSO BEEN CHEMICAL APPLIED TO THIS

12 GARMENT, WHICH IS CALLED SODIUM REDISINATE (PHONETIC),

13 WHICH CAUSES LEAD TO BE SHOWN YOU CAN ACTUALLY SEE

14 THAT AROUND THE EDGE OF THE HOLE

15 THERE ARE OTHER HOLES IN THESE GARMENTS, WHICH ARE

16 STERILITE (PHONETIC) IN FORMATION, WHICH IS A PLUS

17 FORMATION YOU FIND NUMEROUS HOLES THROUGHOUT THESE

18 GARMENTS, WHICH ARE CONSISTENT WITH BEING FIRED AGAINST

19 THE END OF THE BARREL FROM A WEAPON

20 Q I NOTICE ANOTHER ONE HERE?

21 A YES, SIR, HERE'S ANOTHER GARMENT YOU CAN SEE

22 THAT THIS IS A SMALLER HOLE BUT, AGAIN, IT'S ALSO GOT

23 A GAPING HOLE, THERE'S A BURNING, SINGEING YOU HAVE

24 ANOTHER ONE OVER HERE THERE'S MORE OVER HERE

25 THESE GARMENTS HAVE BEEN FIRED INTO AGAINST THE

1 END OF THE BARREL

2 Q THANK YOU, SIR

3 MR MURDAUGH YOUR HONOR, PLEASE, ONE OF THESE

4 GARMENTS FELL OUT OF PLACE, SIR AND I ---

5 (PAUSE)

6 Q THANK YOU, SIR

7 (THE WITNESS RETURNS TO THE WITNESS STAND)

8 Q MR POWELL, THE HOLES THAT YOU HAVE EXHIBITED TO
9 THE JURY ON STATE'S EXHIBIT 101, HOW CLOSE WOULD THE
10 BARREL OF THE FIREARM THAT FIRED THAT CAUSED THE HOLES
11 HAVE TO BE TO THEM?

12 A THE GARMENTS WOULD HAVE TO BE TOUCHING OR UP
13 AGAINST THE END OF THE BARREL WHAT'S CAUSING THIS IS
14 ACTUALLY THE AMOUNT OF GASSES BEING EXPELLED BY THE
15 WEAPON SO BECAUSE OF THAT, THESE GARMENTS MUST BE UP
16 AGAINST THE GARMENT TO BE TORN AS THEY'RE MOVED BACK
17 JUST AN INCH OR TWO, THERE'S NOT ENOUGH GASSES THERE TO
18 BE ABLE TO TEAR THEM

19 Q OKAY NOW IN ADDITION TO DOING THE LOOKING AT
20 THE CLOTHING, DID YOU RUN CERTAIN -- WHEN YOU TAKE
21 STUFF OFF YOUR HANDS TO DETERMINE GUN POWDER, IS THAT A
22 G R S ?

23 A WELL, IT'S CALLED A GUNSHOT RESIDUE ANALYSIS KIT
24 THE PURPOSE OF THE KIT IS TO SEE IF SOMEONE HAS
25 DISCHARGED OR FIRED A WEAPON THE BASIC PRINCIPLES OF

1 IT IS THAT YOU TAKE A SAMPLE, WHICH IS A FLATTENED
2 PIECE OF ALUMINUM WITH A STICKY ADHESIVE, KIND OF LIKE
3 YOU'D FIND WITH ADHESIVE TAPE AND YOU APPLY THAT TO
4 THE SURFACE OF THE HAND HERE I'M ACTUALLY DESCRIBING
5 THE BACK OF MY LEFT HAND

6 AFTER FINISHING THAT, YOU WOULD THEN FOLLOW UP
7 WITH SOME COTTON SWABS -- JUST SIMPLE COTTON SWABS SUCH
8 AS YOU WOULD FIND IN ANY DRUG STORE -- WET IT WITH A
9 SLIGHT ACID SOLUTION, AND WIPING THE REMAINING MATERIAL
10 UP FROM THE HANDS)

11 THESE TWO ITEMS WOULD BE THEN PLACED IN THE PROPER
12 CONTAINER AND THE OTHER AREAS OF THE HANDS WOULD ALSO
13 BE SAMPLED

14 WE THEN RUN A TEST TO SEE IF WE COULD FIND THE
15 MATERIALS THAT ARE DEPOSITED BY THE DISCHARGE OF A
16 WEAPON ON A PERSON'S HANDS

17 Q OKAY, SIR NOW, MR POWELL, DID YOU EXAMINE A
18 NUMBER OF GUNSHOT RESIDUE KITS THAT HAD BEEN GATHERED
19 IN THIS CASE?

20 A YES, SIR, IN THIS CASE THERE WAS A SERIES OF KITS
21 THAT HAD BEEN COLLECTED I LOOKED AT THE DATA FROM
22 THOSE KITS, AND CAME TO A CONCLUSION

23 Q OKAY, SIR NOW, LET ME ASK YOU THIS QUESTION
24 HOW LONG WOULD THE MATERIAL -- CAN IT REMAIN ON YOUR
25 HANDS?

1 A THE MATERIAL IS VERY FRAGILE, SO IT DOES NOT
2 REMAIN ON YOUR HANDS FOREVER IF SOMEONE IS ALIVE,
3 JUST NORMAL BEING ALIVE WILL REMOVE THE MATERIAL WITHIN
4 6 HOURS IF HOWEVER YOU ARE DOING SOME TYPE OF
5 ACTIVITY, SAY THAT FOR EXAMPLE, YOU'RE WIPING YOUR
6 HANDS BECAUSE OF TEARS OR YOU'RE DOING SOME SORT OF
7 ACTIVITY, VIGOROUS EXERCISE, THIS WILL DIMINISH
8 MATERIAL VERY QUICKLY WASHING YOUR HANDS, IT'S GONE
9 IF SOMEONE IS DECEASED, THIS MATERIAL WILL REMAIN
10 UNTIL EITHER SOMEONE WASHES THEIR HANDS OR THE BODY
11 WILL NOT RETAIN THIS MATERIAL ANY MORE
12 BUT AS A NORMAL RULE, FOR SOMEONE WHO'S ALIVE,
13 6 HOURS IS THE TIME LIMIT ON THE MATERIAL
14 Q DO YOU HAVE AN OPINION AS TO WHETHER OR NOT
15 CRAWLING THROUGH THE MARSH AND THROUGH WATER WOULD HAVE
16 ANY EFFECT ON IT?
17 A YES, SIR CRAWLING THROUGH A MARSH AND THEN
18 THROUGH WATER WILL DEFINITELY REMOVE THIS MATERIAL,
19 BECAUSE YOU'RE ACTUALLY EXPOSING IT TO WATER AND
20 MATERIALS WHICH IS GOING TO REMOVE IT
21 Q DID YOU RUN A GUNSHOT RESIDUE ANALYSIS ON A KIT
22 TAKEN FROM ALKEBULANYAHH?
23 A I HAVE A KIT FROM A TYREE ROBERTS, SIR
24 Q OKAY, SIR
25 A YES, SIR, I DID RUN THE KIT OR LOOK AT THE DATA

STATE VS ALKEBULANYAHH

1 FROM A KIT THE RESULTS WERE THE QUANTITIES OF METALS
2 DETECTED DID NOT INDICATE THE PRESENCE OF GUNSHOT
3 RESIDUE

4 Q THANK YOU, SIR AND IF HE HAD BEEN CRAWLING
5 THROUGH THE MARSH, WOULD THAT BE NORMAL?

6 A IF HE HAD BEEN CRAWLING THROUGH THE MARSH, THOSE
7 RESULTS WOULD BE CONSISTENT WITH WHAT -- EVEN IF HE HAD
8 FIRED A WEAPON, THE MATERIALS WOULD HAVE BEEN REMOVED

9 MR MURDAUGH THANK YOU, SIR ANSWER ANY
10 QUESTIONS HE MAY HAVE

11 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

12 Q GOOD MORNING MR POWELL

13 A GOOD MORNING, SIR

14 Q WAS A GUNSHOT RESIDUE TEST TAKEN FROM A KIMBERLY
15 BLATE (PHONETIC)?

16 A YES, SIR, IT WAS

17 Q AND COULD YOU TELL US WHAT THE RESULTS OF THAT
18 WAS?

19 A THE SAMPLES FROM KIMBERLY BLAKE, THE QUANTITIES OF
20 METAL DETECTED DID NOT INDICATE THE PRESENCE OF GUNSHOT
21 RESIDUE

22 Q AND MONICA DEJESUS?

23 A MONICA DEJESUS WOULD BE THE SAME THERE WAS NO
24 MATERIALS DETECTED ON HER HANDS

25 Q AND STRAWBERRY WASHINGTON?

STATE VS ALKEBULANYAHH

- 1 A THE SAME RESULTS
- 2 Q MR ISAAC RILEY?
- 3 A WOULD BE THE SAME, THE SAME RESULTS
- 4 Q MS BRENDA SMITH RILEY?
- 5 A AGAIN, THE SAME RESULTS
- 6 Q A MIKE BOGUS (PHONETIC)?
- 7 A YES, SIR, THAT WOULD BE THE SAME RESULTS
- 8 Q AND TYREE ROBERTS?
- 9 A TYREE ROBERTS, THAT WOULD BE THE SAME RESULTS,
- 10 YES, SIR
- 11 Q AND DANA TATE?
- 12 A ON DANA TATE, I FOUND METALS CONSISTENT WITH
- 13 GUNSHOT RESIDUE ON THE PALMS AND BACKS OF BOTH HANDS
- 14 Q AND ON MICHAEL (SIC) COURSEN?
- 15 A METALS CONSISTENT WITH GUNSHOT RESIDUE ON THE
- 16 PALMS AND BACKS OF BOTH HANDS
- 17 Q WAS A TEST TAKEN FOR A BOBBY GENE RIGBY?
- 18 A BEAR WITH ME ONE MOMENT, SIR
- 19 Q YES, SIR
- 20 (PAUSE)
- 21 A I'M NOT SHOWING ANYONE BY THAT NAME AS RUNNING A
- 22 TEST ON
- 23 Q WERE YOU AWARE THAT HE WAS DETAINED AS A SUSPECT
- 24 IN THIS PARTICULAR INCIDENT?
- 25 A NO, SIR, I KNOW NOTHING IN PARTICULAR AS FAR AS

1 WHO WAS DETAINED IN THIS CASE

2 Q YOU WERE SPEAKING EARLIER ABOUT GUN POWDER RESIDUE
3 ON YOUR HAND IF A PERSON WERE TO FIRE A HIGH POWDERED
4 RIFLE AND GUNSHOT RESIDUE WAS INTO HIS HANDS, IF THAT
5 PERSON WAS APPREHENDED WITHIN MINUTES OF FIRING THAT
6 WEAPON, IF IT WAS RAINING, WOULD THE RAINWATER WASH
7 THAT POWDER OR THAT PARTICULAR METAL OUT OF THE SKIN OF
8 THAT PARTICULAR PERSON?

9 A WELL, IT COULD THE MATERIAL IS NOT IN THE SKIN,
10 IT'S ACTUALLY ON THE SKIN, IT'S ON THE SURFACE OF IT
11 IT HAS THE CONSISTENCY SIMILAR TO THAT OF FLOUR IF
12 SOMEONE HAS BEEN ARRESTED, IF THEY'RE EXPOSED TO WATER,
13 THE RAINFALL THAT WOULD DIMINISH IT IF THEY'RE
14 PLACED IN SOME PLACE WHERE THE RAIN IS NOT FALLING ON
15 THEM THEN IT WOULD SLOW DOWN THE PROCESS SO IT WOULD
16 THEN GO BACK TO JUST A NORMAL ABSORPTION THROUGH TIME
17 Q SO WHEN YOU STATE THAT IT COULD, YOU STATING THAT
18 IT'S NOT CERTAIN THAT JUST RAINWATER WILL WASH AWAY THE
19 METAL THAT ATTRACT TO THE SKIN WHICH IS CAUSED BY
20 GUNSHOT RESIDUE, IS THAT CORRECT?

21 A WELL, NO, SIR IT HAS TO -- AS I'VE SAID, IF THE
22 HANDS ARE PROTECTED THEY'RE NOT GOING TO BE EFFECTED
23 BY IT BUT IF IT'S FALLING DIRECTLY UPON IT, YES, IT
24 WILL REMOVE THE MATERIAL

25 Q SO UNDER ANY CIRCUMSTANCES WHENEVER ANY TYPE OF

STATE VS ALKEBULANYAHH

1 WATER OR RAIN OR ANYTHING HITS THE HAND WITHOUT USING
2 SOAP, STRONG DETERGENTS SUCH AS BLEACH OR CLOROX OR --
3 OR GASOLINE TYPE OF SOMETHING, IT'S -- THAT'S NOT
4 NECESSARY TO MOVE GUNSHOT RESIDUE, IS THAT CORRECT?

5 A THAT IS CORRECT THE MATERIAL IS EASILY WASHED
6 OFF WITH WATER IT DOES NOT REQUIRE ANY OTHER
7 MATERIALS ADDED TO IT TO REMOVE THIS MATERIAL

8 Q YOU ALSO COLLECTED, IF I'M CORRECT, THE
9 FINGERNAILS OF MR ALKEBULANYAHH AND TEST THEM FOR
10 GUNSHOT RESIDUE, IS THAT CORRECT?

11 A ONE MOMENT (PAUSE) I DON'T SEE A RECORD OF
12 WHERE THE FINGERNAILS THEMSELVES WERE TESTED FOR
13 GUNSHOT RESIDUE THEY MAY HAVE BEEN TESTED FOR DNA
14 MATERIALS BUT NOT FOR GUNSHOT RESIDUE

15 Q IF GUNSHOT RESIDUE BEING A POWDER SUBSTANCE, IT
16 CAN BE ACCUMULATED UNDER THE NAIL IS THAT CORRECT?

17 A NO, SIR WHAT YOU'RE DESCRIBING WOULD NOT BE IN
18 EFFECT THIS MATERIAL IS A CLOUD SO IT WOULD -- EVEN
19 IF IT COVER ANY PORTION OF THE HANDS OR WHATEVER IS
20 AROUND THIS MATERIAL SO THE FINGERNAILS THEMSELVES DO
21 NOT HAVE ANY SPECIAL EFFECT ON GUNSHOT RESIDUE IT
22 WILL COLLECT AS EQUALLY THERE AS IT WILL ON THE SKIN
23 BECAUSE OF THE AREA THAT WE'RE DEALING WITH, THE
24 AMOUNT OF AREA ON THE FINGERNAILS ARE SO SMALL COMPARED
25 TO JUST THE GENERAL HANDS, THAT IS NOT THE IDEAL

1 MATERIAL FOR COLLECT GUNSHOT RESIDUE

2 Q SO ARE YOU STATING THAT THE METAL THAT IS EJECT --
3 THE PARTICLES FROM THE SHELL CASINGS CANNOT BE
4 ATTRACTED (SIC) TO THE NAILS OF THE HANDS, IS THAT WHAT
5 YOU'RE STATING?

6 A ATTRACTED, NO, SIR THEY'RE NOT ATTRACTED

7 Q THEY CANNOT BE PRESENT BECAUSE YOU DEALING WITH --
8 IF I'M CORRECT YOU'RE SPEAKING OF METAL AND PARTICLES,
9 IS THAT CORRECT?

10 A YOU'RE -- YES, SIR, YOU'RE TALKING ABOUT SMOKE
11 PARTICLES THOSE PARTICLES THEMSELVES ARE VERY SMALL,
12 AND THEY'RE DISTRIBUTED IN A VERY THIN AMOUNT ON THE
13 HANDS

14 WHAT YOU'RE DESCRIBING COULD BE PLAUSIBLE IF
15 SOMEONE'S HANDS WAS RIGHT AT THE EJECTOR PORT OR NEAR
16 THE END OF THE BARREL, THUS YOU WOULD GET A BLACKENING
17 OR A DEPOSIT OF THIS MATERIAL ON THE FINGERNAILS

18 HOWEVER, JUST FROM HANDLING OR FIRING A WEAPON,
19 NO, SIR, THE AMOUNT ON THE FINGERNAILS IS NO DIFFERENT
20 THAN WHAT YOU WOULD FIND ON THE HAND AND BECAUSE OF
21 THE FACT WE'RE ACTUALLY ANALYZING THE ENTIRE AREA OF
22 THE HAND, THE AMOUNT OF MATERIALS ON THE FINGERNAILS BY
23 THEMSELVES WOULD NOT BE SIGNIFICANT

24 Q WHEN A WEAPON IS FIRED, THE GUNSHOT POWDER RESIDUE
25 OR THE GUNSHOT POWDER, THIS METAL, IS IT EJECTED

1 THROUGH THE TRIGGER MECHANISM, THROUGH THE CARTRIDGE
2 MECHANISM? DOES IT BURST OUT THROUGH THEM PARTICULAR
3 AREA IF THE ONE WHO PULLED THE TRIGGER, HAVE HIS FINGER
4 ON THE TRIGGER, IS IT POSSIBLE THAT THAT GUNSHOT POWDER
5 COULD GET ON A PERSON HAND FROM THAT?

6 A YES, SIR THE MATERIAL WILL BE COMING OUT OF ANY
7 OPENING IN THAT WEAPON THE MAJORITY OF IT -- 95 TO 99
8 PERCENT -- WILL COME OUT THE END OF THE BARREL THERE
9 WILL BE A SMALL AMOUNT THAT WILL COME OUT THE TRIGGER
10 MECHANISM AND THE EJECTOR PORT MOST OF THE TIME WE
11 FIND MATERIALS WHEN YOU DO THAT WOULD BE ON THE BACK OF
12 THE HANDS OR ON THE SURFACE OF THE FINGERS

13 I CAN'T SPEAK SPECIFICALLY ON THE FINGERNAILS BY
14 THEMSELVES, BUT I WILL TELL YOU THAT THE POSITIONING OF
15 THE HANDS, NORMALLY WHERE THE FINGERS CURL, SO ANYTHING
16 COMING OUT OF THE WEAPON FROM THAT AREA WOULD TEND TO
17 BE DEPOSITED ON THE SKIN VERSUS THE FINGERNAIL

18 Q SO IF -- IS FINGERNAILS PART OF THE PROCEDURE FOR
19 COLLECTING IN ORDER TO DETERMINE ALSO IF A PERSON FIRED
20 A WEAPON?

21 A NO, SIR THAT AS A GENERAL RULE IS NOT COLLECTED
22 FOR GUNSHOT RESIDUE

23 Q ON ITEM -- AN ITEM OF EVIDENCE IN THE FORENSIC
24 SERVICE LABORATORY REPORT, ITEM 2 AND 3, WAS NOT THEM
25 -- THEM FINGERNAILS TAKEN AND SUBMITTED FOR GUNSHOT

1 RESIDUE?

2 A YES, SIR, FINGERNAIL CLIPPINGS FROM TYREE ROBERTS'
3 RIGHT HAND AND FINGERNAIL CLIPPINGS FROM TYREE ROBERTS'
4 LEFT HAND WERE TAKEN A TEST WAS REQUESTED, BUT NO
5 ANALYSIS WAS PERFORMED

6 Q BUT THAT WASN'T THE NORMAL -- WHAT YOU SAY THE
7 PROCEDURE THAT ONE DO YOU ALL USUALLY TEST FINGERNAIL
8 BUT IN THIS CASE MR ALKEBULANYAHH FINGERNAILS WAS
9 TAKEN, IS THAT CORRECT?

10 A YES, SIR, THOSE FINGERNAILS WERE TAKEN, BUT THE
11 TEST WAS NOT PERFORMED IT WAS NOT SOMETHING WE DO AS
12 A MATTER OF COURSE AT OUR LABORATORY

13 Q OF ALL THE INDIVIDUALS THAT YOU TOOK GUNSHOT
14 RESIDUE TEST FROM THAT DAY, WHAT WAS THE PEOPLE
15 ACTUALLY THE PRESENCE OF GUNSHOT RESIDUE WAS FOUND ON?

16 A WE FOUND THERE WERE TWO THAT HAD GUNSHOT RESIDUE
17 ON THEIR HANDS, WOULD BE DANA TATE AND MICHAEL COURSEN

18 Q AND WHERE WAS THE GUNSHOT RESIDUE PRESENT LOCATED?

19 A ON BOTH WOULD BE PALM AND BACK OF BOTH HANDS

20 Q THE PALMS AND BACKS OF BOTH HANDS?

21 A YES, SIR, THAT'S CORRECT

22 Q YOU ALSO PERFORMED THE SAME TYPE OF TEST IF I'M
23 CORRECT ON THE CLOTHING OF TYREE ROBERTS, IS THAT
24 CORRECT?

25 A ACTUALLY, THE TEST THAT WAS PERFORMED ON THE

1 CLOTHING WAS LOOKING FOR LEAD MATERIAL, I BELIEVE LET
2 ME CHECK TO MAKE SURE THOUGH (PAUSE) YES, SIR, FROM
3 THE CLOTHING FROM -- LISTED AS TYREE ROBERTS WE WERE
4 LOOKING FOR THE EXISTENCE OF GUN POWDER

5 AND IF I MAY EXPLAIN, GUNSHOT IS GOING TO BE THE
6 MATERIAL THAT IS DEPOSITED IN THE GRAY CLOUD FROM THE
7 WEAPON GUN POWDER IS ACTUALLY THE PARTICLES OF
8 MATERIALS THAT IS USED TO PUSH THE BULLET OUT OF THE
9 WEAPON AND IF YOU'RE STANDING IN FRONT OF THAT
10 WEAPON, THOSE PARTICLES ARE DEPOSITED ON THE GARMENT
11 AND WE RUN THE GARMENTS TO SEE IF WE DETERMINE IF
12 THERE'S GUN POWDER THERE

13 Q WHAT PARTICULAR CLOTHING THAT WAS PERFORMED THAT
14 BELONGS TO MR ALKEBULANYAHH THAT YOU RAN THE TEST ON?

15 A WE RAN IT ON A BLACK COAT A BLUE T-SHIRT THERE
16 WERE SOME BLUE JEANS THERE WAS ALSO A PAIR OF RED
17 BRIEFS SUBMITTED FOR THIS EXAMINATION, AS WELL AS GRAY
18 SOCKS WITH BROWN BOOTS

19 Q AND THAT BLACK COAT, IS THIS THE COAT THAT MR
20 ALKEBULANYAHH WAS WEARING AT THE TIME HE WAS
21 APPREHENDED?

22 A I DO NOT KNOW THE ANSWER TO THIS QUESTION, SIR

23 Q BUT THIS BLACK COAT THAT WAS TESTED, DID IT HAVE
24 BULLET HOLES IN IT?

25 A THERE WERE FOUR HOLES THAT WERE FOUND IN THE BLACK

1 COAT WE FOUND NO GUN POWDER RESIDUE OR LEAD DETECTED
2 AROUND ANY OF THOSE HOLES SO THERE WAS FOUR HOLES
3 THERE I DO NOT KNOW IF THEY WERE BULLET HOLES OR NOT
4 BULLET HOLES THERE'S NO EVIDENCE TO TELL US THAT IT
5 IS

6 Q AND WAS A BLUE T-SHIRT BELONGING TO MR
7 ALKEBULANYAHH WAS TESTED ALSO?

8 A YES, SIR, THAT IS CORRECT

9 Q AND WAS ANY HOLES OR GUNSHOT POWDER OR RESIDUE
10 FOUND AROUND THEM HOLES ALSO?

11 A YES, SIR, THERE WERE FOUR HOLES THAT WAS FOUND IN
12 THE BLUE T-SHIRT THERE WAS RESIDUE FOUND AROUND THE
13 HOLE IN THE SHOULDER REGION WAS CONSISTENT WITH THE
14 PASSAGE OF A BULLET THAT MEANS THAT AS A BULLET
15 PASSED THROUGH IT LEFT A LEAD RING OR RESIDUE, AND
16 THAT'S CONSISTENT WITH THE PASSAGE OF A BULLET

17 THERE WAS SOME LEAD THAT WAS FOUND AROUND THE HOLE
18 IN THE LOWER LEFT REGION AND THEN THE OTHER TWO
19 HOLES WE FOUND NO LEAD OR GUN POWDER

20 Q SO THESE PARTICULAR CLOTHING THAT WAS SUBMITTED TO
21 YOU FOR EXAMINATION WAS THE EVIDENCE COLLECTED FROM THE
22 ALLEGE SUSPECT AT THE ARREST ON JANUARY 8, 2002, IS
23 THAT CORRECT?

24 A I CANNOT SPEAK TO THAT, AS THIS EVIDENCE WAS
25 COLLECTED FROM SOMEONE ELSE, SO YOU'D HAVE TO ASK HIM

1 THAT QUESTION

2 Q WAS A BROWN JACKET -- WAS A BROWN JACKET
3 COLLECTED?

4 A A BROWN JACKET FROM TYREE ROBERTS?

5 Q YES

6 A NO, SIR, THERE WAS NO INDICATION OF A BROWN JACKET
7 BEING COLLECTED OR SUBMITTED TO US FOR EXAMINATION

8 Q WAS A TAN JACKET COLLECTED?

9 A NO, SIR AGAIN, THERE WAS NO INDICATION OF A TAN
10 JACKET BEING SUBMITTED FOR THAT TYPE EXAMINATION

11 Q WAS A LIGHT COLORED JACKET COLLECTED?

12 A AGAIN, NO, THERE WAS NO LIGHT COLORED JACKET
13 SUBMITTED FOR EXAMINATION

14 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
15 THE COURT YES SIR

16 Q ARE YOU FAMILIAR WITH THIS DOCUMENT, MR POWELL?

17 A YES, SIR, THIS IS A COPY OF THE ORIGINAL DOCUMENT
18 THAT WAS GENERATED IN OUR DEPARTMENT AND WE'RE GIVING
19 THE RESULTS OF EXAMINATION FOR THE VARIOUS TESTS THAT
20 WE'VE BEEN TALKING ABOUT

21 MR ALKEBULANYAHH YOUR HONOR, MAY I INTRODUCE
22 THIS INTO EVIDENCE?

23 MR MURDAUGH MAY I SEE IT, SIR?

24 THE COURT YES, SIR

25 (PAUSE)

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I HAVE NO OBJECTION

2 THE COURT ALL RIGHT DEFENDANT'S 24 IN EVIDENCE
3 WITHOUT OBJECTION

4 (SLED FORENSIC SERVICES LABORATORY REPORT
5 KIMBERLY T BLACK 10 PAGES MARKED IN EVIDENCE AS
6 DEFENDANT'S EXHIBIT NO 24)

7 Q MR POWELL SO IN REFERENCE TO A GUNSHOT RESIDUE
8 IT IS PRETTY RELATIVE EASY FOR GUNSHOT RESIDUE TO NOT
9 BE PRESENT ON AN INDIVIDUAL IF THEY SHOT A GUN IF THEY
10 WERE TO JUST WIPE THEIR HANDS WITH ANY LIQUID FORM OF
11 ANYTHING IS THAT CORRECT?

12 A YES, SIR NOW SOMEONE WHO JUST LIGHTLY WIPED
13 SOMETHING THERE'S STILL MATERIAL THERE BUT IF YOU
14 WASH YOUR HANDS OR YOU'RE EXPOSED TO SOMETHING IT IS
15 EASILY REMOVED

16 Q SO IF -- IF I HAD A GUN A PISTOL OR HANDGUN OR
17 RIFLE OR SOMETHING AND I SHOT SOMEONE AND IF I WALK
18 OFF INTO THE REST ROOM AND RAN WATER OVER MY HANDS AND
19 THEN JUST RETURNED BACK AND YOU RUN A TEST ON ME THERE
20 WOULD BE NO PRESENCE OF GUNSHOT RESIDUE IS THAT
21 CORRECT?

22 A THAT IS CORRECT

23 Q SO THIS PARTICULAR TEST THAT IS -- IS PERFORMED HAS
24 NO REAL SIGNIFICANT (SIC) IN REFERENCE TO A CRIME OR
25 BEING USED IN ALLEGED CRIME IF AN INDIVIDUAL SHOOTS A

1 WEAPON AND THEN WALKS OFF, IF HE'S NOT CATCH RIGHT THEN
2 OR THE POLICE STANDING THERE OR LAW ENFORCEMENT
3 STANDING THERE, THEN A GUNSHOT RESIDUE KIT DOESN'T
4 REALLY HAVE NO REAL SIGNIFICANCE AS FAR AS THE TEST IS
5 PERFORMED, IS THAT CORRECT, IS THAT WHAT YOU STATE?

6 A I WOULD DISAGREE WITH THAT THE MATERIAL CAN BE
7 REMOVED, YES BUT IN ALL THE CASES THAT I HAVE
8 PERFORMED OVER THE YEARS, THE MAJORITY OF THE ONES
9 INVOLVING HOMICIDE CASES AFTER 3 TO 4 HOURS HAVE HAD
10 RESIDUE ON THE SHOOTERS, YES THERE'S A LARGE PORTION
11 OF THOSE THAT DID NOT FIND RESIDUE DUE TO THE FACT OF
12 EITHER BEING -- HANDS BEING WASHED, HOSPITAL
13 ATTENDANTS THINGS LIKE THAT

14 BUT THE TEST IN ITSELF WILL SHOW YOU, AT TIMES THE
15 RESIDUE, CAN TELL YOU THE INFORMATION AS TO WHETHER
16 SOMEONE'S FIRED A WEAPON, OR WHETHER IN SOME CASES
17 WHETHER SOMEONE'S BEEN IN FRONT OF A WEAPON IF YOU
18 HAVE VERY HIGH LEVELS ON YOUR HANDS, THAT MEANS THAT
19 YOU DIDN'T JUST FIRE A WEAPON, YOU WERE ACTUALLY IN
20 FRONT OF IT AND SO YOU'VE GOT VERY HIGH LEVELS OF
21 MATERIALS, TO TELL YOU SOMETHING ABOUT WHAT'S GOING ON
22 WITH THE PERSON WHETHER HE WAS SHOT AT OR SHOOTING

23 Q SO YOU WOULD AGREE THAT -- THAT EVEN BECAUSE THEY
24 DID WIPE THEIR HAND OR WIPE THEIR HANDS THEN IN SOME
25 OF THOSE CASES THEY -- SOME OF THE CASES -- HAVE THERE

1 BEEN ANY CASES WHERE DAYS LATER WHERE YOU HAVE
2 TESTIFIED TO OR KNOWN WHERE A PERSON FIRED A WEAPON AND
3 YOU DID A TEST ON THEM AND YOU FOUND GUNSHOT RESIDUE ON
4 THEM?

5 A ORIGINALLY 15 YEARS AGO WE ACTUALLY HAD NO WINDOW
6 ON THOSE AND I DID RUN SOME TESTS ON CASES THAT WERE
7 VERY OLD 15 20 HOURS OLD HOWEVER I WAS ABLE TO
8 DETERMINE THAT THAT MATERIAL ON THEIR HANDS WAS NOT
9 FROM THE ACTUAL SHOOTING BUT FROM A RE-CONTAMINATION
10 LATER ON FROM EITHER EMPTYING OUT A WEAPON OR ACTUALLY
11 FIRING IT AGAIN SO THUS IT WAS MATERIAL ON THEIR
12 HANDS FROM ANOTHER EVENT, NOT FROM THE CRIME SCENE

13 Q AND HAVE YOU EVER TESTIFIED TO ANY GUNSHOT RESIDUE
14 BEING ON A INDIVIDUAL HANDS DAYS WHO'S ACTUALLY
15 INVOLVED IN ALLEGE CRIME AND FOUND THE PRESENCE OF
16 GUNSHOT RESIDUE?

17 A NO SIR NOT TESTIFYING FOR SOMEONE WHAT YOU
18 DESCRIBED THE WORST THAT I'VE HAD WAS ONE CASE WHERE
19 IT WAS 18 HOURS AFTER THE SHOOTING AND THIS IS ONE
20 WHERE I WAS ABLE TO SHOW THAT IT WAS RELATED TO A
21 DISCHARGE OF A WEAPON A MATTER OF A HALF HOUR BEFORE
22 HE WAS ARRESTED

23 Q ISN'T IT TRUE THAT THERE IS ALSO OTHER EXPERT IN
24 THE TRACE EVIDENCE ANALYSIS DEPARTMENT IN OTHER PLACES
25 AND SO FORTH WHO MAY DISAGREE WITH YOU IN REFERENCE TO

1 GUNSHOT -- GUNSHOT RESIDUE SIMPLY BEING ABLE TO BE
2 REMOVED BY A SIMPLE WIPING THEIR HAND?

3 A NO SIR THROUGHOUT THE FIELD, IT'S GENERALLY
4 ACCEPTED THAT THIS MATERIAL HAS BEEN SHOWN TO BE EASILY
5 REMOVED ALL THE EXAMINERS IN THE FIELD -- I'M IN
6 COMMUNICATION WITH THEM WE WORK TOGETHER ON VARIOUS
7 SYMPOSIUMS AND THINGS AND IT'S CONSISTENT THROUGHOUT
8 THIS MATERIAL IS VERY FRAGILE AND EASILY LOST
9 ACTUALLY, ONE OF THE PROBLEMS IS THAT A LOT OF TIMES WE
10 HAVE UNUSUAL RESULTS BECAUSE THIS MATERIAL IS LOST AND
11 WE -- IT'S HARD TO EXPLAIN SOMETIMES HOW IT'S ACTUALLY
12 LOST

13 Q IF A PERSON FIRED A WEAPON AND WAS IN MUD, SAND,
14 GRASS, WOULD IT BE LOST ALSO?

15 A IF THEIR HANDS ARE IN THOSE ITEMS, YES NOW, IF
16 THEY'RE WALKING THROUGH THOSE, NO BUT IF IT GETS ON
17 THEIR HANDS AND YOU'RE USING YOUR HANDS TO CRAWL, YES,
18 SIR YOU'LL WIPE THIS MATERIAL OFF

19 Q SO GUNSHOT RESIDUE -- WOULD YOU AGREE -- CAN BE
20 LOST IF ONE FIRED A WEAPON AND WIPE THEIR HAND ON
21 GRASS, IS THAT CORRECT?

22 A WELL, YOU WOULD HAVE TO DO MORE THAN JUST PALM IT
23 YOU'D ACTUALLY HAVE TO BE ENGAGED IN IT BUT, YES, IF
24 YOU WORK WITH IT, IT'S REMOVED IF YOU THINK OF IT
25 LIKE FLOUR, IF YOU CAN GET FLOUR ON YOUR HANDS AND YOU

1 GO THROUGH THE GRASS AND OTHER MATERIALS, YOU WILL
2 REMOVE IT AND THIS HAS THE SAME METHOD OF REMOVAL OR
3 THE EFFECT WOULD BE THE SAME

4 Q AND IN YOUR UNDERSTANDING OF GUNSHOT RESIDUE IS
5 IT ALSO TRUE -- WOULD YOU SAY THIS IS TRUE THAT GUNSHOT
6 RESIDUE THE METAL THAT COMES FROM THE POWDER SUBSTANCE
7 DOES NOT ACCUMULATE BENEATH THE SKIN SURFACE?

8 A THAT IS TRUE IT'S NOT ABSORBED FROM THE POINT OF
9 VIEW STICKING ON THE SKIN WITH ONE EXCEPTION IF
10 SOMEONE IS GRABBING A WEAPON AND THAT WEAPON IS
11 DISCHARGED AND IT'S ACTUALLY PROPELLED INTO THE SKIN
12 THEN YOU WOULD HAVE THE MATERIAL TO BE RETAINED OVER A
13 LONG PERIOD OF TIME BUT THAT IS SOMETHING YOU CAN
14 VISUALLY SEE IT'S ACTUALLY A BLACKENING BURNING ON
15 THE SKIN AND IT'S EMBEDDED INTO THE MATERIAL AND IT
16 WILL REMAIN

17 Q THAT BLACK AND BURNING OF THE SKIN WOULD THAT
18 COME FROM BEING IN PROXIMITY OF THE -- THE -- THE --
19 THE BARREL?

20 A YES, SIR IF YOU'RE ---

21 Q THE BLACK SUBSTANCE THAT COMES OUT OF IT?

22 A WELL, IT'S ACTUALLY THE CARBON IN THE MATERIAL
23 THAT'S COMING OUT BECAUSE THERE'S FIRE THAT WILL COME
24 OUT THE END OF THE WEAPON IF YOU GRAB AROUND THE END
25 OF THE BARREL THE SAME FORCE THAT WILL DRILL THE HOLE

1 INTO THOSE GARMENTS WOULD ALSO DRIVE IT INTO YOUR HAND
2 INTO YOUR SKIN AND IT STAYS THERE IT WILL NOT --
3 IT'S NOT -- YOU CANNOT WASH IT OFF OR REMOVE IT BUT
4 THAT IS THE ONLY EXCEPTION TO WHAT I HAVE DESCRIBED

5 IF YOU JUST FIRED A WEAPON AND THE CLOUD ITSELF
6 COMES AROUND AND LAYS ON YOU IT'S JUST ON THE SURFACE
7 OF THE SKIN IT CAN BE REMOVED VERY EASILY

8 Q WAS GUNSHOT RESIDUE FOUND ON THE BLACK JACKET?

9 A THE BLACK COAT, ITEM 14 1?

10 Q YES SIR

11 A WE ONLY EXAMINE IT FOR GUN POWDER WE DID NOT
12 EXAMINE IT FOR GUNSHOT RESIDUE

13 Q SO GUNSHOT RESIDUE IS DIFFERENT THAN GUN POWDER
14 RESIDUE, IS THAT CORRECT?

15 A YES SIR GUNSHOT RESIDUE IS THE MATERIAL WHEN YOU
16 FIRE THE WEAPON THERE IS MATERIAL CALLED GUN PRIMER
17 ALONG WITH LEAD FROM A BULLET AND OTHER MATERIALS
18 IT S ALL CALLED GUNSHOT RESIDUE

19 GUN POWDER IS SPECIFICALLY IDENTIFYING THE
20 PARTICLES INSIDE OF THE CASE -- THE SHELL CASING, WHICH
21 BURN AND THESE MATERIALS WILL PROPEL THE BULLET OUT,
22 AND THAT S CALLED THE POWDER

23 Q AND THAT'S THE PART THAT HAS THE LEAD SUBSTANCE IN
24 IT IS THAT CORRECT?

25 A IT ALSO WILL HAVE -- YES IT HAS LEAD MIXED IN

1 WITH IT FROM THE GUNSHOT THAT'S WHAT WE USUALLY PICK
2 UP IT'S CALLED BULLET WIPE

3 Q AND THIS PARTICULAR LEAD IS A SOLID SUBSTANCE IS
4 THAT CORRECT?

5 A WHEN IT COMES OUT OF THE WEAPON IT'S ACTUALLY A
6 GAS AS IT COOLS DOWN IT WILL NOW CONDENSE BACK INTO
7 A SOLID BUT BECAUSE IT COMES OUT SO HOT IT WILL
8 STICK TO THE SURFACE AND BE RETAINED

9 Q SO THIS LEAD CHANGED FROM A GAS TO A LEAD IT'S
10 NOT REALLY ORIGINALLY IN THE LEAD FORM IT'S A GAS
11 FIRST?

12 A THAT'S NOT TRUE SIR IT'S JUST CHANGING THE FORM
13 THAT IT HAS YOU CAN HAVE A MATERIAL -- IT CAN BE A
14 SOLID A LIQUID OR A GAS AND IT STILL BE THE SAME IT
15 JUST DEPENDS UPON THE TEMPERATURE THAT YOU APPLY TO IT
16 IN THE CASE OF LEAD IF YOU HEAT IT IT WILL TURN
17 INTO A GAS OR VOLATILIZE AND AS IT COOLS BACK DOWN
18 IT WILL NOW RECONDENSE BACK INTO A SOLID

19 Q SO IF A WEAPON IS FIRED AND THEN THE GAS COME OUT,
20 THEN IT FORMS AND IF IT LANDS ON THE HAND IT TURNS
21 INTO LEAD SUBSTANCE, AND THAT'S WHAT STICKS TO THE
22 SKIN AND THAT'S WHAT THE TEST THAT YOU PERFORM THAT
23 YOU BE LOOKING FOR IS THIS LEAD SUBSTANCE, IS THAT
24 CORRECT?

25 A ON THE HANDS NO SIR WE'RE ACTUALLY LOOKING FOR