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THE STATE OF SOUTH CAROLINA
In The Supreme Court

S C. Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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 VI OF XI

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1 THE LEAD -- ALSO MATERIAL CALLED BARIUM, AND ALSO
2 ANTIMONY, WHICH IS DEPOSITED ON THE HANDS THESE ARE
3 GOING TO BE VERY, VERY TINY SMOKE PARTICLES THAT HAVE
4 COME -- HAVE COME BACK TOGETHER, COOLED OFF, AND
5 DEPOSITED ON THE HANDS

6 Q THERE WAS SOME BLUE JEANS THAT YOU ALSO DO THAT
7 BELONGS TO MR ALKEBULANYAHH -- WAS THEY ALSO PERFORMED
8 A GUNSHOT RESIDUE TEST OR KIT ON THEM?

9 A YES, SIR, THERE WAS A PAIR OF BLUE JEANS WITH A
10 BLACK BELT AND TWO KNIFE HOLDERS THAT WE EXAMINED FOR
11 GUN POWDER

12 Q GUN POWDER?

13 A YES, SIR

14 Q AND THAT IS THE SAME SUBSTANCE THAT YOU EXAMINE
15 WHEN YOU LOOKING FOR THE SAME STUFF ON YOUR HANDS, IS
16 THAT CORRECT?

17 A NO, SIR THE MATERIAL ON THE HANDS WOULD BE
18 LOOKING AT GUNSHOT MATERIAL ON CLOTHING IS GUN
19 POWDER THEY ARE BOTH BEING PRODUCED AT THE SAME TIME,
20 BUT WE'RE LOOKING FOR THE GRAY SMOKE ON THE HANDS AND
21 THE INDIVIDUAL GUN POWDER PARTICLES ON THE CLOTHING

22 Q AND POWDER IS THE LEAD PART AND THE GUNSHOT IS THE
23 GAS PART RIGHT?

24 A WELL, YES, SIR THAT IS SOMEWHAT TRUE IT DOES
25 HAVE LEAD MIXED IN WITH IT, BUT IT ALSO HAS THE LARGE

1 PARTICLES WHICH ARE CALLED GUN POWDER PARTICLES WE
2 LOOK FOR BOTH THE LEAD AND THE GUN POWDER PARTICLES ON
3 THE CLOTHING

4 Q COULD THIS SUBSTANCE, GUN POWDER, ALSO BE EASILY
5 REMOVED FROM BEING IN A WET OR A WATER SUBSTANCE
6 GETTING ON IT?

7 A IT TENDS TO STAY A LOT MORE IT STICKS TO THE
8 GARMENTS ITSELF IT CAN BE WASHED OFF, BUT IT REQUIRES
9 A LOT MORE VIGOROUS EFFORT TO REMOVE THE LEAD IS THE
10 MOST STABLE, IT IS SO HOT THAT WHEN IT STICKS TO THE
11 GARMENT, EVEN WITH A VIGOROUS WASHING, IT WILL STILL BE
12 RETAINED ON TO THE FIBERS

13 Q AND YOU FOUND THE HOLE IN WHICH THE BULLET WENT
14 THROUGH ON WHAT SIDE OF THE BLUE JEANS?

15 A ONE HOLE -- IT WAS ON THE RIGHT WAISTBAND OF THE
16 BLUE JEANS, AND ONE OF THEM WAS FOUND IN THE BLACK
17 BELT, AS IF SOMEONE WAS WEARING IT ON THE RIGHT
18 WAISTBAND AREA, AND RESIDUES AROUND BOTH THESE HOLES
19 WERE CONSISTENT WITH THE PASSAGE OF A BULLET

20 Q SO TO ME IT WOULD BE TO THIS SIDE RIGHT HERE?

21 A AS YOU ARE WEARING THE GARMENT

22 Q UP ON THE BELT AREA?

23 A YES, SIR, IT WOULD BE THE RIGHT WAISTBAND AREA AND
24 ONE HOLE WAS ALSO FOUND IN THE BLACK BELT, BOTH OF
25 WHICH HAVE LEAD RESIDUE CONSISTENT WITH THE PASSAGE OF

1 A BULLET

2 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
3 QUESTIONS I WOULD LIKE TO BE ABLE TO RECALL THIS
4 WITNESS

5 THE COURT ANYTHING FURTHER?

6 MR MURDAUGH YES, SIR, I DO

7 THE COURT ALL RIGHT

8 REDIRECT EXAMINATION BY MR. MURDAUGH.

9 Q MR POWELL, IF A GUN WAS FIRED IN CLOSE PROXIMITY
10 TO ME, COULD THAT CAUSE THE GUNSHOT RESIDUE KIT TO
11 PROVE POSITIVE?

12 A YES SIR THIS MATERIAL CAN GET ON YOU EITHER
13 FROM FIRING A WEAPON OR BEING NEAR A WEAPON

14 Q OKAY, SIR

15 A SINCE THE MAJORITY OF THIS MATERIAL, 95 TO 99
16 PERCENT OF IT COMES OUT THE END OF THE BARREL, IF
17 YOU'RE NEAR A BARREL OR YOU'RE IN CLOSE PROXIMITY TO
18 IT, YOU CAN BECOME CONTAMINATED, AND THIS IS SOMETHING
19 WHICH HAPPENS A LOT

20 Q IF IN A SMALL ROOM, 20 7 62 RIFLE ROUNDS WERE
21 FIRED AND 10 40 CALIBER GLOCK ROUNDS WERE FIRED, COULD
22 THAT CAUSE THE GUNSHOT RESIDUE KIT TO PROVE POSITIVE?

23 A I WOULD EXPECT IT TO BE POSITIVE, BECAUSE OF THE
24 CLOSE PROXIMITY AND THE LARGE NUMBER OF ROUNDS BEING
25 FIRED EVERYTHING IN THAT ROOM IS GOING TO BECOME

STATE VS ALKEBULANYAHH

1 CONTAMINATED WITH THE SMOKE OF THE FIRING AND SOMEONE'S
2 HANDS WAS GOING TO BE IN THAT ROOM, YES, SIR

3 Q AND IF IT WAS GUN -- IF THE SMELL OF GUNFIRE COULD
4 BE SMELLED OUTSIDE OF THAT ROOM, WOULD THAT ALSO BE AN
5 INDICATION AS TO WHETHER OR NOT THINGS IN THAT ROOM
6 WOULD HAVE GUNSHOT -- WOULD PROVE POSITIVE?

7 A YES, SIR, ACTUALLY, THE SMELLING OF WHAT YOU'RE
8 DESCRIBING IS ACTUALLY THE GUNSHOT RESIDUE WE'RE
9 LOOKING FOR SO IF YOU CAN SMELL IT, IT'S ON YOU

10 Q I SHOW YOU EXHIBIT 108, WHICH HAS BEEN TESTIFIED
11 AS BEING THE FLASHLIGHT FOUND NEAR THE BODY OF SLAIN
12 OFFICER COURSEN IF HE -- IF THAT FLASHLIGHT WAS SHOT
13 IN HIS HAND, WOULD THAT CAUSE A GUNSHOT RESIDUE TO
14 PROVE POSITIVE?

15 A HE WOULD HAVE HIGH LEVELS OF LEAD IF HE'S FAR
16 ENOUGH AWAY AND THE BULLET WHICH THIS APPEARS TO HAVE
17 BEEN HIT WITH A BULLET, WOULD STRIKE THIS OBJECT AND
18 WOULD TEND TO WHAT'S CALLED VOLATILIZE OR GET ON THE
19 HANDS IF YOU'RE FAIRLY CLOSE, WITHIN 7 TO 5 FEET
20 THEN YOU'RE GOING TO GET THE SPRAY COMING OUT OF THAT
21 WEAPON AND, DEFINITELY, YOUR HANDS ARE GOING TO BE
22 POSITIVE

23 Q THANK YOU, SIR LOOKING AT ITEM 14 2, WHICH WAS
24 I BELIEVE YOU TESTIFIED WAS THE BLUE SHIRT -- BLUE T-
25 SHIRT?

- 1 A YES, SIR, THAT IS CORRECT
- 2 Q CAN YOU TELL US THE LADIES AND GENTLEMEN -- YOU
- 3 TESTIFIED ABOUT WHAT APPEARED TO BE A BULLET HOLE IN
- 4 THAT SHIRT?
- 5 A YES, SIR
- 6 Q CAN YOU TELL THEM THE LOCATION ON THE BODY -- I
- 7 MEAN, THE LOCATION ON THE SHIRT, I'M SORRY?
- 8 A RESIDUE WAS FOUND AROUND THE HOLE IN THE SHOULDER
- 9 REGION, WHICH CONSISTS WITH THE PASSAGE OF A BULLET
- 10 SO IT WOULD BE IN THE SHOULDER REGION OF THE GARMENT
- 11 AND THERE WAS ALSO LEAD FOUND AROUND A HOLE IN THE
- 12 LOWER LEFT REGION IT ALSO HAD LEAD AROUND IT TOO,
- 13 WHICH IS CONSISTENT WITH EITHER BEING NEAR A WEAPON OR
- 14 THERE WAS LEAD DEPOSITED ON IT
- 15 Q OKAY, SIR YOU ALSO SAID SOMETHING ABOUT SOME
- 16 BLUE JEANS AND A BELT THAT HAD A HOLE IN IT?
- 17 A YES, SIR ITEM -- MY ITEM 14 3 WAS ONE PAIR OF
- 18 BLUE JEANS WITH A BLACK BELT AND TWO KNIFE HOLDERS
- 19 AND THERE WAS ONE HOLE FOUND ON THE RIGHT WAISTBAND ---
- 20 Q WHAT, SIR?
- 21 A I'M SORRY?
- 22 Q YOU SAID A BLACK BELT WITH WHAT?
- 23 A WITH TWO KNIFE HOLDERS
- 24 Q THANK YOU, SIR GO AHEAD
- 25 A THERE WAS ONE HOLE FOUND IN THE RIGHT WAISTBAND OF

1 THE BLUE JEANS, AND ONE HOLE WAS FOUND IN THE BLACK
2 BELT BOTH OF THESE HAD METALS CONSISTENT WITH THE
3 PASSAGE OF A BULLET

4 Q RIGHT -- OVER THE RIGHT HIP REGION?

5 A YES, SIR

6 Q WOULD YOU EXPECT TO FIND GUNSHOT RESIDUE ON A
7 PERSON WHO HAD CRAWLED THROUGH THE MARSH?

8 A ON THEIR HANDS CRAWLING THROUGH THE MARSH, IF IT
9 WASN'T MUCH DISTANCE, NO, SIR, I WOULD NOT THIS
10 MATERIAL, I BELIEVE, WOULD BE REMOVED BECAUSE IN THE
11 DEFINITION OF MARSH IS SOMETHING THAT'S WET, GRASSY,
12 AND ALL THAT MATERIAL IS GOING TO ACT TO REMOVE THIS
13 MATERIAL

14 MR MURDAUGH THANK YOU, SIR

15 THE COURT ANYTHING ELSE?

16 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

17 RE CROSS EXAMINATION BY MR. ALKEBULANYAHH.

18 Q MR POWELL, IF GUNSHOT RESIDUE -- YOU SAY YOU
19 WOULD EXPECT -- BUT IT COULD BE FOUND IF A PERSON
20 CRAWLED THROUGH A MARSH, IS THAT CORRECT?

21 A YOU CAN SIT DOWN HERE AND MAKE THE ARGUMENT THAT
22 IF SOMEBODY IS NOT HAVING ALL AREAS OF THE HANDS BEING
23 TOUCHED THAT IT'S POSSIBLE THAT MATERIAL COULD BE
24 THERE BUT WE HAVE TO TAKE INTO ACCOUNT NOT ONLY THE
25 FACTOR OF WALKING THROUGH THE MARSH BUT HOW LONG WAS

STATE VS ALKEBULANYAHH

1 THE TIME FROM THE SHOOTING TO THE TIME THE KIT WAS
2 ADMINISTERED, WAS THERE ANY MEDICAL AID RENDERED TO THE
3 PERSON, WHAT ARE ALL THE FACTORS? ALL THESE THINGS
4 WILL CONTRIBUTE TO THE LOSS OF THIS MATERIAL

5 Q LET ME ASK YOU THIS ALSO AND IF GUNSHOT POWDER
6 RESIDUE WAS ON THE BACK OF THE HANDS WHICH NATURALLY
7 GUNSHOT RESIDUE, AS YOU SAY, IN A ROOM WITH THE
8 SHOOTING AND THE GUN POWDER FLOATING EVERYWHERE, AND IT
9 CAN GET ALL OVER THESE PLACES AND ALL OVER THIS
10 PARTICULAR THING, AND IT APPEARS THAT GUNSHOT RESIDUE
11 WAS VERY FLIMSY SUBSTANCE IF I'M CORRECT?

12 A FRAGILE IS THE WORD I USE

13 Q OKAY AND IF GUNSHOT RESIDUE WAS ON THE BACK OF
14 THE HANDS, AND A PERSON WAS CRAWLING, WOULD HE CRAWL --
15 DO YOU KNOW, DO PEOPLE CRAWL ON THE BACK OF THEIR
16 HANDS?

17 A NO, SIR, THEY WOULD NOT BE CRAWLING ON THE BACK,
18 THEY WOULD BE CRAWLING ON THE PALM OF THEIR HANDS BUT
19 IN THE PROCESS OF DOING THIS EXERTION IF THEY'RE
20 CRAWLING, THEY'RE ALSO GOING TO BE INCREASING THEIR
21 HEARTBEAT WHEN THEY INCREASE THEIR HEARTBEAT, THEIR
22 PERSPIRATION IS GOING TO BEGIN TO FLOW AS YOU WALK
23 THROUGH GRASSES OR ANYTHING LIKE THAT YOU'RE GOING TO
24 TEND TO START WIPING THIS MATERIAL OFF

25 Q SO NOW, PERSPIRATION WOULD MAKE IT DISAPPEAR

1 ALSO, IS THAT CORRECT?

2 A PERSPIRATION IS WATER, AND WATER WILL DIMINISH
3 THIS MATERIAL

4 Q SO IT APPEARS ACCORDING TO YOUR TESTIMONY THAT
5 GUNSHOT RESIDUE HAVE NO SIGNIFICANT (SIC) BECAUSE ---

6 MR MURDAUGH YOUR HONOR, PLEASE ---

7 Q --- IF I'M CORRECT ---

8 MR MURDAUGH --- HE'S GIVING A STATEMENT
9 THE COURT YOU NEED TO ASK YOUR QUESTION

10 Q DOES GUNSHOT RESIDUE ONLY HAVE SIGNIFICANCE WHEN
11 YOU'RE TESTIFYING FOR IT BEING PERTAIN (SIC) FOR THE
12 PROSECUTOR OR DEFENSE?

13 MR MURDAUGH YOUR HONOR, I OBJECT THAT'S BEEN
14 ASKED AND ANSWERED, SIR

15 THE COURT I SUSTAIN THAT OBJECTION

16 ARE YOU ASKING HIM IF HE'S JUST TESTIFYING BECAUSE
17 HE'S BEEN RETAINED BY THE STATE?

18 MR ALKEBULANYAHH WELL, I WAS ASCERTAIN -- I
19 NOTICE THAT GUNSHOT RESIDUE ---

20 THE COURT NO NO IF YOU -- YOU'RE ASKING HIM
21 IS HE ONLY TESTIFYING BECAUSE ---

22 MR ALKEBULANYAHH POSITIVE ---

23 THE COURT --- HE'S BEEN RETAINED BY THE STATE?

24 MR ALKEBULANYAHH YOU KNOW, BEING THAT THE STATE
25 HAS DEEMS THAT THE STATE THAT -- THAT GUNSHOT RESIDUE

1 SEEMS TO BE POSITIVE AND ---
2 THE COURT ALL RIGHT
3 MR ALKEBULANYAHH --- SUBSTANTIAL ---
4 THE COURT THAT'S ALL RIGHT I SUSTAIN THE
5 OBJECTION
6 MR ALKEBULANYAHH SUSTAIN, OKAY
7 THE COURT IF YOU WANTED TO ASK IT THE WAY WE
8 JUST DISCUSSED, I'LL LET YOU DO THAT
9 Q AND GUNSHOT RESIDUE WAS FOUND IN THE CLOTHING, THE
10 JACKET, THE BELT, AND ALL THESE DIFFERENT OBJECTS, AND
11 EVERYTHING AROUND MR ALKEBULANYAHH, BUT ---
12 MR MURDAUGH YOUR HONOR ---
13 Q --- WAS NOT FOUND ---
14 THE COURT SIR?
15 MR MURDAUGH AT THAT POINT IT WAS OBJECTIONABLE
16 BUT HE'S FIXING TO ADD SOMETHING LET ME HEAR HIM OUT
17 THE COURT GO AHEAD
18 Q IN THE GREAT AMOUNT OF GUNSHOT RESIDUE AND THE
19 POWDER AND THE SUBSTANCE THAT WAS ALLEGED IN THIS
20 PARTICULAR AREA ACCUMULATED, THE HANDS OF MR
21 ALKEBULANYAHH SEEM TO APPEAR THAT THE ONLY PLACE WHERE
22 IT WAS IMPOSSIBLE FOR GUNSHOT RESIDUE TO BE COLLECTED
23 AND DETERMINED WAS THE BACK, THE HANDS, AND
24 FINGERNAILS, WHICH IS USED TO FIRE A FIREARM OR A
25 WEAPON, THAT WAS NOT ---

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
2 THIS QUESTION ON THREE GROUNDS AT THIS POINT

3 THE COURT YES, SIR

4 MR MURDAUGH FIRST, THE QUESTION IS NOT -- IT'S
5 NOT UNDERSTANDABLE, SIR

6 THE COURT ALL RIGHT

7 MR MURDAUGH SECOND, IT'S BEEN ASKED AND
8 ANSWERED, THAT'S ENOUGH

9 THE COURT I DON'T UNDERSTAND THE OBJECTION -- I
10 MEAN, I DON'T UNDERSTAND THE QUESTION

11 MR ALKEBULANYAHH I SIMPLIFY IT, YOUR HONOR

12 THE COURT ASK YOUR QUESTION

13 Q GUNSHOT RESIDUE WAS FOUND ---

14 THE COURT ASK THE QUESTION START OUT BY ASKING
15 THE QUESTION

16 Q WERE GUNSHOT RESIDUE FOUND ON THE CLOTHING AND --
17 AND THE PROPERTY COLLECTED OFF THE DEFENDANT?

18 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S BEEN
19 ASKED AND ANSWERED

20 THE COURT I SUSTAIN THAT OBJECTION

21 Q IS IT EXPLAINABLE THAT ONLY THE HANDS OF MR
22 ALKEBULANYAHH DID NOT HAVE GUNSHOT RESIDUE IN
23 COMPARISON TO THE JACKET T-SHIRT, AND THE OTHER ITEMS
24 THAT WAS ON HIS POSSESSION THAT DID? IS THAT
25 EXPLAINABLE?

1 A YES, SIR, IT IS EXPLAINABLE IN CASES INVOLVING
2 SOMEONE WHO FIRES A WEAPON, THE LONGER THEY MOVE AWAY
3 FROM DISCHARGING THAT WEAPON, THE HIGHER THE
4 PROBABILITY OF LOSS OF THIS MATERIAL THERE ARE CASE
5 -- THERE ARE CASES, YES, WHERE THE NEGATIVE OF THIS
6 DOES NOT GIVE US A LOT OF INFORMATION THIS IS A TEST
7 WHICH IS MORE IF IT EXISTS, IT TELLS US A LOT THE
8 LACK OF MATERIAL IN ITSELF DOESN'T TELL US A WHOLE LOT
9 WITH EXCEPTION OF SOMEONE WHO'S DECEASED WHO WAS
10 INVOLVED IF WE FIND NO MATERIALS ON SOMEONE WHO WAS
11 AT THE SCENE, WHO DIED AT THE SCENE, AND THERE'S
12 NOTHING ON THEIR HANDS, THAT TELLS US A LOT, WHETHER
13 THEY HAD FIRED A WEAPON THINKING WE NOW HAVE THEM
14 TRAPPED IN TIME, IF YOU WILL, FROM THE MATERIALS ON
15 THEIR HANDS

16 BUT ANYONE WHO IS ALIVE, THEY'RE AFFECTING THIS
17 TEST, EVERYTHING THAT THEY'RE DOING AND AFTER SEVERAL
18 HOURS, YOU CAN REMOVE THIS MATERIAL THROUGH VARIOUS
19 ACTIVITIES, AND IT CAN BE VERY GONE -- BE GONE

20 A PERSON CAN FIRE A WEAPON AND STILL BE NEGATIVE
21 ON THIS TEST BECAUSE OF THESE REASONS

22 Q AND ACCORDING TO THIS TEST THAT WAS PERFORMED ON
23 MR ALKEBULANYAHH, WE WOULD HAVE TO SAY BASICALLY FROM
24 THE TEST RESULT THAT MR ALKEBULANYAHH DID NOT FIRE A
25 WEAPON, IS THAT CORRECT?

STATE VS ALKEBULANYAHH

1 A NO, SIR, I DON'T ---

2 MR MURDAUGH OBJECTION, SIR

3 THE COURT I'LL ALLOW IT GO AHEAD

4 A NO, SIR, THAT IS NOT CORRECT THAT WOULD BE AN
5 ASSUMPTION THAT CANNOT BE MADE AS TO -- A PERSON COULD
6 HAVE FIRED A WEAPON AND THIS MATERIAL COULD BE REMOVED
7 IS IT A POSSIBILITY TO SAY, WELL, ALL OTHER FACTORS
8 CONSIDERED, IS THERE ANY INDICATION THIS PERSON DID NOT
9 FIRE A WEAPON? THEN YOU CAN LEAD TO TAKE THIS ON FACE
10 VALUE BUT THIS TEST ON A NEGATIVE IS NOT GOING TO
11 TELL YOU THAT A PERSON DID NOT FIRE A WEAPON IT'S
12 GOING TO TELL YOU THAT THERE'S NO EVIDENCE OF FIRING A
13 WEAPON

14 Q AND ON THAT SAME ASSUMPTION -- ON THAT SAME
15 ASSUMPTION YOU CAN MAKE A ASSUMPTION THAT HE DID FIRE
16 THE WEAPON WITHOUT ANY GUNSHOT RESIDUE PRESENT, IS THAT
17 CORRECT?

18 A IF SOMEONE -- DEPENDING ON THE SCENARIO IF
19 SOMEBODY HAS RESIDUE ON THEIR HANDS, THE MATERIAL GOT
20 THERE THE QUESTION IS, HOW DID IT GET THERE? DID
21 THEY FIRE A WEAPON OR WAS HE NEAR THE WEAPON? IF THEY
22 FIRED A WEAPON, THEN THIS WOULD BE OBVIOUSLY ONE WAY OF
23 GETTING THE MATERIAL ON THEIR HANDS

24 Q SO ONE FIRE A WEAPON OR ONE DIDN'T FIRE THE
25 WEAPON, YOU WOULDN'T KNOW IF NO GUNSHOT RESIDUE CAME

1 BACK POSITIVE, IS THAT CORRECT?

2 A I'M SORRY I DON'T QUITE UNDERSTAND YOUR
3 QUESTION

4 Q YOU WOULDN'T KNOW WHETHER OR NOT A INDIVIDUAL DID
5 SHOOT A WEAPON OR DID NOT SHOOT A WEAPON IF THERE IS NO
6 GUNSHOT RESIDUE ON HIS HANDS, IS THAT CORRECT?

7 A IF THEY HAVE NO RESIDUE ON THEIR HANDS, THEY COULD
8 HAVE FIRED A WEAPON OR COULD NOT HAVE FIRED A WEAPON
9 THAT IS TRUE

10 Q SO IF THEY DID NOT HAVE GUNSHOT RESIDUE ON THEIR
11 HANDS, YOU WOULDN'T KNOW -- THERE'S NOTHING TO INDICATE
12 TO YOU WHETHER YOU WOULD KNOW CERTAINTY WITH FACTS
13 WHETHER THAT PERSON SHOT A WEAPON OR DID NOT SHOT (SIC)
14 A WEAPON IF THERE IS NO PRESENT (SIC) OF GUNSHOT
15 RESIDUE, IS THAT CORRECT?

16 A IT WOULD BE THAT WOULD BE CORRECT IN SAYING THAT
17 THE LACK OF EVIDENCE DOES NOT SAY WHETHER SOMEONE DID
18 OR DID NOT SHOOT A WEAPON, THAT IS CORRECT

19 Q BUT THE WEIGHT OF THE DIDN'T -- OF THE PERSON
20 DIDN'T SHOOT THE WEAPON WOULD GO TOWARD THE PERSON WHO
21 THE GUNSHOT RESIDUE KIT WAS PERFORM ON WOULDN'T YOU
22 AGREE?

23 A COULD YOU RESTATE THE QUESTION?

24 Q THE WEIGHT THAT A INDIVIDUAL DID NOT SHOOT A
25 WEAPON IF A TEST IS PERFORMED, THE WEIGHT OF HIM NOT

1 BEING FIRED THE WEAPON, WOULD FAVOR THE PERSON WHO NO
2 RESIDUE WAS FOUND?

3 A I'M SORRY I JUST DON'T QUITE UNDERSTAND YOUR
4 QUESTION IF YOU STATE IT A DIFFERENT WAY, MAYBE I'LL
5 UNDERSTAND IT

6 Q THE TEST IS USED TO DETERMINE A PARTICULAR
7 OUTCOME?

8 A THE TEST IS USED TO DETERMINE IF THE GUNSHOT
9 RESIDUE IS THERE OR NOT THERE

10 Q OKAY AND THAT PARTICULAR ITEM -- THE TEST IS
11 USED -- SO IF YOU USE THIS TEST AND IT IS DETERMINED
12 WHAT IS NOT THERE OR WHETHER IT IS THERE, AND IF THE
13 GUNSHOT RESIDUE IS THERE, THEN YOU CAN SAY FROM THE
14 TEST THAT THIS PERSON FIRED A WEAPON, IS THAT CORRECT?

15 A I COULD SAY THEY FIRED A WEAPON OR WAS AROUND A
16 WEAPON THAT IS CORRECT

17 Q AND IF THE TEST CAME BACK AND THERE WAS NO GUNSHOT
18 RESIDUE, THEN YOU CAN SAY THAT THIS PERSON THAT DID NOT
19 SHOOT A WEAPON, IS THAT CORRECT?

20 A IT S POSSIBLE THEY COULD NOT HAVE FIRED A WEAPON,
21 THAT IS CORRECT BUT IT'S ALSO POSSIBLE THEY FIRED A
22 WEAPON AND THE MATERIAL WAS LOST

23 Q BUT THE WEIGHT OF WHETHER HE DID OR WHETHER HE
24 DIDN'T SHOULD BE EQUALLY APPLIED, WOULD YOU AGREE?

25 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS A

1 QUESTION THE JURY HAS TO DECIDE, NOT THIS WITNESS

2 THE COURT I SUSTAIN THE OBJECTION

3 Q SO IF THERE IS NO GUNSHOT RESIDUE ON A PERSON HAND
4 AND THERE IS NO FINGERPRINT ON THE WEAPON, WOULD YOU
5 AGREE THAT IF THERE WAS A WEAPON AND THERE WAS THE TEST
6 AND THE ALLEGE SUSPECT OR PERSON HAD NEITHER ONE OF
7 THEM, WOULD YOU AGREE THAT YOU COULD RULE HIM OUT AS
8 BEING A SHOOTER?

9 A NO, SIR, I COULD NOT SAY THAT YOU HAVE TO TAKE
10 THE TOTALITY OF THE INFORMATION FINGERPRINTS ARE JUST
11 LIKE ANYTHING ELSE THEY'RE EASILY REMOVED TOO THEY
12 COULD BE WIPED OFF SO A GUN COULD BE FIRED BY A
13 PERSON AND THEY COULD BE WIPED OFF IF THE RESIDUE HAS
14 BEEN REMOVED BY SOME ACTIVITY, THAT PERSON COULD STILL
15 HAVE FIRED A WEAPON

16 Q MR POWELL, YOUR TESTIMONY IN REFERENCE TO GUNSHOT
17 RESIDUE AT THIS TIME YOU TESTIFIED IS ONLY RELEVANT
18 WHEN IT'S FOR A PROSECUTION CASE, WOULDN'T YOU AGREE?

19 A NO SIR I'VE ACTUALLY TESTIFIED FOR THE DEFENSE
20 IN THIS SITUATION ALSO WHAT'S HAPPENED IS THAT WE
21 HAVE HAD CASES WHERE I'VE BEEN ABLE TO SHOW THAT
22 SOMEONE HAD NOT ACTUALLY FIRED A WEAPON, BUT HAD BEEN
23 NEAR IT BECAUSE OF LEVELS THAT WAS ON THEM SO THIS
24 TEST HAS BEEN USED BOTH PROSECUTORIAL AS WELL AS IN
25 DEFENSE

STATE VS ALKEBULANYAHH

1 Q BUT IF YOU TESTIFY TO THAT SITUATION THEN AS YOU
2 SAID EARLIER, IT COULD NOT BE THE DEFENSE BECAUSE IF
3 THE POWDER WASN'T ON HIS HAND, IT COULD NOT BE USED IS
4 THAT CORRECT? I MEAN, HE COULD HAVE USED THE WEAPON
5 EVEN THOUGH POWDER WASN'T ON HIS HANDS -- YOU
6 TESTIFIED?

7 A IN THE CASE I'M REFERRING TO, THE PERSON WAS
8 ARRESTED IMMEDIATELY THERE WAS NO MATERIAL ON HIS
9 HANDS THERE WAS NO EVIDENCE OF ANYTHING BEING DONE TO
10 REMOVE THIS MATERIAL THE KIT WAS COLLECTED WITHIN 15,
11 20 MINUTES OF DISCHARGE OF THE WEAPON IT WAS
12 NEGATIVE AND MY TESTIMONY WAS THAT THAT WAS
13 CONSISTENT WITH HIM NOT FIRING A WEAPON

14 Q SO YOUR TESTIMONY WAS CONSISTENT THAT HE NOT FIRE
15 A WEAPON ACCORDING TO THE INFORMATION THAT YOU HAD
16 RECEIVED, IS THAT CORRECT?

17 A THAT IS CORRECT

18 Q AND IF YOU HAD NOT RECEIVED THAT INFORMATION,
19 WOULD YOUR TESTIMONY HAVE BEEN ANY DIFFERENT?

20 A MY TESTIMONY WOULD HAVE BEEN THAT HE MAY
21 NOT HAVE FIRED THE WEAPON, OR THAT SOMETHING HAS
22 OCCURRED TO REMOVE THE MATERIAL IF HE HAD, SO THAT
23 WHEN THE TEST WAS ADMINISTERED THERE WAS NOTHING
24 ON HIS HANDS

25 Q SO YOUR TESTIMONY CAN BE USED TO -- YOUR TESTIMONY

1 CAN BE USED NOT FOR TRUTH OF FACTS OF THE ISSUE, BUT AS
2 YOU SO CHOOSE IS THAT CORRECT?

3 A I WOULD DISAGREE WITH THAT STATEMENT OF IT I
4 TESTIFIED BASED UPON THE FACTS THAT ARE PRESENTED
5 THOSE FACTS DICTATE WHAT IS HAPPENING WITH THIS
6 EVIDENCE, WHAT'S GOING ON I'M DRAWING A CONCLUSION
7 BASED UPON MY EXPERTISE IN GIVING OUT THAT INFORMATION
8 AS AN EXPERT WITNESS

9 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
10 YOUR HONOR I WOULD LIKE TO SAFE ---

11 MR MURDAUGH ME EITHER, SIR

12 THE COURT ALL RIGHT YOU'LL BE SUBJECT TO
13 RECALL

14 LADIES AND GENTLEMEN, I NEED TO GIVE YOU A 5
15 MINUTE BREAK PLEASE DO NOT DISCUSS THIS CASE IN ANY
16 WAY

17 (THE JURY RETIRES TO THE JURY ROOM AT 9 43 A M)

18 THE COURT YOU MAY STEP DOWN, SIR THANK YOU

19 (THE WITNESS LEAVES THE WITNESS STAND)

20 (A RECESS WAS TAKEN)

21 THE COURT I BELIEVE THE JURY IS NOW READY ARE
22 YOU ALL READY TO PROCEED?

23 (NO RESPONSE)

24 THE COURT ALL RIGHT BRING THE JURY IN PLEASE

25 (THE JURY RETURNS TO THE COURTROOM AT 9 51 A M)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT THANK YOU PLEASE BE
2 SEATED CALL YOUR NEXT WITNESS
3 MR MURDAUGH JAN BRYSON AND NEXT WILL BE GRAY
4 AMICK
5 JANICE BRYSON, BEING FIRST
6 DULY SWORN, TESTIFIED AS FOLLOWS
7 DIRECT EXAMINATION BY MR. MURDAUGH.
8 Q YOUR NAME?
9 A JANICE BRYSON
10 Q AND, MS BRYSON, BY WHOM ARE YOU EMPLOYED?
11 A SOUTH CAROLINA LAW ENFORCEMENT DIVISION
12 Q AND HOW LONG?
13 A 14 YEARS
14 Q OKAY MA'AM, WHAT DO YOU DO WITH SLED?
15 A I'M A FORENSIC EVIDENCE TECHNICIAN
16 Q OKAY MA'AM, WHAT DOES THAT MEAN?
17 A WHENEVER ITEMS ARE SENT -- SENT INTO THE LAB, I
18 VISUALLY EXAMINE THEM FOR HAIR AND FIBER, AND I ALSO
19 PERFORM CHEMICAL AND SEROLOGICAL TESTING ON STAINS FOR
20 THE PRESENCE OF BLOOD AND SEMEN
21 Q OKAY I ASK YOU IF AT SOME POINT IN TIME AFTER
22 JANUARY 8, 2002 YOU HAD AN OCCASION TO EXAMINE THE
23 CONTENTS OF STATE'S EXHIBIT 112 FOR ME?
24 A YES, SIR, I DID
25 Q AND WHAT IS THAT?

STATE VS ALKEBULANYAHH

1 A IT'S A STICK THAT WAS FOUND ON THE GROUND
2 Q AND WHAT WAS YOUR PURPOSE IN EXAMINING THAT STICK?
3 A THE REQUEST WAS MADE FROM THE AGENCY TO SWAB IT
4 FOR BLOOD
5 Q OKAY DID YOU SWAB IT FOR BLOOD?
6 A YES, SIR, I DID
7 Q I HAND YOU AN ITEM AND ASK YOU IF YOU CAN IDENTIFY
8 THAT?
9 A YES, SIR, THIS IS THE SLED LAB NUMBER, THE ITEM
10 NUMBER, THE DESCRIPTION OF THE ITEM, AND THESE ARE MY
11 INITIALS ON THE BACK OF THE ---
12 Q AND WHAT IS IN THAT PACKAGE?
13 A A SWAB
14 Q OKAY WHEN YOU SAY A SWAB, WHAT DID YOU
15 PHYSICALLY DO AND WHAT DID YOU DO IT WITH?
16 A IT'S A THREE-STEP CHEMICAL TEST THAT ALLOWS ME TO
17 SEE A CHEMICAL COLOR CHANGE IF THE STAIN IS POTENTIAL
18 BLOOD SO I TAKE A SWAB AND PUT SALINE ON IT, AND I
19 GENTLY RUB AN AREA THAT I THINK MAY BE BLOOD AND I
20 THEN TEST IT WITH PHENOLPHTHALEIN, AND THEN I PUT A
21 DROP OF HYDROGEN PEROXIDE AND IF THE SWAB TURNS
22 PURPLE, THAT SUGGESTS THE PRESENCE OF BLOOD
23 SO I GO BACK AND SWAB THE AREA AND COLLECT AS MUCH
24 AS I CAN AND THEN I PLACE THAT SWAB IN THIS GOLD COIN
25 ENVELOPE

1 Q AND DID YOU TURN IT OVER TO ANYBODY?

2 A I TRANSFERRED IT TO THE DNA DEPARTMENT

3 Q THAT'S GRAY AMICK?

4 A YES, SIR

5 MR MURDAUGH OKAY YOUR HONOR, PLEASE, I WOULD
6 OFFER THIS AS AN EXHIBIT

7 THE COURT ANY OBJECTION?

8 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
9 HONOR

10 THE COURT STATE'S 115 IN EVIDENCE WITHOUT
11 OBJECTION

12 (SMALL BROWN ENVELOPE, ITEM 87 1 MARKED IN
13 EVIDENCE AS STATE'S EXHIBIT NO 115)

14 Q I ALSO ASK YOU MS BRYSON, WHETHER OR NOT YOU HAD
15 THE OPPORTUNITY TO EXAMINE STATE'S EXHIBIT NO 11?

16 A YES, SIR, I DID, THESE ARE MY INITIALS AND THE
17 ITEM NUMBER

18 Q OKAY MA'AM, WHAT DID YOU EXAMINE THAT ITEM FOR?

19 A WE WERE LOOKING FOR BLOOD

20 Q OKAY DID YOU FIND ANY?

21 A YES, SIR, I TOOK 11 SAMPLES

22 Q OKAY AND ONE OF THOSE SAMPLES, I HAND YOU A
23 PACKAGE AND ASK YOU IF YOU CAN IDENTIFY THAT?

24 A YES, SIR, THIS IS THE SLED LAB NUMBER, THE ITEM
25 NUMBER, THE RIFLE, AND THESE ARE MY INITIALS

STATE VS ALKEBULANYAHH

1 Q OKAY AND IS THIS -- WHAT IS THIS?
2 A IT'S A SWAB THAT I COLLECTED FROM THE GUN
3 Q OFF THAT RIFLE?
4 A YES, SIR
5 MR MURDAUGH YOUR HONOR, PLEASE, I OFFER THIS AS
6 AN EXHIBIT
7 THE COURT ANY OBJECTION?
8 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION,
9 YOUR HONOR
10 THE COURT STATE'S 116 IN EVIDENCE WITHOUT
11 OBJECTION
12 (SMALL BROWN ENVELOPE, ITEM 154 1 MARKED IN
13 EVIDENCE AS STATE'S EXHIBIT NO 116)
14 Q AND WAS THIS ITEM ULTIMATELY GOTTEN TO GRAY AMICK?
15 A YES, SIR
16 MR MURDAUGH THANK YOU MA'AM ANSWER ANY
17 QUESTIONS THAT HE MAY HAVE
18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
19 Q GOOD MORNING, MS, BRYSON
20 A GOOD MORNING
21 Q DID YOU HAVE OPPORTUNITY TO EXAMINE CLOTHING FROM
22 MR ALKEBULANYAHH, BELONGING TO MR ALKEBULANYAHH?
23 A I EXAMINED SEVERAL ARTICLES OF CLOTHING, BUT I DO
24 NOT RECOGNIZE THAT NAME
25 Q TYREE ROBERTS?

STATE VS ALKEBULANYAHH

1 A LET ME CHECK MY NOTES IS THERE A PARTICULAR
2 ARTICLE OF CLOTHING THAT YOU'RE REFERRING TO?

3 Q YES, MA'AM, I WAS REFERRING TO ALL THE CLOTHING
4 THAT WAS COLLECTED FROM MR ALKEBULANYAHH AT THE -- AT
5 THE TIME OF HIS ARREST?

6 A I EXAMINED A GREEN CAMOUFLAGE PARKER LINER, A GOLD
7 DRESS

8 Q EXCUSE ME, MA'AM I THINK I'M NOT REFERRING TO
9 THEM PARTICULAR ITEMS THAT WAS FROM THE HOME, I
10 THINK IS THAT CORRECT, FROM WITHIN THE RESIDENCE?

11 A I DON'T HAVE ANY NOTES TO WHERE THE ARTICLES OF
12 CLOTHING CAME FROM

13 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
14 THE COURT YES, SIR

15 Q MA'AM ARE YOU FAMILIAR WITH THIS DOCUMENT?

16 A YES, SIR

17 Q IS IT HAVE SOMETHING TO DO WITH YOU?

18 A YES, SIR

19 Q WOULD YOU CHECK IT AND SEE IF ---

20 MR MURDAUGH I CAN'T HEAR

21 Q --- THE PAGES ARE THERE?

22 THE COURT YOU HAVE TO TALK UP, SIR

23 MR ALKEBULANYAHH YES, SIR

24 A YES, SIR, THIS IS MY -- A COPY OF MY REPORT

25 MR ALKEBULANYAHH YOUR HONOR, CAN I INTRODUCE

STATE VS ALKEBULANYAHH

1 THIS INTO EVIDENCE?

2 MR MURDAUGH MAY I SEE IT SIR?

3 THE COURT YES SIR IF YOU WILL SHOW IT -- EACH
4 SIDE WILL SHOW THEIR EXHIBITS FIRST PLEASE

5 (PAUSE)

6 MR MURDAUGH I HAVE NO OBJECTION SIR

7 THE COURT DEFENDANT'S 25 IN EVIDENCE WITHOUT
8 OBJECTION

9 (SLED FORENSIC SERVICES LABORATORY REPORT JANICE
10 BRYSON MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO
11 25)

12 Q MS BRYSON IN ITEM 14 ---

13 A OKAY

14 Q --- IN YOUR INVENTORY PROCESSING SHEET ---

15 A YES SIR

16 Q --- THESE PARTICULAR ITEMS BELONGS TO MR TYREE
17 ROBERTS LISTED AS WHICH IS MR ALKEBULANYAHH IN THIS
18 PARTICULAR CASE DID YOU EXAMINE A BLACK JACKET
19 BELONGING TO MR ALKEBULANYAHH?

20 A I EXAMINED A BLACK ARMY-TYPE JACKET ITEM NO 14

21 Q AND WHAT DID YOU EXAMINE IT FOR?

22 A I WAS LOOKING FOR BLOOD

23 Q WAS ANY BLOOD IDENTIFIED?

24 A I TOOK TWO CUTTINGS FROM THE JACKET

25 Q AND WAS ANY HUMAN BLOOD POUND?

STATE VS ALKEBULANYAHH

1 A THE TEST WE DO IS A PRESUMPTIVE TEST IT SUGGESTS
2 THE PRESENCE OF BLOOD, IT DOES NOT CONFIRM THAT IT IS
3 BLOOD

4 Q DOES IT DETERMINE WHO BLOOD IT IS?

5 A NO, SIR

6 Q ITEM 14 6, A PAIR OF BROWN BOOTS BELONGING TO MR
7 ALKEBULANYAHH IS THAT -- DID YOU EXAMINE THAT, MS
8 BRYSON?

9 A NO, SIR, I MADE A NOTE ON MY WORK SHEET THAT THE
10 ITEM WAS VERY MOLDED, SO I DID NOT PROCESS IT

11 Q DOESN'T -- IF THIS PAIR OF BROWN BOOTS BELONGING
12 TO MR ALKEBULANYAHH IF -- IF THEY WAS EXAMINED, COULD
13 IT HAVE BEEN THE EXAMINATION OF THESE BOOTS COULD HAVE
14 -- RESULTS COULD HAVE BEEN FOUND WHETHER OR NOT BLOOD
15 WAS ON THE BOTTOM OF THESE BOOTS WHETHER THESE BOOTS
16 WAS STEPPED IN BLOOD OR WHETHER BLOOD SPILL ON THE
17 BOOTS?

18 A WHEN AN ITEM IS VERY MOLDED LIKE THIS WE DON'T
19 PROCESS IT BECAUSE THE MOLD MAY DETER -- DETER THE
20 BLOOD EXAMINATION

21 Q SO IF -- EVEN THOUGH MOLD MAY DETER THE BLOOD
22 EXAMINATION, STILL POSSIBLE THAT THESE ITEMS -- IF THIS
23 ITEM EXAMINATION MAYBE DECREASE AROUND THE LOOP HOLE OF
24 THE SHOE WHERE THE LACES GO OR IN THE CREASES OF THE
25 SOLE OF THE SHOE, THERE'S A POSSIBILITY THAT IF ONE HAS

1 STEPPED IN BLOOD OR BLOOD WAS SPILLED, THAT BLOOD COULD
2 BE FOUND WITHIN THAT REGION, IS THAT CORRECT?

3 A THERE'S A POSSIBILITY, YES

4 Q MS BRYSON, ITEM 22, IS THAT A CLOTHING FROM MS
5 KIMBERLY BLATE (PHONETIC)?

6 A YES, SIR

7 Q AND WAS ANY BLOOD FOUND ON THE CLOTHING OF MS
8 KIMBERLY BLATE (PHONETIC)?

9 A ITEM 22 1 WAS A BEIGE GIRDLE NO EXAM PERFORMED,
10 PENDING RESULTS OF OTHER DEFINITIVE TESTING

11 ITEM 22 2 WAS A BEIGE BRA, AND I TOOK A CUTTING
12 FROM THE BRA THAT WAS POSITIVE FOR THE PRESUMPTIVE TEST
13 OF BLOOD

14 Q WAS BLOOD FOUND ON ITEM 22 3?

15 A YES, SIR, THAT'S THE LONG SLEEVE BLUE SHIRT AND I
16 TOOK SEVERAL CUTTINGS FOR BLOOD

17 Q WAS BLOOD FOUND ON ITEM 22 4?

18 A ITEM 22 4 IS A PAIR OF BLUE JEANS, AND I TOOK
19 SEVERAL CUTTINGS FROM THE BLUE JEANS THAT WERE POSITIVE
20 FOR THE PRESUMPTIVE TEST OF BLOOD

21 Q ITEM 158, WAS THIS A ITEM BELONGING TO MR
22 ALKEBULANYAHH IN THIS PARTICULAR CASE?

23 A ITEM 158 WAS A PAIR OF BLACK LEATHER GLOVES AND
24 I SWABBED THE INSIDE AND OUTSIDE OF BOTH GLOVES AND
25 THEY WERE NEGATIVE FOR THE PRESUMPTIVE TEST OF BLOOD

1 Q WOULD YOU KNOW WHETHER OR NOT GUNSHOT RESIDUE WAS
2 ON THESE -- THESE BLACK GLOVES, MA'AM?

3 A NO, SIR, WE DON'T DO ANY OF THAT

4 Q AND YOU WOULDN'T KNOW THE RESULTS OF THE BLOOD
5 THAT YOU COLLECTED FROM THESE ITEMS, WOULD YOU, MA'AM?

6 A NO, SIR, I DO NOT

7 Q OKAY ON THE BLUE JEANS, ITEM NO 4 -- 14 3 -- 3,
8 WAS ANY BLOOD TAKEN FROM THEM ITEMS?

9 A ITEM 14 3 IS A PAIR OF BLUE JEANS, AND I TOOK FIVE
10 CUTTINGS FROM THE BLUE JEANS

11 Q FIVE COATINGS (SIC) AND WAS ANY BLOOD FOUND IN
12 ANY OF THE COATINGS THAT YOU TOOK MA'AM?

13 A I TOOK FIVE CUTTINGS, AND THEY WERE POSITIVE FOR
14 THE PRESUMPTIVE TEST OF BLOOD

15 Q WOULD YOU TELL ME THE AREAS THAT THE BLUE JEANS
16 WAS TESTED AND WHERE THE COATINGS (SIC) CAME FROM -- IF
17 THAT'S CORRECT?

18 A ITEM 14 3, THIS IS A DIAGRAM WHERE -- THAT I USED
19 TO DOCUMENT WHERE I TOOK MY CUTTINGS FROM

20 Q YES, MA'AM

21 A AND I HAD SEVERAL AREAS ON THE JEANS THAT I MARKED
22 WHERE I TOOK MY CUTTINGS FROM

23 Q AND YOU SUBMITTED THEM TO -- FOR FURTHER
24 EXAMINATION TO SOMEONE OUTSIDE YOUR DEPARTMENT TO
25 DETERMINE WHETHER THERE WAS BLOOD OR HUMAN BLOOD OR

1 NOT?

2 A THAT'S CORRECT

3 Q THAT'S INFORMATION YOU WOULD NOT KNOW, IS THAT
4 CORRECT?

5 A THAT'S CORRECT

6 MR ALKEBULANYAHH MS BRYSON, THANK YOU I HAVE
7 NO FURTHER QUESTIONS

8 MR MURDAUGH NO QUESTIONS YOU MAY COME DOWN
9 MAY MS BRYSON BE EXCUSED?

10 THE COURT ANY OBJECTION?

11 MR ALKEBULANYAHH YES, YOUR HONOR, I DO HAVE A
12 -- A QUESTION OR TWO

13 THE COURT ALL RIGHT GO AHEAD

14 MR ALKEBULANYAHH I'M SORRY

15 WITNESS THAT'S OKAY

16 Q WAS ANY CLOTHING TAKEN FROM -- SUBMITTED TO YOU
17 FROM A BOBBY GENE RIGBY?

18 A NO, SIR

19 Q MICHAEL BODUS (PHONETIC)?

20 A NO, SIR

21 Q OTIS IVY?

22 A NO, SIR

23 MR ALKEBULANYAHH OKAY I HAVE NO FURTHER
24 QUESTIONS, YOUR HONOR

25 MR MURDAUGH NOR DO I

1 THE COURT YOU MAY STEP DOWN, MA'AM DO YOU HAVE
2 ANY OBJECTION TO HER BEING EXCUSED?

3 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
4 HONOR

5 THE COURT YOU MAY BE EXCUSED, MA'AM
6 (THE WITNESS LEAVES THE WITNESS STAND)

7 MR MURDAUGH GRAY AMICK

8 GRAYSON D AMICK, BEING
9 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY MR. MURDAUGH.

11 Q YOUR FULL NAME PLEASE, SIR?

12 A GRAYSON D AMICK

13 Q MR AMICK, BY WHOM ARE YOU EMPLOYED?

14 A I WORK FOR THE SOUTH CAROLINA LAW ENFORCEMENT
15 DIVISION

16 Q OKAY AND IN WHAT CAPACITY DO YOU WORK WITH THEM?

17 A I'M ASSIGNED TO THE SEROLOGY AND DNA LABORATORY

18 Q OKAY, SIR WHAT IS SEROLOGY?

19 A FORENSIC SEROLOGY IS THE IDENTIFICATION OF BODY
20 FLUIDS

21 Q AND DNA IS WHAT?

22 A DNA IS -- FORENSIC DNA ANALYSIS IS DEVELOPING A
23 DNA PROFILE FROM EVIDENCE IN A CASE, AND COMPARING IT
24 TO THE PEOPLE INVOLVED IN THE CASE

25 Q OKAY, SIR WHAT SCHOOLING -- WHERE DID YOU GO TO

- 1 UNDERGRADUATE SCHOOL?
- 2 A I WENT TO U S C , GOT A BIOLOGY DEGREE IN 1989
- 3 Q OKAY, SIR AND WHEN DID YOU GO TO WORK FOR SLED?
- 4 A FOLLOWING THAT, I GOT MY PH D FROM USC AND ---
- 5 Q YOUR DOCTORATE DEGREE?
- 6 A THAT'S CORRECT
- 7 Q OKAY
- 8 A AND WAS EMPLOYED AT SLED IN 1993
- 9 Q OKAY, SIR WHAT SPECIFIC SCHOOLING HAVE YOU HAD
- 10 TO DO DNA ANALYSIS?
- 11 A BESIDES COURSE WORK THAT I TOOK IN SCHOOL, I'VE
- 12 HAD CONTINUING EDUCATION IN FORENSIC DNA ANALYSIS, TO
- 13 INCLUDE STATISTICS AS IT APPLIES TO THE FIELD AS WELL
- 14 AS CONTINUING EDUCATION IN THE TYPE TESTS WE DO AT
- 15 SLED, ATTENDED CONFERENCES THAT ARE OFFERED EVERY YEAR
- 16 IN THE FIELD AS WELL AS BEEN INVOLVED IN METHOD
- 17 DEVELOPMENT IN THE LABORATORY AND ALL DURING THE
- 18 PROTOCOL AND STUFF LIKE THAT
- 19 Q AND HAVE YOU ALSO INSTRUCTED OTHER PEOPLE HOW TO
- 20 DO DNA?
- 21 A YES, I HAVE I HAVE PUT ON A COUPLE OF SEMINARS
- 22 AND TALKS INVOLVED IN THE -- IN THE FIELD A
- 23 SOLICITOR'S CONFERENCE, AND A COUPLE OTHER CONFERENCES
- 24 Q OKAY, SIR HOW LONG HAVE YOU BEEN DOING DNA
- 25 TESTING OR ANALYSIS OR WHATEVER YOU DO?

1 A I'VE BEEN IN THE DNA DEPARTMENT FOR ABOUT 5 1/2
2 YEARS

3 Q OKAY, SIR HAVE YOU EVER TESTIFIED IN COURT ABOUT
4 -- IN REGARD TO DNA EVIDENCE?

5 A I HAVE

6 Q HAVE YOU BEEN QUALIFIED AS AN EXPERT?

7 A I HAVE

8 Q DO YOU KNOW HOW MANY TIMES, SIR?

9 A APPROXIMATELY 30 TIMES

10 Q OKAY, SIR HOW MANY DNA TESTS HAVE YOU PERFORMED?

11 A OH, IT WOULD PROBABLY BE IN THE THOUSANDS I
12 DON'T KNOW EXACTLY

13 MR MURDAUGH OKAY, SIR IF YOUR HONOR, PLEASE,
14 I WOULD PROFFER HIM AS AN EXPERT IN DNA ANALYSIS AND
15 TESTING

16 THE COURT ANY OBJECTION?

17 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION,
18 YOUR HONOR

19 THE COURT THE COURT FINDS HIM TO BE QUALIFIED IN
20 THAT AREA WITHOUT OBJECTION

21 Q MR AMICK, I ASK YOU WHETHER OR NOT AS A PART --
22 WERE YOU INVOLVED IN THE INVESTIGATION IN THE DEATH OF
23 OFFICERS COURSEN AND TATE?

24 A IT WAS MY -- ASSIGNED TO ME AS MY CASE IN THE DNA
25 DEPARTMENT, YES

STATE VS ALKEBULANYAHH

1 Q OKAY, SIR I ASK YOU WHETHER OR NOT YOU RECEIVED
2 A VILE OF BLOOD AND DO YOU RECOGNIZE THAT LABEL ON
3 STATE'S EXHIBIT NO 22?

4 A I DO AND IT HAS MY INITIALS ON IT

5 Q OKAY AND IS THIS THE LABEL THAT WAS ON THE VILE
6 OF BLOOD THAT YOU RECEIVED?

7 A IT -- IT IS

8 Q OKAY, SIR DID YOU ALSO RECEIVE FROM JAN BRYSON
9 STATE'S EXHIBIT 15 (SIC) AND 16 (SIC)?

10 A I DID

11 Q OKAY SIR DID YOU ALSO RECEIVE FROM DIANE BODIE
12 STATE'S EXHIBIT 113 AND 114?

13 A I DID

14 Q OKAY, SIR FIRST OF ALL, I'M GOING TO ASK YOU,
15 DID YOU DO DNA WORK ON THESE FIVE ITEMS?

16 A I DID

17 Q OKAY, SIR NOW, FOR A COUNTRY BOY LIKE ME, TELL
18 US WHAT DNA IS?

19 A OKAY IT'S A MOLECULE THAT'S CONTAINED IN
20 EVERYBODY'S BODY, AND IT BASICALLY IS A BLUEPRINT FOR
21 -- FOR YOUR BODY, HOW YOUR BODY IS MADE SO TO SPEAK
22 AND EVERYBODY'S DNA IS UNIQUE AND THAT'S WHY WE CAN USE
23 IT IN FORENSIC DNA ANALYSIS -- EXCEPT FOR IDENTICAL
24 TWINS THEIR DNA IS THE SAME

25 SO ON EVERY CELL THAT HAS A NUCLEUS IN YOUR BODY,

1 THERE'S DNA AND WE USE THAT IN CASES LIKE EVIDENCE
2 WHERE THERE'S BEEN BLOOD LEFT AT THE SCENE OR SEMEN IN
3 THE CASE OF A CRIMINAL SEXUAL CONDUCT CASE, OR SALIVA,
4 OR ANY BODILY FLUID PRETTY MUCH WILL CONTAIN DNA THAT
5 CAN BE COLLECTED AS EVIDENCE AND A PROFILE DEVELOPED,
6 AND THEN WE CAN GET BLOOD FROM PEOPLE INVOLVED IN THE
7 CASE, BLOOD STANDARDS, AND COMPARE THAT TO THE EVIDENCE
8 TO SEE WHO LEFT THAT STAIN

9 Q OKAY, SIR WHAT DOES IT TELL YOU WHEN YOU COMPARE
10 IT TO BLOOD GATHERED FROM A SUSPECT TO EVIDENCE THAT'S
11 GATHERED AT THE SCENE?

12 A WELL, IT -- ALL IT DOES -- ALL WE CAN DO IS
13 ATTEMPT TO DEVELOP A PROFILE AND WHAT IT WOULD TELL
14 ME IS WHETHER OR NOT A PERSON MATCHES THAT PROFILE OR
15 NOT SO BASICALLY IT TELLS ME THAT THAT BLOOD BELONGS
16 TO THIS INDIVIDUAL OR THAT SALIVA BELONGS TO THAT
17 INDIVIDUAL, THAT KIND OF THING

18 Q SO YOU CAN TELL WHETHER OR NOT BLOOD FROM THE
19 SCENE CAME FROM THE BLOOD THAT WAS DRAWN BY A HOSPITAL
20 FROM AN INDIVIDUAL?

21 A THAT'S CORRECT

22 Q OKAY, SIR DID YOU DO A COMPARISON BETWEEN THE
23 BLOOD CONTAINED IN STATE'S 22 AS HAVING BEEN TESTIFIED
24 AS COMING FROM THE DEFENDANT TO THE FOUR ITEMS, STATE'S
25 EXHIBIT NO 115, WHICH IS TESTIFIED AS BEING THE STICK

1 -- RATHER A SWAB FROM A STICK COLLECTED BY JAN BRYSON
2 A RIFLE STATE'S EXHIBIT 11 A SWAB FROM THAT RIFLE BY
3 JAN BRYSON, STATE'S EXHIBIT 113 A SWAB FROM THE
4 MAGAZINE OF THE GUN, AND STATE'S EXHIBIT 114 WHICH HAS
5 BEEN TESTIFIED AS A SPOT OF BLOOD ON A DOOR AT 21 RILEY
6 ROAD? DID YOU MAKE A COMPARISON OF THOSE FOUR ITEMS
7 WITH THE BLOOD THAT WAS DRAWN FROM THIS DEFENDANT?
8 A I BELIEVE I DID AND BEFORE I CAN REFERENCE MY
9 REPORT I HAVE TO KNOW THE EXACT -- THE ITEM NUMBER
10 BECAUSE I DON T HAVE THE STATE'S EXHIBIT NUMBER ON MY
11 REPORT (PAUSE) THANK YOU (PAUSE) I DID ANALYZE
12 THESE ITEMS
13 Q OKAY SIR LET'S START OFF WITH THE BLOOD SWAB
14 FROM THE -- FROM THE DOOR THAT WAS TAKEN BY DIANE BODIE
15 FROM 21 RILEY ROAD?
16 A ALL RIGHT I BELIEVE THAT'S ITEM 72 LET ME
17 DOUBLE CHECK SWAB FROM BEDROOM DOOR EDGE IS STATE S
18 EXHIBIT 114
19 Q YES SIR
20 A WHAT I WAS ABLE TO DO WAS DEVELOP A PARTIAL DNA
21 PROFILE FROM ITEM 72 THAT MATCHED TYREE ROBERTS
22 Q OKAY, SIR THE ONE FROM THE MAGAZINE TAKEN BY
23 DIANE BODIE THE SWAB?
24 A OKAY THAT S 140 3 I BELIEVE SWAB FROM
25 MAGAZINE, 140 3, STATE'S EXHIBIT 113 DNA PROFILE

STATE VS ALKEBULANYAH

- 1 DEVELOPED FROM ITEM 140 3 MATCHED TYREE ROBERTS
- 2 Q OKAY, SIR THE STICK THAT WAS FOUND NEAR THE
- 3 RIFLE AND SWAB BY JAN BRYSON?
- 4 A ITEM 87 1, STATE'S EXHIBIT 115, DNA PROFILE
- 5 DEVELOPED FROM ITEM 87 1 MATCHED TYREE ROBERTS
- 6 Q THE SWAB TAKEN BY JAN BRYSON FROM THE RIFLE, WHICH
- 7 IS MARKED STATE'S EXHIBIT 11 AND TO YOUR LEFT HAND?
- 8 A THAT IS ITEM 154 1, STATE'S EXHIBIT 116 THE DNA
- 9 PROFILE DEVELOPED FROM ITEM 154 1 MATCHED TYREE
- 10 ROBERTS
- 11 Q OKAY, SIR SO WHAT YOU'RE TELLING ME IS THAT THE
- 12 SWAB FROM THE DOOR, THE SWAB FROM THE MAGAZINE, THE
- 13 SWAB FROM THE STICK, AND THE SWAB FROM THE RIFLE WERE
- 14 WHOSE BLOOD?
- 15 A THEY ALL MATCHED TYREE ROBERTS
- 16 MR MURDAUGH THANK YOU ANSWER ANY QUESTIONS HE
- 17 MAY HAVE
- 18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 19 Q GOOD MORNING, MR AMICK
- 20 A GOOD MORNING
- 21 Q DID YOU DO AN ANALYSIS OF AN ITEM 14 1 1?
- 22 A I DID
- 23 Q AND WHAT MAY THAT ITEM HAVE BEEN?
- 24 A 14 1 1 -- DESCRIPTION, CUTTING FROM JACKET
- 25 Q WHAT COLOR JACKET WAS THAT?

- 1 A WHAT COLOR JACKET?
- 2 Q YES, SIR, DO YOU KNOW?
- 3 A I DON'T HAVE THAT IN THE DESCRIPTION
- 4 Q SO THAT COULD HAVE BEEN ANY -- ANY TYPE OF JACKET
- 5 THAT MIGHT BE RELATED TO THIS MATTER HERE? YOU CAN'T
- 6 PARTICULARLY PIN-POINT WHERE THIS JACKET -- WHO THIS
- 7 JACKET BELONGS TO?
- 8 A I CAN -- I CAN LOOK THROUGH MY NOTES TO SEE IF THE
- 9 DESCRIPTION CONTAINS THE COLOR RIGHT QUICK
- 10 Q YES THANK YOU
- 11 A FROM THE EVIDENCE PROCESSING WORK SHEETS, 14 1,
- 12 BLACK ARMY TYPE JACKET
- 13 Q AND THAT WAS THE JACKET ALLEGEDLY BELONG TO MR
- 14 ALKEBULANYAHH A/K/A TYREE ROBERTS, IS THAT CORRECT?
- 15 A I HAVE NO IDEA
- 16 Q SO ALL THE ITEMS THAT YOU -- WAS HUMAN BLOOD FOUND
- 17 ON THAT JACKET?
- 18 A 14 1 1 YES HUMAN BLOOD WAS IDENTIFIED
- 19 Q AND WHO'S THAT BLOOD IDENTIFIED WITH?
- 20 A NO RESULT WAS OBTAINED FROM ITEM 14 1 1 AS FAR AS
- 21 THE DNA
- 22 Q WHAT ABOUT 14 1 2?
- 23 A IT WAS ALSO A CUTTING FROM THAT SAME JACKET
- 24 Q WAS ANY HUMAN BLOOD FOUND ON THAT JACKET?
- 25 A ITEM 14 1 2, NO HUMAN BLOOD IDENTIFIED

1 Q ITEM 14 3 2? (PAUSE) I'M SORRY WAS ANY
2 RESULTS FOUND ON 14 3 2?
3 A 14 3 2, NO HUMAN BLOOD WAS IDENTIFIED AND DNA --
4 NO RESULTS WERE OBTAINED
5 Q 14 3 3?
6 A THE QUESTION?
7 Q WAS ANY HUMAN BLOOD FOUND ON THE 14 3 3?
8 A 14 3 3 HUMAN BLOOD WAS IDENTIFIED
9 Q AND WAS THAT DNA IDENTIFIED WITH ANY PARTICULAR
10 SUBJECT?
11 A NO RESULTS WERE OBTAINED -- NO DNA RESULTS WERE
12 OBTAINED FOR 14 3 3
13 Q AND 14 3 4?
14 A AGAIN, 14 3 4 HUMAN BLOOD WAS IDENTIFIED NO DNA
15 RESULTS WERE OBTAINED
16 Q 14 3 5?
17 A THE QUESTION WAS?
18 Q WAS ANY BLOOD OR DNA FOUND ATTRIBUTE TO THAT ITEM?
19 A 14 3 5 HUMAN BLOOD WAS IDENTIFIED
20 Q YES, SIR
21 A AND NO DNA RESULTS WERE OBTAINED
22 Q AND THAT'S FROM THE BLUE JEANS, IS THAT CORRECT?
23 A THAT'S CORRECT, CUTTING FROM BLUE JEANS
24 Q ITEM NO 154, THE RIFLE 154 8 WAS ANY HUMAN
25 BLOOD OR DNA IDENTIFIED?

1 A 154 -- ALL -- ALL THE SWABS FROM 154, WHICH IS
2 FROM THE RIFLE, HUMAN BLOOD WAS IDENTIFIED WHICH
3 SPECIFIC ONE WERE YOU ASKING ABOUT?
4 Q 154 8
5 A 154 8, NO DNA RESULT WAS OBTAINED FROM 154 8
6 Q 154 9, THE RIFLE?
7 A THE SAME THING, HUMAN BLOOD WAS IDENTIFIED, BUT NO
8 DNA RESULT WAS OBTAINED
9 Q 154 11?
10 A 154 11 HUMAN BLOOD IDENTIFIED, AND NO DNA RESULT
11 WAS OBTAINED
12 Q SO 154 8 AND 154 9 AND 154 11 HUMAN BLOOD WAS
13 IDENTIFIED ON THE RIFLE, BUT THERE WAS NO DNA MATCHING
14 THE PARTICULAR SWAB, IS THAT CORRECT?
15 A NOT EXACTLY IT WASN'T THAT THE DNA DIDN'T MATCH
16 IT WAS THERE WAS NO DNA PROFILE DEVELOPED AT ALL FROM
17 THOSE SWABS
18 Q OH 154 2 THE RIFLE? COULD YOU GIVE ME THE
19 RESULTS OF THAT?
20 A 154 2?
21 Q YES, SIR
22 A 154 2, HUMAN BLOOD IDENTIFIED
23 Q AND WAS -- WHAT WERE THE RESULTS OF THE DNA?
24 A DNA RESULTS HANG ON ONE SECOND I HAVE TO LOOK
25 AT THE CHART FOR 154 2

- 1 Q YES, SIR
- 2 A PARTIAL DNA PROFILE WAS DEVELOPED FROM 154 2, WAS
- 3 INCONCLUSIVE
- 4 Q AND THAT WAS FROM THE RIFLE, IS THAT CORRECT?
- 5 A THAT'S CORRECT
- 6 Q 154 3, THE RIFLE, WAS HUMAN BLOOD FOUND AND WHAT
- 7 WAS THE DNA RESULTS?
- 8 A 154 3 IT WAS THE SAME -- THE SAME RESULT
- 9 PARTIAL DNA PROFILE WAS DEVELOPED, WAS INCONCLUSIVE
- 10 Q AND, AGAIN, THERE WAS THE BLACK JACKET BELONGING
- 11 TO MR ALKEBULANYAHH, A/K/A TYREE ROBERTS THERE WAS
- 12 NO DNA PROFILE AND NO DNA RESULTS FROM THAT, IS THAT
- 13 CORRECT, NO HUMAN BLOOD WAS FOUND?
- 14 A WHICH ITEM NUMBER ARE YOU TALKING ABOUT?
- 15 Q 14 1 1
- 16 A CORRECT 14 1 1 AND 14 1 2, NO RESULTS -- NO DNA
- 17 RESULTS WERE OBTAINED
- 18 Q DO YOU KNOW IF ANY ITEM WAS FOUND -- ANY BLOOD WAS
- 19 FOUND ON THE LEFT SIDE OF THE BLUE JEANS, IS THERE AN
- 20 ITEM FOR THE LEFT SIDE OF THE BLUE JEANS IN YOUR NOTES
- 21 OR ANYWHERE THAT YOU KNOW WHERE THE BLOOD WAS FOUND?
- 22 A WHICH ITEM ARE YOU SPEAKING OF?
- 23 Q INITIAL, I'M SPEAKING OF, I THINK THE 14 3 ITEM --
- 24 14 3 2, THE BLUE JEANS
- 25 A OKAY

1 Q AND I SEE THAT YOU GOT SEVERAL LISTING FOR THE
2 BLUE JEANS WHICH SWAB WAS TAKEN FROM AND I WAS
3 WONDERING WAS ANY BLOOD FOUND ON THE LEFT SIDE OF THE
4 BLUE JEANS?

5 A AGAIN, LOOKING AT THE EVIDENCE PROCESSING WORK
6 SHEETS THAT I PROVIDED WHEN I PROVIDED -- WHEN I
7 PROVIDED THESE CUTTINGS, I NEVER LOOK AT -- I NEVER SEE
8 THESE ITEMS GENERALLY WHAT HAPPENS IS -- TO CLARIFY
9 -- THESE ITEMS ARE HANDLED BY -- IN THIS CASE, JAN
10 BRYSON, PEOPLE IN EVIDENCE PROCESSING THEY IDENTIFY
11 THE STAINS AND MAKE THE CUTTINGS AND I RECEIVE THE
12 CUTTINGS BUT THEY DID PROVIDE ME THE LITTLE WORK
13 SHEETS

14 AND IT LOOKS FROM THE WORK SHEET THAT ON THE LEFT,
15 THE BACK LEFT LEG OF ITEM 14 3, THERE WERE TWO AREAS
16 IDENTIFIED AND CUT OUT 14 3 3 AND 14 3 4

17 Q AND THAT'S ON THE BACK LEFT LEG OF THE BLUE JEANS
18 ITEM 14 3 3 AND 14 3 4, IS THAT CORRECT?

19 A THAT'S WHAT IT LOOKS LIKE FROM THE DRAWING
20 CORRECT

21 Q AND WHAT WAS THE RESULTS?

22 A RESULTS OF 14 3 3 AND 4, HUMAN BLOOD WAS
23 IDENTIFIED ON BOTH OF THOSE BUT THERE WAS NO DNA
24 PROFILE THERE WAS NO -- NO DNA RESULT OBTAINED

25 Q ON ITEM ---

1 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

2 THE COURT YES, SIR

3 Q MR AMICK, IS YOU FAMILIAR WITH THIS DOCUMENT
4 HERE?

5 A THIS LOOKS LIKE A COPY OF MY REPORT

6 MR ALKEBULANYAHH YOUR HONOR COULD I INTRODUCE
7 THIS INTO EVIDENCE?

8 MR MURDAUGH MAY I SEE IT?

9 (PAUSE)

10 MR MURDAUGH NO OBJECTION, SIR

11 THE COURT DEFENDANT'S 26 IN EVIDENCE WITHOUT,
12 OBJECTION

13 (SLED FORENSIC SERVICES LABORATORY REPORT, GRAYSON
14 AMICK, 8 PAGES, MARKED IN EVIDENCE AS DEFENDANT'S
15 EXHIBIT NO 26)

16 Q MR AMICK, IN THE ITEMS SUBMITTED IN YOUR REPORT,
17 21 2 1 (SIC), COULD YOU TELL ME WHAT ITEM THIS WAS AND
18 IF YOU KNOW WHO THE ITEM BELONGED TO AND WAS HUMAN
19 BLOOD WAS FOUND AND WHAT WAS THE RESULTS?

20 A 22 2 1 (SIC)?

21 Q YES, SIR

22 A 22 2 1, CUTTINGS FROM BRA HUMAN BLOOD WAS
23 IDENTIFIED 22 2 1, DNA RESULTS WAS THAT -- THE DNA
24 PROFILE DEVELOPED FROM ITEM -- I'M SORRY I'M READING
25 THE WRONG ONE THERE WAS A LOT OF ITEMS IN THIS CASE

1 22 2 1 CORRECT?

2 Q YES SIR

3 A PARTIAL DNA PROFILE DEVELOPED FROM ITEM 22 2 1,
4 ALSO MATCHED TYREE ROBERTS

5 Q AND THAT WAS A BRA?

6 A DESCRIPTION I HAVE WAS PROVIDED WAS CUTTING FROM
7 BRA

8 Q AND WHO MAY THAT BRA BELONG TO? DO YOU KNOW?

9 A AGAIN, I DON'T KNOW I CAN LOOK AT THE WORK
10 SHEET

11 Q COULD YOU DO THAT?

12 MR MURDAUGH WE WOULD BE HAPPY TO STIPULATE THAT
13 IT'S KIMBERLY BLAKE'S BRA, SIR

14 THE COURT ANY OBJECTION?

15 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

16 THE COURT ALL RIGHT ACCEPT THAT STIPULATION AS
17 BEING TRUE, LADIES AND GENTLEMEN

18 Q AND THE CUTTING FROM BRA 22 2 1, WAS ANY HUMAN
19 FOUND AND WHAT WAS THE DNA RESULTS?

20 MR MURDAUGH YOUR HONOR, PLEASE, HE JUST
21 ANSWERED THAT QUESTION I OBJECT, YOUR HONOR I'M
22 SORRY

23 THE COURT I SUSTAIN THAT OBJECTION

24 Q THE CUTTINGS FROM 22 3 1, FROM A BLUE SHIRT ---

25 MR ALKEBULANYAHH MR MURDAUGH, WILL YOU

1 STIPULATE THAT THIS BLUE SHIRT BELONGED TO KIMBERLY
2 BLATE (PHONETIC)?

3 MR MURDAUGH I DON'T KNOW WHOSE SHIRT IT IS

4 Q MR AMICK -- AMICK, I'M SORRY 22 3 1, THE
5 CUTTING FROM BLUE SHIRT, FROM YOUR NOTES OR FROM NOTES
6 OF WHATEVER YOU HAVE BEFORE YOU, COULD YOU DETERMINE --
7 TELL ME WHOSE BLUE SHIRT THAT WAS?

8 A 22 3 1?

9 Q YES, SIR

10 A THE DNA PROFILE DEVELOPED FROM 22 3 1 ---

11 MR MURDAUGH YOUR HONOR, PLEASE, I'M SORRY, SIR
12 IN REVIEWING SOME DOCUMENTS WE HAVE HERE, WE WILL
13 STIPULATE THAT THE BLUE SHIRT, WHICH IS IDENTIFIED AS
14 22 3 1 IS THE SHIRT OF KIMBERLY BLAKE

15 THE COURT ALL RIGHT

16 MR ALKEBULANYAHH AND 22 3 2?

17 THE COURT HOLD ON HOLD ON A SECOND DO YOU
18 STIPULATE TO THAT?

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT ALL RIGHT YOU CAN ACCEPT THAT
21 STIPULATION AS BEING TRUE, LADIES AND GENTLEMEN

22 MR ALKEBULANYAHH CAN I HAVE ANOTHER
23 STIPULATION, SIR CHECK ---

24 THE COURT SEE IF THE STATE WOULD LIKE TO DO
25 THAT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH ITEM 22 3 2?

2 MR MURDAUGH THAT'S WHAT WE JUST STIPULATED TO

3 MR ALKEBULANYAHH NO, YOU DIDN'T

4 MR MURDAUGH STIPULATED THAT THE BLUE SHIRT IS

5 KIMBERLY BLAKE

6 MR ALKEBULANYAHH 22 3 1 AND 22 3 2, 22 3 3?

7 MR MURDAUGH AND 4

8 MR ALKEBULANYAHH AND 4?

9 MR MURDAUGH ARE KIMBERLY BLAKE'S SHIRT

10 THE COURT STIPULATE TO THAT?

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT ALL RIGHT

13 MR ALKEBULANYAHH THANK YOU

14 Q MR AMICK -- AMICK I'M SORRY ON 22 3 1 ON THE

15 BLUE SHIRT BELONGING TO KIMBERLY BLATE (PHONETIC), WAS

16 ANY HUMAN BLOOD IDENTIFIED?

17 A YES, 22 3 1 HUMAN BLOOD WAS IDENTIFIED

18 Q AND WHAT WERE THE DNA RESULTS?

19 A 22 3 1, THE DNA PROFILE DEVELOPED FROM 22 3 1 WAS

20 A MIXTURE TYREE ROBERTS COULDN'T BE EXCLUDED FROM THE

21 MIXTURE AND THE PROFILE DEVELOPED FROM THE MAJOR

22 CONTRIBUTOR ON THE ITEM MATCHED TYREE ROBERTS

23 Q AND WHEN YOU STATE THAT TYREE ROBERTS CANNOT BE

24 EXCLUDED FROM THE MIXTURE, YOU'RE SAYING THAT THERE WAS

25 OTHER DNA THAT BELONGS TO OTHER SUBJECTS THAN TYREE

STATE VS ALKEBULANYAHH

- 1 ROBERTS ON THE SHIRT IS THAT CORRECT?
- 2 A THAT'S CORRECT THERE WAS MORE THAN ONE
- 3 INDIVIDUAL -- THERE WAS MORE THAN ONE DNA PROFILE
- 4 DEVELOPED FROM THE SHIRT
- 5 Q AND ALSO IN 22 3 3 OF THE BLUE SHIRT, WHAT WAS THE
- 6 DNA RESULTS?
- 7 A 22 3 3?
- 8 Q 22
- 9 A 22 3 3?
- 10 Q YES SIR
- 11 A AGAIN, IT WAS A MIXTURE
- 12 Q AND YOU'RE SAYING THAT ALSO IN THIS PARTICULAR
- 13 AREA THAT THERE IS DNA OF ANOTHER SUBJECT OTHER THAN
- 14 TYREE ROBERTS ON 22 3 2 ALSO, IS THAT CORRECT?
- 15 A CORRECT IT'S A MIXTURE OF INDIVIDUALS
- 16 Q AND THE AREA FROM THE CUTTING 22 3 3 CUTTING FROM
- 17 THE SHIRT BELONGS TO KIMBERLY BLATE (PHONETIC) WHAT
- 18 WAS THE RESULTS OF THAT?
- 19 A AGAIN, HUMAN BLOOD WAS IDENTIFIED AND IT'S THE
- 20 SAME DNA RESULT -- DNA PROFILE DEVELOPED FROM THAT ITEM
- 21 WAS A MIXTURE
- 22 Q SO THE BLOOD THAT WAS FOUND AND SENT IN THAT WAS
- 23 ON THE CLOTHING OF KIMBERLY BLATE (PHONETIC) BLUE SHIRT
- 24 HAD DNA PROFILES OTHER THAN TYREE ROBERTS IS THAT
- 25 CORRECT?

- 1 A THAT'S CORRECT
- 2 Q YOU EXAMINED ITEM NO 72, IS THAT CORRECT?
- 3 A YES
- 4 Q AND ITEM NO 272 (SIC) WAS THE HUMAN BLOOD FOUND
- 5 FROM A DOOR KNOB EDGE, IS THAT CORRECT?
- 6 A THAT'S CORRECT
- 7 Q HOW LARGE AMOUNT OF BLOOD DID YOU HAVE TO EXAMINE?
- 8 DO YOU RECALL WAS IT A DROP, A SMEAR, OR IN THAT TYPE
- 9 OF FORM?
- 10 A LET ME LOOK AT MY NOTES
- 11 Q YES, SIR
- 12 A I GENERALLY DON'T RECORD HOW MUCH IS ON THE SWAB,
- 13 ONLY IF THERE'S NOT ENOUGH FOR FURTHER TESTING THAT'S
- 14 WHAT I'LL CHECK
- 15 (PAUSE)
- 16 A ITEM 72 HAD NO -- I HAVE NO NOTES TO SAY THAT
- 17 THERE WAS NOT ENOUGH FOR FURTHER TESTING SO THERE WAS
- 18 PLENTY OF DNA FOR MY TEST
- 19 Q THERE WAS PLENTY FOR THAT PARTICULAR TEST?
- 20 A YES
- 21 Q BUT NONE FOR FURTHER TESTING?
- 22 A NO THERE WAS PLENTY FOR MY TEST AND ADDITIONAL
- 23 TESTS
- 24 Q ON THE ITEMS 22 31 (SIC), ITEM 22 32 (SIC), AND
- 25 22 33 (SIC), THE SHIRT BELONGING TO KIMBERLY BLATE

1 (PHONETIC) COULD -- WAS -- WAS THE PRESENCE OF THE DNA
2 OF DANA TATE OR MICHAEL COURSEN PART OF THAT MIXTURE OF
3 BLOOD?

4 A CAN YOU SAY THAT -- ASK THAT AGAIN?

5 Q ON ITEM 22 31 (SIC), ITEM 22 32 (SIC), AND ITEM
6 22 33 (SIC), WAS PART OF THE MIXTURE OF DNA ON THE
7 SHIRT OF KIMBERLY BLATE (PHONETIC) -- COULD MR DANA
8 TATE OR MICHAEL COURSEN BE EXCLUDED FROM THAT MIXTURE?

9 A ON THOSE ITEMS DANA TATE AND MICHAEL COURSEN CAN
10 BE EXCLUDED FROM THE MIXTURES AGAIN ON ITEM 22 3 1
11 AND 22 3 2 AND 22 3 3

12 Q SO WITHIN THE MIXTURE COULD IT BE ACCURATELY
13 STATED THAT THERE WAS BLOOD PRESENT ON THE CLOTHING OF
14 MS KIMBERLY BLATE (PHONETIC) THAT MR DANA -- MR DANA
15 TATE AND MR MIKE COURSEN AND MR TYREE ROBERTS --
16 OTHER BLOOD IN THE MIXTURE OUTSIDE OF THERE COULD BE
17 PRESENT RIGHT?

18 A NOT EXACTLY THERE'S OTHER DNA PRESENT, NOT
19 NECESSARILY OTHER BLOOD PRESENT

20 Q OKAY

21 A THERE WAS HUMAN BLOOD IDENTIFIED WHEN THERE'S A
22 MIXTURE, YOU CAN'T TELL WHO CONTRIBUTES THE DNA --
23 WHETHER IT COMES FROM THE BLOOD OR, SAY, ON CLOTHING IT
24 CAME FROM SWEAT OR SOME OTHER BODILY FLUID THAT YOU CAN
25 GET ON YOUR CLOTHING SO YOU CAN'T SAY THAT THERE WAS

1 ANOTHER PERSON CONTRIBUTING BLOOD OR I CAN'T SAY THAT
2 THERE WAS ANOTHER DNA PROFILE DEVELOPED OTHER THAN THE
3 ONE FROM TYREE ROBERTS

4 MR ALKEBULANYAHH MR AMICK, THANK YOU I HAVE
5 NO FURTHER QUESTIONS

6 REDIRECT EXAMINATION BY MR. MURDAUGH

7 Q MR AMICK, I NEED TO ASK YOU ONE OR TWO QUESTIONS
8 COULD THE MIXTURE THAT YOU TALKED ABOUT ON KIMBERLY
9 BLAKE'S SHIRT HAVE BEEN CAUSED BY A BABY SPITTING UP?

10 A SURE

11 Q OKAY SIR WHEN YOU SAID THAT YOU DEVELOPED NO
12 PROFILE, AGAIN, I DON'T KNOW A WHOLE LOT ABOUT THIS
13 THING CAN YOU FILL ME IN AND LET ME KNOW WHAT YOU'RE
14 TALKING ABOUT, SIR?

15 A SURE THAT -- WHAT BASICALLY THAT MEANS, THERE
16 WASN'T ENOUGH DNA THERE

17 Q OKAY

18 A OR IF THERE WAS AND IT WAS DEGRADED TO THE POINT
19 THAT I DIDN'T GET A PROFILE SO IT'S NOT UNCOMMON TO
20 -- TO BE ABLE TO IDENTIFY BLOOD OR SEMEN IN -- IN -- IN
21 THESE TYPE CASES BUT FOR SOME REASON, THERE WASN'T
22 ENOUGH DNA MATERIAL PRESENT TO DEVELOP A PROFILE YOU
23 HAVE TO -- YOU HAVE TO HAVE ENOUGH TO DEVELOP THAT
24 PROFILE

25 MR MURDAUGH THANK YOU, SIR, I THINK I

1 UNDERSTAND NOW

2 THE COURT ANY FOLLOW-UP?

3 MR ALKEBULANYAHH YES YES, SIR, YOUR HONOR

4 THE COURT ANY FOLLOW-UP TO THOSE TWO QUESTIONS?

5 MR ALKEBULANYAHH YES, SIR

6 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

7 Q MR AMICK, DOES CHILDREN POSSESS THE SAME DNA
8 PROFILE AS THEIR PARENTS?

9 A NO

10 Q THEY DON'T AND WOULD YOU NEED -- IF YOU FOUND
11 DNA SUBSTANCE WOULD YOU NEED SOMEONE IN PARTICULAR TO
12 MAKE A COMPARISON TO TO DETERMINE WHETHER IT'S THE
13 PERSON THAT THAT DNA BELONGS TO?

14 A YES

15 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
16 YOUR HONOR

17 MR MURDAUGH ME EITHER, SIR

18 THE COURT YOU MAY STEP DOWN, SIR

19 MR MURDAUGH MAY HE BE EXCUSED? IF YOUR HONOR
20 PLEASE ---

21 THE COURT ANY OBJECTION TO HIM BEING EXCUSED?

22 MR ALKEBULANYAHH YES, SIR, I DO I WOULD LIKE
23 TO ASK JUST A COUPLE -- JUST A FEW MORE QUESTIONS, YOUR
24 HONOR

25 THE COURT IN RESPONSE TO HIS REDIRECT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO, NOT IN -- NOT IN RESPONSE
2 TO QUESTIONS THAT -- THAT I -- I -- I FORGOT TO ASK
3 THE COURT APPROACH SIDE BAR

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

6 THE COURT GO AHEAD

7 RECROSS EXAMINATION CONTINUED BY MR. ALKEBULANYAHH

8 Q MR AMICK, WAS ANY BLOOD OR ITEMS SUBMITTED TO YOU
9 FROM THE HOME OF 21 RILEY ROAD SUCH AS RUGS CLOTHING
10 TO BE TESTED FOR HUMAN BLOOD OR DNA PROFILE?

11 A I DON'T -- I DON'T KNOW I WOULD NOT KNOW WITHOUT
12 HAVING TO GO THROUGH EACH ITEM AND SEE WHERE IT CAME
13 FROM AND, LIKE I SAID, IT'S BASICALLY IRRELEVANT TO
14 ME I MEAN THE ITEMS COME TO ME AND I SIMPLY TRY TO
15 DEVELOP A PROFILE AND MATCH IT TO THE STANDARDS
16 INVOLVED

17 SO, I CAN LOOK AT EACH ITEM AND TRY TO DETERMINE
18 FROM THE PROCESSING NOTES WHERE THEY CAME FROM BUT I
19 DON'T RECALL ANY CARPET BEING SUBMITTED THERE IS A
20 LOT OF CLOTHING, BLOOD STANDARDS, SWABS FROM CLOSET
21 DOOR -- THAT WOULD BE FROM -- FROM A RESIDENCE, SWABS
22 FROM A BEDROOM DOOR, SWABS FROM A BAG, SWAB FROM A BOX,
23 SWAB FROM A SHOWER CURTAIN, A STOOL GLASS ON A T V ,
24 SWAB FROM A STICK, AND THEN SWABS FROM SOME OF THE
25 BULLETS, SWAB FROM THE PISTOL, THE MAGAZINE, THE RIFLE,

1 A SWAB FROM A FANNY PACK, SWAB FROM A PHONE, SWAB FROM
2 AN ADDRESS BOOK, SWAB FROM A KNIFE, FROM A FLASHLIGHT,
3 SWAB FROM A FENCE

4 I DON'T KNOW IF THAT ANSWERS YOUR QUESTION, BUT
5 THAT -- THAT COVERS A LOT OF WHAT WAS SUBMITTED

6 Q HOW ABOUT THE ITEM FROM THE T V ? WAS THERE ANY
7 RESULTS OF THE BLOOD FOUND ON THE ITEM FROM THE T V ?

8 A ITEM 80 WAS GLASS FROM T V HUMAN BLOOD WAS
9 IDENTIFIED

10 Q AND WHAT WAS -- WHO WAS THE RESULTS OF THAT?

11 A THE PARTIAL DNA PROFILE THAT I DEVELOPED FROM ITEM
12 80 WAS INCONCLUSIVE

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

15 MR MURDAUGH YOU MAY COME DOWN MAY HE BE
16 EXCUSED?

17 THE COURT ANY OBJECTION?

18 MR ALKEBULANYAHH NO OBJECTION, YOUR HONOR

19 THE COURT YOU MAY BE EXCUSED, SIR

20 (THE WITNESS LEAVES THE WITNESS STAND)

21 MR MURDAUGH YOUR HONOR PLEASE, AT THIS POINT
22 WE PROBABLY NEED TO DISCUSS A MATTER OUTSIDE OF THE
23 PRESENCE OF THE JURY, SIR

24 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL
25 SEND YOU TO THE JURY ROOM DO NOT DISCUSS THIS CASE IN

1 ANY WAY THANK YOU VERY MUCH
2 (THE JURY RETIRES TO THE JURY ROOM AT 10 55 A M)
3 THE COURT YES, SIR
4 MR MURDAUGH YOUR HONOR, PLEASE, JUST FOR
5 PLANNING PURPOSES, THERE ARE FOUR ADDITIONAL WITNESSES
6 THAT THE STATE INTENDS TO CALL
7 THE COURT YES, SIR
8 MR MURDAUGH AND THEY SHOULDN'T BE EXTREMELY
9 LONG MR STONE WILL BE HANDLING THEIR EXAMINATION
10 MR STONE MAY IT PLEASE THE COURT, YOUR HONOR
11 THESE ARE THE STATEMENTS WE REFERRED TO YOU BEFORE
12 THEY ARE INCULPATORY STATEMENTS MADE BY THE DEFENDANT,
13 AND NOT THE RESPONSE OF ANY CUSTODIAL INTERROGATION
14 WE HAVE THE WITNESSES HERE AND WE WOULD LIKE TO GO
15 AHEAD AND PUT THOSE UP ---
16 THE COURT ALL RIGHT
17 MR STONE --- OUT OF AN ABUNDANCE OF PRECAUTION
18 PRIOR TO THE TESTIMONY
19 THE COURT GO AHEAD
20 MR STONE SERGEANT JOHN BEARDEN
21 THE COURT WHAT IS THE NATURE OF THE STATEMENT?
22 MR STONE THE FIRST STATEMENT, YOUR HONOR, THE
23 FIRST SET OF STATEMENTS -- ONE STATEMENT FROM THE GROUP
24 IN PARTICULAR ARE OFFICERS FROM THE CHARLESTON COUNTY
25 DETENTION CENTER AND THE STATEMENT WAS ---

STATE VS ALKEBULANYAHH

1 THE COURT HOLD ON A SECOND
2 MR STONE WOULD YOU LIKE ME TO ASK HIM TO STEP
3 OUT?
4 THE COURT YES, STEP OUTSIDE FOR JUST ONE SECOND
5 (PAUSE)
6 THE COURT GO AHEAD
7 MR STONE THE STATEMENT, YOUR HONOR, THAT THE
8 DEFENDANT MADE BASICALLY -- ALTHOUGH, THERE'S SOME
9 ADDITIONAL ---
10 THE COURT CLOSE THE DOOR PLEASE GO AHEAD
11 MR STONE I'M SORRY, YOUR HONOR JUST CHECKING
12 THE STATEMENT -- THE FIRST STATEMENT, YOUR HONOR, CAME
13 FROM THE DEFENDANT AT THE CHARLESTON DETENTION CENTER
14 WHEN HE WAS BEING BOOKED ON JANUARY 9 THAT STATEMENT
15 WAS AS THEY WERE TRYING TO TAKE HIS PHOTOGRAPH THEY
16 WERE TRYING TO GET HIM NOT TO SMILE, HE WOULD -- HE
17 REFUSED NOT TO SMILE DURING ALL OF HIS PICTURES
18 AND WHEN THEY WERE TRYING TO GET HIM TO COMPLY
19 WITH THEIR REQUEST IN GIVING A SERIOUS PHOTOGRAPH, THE
20 STATEMENT WAS I SHOT TWO COPS, I'M LOOKING AT THE
21 CHAIR YOU DON'T HAVE TO -- AND YOU CAN'T DO ANYTHING
22 TO ME
23 OF COURSE, THE IMPORTANCE OF THAT STATEMENT, YOUR
24 HONOR, FROM OUR PERSPECTIVE IS THAT HE HAS MADE A
25 CONFESSION AT THAT POINT THAT HE SHOT THE TWO POLICE

STATE VS ALKEBULANYAHH

1 OFFICERS

2 THESE WERE NOT AS A RESULT OF ANY TYPE OF
3 QUESTIONING BY ANY OF THE OFFICERS DURING THE BOOKING
4 PROCESS THIS WAS SIMPLY THE STANDARD BOOKING
5 PROCEDURE

6 THEN UNDER, I BELIEVE, STATE VERSUS OWENS, RHODE
7 ISLAND VERSUS INNIS, AND STATE VERSUS KOON, THESE
8 STATEMENTS ARE ADMISSIBLE OBVIOUSLY, HE IS IN
9 CUSTODY THERE IS NO ISSUE AS TO MIRANDA, BECAUSE
10 MIRANDA DOESN'T APPLY BECAUSE THIS WAS NOT -- THESE
11 STATEMENTS WERE NOT MADE AS A RESULT OF ANY TYPE OF
12 INTERROGATION

13 THE SECOND STATEMENT, YOUR HONOR, IS FROM THE
14 BEAUFORT COUNTY DETENTION CENTER, THAT IS A TOTALLY
15 SEPARATE STATEMENT THAT STATEMENT WAS MADE BY THE
16 DEFENDANT TO A BEAUFORT COUNTY DETENTION CENTER OFFICER
17 WHO WAS TRYING TO GET HIM -- WHO HAD ALREADY GIVEN THE
18 RECREATION TIME TO ALL THE INMATES

19 MR ALKEBULANYAHH WAS AT THAT POINT NOT HAPPY WITH
20 HIS REC TIME, AND MADE THE STATEMENT TO SERGEANT JOHN
21 WASHINGTON OF THE BEAUFORT COUNTY DETENTION CENTER, YOU
22 LIKE PLAYING GAMES? THE LAST TWO THAT MADE -- THE LAST
23 TWO THAT PLAYED WITH ME ARE 6 FEET UNDER

24 AGAIN, THIS STATEMENT WAS NOT MADE PURSUANT TO ANY
25 TYPE OF INTERROGATION BY OFFICER WASHINGTON

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT GO AHEAD PLEASE THOSE
2 ARE THE ONLY STATEMENTS YOU'RE TALKING ABOUT?

3 MR STONE THAT'S IT, SIR

4 THE COURT GO AHEAD PUT YOUR WITNESS UP

5 MR STONE SERGEANT BEARDEN LET HIM COME IN
6 NOW

7 JOHN J BEARDEN, BEING
8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY MR STONE.

10 Q STATE YOUR FULL NAME, SIR IF YOU WOULD, SPELL
11 YOUR LAST NAME?

12 A JOHN JAMES BEARDEN, B-E-A-R-D-E-N

13 Q AND WHAT IS YOUR RANK, SIR?

14 A SERGEANT

15 Q AND YOU ARE A SERGEANT WITH WHOM?

16 A CHARLESTON COUNTY DETENTION CENTER

17 Q AND IN YOUR ROLE AS THE SERGEANT FROM THE
18 CHARLESTON COUNTY DETENTION CENTER, WHAT DO YOU DO?

19 A I'M THE SECURITY SERGEANT I'M THE DIRECT
20 SUPERVISOR OVER ADMISSIONS IN THE SECURITY DEPARTMENT

21 Q ARE YOU ALSO INVOLVED IN BOOKING PROCEDURES?

22 A YEAH, IN THE IDENTIFICATION PROCEDURES

23 Q OKAY LET ME CALL YOUR ATTENTION IF I COULD TO
24 JANUARY 9 DID YOU BOOK THE DEFENDANT, MR
25 ALKEBULANYAHH?

STATE VS ALKEBULANYAHH

1 A WE TOOK HIS PHOTOGRAPHS YES, SIR

2 Q WHO WAS WITH YOU WHEN YOU WERE TAKING HIS
3 PHOTOGRAPHS?

4 A THAT WOULD HAVE BEEN OFFICER WAGNER AND A CAPTAIN
5 WILLIS BEATTY

6 Q THESE THREE OFFICERS WERE IN THE SAME ROOM WHEN
7 YOU WERE TRYING TO TAKE HIS PHOTOGRAPH?

8 A YES, SIR

9 Q OKAY IF YOU COULD TELL US, TELL THE COURT, WHAT
10 HAPPENED WHILE YOU WERE TRYING TO TAKE THE DEFENDANT'S
11 PHOTOGRAPH?

12 A WHEN MR ROBERTS CAME INTO THE I D AREA, HE WAS
13 SMILING WHILE WE WERE TRYING TO TAKE HIS PHOTOGRAPH

14 Q ALL RIGHT LET ME STOP YOU THERE AT THIS POINT
15 YOU KNEW HIM AS MR ROBERTS?

16 A YES SIR

17 Q OKAY GO AHEAD I'M SORRY

18 A AND HE WAS SMILING AS WE WERE TAKING HIS
19 PHOTOGRAPH AND FOR IDENTIFICATION REASONS, WE TRY TO
20 GET AN EXPRESSIONLESS PICTURE WE TOLD HIM, YOU KNOW,
21 HE COULD STAND THERE AS LONG AS HE WANTS, WE NEED TO
22 GET AN EXPRESSIONLESS PICTURE HE DIDN'T HAVE AN
23 OPTION

24 AND THAT'S WHEN HE TOLD US HE WAS GETTING READY TO
25 BUCK HE WAS -- YOU KNOW, IT LOOKED LIKE HE WAS

1 GETTING READY TO, YOU KNOW, FIGHT WITH US

2 I THEN GRABBED HIS ARM, AND I TOLD HIM IT'S NOT AN
3 OPTION YOU STAND HERE ALL DAY LONG WE NEED TO GET
4 THESE PHOTOS OF YOU

5 AND THAT'S WHEN HE TOLD ME THAT HE KNEW WHAT HIS
6 OPTIONS WERE, HE'D JUST KILLED TWO COPS, AND HE DIDN'T
7 HAVE TO DO ANYTHING

8 Q WHEN HE MADE THIS STATEMENT ABOUT KILLING THE TWO
9 OFFICERS, DID YOU -- AT ANY TIME DID YOU QUESTION HIM
10 OR DID ANYONE IN YOUR PRESENCE QUESTION HIM?

11 A NO, NOT ABOUT ANYTHING

12 MR STONE OKAY I DON'T HAVE ANYTHING FOR THIS
13 WITNESS AT THIS TIME, YOUR HONOR

14 THE COURT ANY QUESTIONS?

15 MR ALKEBULANYAHH YES SIR, YOUR HONOR

16 (PAUSE)

17 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE ONE
18 MOMENT WITH COUNSEL

19 (PAUSE)

20 CROSS EXAMINATION BY MR. ALKEBULANYAHH

21 Q MR BEARDEN, WHAT ARE YOU CLAIMING THAT MR
22 ALKEBULANYAHH SAID?

23 A I'M CLAIMING THAT MR ROBERTS SAID THAT HE HAD
24 KILLED TWO COPS, HE DIDN'T HAVE ANYTHING TO LOSE HE
25 WAS GOING TO STAND THERE AND SMILE ALL HE WANTED

STATE VS ALKEBULANYAHH

1 Q SO YOU'RE CLAIMING HE SAID HE KILLED TWO COPS HE
2 HAVE NOTHING TO LOSE, IS THAT CORRECT?

3 A WELL, THAT'S WHAT HE DID SAY YOU KNOW, HE'D JUST
4 KILLED TWO COPS HE KNEW WHAT HIS OPTIONS WERE

5 Q I DON'T RECALL SEEING IN YOUR STATEMENT WHERE YOU
6 SAID, WELL, MR ROBERTS STATED THAT HE HAS NOTHING TO
7 LOSE IS THAT SOMETHING YOU JUST MADE UP FOR TODAY,
8 FOR THIS PARTICULAR OCCASION OR SOMETHING THAT ACTUALLY
9 HAPPENED?

10 A I BELIEVE I SAID THAT HE KNEW WHAT HIS OPTIONS
11 WERE, HE'D JUST KILLED TWO COPS

12 Q AND YOU ALSO STATED A MINUTE AGO THAT HE SAID HE
13 HAD NOTHING TO LOSE, IS THAT CORRECT?

14 A THAT'S WHEN YOU ASKED ME WHAT I THOUGHT HE WAS
15 TRYING TO GET ACROSS

16 Q WHO ALL WAS PRESENT WHEN THAT STATEMENT WAS MADE,
17 SIR?

18 A OFFICER NICHOLAS WAGNER AND CAPTAIN WILLIS BEATTY
19 AND INMATE TYREE ROBERTS

20 Q AND WHAT ACTION DID YOU TAKE AFTER YOU ALLEGE MR
21 ALKEBULANYAHH SAID HE WASN'T -- WASN'T GOING TO
22 PARTICIPATE IN A PHOTO?

23 A WELL, WE ALREADY HAD ONE PHOTO OF HIM SMILING
24 AND WE KNOW AT THIS TIME THAT HE WAS NOT GOING TO
25 COOPERATE SO WE JUST WENT AHEAD WITH THAT PHOTO, PUT

1 HIM IN A WHEELCHAIR, AND TOOK HIM UP TO MEDICAL UNIT

2 Q DID YOU PUT YOUR HANDS ON THE -- MR

3 ALKEBULANYAHH?

4 A YES, SIR, I DID

5 Q PHYSICALLY, WHERE YOU GRABBED HIM ON HIS INJURED
6 SHOULDER THAT HE WAS SHOT IN, IS THAT CORRECT?

7 A GRABBED HIS RIGHT ARM, BECAUSE I THOUGHT HE WAS
8 GETTING READY TO FIGHT, TO CONTROL THE SITUATION

9 Q IN TRUTH YOU ACTUALLY GRABBED MR ALKEBULANYAHH
10 AND SHOVED HIM AGAINST THE WALL, ISN'T THAT CORRECT?

11 A NO SIR, IT'S NOT

12 Q AND IN TRUTH, YOU ACTUALLY SAID -- MR

13 ALKEBULANYAHH ACTUALLY SAID THAT MR ALKEBULANYAHH --

14 MR ROBERTS -- MY NAME IS MR ALKEBULANYAHH BUT YOU
15 SAID AT THAT TIME ROBERTS YOU GOING TO TAKE THAT SMILE
16 OFF YOUR FACE, BECAUSE YOU DONE KILLED TWO POLICE
17 OFFICERS, IS THAT CORRECT?

18 A NO, SIR, THAT'S NOT CORRECT

19 Q WAS MR ALKEBULANYAHH -- WAS MR ALKEBULANYAHH

20 A/K/A MR ROBERTS AS YOU REFER TO, WAS HE INJURED WHEN
21 HE CAME IN?

22 A YES, SIR I BELIEVE SO HE CAME IN IN A
23 WHEELCHAIR, BROUGHT HIM INTO THE ID UNIT

24 Q WHO ALL YOU SAY WAS PRESENT?

25 A MYSELF, INMATE TYREE ROBERTS, OFFICER NICK WAGNER,

- 1 AND CAPTAIN WILLIS BEATTY
- 2 Q WAGNER AND BEATTY?
- 3 A BEATTY
- 4 Q B-E-A-T-T-Y?
- 5 A YES SIR
- 6 Q YOUR SUPERVISOR, MAJOR MCCAILE -- MCCAILE
- 7 (PHONETIC), WASN'T HE PRESENT?
- 8 A I BELIEVE HE WAS STANDING OUTSIDE THE ID ROOM
- 9 Q WASN'T IT HIM WHO TURNED AND SPOKE TO YOU ALL AND
- 10 SAID -- AFTER HE MADE A STATEMENT, SAID, TAKE THAT
- 11 SMILE OFF YOUR FACE, YOU DONE KILLED TWO POLICE
- 12 OFFICER, DIDN'T YOU ALL HEAR HIM, DIDN'T YOU ALL HEAR
- 13 HIM? ISN'T THAT WHAT HE SAID?
- 14 A NO, SIR, I DON'T EVEN THINK HE WAS IN THE ROOM
- 15 Q YOU DON'T THINK HE WAS IN THE ROOM, SO YOU'RE
- 16 SAYING YOU DIDN'T MAKE THIS REPORT AT HIS -- AT HIS
- 17 INSTRUCTION, IS THAT CORRECT?
- 18 A ONCE THIS INCIDENT HAPPENED, MY SUPERVISOR WAS
- 19 INFORMED AND WE CONTINUOUSLY WRITE REPORTS IN THAT
- 20 JAIL
- 21 Q SO YOU'RE SAYING MAJOR MCHALE -- MCCAILE ---
- 22 A MCCAILE
- 23 Q MCCAILE WAS NOT PRESENT?
- 24 A HE WAS STANDING OUTSIDE OF THE ROOM -- OUTSIDE THE
- 25 ID ROOM

1 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

2 THE COURT YES

3 Q ARE YOU FAMILIAR WITH THIS?

4 A YES, SIR

5 Q IS THIS IN RELATIONS TO THE INCIDENT AT THE
6 CHARLESTON COUNTY DETENTION CENTER IN WHICH YOU
7 WAS ---

8 A YES, SIR, THAT'S THE PHOTOGRAPH -- THE FIRST
9 PHOTOGRAPH THAT WE TOOK

10 Q OKAY HOW WERE YOU TRYING TO GET MR
11 ALKEBULANYAHH TO COOPERATE?

12 A TELL HIM THAT WE NEED AN EXPRESSIONLESS PHOTO

13 Q AND IS THERE A RULE OR POLICY TO WHERE ONE MUST
14 HAVE AN EXPRESSIONLESS PHOTO AT THE CHARLESTON COUNTY
15 DETENTION CENTER?

16 A WELL, ALL THE PHOTOS WE TAKE ARE FOR
17 IDENTIFICATION PURPOSES WE PUT THEM INTO A DATA BASE
18 AND FOR PHOTO LINE-UPS TO BE USED PROPERLY THERE CAN
19 BE NOTHING THAT IS SIGNIFICANT ABOUT ONE PICTURE
20 COMPARED TO ANOTHER SO IN ORDER TO KEEP THEM ALL
21 CONSISTENT, WE ASK EVERYBODY TO GIVE US AN
22 EXPRESSIONLESS PHOTO

23 Q THAT IS SOMETHING YOU ASK THE PEOPLE, IT'S NOT
24 SOMETHING THAT'S PART OF YOUR POLICY OR PROCEDURE OR
25 LAW OR RULE ESTABLISHED BY THE DETENTION CENTER OR ---

1 A PART OF THE PROCEDURES FOR IDENTIFICATION

2 Q DO YOU HAVE A -- A BOOK OR ANY CODE THAT YOU CAN
3 QUOTE THAT WOULD GIVE US -- THAT WOULD SUSTAIN YOUR
4 ACCUSATION THAT IT'S PART OF PROCEDURES?

5 A I'M SURE IT'S SOMEWHERE, BUT I'M NOT FAMILIAR WITH
6 IT

7 Q SO IF YOU'RE NOT AWARE OR FAMILIAR WITH THE
8 PROCEDURE, DON'T YOU THINK YOU WAS OUT OF ORDER TRYING
9 TO ENFORCE YOUR WILL UPON A CITIZEN ABOUT A PROCEDURE
10 THAT YOU NOT EVEN FAMILIAR WITH OR KNOW NOTHING ABOUT?

11 A SIR, I DO KNOW ABOUT IT IT'S THE FACT THAT WE
12 ASK EVERYBODY TO GIVE US AN EXPRESSIONLESS PHOTO SO
13 THAT WE CAN USE THESE PHOTOS FOR IDENTIFICATION
14 REASONS

15 Q IN ONE OF YOUR STATEMENTS -- IN YOUR STATEMENT YOU
16 SAID THAT MR ALKEBULANYAHH SAY, I'M GETTING READY TO
17 BUCK, IS THAT CORRECT?

18 A YES, SIR

19 Q I'M GOING TO BUCK?

20 A YES, SIR

21 Q AND AFTER HE SAID THAT, YOU SAID THAT YOU GRABBED
22 THE INMATE, IS THAT CORRECT?

23 A THAT'S WHEN I GRABBED HIS ARM, YES

24 Q DID YOU EVER WRITE A USE OF FORCE INCIDENT REPORT?

25 A NO, SIR

1 Q ISN'T IT REQUIRED ANY TIME THAT A OFFICER PUT HIS
2 HANDS OR USE FORCE OR GRABBING OR SUBDUING A CITIZEN OR
3 INMATE TO USE -- TO WRITE UP A USE OF FORCE FORM?

4 A THIS ACTION WASN'T NECESSARILY A USE OF FORCE I
5 WAS MORE OF A TO CONTROL THE SITUATION, TO GET -- GET A
6 POINT ACROSS, THAT, YOU KNOW, TO CONTROL THE ANGER THAT
7 STARTED COMING FROM THE INMATE

8 Q SO THE PHYSICAL FORCE THAT YOU USED TO CONTROL THE
9 ANGER BY USING YOUR ANGER BY SLAMMING MR ALKEBULANYAHH
10 UP AGAINST THE WALL AND TELL HIM, TAKE THAT -- TAKE
11 THAT GRIN OFF HIS FACE, THAT DIDN'T WARRANT A USE OF
12 FORCE FORM?

13 A I NEVER SLAMMED ANYBODY AGAINST A WALL IT WAS
14 BASICALLY A GRAB OF THE ARM, JUST BASICALLY A SQUEEZE
15 OF THE ARM

16 Q ANY TIME THAT AN OFFICER USE FORCE TO A LIMITED OR
17 TO A GRIEVOUS AMOUNT, WHETHER IT'S FROM KICKING OR
18 GRABBING OR WRESTLING DOWN, IS IT PART OF THE
19 CHARLESTON COUNTY RULES OF PROCEDURE THAT A USE OF
20 FORCE FORM IS TO BE USED?

21 A IN A PHYSICAL ALTERCATION, YES THIS WAS NOT A
22 PHYSICAL ALTERCATION

23 Q YOU DON'T CONSIDER GRABBING THE INMATE PHYSICAL
24 ALTER -- ALTERCATION?

25 A HOLDING THE INMATE'S ARM TO CONTROL THE SITUATION,

1 TO ASSURE THAT OFFICER PRESENCE WAS THERE

2 MR ALKEBULANYAHH YOUR HONOR I HAVE NO FURTHER
3 QUESTIONS

4 MR STONE JUST BRIEFLY

5 REDIRECT EXAMINATION BY MR. STONE

6 Q SERGEANT -- FIRST OF ALL, CAN YOU IDENTIFY THE
7 PERSON THAT MADE THAT STATEMENT?

8 A YES, SIR, I CAN

9 Q AND CAN YOU POINT HIM OUT FOR THE JUDGE?

10 A IT'S TYREE ROBERTS

11 Q AND YOU'RE POINTING AT THE DEFENDANT?

12 A YES, SIR

13 Q HE'S NOW KNOWN AS MR ALKEBULANYAHH ONE OTHER
14 THING BEFORE HE MADE THAT STATEMENT DID YOU IN ANY
15 WAY THREATEN HIM, COERCE HIM, BEAT HIM UP DO ANYTHING
16 LIKE THAT TO GET HIM TO MAKE THAT STATEMENT?

17 A NO SIR

18 Q AND AGAIN YOU DIDN'T ASK HIM ANY QUESTIONS PRIOR
19 TO HIM MAKING THAT STATEMENT?

20 A I DON'T THINK I EVEN TALKED TO HIM BEFORE

21 MR STONE I DON'T HAVE ANYTHING ELSE FROM THIS
22 WITNESS, YOUR HONOR

23 THE COURT ALL RIGHT YOU MAY STEP DOWN SIR

24 (THE WITNESS LEAVES THE WITNESS STAND)

25 MR STONE CAPTAIN WILLIS BEATTY AND THEN

STATE VS ALKEBULANYAHH

1 NICHOLAS WAGNER

2 WILLIS L BEATTY, BEING

3 FIRST DULY SWORN TESTIFIED AS FOLLOWS

4 DIRECT EXAMINATION BY MR. STONE.

5 Q CAPTAIN BEATTY, IF YOU WILL STATE YOUR FULL NAME
6 AND SPELL YOUR LAST NAME PLEASE?

7 A WILLIS LAWSON BEATTY, B-E-A-T-T-Y

8 Q AND YOU ARE IN A UNIFORM FROM THE CHARLESTON
9 COUNTY DETENTION CENTER AS WELL, IS THAT CORRECT?

10 A YES

11 Q WHAT DO YOU DO THERE?

12 A I'M A CAPTAIN IN CHARGE OF SECURITY
13 ADMINISTRATION

14 Q OKAY DO YOU ALSO -- ARE YOU ALSO INVOLVED
15 PERIODICALLY IN BOOKING PROCEDURES?

16 A YES

17 Q LET ME CALL YOUR ATTENTION TO JANUARY 9 I
18 BELIEVE IT WAS AROUND 6 30 DID YOU BOOK AN INMATE BY
19 THE NAME -- OR WERE YOU INVOLVED IN THE BOOKING PROCESS
20 OF AN INMATE NAMED TYREE ROBERTS?

21 A I WAS INVOLVED IN THE FINGERPRINT PROCESS OF TYREE
22 ROBERTS

23 Q OKAY NOW, IS THAT IN THE SAME ROOM AS THE ROOM
24 THAT YOU TAKE PHOTOGRAPHS OF INMATES?

25 A YES

STATE VS ALKEBULANYAHH

1 Q AND YOU'RE IN THIS ROOM AT THE TIME, IS THAT
2 CORRECT?

3 A YES

4 Q CAN YOU IDENTIFY THE PERSON THAT YOU FINGERPRINTED
5 THAT DAY?

6 A YES

7 Q AND COULD YOU POINT HIM OUT FOR THE JUDGE AND THE
8 RECORD?

9 A THE GENTLEMAN STANDING OVER THERE AT THE TABLE

10 Q OKAY

11 MR STONE AND THE COURT WILL RECOGNIZE, YOUR
12 HONOR, HE HAS POINTED OUT THE DEFENDANT

13 THE COURT SO NOTED

14 Q DURING THE TIME THAT YOU ARE IN THE ROOM WITH THE
15 DEFENDANT, WHO ELSE WAS IN THE ROOM WITH YOU?

16 A THERE WAS MYSELF, SERGEANT BEARDEN, A DETENTION
17 OFFICER BY THE NAME OF NICHOLAS WAGNER AND I THINK
18 THAT WAS ALL THAT WAS IN THE ROOM AT THE TIME

19 Q DURING THE TIME THESE PEOPLE ARE IN THE ROOM, DID
20 ANYONE QUESTION MR ROBERTS ASK HIM ANY QUESTIONS
21 CONCERNING ANYTHING, INTERROGATE HIM IN ANY WAY?

22 A NO

23 Q DURING THE BOOKING PROCESS, DID HE MAKE ANY
24 STATEMENTS -- WHEN I SAY HE, I'M TALKING ABOUT TYREE
25 ROBERTS OR ALKEBULANYAHH?

1 A YES

2 Q WHAT STATEMENTS DID HE MAKE?

3 A HE TOLD US THAT HE HAD NOTHING TO LOSE, THAT HE
4 HAD JUST KILLED -- KILLED TWO COPS

5 Q WHEN DID HE MAKE THIS STATEMENT?

6 A WHILE WE WERE TRYING TO TAKE HIS PHOTO

7 Q AND PRIOR TO HIM MAKING THIS STATEMENT, DID ANYONE
8 THREATEN HIM, COERCE HIM, HIT HIM, STRIKE HIM, DO
9 ANYTHING TO HIM IN ORDER TO MAKE HIM MAKE THAT
10 STATEMENT?

11 A NO

12 Q AND YOU WERE IN THIS ROOM WHEN THIS TOOK PLACE?

13 A YES

14 MR STONE NOTHING ELSE AT THIS TIME, YOUR HONOR
15 CROSS EXAMINATION BY MR. ALKEBULANYAHH

16 Q MR BEATTY, DID YOU HEAR MR ALKEBULANYAHH, A/K/A
17 TYREE ROBERTS AS YOU REFER HIM AS, STATE, I'M GETTING
18 READY TO BUCK OR I'M GOING TO BUCK?

19 A NO, I DID NOT

20 Q DID YOU HEAR MR ALKEBULANYAHH, A/K/A TYREE
21 ROBERTS AS YOU REFER TO HIM AS, STATE THAT I DON'T HAVE
22 TO COMPLY YOU DON'T THINK I KNOW WHAT I'M LOOKING AT
23 I KNOW WHAT I'M LOOKING AT I SHOT TWO COPS AND I'M
24 LOOKING AT DEATH AND I GOT NOTHING TO LOSE I'M
25 ALREADY LOOKING AT THE CHAIR?

STATE VS ALKEBULANYAHH

- 1 A YES
- 2 Q WHY DIDN'T YOU STATE THAT IN YOUR STATEMENT?
- 3 A I THOUGHT I DID
- 4 Q YOU DID?
- 5 A MY STATEMENT SAID THAT ---
- 6 Q DO YOU HAVE THAT STATEMENT WITH YOU?
- 7 A NO, I DON'T
- 8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
- 9 THE COURT YES
- 10 MR STONE LET ME SEE IT PLEASE
- 11 (PAUSE)
- 12 Q COULD YOU REVIEW THAT DOCUMENT?
- 13 A OKAY (PAUSE) OKAY
- 14 Q DID YOU MAKE THAT STATEMENT?
- 15 A YES, I DID
- 16 Q BUT YOU DIDN'T PUT IT INTO YOUR STATEMENT?
- 17 A NOT AT THE TIME, NO
- 18 Q IS IT IN THIS STATEMENT?
- 19 A THE PART ABOUT KILLING TWO COPS, YES
- 20 Q IS IT A PART ABOUT THE -- I'M GOING TO BUCK, AND I
- 21 KNOW WHAT I'M LOOKING AT, AND I'M GOING TO GET THE
- 22 CHAIR?
- 23 A I NEVER SAID YOU SAID YOU WERE GOING TO BUCK
- 24 Q DIDN'T YOU STATE THAT YOU HEARD MR ALKEBULANYAHH
- 25 STATE, I DON'T HAVE TO COMPLY YOU DON'T THINK I KNOW

1 WHAT I'M LOOKING AT I KNOW WHAT I'M LOOKING AT I
2 JUST SHOT TWO COPS I'M LOOKING AT -- I'M LOOKING AT
3 DEATH AND I GOT NOTHING TO LOSE I'M ALREADY LOOKING
4 AT THE CHAIR?

5 A CAN YOU BREAK THAT DOWN A LITTLE FURTHER, BECAUSE
6 PARTS OF THAT, YES, IS IN MY STATEMENT, AND PARTS ARE
7 NOT

8 Q BUT MR ALKEBULANYAHH STATED, I DON'T HAVE TO
9 COMPLY YOU DON'T THINK I KNOW WHAT I'M LOOKING AT?
10 IS THAT IN YOUR STATEMENT?

11 A IF I REMEMBER THE PART -- THE PART ABOUT I KNOW
12 WHAT I'M LOOKING AT IS IN MY STATEMENT

13 Q AND I GOT NOTHING TO LOSE I'M ALREADY LOOKING AT
14 THE CHAIR?

15 A THAT'S NOT IN MY STATEMENT

16 Q DO YOU RECALL HEARING MR ALKEBULANYAHH MAKE THAT
17 STATEMENT?

18 A WHICH STATEMENT?

19 Q THE PART, I GOT NOTHING TO LOSE I'M LOOKING AT
20 THE CHAIR?

21 A NO

22 Q ABOUT I'M GETTING READY TO BUCK?

23 A NO

24 Q WAS MAJOR MCCAULE PRESENT?

25 A I KNOW HE WAS AROUND WHETHER HE WAS IN THE ROOM

1 OR NOT, I DON'T KNOW

2 Q DO YOU NOT RECALL HIM STATING, HEY, HEY, DO YOU
3 HEAR HIM? DO YOU HEAR HIM? HE SAID HE KILLED TWO
4 COPS DIDN'T YOU ALL HEAR HIM? DO YOU RECALL HIM
5 SAYING THAT?

6 A NO, I DO NOT

7 Q DO YOU RECALL MR ALKEBULANYAHH STATING THAT HE'S
8 GOING TO KEEP ON SMILING?

9 A I DON'T KNOW IF IT WAS WORDED EXACTLY THAT WAY,
10 BUT THERE WAS SOMETHING ON THAT LINE

11 Q DO YOU RECALL MR ALKEBULANYAHH STATING THAT I'M
12 NOT A MEAN AND NASTY PERSON?

13 A I DON'T RECALL THAT EITHER

14 Q DO YOU RECALL MR ALKEBULANYAHH SAYING, I HAVE
15 NOTHING TO LOSE I JUST SHOT TWO COPS AND I'M GOING TO
16 JAIL FOR THE REST OF MY LIFE?

17 A PARTS OF THAT I REMEMBER YOU STATING, BUT NOT THE
18 WHOLE SENTENCE, NO

19 Q HOW ABOUT THE PART, I'M GOING TO JAIL FOR LIFE,
20 WHAT DO I CARE?

21 A LIKE I SAID, NOT STATED THAT WAY, NO

22 Q AND YOUR SUPERVISOR WAS MR MAJOR MCCAULEY, IS THAT
23 CORRECT?

24 A CORRECT

25 Q AND YOU STATE THAT HE WAS PRESENT OR WASN'T

1 PRESENT?

2 A I DON'T RECALL IF HE WAS IN THE ROOM OR NOT

3 Q DID YOU SEE -- DID ANY OF THE OFFICER IN THE ROOM
4 PHYSICALLY PUT THEIR HANDS ON MR ALKEBULANYAHH?

5 A YES

6 Q WHO WAS THAT?

7 A SERGEANT BEARDEN

8 Q AND DID YOU TRY TO RESTRAIN HIM?

9 A DID I, NO

10 Q WAS THAT PART OF THE DETENTION CENTER POLICY THAT
11 OFFICER TO GRAB AND SHAKE AND SHOVE INMATES OR CITIZENS
12 WHEN THEY ARE BEING BOOKED IN?

13 A IT'S A POLICY TO DO WHAT NOW?

14 Q IS IT PART OF YOUR POLICY THAT PHYSICAL FORCE CAN
15 BE USED AND NOT REPORTED?

16 A NO, THAT'S NOT POLICY

17 Q IF YOU PUT YOUR HAND ON A INMATE AT THE CHARLESTON
18 COUNTY DETENTION CENTER, WOULD YOU WRITE UP AN INCIDENT
19 REPORT?

20 A DEPENDING ON WHAT IT WAS FOR

21 Q SO IF YOU HAD TO RESTRAIN A PERSON, WOULD YOU
22 WRITE UP A INCIDENT REPORT?

23 A IF FORCE IS USED, YES

24 Q IF YOU HAD TO GRAB A PERSON, WOULD YOU WRITE UP A
25 INCIDENT REPORT?

1 A DEPENDS ON WHAT YOU MEAN BY GRABBING YOU COULD
2 BE HELPING SOMEBODY SUPPORT THEM DO SOMETHING AND NOT
3 NECESSARILY A USE OF FORCE

4 Q TO HELP WHAT IF IT WAS NOT TO HELP?

5 A AGAIN, DEPEND ON THE SITUATION

6 Q YOU SAY THAT YOU WITNESS A OFFICER USE SOME TYPE
7 OF PHYSICAL WITH MR ALKEBULANYAHH, IS THAT CORRECT?

8 A NO, I DID NOT SAY HE USED PHYSICAL FORCE

9 Q WHAT YOU SAY HE USED?

10 A I SAID HE -- HE -- HE TOOK HOLD OF YOU

11 Q HE TOOK HOLD OF ME?

12 A YES

13 Q AND HOW DID HE DO THAT?

14 A TOOK HOLD OF YOUR RIGHT ARM

15 Q AND WHAT WAS THE PURPOSE OF HIM TAKING HOLD OF ME?

16 A MY IMPRESSION WAS TO HELP SUPPORT YOU, WHILE
17 YOU'RE STANDING TO GET YOUR PICTURE TAKEN

18 Q SO HE WAS HOLDING ME UP TO -- TO TAKE MY PICTURE,
19 TO HAVE MY PICTURE TAKEN?

20 A YES

21 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
22 QUESTIONS

23 MR STONE NICHOLAS WAGNER

24 THE COURT YOU MAY STEP DOWN

25 (THE WITNESS LEAVES THE WITNESS STAND)

STATE VS ALKEBULANYAHH

1 NICHOLAS R WAGNER, BEING
2 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

3 DIRECT EXAMINATION BY MR. STONE.

4 Q MR WAGNER, IF YOU COULD STATE YOUR FULL NAME AND
5 SPELL YOUR LAST NAME FOR THE RECORD ONCE YOU GO AHEAD
6 AND SIT DOWN

7 A NICHOLAS ROBERT WAGNER, W-A-G-N-E-R

8 Q EXCUSE ME FOR INTERRUPTING YOU

9 A THAT'S OKAY

10 Q ARE YOU ALSO FROM THE CHARLESTON COUNTY DETENTION
11 CENTER?

12 A I USED TO BE I WORK WITH THE DEPUTY SIDE NOW

13 Q OKAY AND ON JANUARY 9TH OF 2002 WERE YOU WORKING
14 WITH THE DETENTION CENTER AT THAT TIME?

15 A YES, SIR

16 Q OKAY AND WHAT WERE YOU DOING WITH THE CHARLESTON
17 DETENTION CENTER THEN?

18 A I WAS IN THE FINGERPRINT, PHOTOGRAPH SECTION, AS
19 AN F T I , FIELD TRAINED INSTRUCTOR

20 Q OKAY DID YOU -- WERE YOU INVOLVED IN THE BOOKING
21 PROCESS OF TYREE ROBERTS?

22 A YES SIR

23 Q AND THIS WAS ON JANUARY THE 9TH AT ABOUT 6 40
24 P M ?

25 A YES, SIR

STATE VS ALKEBULANYAHH

- 1 Q DO YOU RECOGNIZE MR ROBERTS IN THE COURTROOM
2 TODAY?
- 3 A YES, SIR
- 4 Q COULD YOU POINT HIM OUT FOR US PLEASE?
- 5 A THE YOUNG MAN STANDING UP OVER THERE
- 6 MR STONE OKAY YOUR HONOR, FOR THE RECORD HE
7 HAS IDENTIFIED THE DEFENDANT, WHOSE LAST NAME IS NOW
8 ALKEBULANYAHH
- 9 Q MR WAGNER, IF YOU COULD, DURING THE BOOKING
10 PROCESS OF MR ROBERTS, WHAT WAS YOUR JOB? WHAT
11 EXACTLY WERE YOU DOING?
- 12 A FIRST WE DID MAJOR CASE PRINTS ON HIM, THEN WE
13 TOOK HIS PHOTOGRAPH
- 14 Q THIS IS ALL IN THE SAME ROOM?
- 15 A YES, SIR
- 16 Q WHO'S IN THE ROOM WITH YOU?
- 17 A CAPTAIN BEATTY WAS IN THERE AND SERGEANT BEARDEN,
18 AND MR ROBERTS
- 19 Q THE DEFENDANT?
- 20 A YES, SIR
- 21 Q ALL RIGHT DURING THIS BOOKING PROCESS, YOU
22 HELPED WITH THE FINGERPRINTS AS WELL AS THE ---
- 23 A I DID THE FINGERPRINTS
- 24 Q OKAY AND THE PHOTOGRAPH, WERE YOU INVOLVED IN
25 THAT AS WELL?

STATE VS ALKEBULANYAHH

1 A YES, SIR, I TOOK THE PICTURE

2 Q OKAY DURING THE PHOTOGRAPHING, DID MR ROBERTS
3 MAKE ANY STATEMENTS IN YOUR PRESENCE?

4 A YES, SIR

5 Q PRIOR TO MAKING THOSE STATEMENTS, DID ANYONE
6 INTERROGATE HIM OR QUESTION HIM IN ANY WAY?

7 A NO, SIR

8 Q PRIOR TO MAKING THOSE STATEMENTS, DID ANYONE
9 COERCE HIM, STRIKE HIM, DO ANYTHING TO MAKE HIM MAKE
10 ANY STATEMENTS?

11 A NO, SIR

12 Q WHAT STATEMENTS DID YOU HEAR MR ROBERTS MAKE?

13 A MR ROBERTS MADE A STATEMENT THAT HE WASN'T GOING
14 TO COOPERATE WITH US, THAT HE KNEW THAT -- WHAT WE WERE
15 TRYING TO DO TO HIM THAT HE HAD KILLED TWO COPS HE
16 KNEW HE WAS LOOKING AT THE CHAIR

17 MR STONE I DON'T HAVE ANYTHING ELSE AT THIS
18 TIME, YOUR HONOR

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MR WAGNER, DO YOU RECALL MR ALKEBULANYAHH, A/K/A
21 MR ROBERTS WHO YOU'RE REFERRING TO, EVER STATE THAT
22 I'M GOING TO KEEP ON SMILING I'M NOT A MEAN OR NASTY
23 PERSON?

24 A YES, SIR

25 Q DID YOU REPORT THAT IN YOUR STATEMENT?

STATE VS ALKEBULANYAHH

- 1 A I BELIEVE I PUT IT IN THERE THAT YOU WERE GOING TO
2 CONTINUE TO SMILE
- 3 Q AND DID YOU REPORT THAT HE STATED THAT I'M GOING
4 TO KEEP ON SMILING, AND I'M NOT A MEAN OR NASTY PERSON?
- 5 A I DON'T THINK THERE'S ANYTHING IN THERE ABOUT
6 BEING A MEAN OR NASTY PERSON
- 7 Q DO YOU RECALL HIM SAYING THAT HE'S MEAN AND NASTY
8 -- HE'S NOT A MEAN AND NASTY PERSON?
- 9 A I BELIEVE HE SAID SOMETHING LIKE THAT
- 10 Q BUT YOU DIDN'T REPORT THAT, IS THAT CORRECT?
- 11 A CORRECT
- 12 Q SO YOU NOT REPORTING EVERYTHING THAT YOU HEAR YOU
13 JUST REPORT WHAT YOU WANT TO BELIEVE YOU HEARD, IS THAT
14 CORRECT?
- 15 A IT'S NOT WHAT I BELIEVE I HEARD, IT IS WHAT I
16 HEARD IT'S A SYNOPSIS
- 17 Q DO YOU RECALL HEARING MR ROBERTS SAYING I'M
18 GOING TO JAIL FOR LIFE, WHAT DO I CARE?
- 19 A I DON'T KNOW ABOUT LIFE THE CHAIR CAME OUT
- 20 Q THE CHAIR, BUT NOT ABOUT LIFE?
- 21 A RIGHT
- 22 Q DO YOU RECALL -- DO YOU RECALL MR ALKEBULANYAHH
23 STATING HE JUST KILLED TWO COPS AND HE'S GOING TO GET
24 THE DEATH PENALTY?
- 25 A NO, SAID NOTHING ABOUT DEATH PENALTY

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 Q DO YOU RECALL MR ALKEBULANYAHH STATING HE HAS
3 NOTHING TO LOSE AND YOU HAVE TO GET THE PICTURE THE
4 BEST WAY YOU KNOW HOW?

5 A I DON'T REMEMBER ANYTHING ABOUT ANYTHING TO LOSE,
6 BUT I REMEMBER HIM BEING UNCOOPERATIVE IN TAKING THE
7 PICTURE

8 Q DO YOU RECALL HIM STATING THAT HE WAS NOT GOING TO
9 BE CONVICTED OF MURDER AND HAVE A PICTURE THAT MAKES
10 HIM LOOK LIKE A HARD CRIMINAL?

11 A NO

12 Q DO YOU RECALL HIM STATING THAT HE'S BEEN IN MANY
13 JAILS?

14 A YES

15 Q DO YOU RECALL HIM STATING THAT HE ALWAYS SMILE AND
16 HE WAS NOT GOING TO TAKE A UGLY PICTURE FOR YOU ALL?

17 A YES

18 Q DO YOU RECALL HIM STATING, I'M GETTING READY TO
19 BUCK?

20 A YES

21 Q DID YOU PUT THAT IN YOUR STATEMENT?

22 A NO

23 Q WHY DIDN'T YOU?

24 A NO PARTICULAR REASON I JUST DIDN'T PUT THAT PART
25 IN THE STATEMENT IS JUST -- LIKE I SAID -- A SYNOPSIS

STATE VS ALKEBULANYAHH

1 OF WHAT HAPPENED I DIDN'T PUT EVERYTHING IN THERE
2 THE COURT WHAT TIME WAS THIS?
3 WITNESS 6 40 IN THE EVENING
4 THE COURT 6 40 IN THE EVENING
5 WITNESS THAT'S WHEN WE -- HE WAS IN THERE, AND
6 THEN WE WROTE THE STATEMENTS WITHIN AN HOUR AFTER IT
7 WAS OVER
8 Q DO YOU RECALL HIM STATING, I SHOT TWO COPS AND I'M
9 LOOKING AT DEATH?
10 A YOU SAID YOU WERE LOOKING AT THE CHAIR
11 Q DO YOU RECALL ANY OFFICER PUTTING THEIR HANDS ON
12 MR ALKEBULANYAHH?
13 A IN WHICH WAY?
14 Q PHYSICALLY SHOVING, GRABBING, WRESTLING?
15 A NO
16 Q NO CONTACT YOU DIDN'T PUT NO -- YOU DIDN'T HAVE
17 NO CONTACT -- YOU DIDN'T HAVE NO CONTACT WITH MR
18 ALKEBULANYAHH?
19 A I ROLLED YOUR FINGERPRINTS AND YOUR PALM PRINTS
20 Q DID YOU GRAB MR ALKEBULANYAHH?
21 A PUT NO RESTRAINT ON ---
22 Q DID ANY OTHER OFFICERS GRAB MR ALKEBULANYAHH?
23 A NOT THAT I RECALL, I DON'T KNOW
24 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
25 YOUR HONOR

1 MR STONE NOTHING ELSE, YOUR HONOR
2 THE COURT YOU MAY STEP DOWN
3 (THE WITNESS LEAVES THE WITNESS STAND)
4 MR STONE JOHN WASHINGTON
5 JOHN F K WASHINGTON, BEING
6 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
7 DIRECT EXAMINATION BY MR. STONE.
8 Q IF YOU WILL PLEASE, SIR, IF YOU WILL SIT DOWN,
9 STATE YOUR FULL NAME AND SPELL YOUR LAST NAME?
10 A JOHN FITZGERALD KENNEDY WASHINGTON,
11 W-A-S-H-I-N-G-T-O-N
12 Q WHAT DO YOU DO, MR WASHINGTON?
13 A I'M A CORRECTIONAL OFFICER AT THE DETENTION
14 CENTER
15 Q WHAT DETENTION CENTER?
16 A BEAUFORT COUNTY
17 Q HOW LONG HAVE YOU BEEN WITH THE BEAUFORT COUNTY
18 DETENTION CENTER?
19 A A LITTLE OVER THREE YEARS
20 Q HAVE YOU BEEN IN THE BEAUFORT COUNTY DETENTION
21 CENTER WHEN THE DEFENDANT, TYREE ROBERTS, OR
22 ALKEBULANYAHH WAS HOUSED THERE?
23 A YES SIR
24 Q DO YOU RECOGNIZE HIM IN THE COURTROOM?
25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q COULD YOU POINT HIM OUT PLEASE?

2 A RIGHT THERE

3 Q OKAY

4 MR STONE THE RECORD WILL REFLECT, HE POINTED TO

5 THE DEFENDANT

6 Q ON SEPTEMBER 6, 2002, LET ME SPECIFICALLY BRING

7 YOU TO THAT DATE DID YOU HAVE ANY DEALINGS WITH THE

8 DEFENDANT, MR ALKEBULANYAHH?

9 A YES, SIR

10 Q AND COULD YOU TELL THE COURT ABOUT THAT PLEASE?

11 A YES SIR, I'M THE B-5 OFFICER

12 Q OKAY LET ME STOP YOU THERE WHAT'S A B-5

13 OFFICER?

14 A I'M IN CHARGE OF BRAVO 2, BRAVO 3 BRAVO 4, AND

15 BRAVO 5 I'M THE OFFICER THAT RUNS THOSE UNITS

16 Q OKAY GO AHEAD I'M SORRY TO INTERRUPT YOU

17 A AT THAT TIME IT WAS MR ROBERTS, HE WAS HOUSED IN

18 BRAVO 2 AND I WENT IN TO ASK THEM OUT FOR BREAK

19 OUTSIDE THEY GET 1 HOUR OUTSIDE AND I WENT IN I

20 SAID, BRAVO 2, OUTSIDE REC

21 AND ONE OF THE INMATES SAID, WE WANT TO GO LATER

22 ON

23 SO I AGAIN SAID, BRAVO 2, OUTSIDE REC

24 Q WHAT DOES THAT MEAN, BRAVO 2, OUTSIDE REC? YOU

25 CALLING EVERYBODY IN THAT PARTICULAR CELL BLOCK

STATE VS ALKEBULANYAHH

1 OUTSIDE?

2 A THEY GET TO GO OUTSIDE FOR 1 HOUR, YES, SIR

3 Q OKAY GO AHEAD

4 A AND WHEN I SAID IT AGAIN, AT THAT TIME MR ROBERTS
5 AT THAT TIME SAID, IT'S TOO EARLY

6 SO I SAID, IF YOU DON'T GO NOW, YOU'RE NOT GOING
7 TO GO SO I SAY, YOU REFUSING REC

8 SO THEN I CALLED THE WING CONTROL OFFICER TO OPEN
9 THE DOORS AND I WALKED UP AND I WENT UP TO WING
10 CONTROL, TO THE OTHER OFFICER AND I TOLD WING CONTROL
11 THAT BRAVO 2 REFUSED REC

12 AND AT THAT TIME THE BUZZER WAS BUZZED FROM MR
13 ROBERTS' CELL AND THE WING CONTROL OFFICER ANSWERED
14 IT AND HE SAID, WHY DO WASHINGTON HAVE ME LOCKED IN
15 MY CELL AND HE REFUSED MY REC?

16 AND SHE SAID, HE OFFERED YOU REC YOU SAID IT WAS
17 TOO EARLY

18 HE SAID, WELL, TELL HIM TO COME BACK DOWN HERE, I
19 WANT TO TALK TO HIM

20 SO I WENT BACK DOWN

21 Q ALL RIGHT LET ME STOP YOU THERE IS THAT KATHY
22 GREEN? IS THIS THE WING CONTROL PERSON YOU'RE TALKING
23 ABOUT?

24 A YES, SIR

25 Q OKAY I'M SORRY TO INTERRUPT GO AHEAD

STATE VS ALKEBULANYAHH

1 A SO I WENT BACK DOWN TO THE POD AND HE ASKED ME
2 WHY DO I HAVE HIM LOCKED IN HIS CELL AND I TOOK AWAY
3 HIS REC?

4 I SAID, YOU'RE NOT LOCKED IN YOUR CELL YOU CAN
5 COME OUT ANY TIME YOU WANT TO AND I SAID, WHEN I COME
6 AND ASK YOU GO OUTSIDE FOR REC, THAT'S YOUR TIME TO GO

7 AND HE SAID, YOU LIKE TO PLAY GAMES, WASHINGTON

8 AND I SAID, I DON'T PLAY GAMES I SAID, I HAVE
9 TOO MUCH OVER HERE TO DO TO LET YOU PICK WHAT TIME YOU
10 GET TO GO OUTSIDE

11 AND HE SAID, YOU KEEP ON PLAYING GAMES, THE LAST
12 TWO PLAYED GAMES WITH ME IS 6 FEET UNDER, AND YOU'RE
13 NEXT

14 Q PRIOR TO HIM MAKING THAT STATEMENT DID YOU
15 THREATEN HIM OR COERCE HIM OR STRIKE HIM OR DO ANYTHING
16 TO HIM TO GET HIM TO MAKE THAT STATEMENT?

17 A NO SIR

18 Q AND PRIOR TO HIM MAKING THAT STATEMENT, DID YOU
19 QUESTION HIM OR INTERROGATE HIM IN ANY WAY?

20 A NO, SIR

21 MR STONE I DON'T HAVE ANYTHING ELSE AT THIS
22 TIME, YOUR HONOR

23 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

24 Q MR WASHINGTON ---

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q --- ON THE DAY THIS INCIDENT YOU ALLEGE HAPPENED,
2 YOU STATED THAT MR ALKEBULANYAHH THREATEN YOU?

3 A I SAID WHAT YOU JUST SAID

4 Q WHAT WAS THAT?

5 A YOU LIKE TO PLAY GAMES

6 I SAID, I DON'T PLAY GAMES

7 YOU SAID, KEEP ON PLAYING YOUR GAMES, THE LAST TWO
8 PLAYED WITH ME IS 6 FEET UNDER, AND YOU'RE NEXT

9 Q SO YOU SAYING MR ALKEBULANYAHH SAID YOU'RE NEXT,
10 IS THAT CORRECT?

11 A RIGHT

12 Q SO THAT'S PRETTY MUCH THREATENING OR INTIMIDATING
13 YOU, IS THAT CORRECT?

14 A RIGHT

15 Q AND IF MR ALKEBULANYAHH DID THAT, HE WOULD BE
16 BREAKING THE RULES AND POLICY OF THE BEAUFORT COUNTY
17 DETENTION CENTER, IS THAT CORRECT?

18 A EXACTLY

19 Q AND DID YOU WRITE A DISCIPLINARY REPORT UP FOR MR
20 ALKEBULANYAHH BREAKING THE RULES OR POLICY OF THE
21 DETENTION CENTER?

22 A WHEN I LEFT OUT OF THE B-2 POD, I WENT STRAIGHT TO
23 MY SERGEANT AND I INFORMED HIM OF WHAT TOOK PLACE HE
24 AT THAT TIME TOLD ME THAT I SHOULD HAVE CALLED A CODE
25 RED AND GOT OUT OF THE POD AND HE HAD ME WRITE A

1 STATEMENT TO THAT EFFECT OF WHAT HAPPENED

2 Q DID YOU WRITE A DISCIPLINARY REPORT FOR VIOLATION
3 OF THE BEAUFORT COUNTY DETENTION CENTER RULES AND
4 REGULATIONS FOR THREATENING OR INTIMIDATING A OFFICER?

5 A NO SIR

6 Q AND THE REASON YOU DIDN'T BECAUSE IT NEVER
7 HAPPENED ISN'T IT CORRECT?

8 A NO THE REASON I DIDN'T FIRST I WASN'T
9 INSTRUCTED TO DO SO BY MY SERGEANT SECOND OF ALL YOU
10 WAS PENDING MURDER CHARGES WHAT IS A "B" -- A "C"
11 OFFENSE GOING TO DO?

12 Q OKAY SINCE HE WAS FACING MURDER CHARGES WHAT A
13 "C" OFFENSE WOULD DO, IS THAT HOW YOU FELT?

14 A RIGHT IT'S ONLY A 10 DAY -- A 10 DAY CHARGE IN
15 MAXIMUM SECURITY

16 Q HAVE MR ALKEBULANYAHH -- HAVE YOU EVER WROTE MR
17 ALKEBULANYAHH UP?

18 A NO I HAVEN T

19 Q HAVE YOU KNOWN MR ALKEBULANYAHH TO BE WROTE UP?

20 A YES, AT THIS TIME RIGHT NOW YOU'RE SERVING A 30-
21 DAY SANCTION FOR THREATENING ANOTHER FEMALE OFFICER

22 Q AND WHY DID THEY WRITE MR ALKEBULANYAHH UP WHEN
23 HE FACING MURDER CHARGES?

24 A BECAUSE SOME PEOPLE LIKE DOING PAPER WORK I
25 DON'T

STATE VS ALKEBULANYAHH

1 Q SOME PEOPLE ISN'T IT TRUE THAT YOU MAKE A
2 STATEMENT TO MR ALKEBULANYAHH BECAUSE MR
3 ALKEBULANYAHH SAY WHY DID YOU COME TO WORK ALWAYS
4 DRUNK?

5 AND YOU SAID YOU COME TO WORK ANY WAY YOU WANT TO,
6 AND YOU WOULD PUT YOUR FOOT IN MR ALKEBULANYAHH ASS,
7 IS THAT CORRECT?

8 A NEVER HAD THAT CONVERSATION WITH YOU

9 Q HAVE YOU EVER COME TO WORK DRUNK?

10 A NEGATIVE, NO, SIR

11 Q SO IF ANOTHER OFFICER SAY YOU WAS DRUNK, WOULD
12 THEY BE LYING ON YOU?

13 A ANOTHER OFFICER?

14 Q YES, SIR

15 A YEAH, IT WOULD BE A LIE I WENT TO SUPERVISION
16 EVERY DAY I COME TO WORK

17 THE COURT WHERE ARE YOU GOING WITH THIS?

18 MR ALKEBULANYAHH NO WHERE

19 Q WHO WAS THE WITNESS ---

20 MR STONE I WOULD AGREE, YOUR HONOR

21 Q WHO WAS THE ---

22 MR STONE AND THEREFORE, I WOULD ---

23 Q --- WITNESS ---

24 MR STONE --- OBJECT

25 THE COURT MR ALKEBULANYAHH, IT'S NOT FOR YOU TO

STATE VS ALKEBULANYAHH

1 TELL ME WHEN TO NOT WORRY ABOUT A QUESTION

2 MR ALKEBULANYAHH OH I WASN'T -- I DIDN'T MEAN

3 IT LIKE THAT, YOUR HONOR SIR I APOLOGIZE

4 THE COURT WHEN I ASK A QUESTION, I WANT AN

5 ANSWER YOU DON'T HAVE THE BENEFIT OF OTHER PEOPLE NOT

6 -- I DON'T HAVE TO SUBJECT MYSELF TO PEOPLE NOT

7 ANSWERING MY QUESTIONS DO YOU UNDERSTAND THAT?

8 MR ALKEBULANYAHH YES, SIR, I'M SORRY I

9 APOLOGIZE

10 THE COURT WHERE ARE YOU GOING WITH THIS?

11 MR ALKEBULANYAHH WHAT I MEANT WHEN I MEANT NO

12 WHERE, I MEANT TRYING TO FIND SOMEWHERE, BECAUSE I

13 DON'T RECALL A INCIDENT WHEN YOU TALKING ABOUT -- WHERE

14 HE TALKING ABOUT, IT JUST COME UP

15 THE COURT WELL, I MEAN, YOU'RE TALKING ABOUT

16 OFFICERS CLAIMING THIS GENTLEMAN MAY HAVE BEEN DRUNK ON

17 SOME OCCASION WHAT ---

18 MR ALKEBULANYAHH HE WAS A -- HE'S A HOSTILE

19 PERSON

20 THE COURT ARE YOU CLAIMING THAT HE WAS DRINKING

21 THE DAY THAT THIS INCIDENT HAPPENED, IS THAT WHAT

22 YOU'RE CLAIMING?

23 MR ALKEBULANYAHH YES, IF IT HAPPENED THAT DAY

24 HE STAY -- HE STAY INTOXICATED MOST OF THE TIME I

25 MEAN HE SMELLING LIKE LIQUOR MOST OF THE TIME WHEN HE

STATE VS ALKEBULANYAHH

1 COME TO JAIL -- WHEN HE COME TO WORK SO ---

2 THE COURT WELL, YOU ASKED HIM, DID YOU NOT, IF
3 HE HAD BEEN DRINKING

4 MR ALKEBULANYAHH AND I WAS GOING TO ASK HIM, DO
5 HE -- YOU KNOW, MAYBE IF HE REMEMBER, WHATEVER, BECAUSE
6 I JUST DON'T REMEMBER -- I DON'T REMEMBER HAVING THIS
7 CONVERSATION OR ENTERTAINING MR WASHINGTON TO THAT
8 NATURE AT ALL I DON'T REMEMBER AND I KNOW THAT I
9 DON'T HAVE MANY ENCOUNTERS WITH MR WASHINGTON AND
10 ANOTHER INMATE, IN REFERENCE TO HIM SMELLING LIKE
11 ALCOHOL WHEN HE COMES IN THERE AND BE TALKING ABOUT ---

12 THE COURT WELL, YOU CAN'T TESTIFY YOU CAN ONLY
13 ASK QUESTIONS RIGHT NOW IF YOU DECIDE TO TESTIFY,
14 THAT'S YOUR OPTION, IN THIS HEARING

15 MR ALKEBULANYAHH WELL YOUR HONOR, I HAVE NO
16 FURTHER QUESTIONS FOR MR WASHINGTON

17 MR STONE I DON'T HAVE ANYTHING ELSE, YOUR
18 HONOR KATHY GREEN

19 I'M SORRY YOU CAN COME DOWN, MR WASHINGTON
20 DON'T LEAVE, JUST STAND OUTSIDE

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 KATHY A GREEN, BEING FIRST
23 DULY SWORN, TESTIFIED AS FOLLOWS

24 DIRECT EXAMINATION BY MR. STONE.

25 Q IF YOU WILL PLEASE, MS GREEN, GIVE US FULL NAME

- 1 AND SPELL YOUR LAST NAME?
- 2 A MY NAME IS KATHY ANN GREEN, G-R-E-E-N
- 3 Q WHERE DO YOU WORK NOW, MS GREEN?
- 4 A RIGHT NOW I WORK FOR LAIDLAW TRANSIT
- 5 Q SEPTEMBER 6, 2002, WHERE DID YOU WORK?
- 6 A AT BEAUFORT COUNTY DETENTION CENTER
- 7 Q WHAT POSITION DID YOU HOLD WITH THE BEAUFORT
- 8 COUNTY DETENTION CENTER?
- 9 A I WAS P F C AT THE TIME
- 10 Q OKAY DID YOU COME INTO -- SPECIFICALLY ON
- 11 SEPTEMBER 6, 2002, DID YOU COME IN CONTACT WITH OR --
- 12 WHAT POSITION WERE YOU HOLDING THEN? WHAT WERE YOU
- 13 DOING AT THAT TIME?
- 14 A ON SEPTEMBER 6 ABOUT 8 25 A M I WAS IN THE -- I
- 15 HAD A POST CALLED WING CONTROL
- 16 Q WHAT IS WING CONTROL?
- 17 A WING CONTROL IS A VERY SECLUDED AREA IT'S KIND
- 18 OF LIKE UP IN THE TOP PART OF THE BUILDING I COULD
- 19 SEE OUT VERY WELL, BUT NOBODY COULD SEE ME BECAUSE OF
- 20 THE GLASS THAT WAS MY POST FOR THAT DAY AND ---
- 21 Q NOW, DO YOU HAVE AN INTERCOM SYSTEM THAT WORKS IN
- 22 THAT WING CONTROL BUILDING OR THAT WING CONTROL SETUP
- 23 THAT YOU'VE GOT?
- 24 A DO I HAVE A WHAT?
- 25 Q AN INTERCOM SYSTEM?

- 1 A YES
- 2 Q ALL RIGHT WHO DOES THAT INTERCOM SYSTEM GO TO?
- 3 A THE INTERCOM SYSTEM, IT GOES TO ALL FIVE OF THE
- 4 HOUSING UNITS THAT I OPERATE FROM UP THERE
- 5 Q EVERYTHING IN THAT PARTICULAR WING, IS THAT
- 6 CORRECT?
- 7 A EVERYTHING I CAN OPERATE AND CONTROL EVERYTHING,
- 8 DOORS, INTERCOM, EVERYTHING TO THE CELLS
- 9 Q AT ABOUT 8 30 -- I GUESS IT'S ABOUT 8 25, 8 30 IN
- 10 THAT MORNING, DID YOU WITNESS SOMETHING BETWEEN
- 11 SERGEANT WASHINGTON AND AN INMATE BY THE NAME OF TYREE
- 12 ROBERTS?
- 13 A YES, I DID
- 14 Q DO YOU RECOGNIZE THAT INMATE IN THE COURTROOM
- 15 TODAY?
- 16 A YES, I DO
- 17 Q COULD YOU POINT HIM OUT FOR ME PLEASE?
- 18 A MR ROBERTS IS SITTING OVER THERE, DREDLOCKS HE
- 19 JUST STOOD UP
- 20 MR STONE LET THE RECORD REFLECT THE DEFENDANT,
- 21 WHO NOW GOES BY THE NAME OF ALKEBULANYAHH
- 22 Q TELL ME WHAT YOU WITNESSED ON SEPTEMBER 6?
- 23 A JUST AS SOON AS I GOT ON MY POST THAT MORNING, MR
- 24 WASHINGTON ASKED ME TO CALL AROUND TO EACH OF THE CELLS
- 25 AND ASK EVERY INDIVIDUAL, DID THEY WANT RECREATION

STATE VS ALKEBULANYAHH

1 TIME, WHICH WE CALL REC WE HAVE FOUR HOUSING UNITS
2 OUT THERE CAN'T TAKE THEM ALL OUT TOGETHER WE HAVE
3 TO TAKE THEM ALL OUT INDIVIDUALLY

4 I GOT TO MR ROBERTS' ROOM, AND I SAID, MR
5 ROBERTS, THIS IS MS GREEN I SAID, DO YOU WANT REC
6 NOW?

7 Q ALL RIGHT LET ME STOP YOU WHEN YOU SAY YOU
8 WENT TO THE ROOM, YOU'RE ACTUALLY UP IN THE WING AND
9 YOU'RE TALKING THROUGH THE INTERCOM SYSTEM?

10 A I CALLED ON MY INTERCOM SYSTEM

11 Q OKAY GO AHEAD

12 A THAT'S HOW I CONTACT HIM

13 Q OKAY

14 A MR ROBERTS SAID, NO, I DO NOT WANT REC

15 FINE I WENT TO THE NEXT PERSON

16 ABOUT 30 MINUTES INTO HIS HOUSING UNIT HAVING REC,
17 MR ROBERTS CALLED ME BACK ON MY INTERCOM I KNEW IT
18 WAS HIM IT WAS HIS ROOM HE WAS THE ONLY PERSON IN
19 HIS ROOM

20 MR ROBERTS -- I SAID, YES, MR ROBERTS

21 HE SAID, MS GREEN HE SAID, TELL MR WASHINGTON
22 THAT I WANT REC

23 I SAID, MR ROBERTS, WE DON'T HAVE TIME TO PLAY
24 WITH YOU ALL DAY YOU USUALLY DO THIS IN THE MORNINGS
25 WE DON'T HAVE TIME TO PLAY DO YOU WANT REC OR DO NOT

1 WANT REC?

2 YES, MS GREEN, I CHANGED MY MIND I WANT REC

3 I CALLED MR WASHINGTON MR WASHINGTON, MR

4 ROBERTS SAID HE WANTS REC

5 MR WASHINGTON SAYS, NO, HE'S NOT GOING TO GET

6 REC WE ALREADY ASKED HIM EARLIER HE'S NOT GETTING

7 REC WE'RE GOING TO REFUSE HIS REC AND HE DOES THIS

8 IN THE MORNINGS ALL THE TIME

9 MR WASHINGTON CAME HE CALLED ME ON THE RADIO

10 HE SAYS, WING CONTROL, ACCESS BRAVO 2

11 I POPPED THE DOOR, BECAUSE MR WASHINGTON CAN'T

12 GET IN UNLESS I LET HIM IN

13 Q OKAY

14 A I POPPED THE DOOR MR WASHINGTON WENT TO MR

15 ROBERT'S DOOR AND HE SAID MR ROBERTS, HE SAID MS

16 GREEN SAID YOU WANT REC I'M HERE TO TELL YOU, YOU'RE

17 NOT GETTING REC

18 Q ALL RIGHT NOW, ARE YOU LISTENING TO THIS THROUGH

19 THE INTERCOM SYSTEM?

20 A YES, I HAD THE INTERCOM SYSTEM ON BECAUSE I WANTED

21 TO WATCH MR WASHINGTON THAT IS MY JOB UP THERE, TO

22 KEEP AN EYE ON THE OFFICER AS THE OFFICERS GO IN THERE,

23 BECAUSE ONCE THE OFFICER WALK INTO THOSE HOUSING UNITS

24 -- FROM -- FROM WHERE I'M SITTING, THE OFFICER

25 DISAPPEARS TO ME, BUT I NEED TO KEEP AN EYE ON HIM AS

STATE VS ALKEBULANYAHH

1 FAR AS HIS MOVEMENTS OR HIS WHATEVER, HIS CONVERSATION,
2 OR WHATEVER THAT'S MY JOB, TO KEEP AN EYE ON THE
3 OFFICERS SO I WATCHED MR WASHINGTON AS HE WENT IN
4 THERE

5 AND I TURNED THE INTERCOM SYSTEM ON SO I COULD
6 HEAR THEIR CONVERSATION, BECAUSE I KNEW THE
7 CONVERSATION WAS GOING TO GET UGLY BECAUSE HE HAD
8 ALREADY GOT BELLIGERENT WITH ME

9 Q OKAY GO AHEAD

10 A AND MR WASHINGTON SAID TO HIM, HE SAID MR
11 ROBERTS, I'M TELLING YOU, YOU'RE NOT GETTING REC

12 HE SAID, I WANT TO SPEAK TO THE SERGEANT I WANT
13 TO DO THIS AND I WANT TO DO THAT, LIKE HE USUALLY DO

14 THE COURT SLOW DOWN, MA'AM, PLEASE

15 Q YES SLOW DOWN

16 THE COURT THANK YOU

17 Q YOU'RE DOING FINE JUST SLOW DOWN

18 A OKAY I'M A LITTLE BIT NERVOUS

19 Q THAT'S FINE

20 A BUT ANYWAY, HE JUST, YOU KNOW, KEPT GOING ON AND
21 STARTED GETTING ALL BELLIGERENT, AND I KNEW THINGS WERE
22 GOING TO GET KIND OF A LITTLE ARGUMENTATIVE -- HE WAS
23 GOING TO GET ARGUMENTATIVE

24 THE COURT MA'AM, YOU'LL NEED TO SLOW DOWN NOT
25 THAT -- I CAN HEAR YOU, BUT THE COURT REPORTER HAS TO

1 TAKE THAT DOWN IF YOU DON'T MIND THANK YOU

2 A AND I TURNED THE INTERCOM ON AND I'M LISTENING TO
3 MR ROBERTS AND MR WASHINGTON MR ROBERTS SAYS TO
4 MR WASHINGTON AFTER MR WASHINGTON TOLD HIM THAT HE
5 WAS NOT GOING TO GET REC, MR ROBERTS SAYS, FINE HE
6 SAYS, I'M TIRED OF THIS BULL SHIT I'M JUST TIRED OF
7 IT HE SAID, YOU, MS GREEN, I'M TIRED OF YOU GUYS
8 HE SAID, I ALREADY TOOK TWO PEOPLE OUT, AND YOU GUYS
9 ARE GOING TO BE NEXT

10 I SAID, MR WASHINGTON, WHY DON'T YOU JUST CLOSE
11 HIS DOOR, BACK UP OUT OF HIS ROOM, LET ME GO AHEAD AND
12 SLIDE HIS DOOR BACK AND CLOSE HIS DOOR, AND LET'S JUST
13 GET OUT AND CALL SERGEANT MARSHALL IN, YOU KNOW WE'LL
14 DO WHATEVER WE HAVE TO DO FROM THERE AND THAT'S
15 EXACTLY WHAT I WROTE IN MY STATEMENT ALSO

16 Q DID YOU HEAR THE FULL CONVERSATION THAT TOOK PLACE
17 BETWEEN THE DEFENDANT AND SERGEANT WASHINGTON?

18 A LIKE I SAID, I HEARD THE BEGINNING OF THE
19 CONVERSATION, BECAUSE IN THAT ROOM, IF YOU WALK UP TO
20 THE INTERCOM SYSTEM, IT FEEDS BACK TO ME VERY CLEAR
21 BUT IF YOU STEP AWAY FROM IT, JUST LIKE THIS MIKE, IF
22 YOU STEP AWAY FROM IT YOU GOING TO GET A BIG BLUR SO
23 HE STARTED WALKING AWAY FROM THE -- I GUESS FROM THE
24 INTERCOM SYSTEM SO I KIND OF HEARD THE BEGINNING OF
25 THE CONVERSATION, BUT THEN I PICKED UP ON THE -- THE

1 END OF IT GOT KIND OF BLUR AT THE TIME, JUST LIKE I
2 WROTE IN MY STATEMENT

3 Q OKAY DURING THE TIME -- AT LEAST FROM WHAT YOU
4 COULD HEAR, DID YOU AT ANY TIME HEAR SERGEANT
5 WASHINGTON INTERROGATE MR ROBERTS OR QUESTION HIM OR
6 ANYTHING LIKE THAT DURING THIS TIME?

7 A QUESTION HIM ABOUT WHAT?

8 Q ABOUT WHETHER OR NOT HE SHOT OFFICERS ---

9 A OH, NO

10 Q --- OR ANYTHING LIKE THAT?

11 A NO HE WASN'T IN THERE LONG ENOUGH FOR THAT

12 Q OKAY WAS THERE -- DID -- AT LEAST FROM YOUR --
13 WHAT YOU COULD HEAR, AT ANY TIME DID SERGEANT
14 WASHINGTON THREATEN THE DEFENDANT COERCE HIM IN ANY
15 WAY TO GET HIM TO MAKE THESE STATEMENTS?

16 A NO, I DIDN'T HEAR ANYTHING LIKE THAT

17 MR STONE OKAY YOUR HONOR, I DON'T HAVE ANY
18 FURTHER QUESTIONS AT THIS TIME

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MS GREEN ---

21 A YES

22 Q --- YOU STATED THAT YOU TOLD MR WASHINGTON AFTER
23 MR ALKEBULANYAHH MADE THE STATEMENT TO BACK UP OUT OF
24 MR ALKEBULANYAHH ROOM AFTER MR ALKEBULANYAHH MADE
25 WHAT STATEMENT?

- 1 A AFTER YOU SAID THAT -- AFTER MR ROBERTS SAID, I
2 ALREADY TOOK OUT TWO OFFICERS I SAID, JUST BACK AWAY
3 FROM IT, LET ME CLOSE THE DOOR BACK, UNTIL WE GET A
4 SERGEANT THERE TO KIND OF STRAIGHTEN OUT THIS --
5 WHATEVER WAS GOING ON BETWEEN YOU TWO
- 6 Q MS GREEN ---
- 7 A YES
- 8 Q --- DO YOU PRESENTLY WORK WITH THE BEAUFORT COUNTY
9 DETENTION CENTER?
- 10 A LIKE I SAID EARLY WHEN HE QUESTIONED ME ABOUT MY
11 PLACE OF EMPLOYMENT, I WORK FOR LAIDLAW TRANSIT I
12 ALREADY SAID THAT EARLIER
- 13 Q WASN'T YOU FIRED FROM WORKING WITH THE BEAUFORT
14 COUNTY DETENTION CENTER FOR SLEEPING WITH INMATES?
- 15 A NO I RESIGNED FROM BEAUFORT COUNTY DETENTION
16 CENTER SLED DID AN INVESTIGATION SLED CAME UP WITH
17 NOTHING I RESIGNED
- 18 Q SO YOU SAYING SLED DID NOT COME UP WITH
19 NOTHING ---
- 20 A NOTHING
- 21 Q --- ABOUT YOU SLEEPING WITH INMATES?
- 22 A NOTHING GET WITH TRAVIS AVANT NOTHING THAT'S
23 HEARSAY
- 24 Q HOW LONG DID THAT INVESTIGATION LAST?
- 25 A ONE DAY

1 Q ONE DAY?

2 A 30 MINUTES, AND HE WAS DONE

3 Q AND THEN YOU RESIGNED, IS THAT CORRECT?

4 A I RESIGNED BEFORE THE INVESTIGATION TOOK PLACE

5 Q THAT WAS A RESULT OF YOU SLEEPING WITH INMATES, IS

6 THAT CORRECT?

7 A THAT'S ALLEGATIONS THAT'S HEARSAY

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUFSTIONS,

9 YOUR HONOR

10 MR STONE THAT'S IT, YOUR HONOR THANK YOU IF

11 YOU WILL GO BACK OUTSIDE PLEASE

12 (THE WITNESS LEAVES THE WITNESS STAND)

13 THE COURT ANYTHING FURTHER?

14 MR STONE NO, SIR, THAT'S ALL THE STATE WOULD

15 HAVE

16 THE COURT AND THE CHARLESTON OFFICERS, THOSE

17 OFFICERS WERE ALL INVOLVED AFTER -- AFTER HE WAS

18 TRANSPORTED FROM THE MEDICAL UNIVERSITY TO THE

19 CHARLESTON COUNTY DETENTION CENTER?

20 MR STONE THAT'S CORRECT, SIR

21 THE COURT THAT'S WHERE ALL THOSE TOOK PLACE?

22 MR STONE YES SIR

23 THE COURT ALL RIGHT ANY ARGUMENT?

24 MR STONE YOUR HONOR, I WOULD SUBMIT TO YOU THAT

25 ALL OF THESE STATEMENTS, BASICALLY, THE TWO GENERAL

STATE VS ALKEBULANYAHH

1 STATEMENTS THAT YOU REFERRED, ARE VOLUNTEERED
2 STATEMENTS THEY ARE NOT MADE PURSUANT TO ANY
3 INTERROGATION BY ANY OF THE OFFICERS OR ANY OF THE
4 PEOPLE INVOLVED AND AS SUCH, THEY ARE NOT SUBJECT TO
5 MIRANDA, AND ARE ADMISSIBLE AS INCULPATORY STATEMENTS
6 AND THAT IS, YOUR HONOR, I WOULD SITE TO YOU STATE
7 VERSUS OWENS, RHODE ISLAND VERSUS INNIS, WHICH IS A
8 UNITED STATES SUPREME COURT DECISION, AND STATE VERSUS
9 KOON

10 I HAVE THOSE SITES IF YOU'D LIKE
11 THE COURT ANY RESPONSE?

12 MR ALKEBULANYAHH , YES, YOUR HONOR IN REFERENCE
13 TO THE INCIDENTS THAT'S BEING ALLEGED BY THESE
14 PARTICULAR OFFICERS IN THE DETENTION CENTER THEY NEVER
15 TOOK PLACE AND THE STATEMENTS THAT THEY GIVEN AND
16 TESTIFIED TO, THEY ALL INCONSISTENT IT'S TOO MANY
17 INCONSISTENCIES IN THEIR STATEMENT ABOUT WHAT WAS
18 ACTUALLY SAID OR NOT SAID

19 MR ALKEBULANYAHH HAD NOT MADE THEM STATEMENTS TO
20 THESE PARTICULAR INDIVIDUAL AND I THINK IT WOULD BE
21 HIGHLY PREJUDICE TO ALLOW THESE PEOPLE TO -- TO TESTIFY
22 IN REFERENCE TO A STATEMENT THAT MR ALKEBULANYAHH
23 NEVER MADE

24 THE COURT WELL, I MEAN, ALL I HAVE BEFORE ME IS
25 THE FACT THAT THEY INDICATED THAT THEY -- ALL I HAVE

STATE VS ALKEBULANYAHH

1 BEFORE ME IS THE FACT THAT THEY INDICATED THESE
2 STATEMENTS WERE MADE ANYTHING FURTHER?

3 MR ALKEBULANYAHH NO, NOTHING OTHER THAN I THINK
4 THAT IT'S -- MY OBJECTION IS BASED ON THAT, YOU KNOW,
5 HIGHLY PREJUDICE MY CASE, AND IT WOULD -- YOU KNOW, IT
6 PUT ME INTO A CHARACTERIZATION THAT IS NOT MR
7 ALKEBULANYAHH

8 THE COURT WELL, LIKE I SAID, OBVIOUSLY, YOU HAVE
9 NO BURDEN IN THIS CASE WHATSOEVER, YOU'RE UNDER NO
10 OBLIGATION TO TESTIFY YOU HAVE THE RIGHT TO DO SO IN
11 THIS PROCEEDING

12 THE EVIDENCE THAT'S BEEN PRESENTED, I THINK THE
13 STATE'S MET ITS BURDEN THEY ONLY HAVE TO MEET THE
14 BURDEN BY A PREPONDERANCE OF THE EVIDENCE FOR PURPOSES
15 OF THIS HEARING

16 AND BASED ON THE TOTALITY OF THE CIRCUMSTANCES
17 THAT HAVE BEEN PRESENTED, AS WELL AS CONSIDERATION OF
18 THE EXHIBIT -- DEFENDANT'S EXHIBIT 4, THAT YOU HAVE
19 PREVIOUSLY PLACED INTO EVIDENCE IN THE TRIAL OF THIS
20 CASE, INDICATING THAT MIRANDA WARNINGS HAVE BEEN GIVEN
21 AT THE -- AT THE HOSPITAL, IT APPEARS TO ME, AND I FIND
22 THAT THE STATEMENTS THAT YOU MADE WERE KNOWINGLY AND
23 INTELLIGENTLY AND VOLUNTARILY GIVEN, WITHOUT ANY
24 THREAT, COERCION FORCE, OR UNDUE INFLUENCE JUST
25 BASICALLY, VOLUNTEERED STATEMENTS ARE NOT BARRED BY THE

STATE VS ALKEBULANYAHH

1 CONSTITUTION

2 HOWEVER, HAVING SAID THAT, SINCE NOTHING ELSE WAS
3 PRESENTED IN THIS HEARING FROM YOUR SIDE, YOU DO HAVE
4 THE RIGHT TO ARGUE TO THE JURY THAT THEY WERE NOT
5 VOLUNTARILY MADE

6 THE STATE WOULD HAVE TO PROVE THAT THOSE
7 STATEMENTS WERE MADE BEYOND A REASONABLE DOUBT THEY
8 WOULD HAVE TO CONVINCE THE JURY BEYOND A REASONABLE
9 DOUBT I'D BE HAPPY TO CHARGE TO JURY IF THE STATE HAS
10 NOT PROVEN THOSE STATEMENTS WERE MADE BEYOND A
11 REASONABLE DOUBT, THEY SHOULD EXCLUDE THEM

12 BUT, QUITE FRANKLY, FOR PURPOSES OF WHETHER OR NOT
13 THE STATEMENTS WERE VOLUNTARILY MADE I -- YOU KNOW,
14 ONCE THAT DECISION IS MADE, I AGREE WITH YOU A HUNDRED
15 PERCENT, THEY ARE PREJUDICIAL TO YOUR CASE BUT
16 USUALLY VOLUNTEERED STATEMENTS ARE PREJUDICIAL AND
17 THEY'RE PRETTY TOUGH STATEMENTS

18 HAVING SAID THAT, WE PROBABLY SHOULD -- MADAM
19 CLERK, DID YOU CHECK ---

20 (PAUSE)

21 THE COURT I BELIEVE THE JUROR'S LUNCH IS HERE
22 SHE'LL GO CHECK

23 (PAUSE)

24 THE COURT THE JURORS' LUNCHES ARE HERE, SO WE'LL
25 BREAK UNTIL 1 15 THANK YOU VERY MUCH

STATE VS ALKEBULANYAHH

1 (COURT IS IN RECESS FOR LUNCH)
2 THE COURT ARE YOU ALL READY TO PROCEED?
3 MR STONE THE STATE'S READY, YOUR HONOR
4 MR ALKEBULANYAHH DEFENSE READY, YOUR HONOR
5 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
6 (THE JURY RETURNS TO THE COURTROOM AT 1 35 P M)
7 THE COURT THANK YOU PLEASE BE SEATED
8 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
9 PROCEED
10 MR STONE THE STATE CALLS SERGEANT JOHN BEARDEN
11 JOHN J BEARDEN, BEING
12 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
13 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
14 THE COURT
15 WITNESS JOHN BEARDEN B-E-A-R-D-E-N
16 DIRECT EXAMINATION BY MR. STONE.
17 Q YOU'RE A SERGEANT, SIR?
18 A YES SIR
19 Q AND WITH WHOM?
20 A CHARLESTON COUNTY SHERIFF'S OFFICE, DETENTION
21 CENTER
22 Q AND HOW LONG HAVE YOU BEEN WITH THE CHARLESTON
23 COUNTY DETENTION CENTER?
24 A FIVE YEARS
25 Q ALL RIGHT I NEED YOU TO PULL THAT MICROPHONE A

STATE VS ALKEBULANYAHH

- 1 LITTLE BIT CLOSER TO YOU, IF YOU WOULD PLEASE HOW
2 LONG HAVE YOU BEEN WITH THEM?
- 3 A FIVE YEARS
- 4 Q ALL RIGHT, SIR AND WHAT DO YOU DO THERE?
- 5 A I'M THE DIRECT SUPERVISOR FOR THE SECURITY
6 DEPARTMENT AT THE JAIL
- 7 Q OKAY I'M SORRY, WHAT NOW?
- 8 A DIRECT SUPERVISOR FOR THE SECURITY DEPARTMENT OF
9 THE DETENTION CENTER
- 10 Q ALL RIGHT DO YOU AT SOME TIME -- ARE YOU AT SOME
11 TIME INVOLVED IN THE BOOKING PROCEDURE AT THE
12 CHARLESTON COUNTY DETENTION CENTER?
- 13 A YES, SIR, SPECIFICALLY THE IDENTIFICATION
- 14 Q AND IN THE IDENTIFICATION PROCESS, WHAT DOES THAT
15 ENTAIL?
- 16 A FINGERPRINTS AND PHOTOGRAPHS
- 17 Q AND IS THAT FINGERPRINTS AND PHOTOGRAPHS OF WHO?
- 18 A OF INMATES COMING IN
- 19 Q INMATES COMING INTO THE CHARLESTON DETENTION
20 CENTER?
- 21 A YES
- 22 Q WHERE DOES THAT TAKE PLACE?
- 23 A THAT'S THE SECOND STAGE IN THE BOOKING PROCESS
- 24 Q AND WHERE DOES THAT PHYSICALLY TAKE PLACE?
- 25 A IN THE BOOKING -- IN THE BOOKING AREA AND

- 1 IDENTIFICATION ROOM
- 2 Q ON JANUARY 9, 2002, WERE YOU INVOLVED IN THE
- 3 BOOKING OF AN INMATE NAMED TYREE ROBERTS?
- 4 A YES, SIR, I WAS
- 5 Q DO YOU SEE THAT INMATE IN THE COURTROOM TODAY?
- 6 A YES, SIR, I DO
- 7 Q WOULD YOU POINT HIM OUT PLEASE?
- 8 A (COMPLIED)
- 9 Q DESCRIBE HIM?
- 10 A MR ROBERTS, SITTING AT THE TABLE OVER HERE WITH
- 11 THE TAN SHIRT ON -- STANDING ---
- 12 Q THE MAN STANDING UP RIGHT NOW?
- 13 A YES
- 14 MR STONE YOUR HONOR, LET THE RECORD REFLECT
- 15 HE'S IDENTIFIED THE DEFENDANT, MR ALKEBULANYAHH
- 16 Q SERGEANT BEARDEN, IF YOU COULD TELL US WHAT
- 17 EXACTLY YOU DID IN THE PROCESS OF IDENTIFYING THE
- 18 INMATE YOU KNEW AT THAT TIME AS TYREE ROBERTS?
- 19 A I WAS MAINLY ESCORT -- THE IDENTIFICATION OFFICER
- 20 WAS NICK WAGNER I BROUGHT THE INMATE IN,
- 21 FINGERPRINTED HIM, AND HAD HIM STAND AGAINST A GRAY
- 22 WALL TO TAKE HIS PHOTOGRAPH AT THAT TIME HE STARTED
- 23 SMILING FOR HIS PICTURE, AND AT THAT TIME I TOLD HIM WE
- 24 NEED AN EXPRESSIONLESS PICTURE OF HIM
- 25 Q WHY DID YOU NEED AN EXPRESSIONLESS PICTURE OF HIM?

STATE VS ALKEBULANYAHH

1 A ALL OUR PHOTOS GO INTO A DATA BASE THAT THEY USE
2 FOR PHOTO LINE-UPS SO THAT IF THEY'RE INVESTIGATING
3 OTHER CRIMES OR ANYTHING, WE CAN PUT THEM IN A PHOTO
4 LINE-UP

5 Q AS YOU'RE TAKING THESE EXPRESSIONLESS PHOTOS,
6 YOU'RE TAKING IT FRONT, SIDE, OR HOW ARE YOU DOING IT?

7 A WE TAKE ONE FRONT PICTURE AND ONE SIDE PICTURE
8 AND IF THEY WEAR GLASSES, WE TAKE A SECOND FRONT
9 PICTURE WITH THE GLASSES

10 Q AFTER YOU INFORMED HIM HE NEEDED TO GIVE YOU AN
11 EXPRESSIONLESS PHOTOGRAPH, WHAT HAPPENED AFTER THAT?

12 A HE STARTED GETTING ANGRY, CLINCHED HIS FISTS HE
13 SAID HE WAS GOING TO BUCK -- HE'S GETTING READY TO
14 BUCK

15 AT THAT TIME I GRABBED HIS ARM, I TOLD HIM, YOU
16 NEEDED TO CALM DOWN YOU NEED TO COMPLY

17 AND THEN AT THAT POINT HE TOLD ME THAT HE KNEW
18 WHAT HIS OPTIONS WERE, HE DIDN'T HAVE TO COMPLY HE
19 JUST KILLED TWO COPS

20 Q WHEN HE TOLD YOU THAT HE KILLED TWO COPS, HOW FAR
21 AWAY FROM HIM WERE YOU?

22 A I WAS ACTUALLY HOLDING ONTO HIS ARM AT THAT TIME
23 MR STONE MAY I APPROACH THE WITNESS, YOUR
24 HONOR?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 Q SHOW ME -- IF YOU COULD COME DOWN JUST BRIEFLY,
2 KEEP YOUR VOICE UP SO THIS LADY CAN ---
3 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
4 Q SHOW ME WHERE HE WAS COMPARED TO YOU WHEN HE MADE
5 THIS STATEMENT?
6 A HE WAS STANDING AGAINST THE GRAY WALL BEHIND ME
7 Q RIGHT
8 A I WAS ORIGINALLY STANDING ON THIS SIDE
9 Q OKAY
10 A AND THEN ---
11 MR MURDAUGH LOUDER PLEASE
12 Q YES SPEAK A LITTLE LOUDER PLEASE
13 A OKAY HE WOULD BE STANDING AGAINST THE GRAY WALL
14 Q THOSE ARE THE PEOPLE I NEED TO HEAR
15 A HE WAS STANDING AGAINST THE GRAY WALL I
16 BASICALLY JUST GRABBED HIM RIGHT HERE, BECAUSE HE
17 STARTED CLENCHING HIS FISTS, YOU KNOW, ACTING LIKE HE
18 WAS ABOUT READY TO ASSAULT ME
19 Q AT THIS TIME IS THIS WHEN HE MAKES THIS STATEMENT?
20 A YES, SIR
21 Q AND YOU'RE STANDING BETWEEN HERE ---
22 A YES, SIR
23 Q AND THAT'S WHEN HE SAID, I SHOT TWO COPS?
24 A YES
25 Q GO AHEAD AND HAVE A SEAT BACK

STATE VS ALKEBULANYAHH

1 (THE WITNESS RETURNS TO THE WITNESS STAND)

2 Q PRIOR TO HIM TELLING YOU THAT HE HAD SHOT -- DID
3 HE SAY OFFICERS OR COPS?

4 A TWO COPS, I BELIEVE

5 Q PRIOR TO HIM SAYING THAT HE SHOT THE TWO COPS, HAD
6 YOU DONE ANYTHING, HAD YOU COERCED HIM IN ANY WAY,
7 STRUCK HIM, ANYTHING LIKE THAT TO MAKE HIM MAKE THAT
8 STATEMENT?

9 A NO, SIR

10 Q HAD YOU ASKED HIM ANY QUESTIONS?

11 A NO

12 Q INTERROGATED HIM IN ANY WAY?

13 A NO

14 Q DID HE SAY ANYTHING ELSE AT THAT POINT?

15 A I MEAN IT WAS WORDS WERE BACK AND FORTH I DON'T
16 REALLY REMEMBER EXACTLY EVERYTHING AFTER -- EXCEPT WHAT
17 I WROTE IN MY STATEMENT AND THEN AT THAT POINT WE
18 TOOK HIM OUT WE SAID WE WEREN'T GOING TO TRY TO GET
19 TO THE PICTURE BECAUSE HE WAS, YOU KNOW, NOT
20 COOPERATING SO WE PUT HIM BACK IN THE WHEELCHAIR AND
21 TOOK HIM BACK UP TO MEDICAL -- OR TOOK HIM UP TO
22 MEDICAL

23 Q HE HAD ALREADY BEEN TO THE HOSPITAL, I'M ASSUMING,
24 BEFORE HE GOT TO YOU?

25 A YEAH, BEFORE HE GOT TO US

1 MR STONE YOUR HONOR, I DON'T HAVE ANYTHING ELSE
2 FROM THIS WITNESS AT THIS TIME

3 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

4 Q MR BEARDEN, DO YOU RECALL HEARING MR
5 ALKEBULANYAHH, A/K/A, WHO YOU KNOW AS TYREE ROBERTS
6 STATING THAT I'M NOT THE MEAN AND NASTY PERSON?

7 A NO, SIR

8 Q DO YOU RECALL HEARING MR ALKEBULANYAHH STATING
9 THAT I'M GOING TO JAIL FOR LIFE, WHAT DO I CARE?

10 A NO

11 Q DO YOU RECALL HEARING MR ALKEBULANYAHH STATING
12 THAT HE WAS NOT GOING TO BE CONVICTED OF MURDER AND
13 HAVE A PICTURE THAT MAKES HIM LOOK LIKE A HARD
14 CRIMINAL?

15 A NO

16 Q DO YOU RECALL HEARING MR ALKEBULANYAHH STATING, I
17 DON'T HAVE TO COOPERATE I KNOW WHAT I'M LOOKING AT?

18 A YES

19 Q DO YOU RECALL MR ALKEBULANYAHH STATING THAT HE'S
20 BEEN IN MANY JAILS?

21 A I DON'T RECALL

22 Q DO YOU RECALL MR ALKEBULANYAHH STATING THAT HE
23 KNOWS WHAT'S GOING TO HAPPEN TO HIM, HE KILLED TWO
24 COPS, AND THAT HE WAS LOOKING AT THE CHAIR?

25 A SOMETHING TO THAT EFFECT, I BELIEVE HE SAID DEATH

STATE VS ALKEBULANYAHH

1 Q BUT NOT CHAIR?

2 A I BELIEVE HE MADE TWO STATEMENTS, AND THAT'S WHEN
3 WE FINALLY DECIDED THAT YOU WASN'T GOING TO COMPLY
4 ONE OF THEM WAS REFERRING TO DEATH AND THE OTHER ONE
5 WAS GETTING THE CHAIR

6 Q AND YOU PUT BOTH OF THEM IN YOUR STATEMENT?

7 A I BELIEVE SO

8 Q MR BEARDEN, ISN'T IT TRUE THAT YOU GRABBED THE --
9 GRABBED MR ALKEBULANYAHH AND SLAMMED HIM INTO THE WALL
10 AND STATED THAT HE JUST KILLED TWO COPS AND HE NEEDS TO
11 TAKE THAT GRIN OFF HIS OFF HIS FACE AT THE TIME OF
12 TAKING PICTURES?

13 A NO, SIR, NOT AT ALL

14 Q WHEN YOU STATED YOU GRABBED INMATE, WHAT PURPOSE
15 YOU GRAB THE INMATE FOR? WHY DID YOU GRAB HIM?

16 A TO CONTROL THE SITUATION I HAD, YOU KNOW, A
17 FEELING THAT HE WAS ABOUT TO GET VIOLENT I WANTED
18 TO ENSURE HIM THAT HE KNEW THE OFFICER PRESENCE WAS
19 THERE

20 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

21 THE COURT YES, SIR

22 MR STONE LET ME SEE IT NOW

23 MR ALKEBULANYAHH I WANT TO SHOW IT TO HIM

24 THE COURT YOU'RE JUST GOING TO SHOW IT TO THE
25 WITNESS FIRST?

1 MR ALKEBULANYAHH YES

2 THE COURT ALL RIGHT HE CAN SHOW IT TO THE
3 WITNESS BEFORE YOU INTRODUCE IT, YOU SHOW IT TO THE
4 OTHER SIDE

5 MR STONE THANK YOU, YOUR HONOR

6 THE COURT BEFORE YOU ASK QUESTIONS ABOUT IT,
7 SHOW IT TO THE OTHER SIDE

8 (PAUSE)

9 Q MR BEARDEN, ARE YOU FAMILIAR WITH THIS PARTICULAR
10 DOCUMENT HERE?

11 A YES, SIR

12 Q AND IS THIS FROM THE CHARLESTON COUNTY SHERIFF
13 OFFICE DETENTION CENTER?

14 A YES

15 Q AND TO THE RELATION THAT YOU'RE TALKING ABOUT HERE
16 TODAY WAS YOU -- WAS YOU PART OF BOOKING THIS
17 DEFENDANT ON THAT DAY?

18 A I WAS THERE FOR SECURITY REASONS YES

19 Q AND THIS PARTICULAR PICTURE THAT YOU'RE LOOKING
20 AT, IS THIS THE SMILE THAT YOU REMEMBER THAT MR
21 ALKEBULANYAHH HAD THAT DAY?

22 A YES, SIR

23 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
24 INTRODUCE IT IN EVIDENCE

25 MR STONE NO OBJECTION

1 THE COURT DEFENDANT'S 27 IN EVIDENCE WITHOUT
2 OBJECTION

3 (CHARLESTON COUNTY DETENTION CENTER LASER PACK,
4 PHOTO, 1 PAGE, MARKED IN EVIDENCE AS DEFENDANT'S
5 EXHIBIT NO 27)

6 MR ALKEBULANYAHH YOUR HONOR, MAY I LET THE
7 JURORS TAKE A VIEW OF IT?

8 THE COURT IF YOU WOULD HOLD IT UP AND WALK IT
9 DOWN THE BOX

10 (PAUSE)

11 Q MR BEARDEN, AT THAT PARTICULAR TIME IS THAT
12 PARTICULAR SMILE OR GRIN THAT HAD OFFENDED YOU AT THE
13 CHARLESTON COUNTY DETENTION CENTER THAT DAY?

14 A IT WASN'T OFFENSIVE IT WAS JUST NOT PROTOCOL FOR
15 US TO ALLOW A PHOTOGRAPH LIKE THAT TO BE ENTERED IN OUR
16 DATA BASE

17 Q THAT PARTICULAR TYPE OF PHOTOGRAPH IS PROHIBITED,
18 IS THAT CORRECT?

19 A YES, SIR WE DON'T -- YOU KNOW, WE DON'T ENJOY
20 HAVING PHOTOGRAPHS IN OUR DATA BASE LIKE THAT THAT WILL
21 BE USED OF IDENTIFICATION REASONS

22 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
23 QUESTIONS

24 MR STONE JUST BRIEFLY, YOUR HONOR, IF I MAY
25 APPROACH

1 REDIRECT EXAMINATION BY MR. STONE.

2 Q I NOTICE ON DEFENSE EXHIBIT 27, THERE AREN'T ANY
3 SIDE PHOTOS OF THAT

4 A THAT'S CORRECT

5 Q OF THAT DEFENDANT, IS THAT CORRECT?

6 A THAT'S CORRECT THIS IS A LASER PACK AND IT
7 WOULD NORMALLY SHOW THE FRONT AND THE SIDE PHOTOS

8 Q WHY AREN'T THERE ANY SIDE PHOTOS OF HIM?

9 A WELL, AT THIS POINT, WHEN WE GOT THE FIRST PICTURE
10 IS WHEN MR ROBERTS BECOME UNCOOPERATIVE, SO WE DECIDED
11 WE'RE JUST GOING TO STOP THE PROCESS HERE AND MOVE HIM
12 ON TO MEDICAL

13 Q AND WHEN WAS THIS PICTURE TAKEN?

14 A PROBABLY 10 MINUTES AFTER HE BOOKED IN

15 Q ON WHAT DAY?

16 A THE 9TH

17 Q JANUARY 9?

18 A YES SIR

19 MR STONE I DON'T HAVE ANYTHING ELSE OF THIS
20 WITNESS, YOUR HONOR

21 THE COURT ANYTHING ELSE?

22 MR ALKEBULANYAHH NO, SIR, I HAVE NO FURTHER
23 QUESTIONS OF THIS WITNESS

24 THE COURT YOU MAY STEP DOWN

25 (THE WITNESS LEAVES THE WITNESS STAND)

STATE VS ALKEBULANYAHH

1 MR STONE CAPTAIN WILLIS BEATTY

2 WILLIS L BEATTY, BEING

3 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

4 DIRECT EXAMINATION BY MR. STONE.

5 Q WHAT IS YOUR FULL NAME, SIR, AND SPELL YOUR LAST
6 NAME IF YOU WOULD?

7 A WILLIS LAWSON BEATTY, B-E-A-T-T-Y

8 Q AND WHAT DO YOU DO, SIR?

9 A I'M A CAPTAIN IN CHARGE OF SECURITY AND
10 ADMINISTRATION AT THE CHARLESTON COUNTY DETENTION
11 CENTER

12 Q HOW LONG HAVE YOU BEEN AT THE CHARLESTON DETENTION
13 CENTER?

14 A APPROXIMATELY 14 YEARS

15 Q IN YOUR TIME AT THE DETENTION CENTER, HAVE YOU
16 ALSO BEEN INVOLVED IN THE BOOKING PROCEDURE?

17 A YES

18 Q COULD YOU EXPLAIN TO THE JURY WHAT THE BOOKING
19 PROCEDURE IS?

20 A INMATES ARE BROUGHT INTO THE FACILITY WE GO
21 THROUGH -- WE SEARCH THEM THEY ARE ENTERED INTO OUR
22 GENERAL MANAGEMENT SYSTEM THEIR PROPERTY IS ALL
23 PROCESSED, AND THEY GO OVER TO BE FINGERPRINTED AND
24 PHOTOGRAPHED

25 Q WHERE ARE THEY FINGERPRINTED AND PHOTOGRAPHED?

1 A THE BOOKING SIDE OF -- LIKE A CELL OFF THE SIDE OF
2 THE BOOKING AREA

3 Q WERE YOU INVOLVED -- AND LET ME REFER YOU NOW TO
4 JANUARY 9, 2002 WERE YOU INVOLVED IN THE BOOKING OF
5 AN INMATE BY THE NAME OF TYREE ROBERTS?

6 A I WAS INVOLVED IN THE FINGERPRINTING AND THE
7 PHOTOGRAPHING PORTION OF THAT, YES

8 Q DO YOU SEE THAT PERSON HERE IN THE COURTROOM
9 TODAY?

10 A YES

11 Q COULD YOU POINT HIM OUT FOR THE JURY PLEASE?

12 A SITTING AT THE END OF THE TABLE RIGHT THERE

13 Q OKAY

14 MR STONE YOUR HONOR, FOR THE RECORD, HE HAS
15 POINTED OUT THE DEFENDANT

16 Q TELL ME IF YOU WOULD, CAPTAIN, WHO WAS IN THE ROOM
17 WHEN TYREE ROBERTS WAS BOOKED INTO THE CHARLESTON
18 COUNTY DETENTION CENTER?

19 A MYSELF, SERGEANT BEARDEN, OFFICER NICHOLAS WAGNER,
20 AND THE DEFENDANT

21 Q AND HOW BIG IS THIS ROOM THAT WE'RE TALKING ABOUT?

22 A APPROXIMATELY 8 FOOT BY 10 FOOT

23 Q SO THERE'S -- IS THERE SOMETHING GOING ON IN ONE
24 AREA, THE PHOTOGRAPHING, AS OPPOSED TO THE
25 FINGERPRINTING? OR IS IT ALL TOGETHER, OR HOW IS IT

STATE VS ALKEBULANYAHH

1 SET UP?

2 A FINGERPRINTING IS DONE ON A SMALL PORTION, AND THE
3 PHOTOGRAPHING IS DONE ON THE OTHER END

4 Q TELL ME IF YOU WOULD PLEASE, DURING THE
5 PHOTOGRAPHING OF THE INMATE, IF YOU WERE INVOLVED IN
6 THAT, WHERE YOU WERE, AND WHAT YOU HEARD?

7 A I WAS STANDING OVER BY THE DOOR, PROBABLY ON THE
8 OTHER SIDE OF THE ROOM

9 Q OKAY WHAT DID YOU HEAR?

10 A I HEARD THE DEFENDANT SAY HE HAD KILLED TWO COPS
11 AND HE HAD -- I THINK IT WAS LIKE, I HAD NOTHING TO
12 LOSE

13 Q WHERE WERE YOU WHEN HE MADE THAT STATEMENT?

14 A STANDING BY THE DOOR

15 Q AND WHO WAS WITH HIM AT THE TIME?

16 A SERGEANT BEARDEN WAS NEXT TO HIM, AND OFFICER
17 WAGNER WAS WORKING ON TAKING THE PHOTO

18 Q PRIOR TO HIM MAKING THAT STATEMENT, HAD ANYBODY
19 INTERROGATED HIM OR QUESTIONED HIM OR ANYTHING LIKE
20 THAT?

21 A NO

22 Q WHAT WAS THE POINT OF HIM -- WHAT WAS HE DOING
23 WHEN HE MADE THE STATEMENT I SHOT TWO COPS?

24 A WE WERE TRYING TO GET HIM TO TAKE A EXPRESSIONLESS
25 PHOTO INSTEAD OF A GRINNING PHOTO

1 Q AND WHO'S OPERATING THE CAMERA?

2 A OFFICER WAGNER

3 Q PRIOR TO HIM MAKING THAT STATEMENT, DID ANYBODY
4 COERCE HIM OR STRIKE HIM OR DO ANYTHING LIKE THAT TO
5 GET HIM TO MAKE THE STATEMENT THAT HE SHOT TWO COPS?

6 A NO

7 Q ANYTHING ELSE HE SAID DURING THAT TIME THAT YOU
8 CAN RECALL?

9 A NOT THAT I CAN THINK OF

10 Q HOW LONG DID THE CONVERSATION -- WAS THIS A
11 CONVERSATION OR WAS THIS SOMETHING JUST ---

12 A NO IT WAS JUST THINGS THAT CAME UP DURING THE
13 PROCESS

14 Q OKAY THESE ARE STATEMENTS HE'S MAKING DURING THE
15 PROCESS OF THE PHOTOGRAPHING?

16 A YES

17 MR STONE OKAY I DON'T HAVE ANYTHING ELSE OF
18 THIS WITNESS YOUR HONOR

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MR BEATTY, DO YOU RECALL MR ALKEBULANYAHH, A/K/A
21 WHO YOU ALLEGE IS TYREE ROBERTS STATING I'M -- I'M NOT
22 THE MEAN AND NASTY PERSON?

23 A NO

24 Q DO YOU RECALL MR ALKEBULANYAHH STATING, I'M GOING
25 TO JAIL FOR LIFE, WHAT DO I CARE?

STATE VS ALKEBULANYAHH

1 A I'M NOT SURE IF IT'S WORDED THAT WAY, BUT NOT THAT
2 PARTICULAR WAY, NO

3 Q DO YOU RECALL MR ALKEBULANYAHH STATING HE KNEW
4 WHAT -- I KNOW WHAT'S GOING TO HAPPEN TO ME, AND TWO
5 COPS -- I KILLED TWO COPS AND I'M LOOKING AT THE CHAIR?

6 A I RECALLING YOU SAYING PART OF THAT, YES

7 Q DO YOU RECALL THE PART ABOUT I'M LOOKING AT THE
8 CHAIR?

9 A NO

10 Q DO YOU RECALL HEARING MR ALKEBULANYAHH SAYING,
11 I'M GETTING READY TO, BUCK?

12 A NO

13 Q DO YOU RECALL MR BEARDEN GRABBING MR
14 ALKEBULANYAHH?

15 A I REMEMBER HIM TAKING HIS ARM YES

16 Q DO YOU RECALL MR ALKEBULANYAHH SAYING, I KNOW
17 WHAT I'M LOOKING AT I KNOW WHAT I'M LOOKING AT I
18 JUST SHOT TWO COPS AND I'M LOOKING AT DEATH?

19 A WORDED THAT WAY, NO

20 Q DO YOU RECALL MR ALKEBULANYAHH STATING HE JUST
21 KILLED TWO COPS AND HE WAS GETTING THE DEATH PENALTY
22 AND HE HAD NOTHING TO LOSE, AND THAT WAS THE BEST
23 PICTURE WE WAS GOING TO GET?

24 A THAT SOUNDS PRETTY CLOSE TO WHAT HE SAID, YES

25 Q IS THAT PRETTY MUCH -- IS THAT STATEMENT A

1 STATEMENT THAT WAS MADE IN YOUR STATEMENT?

2 A WORD FOR WORD I COULDN'T SAY WITHOUT SEEING MY
3 STATEMENT

4 Q DOES IT SOUND LIKE SOMETHING YOU PUT IN YOUR
5 STATEMENT?

6 A IT SOUNDS PRETTY CLOSE, YES

7 Q DO YOU RECALL MR BEARDEN SLAMMING MR
8 ALKEBULANYAHH INTO THE WALL AND TELLING HIM TO TAKE
9 THAT GRIN OFF HIS FACE BECAUSE DO HE NOT KNOW WHAT HE
10 FACING?

11 A NO

12 Q DO YOU RECALL MAJOR MCCAILE, WHO IS THE SUPERVISOR
13 I BELIEVE OF YOU GENTLEMEN AT THE CHARLESTON COUNTY
14 DETENTION CENTER, IS THAT TRUE?

15 A HE WAS, YES

16 Q DO YOU RECALL MAJOR MCCAILE STATING YOU DON'T KNOW
17 WHAT YOU LOOKING AT, YOU JUST KILLED TWO COPS AND YOU
18 GOING TO GET THE DEATH PENALTY?

19 A NO

20 Q DO YOU RECALL MAJOR MCCAILE TURNING TO YOU GUYS AND
21 SAYING, DID YOU ALL HEAR HIM? DID YOU ALL HEAR HIM?
22 HE OMITTED (SIC), HE SAID HE KILLED THE TWO COPS DID
23 YOU HEAR HIM? DID YOU HEAR HIM?

24 A NO I DON'T RECALL THAT

25 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER

STATE VS ALKEBULANYAHH

1 QUESTIONS

2 REDIRECT EXAMINATION BY MR. STONE.

3 Q CAPTAIN, JUST ONE QUESTION MR ROBERTS CAME TO
4 YOU AFTER GOING TO MUSC, IS THAT CORRECT?

5 A CORRECT

6 MR STONE I DON'T HAVE ANYTHING ELSE, YOUR
7 HONOR

8 THE COURT ALL RIGHT

9 MR ALKEBULANYAHH I HAVE -- I HAVE ONE MORE
10 MAY I APPROACH?

11 THE COURT YES

12 RECROSS EXAMINATION BY MR. ALKEBULANYAHH.

13 Q IS THIS THE GENTLEMAN IN EXHIBIT -- DEFENDANT'S
14 EXHIBIT 27 THAT YOU SAW ON THAT DAY THAT WAS BEING
15 BOOKED IN AT THE CHARLESTON COUNTY DETENTION CENTER?

16 A YES

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
18 YOUR HONOR

19 THE COURT YOU MAY STEP DOWN, SIR

20 (THE WITNESS LEAVES THE WITNESS STAND)

21 MR STONE NICHOLAS WAGNER

22 NICHOLAS R WAGNER, BEING
23 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

24 DIRECT EXAMINATION BY MR. STONE.

25 Q STATE YOUR FULL NAME AND SPELL YOUR LAST NAME IF

STATE VS ALKEBULANYAHH

- 1 YOU WOULD PLEASE, SIR?
- 2 A NICHOLAS ROBERT WAGNER, W-A-G-N-E-R
- 3 Q MR WAGNER, WHAT DO YOU DO, SIR?
- 4 A DEPUTY WITH THE CHARLESTON COUNTY SHERIFF'S
- 5 OFFICE
- 6 Q HOW LONG HAVE YOU BEEN A DEPUTY WITH THE
- 7 CHARLESTON COUNTY SHERIFF'S DEPARTMENT?
- 8 A ABOUT 18 MONTHS
- 9 Q PRIOR TO THAT, WHAT DID YOU DO?
- 10 A I WAS THE FIELD TRAINING INSTRUCTOR AT THE
- 11 DETENTION CENTER, PHOTO, PRINTS, AND IDENTIFICATION --
- 12 FINGERPRINTS AND PHOTOGRAPH DEPARTMENT
- 13 Q THIS IS IN THE CHARLESTON DETENTION CENTER?
- 14 A YES, SIR
- 15 Q ALL RIGHT, SIR HOW LONG HAD YOU BEEN AT THE
- 16 CHARLESTON DETENTION CENTER? HOW LONG DID YOU WORK
- 17 THERE?
- 18 A ABOUT 2 1/2 YEARS
- 19 Q ON JANUARY 9 2002 WERE YOU WORKING IN THE
- 20 CHARLESTON DETENTION CENTER?
- 21 A YES, SIR
- 22 Q WERE YOU INVOLVED IN THE BOOKING OF AN INMATE BY
- 23 THE NAME OF TYREE ROBERTS?
- 24 A YES, SIR
- 25 Q AND DO YOU RECOGNIZE THAT INMATE IN THE COURTROOM

STATE VS ALKEBULANYAHH

- 1 TODAY?
- 2 A YES, SIR
- 3 Q COULD YOU POINT HIM OUT PLEASE?
- 4 A THE GENTLEMAN SITTING OVER THERE
- 5 Q COULD YOU DESCRIBE HIM FOR US?
- 6 A BLACK MALE, BEARD, AND WEARING A TAN SHIRT, DREDS
- 7 MR STONE YOUR HONOR, AT THIS TIME, PLEASE LET
- 8 THE RECORD REFLECT HE'S IDENTIFIED THE DEFENDANT
- 9 Q MR WAGNER, TELL ME, WHAT'S YOUR RANK?
- 10 A DEPUTY
- 11 Q DEPUTY DEPUTY WAGNER, IF YOU COULD, TELL US WHAT
- 12 HAPPENED DURING THE BOOKING PROCESS OF TYREE ROBERTS?
- 13 A WELL WHEN HE FIRST CAME IN, WE DID HIS
- 14 FINGERPRINTS WE DID WHAT'S CALLED MAJOR CASE PRINTS
- 15 THEN WE DID -- WHICH IS THE FULL HAND, PALM SIDE, AND
- 16 ALL THE FINGERS
- 17 Q DID YOU DO THAT?
- 18 A YES, SIR
- 19 Q ALL RIGHT
- 20 A AND THEN DID THAT WITH INK AND THEN WE TOOK HIS
- 21 PHOTOGRAPH
- 22 Q IS THAT STANDARD PROCEDURE?
- 23 A YES SOMETIMES YOU DO THE PHOTOGRAPH FIRST,
- 24 SOMETIMES YOU DO -- BUT THE MAJOR CASE PRINTS ONLY NEED
- 25 TO BE DONE WHEN REQUESTED BY THE DEPARTMENTS

STATE VS ALKEBULANYAHH

- 1 Q AND YOU DID THIS -- WHO WAS IN THE ROOM WHEN THIS
2 TOOK PLACE?
- 3 A CAPTAIN BEATTY AND SERGEANT BEARDEN AND MYSELF
- 4 Q AND ANYONE ELSE?
- 5 A NOT THAT I CAN REMEMBER
- 6 Q DURING THE TIME THAT YOU ARE TAKING THE
7 FINGERPRINTS OR THE PHOTOGRAPHS -- YOU TAKE THE
8 FINGERPRINTS, THEN YOU MOVE THE INMATE OVER TO THE
9 PHOTOGRAPH AREA, IS THAT CORRECT?
- 10 A YES, SIR
- 11 Q AND WHAT IS THE PURPOSE OF THE PHOTOGRAPHS --
12 TAKING PHOTOGRAPHS?
- 13 A WE TAKE PHOTOGRAPHS OF EVERYBODY IN THE FACILITY
14 FOR IDENTIFICATION IT GOES ON THE ARM BANDS, FOR EASY
15 RECOGNITION, JUST GOES INTO THE MASTER DATA BASE
- 16 Q TELL ME IF YOU WILL, WHAT TOOK PLACE DURING THE
17 PHOTOGRAPHING OF TYREE ROBERTS?
- 18 A WELL WHEN WE DOING THE PHOTOGRAPHS, TRY AND TAKE
19 AN EXPRESSIONLESS PICTURE OF ALL THE INMATES -- USUALLY
20 FOR LINE-UPS IS WHY WE DO IT, YOU KNOW, FOR FUTURE
21 CASES BUT TAKE A PICTURE FRONT AND THE SIDE VIEW, AT
22 WHICH POINT HE WOULDN'T COOPERATE WITH WHAT WE WERE
23 TRYING TO DO WE WERE TRYING TO GET HIS FACE SQUARED
24 AWAY, TRYING TO GET HIM NOT TO SMILE
- 25 Q WHEN YOU SAY HE, WHO ARE YOU TALKING ABOUT?

- 1 A MR ROBERTS
- 2 Q OKAY
- 3 A AND HE JUST CONTINUED TO NOT DO IT HE JUST
- 4 REFUSED TO QUIT SMILING, NO MATTER HOW MUCH WE TOLD HIM
- 5 THAT HE HAD NO CHOICE, HE WOULD HAVE TO -- BEFORE HE
- 6 GET MOVED, USE THE TELEPHONE, OR WHATEVER RIGHTS THAT
- 7 HE WAS GOING TO GET, HE HAD TO HAVE HIS PICTURE TAKEN
- 8 AT ONE POINT WE'RE BEGGING WITH HIM TO TAKE THE PICTURE
- 9 CORRECTLY
- 10 HE JUST STARTED TALKING AND SAID THAT HE WASN'T
- 11 GOING TO DO IT HE SAID THAT WE WERE GOING TO USE THE
- 12 PICTURE AGAINST HIM IN THE MEDIA, THAT HE'D SHOT TWO
- 13 COPS, AND THAT HE WAS LOOKING AT THE CHAIR HE DIDN'T
- 14 CARE WHAT WE SAID HE WASN'T GOING TO NOT SMILE
- 15 Q WHEN HE SAID I SHOT TWO COPS AND I'M LOOKING AT
- 16 THE CHAIR, HOW FAR AWAY FROM YOU ARE HIM WHEN HE MAKES
- 17 THAT STATEMENT?
- 18 A LESS THAN 8 FEET
- 19 Q ANY QUESTION THE MAN IN THE COURTROOM IS THE SAME
- 20 MAN THAT MADE THAT STATEMENT THAT DAY?
- 21 A NO, SIR
- 22 MR STONE I DON'T HAVE ANYTHING ELSE EXCUSE ME
- 23 JUST A MOMENT, YOUR HONOR
- 24 (PAUSE)
- 25 Q PRIOR TO HIM SAYING THAT HE SHOT TWO COPS, DID YOU

1 THREATEN HIM COERCE HIM, OR DID ANYONE FOR THAT MATTER
2 THREATEN OR COERCE HIM PRIOR TO HIM MAKING THAT
3 STATEMENT?

4 A NO, SIR

5 Q DID ANYONE ASK HIM ANY QUESTIONS, INTERROGATE HIM
6 ANY WAY?

7 A NO, SIR

8 MR STONE I DON'T HAVE ANYTHING ELSE THANK
9 YOU

10 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

11 Q MR WAGNER, DO YOU RECALL MR ALKEBULANYAHH
12 STATING, I'M NOT A MEAN OR NASTY PERSON?

13 A I BELIEVE YOU SAID THAT

14 Q DO YOU RECALL MR ALKEBULANYAHH STATING I'M GOING
15 TO JAIL FOR LIFE, WHAT DO I CARE?

16 A NO, SIR

17 Q DO YOU RECALL MR ALKEBULANYAHH STATING, I JUST
18 KILLED TWO COPS AND I'M GOING TO GET THE DEATH PENALTY
19 I HAVE NOTHING TO LOSE AND THAT WAS THE BEST PICTURE
20 YOU ALL ARE GOING TO GET?

21 A YOU SAID YOU WERE GOING TO GET THE CHAIR, NOT THE
22 DEATH PENALTY

23 Q DO YOU RECALL MR ALKEBULANYAHH STATING THAT HE
24 WAS NOT GOING TO BE CONVICTED OF MURDER AND HAVE A
25 PICTURE THAT MAKES HIM LOOK LIKE A HARD CRIMINAL?

STATE VS ALKEBULANYAHH

1 A NO

2 Q DO YOU RECALL MR ALKEBULANYAHH STATING, I DON'T
3 HAVE TO COOPERATE I KNOW WHAT I'M LOOKING AT?

4 A I DON'T BELIEVE YOU SAID IT THAT WAY, BUT HE SAID
5 THAT HE WASN'T GOING TO COOPERATE YOU SAID YOU
6 WEREN'T GOING TO COOPERATE, THAT YOU KNOW WHAT YOU'RE
7 LOOKING AT

8 Q DO YOU RECALL HEARING MR ALKEBULANYAHH STATE THAT
9 HE BEEN IN MANY JAILS?

10 A YES, SIR

11 Q DO YOU RECALL MR ALKEBULANYAHH STATING HE WAS
12 LOOKING AT THE CHAIR?

13 A YES, SIR

14 Q DO YOU RECALL MR ALKEBULANYAHH STATING, I'M
15 GETTING READY TO BUCK?

16 A YES, SIR

17 Q DO YOU RECALL ANOTHER OFFICER GRABBING MR
18 ALKEBULANYAHH?

19 A NO, SIR

20 Q DO YOU RECALL MAJOR MCCAULE, YOUR SUPERVISOR, BEING
21 THERE THAT DAY WHEN THE -- WHEN THE BOOKING OF MR
22 ALKEBULANYAHH TOOK PLACE?

23 A I DON'T BELIEVE HE WAS IN THE ROOM, NO

24 Q YOU DON'T BELIEVE HE WAS IN THE ROOM DO YOU KNOW
25 WHETHER OR NOT HE WAS IN THE ROOM OR THERE PRESENT OR

STATE VS ALKEBULANYAHH

1 NEAR MR ALKEBULANYAHH DURING THAT PROCESS?

2 A I DON'T REMEMBER

3 Q DO YOU RECALL MR MCCAULE STATING TO THE EXTENT,
4 YOU DONE KILLED TWO COPS AND YOU NEED TO GET THAT GRIN
5 OFF YOUR FACE?

6 A NO

7 Q DO YOU RECALL MAJOR MCCAULE STATING TO YOU AND
8 OTHER FELLOW WORKERS, DID YOU HEAR HIM? DID YOU HEAR
9 HIM? HE CONFESSED HE CONFESSED HE SAID HE KILLED
10 TWO COPS?

11 A NO

12 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
13 THE COURT YES, SIR

14 Q DO YOU RECOGNIZE THE GENTLEMAN IN DEFENDANT'S
15 EXHIBIT 27?

16 A YES

17 Q AND WHO MAY THAT BE?

18 A YOU

19 Q AND WAS THIS GENTLEMAN IN EXHIBIT 27 THE PERSON
20 THAT YOU ENCOUNTERED AT THE CHARLESTON COUNTY BOOKING?

21 A YES, SIR

22 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
23 YOUR HONOR

24 MR STONE MAY THESE LAST THREE OFFICERS FROM THE
25 DETENTION CENTER BE EXCUSED, YOUR HONOR?

STATE VS ALKEBULANYAHH

1 THE COURT ANY OBJECTION?

2 MR ALKEBULANYAHH I HAVE NO OBJECTION

3 THE COURT YOU MAY BE EXCUSED

4 (THE WITNESS LEAVES THE WITNESS STAND)

5 MR STONE OFFICER KATHY GREEN

6 KATHY A GREEN, BEING FIRST

7 DULY SWORN, TESTIFIED AS FOLLOWS

8 DIRECT EXAMINATION BY MR. STONE.

9 Q MS GREEN IF YOU WOULD, PLEASE STATE YOUR FULL
10 NAME AND SPELL YOUR LAST NAME FOR US?

11 A MY NAME IS KATHY ANN GREEN MY LAST NAME,
12 G-R-E-E-N

13 Q WHAT DO YOU DO, MS GREEN?

14 A I WORK FOR LAIDLAW TRANSIT

15 Q AND PRIOR TO WORKING FOR LAIDLAW TRANSIT WHERE
16 DID YOU WORK?

17 A I WAS A OFFICER AT BEAUFORT COUNTY DETENTION
18 CENTER, NEXT DOOR

19 Q HOW LONG HAD YOU BEEN AN OFFICER WITH THE BEAUFORT
20 COUNTY DETENTION CENTER?

21 A ABOUT 3 YEARS

22 Q AND WHAT DID YOU DO THERE?

23 A MY JOB WAS TO DETAIN INMATES AND DO WHATEVER ELSE
24 -- WHATEVER HAD TO DO TO SECURE THOSE INMATES

25 Q YOU HAD -- DO YOU HAVE SPECIFIC JOBS THAT YOU HAD

1 TO DO WHILE YOU WERE IN THE DETENTION CENTER?

2 A NO I DID A DIFFERENT POST EVERY DAY

3 Q OKAY TELL ME ABOUT SEPTEMBER 6, 2002 AT ABOUT

4 8 25 IN THE MORNING, WHAT WERE YOU DOING? WHAT WAS

5 YOUR JOB ON THAT DAY?

6 A SEPTEMBER 6, 2002, MY POST WAS CALLED WING

7 CONTROL

8 Q ALL RIGHT WHAT IS WING CONTROL?

9 A WING CONTROL IS A VERY SECLUDED AREA THAT'S UP

10 NEAR THE TOP PART OF THE CEILING OF THE BUILDING I

11 CAN CLEARLY SEE OUT NOBODY CAN SEE ME IN THERE, BUT I

12 CAN SEE OUT VERY WELL MY JOB IN WING CONTROL IS TO

13 ACCESS ALL DOORS NOBODY GETS IN AND OUT OF ANY DOORS,

14 UNLESS I POP THOSE DOORS, CELLS ALSO

15 Q NOW, ARE YOU IN CHARGE OF AN ENTIRE BLOCK OR

16 NUMBER OF CELLS, HOW DOES THAT WORK?

17 A I'M -- I CONTROL ALL OF IT, THE WHOLE FIVE HOUSING

18 UNITS THAT'S OUT THERE -- DOWN THERE

19 Q OKAY AND YOU ARE SEPARATE FROM THE CELLS

20 THEMSELVES, AM I CORRECT?

21 A YES, I AM

22 Q IS THAT ON A DIFFERENT FLOOR OR ARE YOU ELEVATED?

23 A I'M UPSTAIRS AND THE CELLS ARE DOWNSTAIRS

24 Q ALL RIGHT ANYTHING UNUSUAL HAPPEN AT 8 25 A M

25 ON SEPTEMBER 6?

1 A AT ABOUT 8 25 -- PROBABLY ABOUT 8 20, MR
2 WASHINGTON, THE BRAVO 5 OFFICER, ANOTHER HOUSING UNIT
3 HE CALLED ME UP TO WING CONTROL, AND HE ASKED ME TO
4 CALL AROUND TO EVERYBODY THESE INMATES -- WE HAD TO
5 TAKE THEM OUT ON REC CALLS OR SHOWER CALLS AT THE TIME
6 INDIVIDUALLY BY HOUSING UNIT 2 THROUGH 5

7 Q ALL RIGHT WHAT ARE REC CALLS? I DON'T MEAN TO
8 STOP YOU AND INTERRUPT YOU, BUT I WANT TO MAKE SURE I
9 UNDERSTAND WHAT ARE REC CALLS?

10 A REC CALLS, THAT'S THE ABBREVIATION FOR RECREATION,
11 THAT'S THEIR TIME TO GO OUT THEY HAVE 1 HOUR TO GO
12 OUT, PLAY BALL WALK AROUND, EXERCISE, READ NEWSPAPERS,
13 WHATEVER THEY CHOOSE TO DO

14 Q NOW, HOW DO YOU RELEASE THE RECREATION TIME? DO
15 YOU DO THEM PER CELL OR HOW DOES THAT WORK?

16 A PER HOUSING UNIT

17 Q PER HOUSING UNIT?

18 A UH-HUH

19 Q OKAY GO AHEAD I'M SORRY TO INTERRUPT YOU

20 A I STARTED OFF WITH 2, BECAUSE IT STARTS OFF WITH 2
21 THROUGH 5 I STARTED OFF IN B-2, BRAVO 2 THIS ONE
22 PARTICULAR CELL I GOT TO I CAN'T REMEMBER THE NUMBER
23 IT WAS A LOWER DECK CELL MR TYREE ROBERTS WAS IN
24 THAT CELL, AND I ALWAYS STARTED WITH HIS BECAUSE OF
25 WHERE HE WAS AT

1 Q LET ME STOP AND ASK YOU DO YOU SEE TYREE ROBERTS
2 OR THE PERSON YOU KNOW AS TYREE ROBERTS IN THE
3 COURTROOM TODAY?

4 A YES, I DO

5 Q AND COULD YOU POINT HIM OUT FOR US PLEASE?

6 A YES, I CAN THE YOUNG MAN THERE WITH DREDLOCKS IN
7 HIS HAIR

8 Q OKAY AND WHAT IS HE WEARING?

9 A HE HAS ON -- IT LOOKS LIKE A BEIGE STRIPED SHIRT,
10 BEIGE KHAKI PANTS

11 Q THE MAN STANDING UP RIGHT NOW?

12 A THE MAN STANDING

13 MR STONE LET THE RECORD REFLECT YOUR HONOR,
14 SHE'S IDENTIFIED THE DEFENDANT

15 Q AS YOU -- I'M ASSUMING AT SOME POINT YOU'RE
16 OPENING THE CELL FOR MR ROBERTS TO LEAVE FOR
17 RECREATION TIME, IS THAT HOW THIS WORKS?

18 A NO NOT YET

19 Q OKAY I'M SORRY I JUMP AHEAD TELL ME WHAT

20 A MR WASHINGTON CALLED ME, ASKED ME TO GIVE HIM A
21 -- BUZZ EVERYBODY, ASK THEM WERE THEY READY FOR REC

22 I BUZZED MR ROBERTS I SAID, MR ROBERTS, THIS
23 IS MS GREEN INTERCOM SYSTEM -- HE HAVE INTERCOM --
24 EACH ONE OF THE CELLS HAVE INTERCOM SYSTEMS THEY HAVE
25 A BUTTON THERE THEY CAN PRESS AND WOULD ACTIVATE MY

STATE VS ALKEBULANYAHH

1 PANEL, AND I KNOW THAT INDIVIDUAL IS TRYING TO CALL ME
2 I CALLED HIM AND I SAID, MR ROBERTS, I SAID,
3 IT'S TIME FOR REC WOULD YOU LIKE TO HAVE YOUR REC
4 NOW? ARE YOU GOING TO HAVE REC?
5 HE SAID, NO
6 SO I CALLED BACK TO MR WASHINGTON, I TOLD MR
7 WASHINGTON -- MR WASHINGTON IS THE OFFICER THAT WOULD
8 HAVE TAKEN HIM OUT TO THE REC AREA
9 Q HE'S THE ONE ACTUALLY ON THE LOWER LEVEL IS
10 THAT ---
11 A YES
12 Q --- CORRECT? YOU'RE UP AND HE'S DOWN HERE?
13 A UH-HUH
14 Q OKAY
15 A BECAUSE I DON'T COME OUT FROM WHERE I'M AT I
16 STAY THERE
17 Q CAN OFFICER WASHINGTON OPEN THESE CELLS?
18 A YES, IN CASE OF AN EMERGENCY, HE GO UP AND HE GO
19 TO CENTRAL CONTROL AND HE GET THE MAIN KEYS AND HE CAN
20 OPEN IT BUT OTHER THAN THAT, I HAVE ACCESS TO THE
21 DOORS
22 Q SO HE'S RELYING ON YOU TO OPEN THE CELLS?
23 A AT THE TIME WE DIDN'T HAVE PROBLEMS WITH THE
24 DOORS, SO WE DIDN'T NEED KEYS SO I ACCESS THE DOORS
25 Q OKAY GO AHEAD I'M SORRY TO INTERRUPT YOU

1 A MR WASHINGTON, I TOLD HIM -- I CALLED HIM UP ON
2 THE PHONE I SAID, MR WASHINGTON, MR ROBERTS DOES
3 NOT WANT REC
4 HE SAYS, OKAY
5 ABOUT 30 MINUTES INTO THE REST OF THE GUYS GOING
6 OUT FOR REC, MR ROBERTS BUZZED ME BACK UP AGAIN HE
7 SAID, MS GREEN, THIS IS MR ROBERTS
8 I SAID, WHAT DO YOU WANT?
9 HE SAID, I WANT REC
10 I SAID, YOU WANT REC? I SAID, YOU 30 -- YOU'RE
11 LIKE 30, 35 MINUTES INTO REC NO, I DON'T THINK SO,
12 BUT LET ME GET MR WASHINGTON I'LL BUZZ YOU BACK
13 I CALLED MR WASHINGTON
14 MR WASHINGTON SAYS, NO I HAVE TOO MUCH GOING ON
15 TODAY, WE'RE NOT GOING TO PLAY WITH MR ROBERTS THIS
16 IS SOMETHING THAT HE USUALLY DO HE'LL SAY YEAH, THEN
17 HE'LL SAY NO, THEN HE'LL CHANGE
18 I SAID, MR WASHINGTON, WHY DON'T YOU JUST COME
19 OVER AND YOU TALK TO HIM AND TELL HIM ---
20 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
21 THE COURT YES, SIR
22 MR ALKEBULANYAHH SHE'S SPEAKING OF THINGS THAT
23 -- SHE'S JUST RAMBLING -- RAMBLING ALONG I THINK HE
24 SHOULD HAVE A LINE OF QUESTIONING FOR HER, THAN HER
25 JUST, YOU KNOW, GIVE A SERMON OR SOMETHING

STATE VS ALKEBULANYAHH

1 THE COURT I OVERRULE THE OBJECTION GO AHEAD

2 Q YOU SEND MR WASHINGTON IN TO MR ROBERTS' CELL
3 AREA, IS THAT CORRECT?

4 A CORRECT

5 Q DO YOU OPEN THE DOOR FOR HIM?

6 A YES, MR WASHINGTON CALLED ME ON THE RADIO HE
7 SAID, MS GREEN, ACCESS BRAVO 2

8 I POPPED BRAVO 2'S DOOR MR WASHINGTON STEPPED
9 INTO BRAVO 2 THE DOOR SLAMMED BACK BEHIND HIM HE
10 SAID, ACCESS MR ROBERTS' DOOR

11 I OPENED UP MR ROBERTS' CELL DOOR I HAD THE
12 INTERCOM SYSTEM ON JUST TO KIND OF KEEP AN EYE ON MR
13 WASHINGTON, ALSO, BECAUSE THAT'S ALSO PART OF MY JOB,
14 TO WATCH THAT OFFICER AS HE GO IN THERE

15 Q NOW, AT SOME POINT IS HE -- CAN YOU SEE MR
16 WASHINGTON THE ENTIRE TIME HE'S IN THE CELL?

17 A AS HE WALKED TOWARD MR ROBERTS' DOOR, I CAN SEE
18 HIM BUT ONCE HE GOES NEAR THE DOOR, THE OFFICER IS
19 INVISIBLE I CAN'T SEE HIM BUT I TURNED THE INTERCOM
20 ON TO MAKE SURE I CAN HEAR HIM

21 Q CAN YOU HEAR EVERYTHING IN THE CELL WHEN THE
22 INTERCOM SYSTEM IS ON?

23 A SOME TIMES IF YOU'RE UP TO IT JUST LIKE I'M TO
24 THIS MIKE, I'M LOUD AND CLEAR BUT IF YOU WALK AWAY
25 FROM IT, YOU'RE GOING TO GET A LOT OF FEEDBACK AND IT'S

1 GOING TO BE KIND OF LIKE A BLUR
2 Q OKAY SO YOU DON'T HEAR EVERYTHING AS WELL WHEN
3 YOU WALK AWAY FROM IT BUT IF IT'S CLOSE UP AND
4 SOMEBODY'S ACTUALLY SPEAKING INTO IT IT'S CLEAR?
5 A CORRECT
6 Q OKAY GO AHEAD I'M SORRY TO INTERRUPT
7 A AND MR WASHINGTON AND MR ROBERTS GOT INTO AN
8 ALTER -- DISAGREEMENT ABOUT WHETHER HE'S GOING TO GET
9 REC OR NOT
10 AND MR ROBERTS SAID TO MR WASHINGTON, HE SAID,
11 YOU KNOW I'M TIRED OF THIS SHIT I'M JUST TIRED OF
12 SHIT YOU AND MS GREEN, I'M JUST TIRED OF THIS SHIT
13 HE SAID, I ALREADY TOOK TWO PEOPLE OUT AND YOU GUYS ARE
14 NEXT
15 I SAID, MR WASHINGTON -- I GOT ON THE INTERCOM I
16 SAID, MR WASHINGTON, COME OUT OF HIS CELL, LET ME
17 CLOSE HIS DOOR BACK, AND JUST GO GET SERGEANT MARSHALL,
18 WHICH IS OUR SHIFT COMMANDER I SAID, BECAUSE IT LOOKS
19 LIKE IT WAS GOING TO GET KIND OF UGLY, AND I DIDN'T
20 WANT THINGS TO GET UGLY WITHOUT SOMEBODY ELSE BEING
21 THERE AS A WITNESS, YOU KNOW, A SUPERVISOR
22 SO HE DID THAT, CAME BACK OUT, AND I CLOSED THE
23 DOOR BACK
24 Q DID YOU HEAR EVERYTHING THAT HAD -- THE ENTIRE
25 CONVERSATION BETWEEN ---

STATE VS ALKEBULANYAHH

1 A NO, I DID NOT HEAR THE WHOLE CONVERSATION, NO I
2 JUST KIND OF ---

3 Q THE PART YOU TOLD US ABOUT IS WHAT YOU HEARD?

4 A I HEARD THE BEGINNING OF THE CONVERSATION HE
5 STILL WAS RAMBLING ON, BUT I JUST TURNED THE INTERCOM
6 SYSTEM OFF AND CLOSED HIS DOOR BACK UNTIL WE GOT
7 SOMEBODY THERE TO HIM

8 MR STONE THANK YOU, YOUR HONOR, I DON'T HAVE
9 ANYTHING ELSE AT THIS TIME I'M SORRY, I DO, YOUR
10 HONOR I APOLOGIZE

11 Q PRIOR TO HIM MAKING THAT STATEMENT THAT YOU HEARD,
12 DID YOU HEAR ANYTHING FROM SERGEANT WASHINGTON THAT
13 WOULD INDICATE THAT HE WAS COERCING OR STRIKING THE
14 DEFENDANT OR ANYTHING LIKE THAT?

15 A NO

16 Q DID HE MAKE ---

17 A THE CONVERSATION WAS BASICALLY ABOUT HIM GETTING
18 HIS REC, THAT WAS IT

19 Q NO INTERROGATION OR ANYTHING LIKE THAT?

20 A I DIDN'T HEAR ANY INTERROGATION, NO

21 MR STONE THANK YOU, YOUR HONOR

22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

23 Q MS GREEN ---

24 A YES, SIR

25 Q --- WERE YOU FIRED FROM THE BEAUFORT COUNTY

1 DETENTION CENTER FOR SLEEPING WITH INMATES?

2 A NO, SIR I RESIGNED FROM THE BEAUFORT COUNTY
3 DETENTION CENTER

4 Q AND WHAT WAS THAT A RESULT OF?

5 A AN INTERNAL INVESTIGATION

6 Q WAS THAT INVESTIGATION HAVING TO DO WITH AFFAIRS
7 WITH INMATES?

8 A NO

9 Q EARLIER YOU STATED IN TESTIMONY THAT YOUR
10 RESIGNATION CAME AS A RESULT OF ACCUSATIONS WHICH MR
11 AVANT YOU SAID INVESTIGATED BECAUSE YOU WAS SLEEPING
12 WITH INMATES IN THE BEAUFORT COUNTY DETENTION CENTER?

13 A THAT'S NOT TRUE

14 Q SO YOU DIDN'T MAKE THAT STATEMENT EARLIER THAT
15 YOUR RESIGNATION CAME ABOUT THE INTERVIEW WITH MR
16 AVANT?

17 A THERE WAS -- THERE WAS AN INVESTIGATION THAT WAS
18 -- THAT THEY CAME UP WITH NOTHING SO ---

19 Q WHAT DO YOU MEAN THEY CAME UP WITH NOTHING?

20 A IT'S CONSIDERED ALLEGATIONS I MEAN, ANYBODY CAN
21 MAKE ALLEGATIONS FOR YOU TO SAY THAT, THAT'S SLANDER

22 Q SO WERE THE CHIEF SLED AGENT OF THE SOUTH CAROLINA
23 LAW INVESTIGATING DEPARTMENT DID INTERVIEW YOU
24 CONCERNING YOU BEING SUSPENDED INTO THE INVESTIGATION
25 OR UNTIL YOU RESIGNED?

- 1 A I WASN'T SUSPENDED I RESIGNED, AND THE
2 INVESTIGATION CAME TWO WEEKS AFTER ME RESIGNING OR A
3 WEEK AND A HALF AFTER I RESIGNED
- 4 Q AND THAT WAS THE RESULT OF AFFAIRS WITH INMATES?
- 5 A NO, IT WAS NOT
- 6 Q WHAT WAS ---
- 7 A THE COUNTY DETENTION CENTER HAD SOME QUESTIONS
8 ABOUT MY RESIGNING, AND THEY ASKED HIM TO CHECK INTO
9 IT
- 10 Q AND WHAT WAS ---
- 11 A NOTHING THEY CAME UP WITH NOTHING
- 12 Q WHAT DO YOU MEAN THEY CAME UP WITH NOTHING?
- 13 A NOTHING NOTHING CAME OUT OF THE INVESTIGATION
- 14 Q WHAT WAS THE INVESTIGATION ABOUT?
- 15 A ALLEGATIONS
- 16 Q WHAT ALLEGATIONS?
- 17 A ALLEGATIONS OF AN INMATE
- 18 Q YOU WERE INVOLVED WITH AN INMATE, IS THAT CORRECT?
- 19 A ALLEGATIONS OF AN INMATE WASN'T JUST SPECIFICALLY
20 MY INVOLVEMENT IT WAS JUST ALLEGATIONS OF AN INMATE,
21 HEARSAY
- 22 Q WILL YOU AGREE THAT BECAUSE OF YOUR TESTIMONY,
23 THAT YOU'RE SITTING HERE TODAY AT THAT TIME IN 2002
24 THAT CHARGES WOULD NOT BE BROUGHT AGAINST YOU FOR YOUR
25 AFFAIRS WITH INMATES AND YOU WOULD BE ALLOWED TO RESIGN

1 TO GIVE TESTIMONY AGAINST MR ALKEBULANYAHH?

2 A NO BECAUSE WHEN I WAS SUBPOENAED TO COME TO
3 COURT, I -- I CALLED THE SOLICITOR'S OFFICE AND I
4 REALLY DIDN'T WANT TO BE HERE BECAUSE I WAS NO LONGER
5 AT THE DETENTION CENTER SO THAT'S NOT TRUE

6 Q YOU SAY THAT MR ALKEBULANYAHH SAID THAT I TOOK
7 OUT TWO GUYS -- TOOK TWO GUYS OUT, AND YOU -- YOU GUYS
8 ARE NEXT

9 A WOULD BE NEXT

10 Q WOULD BE NEXT DID YOU WRITE MR ALKEBULANYAHH UP
11 ON DISCIPLINARY ACTION FOR VIOLATING THE BEAUFORT
12 COUNTY DETENTION CENTER RULES, INTIMIDATING AND
13 THREATEN?

14 A NO, I'VE NEVER WRITTEN YOU UP THAT'S MY FIRST
15 TIME EVER WRITING A STATEMENT ON YOU I NEVER CAME IN
16 CONTACT WITH YOU THAT WAS MY VERY FIRST TIME EVER
17 COMING IN CONTACT WITH YOU NEVER HAD A REASON TO COME
18 IN CONTACT WITH YOU

19 Q COULD YOU ANSWER THE QUESTION YES OR NO, MA'AM?

20 A I JUST DID

21 Q AND WHAT WAS YOUR QUESTION ANSWER?

22 A I JUST ANSWERED YOUR QUESTION

23 THE COURT REPEAT YOUR ANSWER FOR HIM HOLD ON
24 DO YOU NEED THE ANSWER REPEATED?

25 MR ALKEBULANYAHH SIR?

STATE VS ALKEBULANYAHH

1 THE COURT DO YOU NEED YOUR ANSWER REPEATED?
2 MR ALKEBULANYAHH YES, SIR
3 THE COURT REPEAT YOUR ANSWER PLEASE
4 A THE ANSWER IS, NO
5 Q YOU STATED THAT MR WASHINGTON WAS IN MR
6 ALKEBULANYAHH CELL, THAT YOU WAS ABLE TO HEAR CLEARLY
7 OR UNCLEARLY ABOUT THE CONVERSATION THAT TOOK PLACE?
8 A I HEARD THE BEGINNING OF THE CONVERSATION IT WAS
9 CLEAR FOR A MOMENT, BUT THEN YOU -- EVIDENTLY, YOU
10 STEPPED AWAY FROM THE INTERCOM, BECAUSE YOU KNEW I WAS
11 ON THERE AND YOU STEPPED AWAY, AND I KIND OF AT THE
12 END OF THE CONVERSATION -- THE CONVERSATION GOT A
13 LITTLE BLUR BECAUSE OF YOUR MOVEMENT IN THE CELL
14 Q HOW MUCH OF THAT CONVERSATION DID YOU HEAR?
15 A LIKE I SAID A SECOND TIME, JUST THE BEGINNING OF
16 THAT CONVERSATION
17 Q AND THAT PART BEING, THE BEGINNING YOU WOULD SAY
18 ABOUT HE STATED HE TOOK OUT TWO PEOPLE AND HE WAS --
19 AND YOU ALL BETTER WATCH -- WATCH YOUR OWN BACK?
20 A NO I SAID, YOU GUYS WERE NEXT
21 Q YOU DON'T RECALL EVER STATING THAT YOU HEARD MR
22 ALKEBULANYAHH STATE ---
23 A I'M NOT EXACTLY SURE WORD FOR WORD
24 THE COURT HOLD ON, MA'AM LET HIM FINISH HIS
25 QUESTION PLEASE GO AHEAD

STATE VS ALKEBULANYAHH

- 1 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
- 2 Q DO YOU NOT RECALL STATING THAT MR ALKEBULANYAHH
- 3 TOLD MR WASHINGTON THAT HE ALREADY TOOK OUT TWO PEOPLE
- 4 AND HE BETTER WATCH HIS BACK?
- 5 A DID I NOT RECALL SAYING THAT?
- 6 Q YES, MA'AM
- 7 A THAT'S IN MY STATEMENT, CORRECT
- 8 Q SO THE STATEMENT ABOUT YOU STATED EARLIER THAT HE
- 9 STATED I TOOK TWO GUYS OUT AND YOU GUYS ARE NEXT IN
- 10 REFERENCE TO YOU AND MR WASHINGTON IS UNTRUE, IS THAT
- 11 CORRECT?
- 12 A RELEVANT TO THE SAME THING
- 13 Q AND THE FIRST -- WHEN YOU STATED THE CONVERSATION
- 14 WAS TO MR WASHINGTON BUT IN THE SECOND STATEMENT YOU
- 15 STATE THAT THE STATEMENT WAS TO YOU AND MR WASHINGTON?
- 16 A UH-HUH CORRECT
- 17 Q WHEN YOU TOLD MR WASHINGTON -- IF I'M CORRECT --
- 18 YOU COME ON THE INTERCOM AND TOLD MR WASHINGTON TO
- 19 BACK OUT OF HIS ROOM AND TO RETRIEVE THE SUPERVISOR, IS
- 20 THAT CORRECT?
- 21 A CORRECT
- 22 Q AND MR ALKEBULANYAHH HEARD YOU THROUGH THE
- 23 INTERCOM DID YOU CLOSE THE DOOR AND CONCEAL MR
- 24 ALKEBULANYAHH IN THAT PARTICULAR ROOM IN THAT
- 25 PARTICULAR CELL?

- 1 A EXCUSE ME?
- 2 Q DID YOU -- WHEN MR WASHINGTON STEP OUT OF THAT
- 3 CELL, DID YOU CLOSE THE DOOR BEHIND MR WASHINGTON?
- 4 A YES, I DID, I SECURED THE DOOR
- 5 Q AND SECURED MR ALKEBULANYAHH INSIDE THE ---
- 6 A YES I DID
- 7 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
- 8 YOUR HONOR
- 9 MR STONE NOTHING ELSE AT THIS TIME YOUR HONOR
- 10 MAY SHE BE EXCUSED AS WELL?
- 11 MR ALKEBULANYAHH I HAVE NO OBJECTION
- 12 THE COURT YOU MAY BE EXCUSED, MA'AM
- 13 (THE WITNESS LEAVES THE WITNESS STAND)
- 14 MR STONE SERGEANT JOHN WASHINGTON
- 15 JOHN F K WASHINGTON BEING
- 16 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
- 17 DIRECT EXAMINATION BY MR. STONE.
- 18 Q SERGEANT WASHINGTON, IF YOU WOULD STATE YOUR FULL
- 19 NAME AND SPELL YOUR LAST NAME IF YOU COULD PLEASE?
- 20 A JOHN FITZGERALD KENNEDY WASHINGTON,
- 21 W-A-S-H-I-N-G-T-O-N
- 22 Q WHERE DO YOU WORK, SIR?
- 23 A BEAUFORT COUNTY DETENTION CENTER
- 24 Q AND WHAT DO YOU DO THERE?
- 25 A CORRECTIONAL OFFICER

- 1 Q WHAT RANK DO YOU HOLD?
- 2 A P F C
- 3 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S
- 4 DEPARTMENT, I MEAN, THE DETENTION CENTER?
- 5 A A LITTLE OVER 3 YEARS
- 6 Q AND WHAT ARE YOUR DUTIES WITH THE DETENTION
- 7 CENTER?
- 8 A I'M A BRAVO 5 OFFICER
- 9 Q WHAT DOES THAT MEAN?
- 10 A I RUN THE "B" WING, WHICH CONSIST OF BRAVO 2,
- 11 BRAVO 3, BRAVO 4, BRAVO 5
- 12 Q ON SEPTEMBER 6, 2002, DID YOU COME IN CONTACT WITH
- 13 AN INMATE BY THE NAME OF TYREE ROBERTS?
- 14 A YES, SIR
- 15 Q DO YOU SEE MR ROBERTS IN THE COURTROOM TODAY?
- 16 A YES, SIR
- 17 Q COULD YOU POINT HIM OUT PLEASE?
- 18 A OVER THERE
- 19 Q DESCRIBE WHAT HE'S WEARING? IS HE INDIVIDUAL
- 20 STANDING UP?
- 21 A YES, SIR
- 22 MR STONE LET THE RECORD REFLECT HE'S POINTED
- 23 OUT THE DEFENDANT, MR ALKEBULANYAHH
- 24 Q ON SEPTEMBER 6, 2002 TELL ME ABOUT YOUR CONTACT
- 25 WITH MR ALKEBULANYAHH OR THE INMATE YOU KNEW AS TYREE

1 ROBERTS?

2 A I WENT INTO BRAVO -- BRAVO 2 WHERE HE WAS BEING
3 HOUSED AT AND I CALLED OUT, BRAVO 2, OUTSIDE REC
4 THEY GET TO GO OUT FOR 1 HOUR AND ONE OF THE INMATES
5 YELLED OUT THAT THEY WANTED TO GO LATER ON
6 SO I YELLED OUT AGAIN, BRAVO 2, OUTSIDE REC
7 AND THEN MR ROBERTS SAID, IT'S TOO EARLY
8 SO I SAID, YOU DON'T GO NOW, YOU REFUSE REC, AND I
9 LEFT THE POD I WENT UPSTAIRS TO WING CONTROL TO WHERE
10 MS GREEN WAS AND AT THAT TIME I TOLD HER THAT BRAVO
11 2 REFUSED REC AND AT THAT TIME THE BUZZER WENT OFF,
12 FROM MR ROBERTS' ROOM AND HE ASKED ---
13 Q LET ME ASK YOU THIS ABOUT WHAT TIME IN THE
14 MORNING IS THIS?

15 A IT'S AFTER 8 30 BECAUSE REC YARD DOESN'T OPEN
16 BEFORE 8 30

17 Q AND IS BRAVO 2 ONE OF THE FIRST CELLS THAT YOU
18 OPEN UP FOR REC?

19 A NO, SIR I CAN GO ANY ONE I WANT TO IT'S THE
20 OFFICER'S CHOICE

21 Q YOU'D ALREADY GONE TO THAT ONE AND THEN AT SOME
22 POINT LATER DID YOU HAVE A CONVERSATION WITH MR
23 ROBERTS?

24 A YES, SIR HE BUZZED UP AND TOLD MS GREEN --
25 ASKED MS GREEN WHY DID I REFUSE HIS REC

1 AND MS GREEN SAID, WELL, HE'D ASKED YOU IF YOU
2 WANTED TO GO AND YOU SAID, NO, YOU DON'T WANT TO GO
3 OUT, IT'S TOO EARLY

4 AND HE SAID, TELL WASHINGTON TO COME DOWN HERE, I
5 WANT TO TALK TO HIM

6 SO I WENT BACK DOWN AND SHE POPPED THE DOOR AND
7 I WENT IN

8 Q SHE POPPED THE DOOR, BEING KATHY GREEN?

9 A RIGHT

10 Q OKAY GO AHEAD

11 A SO THEN HE SAID, WHY DO YOU HAVE ME LOCKED IN THIS
12 CELL AND YOU REFUSE MY REC?

13 I SAID, I DON'T HAVE YOU LOCKED IN YOUR CELL YOU
14 CAN COME OUT ANY TIME YOU WANT TO THAT'S WHEN I ASKED
15 YOU TO GO OUTSIDE, YOU SAID IT WAS TOO EARLY SO YOU
16 REFUSED REC

17 AND HE SAID, YOU LIKE PLAYING GAMES, WASHINGTON

18 I SAID NO, I'M NOT PLAYING NO GAMES I SAID, I
19 GOT TOO MUCH OVER HERE TO DO FOR YOU TO CHOOSE WHAT
20 TIME YOU GO OUT FOR REC

21 HE SAID, KEEP ON PLAYING GAMES THE LAST TWO
22 PLAYED GAMES WITH ME IS 6 FEET UNDER AND YOU'RE NEXT

23 Q WHEN HE TOLD YOU THE LAST TWO THAT PLAYED GAMES
24 WITH ME ARE 6 FEET UNDER, HOW FAR AWAY FROM YOU WAS HE
25 WHEN HE SAID THAT?

1 A HE WAS RIGHT IN THE MIDDLE -- IN THE MIDDLE OF THE
2 HOUSING UNIT, AND I WAS BY THE DOOR

3 Q ANY QUESTION THAT'S WHAT HE SAID?

4 A NO SIR

5 Q PRIOR TO HIM SAYING THAT, HAD YOU INTERROGATED HIM
6 OR QUESTIONED HIM IN ANY WAY?

7 A NO, SIR

8 Q THE ENTIRE CONVERSATION WAS CONCERNING WHETHER OR
9 NOT MR ROBERTS WAS GOING TO GO OUT OF HIS CELL FOR
10 RECREATION TIME?

11 A YES, SIR

12 Q HAD YOU STRUCK HIM, COERCED HIM IN ANY WAY TO GET
13 HIM TO MAKE THE STATEMENT, THE LAST TWO THAT PLAYED
14 WITH ME ARE 6 FEET UNDER?

15 A NO, SIR

16 MR STONE I DON'T HAVE ANYTHING ELSE, YOUR
17 HONOR

18 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

19 Q MR WASHINGTON, ARE YOU DRUNK TODAY?

20 A NO, SIR

21 Q NORMALLY YOU COME TO WORK INTOXICATED, IS THAT
22 TRUE?

23 A NO, SIR

24 Q YOU STATED MR ALKEBULANYAHH STATED THE LAST TWO
25 WAS 6 FEET UNDER, YOU'RE NEXT, WHERE WAS -- WHERE WAS

STATE VS ALKEBULANYAHH

- 1 THIS -- WHERE DID THIS TAKE PLACE AT?
- 2 A IN BRAVO 2
- 3 Q AND WHAT LOCATION IN BRAVO 2 WERE YOU AT IN BRAVO
- 4 2 QUARTERS? DESCRIBE THE QUARTERS, THE AREA YOU WAS
- 5 STANDING AND HOW FAR APART YOU WAS?
- 6 A I WAS AT THE DOOR WHEN YOU MADE THAT COMMENT
- 7 Q IS THAT DOOR IS THE EXIT DOOR THAT LEADS OUT OF
- 8 THE QUARTERS?
- 9 A RIGHT
- 10 Q HOW FAR IS THAT DOOR FROM MR ALKEBULANYAHH CELL?
- 11 A I COULDN'T REALLY TELL YOU
- 12 Q WOULD YOU SAY ABOUT 50 FEET?
- 13 A I HAVE NO IDEA
- 14 Q WOULD YOU SAY ABOUT FROM WHERE YOU ARE TO THE BACK
- 15 WALL THAT CLOCK OR A LITTLE FARTHER?
- 16 A THAT'S ABOUT RIGHT
- 17 Q ABOUT FROM WHERE YOU ARE TO THAT CLOCK ON THE
- 18 WALL?
- 19 A YOU WASN'T IN YOUR CELL THOUGH
- 20 Q OKAY I WASN'T IN THE CELL?
- 21 A NO
- 22 Q WHERE WAS I?
- 23 A WHEN I CAME IN THAT FIRST TIME, YOU WAS IN THE
- 24 CELL WHEN I CAME BACK, I HAD -- SHE HAD ALREADY --
- 25 YOU HAD ALREADY BUZZED HER AND HAD HER OPEN YOUR DOOR

- 1 YOU WAS IN THE -- IN THE DAY ROOM AREA
- 2 Q OKAY AND YOU WERE STANDING AT A DOOR WHERE YOU
- 3 MAY BE AT RIGHT NOW AND MR ALKEBULANYAHH WILL BE
- 4 STANDING IN A CORRIDOR OUT THIS WAY AND HIS CELL WOULD
- 5 BE BACK TOWARD THE CLOCK, IS THAT CORRECT? OR MR
- 6 ALKEBULANYAHH WAS CLOSER TO YOU?
- 7 A WELL, YOU WAS CLOSER TO ME THAN FROM THE CELL
- 8 Q THAN FROM THE CELL
- 9 A YOU WAS IN THE DAY ROOM AREA BY THE TABLES
- 10 Q AND THE CELL WOULD BE?
- 11 A BEHIND YOU
- 12 Q 20, 25 FEET AWAY BEHIND?
- 13 A NOT THAT FAR
- 14 Q BUT YOU WOULD AGREE IT WAS OVER 10 FEET?
- 15 A CORRECT
- 16 Q AND IS IT POSSIBLE THAT SOMEONE COULD HAVE HEARD
- 17 THE CONVERSATION YOU ALLEGE FROM MR ALKEBULANYAHH AND
- 18 YOURSELF FROM THE CELL WHERE MR ALKEBULANYAHH RESIDE?
- 19 A COULD SOMEONE HAVE HEARD THE CONVERSATION?
- 20 Q YES, IF THEY WAS IN THE CELL OR IN THE CELLS WHERE
- 21 THE CELLS WAS LOCATED IN THE DETENTION CENTER?
- 22 A SOMEBODY LIKE WHO?
- 23 Q ANYBODY THAT WAS IN THE CELLS?
- 24 A A INMATE THAT WAS LOCKED DOWN IN THERE?
- 25 Q YES

1 A I DON'T THINK SO

2 Q SO THE CONVERSATION THAT YOU HAD WITH MR
3 ALKEBULANYAHH IT TOOK PLACE IN THE QUARTERS AND IT
4 DIDN'T TAKE PLACE IN THE CELL OF MR ALKEBULANYAHH, IS
5 THAT CORRECT?

6 A RIGHT

7 Q WOULD YOU HAVE ANY TYPE OF BUSINESS WHERE IT WOULD
8 HAVE TOOK YOU THAT DAY IN HIS CELL WITH MR
9 ALKEBULANYAHH?

10 A I WOULDN'T HAVE WENT TO THE CELL UNLESS ANOTHER
11 OFFICER WAS IN THERE

12 Q UNLESS ANOTHER OFFICER WAS INSIDE THE BUILDING
13 WITH YOU?

14 A RIGHT

15 Q DO YOU RECALL MS GREEN COMING OVER THE INTERCOM
16 AND TELLING YOU TO BACK OUT OF MR ALKEBULANYAHH CELL
17 AND GET IN TOUCH WITH YOUR SUPERVISOR?

18 A NO

19 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
20 QUESTIONS

21 MR STONE NOTHING ELSE, YOUR HONOR

22 THE COURT YOU MAY STEP DOWN

23 (THE WITNESS LEAVES THE WITNESS STAND)

24 MR MURDAUGH YOUR HONOR, PLEASE, WE WOULD MOVE
25 THE INTRODUCTION OF STATE'S EXHIBIT NO 6 FOR

STATE VS ALKEBULANYAHH

1 IDENTIFICATION

2 THE COURT STATE'S 6 FOR I D PURPOSES?

3 MR MURDAUGH 9, SIR I'M SORRY 9

4 THE COURT IS IT 9 STATE'S 9 FOR I D PURPOSES

5 ONLY MOVING THAT IN FOR I D PURPOSES?

6 MR MURDAUGH NO, SIR MOVING IN AS AN EXHIBIT

7 THE COURT ANY OBJECTION?

8 MR ALKEBULANYAHH WHAT IS IT?

9 MR MURDAUGH YOUR HONOR, PLEASE, THIS IS THE

10 TAPE THAT WAS -- THE AUDIO TAPE THAT WAS PLAYED TO THE

11 JURY EARLIER

12 MR ALKEBULANYAHH YES, SIR, I HAVE OBJECTION

13 IT'S NOT A COMPLETE AUDIO ---

14 MR MURDAUGH THEN I WITHDRAW IT

15 THE COURT ALL RIGHT WITHDRAWN

16 MR MURDAUGH WITH THAT THE STATE RESTS IF YOUR

17 HONOR, PLEASE

18 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I

19 NEED TO SEND YOU TO THE JURY ROOM PLEASE DO NOT

20 DISCUSS THIS CASE IN ANY WAY WHATSOEVER THANK YOU

21 VERY MUCH

22 (THE JURY RETIRES TO THE JURY ROOM AT 2 36 P M)

23 THE COURT PLEASE BE SEATED ANY MATTERS FOR THE

24 COURT, MOTIONS?

25 MR ALKEBULANYAHH YES, SIR, YOUR HONOR DEFENSE

STATE VS ALKEBULANYAHH

1 MOVE FOR MOTION FOR A DIRECT VERDICT
2 THE COURT ON WHAT BASIS?
3 MR ALKEBULANYAHH ON THE BASIS THAT THE
4 PROSECUTOR HAS NOT ESTABLISHED THE DEFENDANT KILLED
5 ANYONE, SHOT ANYONE, OR ANY WITNESSES HAVE CAME FORTH
6 TO STATE THAT MR ALKEBULANYAHH SHOT OR KILLED ANYONE
7 ON THE BASIS THAT NOT ENOUGH EVIDENCE BEEN
8 PRESENTED TO ESTABLISH THE DEFENDANT ACTED IN MENS REA
9 OR MENS ACTUAL AND THAT THEY HAVE NOT ESTABLISHED NO
10 DIRECT INVOLVEMENT WHATSOEVER WITH THE DESCRIPTION --
11 PHYSICAL DESCRIPTION OR ANYTHING TO THE NATURE TO
12 ANYONE TO PUT OR LINK MR ALKEBULANYAHH WITH THE ACTUAL
13 TAKING THE LIFE OF DEPUTY TATE OR DEPUTY COURSEN
14 THE COURT DO YOU WISH TO RESPOND FOR THE RECORD
15 THE STATE?
16 MR MURDAUGH YOUR HONOR, PLEASE, I REALLY DON'T
17 WANT TO RESPOND BUT LET ME JUST SAY THAT THE BURDEN AT
18 THIS STAGE IS WHETHER THERE IS A SCINTILLA OF EVIDENCE
19 THE TESTIMONY IS THAT HE WAS IN THE ROOM ALONE WHEN THE
20 GUNS WERE FIRED THERE IS A TRAIL SHOWING THAT HE HAD
21 THE GUN LATER ON
22 I JUST THINK IT'S ENOUGH TO GO FORWARD, SIR
23 MR ALKEBULANYAHH YOUR HONOR ---
24 MR MURDAUGH IF YOU HAVE ANY OTHER CONCERNS,
25 I'LL BE HAPPY TO ADDRESS THEM, SIR

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 MR ALKEBULANYAHH THE TESTIMONY THAT WAS
3 RECEIVED BASED UPON WHICH IS VERY APPARENT FROM
4 TESTIMONY WHICH WAS PERJURY TESTIMONY, FALSE STATEMENT,
5 AND THE WITNESS OMITTED (SIC) LYING UNDER OATH BEFORE
6 THIS COURT THE WITNESS OMITTED (SIC) LYING IN
7 REFERENCE TO A STATEMENT GIVEN TO LAW ENFORCEMENT
8 OFFICIALS

9 AND THERE IS NO OTHER EVIDENCE OUTSIDE OF A
10 PERJURY -- A PERJURER TESTIMONY AND STATEMENT TO
11 SUPPORT ONE IOTA THAT MR ALKEBULANYAHH WAS IN ACTUAL
12 RESPONSIBLE FOR THE DEATH OF DEPUTY COURSEN OR TATE IN
13 REFERENCE TO ANY MATTER

14 AND, AGAIN, THIS WITNESS -- I PRAY TO THE COURT
15 CONSIDER THAT THIS WITNESS DID STATE OPENLY IN COURT
16 THAT SHE WAS A PERJURER AND THEN MADE FALSE STATEMENT
17 IN REFERENCE TO MANY MATTERS INVOLVED IN THIS
18 PARTICULAR INCIDENT

19 THE COURT ANYTHING ELSE?

20 MR ALKEBULANYAHH AND OTHER THAN THE FACT THAT,
21 AGAIN, THAT THERE IS NO EVIDENCE THAT SHOWS THAT MR
22 ALKEBULANYAHH FIRED A WEAPON OR WAS IN POSSESSION OF A
23 FIREARM OR ANY HUMAN BODY SEEN WITH THEIR FACULTIES,
24 THEIR EYES, THAT MR ALKEBULANYAHH ACTUALLY KILLED
25 OFFICER DANA TATE OR OFFICER MICHAEL COURSEN

STATE VS ALKEBULANYAHH

1 I THINK THAT -- THAT BASED ON THEM APPARENT AND
2 OBVIOUS FACTS THAT HAS NOT BEEN SHOWN HERE TODAY THAT
3 THEM -- THAT THERE IS ENOUGH GROUND THAT THIS CASE
4 SHOULD NOT EVEN GO ANY FARTHER

5 THE COURT ALL RIGHT I'VE CONSIDERED YOUR
6 MOTION I THINK THERE IS A BASIS IN THIS RECORD FROM
7 WHICH A JURY COULD REACH ITS DECISION THERE ARE
8 CONFLICTING INFERENCES THAT CAN BE DRAWN ABOUT THE
9 TESTIMONY SOME OF THESE THINGS YOU HAVE ASSERTED, YOU
10 ARE FREE TO ARGUE TO THE JURY

11 I'M NOT QUITE SO SURE ABOUT YOUR STATEMENT ABOUT
12 THERE'S NO EVIDENCE THAT'S BEEN PRESENTED THAT YOU EVER
13 SHOT ANYONE

14 AS WE INDICATED EARLIER, YOU YOURSELF INTRODUCED A
15 STATEMENT AS A DEFENDANT'S EXHIBIT IN WHICH YOU
16 ALLEGEDLY INDICATED THAT YOU SHOT SOMEONE IN THAT
17 STATEMENT

18 MR ALKEBULANYAHH I NEVER MADE A STATEMENT, YOUR
19 HONOR

20 THE COURT YOU PUT IN -- YOU ADMITTED INTO THE
21 EVIDENCE OF THIS RECORD IN THE STATE'S CASE IN
22 DEFENDANT'S -- WHAT WAS THAT DEFENDANT'S ---

23 MR MURDAUGH KIMBERLY BLAKE, SIR

24 THE COURT I CAN'T REMEMBER THE DEFENSE EXHIBIT
25 NUMBER BUT YOU PUT IN THERE -- THE STATEMENT ITSELF

STATE VS ALKEBULANYAHH

1 REFERENCED THAT YOU HAD SAID YOU SHOT -- SHOT THEM
2 AND THEN KIMBERLY BLAKE INDICATED THAT YOU HAD MADE THE
3 STATEMENT THAT YOU KILLED THOSE TWO WHITE --
4 INDIVIDUALS -- ANOTHER WORD THAT SHE SUPPOSEDLY MADE

5 MR ALKEBULANYAHH I HAVEN'T MADE ANY STATEMENTS,
6 YOUR HONOR

7 THE COURT AT THIS STAGE OF THE CASE IT'S NOT
8 FOR THE COURT TO DECIDE WHETHER OR NOT YOU IN FACT MADE
9 THOSE STATEMENTS THE TEST IS WHETHER OR NOT THERE'S A
10 BASIS FROM WHICH THE JURY CAN MAKE THAT DECISION A
11 LOT OF WHAT YOU HAVE INDICATED ARE ARGUMENTS YOU HAVE
12 TO MAKE TO THE JURY BUT YOU, YOURSELF HAVE
13 INTRODUCED A LOT OF EVIDENCE FROM INDIVIDUALS WHO
14 SUPPOSEDLY MADE THESE STATEMENTS NOW ---

15 MR ALKEBULANYAHH YOU SAYING IT SAID WHAT
16 SOMEONE ELSE HAS SAID ---

17 THE COURT EXACTLY

18 MR ALKEBULANYAHH --- ABOUT THE STATEMENTS AND
19 I'M SAYING, THERE'S NO STATEMENT WHERE MR
20 ALKEBULANYAHH IN WRITING OR RECORDING HAS MADE ANY
21 STATEMENT IN REFERENCE TO THAT HE KILLED ANYONE HE
22 HAS NOT WROTE ANY STATEMENT NOR ANY ---

23 THE COURT ALL RIGHT I'LL LET YOU FINISH YOUR
24 ARGUMENT ANYTHING ELSE BEFORE I FINISH MY RULING?

25 MR ALKEBULANYAHH ' YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT BECAUSE ONCE I RULE, I DON'T ENTERTAIN
2 FURTHER ARGUMENT WHAT ELSE?

3 MR ALKEBULANYAHH CAN I HAVE ONE MOMENT WITH
4 COUNSEL YOUR HONOR?

5 THE COURT YES

6 (PAUSE)

7 MR ALKEBULANYAHH YOUR HONOR

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH MAY I?

10 THE COURT YES, SIR

11 MR ALKEBULANYAHH I HAVE NO FURTHER STATEMENTS
12 TO MAKE

13 THE COURT ALL RIGHT THEN I'LL JUST FINISH WHAT
14 I SAID, THAT AS I INDICATED, THERE ARE -- MS BLAKE'S
15 STATEMENT IN THE RECORD, I THINK YOU INTRODUCED IT

16 NOW, SOME STATEMENTS CAME INTO THIS CASE THAT MAY
17 OR MAY NOT HAVE BEEN ADMISSIBLE SOME INCIDENT REPORTS
18 CAME INTO THIS CASE THAT MAY OR MAY NOT HAVE BEEN
19 ADMISSIBLE

20 I KNOW AT LEAST ONE POINT THE STATE HAS ARGUED
21 THAT THE INCIDENT REPORTS SHOULD NOT COME INTO THE
22 RECORD, THAT'S PART OF THE POLICE OFFICERS'
23 INVESTIGATIVE NOTES, UNDER THE HEARSAY RULE

24 BUT THERE'S CERTAINLY SEVERAL DIFFERENT EXAMPLES
25 OF SITUATIONS WHERE THERE ARE STATEMENTS THAT HAVE COME

STATE VS ALKEBULANYAHH

1 INTO THIS RECORD THAT INDICATE THAT YOU SHOT SOMEONE
2 AS I STARTED TO GO EARLIER BEFORE I ALLOWED YOU
3 ADDITIONAL TIME TO SPEAK WITH YOUR STAND-BY COUNSEL
4 MS BLAKE'S STATEMENT CAME INTO THE RECORD AND YOU
5 HAD ACTUALLY -- AND I'LL READ FROM IT BEN TOLD -- BEN
6 MADE A PHONE CALL TO QUEEN TO PICK HIM UP AT THE HOUSE
7 BEN TOLD QUEEN THAT HE HAD KIMBERLY BLAKE WITH HIM
8 BEN ALSO TOLD QUEEN WHAT HE DID, PARENTHESES, WHICH WAS
9 SHOOT TWO OFFICERS SLASH POLICE
10 THAT WAS DEFENDANT'S EXHIBIT 8, WHICH YOU
11 INTRODUCED INTO THIS CASE DURING THE STATE'S CASE IN
12 CHIEF
13 ALSO, THERE'S THE TESTIMONY THAT CAME OUT ABOUT
14 KILLING THOSE TWO WHITE INDIVIDUALS
15 I'M NOT EVEN GOING TO GO INTO THE TESTIMONY ABOUT
16 THE BLOOD, ETCETERA THAT HAS BEEN PRESENTED IN THIS
17 CASE
18 AND I JUST THINK THOSE ARE SOME EXAMPLES, OUT OF
19 OTHERS, THAT HAVE INDICATED -- CONTRARY TO YOUR
20 ARGUMENT ABOUT EVIDENCE ABOUT YOUR SHOOTING THESE
21 INDIVIDUALS I UNDERSTAND WHAT YOU'RE SAYING YOUR
22 ARGUMENT IS THAT THAT IS NOT TRUE
23 BUT AT THIS STAGE OF THE CASE, I DON'T -- I DON'T
24 GET TO DECIDE WHO'S TELLING THE TRUTH THAT'S NOT MY
25 ROLE IN THIS CASE MY ROLE IN THIS CASE IS DECIDE IS

STATE VS ALKEBULANYAHH

1 THERE EVIDENCE FROM WHICH THIS CASE SHOULD GO FORWARD
2 AND, CERTAINLY, THERE IS EVIDENCE TO INDICATE THAT THIS
3 OFFENSE HAS TAKEN PLACE, THEREFORE, THE MOTION IS
4 PROPERLY DENIED

5 NOW, ANY OTHER MOTIONS?

6 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I WOULD
7 LIKE TO RENEW ALL MY PREVIOUS MOTIONS, TO HAVE ALL MY
8 PREVIOUS MOTIONS RENEWED

9 THE COURT ALL RIGHT I'LL ALLOW YOU TO RENEW
10 THOSE FOR THE RECORD THIS IS KIND OF SOMEWHAT
11 COMPLICATED BY THE FACT THAT AFTER YOU MADE CERTAIN
12 MOTIONS AND OBTAINED CERTAIN RULINGS FROM THE COURT,
13 YOU CHANGED YOUR COURSE OF ACTION AND ACTUALLY ENDED UP
14 INTRODUCING SOME EVIDENCE THAT YOU HAD ORIGINALLY
15 SOUGHT TO HAVE EXCLUDED, ETCETERA

16 IT'S MY UNDERSTANDING AT SIDE BAR THAT THAT WAS
17 PART OF YOUR STRATEGY, BUT I'LL LET YOU RENEW THEM FOR
18 THE RECORD SO YOU CAN PRESERVE THEM FOR FUTURE
19 REFERENCES BUT I JUST WOULD LIKE TO NOTE THAT THAT'S
20 SOMEWHAT COMPLICATED BY THE FACT THAT SOME OF THEM
21 ESSENTIALLY BECAME MOOT BY YOUR COURSE OF ACTION
22 THROUGHOUT THE PRESENTATION OF THIS CASE

23 BUT THAT HAVING BEEN SAID, THEY'RE PRESERVED FOR
24 YOU ANYTHING ELSE?

25 MR ALKEBULANYAHH THAT WILL BE IT, YOUR HONOR,

STATE VS ALKEBULANYAHH

1 SIR

2 THE COURT I'M SORRY?

3 MR ALKEBULANYAHH YES, THAT SHOULD BE IT

4 THE COURT I ALSO WANT TO SAY ONE THING I

5 NEGLECTED TO SAY THAT I THOUGHT ABOUT SAYING WHEN WE

6 WENT INTO THIS SIDE -- THIS IN CAMERA HEARING ABOUT THE

7 STATEMENTS OF THESE DETENTION OFFICERS COMING IN WHEN

8 WE WENT THROUGH THE ANALYSIS, YOU DID MAKE A STATEMENT

9 THAT YOU THINK IT PREJUDICED YOUR CASE

10 I WOULD ADD FOR THE RECORD THAT BECAUSE THERE ARE

11 OTHER STATEMENTS IN HERE IN THE RECORD, ESPECIALLY

12 THOSE THAT YOU INTRODUCED ABOUT SOMEONE SHOOTING --

13 THAT YOU'RE SHOOTING THE INDIVIDUALS, IT'S HARD TO

14 UNDERSTAND THAT PREJUDICE ARGUMENT

15 BUT NOTWITHSTANDING AS I INDICATED, I DON'T THINK

16 THAT PREJUDICE ARGUMENT WAS DISPOSITIVE OF WHETHER OR

17 NOT A STATEMENT WAS VOLUNTARILY AND FREELY MADE

18 ALL RIGHT YOUR MOTIONS ARE HEREBY DENIED

19 LET ME PLEASE ADVISE YOU AT THIS POINT WE'VE

20 REACHED THAT STAGE OF THE TRIAL WHERE YOU MAY PRESENT

21 YOUR DEFENSE YOU HAVE A RIGHT TO TESTIFY IN YOUR OWN

22 BEHALF HOWEVER, NO ONE CAN MAKE YOU TESTIFY

23 IF YOU ELECT TO TESTIFY, IF YOU HAVE SOME PRIOR

24 RECORD THAT FALLS WITHIN THE COVERAGE OF OUR RULES AND

25 PROCEDURE AND EVIDENCE, WHERE THERE ARE SOME OTHER

STATE VS ALKEBULANYAHH

1 BASIS FOR THE ADMISSION OF THAT RECORD, THEN THE
2 SOLICITOR WILL BE ABLE TO PRESENT THIS RECORD TO THE
3 JURY FOR ITS CONSIDERATION FOR IMPEACHMENT, POSSIBLY
4 OTHER PURPOSES

5 IF YOU ELECT NOT TO TAKE THE STAND NOT TO
6 TESTIFY, I WILL INSTRUCT THE JURY THAT THE FACT YOU DID
7 NOT TESTIFY SHOULD NOT PREJUDICE YOU IN ANY WAY
8 WHATSOEVER, AND SHOULD NOT BE CONSIDERED BY THE JURY IN
9 ANY WAY

10 IT WILL BE LEFT ENTIRELY UP TO YOU AS TO WHETHER
11 OR NOT YOU WISH TO TESTIFY

12 I'LL GIVE YOU SOME ADDITIONAL TIME IF YOU NEED IT
13 TO THINK ABOUT THAT IF YOU NEED TO SPEAK WITH YOUR
14 STAND-BY COUNSEL, I'LL DO THAT

15 DO YOU UNDERSTAND EVERYTHING THAT I'VE INDICATED?

16 MR ALKEBULANYAHH YES, SIR

17 THE COURT NOW, I KNOW THAT AT THIS STAGE OF THE
18 CASE WE INDICATED WE NEEDED TO TAKE UP ANYTHING ABOUT
19 PRIOR RECORD I DON'T KNOW IF WE'VE RESOLVED ALL THOSE
20 ISSUES OR NOT BUT I SAY I WILL TAKE THAT UP BEFORE
21 YOU HAVE TO MAKE ANY DECISIONS ABOUT TESTIFYING

22 MR MURDAUGH FOR THE PURPOSE OF THIS PORTION OF
23 THE TRIAL, SIR, A 1986 CONVICTION FOR ARMED ROBBERY OF
24 WHICH HE WAS RELEASED IN -- LET ME GET THE PAPERS RIGHT
25 HERE AND I'LL TELL YOU SIR

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 MR MURDAUGH YOUR HONOR PLEASE, WE WILL USE AN
3 ARMED ROBBERY FROM THE STATE OF GEORGIA HE WAS
4 CONVICTED ON MAY 5, 1987, WAS SENTENCED TO 10 YEARS AND
5 10 YEARS PROBATION, WAS RELEASED FROM THE GEORGIA
6 DEPARTMENT OF CORRECTIONS ON 12/2/96

7 THE COURT ALL RIGHT SO IT'S WITHIN 10 YEARS OF
8 RELEASE OF THE WITNESS FROM CONFINEMENT IMPOSED FOR
9 THAT CONVICTION

10 MR MURDAUGH THAT'S CORRECT

11 THE COURT DO YOU WISH TO BE HEARD ON THAT, SIR?

12 MR ALKEBULANYAHH YOUR HONOR, FOR WHATEVER
13 PURPOSE THAT THE PROSECUTOR INTENDS TO USE THAT, I
14 THINK IT WOULD BE PREJUDICE TOWARDS THE DEFENDANT BASED
15 ON THAT MR ALKEBULANYAHH IS WILLING TO OMIT (SIC) BAD
16 CONDUCT IN REFERENCE TO HIS PREVIOUS ARREST AND ANY
17 CONVICTION BUT JUST IN ITSELF TO INQUIRE INTO THE
18 NATURE OF THE CONVICTION HAS NO RELEVANCE TO THIS
19 PARTICULAR CASE

20 THE COURT YES, SIR

21 MR MURDAUGH MY PURPOSE IN ASKING THAT QUESTION
22 IS TO GO TO THE CREDIBILITY OF THE WITNESS, SIR, IN
23 ACCORDANCE WITH OUR RULES AND CASES

24 MR ALKEBULANYAHH AND THAT CREDIBILITY COULD BE
25 ESTABLISHED BY MY OMITTANCE (SIC) TO BAD PRIOR CONDUCT

STATE VS ALKEBULANYAHH

1 THE COURT HE'S ASKING TO ADOPT THE ROLLINS
2 (PHONETIC) APPROACH THAT ASKS, WERE YOU CONVICTED OF A
3 CRIME WITHOUT GOING INTO THE NATURE OF THE CRIME

4 MR MURDAUGH ALL I'M GOING TO DO IS ASK ABOUT
5 THE CONVICTION ITSELF AT THIS STAGE OF THE GAME IF YOUR
6 HONOR, PLEASE

7 THE COURT I DON'T THINK -- WHAT HE'S ASKING IS
8 THAT THE COURT FOLLOW THE ALTERNATIVE APPROACH I
9 BELIEVE IT WAS IN GREEN AND CITED AT THE FOURTH CIRCUIT
10 -- APPROACH IT, JUST SAYING YOU'VE BEEN CONVICTED OF A
11 CRIME WITHOUT SAYING THE NATURE OF THE CRIME

12 REMEMBER, WE GOT INTO THAT DISCUSSION SOUTH
13 CAROLINA HAS INDICATED THAT THERE WAS NO ERROR IN THAT
14 ALTERNATIVE APPROACH

15 I PERSONALLY DON'T THINK THAT ALTERNATIVE APPROACH
16 IS VERY -- WELL, I WON'T SAY THAT I JUST -- I HAVE
17 NOT FOLLOWED THE ALTERATIVE APPROACH IT'S WITHIN MY
18 DISCRETION

19 MR MURDAUGH YES, SIR

20 THE COURT DO YOU WISH TO BE HEARD ON THAT?

21 MR MURDAUGH YES, SIR, I DO I WANT TO ASK WHAT
22 THE CRIME WAS, SIR IF IT'S INVOLUNTARY MANSLAUGHTER
23 FOR DRIVING A CAR AND CAUSING A WRECK, THAT HAS NO
24 ISSUE ON HIS CREDIBILITY

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH STEALING DOES HAVE AN ISSUE ON HIS
2 CREDIBILITY, SIR, AND I WOULD LIKE TO ASK WHAT THE
3 CRIME IS

4 THE COURT ALL RIGHT YES, SIR

5 MR ALKEBULANYAHH I WOULD, AGAIN, AS I STATED,
6 YOUR HONOR, THE -- IRREGARDLESS, THE -- IF I -- I WOULD
7 ACKNOWLEDGE BAD CONDUCT BUT TO GET INTO THE ALLEGE
8 CRIME OF WHATEVER THAT IN MY PAST, IT HAS NO RELEVANCE
9 AND IF I SAID I BEEN CONVICTED OR ARRESTED FOR CRIME
10 PREVIOUSLY, THAT SHOULD BE SUFFICIENT THAN ME STATING
11 PACIFICALLY (PHONETIC) -- AND I ASK THE COURT THAT THE
12 COURT WOULD NOT -- WOULD TAKE IN CONSIDERATION AND NOT
13 ALLOW OR THE DEFENDANT TO STATE ANY PACIFICS (PHONETIC)
14 ABOUT HIS PREVIOUS ARREST OR CONVICTION, OTHER THAN
15 THAT HE HAS BEEN ARRESTED OR CONVICTED BEFORE OF A
16 CRIME

17 THE COURT ALL RIGHT I DECLINE TO FOLLOW THAT
18 APPROACH AS I INDICATED I'M NOT CONVINCED IT REALLY
19 HASHES OUT, YOU KNOW, WHAT THE NATURE OF THE CRIME IS
20 AS INDICATED BY THE STATE, CERTAIN CRIMES GO TO THE
21 ISSUE OF DISHONESTY OR RIGHT ON THE POINT WITH
22 CREDIBILITY

23 THE HOUR LEE (PHONETIC) CASE WAS ABOUT ARMED
24 ROBBERY, AND THE COURT SAID IT CAN BE ADMISSIBLE

25 I'M NOT CONVINCED THAT THERE'S REALLY A GOOD WAY

STATE VS ALKEBULANYAHH

1 TO AVOID A JURY FROM SPECULATING ABOUT WHAT THE CRIME
2 IS IF YOU JUST ASK IN GENERAL WAS A CRIME COMMITTED
3 BUT THE STATE -- I UNDERSTAND YOUR ARGUMENT THE
4 STATE HAS APPROVED THAT ALTERNATIVE APPROACH I JUST
5 -- IT'S WITHIN MY DISCRETION I DECLINE TO DO THAT
6 I THINK THE ARMED ROBBERY DOES FALL WITHIN 609 (A)
7 (2), THAT INDICATES THAT IT SHALL BE ADMISSIBLE IF IT
8 INVOLVES A CRIME A DISHONESTY NOTWITHSTANDING 609 --
9 609 (A) (2) IS MANDATORY TERMINOLOGY, EVEN IF I WERE TO
10 APPLY A BALANCING TEST I WOULD THINK THAT THE
11 PROBATIVE VALUE DOES EXCEED THE PREJUDICIAL VALUE
12 THERE'S NOT A CHARGE OF ARMED ROBBERY IN THIS CASE
13 THERE'S TWO CHARGES OF MURDER
14 I WILL ALLOW THAT IN ANYTHING FURTHER?
15 (PAUSE)
16 THE COURT I STATE GENERALLY THAT THAT ROLLINS
17 APPROACH HAS BEEN USED IN CASES WHERE IT INVOLVES THE
18 SAME TYPE OF OFFENSE
19 ANYTHING FURTHER? WE'LL GO AHEAD AND TAKE OUR --
20 DO YOU WANT TO TALK TO THEM DURING OUR BREAK? WE'LL GO
21 AHEAD AND TAKE OUR AFTERNOON BREAK
22 MR MURDAUGH YOUR HONOR, PLEASE, ONE THING
23 THE COURT YES SIR
24 MR MURDAUGH IN REGARD TO THE CONFESSION -- NOT
25 THE CONFESSION THE RECORD

STATE VS ALKEBULANYAHH

1 THE COURT YES SIR

2 MR MURDAUGH I WANT THE RECORD TO REFLECT THAT
3 WE DID GIVE 10 DAYS NOTICE TO THEM THAT WE WOULD USE IT
4 IN WRITING

5 THE COURT IS THAT ---

6 MR MURDAUGH EXCUSE ME GAVE WRITTEN NOTICE IN
7 WRITING THAT WE WOULD USE IT, SIR

8 THE COURT IS THAT CORRECT?

9 MR ALKEBULANYAHH YES, SIR

10 THE COURT ALL RIGHT WELL, YOU KNOW, I BELIEVE
11 WE DISCUSSED THAT IN ONE OF OUR PRETRIAL HEARINGS TOO
12 AND I INDICATED AT THAT PRETRIAL HEARING THAT I WAS
13 INCLINED TO ALLOW THE ARMED ROBBERY CONVICTION IN

14 WE'LL GO AHEAD AND TAKE OUR AFTERNOON BREAK

15 (A RECESS WAS TAKEN)

16 THE COURT MR ALKEBULANYAHH HAVE YOU UNDERSTOOD
17 EVERYTHING I INDICATED ---

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT --- ABOUT YOUR RIGHT TO TESTIFY OR NOT
20 TESTIFY?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT ALL RIGHT YOU UNDERSTOOD EVERYTHING?

23 MR ALKEBULANYAHH YES, SIR

24 THE COURT DO YOU NEED ADDITIONAL TIME BEFORE YOU
25 MAKE THAT DECISION?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH IT'S MY DECISION TO TESTIFY
2 YOUR HONOR
3 THE COURT ALL RIGHT BEFORE YOU DO THAT, IF
4 YOU'LL BRING THAT TO MY ATTENTION ALL RIGHT?
5 MR ALKEBULANYAHH YES, SIR
6 THE COURT READY TO PROCEED?
7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
8 THE COURT STATE READY?
9 MR MURDAUGH THE STATE IS
10 THE COURT ALL RIGHT BRING THE JURY IN
11 (PAUSE)
12 MR MURDAUGH YOUR HONOR, PLEASE, THERE IS A
13 MATTER I'D LIKE
14 THE COURT HOLD ON YES, SIR
15 MR MURDAUGH IN REGARD TO THIRD PARTY GUILT ---
16 THE COURT YES SIR
17 MR MURDAUGH --- IF THERE IS GOING TO BE AN
18 OFFER OF A WITNESS SIR, I WOULD LIKE TO TAKE THAT UP
19 IN CAMERA
20 THE COURT ALL RIGHT IF YOU ARE THINKING ABOUT
21 THAT DURING A PARTICULAR WITNESS, BRING THAT TO MY
22 ATTENTION FIRST ALL RIGHT?
23 MR ALKEBULANYAHH YES, SIR
24 THE COURT ALL RIGHT BRING THE JURY IN YOU
25 CAN DISCUSS THAT WITH YOUR ATTORNEYS FIRST, TO MAKE

STATE VS ALKEBULANYAHH

1 SURE YOU UNDERSTAND THAT CONCEPT

2 (PAUSE)

3 MR THORNTON YOUR HONOR IF I AM CORRECTLY
4 UNDERSTANDING THIS CONVERSATION, JUST SO I UNDERSTAND
5 THE SOLICITOR WHAT HE MEAN IF THAT PARTICULAR PERSON
6 BEING THE THIRD PARTY, IF THAT PERSON WERE CALLED TO
7 THE STAND, SIR?

8 MR MURDAUGH I'M TALKING -- EXCUSE ME, I'M
9 SORRY

10 THE COURT GO AHEAD

11 MR MURDAUGH I'M TALKING ABOUT TESTIMONY THAT
12 WOULD INDICATE THAT A THIRD PARTY COMMITTED THIS CRIME,
13 A PERSON OTHER THAN THE DEFENDANT ALKEBULANYAHH

14 MR THORNTON FROM ANY WITNESS IS WHAT I'M
15 ASKING?

16 MR MURDAUGH ABSOLUTELY

17 MR THORNTON YES SIR I JUST WANTED TO
18 CLARIFY THANK YOU

19 (THE JURY RETURNS TO THE COURTROOM AT 3 25 P M)

20 THE COURT THANK YOU PLEASE BE SEATED WE'RE
21 READY TO PROCEED, LADIES AND GENTLEMEN

22 CALL YOUR WITNESS PLEASE

23 MR ALKEBULANYAHH DEPUTY SHERIFF ZANENOSKY

24 (PHONETIC) -- ZANELOTTI

25 GLENN ZANELOTTI, BEING

STATE VS ALKEBULANYAHH

1 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

2 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
3 THE COURT

4 WITNESS GLENN ZANELOTTI, Z-A-N-E-L-O-T-T-I
5 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

6 Q MR ZANELOTTI, IF I'M CORRECT?

7 A YES

8 Q FORGIVE ME IF I PRONOUNCE YOUR NAME WRONG

9 A THAT'S OKAY

10 Q THANK YOU MR ZANELOTTI, WAS YOU INVOLVED WITH
11 RESPONSE TO A CALL ON JANUARY 8, 2002 IN THE MATTER
12 THAT WE'RE HERE FOR TODAY?

13 A YES, I WAS, SIR

14 Q AND COULD YOU TELL ME THE NATURE OF YOUR
15 INVOLVEMENT AT THAT PARTICULAR TIME?

16 A I WAS THE SHIFT SUPERVISOR WORKING THE ROAD PATROL
17 DUTY THAT DAY

18 Q AND DID YOU RESPOND TO THE CALL OF A DOMESTIC
19 DISPUTE OR SOME OTHER TYPE OF CALL THAT BROUGHT YOU TO
20 THE 21 RILEY ROAD RESIDENCE?

21 A NO, SIR, I WAS NOT ONE OF THE OFFICERS DISPATCHED
22 TO THE DOMESTIC DISPUTE ORIGINALLY I WAS DISPATCHED
23 BY DISPATCH IN REFERENCE TO THE OFFICERS NOT RESPONDING
24 TO DISPATCH, DOING WHAT WE CALL A 10-61 CHECK ON THEM,
25 AN OKAY CHECK

STATE VS ALKEBULANYAHH

1 Q AND -- AND ON THAT DAY WAS YOU RIDING WITH A
2 FELLOW OFFICER OR WERE YOU RIDING IN A SINGLE PATROL
3 CAR?

4 A NO, SIR I WAS BY MYSELF

5 Q YOU WERE BY YOURSELF?

6 A YES, SIR

7 Q WHEN YOU ARRIVED THERE, WAS ANY OFFICERS THERE
8 PREVIOUS TO YOUR ARRIVAL?

9 A YES, SIR, I WAS THE SECOND OFFICER TO ARRIVE
10 OFFICER STETTMIER ARRIVED PRIOR TO ME

11 Q YOU WROTE A SUPPLEMENTAL REPORT INVOLVED WITH THIS
12 INCIDENT, IS THAT CORRECT?

13 A YES, SIR

14 MR ALKEBULANYAHH MAY I APPROACH YOUR HONOR?
15 THE COURT YES SIR

16 MR MURDAUGH MAY I SEE IT?

17 (PAUSE)

18 Q ARE YOU FAMILIAR WITH THIS DOCUMENT, MR
19 ZANELOTTI?

20 A YES, SIR, IT S THE SUPPLEMENT I WROTE

21 Q IT'S THE SUPPLEMENT YOU WROTE?

22 A YES, SIR

23 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
24 INTRODUCE THIS AS A EXHIBIT?

25 THE COURT ANY OBJECTION?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR, I OBJECT YOUR HONOR,
2 PLEASE UNDER 803 SUBSECTION (8), IT IS NOT ADMISSIBLE
3 AND I OBJECT, SIR

4 THE COURT PASS IT UP
5 (PAUSE)

6 THE COURT I SUSTAIN THE OBJECTION

7 MR ALKEBULANYAHH CAN I GET IT FOR I D
8 PURPOSES, YOUR HONOR?

9 THE COURT YES, SIR

10 (SUPPLEMENTAL INCIDENT REPORT, STAFF SERGEANT
11 ZANELOTTI 3 PAGES MARKED FOR IDENTIFICATION AS
12 DEFENDANT'S EXHIBIT NO 28)

13 Q MR ZANELOTTI, WHEN YOU ARRIVED AT THE 21 RILEY
14 ROAD RESIDENCE, WHAT -- WHAT -- WHAT ACTION DID YOU
15 TAKE UPON YOUR ARRIVAL?

16 A LIKE I SAID, OFFICER STETTMIER WAS ARRIVING FIRST
17 AND HE CALLED ON THE RADIO HE WAS ARRIVING I RADIOED
18 HIM TO -- THAT I WAS ABOUT 30 SECONDS BEHIND HIM,
19 ARRIVAL TIME I TURNED DOWN RILEY ROAD OFFICER WHITE
20 TURNED IMMEDIATELY BEHIND I DID -- BEHIND ME AND I
21 SEEN OFFICER STETTMIER GET OUT OF HIS CAR AND GO INSIDE
22 THE FENCED AREA OF THE MOBILE HOME AND BEHIND A CAR

23 I DROVE PAST THE MOBILE HOME, POSITIONED MY
24 VEHICLE AT WHICH TIME I SEEN A MALE AND FEMALE AND A
25 BABY STANDING THERE I ASKED THEM TO GET BACK AWAY

STATE VS ALKEBULANYAHH

1 FROM THE ROADWAY

2 I THEN TOOK A POSITION WHERE I COULD SEE OFFICER
3 STETTMIER, AND WE HAD VISUAL AND VERBAL CONTACT

4 HE ASKED ME WHO THE OFFICERS WERE THAT WERE
5 INSIDE

6 I TOLD HIM WHO THEY WERE

7 HE ASKED ME WHAT WE SHOULD DO I THINK WE STARTED
8 CALLING THEM OUT BY THEIR NAMES AND UNIT NUMBERS
9 OTHER OFFICERS ARRIVED I BELIEVE CAPTAIN ROPER
10 ARRIVED NEXT, AND I RELEASED MY POSITION TO AN OFFICER
11 LANCE CORPORAL COTNER

12 AND I MET WITH CAPTAIN ROPER, EXPLAINED WHAT I
13 KNEW TO HIM, ASKED HIM, DO WE HAVE PERMISSION TO GO IN
14 THE RESIDENCE AND CHECK ON THE OFFICERS, AT WHICH TIME
15 HE SAID OKAY

16 MYSELF CAPTAIN ROPER, STETTMIER, AND GEORGE WHITE
17 THEN PROCEEDED ONTO THE BACK STEPS AND ENTERED THE
18 RESIDENCE

19 Q YOU STATED THAT YOU TOOK UP A POSITION AT THE
20 RILEY ROAD RESIDENCE BEFORE YOU ENTERED THE RESIDENCE
21 WHAT TYPE OF POSITION DID YOU TAKE UP? WHERE WAS YOUR
22 POSITION?

23 A I DON'T HAVE A MAP AS YOU COME AROUND THE SHORT
24 CURVE TOWARDS THE FAR END OF THE MOBILE HOME, GOING
25 BACK TO -- PROCEEDING OUT OF RILEY ROAD -- EXCUSE ME

STATE VS ALKEBULANYAHH

1 I POSITIONED IT THAT WAY, MY CAR, FACED IT BACK TOWARDS
2 THE RESIDENCE AND WAS BEHIND MY VEHICLE AND KEEPING AN
3 EYE ON OFFICER STETTMIER

4 Q ONCE YOU ENTER -- DID YOU ENTER INTO -- WAS IT A
5 FENCE CLOSED AROUND THAT PARTICULAR HOUSE?

6 A YES, SIR THERE WAS

7 Q WHEN YOU POSITION YOURSELF BEHIND YOUR CAR,
8 INITIALLY YOU WAS OUTSIDE THAT PERIMETER?

9 A YES, SIR

10 Q AND ONCE YOU ENTER THAT PERIMETER, WHAT DID YOU
11 DO?

12 A WE WENT THROUGH THE BACK GATE, WHICH I ASSUME
13 WOULD BE THE MAIN GATE FOR THE RILEY ROAD SIDE, AND
14 PROCEEDED UP TO THE BACK PORCH THAT BACK DOOR WAS
15 OPEN

16 Q DID YOU -- DID YOU AT ANY TIME TAKE A POSITION
17 BEHIND A VEHICLE IN THE YARD?

18 A NO, SIR, I DID NOT

19 Q COULD YOU TAKE A LOOK AT YOUR REPORT AND THE
20 SECOND PARAGRAPH, THE FIRST SENTENCE?

21 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
22 THAT HE CAN ASK ANY QUESTION OF THIS WITNESS HE WANTS
23 TO AND USE IT TO IMPEACH HIM BUT HE CANNOT ---

24 THE COURT YES, SIR I SUSTAIN THE OBJECTION
25 YOU CAN ASK HIM THE QUESTION DIRECTLY IF THERE'S

1 ANYTHING THAT CONFLICTS, THEN YOU CAN REFERENCE HIM TO
2 THAT

3 MR ALKEBULANYAHH I THOUGHT I ASKED ---

4 THE COURT NO YOU'RE ASKING HIM TO LOOK AT THE
5 REPORT ASK HIM DIRECTLY FIRST FORGET ABOUT THE
6 REPORT RIGHT NOW

7 Q DID YOU TAKE A POSITION BEHIND A CAR IN THE YARD?

8 MR MURDAUGH OBJECTION, THAT'S BEEN ASKED AND
9 ANSWERED

10 THE COURT I'LL ALLOW IT THIS TIME GO AHEAD

11 A NO, SIR, I DID NOT

12 Q IF YOU TOOK A LOOK AT YOUR REPORT WOULD THAT BE
13 ABLE TO BRING BACK YOUR RECOLLECTION?

14 A YES

15 Q IN YOUR REPORT DID YOU ---

16 MR MURDAUGH YOUR HONOR, PLEASE

17 THE COURT I SUSTAIN

18 Q NOW AFTER LOOKING AT YOUR REPORT, DOES THAT BRING
19 BACK A RECOLLECTION WHETHER YOU TOOK POSITION BEHIND A
20 CAR THAT WAS PARKED IN THE YARD?

21 A NO, SIR, I NEVER TOOK A POSITION BEHIND A VEHICLE
22 PARKED IN THAT YARD

23 Q DID YOU OBSERVE ANY OTHER OFFICER TAKE POSITION
24 BEHIND A CAR THAT WAS PARKED IN THE YARD?

25 A OFFICER STETTMIER

STATE VS ALKEBULANYAHH

1 Q AND WHERE WAS THE LOCATION OF THAT CAR PARKED IN
2 THE YARD?

3 A WHEN -- WHEN YOU TURN ONTO RILEY ROAD, WHEN YOU
4 COMING TO THE TRAILER IT WOULD BE CLOSEST TO BROAD
5 RIVER BOULEVARD SIDE, IN THAT -- I DON'T KNOW IF YOU
6 CALL IT THE LEFT SIDE BUT WHEN YOU COME INTO THE ROAD
7 AND YOU FIRST APPROACH THE MOBILE HOME, IT WAS CLOSEST
8 TO THE BROAD RIVER BOULEVARD SIDE -- AT THE MAIN GATE

9 Q MAIN GATE?

10 A YES, SIR

11 Q DO YOU RECALL THE MODEL OR MAKE OR COLOR OF THAT
12 PARTICULAR VEHICLE THAT WAS PARKED IN THE YARD?

13 A NO, SIR I DO NOT

14 Q IT WASN'T A PATROL CAR WAS IT?

15 A NO, SIR, IT WAS NOT

16 Q WHEN YOU -- WHAT DID YOU DO AFTER YOU AND SERGEANT
17 STETTMIER -- IS THAT CORRECT?

18 A YES, SIR

19 Q --- PROCEEDED TOWARD THE TRAILER TO ENTER THE
20 HOME?

21 A CAPTAIN ROPER AND GEORGE WHITE ENTERED IMMEDIATELY
22 INTO THE RIGHT OF THE TRAILER STETTMIER WENT IN AND
23 TO MY LEFT AND I WENT IN AND TO THE RIGHT, STOOD AT
24 THE DOORWAY, WHERE I SEEN OFFICER COURSEN LAYING ON THE
25 FLOOR A FLASHLIGHT WAS HANDED TO US IT WAS GIVEN TO

1 GEORGE WHITE AND GEORGE WHITE AND CAPTAIN ROPER WERE
2 FURTHER IN THE BEDROOM THAN I WAS I WAS RIGHT THERE
3 AT THE PLANE OF THE DOOR

4 ONCE THEY CLEARED THAT ROOM, WE TOOK THE
5 FLASHLIGHT -- I TOOK THE FLASHLIGHT AND WENT DOWN TO
6 THE LEFT SIDE -- THE FAR SIDE OF THE MOBILE HOME WITH
7 OFFICER STETTMIER IN CLEARING THE REST OF THE MOBILE
8 HOME

9 Q ONCE YOU ALL -- ONCE YOU -- ONCE YOU HAD BEEN
10 INSIDE THE RESIDENCE, DID YOU AT ANY TIME ENTER INTO
11 THE BEDROOM TO THE RIGHT WHERE OFFICER TATE AND COURSEN
12 WAS FOUND?

13 A JUST UPON MY INITIAL ENTRY ---

14 Q YES, SIR

15 A --- I WALKED TO THE PLANE OF THE DOOR, BUT NEVER
16 WENT FURTHER THAN THAT

17 Q OKAY AND DID ANY OTHER OFFICER THAT YOU OBSERVE
18 HIM GO INTO THAT PARTICULAR BEDROOM?

19 A YES, CAPTAIN ROPER AND GEORGE WHITE

20 Q OKAY

21 A THEY CHECKED THAT ROOM, AND THEN ONCE THE MOBILE
22 HOME WAS SECURE, WE ALL STEPPED OUT AND I NEVER WENT
23 BACK IN

24 Q WHEN YOU ALL STEPPED OUT, YOU SAY YOU ALL STEPPED
25 OUT, WAS ANY PROTECTIVE BOOTIES OR FOOTWEAR BROUGHT TO

1 ANY OF YOU ALL BEFORE YOU ALL EXITED THE HOME?
2 A NO, SIR
3 Q WAS YOU INVOLVED WITH THE -- THE TAPING OF THE
4 PERIMETER?
5 A YES, SIR, I GRABBED THE CRIME SCENE TAPE FROM MY
6 VEHICLE, YES, SIR I DIDN'T ACTUALLY SET IT OUT, BUT
7 IT WAS FROM MY VEHICLE, YES, SIR
8 Q WAS THE VEHICLE THAT WAS THERE THAT WAS NOT A
9 PATROL CAR, WAS THAT VEHICLE ALSO TAPED UP WITHIN THAT
10 PERIMETER?
11 A I'M NOT SURE I DIDN'T DO THE TAPING, SIR I
12 STAYED ON THE MAIN ROAD AFTER THAT POINT AND MADE
13 CONTACT WITH THE ARRIVING OFFICERS, RELEASING MY
14 DUTIES
15 Q DO YOU HAPPEN TO KNOW WHO TOOK CONTROL OF THE
16 CRIME SCENE LOG AT THAT PARTICULAR LOCATION?
17 A I BELIEVE IT WAS LIEUTENANT SMITH
18 Q LIEUTENANT SMITH?
19 A YES SIR
20 Q AND YOU JUST BELIEVE THAT, IS THAT CORRECT?
21 A I WAS SENIOR OFFICER ON SCENE AT FIRST AND IT
22 WOULD BE MY POSITION TO ASSUME COMMAND AND WHEN A
23 SENIOR OFFICER TO ME ARRIVED, I RELINQUISHED MY COMMAND
24 TO THEM I DON'T KNOW WHO WAS INVOLVED I WAS NEVER
25 INVOLVED WITH THE TRAILER AFTER THAT POINT

1 Q DID YOU TAKE OR REMOVE ANY ITEMS OR EVIDENCE FROM
2 THE 21 RILEY ROAD RESIDENCE?

3 A NO, SIR, I DID NOT

4 Q DID YOU OBSERVE ANY OTHER OFFICER TAKE OR REMOVE
5 ANYTHING?

6 A NO, SIR

7 Q WERE YOU THE SUPERVISOR OF OFFICER TATE AND
8 COURSEN?

9 A YES, SIR

10 Q DID YOU GIVE THEM -- DID YOU GO OVER PROCEDURES IN
11 RESPONDING TO DOMESTIC DISTURBANCES? DID YOU HAVE SAID
12 SOMETHING THAT YOU MIGHT WENT OVER WITH THEM ABOUT
13 RESPONDING TO DOMESTIC DISTURBANCES, THAT NATURE?

14 A NO, SIR, I NEVER WENT OVER -- IT'S TAUGHT AT THE
15 ACADEMY AND THEN WE HAVE THE POLICY OF TWO OFFICERS
16 RESPONDING TO A DOMESTIC DISPUTE AT ALL TIMES BUT,
17 NO I NEVER ACTUALLY WENT OVER ANY POLICY WITH THEM
18 PRIOR TO THAT CALL

19 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
20 YOUR HONOR

21 MR MURDAUGH I HAVE NO QUESTIONS YOU MAY COME
22 DOWN

23 (THE WITNESS LEAVES THE WITNESS STAND)

24 MR ALKEBULANYAHH DEPUTY SHERIFF WHITE

25 GEORGE WHITE, BEING FIRST

STATE VS ALKEBULANYAHH

1 DULY SWORN, TESTIFIED AS FOLLOWS

2 (PAUSE)

3 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

4 Q MR WHITE, COULD YOU TELL ME HOW YOU BECAME
5 INVOLVED IN THE INCIDENT ON JANUARY 8, 2002 IN THE
6 MATTER THAT YOU ARE HERE FOR TODAY?

7 A YES, I CAN

8 Q DID YOU RECEIVE A CALL TO A DOMESTIC DISTURBANCE
9 OR CALL IN RESPONSE TO SOME OTHER MATTER?

10 A SOME OTHER MATTER

11 Q AND WAS YOU RIDING ALONE OR WITH A PARTNER?

12 A BY MYSELF

13 Q BY YOURSELF DO YOU REMEMBER THE TIME THAT YOU
14 ARRIVED AT THE 21 RILEY ROAD RESIDENCE?

15 A IT WAS APPROXIMATELY 16 40 HOURS

16 Q AND WHEN YOU ARRIVED AT THE 21 RILEY ROAD
17 RESIDENCE, WHAT DID YOU OBSERVE UPON COMING UP UPON THE
18 21 RILEY ROAD RESIDENCE?

19 A MYSELF AND STAFF SERGEANT ZANELOTTI ARRIVED
20 APPROXIMATELY ABOUT THE SAME TIME STAFF SERGEANT
21 STETTMIER WAS ALREADY AT THE SCENE WHEN WE ARRIVED

22 Q WHEN YOU ARRIVED, WAS ANY PATROL CARS WITHIN THE
23 YARD OF THE 21 RILEY ROAD RESIDENCE?

24 A I'M SORRY COULD YOU REPEAT?

25 Q WAS ANY PATROL CARS UP IN THE 21 RILEY ROAD

1 RESIDENCE?

2 A THEY WEREN'T IN THE YARD PER SE THAT I CAN
3 REMEMBER I THINK THEY WAS ON THE DIRT ROAD PARKED

4 Q DID YOU NOTICE ANY VEHICLES IN THE YARD OF THE 21
5 RILEY ROAD RESIDENCE WHEN YOU ARRIVED?

6 A YES, SIR

7 Q COULD YOU DESCRIBE THAT VEHICLE?

8 A IT WAS AN ABANDONED VEHICLE THAT WAS PARKED IN THE
9 BACK OF THE RESIDENCE NEAR THE BACK DOOR

10 Q AND IT WASN'T A VEHICLE THAT BELONGS TO THE POLICE
11 DEPARTMENT, IS THAT CORRECT, OR WAS IT A VEHICLE BELONG
12 TO THE RESIDENCE AT THAT TIME?

13 A I'M ASSUMING IT BELONGED TO SOMEBODY THERE AT THE
14 RESIDENCE

15 Q OKAY AND WHERE WAS THAT VEHICLE LOCATED AT?

16 A WHICH VEHICLE ARE WE TALKING ABOUT?

17 Q THE VEHICLE THAT BELONGS TO THE RESIDENCE THERE?

18 A IT WAS PARKED IN THE BACK YARD OF 21 RILEY ROAD

19 Q DID YOU NOTICE ANY OTHER VEHICLES AT THAT
20 RESIDENCE IN THE YARD?

21 A NO, SIR

22 Q IF YOU WAS -- IF YOU WAS COMING UP TO THE RILEY
23 ROAD RESIDENCE, WOULD YOU BE ABLE TO HAVE A VISUAL OF
24 THAT -- OF THAT VEHICLE IF YOU CAME UP TO THE 21 RILEY
25 ROAD RESIDENCE AND, SAY, YOU WAS GOING TO KNOCK ON THE

1 DOOR OR SOMETHING FROM THE DIRECTION GOING EAST, IF I'M
2 CORRECT, HEADING EAST?

3 A REPHRASE THAT I DON'T UNDERSTAND WHAT YOU'RE
4 ASKING

5 Q IF YOU WAS RIDING -- UPON YOUR ARRIVAL COMING UP
6 TO THE HOME, WOULD YOU BE ABLE TO SEE THE VEHICLE THAT
7 WAS PARKED IN THE YARD THAT BELONGS TO THE PEOPLE -- OR
8 THE RESIDENCE AT THE 21 RILEY ROAD RESIDENCE?

9 A I BELIEVE YOU COULD, CORRECT

10 Q WHEN YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE
11 WHAT ACTION DID YOU TAKE?

12 A OKAY IMMEDIATELY I EXITED MY VEHICLE I WENT TO
13 THE REAR OF THE RESIDENCE, BEHIND THE VEHICLE THAT WAS
14 PARKED THERE WITH STAFF SERGEANT STETTMIER, TOOK UP --
15 TOOK UP A DEFENSIVE POSITION THERE AND JUST WAITED

16 Q AND THEN WHAT DID YOU DO AFTER THAT?

17 A WAITED UNTIL THE REST OF THE SHERIFF'S OFFICE GOT
18 THERE

19 Q AND WHEN THEY GOT THERE, WHAT DID YOU DO AFTER
20 THAT?

21 A OKAY AT THAT TIME WE MADE A DECISION TO ENTER
22 THE RESIDENCE MYSELF, STAFF SERGEANT STETTMIER
23 ENTERED A LITTLE PORCH AREA ON THE BACK SIDE OF THE
24 RESIDENCE, AND BASICALLY WE -- ONE WAS ON ONE SIDE OF
25 THE DOOR I WAS ON THE OTHER SIDE OUTSIDE THE

1 RESIDENCE

2 Q AND WHAT DID YOU DO FROM THERE?

3 A AT WHICH TIME DETERMINATION WAS MADE TO ENTER THE

4 RESIDENCE

5 Q AND WHAT HAPPENED AFTER DETERMINATION WAS MADE TO

6 ENTER?

7 A STAFF SERGEANT STETTMIER ENTERED THE RESIDENCE AND

8 WENT TO HIS LEFT MYSELF, CAPTAIN ROPER WENT TO THE

9 RESIDENT -- INSIDE THE RESIDENCE TO THE RIGHT

10 Q AND WHO ENTER TO THE RESIDENCE INSIDE THE

11 RESIDENCE TO THE RIGHT FIRST? YOURSELF OR MR ROPER?

12 A OFFICER -- STAFF SERGEANT STETTMIER WENT FIRST, I

13 WENT SECOND I BELIEVE CAPTAIN ROPER WENT THIRD AND

14 IF I'M NOT MISTAKEN, I BELIEVE STAFF SERGEANT ZANELOTTI

15 CAME IN FOURTH

16 Q AND YOU WENT TO THE RIGHT?

17 A THAT'S CORRECT

18 Q AND TO THE RIGHT WOULD BE THE PLACE WHERE DEPUTY

19 TATE AND DEPUTY COURSEN WAS FOUND IN A BEDROOM, IS THAT

20 CORRECT?

21 A THAT IS CORRECT

22 Q AND UPON ENTERING THE BEDROOM, WHAT ACTION DID YOU

23 TAKE FROM THERE?

24 A WELL, IMMEDIATELY STARTED LOOKING AROUND FOR

25 POSSIBLE SUSPECTS THAT MIGHT STILL BE INSIDE THE

STATE VS ALKEBULANYAHH

- 1 RESIDENCE, INSIDE THAT BEDROOM
- 2 Q AND WHERE DID YOU LOOK AT?
- 3 A BASICALLY, WE LOOKED ALL OVER, WENT TO WORK OUR
- 4 WAY TO THE BACK BACK THERE WHERE THERE'S A -- I
- 5 BELIEVE IT'S A BATHROOM AND BASICALLY DID A SECURITY
- 6 CHECK OF THE RESIDENCE AND ALSO, I BELIEVE WE CHECKED
- 7 INSIDE THE -- THERE WAS A CLOSET INSIDE THAT BEDROOM
- 8 Q DID YOU FIND ANY -- ANYBODY OR ANYONE ELSE INSIDE
- 9 THE BATHROOM?
- 10 A NO, SIR
- 11 Q DID YOU FIND ANYONE IN THE CLOSET WHEN YOU LOOKED
- 12 IN THE CLOSET?
- 13 A NO, SIR
- 14 Q DID YOU LOOK BEHIND CLOTHING OR ANYTHING WITHIN
- 15 THE CLOSET?
- 16 A I BELIEVE I DID, SIR, YES, SIR
- 17 Q AND AFTER YOU LOOKED IN THE CLOSET, BEHIND THE
- 18 CLOTHES IN THE CLOSET, AND CHECKED THE BATHROOM, AND --
- 19 WHAT DID YOU DO NEXT?
- 20 A OKAY AT WHICH TIME MYSELF AND CAPTAIN ROPER
- 21 CHECKED OUR TWO DEPUTIES OFFICER TATE AND COURSEN, AND
- 22 SEE IF THEY MIGHT POSSIBLY STILL BE ALIVE
- 23 Q AND WHAT WAS THAT DETERMINATION? WHAT WAS THE
- 24 RESULT?
- 25 A BOTH OF THEM WERE EXPIRED

- 1 Q AND WHAT DID YOU DO NEXT FROM THERE?
- 2 A BASICALLY SECURED THERE UNTIL OUR INVESTIGATORS
- 3 GOT THERE
- 4 Q DID YOU EXIT THE BEDROOM AT ANY TIME?
- 5 A ONLY AFTER IT WAS SECURED BY OUR INVESTIGATORS
- 6 Q ONLY WHEN SECURED BY YOUR INVESTIGATORS?
- 7 A YES
- 8 Q WHO WAS THE INVESTIGATORS THAT ARRIVED THERE?
- 9 A THAT WOULD BE SERGEANT BEARDEN AND MASTER SERGEANT
- 10 -- EXCUSE ME, STAFF SERGEANT BUKOFFSKY
- 11 Q AND ONCE THEY ARRIVED, WHAT DID YOU DO FROM THERE?
- 12 A OKAY AFTER I LEFT THE RESIDENCE THERE, I, OF
- 13 COURSE, HAD TO LEAVE MY FOOTWEAR AT THE FOOT OF THE
- 14 OUTSIDE, BECAUSE THAT WAS ALSO CONSIDERED EVIDENCE I
- 15 IMMEDIATELY LEFT THE RESIDENCE, JUMPED IN MY PATROL
- 16 VEHICLE WENT TO THE HOUSE, AND GOT ME ANOTHER PAIR OF
- 17 SHOES ON
- 18 Q AND WHEN YOU WENT WHAT -- WHAT AREA DO YOU RECALL
- 19 WHERE YOU LEFT YOUR FOOTWEAR?
- 20 A I M SORRY?
- 21 Q WHAT AREA DID YOU LEAVE YOUR FOOTWEAR?
- 22 A I BELIEVE IT WAS INSIDE THE BACK PORCH
- 23 Q INSIDE THE BACK PORCH AND WHEN YOU LEFT, YOU
- 24 DEPARTED WAS ANY OTHER OFFICERS WITH YOU WHEN YOU
- 25 DEPARTED?

- 1 A NO, SIR BY MYSELF
- 2 Q AND YOU STATE THAT YOU GOT IN YOUR PATROL CAR AND
- 3 YOU WENT HOME AND GOT SOME SHOES AND THEN YOU
- 4 RETURNED?
- 5 A THAT'S CORRECT
- 6 Q AND WHEN YOU RETURNED, WHERE DID YOU GO ONCE YOU
- 7 RETURN WHEN YOU RETURN BACK TO THE 21 RILEY ROAD
- 8 RESIDENCE?
- 9 A NO, SIR, I DID NOT I WENT TO THE FOOT OF THE
- 10 BRIDGE THERE AT JOE FRAZIER
- 11 Q AND UPON GETTING TO THE BRIDGE OF THE JOE FRAZIER
- 12 ROAD, WHAT WAS YOUR OBSERVATION THERE?
- 13 A HAD A LOT -- A LOT OF SHERIFF'S DEPUTIES OUT
- 14 THERE
- 15 Q AND WHAT WAS THE OCCASION?
- 16 A HAD A -- HAD A SUSPECT IN THE MARSH
- 17 Q AND WAS THAT SUSPECT BEING APPREHENDED OR
- 18 DETAINED?
- 19 A I CAN'T REMEMBER
- 20 Q WHEN YOU LEFT THE 21 RILEY ROAD RESIDENCE, OFFICER
- 21 ROPER AND OFFICER ZANELOTTI, WAS THEY STILL IN THE
- 22 RESIDENCE WHEN YOU LEFT?
- 23 A I DON'T KNOW
- 24 Q WHEN YOU WAS IN THE RESIDENCE, DID YOU MAKE ANY
- 25 CHECK OR HANDLE ANY WEAPONS OF OFFICER TATE OR OFFICER

1 COURSEN?

2 A I'M SORRY REPEAT THE QUESTION AGAIN

3 Q DID YOU HANDLE THE WEAPON OF MR TATE OR MR
4 COURSEN IN THE 21 RILEY ROAD RESIDENCE?

5 A NO, SIR

6 Q GOING BACK TO THE JOE FRAZIER ROAD BRIDGE, UPON
7 YOUR ARRIVAL AT THE JOE FRAZIER ROAD BRIDGE, YOU MADE
8 OBSERVATION OF A SUSPECT BEING DETAINED OR APPREHENDED,
9 IS THAT CORRECT?

10 A THAT'S CORRECT

11 Q AND WHAT WERE YOU DOING DURING THE COURSE OF THAT
12 TIME?

13 A I WAS JUST THERE AS BACK UP

14 Q JUST BACK UP?

15 A YES, SIR

16 Q DID YOU HAVE THE OPPORTUNITY TO GET WITHIN THE
17 PROXIMITY OF THE SUSPECT?

18 A NO, SIR

19 Q AND WHAT HAPPENED TO THE SUSPECT? DID YOU GET A
20 CHANCE TO OBSERVE WHAT HAPPENED TO THAT SUSPECT?

21 A YES, SIR, HE WAS PLACED IN HANDCUFFS HE WAS PUT
22 ON A MEDICAL GURNEY, WENT TO HAVE THE EMS AMBULANCE
23 TAKE THE INDIVIDUAL TO BEAUFORT MEMORIAL HOSPITAL E R
24 ROOM

25 Q AND ONCE THE SUSPECT WAS PUT IN THE AMBULANCE AND

1 TAKEN TO THE BEAUFORT MEMORIAL E R ROOM, EMERGENCY
2 ROOM, WHAT DID -- WHAT DID YOU DO FROM THERE?
3 A PROVIDE A SECURITY FOR HIM
4 Q FOR THE SUSPECT?
5 A THAT'S CORRECT
6 Q AND HOW DID YOU PROVIDE THAT SECURITY FOR HIM?
7 A STAND -- I WAS THERE AT THE E R ROOM WHILE I
8 WAITED ON OUR INVESTIGATORS TO ARRIVE
9 Q SO YOU -- SO YOU DROVE TO THE HOSPITAL AND SET UP
10 SECURITY AT THE HOSPITAL?
11 A NO, SIR
12 Q HOW DID YOU ARRIVE AT THE HOSPITAL?
13 A WITH THE SUSPECT IN THE BACK OF THE AMBULANCE
14 Q SO WHEN THE SUSPECT LEFT THE JOE FRAZIER ROAD
15 BRIDGE, ARE YOU STATING THAT YOU WAS WITH THE SUSPECT
16 AT THAT TIME HE WAS TAKEN ---
17 A YES
18 Q --- INTO THE ---
19 A THAT'S CORRECT
20 Q --- AMBULANCE? AND YOU RODE WITH HIM TO THE
21 HOSPITAL AND SET UP SECURITY THERE, IS THAT CORRECT?
22 A THAT IS CORRECT
23 Q WAS THERE ANY OTHER OFFICERS WITH YOU WHEN YOU
24 RODE TO BEAUFORT MEMORIAL HOSPITAL?
25 A NO, NONE

1 Q MR WHITE, DID YOU -- DID YOU ASSAULT THE SUSPECT
2 IN THE AMBULANCE ON THE WAY TO THE HOSPITAL?
3 A NO
4 Q DID YOU OBSERVE ANYBODY ELSE ASSAULT THE SUSPECT?
5 A NO, SIR
6 Q ONCE YOU ARRIVED AT THE HOSPITAL AND SET UP
7 PERIMETER -- SECURITY, I'M SORRY -- SECURITY FOR THE
8 SUSPECT, DID YOU EVER GET THE CHANCE TO SEE THE SUSPECT
9 AGAIN?
10 A IN THE HOSPITAL?
11 Q YES, SIR
12 A THAT'S CORRECT
13 Q THAT WAS THE END OF IT AS FAR AS YOUR VISUAL ---
14 A AS SOON AS I WAS, RELIEVED BY INVESTIGATORS I LEFT
15 THE HOSPITAL
16 Q AND WHO WERE YOU RELIEVED BY?
17 A I BELIEVE IT WAS STAFF SERGEANT PURDY, AND I
18 BELIEVE IT WAS ALSO STAFF SERGEANT MATT AVERILL, I
19 BELIEVE, BUT I WOULDN'T SWEAR BY THAT
20 Q WOULD YOU REFER BACK TO THE RESIDENCE AT THE 21
21 RILEY ROAD RESIDENCE IN THE ROOM WHERE OFFICER TATE AND
22 OFFICER COURSEN WERE FOUND DID YOU MAKE ANY
23 DISCOVERIES WHILE YOU WAS IN THAT PARTICULAR ROOM?
24 A AS IN -- I DON'T QUITE UNDERSTAND THE QUESTION
25 Q SOMETHING THAT SEEM OUT OF THE ORDINARY?

- 1 A WELL, I SMELL ---
- 2 Q OTHER THAN ---
- 3 A I SMELLED GUN SMOKE ALSO, THERE WAS SPENT 7 62
4 BY 39 SHELL CASINGS ON THE FLOOR AND ALSO SPENT 40
5 CALIBER SHELL CASINGS ON THE FLOOR
- 6 Q AND THERE WAS NUMEROUS, IS THAT CORRECT?
- 7 A THAT IS CORRECT
- 8 Q DID YOU -- AFTER YOU WAS AT THE 21 RILEY ROAD
9 RESIDENCE, DID YOU OBSERVE ANY OF THE OFFICERS AFTER
10 YOUR PROTECTIVE SWEEP TAKE ANY PRECAUTION BY WEARING
11 LATEX GLOVES OR ANY FOOTWEAR OR BOOTIES BEFORE THEY
12 DEPARTED FROM THE RESIDENCE?
- 13 A I DIDN'T SEE ANYBODY
- 14 Q DID YOU -- DID YOU OBSERVE ANYBODY -- THE SUSPECT
15 IN THE AMBULANCE, DID HE HAVE SOME EMS ASSISTANTS?
- 16 A YES, SIR, HE DID
- 17 Q DO YOU RECALL WHO THE EMS ASSISTANTS WAS?
- 18 A NO, SIR
- 19 Q DO YOU RECALL WAS IT A FEMALE OR MALE OR BOTH?
- 20 A I CAN'T RECALL
- 21 Q DID AT ANY TIME THAT YOU RODE WITH HIM IN THE
22 AMBULANCE THAT YOU REQUESTED ANY BLOOD BE TAKEN FROM
23 THE SUSPECT?
- 24 A NO, SIR
- 25 Q WAS THE SUSPECT IN THE -- WHEN YOU RODE IN THE

1 AMBULANCE, WAS AT ANY TIME DID YOU OBSERVE G S R OR
2 GUNSHOT RESIDUE KIT WAS TAKEN FROM HIM AT THAT TIME?

3 A NO

4 Q DO YOU RECALL THE TYPE OF CLOTHING THAT THE
5 SUSPECT WAS WEARING BEFORE HE WAS PUT INTO THE
6 AMBULANCE -- EMS AMBULANCE?

7 A NO, SIR

8 Q WHEN YOU WAS BACK AT THE 21 RILEY ROAD RESIDENCE,
9 DID YOU TAKE NOTICE THE POSITION OF OFFICER TATE
10 HANDGUN ONCE YOU ENTER? ONCE YOU WAS INSIDE THE ROOM,
11 DID YOU OBSERVE THE LOCATION OR POSITION OF THE HANDGUN
12 IN PROXIMITY OF MR TATE OR ANYTHING TO THAT EXTENT?

13 A I BELIEVE IT WAS LAYING NEXT TO HIM

14 Q NEXT TO HIM WAS IT -- WAS IT STILL IN HIS HAND
15 OR AWAY FROM HIS HAND OR ON HIS BODY OR ---

16 A IT WAS ---

17 Q --- LIKE THAT?

18 A HE WASN'T HOLDING IT IT WAS THE RIGHT SIDE OF
19 HIM

20 Q AND THAT WEAPON, WAS IT IN THE BATHROOM OR -- OR
21 THE BEDROOM? WHERE WAS MR TATE ACTUALLY LYING AT,
22 SIR?

23 A HE WAS -- HE WAS IN THE BEDROOM, BUT HE WAS ALSO
24 RIGHT BESIDE -- I CONSIDER IT A BATHROOM SO HE WAS
25 BASICALLY IN THE BEDROOM I WOULDN'T CONSIDER IT A

1 BATHROOM

2 Q OKAY AND SO THE WEAPON THAT YOU -- WAS IT IN THE
3 BEDROOM WHEN YOU TOOK NOTICE OF IT?

4 A YES, IT WAS IN THE BEDROOM

5 Q WAS MR TATE FACE DOWN OR ON HIS BACK WHEN YOU
6 ARRIVED?

7 A FACE DOWN

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
9 YOUR HONOR

10 CROSS EXAMINATION BY MR. MURDAUGH.

11 Q WERE YOU ON DUTY WHEN THIS HAPPENED THAT YOU
12 RESPONDED?

13 A YES, SIR

14 Q OKAY, SIR AND WERE IN UNIFORM?

15 A YES SIR

16 Q ARE THOSE UNIFORMS ISSUED BY THE SHERIFF'S
17 DEPARTMENT?

18 A YES, SIR

19 Q WERE YOU WEARING SHERIFF'S DEPARTMENT ISSUED ROCKY
20 BOOTS?

21 A YES SIR

22 Q OKAY, SIR DID YOU WALK TO THE BATHROOM?

23 A YES, SIR

24 Q WAS THERE A GREAT DEAL OF BLOOD AROUND MR TATE'S
25 BODY?

1 A YES, SIR, KIND OF I WOULD SAY -- I DIDN'T LOOK,
 2 BUT I KNOW THERE WAS SOME -- THERE WAS SOME THERE, SIR
 3 Q ALL RIGHT
 4 A I DIDN'T SEE THE AMOUNT
 5 Q DO YOU RECALL A GREEN CURTAIN BEING ON THE FLOOR
 6 BETWEEN THE BATHROOM AND THE BEDROOM, IN THAT VICINITY?
 7 A NO, SIR
 8 Q OKAY, SIR IF THERE WAS ONE AND YOU HAD ON ROCKY
 9 BOOTS AND ROCKY BOOTS IMPRESSIONS WERE LEFT ON THAT
 10 CURTAIN COULD THEY HAVE BEEN MADE BY YOU?
 11 A YES, SIR
 12 MR MURDAUGH THANK YOU, SIR
 13 Q OR WOULD THEY HAVE BEEN MADE BY YOU?
 14 A YES SIR, IF I HAD STEPPED ON IT, SIR
 15 MR MURDAUGH OKAY SIR
 16 THE COURT ANYTHING ELSE?
 17 MR ALKEBULANYAHH YES, SIR
 18 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH.
 19 Q BUT ACCORDING TO YOUR RECOLLECTION, YOU DON'T
 20 REMEMBER A GREEN CURTAIN BEING OVER MR TATE OR AROUND
 21 MR TATE, IS THAT CORRECT?
 22 A THAT'S CORRECT I DO NOT REMEMBER
 23 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
 24 YOUR HONOR
 25 MR MURDAUGH YOU MAY COME DOWN

STATE VS ALKEBULANYAHH

1 (THE WITNESS LEAVES THE WITNESS STAND)
2 MR ALKEBULANYAHH YOUR HONOR
3 THE COURT YES SIR
4 MR ALKEBULANYAHH COULD I HAVE A QUICK BREAK?
5 THE COURT YES, SIR
6 LADIES AND GENTLEMEN, I'LL SEND YOU TO THE JURY
7 ROOM DO NOT DISCUSS THE CASE IN ANY WAY THANK YOU
8 VERY MUCH
9 (THE JURY RETIRES TO THE JURY ROOM AT 4 05 P M)
10 THE COURT WE'LL TAKE A SHORT BREAK, 10 MINUTES
11 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR
12 (A RECESS WAS TAKEN)
13 THE COURT YOU READY?
14 MR ALKEBULANYAHH YES SIR
15 MR MURDAUGH STATE IS
16 THE COURT BRING THE JURY IN PLEASE
17 (PAUSE)
18 THE COURT I UNDERSTAND THAT THEY ARE GOING TO
19 PICK THAT WITNESS UP FOR FRIDAY
20 MR ALKEBULANYAHH I THINK SO
21 THE COURT ALL RIGHT
22 MR KELLY YES, SIR, I BELIEVE THEY'RE ARRANGING
23 THAT
24 (THE JURY RETURNS TO THE COURTROOM AT 4 23 P M)
25 THE COURT THANK YOU PLEASE BE SEATED WE'RE

STATE VS ALKEBULANYAHH

1 READY TO PROCEED, LADIES AND GENTLEMEN

2 MR ALKEBULANYAHH DEPUTY SHERIFF KEITH GREGG

3 KEITH M GREGG, BEING FIRST

4 DULY SWORN, TESTIFIED AS FOLLOWS

5 DIRECT EXAMINATION BY MR. ALKEBULANYAHH

6 Q MR GREGG, COULD YOU STATE YOUR FULL NAME FOR THE
7 RECORD AND YOUR OCCUPATION, SIR?

8 A KEITH MICHAEL GREGG, DEPUTY SHERIFF WITH THE
9 BEAUFORT COUNTY SHERIFF'S OFFICE

10 Q MR GREGG, ON JANUARY 8 2002 DID YOU RESPOND TO
11 A CALL TO THE 21 RILEY ROAD RESIDENCE IN BURTON SOUTH
12 CAROLINA?

13 A WAS I DISPATCHED TO IT? NO, I WAS NOT

14 Q BUT WAS YOU INVOLVED IN THE SEARCH FOR SUSPECTS ON
15 THAT DAY IN THE MATTER THAT WE'RE HERE FOR TODAY?

16 A NO, I WAS NOT

17 Q WAS YOU EVER IN THE PROXIMITY OF THE SUSPECT THAT
18 WAS ALLEGEDLY APPREHENDED ON JANUARY 8, 2002?

19 A I BELIEVE SO

20 Q AT WHAT -- AT WHAT PLACE OR LOCATION YOU CAME IN
21 PROXIMITY OF THE SUSPECT?

22 A ON JOE FRAZIER ROAD, THERE'S A SMALL BRIDGE NEAR
23 BROAD RIVER BOULEVARD

24 Q DID YOU HAVE OPPORTUNITY TO SEE -- WITNESS THE
25 APPREHENSION OR WERE YOU INVOLVED IN THE DETENTION OR

STATE VS ALKEBULANYAHH

- 1 DETAINING OF MR ALKEBULANYAHH?
- 2 A NO, I WAS NOT
- 3 Q WAS ANY -- DID YOU HAVE ANY FELLOW OFFICERS RIDING
- 4 WITH YOU IN YOUR PATROL CAR OR WERE YOU RIDING ALONE?
- 5 A I WAS RIDING ALONE
- 6 Q RIDING ALONE DID YOU HAVE OPPORTUNITY TO OBSERVE
- 7 THE CLOTHING -- DESCRIPTION OF MR ALKEBULANYAHH ON
- 8 JANUARY 8?
- 9 A NO, I DID NOT
- 10 Q WAS YOU ON THE SCENE WHEN THE AMBULANCE ARRIVED?
- 11 A YES, I WAS
- 12 Q COULD YOU TELL ME WHAT DID YOU OBSERVE?
- 13 A I REALLY DIDN'T SEE TOO MUCH I SAW TWO DEPUTIES
- 14 BENT OVER A MAN I BELIEVE THEY WERE HANDCUFFING HIM
- 15 I WAS ABOUT 150 YARDS AWAY, SO I WAS UNABLE TO SEE
- 16 CLEARLY WHO THEY WERE HANDCUFFING MY MAIN JOB AT THAT
- 17 TIME WAS BLOCKING OFF TRAFFIC ON THAT ROAD, PREVENT ANY
- 18 VEHICLES FROM APPROACHING THAT SCENE
- 19 Q DID ON THAT DAY DID YOU -- WAS YOU INVOLVED IN THE
- 20 PULLING OVER OF ANY VEHICLES THAT PERHAPS COULD HAVE
- 21 BEEN INVOLVED WITH THE INCIDENT ON JANUARY 8?
- 22 A NO, I DID NOT STOP ANY VEHICLES
- 23 Q WAS YOU INVOLVED IN THE DETAINING OF ANY SUSPECTS
- 24 ON JANUARY 8, 2002?
- 25 A NOT DIRECTLY RELATED TO THIS INCIDENT, NO

1 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
2 YOUR HONOR THANK YOU, SIR
3 MR MURDAUGH I HAVE NO QUESTIONS
4 THE COURT YOU MAY STEP DOWN
5 (THE WITNESS LEAVES THE WITNESS STAND)
6 THE COURT NEXT WITNESS
7 MR ALKEBULANYAHH DEPUTY SHERIFF MIKE COLLINS
8 MICHAEL G COLLINS BEING
9 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
10 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
11 THE COURT
12 WITNESS MICHAEL GENE COLLINS
13 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
14 Q MR COLLINS ---
15 A YES SIR
16 Q --- WERE YOU INVOLVED WITH THE SEARCH OF A SUSPECT
17 ON JANUARY 8, 2002 PERTAINING TO THE MATTER THAT YOU
18 ARE HERE FOR TODAY?
19 A I RESPONDED TO ---
20 MR MURDAUGH YOUR HONOR, PLEASE ---
21 A --- 21 ---
22 MR MURDAUGH --- THIS GOES TO MY MOTION, SIR
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 Q MR COLLINS, COULD YOU TELL ME YOUR ACTIONS, YOU
2 RECALL, THAT YOU TOOK ON JANUARY 8, 2002 UPON RECEIVING
3 A CALL ABOUT THE INCIDENT AT THE 21 RILEY ROAD
4 RESIDENCE?

5 A I RESPONDED OUT ON JANUARY 8, 2002 TO RILEY ROAD
6 PRIOR TO MY ARRIVAL, CRIME SCENE TAPE HAD BEEN SET OUT
7 AROUND THE RESIDENCE, AT WHICH POINT I EXITED FROM MY
8 VEHICLE I SPOKE WITH MY STAFF SERGEANT -- STAFF
9 SERGEANT ZANELOTTI, WHO HAD MR RILEY IN HANDCUFFS AT
10 THAT POINT, AND I ESCORTED HIM BACK TO THE PATROL CAR
11 AS SOON AS I GOT IN THE PATROL CAR, HE WAS MIRANDIZED,
12 AND NO QUESTIONS WAS ASKED

13 AND AT THAT POINT, ANOTHER OFFICER -- WHICH I
14 CANNOT REMEMBER WHICH OFFICER IT WAS -- HAD BROUGHT
15 FOUR -- A FEMALE, WHO WAS -- WAS CARRYING A CLOTH OR A
16 RAG, WHICH SUPPOSEDLY HAD A SUBSTANCE ON IT WHICH WAS
17 BELIEVED TO BE BLOOD, AT WHICH POINT I WENT AHEAD AND
18 HANDCUFFED HER

19 AND INVESTIGATOR CHRIS WILSON HAD PULLED UP AT THE
20 TIME THAT SHE'S BEING HANDCUFFED, AND INVESTIGATOR
21 ARBELO AND AS SOON AS I GOT THE HANDCUFFS ON, THEN
22 SHE TOOK -- THEY TOOK CONTROL OF -- I BELIEVE IT WAS --
23 I'M WANTING TO SAY IT'S KIMBERLY BLAKE WAS THE FEMALE
24 I'M NOT POSITIVE I DID NOT I D THE FEMALE THEY
25 TOOK CONTROL OF HER

1 AT THAT POINT, I WENT OVER TO DONALDSON CAMP ROAD
2 AT THE INTERSECTION OF DONALDSON CAMP AND BROAD RIVER
3 BOULEVARD, AND STOOD PERIMETER THERE, AND DID NOT
4 PARTICIPATE IN ANYTHING ELSE UNTIL I WAS PULLED FROM
5 THE LINE MY SHIFT WAS REMOVED FROM DOING ANY FURTHER
6 ACTION FOR IMMEDIATE DEBRIEF

7 Q DID YOU EVER GET TO OBSERVE OR BE IN THE PROXIMITY
8 OF MR ALKEBULANYAHH, THE ONE THAT'S HERE TODAY
9 QUESTIONING YOU?

10 A NO, SIR

11 Q DID YOU EVER RETURN BACK OVER TO 21 RILEY ROAD
12 AREA?

13 A NO, SIR AS SOON AS I WAS RELIEVED FROM BROAD
14 RIVER BOULEVARD AND DONALDSON CAMP ROAD, WE WENT
15 THROUGH IMMEDIATE DEBRIEF, AT WHICH TIME WE WERE SENT
16 STRAIGHT HOME

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
18 YOUR HONOR

19 MR MURDAUGH I HAVE NO QUESTIONS IF YOUR HONOR,
20 PLEASE

21 THE COURT YOU MAY BE EXCUSED ANY OBJECTION TO
22 HIM BEING EXCUSED?

23 MR MURDAUGH NO, SIR, I HAVE NO OBJECTION TO
24 ANYBODY BEING EXCUSED AT THIS POINT

25 THE COURT YOU MAY BE EXCUSED, SIR THANK YOU

STATE VS ALKEBULANYAHH

1 (THE WITNESS LEAVES THE WITNESS STAND)
2 MR MURDAUGH JUDGE, OFFICER WHITE WHO TESTIFIED
3 TWO BACK WANTED TO KNOW IF HE COULD BE EXCUSED?
4 THE COURT ANY OBJECTION?
5 MR ALKEBULANYAHH I WOULD LIKE TO RESERVE THE
6 RIGHT TO ---
7 THE COURT ALL RIGHT
8 MR MURDAUGH I'LL TELL HIM, SIR
9 THE COURT ALL RIGHT LADIES AND GENTLEMEN
10 WE'RE GOING TO BREAK AT THIS POINT IF YOU PLEASE,
11 AGAIN, FOLLOW MY INSTRUCTIONS YOU MUST NOT DISCUSS
12 THIS CASE IN ANY WAY WHATSOEVER WE'LL PICK BACK UP
13 WITH TRIAL AGAIN AT 8 30 TOMORROW MORNING
14 THANK YOU VERY MUCH HAVE A GOOD NIGHT
15 (THE JURY EXITS THE COURTROOM AT 4 40 P M)
16 THE COURT ALL RIGHT BEFORE WE -- BEFORE WE GO
17 DOWN THIS PATH AGAIN, TO REVIEW THIS DISCUSSION I'M
18 NOT SURE WHERE YOU'RE GOING TO GO WITH SOME OF THESE
19 WITNESSES IN RESPONSE TO THE MOTION THAT WAS MADE
20 AND AGAIN, IT'S DIFFICULT FOR ME NOT EXACTLY KNOWING
21 YOUR THEORY OR THEORIES THAT YOU'RE PURSUING I HAVE
22 AN IDEA ABOUT WHERE YOU'RE GOING
23 BUT IF YOU ARE TRYING TO BRING OUT EVIDENCE OR IF
24 YOU'RE ATTEMPTING TO ELICIT TESTIMONY ABOUT THE GUILT
25 OF ANOTHER PERSON, IN OTHER WORDS, THIRD PARTY GUILT

STATE VS ALKEBULANYAHH

1 UNDER OUR LAW AS I INDICATED TO YOU AT SIDE BAR YOU
2 HAVE TO BE ABLE TO SHOW THE FACTS AND CIRCUMSTANCES
3 THAT WOULD CLEARLY POINT TO THAT OTHER PERSON AS THE
4 GUILTY PARTY MERE SUSPICION ALONE OR CONJECTURAL
5 INFERENCE IS NOT ENOUGH

6 DO YOU UNDERSTAND THAT?

7 MR ALKEBULANYAHH YES, SIR, PRETTY MUCH, YES,
8 SIR

9 THE COURT IT COULD BE SUCH FACTS OR
10 CIRCUMSTANCES THAT RAISE A REASONABLE INFERENCE OF
11 PRESUMPTION AS TO INNOCENCE

12 BUT IF YOU'RE JUST GOING TO TRY TO POINT -- IF THE
13 TESTIMONY IS JUST -- I'M NOT SAYING THIS IS WHAT YOU'RE
14 DOING BUT IF YOU'RE GOING TO TRY TO ELICIT TESTIMONY
15 JUST TO CALL SUSPICION ON ANOTHER PERSON, THAT'S NOT
16 ENOUGH IN OTHER WORDS THAT PERSON WAS A SUSPECT, SO
17 THEY MUST BE GUILTY YOU CAN'T DO THAT

18 DO YOU UNDERSTAND?

19 MR ALKEBULANYAHH RIGHT IT IS MY INTENTION
20 THOUGH, YOUR HONOR, TO ELICIT INFORMATION FROM
21 WITNESSES PERTAINING TO CERTAIN INDIVIDUAL -- EVIDENCE
22 THAT THE PERSON WAS INVOLVED IN THIS INCIDENT AND --
23 AND I -- I DO INTEND TO SEEK OUT, TO GET OUT MORE THAN
24 JUST A SUSPICION THAT THE PERSON WAS INVOLVED

25 THE COURT THE PERSON THAT WAS ALLEGEDLY THERE?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, THAT WAS ACTUALLY
2 THERE

3 THE COURT YOU'RE GOING TO SPECIFICALLY ASK ABOUT
4 WHAT DID THIS PERSON DO OR NOT DO OR WHAT WAS FOUND ON
5 THIS PERSON?

6 MR ALKEBULANYAHH RIGHT

7 THE COURT CAN IDENTIFY SOMEONE THAT'S ALREADY
8 BEEN PRESENTED IN THIS CASE THAT WAS PRESENT THERE OR
9 YOU BELIEVE THE TESTIMONY WILL SUGGEST THAT SOMEONE WAS
10 PRESENT THERE, I THINK THAT YOU CAN GO DOWN THAT PATH
11 I DON'T THINK -- THE STATE AGREES TO THAT, CORRECT?

12 MR MURDAUGH I AGREE WITH THAT EXCEPT, SIR, I
13 ASK THAT BEFORE THAT TESTIMONY COME OUT THAT IT BE
14 GIVEN AN IN CAMERA HEARING SO WE CAN MAKE A
15 DETERMINATION UNDER COOPER OR STATE VERSUS COOPER AS TO
16 WHETHER OR NOT IT MEETS THE CRITERIA

17 THE COURT ALL RIGHT YOU INDICATED AT SIDE BAR
18 YOU KNEW YOU WERE SUPPOSED TO ---

19 MR ALKEBULANYAHH YES SIR I DID

20 THE COURT YES, SIR

21 MR ALKEBULANYAHH YES, SIR IT WAS NOT MY
22 INTENTION

23 THE COURT I JUST WANT TO MAKE SURE YOU
24 UNDERSTAND THAT IT IS DEFINITELY LIMITED FACTS WHICH
25 ARE INCONSISTENT WITH A PERSON'S GUILT, AND MERE

STATE VS ALKEBULANYAHH

1 SUSPICION IS NOT ENOUGH TO SAY SOMEONE IS A SUSPECT,
2 THAT'S NOT ENOUGH OKAY?

3 MR ALKEBULANYAHH RIGHT RIGHT YOU KNOW, IT'S
4 MY INTENTION, MORE THAN JUST SUSPICION, BUT TO -- AS
5 YOU HAVE ASKED, IS TO BRING MORE THAN SUSPICION BUT
6 SOME ACTIONS AND EVIDENCE THAT THE PERSON IS MORE THAN
7 A SUSPICION, BUT THE PERSON IS INVOLVED BY EVIDENCE
8 THAT WOULD SHOW THE PERSON WAS ACTUALLY INVOLVED

9 MR MURDAUGH THAT'S WHAT THE IN CAMERA HEARING
10 WILL DECIDE SIR

11 THE COURT WELL, AT AN APPROPRIATE POINT, BRING
12 IT TO MY ATTENTION, BECAUSE THIS IS A DIFFICULT
13 DOCTRINE IT'S DIFFICULT FOR LAWYERS, AND THEY -- SOME
14 TIMES THIS DOCTRINE INVOLVES A FINE LINE BETWEEN THE
15 CONCEPT OF IDENTIFICATION AND THIRD PARTY GUILT SO
16 YOU DEFINITELY NEED TO APPROACH THE BENCH ON THAT

17 ALL RIGHT?

18 MR ALKEBULANYAHH YES, SIR

19 MR MURDAUGH JUDGE, I DON'T PRESUME TO -- I HAVE
20 PREPARED A MEMORANDUM WOULD THAT BE OF ANY ASSISTANCE
21 TO YOU, SIR?

22 THE COURT YOU'RE WELCOME TO SUBMIT IT I'VE
23 DEALT WITH THE ISSUE ON MANY OCCASIONS

24 MR MURDAUGH I REALLY DON'T THINK I NEED TO,
25 SIR, BUT I WAS JUST OFFERING IT IF YOU CARED TO HEAR

STATE VS ALKEBULANYAHH

1 ABOUT IT

2 THE COURT IF YOU WISH TO SUBMIT IT, ONE TO ME

3 AND SUBMIT A COPY TO THE DEFENDANT, THAT'S FINE

4 MR MURDAUGH YOU APPEAR TO UNDERSTAND THE LAW

5 EVEN BETTER THAN I DO, SIR

6 THE COURT ALL RIGHT

7 MR MURDAUGH YOUR HONOR, PLEASE, ONE LAST THING

8 -- AND THAT'S NOT HARD TO DO, SIR BUT I AM BRAGGING

9 ON YOU

10 JUDGE, ONE THING, SIR ON -- AT SOME -- AND I'VE

11 LOST ALL CONCEPT OF TIME, BECAUSE WHEN YOU WORK THIS

12 MANY DAYS IN A ROW ---

13 THE COURT I DON'T EVEN KNOW WHICH DAY IT IS

14 EITHER

15 MR MURDAUGH BUT AT SOME POINT IN TIME, YOU

16 ADMONISHED -- NOT ADMONISHED ME, YOU ASKED ME TO

17 ADMONISH MY WITNESSES NOT TO MAKE A -- SAY ANYTHING ON

18 THE STAND ABOUT A STATEMENT

19 THE COURT YES, SIR

20 MR MURDAUGH I DID THAT, SIR BUT NOW WE ARE

21 CALLING PEOPLE WHO ARE DEPUTIES, BUT I HAVE NOT

22 ADMONISHED THIS BUNCH, JUDGE

23 THE COURT I UNDERSTAND

24 MR MURDAUGH AND I JUST WANTED ---

25 THE COURT I UNDERSTAND THESE ARE PEOPLE THAT

STATE VS ALKEBULANYAHH

1 YOU DID NOT CALL?

2 MR MURDAUGH THAT'S CORRECT

3 THE COURT ALL RIGHT DO YOU UNDERSTAND THAT?

4 MR ALKEBULANYAHH COULD YOU EXPLAIN FOR ME?

5 THE COURT I INSTRUCTED HIM TO INSTRUCT THE
6 WITNESSES HE CALLED REGARDING ANY STATEMENTS THAT ARE
7 NOT TO BE DISCUSSED UNTIL SUCH TIME AS THE COURT HAD AN
8 OPPORTUNITY TO DECIDE -- JUST AS WE DID EARLIER --
9 WHETHER OR NOT THOSE STATEMENTS ARE FREELY AND
10 VOLUNTARILY MADE IN ACCORDANCE WITH JACKSON VERSUS
11 DENNO

12 NOW I JUST CONTINUE TO WARN YOU ABOUT ELICITING
13 TESTIMONY YOU GO DOWN THAT ROUTE ABOUT ELICITING
14 TESTIMONY FROM A WITNESS ON DIRECT EXAMINATION ABOUT
15 SPECIFIC STATEMENTS, THEN YOU DO SO AT YOUR OWN RISK
16 DO YOU UNDERSTAND THAT?

17 MR ALKEBULANYAHH OKAY YES, SIR

18 THE COURT BUT, ACTUALLY, I LEAVE IT UP TO YOU TO
19 DECIDE, YOU REPRESENT YOURSELF THERE MAY NOT BE ANY
20 PRACTICAL DISTINCTION AT THIS POINT, BECAUSE WE MAY
21 HAVE ALREADY DEALT WITH ALL THE STATEMENTS INVOLVED AT
22 ISSUE IN THIS CASE SO IT SEEMS TO ME THEY'RE ALL
23 ALREADY OUT BUT, I DON'T KNOW I NEVER KNOW WHAT A
24 WITNESS IS GOING TO SAY ALL RIGHT?

25 MR ALKEBULANYAHH OKAY

STATE VS ALKEBULANYAHH

1 MR MURDAUGH JUDGE, MR STONE JUST REMINDED ME
2 I MADE A MISSTATEMENT IN COURT I SAID I PREPARED A
3 MEMORANDUM HE SAYS HE DID IT, NOT ME

4 THE COURT OKAY ALL RIGHT WE WILL -- AS YOU
5 REQUESTED THE OVERNIGHT BREAK, THAT WE BREAK EARLY
6 I'VE GRANTED YOUR REQUEST THAT YOU CAN GET YOUR
7 WITNESSES LINED UP, SINCE YOU WERE NOT SURE WHEN THE
8 STATE WOULD FINISH ITS CASE

9 SO LET THE RECORD REFLECT, I GRANTED THAT REQUEST
10 OF THE DEFENDANT

11 MR ALKEBULANYAHH THANK YOU

12 THE COURT WE SHALL SEE YOU ALL TOMORROW AT 8 30
13 HAVE THE DEFENDANT HERE AT 8 00 O'CLOCK

14 PRESS, NEED TO REMIND YOU YOU SHOULD NOT COME IN
15 ONCE WE START YOU NEED TO BE SET UP BEFORE WE START
16 ALL RIGHT THANK YOU

17 (COURT IS IN RECESS)

18 (THURSDAY, OCTOBER 16, 2003)

19 THE COURT I BELIEVE THE JURY IS NOW READY TO GO,
20 IS THAT CORRECT?

21 OFFICER YES, SIR

22 THE COURT ARE YOU ALL READY TO PROCEED?

23 MR MURDAUGH THE STATE IS

24 MR ALKEBULANYAHH DEFENSE IS, YES, SIR

25 THE COURT BRING THE JURY IN PLEASE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES SIR, YOUR HONOR, I'M
2 SORRY

3 THE COURT HOLD ON THERE'S A MATTER?

4 MR ALKEBULANYAHH YES, I HAVE A MATTER THAT I
5 WANT TO BRING UP ABOUT BRINGING IN THIRD PARTY -- ABOUT
6 ALLEGING THIRD PARTY INVOLVEMENT ---

7 THE COURT YES

8 MR ALKEBULANYAHH --- SOLICIT TESTIMONY FROM
9 PARTICULAR WITNESSES THAT WILL BE COMING UP, PERHAPS
10 WE'LL GET TO TODAY

11 THE COURT YES, SIR

12 MR ALKEBULANYAHH AND I WANT TO BRING TO THE
13 COURT'S ATTENTION THAT I WAS PLANNING ON SOLICITING
14 INFORMATION FROM DEPUTY SERRATO, DEPUTY OTT, DEPUTY
15 WOODWARD DEPUTY COVINGTON, DEPUTY MONK, DEPUTY OLDS,
16 DEPUTY HOLLOWAY DEPUTY -- DEPUTY CALORE -- DAVID
17 CALORE, DEPUTY EDWARDS -- I'M SORRY, THAT'S AGENT ---

18 THE COURT WHAT IS THE NATURE OF THE TESTIMONY?
19 THAT'S -- YOU DON'T HAVE TO ---

20 MR ALKEBULANYAHH THE NATURE OF THE ---

21 THE COURT --- TELL ME WHO YOU'RE GOING TO
22 ESTABLISH IT WITH

23 MR ALKEBULANYAHH THE NATURE OF THE TESTIMONY
24 WOULD BE THE INTERVIEWS IN WHICH THEY CAME IN CONTACT
25 WITH OTHER SUSPECTS IN THE CASE, AND INTERVIEWS IN

STATE VS ALKEBULANYAHH

1 REFERENCE TO INFORMATION THAT THEY RECEIVE ABOUT OTHER
2 SUSPECTS FROM OTHER WITNESSES AND THEIR ACTIONS THAT
3 THEY TOOK ON THAT DAY INVOLVING THE INVESTIGATION
4 THE COURT OTHER SUSPECTS OR OTHER WITNESSES?
5 MR ALKEBULANYAHH OTHER SUSPECTS AND WITNESSES
6 THE COURT WELL, IF SOMEONE'S A WITNESS YOU CAN
7 ASK THEM ALL YOU WANT ABOUT THAT I DON'T HAVE ANY
8 PROBLEM WITH THAT IT'S THE SUSPECTS -- IF YOU'RE
9 TRYING TO SAY -- POINT THE FINGER AT ONE OF THOSE
10 SUSPECTS THAT'S DIFFERENT
11 MR ALKEBULANYAHH YES, SIR
12 THE COURT WE MIGHT HAVE TO DO THAT IN CAMERA
13 AND ONLY INFORMATION -- FACTS AND CIRCUMSTANCES THAT
14 TEND TO CLEARLY POINT TO THAT PERSON AS THE GUILTY
15 PARTY WOULD BE ADMISSIBLE
16 MR ALKEBULANYAHH YES, SIR
17 THE COURT DO YOU UNDERSTAND THAT?
18 MR ALKEBULANYAHH YES SIR
19 THE COURT IT'S NOT -- IT'S NOT JUST PUT SOMEONE
20 ON THE STAND FOR A FISHING EXPEDITION
21 MR ALKEBULANYAHH I'M SORRY?
22 THE COURT IT'S NOT AN OPPORTUNITY JUST TO PUT
23 SOMEONE ON THE STAND FOR A FISHING EXPEDITION
24 MR ALKEBULANYAHH NO, SIR
25 THE COURT WELL JUST OUT OF CURIOSITY, DO ALL

STATE VS ALKEBULANYAHH

1 THESE INDIVIDUALS -- DOES THIS ALL CENTER ON ONE
2 PARTICULAR PERSON OR TWO?

3 MR ALKEBULANYAHH IT CENTER AROUND TWO
4 PARTICULAR PERSONS

5 THE COURT ALL RIGHT

6 MR ALKEBULANYAHH ONE -- ONE -- ONE
7 OVERWHELMINGLY

8 THE COURT AND ALL I CAN SAY, WE JUST WANT TO DO
9 -- ARE THOSE THE FIRST INDIVIDUALS YOU'RE TALKING ABOUT
10 THAT YOU WANT TO CALL TODAY?

11 MR ALKEBULANYAHH I DON'T THINK WITHIN THE FIRST
12 THREE OR FOUR THAT'S COMING UP

13 THE COURT ALL RIGHT LET'S GO AHEAD AND START
14 WITH THE FIRST THREE OR FOUR WE'LL TAKE ONE AND SEE
15 -- GET A FEELING FOR WHAT YOU'RE TALKING ABOUT

16 BRING THE JURY IN PLEASE

17 (THE JURY RETURNS TO THE COURTROOM AT 8 50 A M)

18 THE COURT THANK YOU PLEASE BE SEATED

19 GOOD MORNING, LADIES AND GENTLEMEN

20 JURORS GOOD MORNING

21 THE COURT WE'RE READY TO PROCEED AT THIS TIME
22 CALL YOUR WITNESS PLEASE

23 MR ALKEBULANYAHH DEPUTY SHERIFF LANGFORD

24 DANIEL A LANGFORD, JR ,

25 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

2 Q MR LANGFORD, WOULD YOU STATE YOUR NAME AND
3 OCCUPATION FOR THE RECORD PLEASE, SIR?

4 A DANIEL ALLEN LANGFORD, JR , SERGEANT WITH THE
5 BEAUFORT COUNTY SHERIFF'S OFFICE

6 Q MR LANGFORD, ON JANUARY 8, 2002 IN THE MATTER
7 THAT WE'RE HERE FOR TODAY, COULD YOU STATE TO ME HOW
8 YOU BECAME INVOLVED WITH THIS INCIDENT?

9 A YES, SIR, ON JANUARY 8 I WAS IN GENERAL SESSIONS
10 COURT AND I LEFT HERE TO RESPOND TO A REPORT OF TWO
11 OFFICERS WHO HAD BEEN SHOT, AND I RESPONDED TO THE AREA
12 OF JOE FRAZIER ROAD IN REFERENCE TO A POSSIBLE SUSPECT
13 BEING LOCATED

14 Q WERE YOU RIDING ALONE OR DID YOU HAVE A PARTNER IN
15 YOUR PATROL CAR?

16 A NO, SIR I WAS RIDING ALONE

17 Q WHEN YOU ARRIVED AT THE JOE FRAZIER ROAD, COULD
18 YOU TELL ME WHAT DID YOU OBSERVE?

19 A YES, SIR THERE WAS AN AMBULANCE THERE, SEVERAL
20 MARKED PATROL CARS, AND SEVERAL CIVILIANS SCATTERED
21 ABOUT ON THE SIDE OF THE ROAD TRAFFIC HAD STOPPED DUE
22 TO THE ROAD BEING BLOCKED AND I ASSISTED IN REMOVING
23 THE TRAFFIC FROM THAT AREA

24 Q DID YOU ON THAT DAY SEARCH ANYONE -- ANY
25 PARTICULAR SUSPECTS OR PEOPLE ON THAT PARTICULAR DAY?

STATE VS ALKEBULANYAHH

1 A NOT TO MY RECOLLECTION NO, SIR, I DID NOT SEARCH
2 ANYONE

3 Q OKAY WERE INVOLVED WITH PULLING ANY CARS OVER,
4 CHECKING FOR ANY ALLEGED SUSPECTS?

5 A NO, SIR, I WAS NOT

6 Q DID YOU HAVE THE OBSERVATION -- DID YOU HAVE THE
7 TIME TO COME WITHIN PROXIMITY OF THE ALLEGED SUSPECT
8 THAT WAS BEING APPREHENDED AT THE JOE FRAZIER ROAD?

9 A NO, SIR BY THE TIME I ARRIVED ON THE SCENE,
10 MEDICS WERE ALREADY TREATING THE SUSPECT INSIDE OF THE
11 AMBULANCE, AND THE DOORS WERE SECURED ON THE AMBULANCE
12 THEY'D ALREADY CLOSED THE DOORS, AND I DID NOT BECOME
13 INVOLVED IN THAT AT ALL

14 Q WHEN YOU ARRIVED TO THE SCENE, DID YOU OBSERVE --
15 DID YOU OBSERVE ANY PARTICULAR OFFICERS THAT WAS THERE
16 WHEN YOU ARRIVED?

17 A YES SIR, THERE WERE SEVERAL THERE, ON AND OFF
18 DUTY, FROM COMMAND STAFF TO REGULAR ROAD PATROL
19 OFFICERS

20 Q COULD YOU NAME AS MANY AS YOU CAN REMEMBER THAT
21 PERHAPS WAS THERE THAT YOU CAN RECALL?

22 A AT THE TIME IT WOULD HAVE BEEN, I BELIEVE,
23 SERGEANT REYES, DEPUTY SHERIFF NIEVES, I BELIEVE THE
24 COLONEL WAS THERE, AND DEPUTY BILL GREEN WAS THERE
25 THOSE ARE THE ONES I REMEMBER RIGHT OFF THE TOP OF MY

1 HEAD

2 Q DID YOU OBSERVE THE SUSPECT BEING ABOARD
3 (PHONETIC) -- PLACED ONTO THE AMBULANCE?

4 A NO SIR AS I PREVIOUSLY STATED, WHEN I ARRIVED,
5 THE SUSPECT WAS ALREADY IN THE BACK OF A SECURED
6 AMBULANCE

7 MR ALKEBULANYAHH THANK YOU, SIR I HAVE NO
8 FURTHER QUESTIONS, YOUR HONOR

9 MR MURDAUGH I HAVE NO QUESTIONS, YOUR HONOR,
10 PLEASE

11 THE COURT YOU MAY STEP DOWN

12 (THE WITNESS LEAVES THE WITNESS STAND)

13 MR ALKEBULANYAHH DEPUTY OMAR NIEVES

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

16 OFFICER YOUR HONOR, THAT WITNESS IS NOT HERE

17 THE COURT ALL RIGHT LET'S GO TO THE NEXT
18 WITNESS PLEASE

19 MR ALKEBULANYAHH DEPUTY BENITO -- BENITO REYES
20 (PAUSE)

21 OFFICER YOUR HONOR, HE'S NOT HERE

22 MR ALKEBULANYAHH THEY WAS CONTACTED LAST NIGHT,
23 YOUR HONOR, AND WAS PERSONALLY TOLD TO BE HERE

24 THE COURT THESE PEOPLE WERE SUBPOENAED?

25 LADY YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT WE'LL TAKE A BREAK
2 SHERIFF'S OFFICE WILL HAVE TO PICK THEM UP DO YOU
3 HAVE THAT INFORMATION, YOU CAN GIVE THAT INFORMATION TO
4 THEM WHILE WE PROCEED

5 (PAUSE)

6 MR ALKEBULANYAHH YOUR HONOR, MAY WE APPROACH
7 SIDE BAR?

8 THE COURT YES

9 OFFICER YOUR HONOR, REYES IS COMING UP THE
10 STAIRS THERE'S ALSO AN OFFICER HIRS OUT HERE

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

13 MR MURDAUGH YOUR HONOR, PLEASE, EVEN THOUGH HE
14 ISN'T MY WITNESS, MR LANGFORD THAT JUST TESTIFIED,
15 COULD HE BE EXCUSED?

16 THE COURT ANY OBJECTION?

17 MR ALKEBULANYAHH THERE'S NO OBJECTION, YOUR
18 HONOR

19 MR MURDAUGH THANK YOU

20 THE COURT HE MAY BE EXCUSED

21 MR ALKEBULANYAHH DEPUTY REYES

22 BENITO REYES BEING FIRST
23 DULY SWORN, TESTIFIED AS FOLLOWS

24 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

25 Q MR REYES?

STATE VS ALKEBULANYAHH

- 1 A YES, SIR
- 2 Q COULD YOU STATE YOUR NAME AND OCCUPATION FOR THE
3 RECORD PLEASE?
- 4 A MY NAME IS BENITO REYES, AND I'M EMPLOYED BY THE
5 BLUFFTON CITY POLICE DEPARTMENT
- 6 Q MR REYES, ON JANUARY 8 2002 DID YOU HAVE
7 OCCASION TO RESPOND TO A CALL IN REFERENCE TO THIS
8 PARTICULAR CASE?
- 9 A YES, SIR, I DID
- 10 Q COULD YOU TELL ME THE ACTIONS THAT YOU TOOK THAT
11 LEAD YOU -- THAT LEAD YOUR INVOLVEMENT IN THIS CASE?
- 12 A ON THAT DAY MYSELF AND ANOTHER OFFICER WHO WAS OFF
13 DUTY WAS AT THE HARDAWAY TELEPHONE ON HIGHWAY 170 WHEN
14 I SEEN A BUNCH OF VEHICLES PASSING BY AND BLUE LIGHTS
15 AND I KNEW THERE WAS SOME PROBLEMS I CALLED DISPATCH,
16 AND THEY INDICATED THERE WAS A PROBLEM ME AND THE
17 OFFICER WHO WAS OFF DUTY WENT BACK HOME, SWITCHED
18 CLOTHES, AND WENT -- WENT TO THE SCENE
- 19 Q AND WHEN YOU SAY YOU WENT TO THE SCENE, YOU WENT
20 TO THE -- YOU SO HAPPEN TO ARRIVE AT THE 21 RILEY ROAD
21 RESIDENCE?
- 22 A NO, SIR, I DID NOT
- 23 Q OKAY YOU SPEAK OF SCENE, WHAT PARTICULAR AREA
24 DID YOU ARRIVE AT?
- 25 A THE SCENE THAT I WAS INQUIRING, WAS THE ONE ON JOE

- 1 FRAZIER ROAD IN BURTON, SOUTH CAROLINA
- 2 Q ANOTHER OFFICER WAS WITH YOU, IS THAT CORRECT?
- 3 A YES, SIR, THERE WAS
- 4 Q AND WHO WAS THAT OFFICER, SIR?
- 5 A OFFICER OMAR NIEVES
- 6 Q AND ONCE YOU ARRIVED AT THE JOE FRAZIER ROAD DID
- 7 YOU HAVE OPPORTUNITY TO OBSERVE THE ALLEGE SUSPECT AT
- 8 THE JOE FRAZIER ROAD BRIDGE?
- 9 A NO, SIR, I DID NOT
- 10 Q SO HE WAS -- THE SUSPECT HAD BEEN DEPARTED OR JUST
- 11 OFFICERS THERE?
- 12 A THERE WAS A LOT OF OFFICERS THERE I WAS NOT
- 13 CLOSE ENOUGH TO IDENTIFY ANYTHING OTHER THAN JUST THE
- 14 OTHER POLICE OFFICERS AROUND ME
- 15 Q DID YOU ON -- ON -- ON JANUARY 8 DID YOU AT ANY
- 16 TIME HAVE OPPORTUNITY TO PULL VEHICLES -- VEHICLES OVER
- 17 TO SEARCH FOR OTHER SUSPECTS IN THE CASE?
- 18 A NO, SIR, I DID NOT
- 19 Q WHEN -- THE AMBULANCE WASN'T THERE WHEN YOU
- 20 ARRIVED, IS THAT CORRECT?
- 21 A I BELIEVE THE AMBULANCE WAS ALREADY THERE BY THE
- 22 TIME I ARRIVED, YES, SIR, IT WAS
- 23 Q WHEN THE -- DID YOU ESCORT THE AMBULANCE FROM THE
- 24 JOE FRAZIER ROAD AREA?
- 25 A NO SIR, I DID NOT

1 Q DID YOU OBSERVE WHO DID?
2 A NO SIR THERE WAS A BUNCH OF PEOPLE OUT THERE
3 Q AT ANY TIME THEREAFTER DID YOU GO TO THE 21 RILEY
4 ROAD RESIDENTIAL AREA?
5 A NO SIR, I DID NOT
6 MR ALKEBULANYAHH YOUR HONOR I HAVE NO FURTHER
7 QUESTIONS THANK YOU, SIR
8 MR MURDAUGH I HAVE NO QUESTIONS, IF YOUR HONOR
9 PLEASE
10 THE COURT YOU MAY STEP DOWN
11 MR MURDAUGH MAY HE BE EXCUSED?
12 THE COURT OBJECTION?
13 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION
14 THE COURT YOU MAY STEP DOWN, SIR
15 (THE WITNESS LEAVES THE WITNESS STAND)
16 MR ALKEBULANYAHH EMS DIRECTOR WINN
17 CLERK STATE YOUR FULL NAME FOR THE COURT
18 REPORTER
19 WITNESS MY NAME IS WILLIAM WINN, JR
20 WILLIAM WINN, JR , BEING
21 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
22 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
23 Q GOOD MORNING, SIR
24 A GOOD MORNING
25 Q COULD YOU STATE YOUR NAME AND OCCUPATION FOR THE

STATE VS ALKEBULANYAHH

1 RECORD PLEASE?

2 A MY NAME IS WILLIAM WINN JR I'M DIRECTOR OF THE
3 BEAUFORT COUNTY EMERGENCY MANAGEMENT DIVISION

4 Q AND, MR WINN WOULD YOU TELL ME THE AREAS --
5 DIFFERENT DEPARTMENTS OR -- THAT YOU SUPERVISE?

6 A I SUPERVISE THE COUNTY COMMUNICATIONS SYSTEM,
7 WHICH IS THE CENTRAL DISPATCH, THE 9-1-1, THE COUNTY
8 TRAFFIC MANAGEMENT CENTER, THE COUNTY EMERGENCY
9 MANAGEMENT SEVERE WEATHER PROGRAM, HAZARDOUS MATERIALS,
10 THOSE TYPES OF THINGS

11 Q MR WINN, COULD YOU TELL ME THE POLICY OR LAW IN
12 REFERENCE TO -- IN COMMUNICATION 9-1-1 TO DISPATCHING
13 DEPUTIES OR LAW ENFORCEMENT TO ANONYMOUS CALLS?

14 A NO, SIR, I CANNOT I DON'T GET INVOLVED IN THOSE
15 DAY-TO-DAY ACTIVITIES AND THOSE ARE DIFFERENT
16 S O P 'S FOR DIFFERENT DEPARTMENTS THAT WE DISPATCH
17 FOR

18 Q SO YOUR 9-1-1 IS INVOLVED WITH THE MEDICA
19 (PHONETIC) -- JUST MEDICA (PHONETIC) SERVICES WHEN ONE
20 CALLS 9-1-1 FOR A MEDICA (PHONETIC) SERVICE?

21 A THAT'S CORRECT WE DISPATCH FOR BEAUFORT COUNTY
22 EMERGENCY MEDICAL SERVICE

23 Q WHEN YOU DISPATCH EMS WORKERS, WHAT'S THE NUMBER
24 OF DISPATCHER DO YOU NORMALLY DISPATCH OUT UPON MEDICA
25 (PHONETIC) SERVICE? EACH AMBULANCE WOULD HAVE A DRIVER

1 OR TWO MEDICA (PHONETIC) AIDS TO THAT EXTENT? IS THERE
2 CRITERIA FOR THE TYPE OF PEOPLE THAT WOULD RIDE TO
3 ASSIST WITH MEDICA (PHONETIC) AID?

4 A THE CRITERIA OF THE PEOPLE WHO STAFF TO AMBULANCE
5 IS SET BY THE COUNTY EMS DEPARTMENT, NOT BY OUR
6 DEPARTMENT

7 Q NOT BY YOUR DEPARTMENT?

8 A NO, SIR

9 Q DO YOU KNOW ON JANUARY 8, 2002 WHO WAS THE EMS
10 WORKS WHO ASSISTED AND PICKED UP AN ALLEGED SUSPECT IN
11 THE 21 RILEY ROAD INCIDENT? WOULD YOU -- WOULD YOU
12 KNOW WHO THEM PEOPLE WERE?

13 A NO, SIR, I DO NOT

14 Q IS IT POSSIBLE THAT YOU COULD GET THAT
15 INFORMATION?

16 A THAT INFORMATION WOULD BE PROCESSED BY THE
17 BEAUFORT COUNTY EMERGENCY MEDICAL SERVICE WE DON'T
18 KEEP THAT INFORMATION IN OUR -- OUR DEPARTMENT THAT I'M
19 AWARE OF

20 Q WHEN THE EMS IS DISPATCHED, DOES IT COME FROM YOUR
21 DEPARTMENT OR YOUR PARTICULAR AREA?

22 A I DON'T UNDERSTAND YOUR QUESTION

23 Q IF THE EMS -- LIKE THE EMS THE AMBULANCES, ARE
24 THEY IN A DIFFERENT AREA LOCATION THAN THE HOSPITAL OR
25 DO THEY LEAVE FROM THE HOSPITAL AND GO TO EMERGENCY

1 SERVICE OR DO THEY LEAVE FROM A PARTICULAR BUILDING OR
2 EDIFICE THAT YOU ARE DIRECTOR OVER?

3 A I'M NOT OVER THE EMERGENCY MEDICAL SERVICE I
4 DON'T PLACE THE AMBULANCE AROUND THE COUNTY THEY HAVE
5 DIFFERENT LOCATIONS THAT THEY STAGE AROUND THE COUNTY,
6 AND WE DISPATCH THE AMBULANCE NEAREST OR THE ONE
7 ASSIGNED TO THE AREA FOR RESPONSE

8 MR ALKEBULANYAHH THANK YOU, SIR I HAVE NO
9 FURTHER QUESTIONS

10 MR MURDAUGH I HAVE NO QUESTIONS MAY HE BE
11 EXCUSED?

12 MR ALKEBULANYAHH ANY OBJECTION?

13 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION

14 THE COURT YOU MAY BE EXCUSED, SIR

15 (THE WITNESS LEAVES THE WITNESS STAND)

16 THE COURT NEXT WITNESS

17 MR ALKEBULANYAHH MS SANDY GARDELLE (SIC)

18 (PAUSE)

19 JODY HIERS, BEING FIRST

20 DULY SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

22 Q GOOD MORNING, MR HIERS

23 A GOOD MORNING

24 Q COULD YOU STATE YOUR NAME AND OCCUPATION FOR THE
25 RECORD, SIR?

STATE VS ALKEBULANYAHH

1 A STAFF SERGEANT JODY HIERS I WORK FOR THE
2 BEAUFORT COUNTY SHERIFF'S OFFICE

3 Q MR HIERS, ON JANUARY 8 2002 IN THE INCIDENT IN
4 WHICH WE ARE HERE FOR TODAY COULD YOU STATE HOW YOU
5 BECAME INVOLVED IF YOU HAD ANY INVOLVEMENT IN THE
6 INCIDENT?

7 A I RESPONDED TO RILEY ROAD IN REFERENCE TO
8 PROVIDING K-9 AND TACTICAL SUPPORT IF NEEDED
9 ACTUALLY, MET MAJOR BAXLEY ON RILEY ROAD AND HE ADVISED
10 ME OF WHAT HAD OCCURRED, AND I PROVIDED MY SERVICES
11 THEREAFTER

12 Q WHEN YOU SAY YOU MET MAJOR BAXLEY AT RILEY ROAD,
13 YOU ARE SPEAKING OF AT THE 21 RILEY ROAD RESIDENCE, IS
14 THAT CORRECT?

15 A ACTUALLY, I WAS ON THE ROAD ITSELF I NEVER --
16 NEVER ENTERED 21 RILEY ROAD

17 (PAUSE)

18 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?
19 THE COURT YES

20 (PAUSE)

21 MR MURDAUGH NO OBJECTION, SIR

22 Q MR HIERS, IS THAT THIS PICTURE THAT YOU'RE
23 LOOKING AT, IS THAT DEPICTING THE 21 RILEY ROAD AND THE
24 AREA WHICH YOU RESPONDED TO?

25 A SIR, I'VE NEVER SEEN AN AERIAL VIEW OF THAT AREA

1 SO I REALLY CAN'T -- CAN'T SAY IT IS OR IT ISN'T

2 Q STATE'S EXHIBIT 10, ARE YOU FAMILIAR WITH THAT
3 PARTICULAR VIEW?

4 A THAT APPEARS TO BE A LAYOUT OF RILEY ROAD AND THE
5 AREA SURROUNDING IT

6 Q AND COULD YOU TELL ME DO YOU OBSERVE THE RILEY
7 ROAD BEING DEPICTED ON THIS PARTICULAR EXHIBIT?

8 A YES, SIR, IT IS LABELED RILEY ROAD AT THE BOTTOM
9 LEFT CORNER HERE

10 Q AND IN STATE'S EXHIBIT 10, COULD YOU POINT OUT THE
11 PARTICULAR AREA YOU WAS AT FROM THIS PARTICULAR
12 EXHIBIT?

13 A WHEN I RESPONDED?

14 Q YES, SIR

15 A I RESPONDED, AND I MET HIM SOMEWHERE ON RILEY
16 ROAD RIGHT HERE IN THE MIDDLE I WAS ACTUALLY ON THE
17 ROAD ITSELF

18 Q COULD THIS PICTURE WHAT YOU LOOKING AT BE IN
19 COMPARISON TO WHAT YOU SEE IN STATE'S EXHIBIT 10, THIS
20 TRAILER HERE, DO YOU OBSERVE THIS TRAILER IN STATE'S
21 EXHIBIT 10?

22 A THAT COULD BE THE TRAILER, YEAH

23 Q IT COULD?

24 A AGAIN LIKE I SAID, I'VE NEVER SEEN AN AERIAL VIEW
25 OF RILEY ROAD, SO I CAN'T REALLY SIT HERE AND TELL YOU

1 FOR SURE THAT THAT'S THE EXACT LOCATION I DIDN'T TAKE
2 THE PICTURE

3 Q SO WHEN YOU SAY YOU RESPONDED TO RILEY ROAD, YOU
4 DID GO INTO THE ROAD BUT YOU DIDN'T GO DOWN TO THE
5 RESIDENCE YOU WENT HALFWAY DOWN THE ROAD?

6 A CORRECT I WENT ON THE ROAD ITSELF I NEVER WENT
7 TO THE RESIDENCE

8 Q AND WHEN YOU -- WHEN YOU ARRIVED AT THE -- ON THE
9 ROAD, YOU MET WITH MAJOR BAXLEY, IS THAT CORRECT?

10 A YES, SIR

11 Q AND COULD YOU TELL US WHAT INSTRUCTIONS DID HE
12 GIVE YOU?

13 A HE ADVISED ME THAT WE HAD TWO OFFICERS THAT HAD
14 BEEN SHOT AND KILLED OFFICERS -- DEPUTIES COURSEN AND
15 TATE HE ADVISED ME THAT WE HAD ONE OR MORE SUSPECTS
16 AT LARGE AT THE TIME WE WEREN'T CERTAIN HOW MANY
17 PEOPLE WERE INVOLVED

18 Q AND WHAT WAS YOUR -- WHAT DID YOU DO AFTER HE
19 ADVISE YOU?

20 A I RESPOND TO BROAD RIVER -- BROAD RIVER ELEMENTARY
21 WHERE WE WERE SETTING UP A COMMAND POST AT THAT TIME
22 I CHANGED OUT OF MY COURT UNIFORM I WAS IN COURT AT
23 THE TIME I CHANGED INTO A FIELD UNIFORM, AND THEN
24 WAITED FOR, YOU KNOW, SOMETHING TO HAPPEN, SOMETHING TO
25 OCCUR, A SIGHTING, OR SOMETHING OF THAT NATURE

1 Q DID ANY TIME AFTER THAT YOU LEFT THE COMMAND POST?

2 A YES, SIR, I DID WE RECEIVED A REPORT ON THE
3 SHERIFF'S OFFICE RADIO THAT A WITNESS HAD OBSERVED AN
4 INDIVIDUAL ON DONALDSON CAMP ROAD THAT INDIVIDUAL WAS
5 CARRYING A GUN AND HE WAS WOUNDED THERE WERE OTHER
6 DEPUTIES ON THE SCENE I ADVISED HIM OVER THE RADIO
7 THAT I WOULD RESPOND, I WOULD BE THERE SHORTLY AT
8 WHICH TIME I DID RESPOND TO THAT AREA

9 Q WAS A DESCRIPTION GIVEN TO YOU OF THE SUSPECT
10 WEARING THE -- CARRYING THE GUN?

11 A ACTUALLY, NO, I NEVER GOT A DESCRIPTION OF WHAT
12 TYPE OF WEAPON HE WAS CARRYING AGAIN THERE WERE
13 OTHER DEPUTIES ON SCENE AT THE TIME WHEN I ARRIVED ON
14 THE SCENE, I BEGAN TO OBTAIN INFORMATION ON THAT
15 INDIVIDUAL AND AROUND THE SAME TIME IT WAS SPOTTING
16 -- ANOTHER SPOTTING OF AN INDIVIDUAL OFF OF THE WATER
17 -- IN THE WATER OFF OF JOE FRAZIER ROAD DOWN FROM THE
18 BRIDGE WHICH IS DOWN FROM BROAD RIVER BOULEVARD

19 AGAIN, I WAS THERE FOR SUPPORT AT THAT TIME I
20 RESPONDED FROM DONALDSON CAMP ROAD TO THAT AREA

21 Q WAS A DESCRIPTION GIVEN TO YOU OF -- OF ANY
22 SUSPECT CLOTHING OR WHAT THEY WAS WEARING?

23 A WHERE AT?

24 Q AT THE DONALDSON CAMP ROAD?

25 A YES, SIR THERE WAS I THINK ONE OF THE OFFICERS

1 ADVISED ME THAT ONE OF THE WITNESSES STATED THAT THE
2 SUBJECT MAY HAVE BEEN WEARING A BROWN JACKET

3 Q AND WAS YOU ADVISED WHETHER THE SUSPECT WAS
4 WALKING OR RUNNING OR ANYTHING TO THAT EXTENT?

5 A I DON'T RECALL THAT, NO, SIR

6 Q WAS YOU ADVISED THAT THIS PARTICULAR SUSPECT WAS
7 WEARING A BROWN JACKET -- WAS HE WITH SOMEONE? WAS ANY
8 INFORMATION GIVEN TO YOU ---

9 A NO SIR I DON'T RECALL THAT

10 Q SO BASICALLY YOU SAY THAT YOU JUST RECALL THAT AT
11 THAT TIME IT WAS JUST ONE PERSON, IS THAT CORRECT?

12 A THE INFORMATION I RECEIVED WHEN I ARRIVED ON THE
13 SCENE AT DONALDSON CAMP ROAD WAS, AGAIN, I WAS ONLY
14 THERE BRIEFLY THAT WAS WHAT I -- THE INFORMATION THAT
15 I RECEIVED, THAT THE INDIVIDUAL HAD A BROWN JACKET ON
16 THAT WAS ALL THEY DIDN'T GIVE ME A DESCRIPTION OF THE
17 WEAPON AT THAT TIME

18 Q BUT WAS CARRYING A WEAPON?

19 A YES, SIR

20 Q AND YOU DON'T RECALL ANY OTHER PERSONS BEING GIVEN
21 TO YOU AS FAR AS AT THAT TIME?

22 A I DON'T RECALL THAT, NO, SIR AGAIN, I WAS THERE
23 FOR SUPPORT

24 Q AND FROM THERE WHAT DID YOU DO?

25 A I RESPONDED TO THE AREA OF THE BRIDGE ON JOE

1 FRAZIER ROAD WHILE I WAS IN ROUTE THERE WAS ANOTHER
2 REPORT ON THE RADIO THAT DEPUTIES WITH THE BEAUFORT
3 COUNTY SHERIFF'S OFFICE HAD APPREHENDED A SUBJECT AT
4 THAT BRIDGE OFF JOE FRAZIER ROAD PRIOR TO MY ARRIVAL

5 Q AND ONCE YOU ARRIVED THERE, WHAT OBSERVATION --
6 WHAT THINGS DID YOU OBSERVE? WHAT WAS YOUR
7 OBSERVATION?

8 A WELL, WHEN I ARRIVED ON THE SCENE, I DID OBSERVE A
9 BLACK MALE SUSPECT HANDCUFFED ON THE GROUND AGAIN, I
10 WAS ONLY THERE BRIEFLY THAT SUSPECT I OBSERVED, I DID
11 SEE HIS FACE AND THAT SUSPECT WAS YOU, SIR YOU WERE
12 THE ONE ON THE GROUND

13 AT THAT TIME AS SOON AS I OBSERVED THAT YOU WERE
14 DETAINED, I IMMEDIATELY FOCUSED MY ATTENTION ON THE
15 WOODED AREA BETWEEN JOE FRAZIER ROAD AND DONALDSON CAMP
16 ROAD AND I ASSISTED IN CONDUCTING A SWEEP OF THAT
17 AREA, TO MAKE SURE THERE WERE NO OTHER SUSPECTS IN THAT
18 WOODED AREA, WHICH THERE WERE NOT

19 Q DO YOU REMEMBER OR NOT TRYING TO ASCERTAIN FROM
20 ANY OF YOUR SUPERIORS ABOUT THE TYPE OF WEAPONS THAT
21 WAS POSSIBLY USED IN THE ALLEGE CRIME?

22 A YES, SIR, THAT INFORMATION CAME OUT WHILE I WAS IN
23 ROUTE TO RILEY ROAD AND I BELIEVE IT WAS CAPTAIN
24 ROPER ADVISING ME OF A RIFLE -- HIGH POWERED RIFLE

25 Q WAS YOU ADVISED OF ANY TYPE OF BULLETS OR ANYTHING

1 THAT WAS -- THAT COULD HELP YOU FIGURE OUT THE TYPE OF
2 WEAPON THAT WAS USED?

3 A I DON'T RECALL THAT

4 Q DID YOU ASCERTAIN AT ANY TIME OR ASK QUESTIONS IN
5 REFERENCE TO HOW MANY DIFFERENT TYPES OF WEAPONS WAS
6 USED?

7 A NO, SIR

8 Q MR HIERS, DID YOU WRITE A INCIDENT REPORT OR
9 SUPPLEMENTAL REPORT IN REFERENCE TO YOUR ACTIONS ON
10 JANUARY 8, 2002?

11 A NO, SIR, I DID NOT

12 Q WAS YOU RIDING ALONE OR WITH A PARTNER IN YOUR
13 PATROL CAR THAT DAY?

14 A I WAS ALONE

15 Q DID YOU OBSERVE THE ACTUAL APPREHENSION OF MR
16 ALKEBULANYAHH ON THAT DAY?

17 A I DID NOT OBSERVE THE APPREHENSION AT THE TIME
18 YOUR NAME WAS TYREE ROBERTS I DID NOT OBSERVE THAT,
19 NO, SIR

20 Q HOW -- WHAT WAS THE PROXIMITY IN NEARNESS DID YOU
21 GET TO MR ALKEBULANYAHH?

22 A I WAS PROBABLY WITHIN 15 FEET

23 Q AND WAS HE HANDCUFFED AND DETAINED AT THAT TIME?

24 A YES, SIR

25 Q WAS HE -- DID YOU OBSERVE HIS ATTIRE THAT HE WAS

STATE VS ALKEBULANYAHH

1 WEARING AT THAT TIME?

2 A AT THAT TIME I DID NOT

3 Q DID YOU OBSERVE HE WAS PLACED INTO THE AMBULANCE?

4 A NO, SIR, I DID NOT

5 Q DID YOU OBSERVE A WEAPON OR ANY PROPERTY OR
6 ANYTHING BEING TAKEN OFF MR ALKEBULANYAHH BY ANY
7 DEPUTY OR ANYTHING?

8 A NO, SIR, I DID NOT

9 Q SO THAT PARTICULAR TIME THAT YOU DID WAS IN
10 PROXIMITY OF ABOUT 15 FEET OR SO FROM MR
11 ALKEBULANYAHH, THE ALLEGE SUSPECT IN THE CASE DID
12 YOU OBSERVE A FANNY PACK OR ANYTHING SPREWN (PHONETIC)
13 OUT AROUND HIM?

14 A NO, SIR, I DID NOT AGAIN, I WAS THERE ONLY
15 BRIEFLY ONCE I OBSERVED YOU WERE DETAINED, I
16 IMMEDIATELY FOCUSED MY ATTENTION ON A WOOD LINE

17 Q WHEN YOU SAY YOU MADE YOUR -- WHEN YOU WENT TO
18 SEARCH OR WHATEVER YOU DID FOR THE WOOD LINE, IS THAT
19 CORRECT, WHAT YOU SAY YOU DID IN REFERENCE TO THE WOOD
20 LINE?

21 A WE DID A SWEEP OF THE WOOD LINE

22 Q SWEEP OF THE WOOD LINE AND WHY DID YOU DO A
23 SWEEP OF THAT PARTICULAR WOOD LINE?

24 A TO ELIMINATE ANY OTHER SUSPECTS THAT MAY HAVE BEEN
25 IN THE AREA WE STILL WERE NOT ---

STATE VS ALKEBULANYAHH

1 Q WAS THERE ANY POSSIBLE EVIDENCE DISCOVERED DURING
2 YOUR SWEEP OF THE WOOD LINE?
3 A NO, SIR, NOT THAT I RECALL
4 Q DO YOU RECALL THE SUSPECT EVER MAKE ANY STATEMENTS
5 OR ANYTHING LIKE THAT?
6 A NO, SIR
7 Q DID YOU OBSERVE ANY OTHER SUSPECTS IN THE AREA AT
8 THAT TIME, ANY TYPE OF SUSPECT?
9 A NO, SIR
10 Q DID YOU OBSERVE A BLACK FEMALE BEING DETAINED WHEN
11 YOU ARRIVED AT THAT AREA?
12 A NO SIR
13 Q AFTER YOU DID YOUR SWEEP OF THE AREA, WHAT DID YOU
14 DO NEXT?
15 A AFTER WE SWEPT THAT AREA, WHICH WAS PRETTY LATE
16 THAT NIGHT, WENT BACK TO THE COMMAND POST AND I STAYED
17 THERE AND RESPONDED TO ANY CALLS THAT MAY HAVE BEEN
18 NEEDED THEY NEEDED A SWAT OR K-9, I WOULD RESPOND
19 FROM THERE
20 Q AND WHAT TIME DID YOU RELIEVE YOURSELF OR YOU
21 LEAVE -- QUIT DOING YOUR DUTIES THAT DAY?
22 A I DON'T RECALL
23 Q DID IT GO INTO THE MIDNIGHT HOURS?
24 A IT WAS LATE THAT'S ALL I CAN TELL YOU I DIDN'T
25 EVEN LOOK AT THE WATCH

1 Q DID YOU HAVE OPPORTUNITY TO OBSERVE ANY PEOPLE
2 INVOLVED IN THIS CASE, SUCH AS WITNESSES OR SUSPECTS?

3 A NOT TO MY KNOWLEDGE, NO

4 Q WHEN YOU WERE AT THE COMMAND POST, DID YOU HAVE
5 OPPORTUNITY TO OBSERVE OR SEE?

6 A NO, SIR THERE WAS A BUNCH OF PEOPLE AT THE
7 COMMAND POST

8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

9 THE COURT YES, SIR

10 MR ALKEBULANYAHH YOUR HONOR, MAY I ASK THE
11 WITNESS TO STEP DOWN

12 THE COURT YES, SIR

13 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

14 (PAUSE)

15 Q MR HIERS, COULD YOU STATE TO THE JURORS THE
16 LOCATION THAT WHEN YOU ARRIVED AT THE JOE FRAZIER ROAD
17 BRIDGE?

18 A WHEN I ARRIVED?

19 Q YES, SIR WHEN YOU FIRST ARRIVED?

20 A I REALLY DON'T SEE THE BRIDGE ON HERE BUT IT WAS
21 DOWN ON JOE FRAZIER ROAD I'M NOT CERTAIN WHERE THE
22 BRIDGE IS LOCATED I GUESS IT'S RIGHT IN HERE

23 Q IN HERE?

24 A SOMEWHERE IN THERE, THAT'S THE BRIDGE

25 Q OKAY COULD YOU IDENTIFY THE AREA IN WHICH YOU

STATE VS ALKEBULANYAHH

1 MADE A SWEEP OF?
2 A THIS AREA RIGHT HERE, ALL THE WAY DOWN TO
3 DONALDSON CAMP THIS WOODED AREA HERE
4 MR MURDAUGH YOUR HONOR, PLEASE
5 THE COURT WE CAN'T HEAR
6 WITNESS I'M SORRY
7 MR MURDAUGH YOUR HONOR, PLEASE, I THINK THE
8 JURORS ARE HAVING PROBLEMS SEEING WITH MR
9 ALKEBULANYAHH STANDING ---
10 MR ALKEBULANYAHH I'M SORRY
11 MR MURDAUGH --- BETWEEN THEM AND THE EXHIBIT
12 MR ALKEBULANYAHH I'M SORRY THANK YOU
13 THE COURT WE COULD FIND AN EASEL
14 CLERK I'LL GO GET AN EASEL
15 THE COURT WON'T IT SIT ON THAT TABLE THERE?
16 (PAUSE)
17 Q COULD YOU AGAIN TELL THE JURORS THE PARTICULAR
18 AREA THAT YOU DID A SWEEP OF?
19 A IT WAS THIS WOODED AREA RIGHT HERE, BETWEEN JOE
20 FRAZIER, DOWN TOWARDS DONALDSON CAMP ROAD, THE WHOLE
21 AREA
22 Q AND DID YOU DISCOVER A RIFLE BULLETS MAGAZINES,
23 OR ANYTHING IN THE COURSE OF YOUR SWEEP?
24 A NOT AT THAT TIME WE WERE LOOKING FOR SUSPECTS
25 WE WEREN'T PARTICULARLY LOOKING FOR ANYTHING ON THE

STATE VS ALKEBULANYAHH

1 GROUND WE WERE MAKING SURE THAT AREA WAS SECURE

2 Q AND THIS IS DONALDSON CAMP THAT YOU'RE SPEAKING OF
3 RIGHT HERE?

4 A YES, SIR, RIGHT THERE

5 Q AND YOU MADE A SWEEP FROM -- IS THIS CORRECT, FROM
6 THE JOE FRAZIER ROAD WEST, BACK WEST -- SOUTH -- SOUTH
7 WEST TO DONALDSON CAMP ROAD, IS THAT CORRECT?

8 A WE MADE A SWEEP FROM JOE FRAZIER ROAD ALL THE WAY
9 TO DONALDSON CAMP ROAD, THIS WOODED AREA BETWEEN THE
10 MARSH AND BROAD RIVER BOULEVARD

11 Q AND WOULD THAT SWEEP ALSO INCLUDED THE EVERGREEN
12 LANE AREA AT THE BROAD RIVER ELEMENTARY SCHOOL?

13 A YES, SIR, IT DID

14 Q AND YOU DISCOVERED NO OTHER SUSPECT IN THAT
15 PARTICULAR AREA?

16 A NO SIR WE DID NOT

17 Q DID YOU ENCOUNTER ANY OTHER PEOPLE, WITNESSES OR
18 ANYTHING IN THAT AREA?

19 A NOT TO MY KNOWLEDGE WE DIDN'T

20 Q AND WAS ANY OTHER DEPUTIES WITH YOU, SIR?

21 A THERE WAS QUITE A FEW

22 Q THERE WAS QUITE A FEW APPROXIMATION?

23 A AGAIN, I DON'T KNOW THERE WAS A BUNCH OF
24 OFFICERS THERE THAT NIGHT I COULDN'T TELL YOU HOW
25 MANY WERE THERE I MEAN, I COULDN'T EVEN APPROXIMATE

1 HOW MANY OFFICERS WERE ON LINE DOING THE SEARCH I WAS
2 THERE TO ASSIST

3 Q AND WHEN YOU ENDED YOUR SEARCH -- THE PARTICULAR
4 SEARCH THAT YOU WAS ON AT DONALDSON CAMP ROAD, WHAT DID
5 YOU DO -- WHERE DO YOU GO FROM THERE? WHERE DID YOU GO
6 FROM THERE?

7 A REPHRASE THAT QUESTION OR REPEAT IT I DON'T
8 UNDERSTAND WHAT YOU'RE SAYING

9 Q OKAY WHEN YOU ARRIVE, YOU START FROM THE JOE
10 FRAZIER AND MADE YOUR WAY WITH THE SEARCH DOWN TO
11 DONALDSON CAMP ROAD, WHERE DID YOU AND THE PARTICULAR
12 PEOPLE THAT YOU WAS WITH WENT FROM THERE?

13 A WHERE DID WE GO FROM THERE?

14 Q YES SIR

15 A I RECALL US DOING A GRID SEARCH DOWN THROUGH HERE
16 USING THE MARSH AS THE BOUNDARY AND IT WAS KEPT SWEEP
17 -- GAVE A SWEEP BACK AND FORTH UNTIL WE WENT TO BROAD
18 RIVER BOULEVARD

19 Q APPROXIMATELY HOW MUCH TIME DO YOU THINK ELAPSED
20 BETWEEN THE INITIAL -- LEAVING FROM JOE FRAZIER ROAD TO
21 YOUR ARRIVAL AT THE DONALDSON CAMP ROAD?

22 A SIR, I COULDN'T -- I COULDN'T GUESS I DON'T
23 KNOW I WASN'T LOOKING AT MY WATCH I WAS MORE
24 INTERESTED IN CASE THERE WERE ADDITIONAL SUSPECTS, I
25 WAS WORRIED ABOUT, YOU KNOW, MY SAFETY AND THE SAFETY

1 OF THE OTHER OFFICERS AT THE TIME

2 Q WHEN YOU MENTION SAFETY, DID YOU ANY TIME YOU --

3 WHEN YOU SAY -- DID YOU MAKE A CALL TO MR BAXLEY ABOUT

4 THE TYPES OF WEAPONS THAT WAS USED?

5 A DID I MAKE A CALL?

6 Q YES, SIR

7 A NO, SIR, I DON'T RECALL MAKING A CALL

8 MR ALKEBULANYAHH OKAY THANK YOU

9 (THE WITNESS RETURNS TO THE WITNESS STAND)

10 MR ALKEBULANYAHH YOUR HONOR I HAVE NO FURTHER

11 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL

12 THIS PARTICULAR WITNESS, SIR

13 THE COURT ALL RIGHT ANY QUESTIONS?

14 MR MURDAUGH WE HAVE NO QUESTIONS OF THIS

15 WITNESS IF YOUR HONOR, PLEASE

16 THE COURT STEP DOWN, SIR THANK YOU

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 MR ALKEBULANYAHH OMAR NIEVES

19 OMAR NIEVES, BEING FIRST

20 DULY SWORN, TESTIFIED AS FOLLOWS

21 DIRECT EXAMINATION BY MR. ALKEBULANYAHH

22 Q GOOD MORNING, MR NIEVES

23 A GOOD MORNING, SIR

24 Q COULD YOU STATE YOUR NAME AND OCCUPATION FOR THE

25 RECORD PLEASE?

STATE VS ALKEBULANYAHH

1 A MY NAME IS OMAR NIEVES OCCUPATION, FULL TIME,
2 OFFICER

3 Q MR NIEVES, ON JANUARY 8, 2002 DID YOU HAVE AN
4 OCCASION TO RESPOND TO THE INCIDENT THAT WE'RE HERE FOR
5 TODAY?

6 A I DID RESPOND

7 Q AND COULD YOU TELL US HOW YOU BECAME INVOLVED IN
8 YOUR PARTICULAR INVOLVEMENT WITH THE INCIDENT THAT
9 WE'RE HERE FOR TODAY?

10 A I WASN'T INVOLVED PRACTICALLY ANY WAY I
11 RESPONDED ONCE I GOT THERE, EVERYTHING WAS
12 CONTROLLED THEY HAD -- THEY HAD THE SITUATION UNDER
13 CONTROL, SO I DIDN'T HAVE ANY -- I DIDN'T TAKE ANY
14 ACTIONS

15 Q DID YOU SO HAPPEN TO HAVE ANY OCCASION --
16 INVOLVEMENT IN PULLING OVER CARS AND CHECKING FOR
17 SUSPECTS ON THAT DAY?

18 A NEGATIVE WHEN I RESPONDED, I WAS IN CIVILIAN
19 ATTIRE, CIVILIAN CLOTHES, SO PRACTICALLY -- I DIDN'T --
20 I DIDN'T LEAVE MY VEHICLE BECAUSE, LIKE I SAID, WE
21 HAD AMPLE CONTROL WE HAD THE SITUATION UNDER CONTROL,
22 SO I DIDN'T DO ANYTHING

23 Q AND WHEN YOU ARRIVED -- YOU ARRIVED AT THE
24 PARTICULAR AREA -- WHAT AREA WAS IT THAT YOU ARRIVED
25 TO?

1 A WELL, I -- I RESPONDED TO THE AREA WHERE THE
2 INCIDENT HAPPENED AFTER THAT ONCE I WAS GETTING CLOSE
3 TO THE AREA, THEY SAY THAT THEY HAD SEEN A SUSPECT
4 AROUND THE MARSH SOMEWHERE SO I STARTED TO HEAD THAT
5 WAY BUT ONCE I GOT CLOSE, THE RADIO CAME THAT THEY
6 ALREADY HAD HIM -- THEY HAD THE SITUATION UNDER
7 CONTROL SO AT THAT TIME I PULLED BACK THEY DIDN'T
8 NEED ME THERE SO I PULLED BACK AND I JUST STAYED IN
9 MY VEHICLE

10 Q STAYED IN YOUR VEHICLE SO YOU NEVER GOT -- YOU
11 DIDN'T GET OUT OF YOUR VEHICLE TO MAKE ANY OBSERVATION
12 OF THE ALLEGE SUSPECT AT THAT TIME?

13 A NO, I DIDN'T -- I PARKED THE VEHICLE I PARKED
14 THE VEHICLE, STOOD RIGHT NEXT TO THE VEHICLE BUT, NO,
15 I DIDN'T LEAVE THE AREA OF THE VEHICLE

16 Q AND IF I'M CORRECT, YOU DIDN'T GET WITHIN THE
17 PROXIMITY OF THE ALLEGED SUSPECT OR WHERE THE ALLEGED
18 SUSPECT THERE? ANSWER THAT QUESTION FIRST, WHEN YOU
19 ARRIVED?

20 A WELL, WHEN I -- FROM WHEN I WAS RESPONDING, I WAS
21 STANDING, I COULD SEE EMS HAD RESPONDED EMS ALREADY
22 HAD -- THEY WAS THERE AND THE SWAT TEAM WAS THERE
23 SO THEY HAD SECURED THAT AREA AND LIKE I SAID, I WAS
24 -- I WAS NOT NEEDED

25 MR ALKEBULANYAHH THANK YOU MR NIEVES, I HAVE

STATE VS ALKEBULANYAHH

1 NO FURTHER QUESTIONS, YOUR HONOR
2 MR MURDAUGH I HAVE NO QUESTIONS IF YOUR HONOR,
3 PLEASE
4 THE COURT YOU MAY STEP DOWN, SIR THANK YOU
5 (THE WITNESS LEAVES THE WITNESS STAND)
6 MR MURDAUGH MAY HE BE EXCUSED?
7 THE COURT ANY OBJECTION?
8 MR ALKEBULANYAHH YES, SIR
9 THE COURT YOU MAY BE EXCUSED, SIR
10 MR ALKEBULANYAHH I HAVE NO OBJECTION
11 (PAUSE)
12 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE A QUICK
13 BREAK, SIR?
14 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL
15 SEND YOU TO THE JURY ROOM DO NOT DISCUSS THIS CASE IN
16 ANY WAY THANK YOU VERY MUCH
17 (THE JURY RETIRES TO THE JURY ROOM AT 9 44 A M)
18 MR THORNTON YOUR HONOR, MAY I STEP OUT?
19 THE COURT YES, SIR YOU CAN TAKE A BREAK THANK
20 YOU
21 MR ALKEBULANYAHH CAN I HAVE A PERSONAL BREAK,
22 YOUR HONOR?
23 THE COURT ALL RIGHT ABOUT 10 MINUTES
24 MR ALKEBULANYAHH THANK YOU
25 (A RECESS WAS TAKEN)

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YOUR HONOR, PLEASE

2 THE COURT YES, SIR

3 MR MURDAUGH IT IS TO ME OBVIOUS THAT HE HAS NOT
4 TALKED TO SOME OF THE WITNESSES THAT HAVE BEEN PUT UP
5 LIKE MR NIEVES AND ---

6 THE COURT I DON'T MIND TAKING A BREAK IF YOU
7 WANT ---

8 MR MURDAUGH I DON'T KNOW WHETHER IT WILL DO ANY
9 GOOD, SIR, AND I LEAVE THAT TO YOUR JUDGMENT, JUDGE
10 IF IT CAN PARE IT DOWN SOME, WE'RE SAVING TIME IF IT
11 DOESN'T, THEN WE'RE WASTING TIME AND I DON'T KNOW
12 WHAT THE ANSWER IS

13 THE COURT WELL, WOULD IT BE BENEFICIAL TO YOU TO
14 TALK TO SOME OF THESE INDIVIDUALS FIRST BEFORE DECIDING
15 WHETHER YOU NEED TO CALL THEM? OR ARE YOU GOING TO
16 CALL ALL OF THEM ANY WAY?

17 MR ALKEBULANYAHH WELL, YES, SIR, IT WOULD --
18 THERE MAY BE TWO -- TWO OTHER WITNESSES THAT MAY -- YOU
19 KNOW, THAT I COULD USE THAT COULD CUT DOWN, WITH
20 CERTAIN INFORMATION THAT I HAVE COME TO SINCE HE
21 PRESENT HIS CASE THAT I MAY NEED TO ELIMINATE FROM THE
22 WITNESS LIST IF I WAS ABLE TO SPEAK TO THEM

23 THE COURT ALL RIGHT SO YOU'RE SAYING WE
24 PROBABLY WON'T SAVE ANY REAL TIME IF WE TOOK A BREAK TO
25 LET YOU TRY TO WEED OUT ANY OF THESE INDIVIDUALS I'M

STATE VS ALKEBULANYAHH

1 NOT SAYING YOU HAVE TO, I'M JUST SAYING WOULD THAT
2 HELP? IT SOUNDS LIKE YOU HAVEN'T TALKED TO SOME OF
3 THESE INDIVIDUALS

4 MR ALKEBULANYAHH GIVE ME ONE MINUTE, YOUR HONOR
5 PLEASE, SIR

6 (PAUSE)

7 MR ALKEBULANYAHH YOUR HONOR, WE CAN CARRY ON
8 THROUGH THE WITNESS LIST

9 THE COURT ALL RIGHT LET'S JUST KEEP
10 PROCEEDING I DON'T KNOW THAT IT WILL SAVE ANY TIME

11 MR ALKEBULANYAHH IT WON'T BE TOO MUCH DELAY

12 THE COURT ALL RIGHT BRING THE JURY IN

13 (THE JURY RETURNS TO THE COURTROOM AT 10 02 A M)

14 THE COURT THANK YOU PLEASE BE SEATED WE'RE
15 READY TO PROCEED, LADIES AND GENTLEMEN

16 MR ALKEBULANYAHH REGINA ALDERMAN

17 REGINA BAPTIES, BEING FIRST
18 DULY SWORN TESTIFIED AS FOLLOWS

19 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME FOR
20 THE COURT

21 WITNESS REGINA BAPTIES, R-E-G-I-N-A

22 B-A-P-T-I-E-S

23 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

24 Q GOOD MORNING, MS ALDERMAN

25 A GOOD MORNING

STATE VS ALKEBULANYAHH

1 Q COULD YOU STATE YOUR NAME AND YOUR OCCUPATION FOR
2 THE RECORD PLEASE?

3 A REGINA ALDERMAN BAPTIES, I'M A 9-1-1 DISPATCHER,
4 ASSISTANT SHIFT SUPERVISOR

5 Q WOULD YOU STATE FOR ME YOUR PARTICULAR DUTIES AS A
6 SHIFT SUPERVISOR FOR THE 9-1-1 DISPATCHERS?

7 A AS A SUPERVISOR -- EXCUSE ME -- DISPATCHER, I
8 ANSWER 9-1-1, I DISPATCH FOR POLICE, FIRE, AND EMS AS
9 A SUPERVISOR, I'M OVER THE DISPATCHERS UNDER ME OVER
10 THE SHIFT

11 Q DO YOU TEACH OTHER -- SUPERVISE OTHER DISPATCHERS,
12 INSTRUCT THEM WITHIN YOUR PARTICULAR DEPARTMENT WHERE
13 YOU WORK AT?

14 A YES, SIR

15 Q DO YOU TEACH THEM ABOUT THE -- IN AREAS OF
16 DIFFERENT TYPES OF CALLS THAT COME IN FROM MEDICA
17 (PHONETIC), TO CRIMINAL DOMESTIC VIOLENCE, TO
18 ROBBERIES, BURGLARIES AND SO FORTH LIKE THAT?

19 A YES, SIR

20 Q IS THERE DIFFERENT TYPES OF INSTRUCTIONS THAT IS
21 GIVEN FOR DIFFERENT TYPES OF CALLS THAT IS COME IN,
22 COMPLAINTS?

23 A YES, SIR

24 Q COULD YOU GENERALLY RELAY THE GENERAL TYPE OF
25 INSTRUCTIONS THAT MAY GO WITH RESPONDING TO A DOMESTIC

1 DISTURBANCE?

2 A GENERALLY, THE FIRST THING THAT WE GET IS THE
3 COMPLAINANT'S NAME WE GET THE LOCATION THEN WE GET
4 WHAT'S GOING ON, ARE THERE ANY WEAPONS IN THE HOUSE,
5 SUCH AS THAT USUALLY WE'LL STAY ON THE PHONE WITH THE
6 PERSON UNTIL THE -- UNTIL THE OFFICERS ARRIVE

7 Q AND IF YOU DOES NOT -- IS IT PERTINENT TO -- TO
8 ACQUIRE A COMPLAINANT (PHONETIC) NAME?

9 A YES

10 Q AND COULD YOU EXPLAIN WHY IS IT THAT IT IS?

11 A WE HAVE TO KNOW WHO THE CALLER IS, WHERE THE
12 COMPLAINT ORIGINATED FROM

13 Q AND HOW WOULD THAT ASSIST YOU IN THE CARRYING OUT
14 YOUR FUNCTIONS, FROM A 9-1-1 DISPATCHER FUNCTION?

15 A WELL ACTUALLY THE NAME ASSIST THE OFFICERS, WHO
16 TO SPEAK TO WHEN THEY ARRIVE ON THE SCENE

17 Q AND IS THAT A -- A FUNDAMENTAL BASIC REQUIREMENT
18 OF A DISPATCHER TO SEEK THE NAME OF THE CALLER CALLING
19 IN?

20 A YES SIR, ANY CALL

21 Q AND IN ANY CALL YES AND YOU MENTIONED ALSO TO
22 ASCERTAIN ALSO WHETHER OR NOT ANY WEAPONS IS INVOLVED
23 COULD YOU EXPLAIN WHY IS THAT PERTINENT?

24 A OFFICER SAFETY

25 Q OFFICER SAFETY?

- 1 A YES, SIR
- 2 Q AND IF A DISPATCHER UNDER YOUR SUPERVISION -- DO
- 3 MOST OF THEM TAKE THAT ADVICE FROM YOU OR IN REFERENCE
- 4 TO THEIR ACTION WHEN THEY RECEIVE CALLS TO THEM?
- 5 A YES, THEY ARE TRAINED AS CALL TAKERS WHEN THEY ARE
- 6 HIRED THEY HAVE A CALL TAKER BOOK TO FOLLOW FOR EACH
- 7 CALL
- 8 Q AND WOULD IT BE CONSIDERED UNPROFESSIONAL IF THEY
- 9 DID NOT TAKE NAMES OR ASCERTAIN WHETHER WEAPONS ARE
- 10 USED OR INVOLVED IN A CALL IN RESPONSE TO A DOMESTIC
- 11 DISTURBANCE?
- 12 A NOT NECESSARILY UNPROFESSIONAL, BUT AGAINST
- 13 POLICY
- 14 Q AGAINST POLICY AND WHEN YOU STATE AGAINST
- 15 POLICY, YOU'RE SAYING THERE IS GUIDELINES AND RULES AND
- 16 CRITERIAS THAT ALREADY BEEN ESTABLISH ABOUT THAT BASIC
- 17 FUNCTIONING OF RECEIVING CALLS THAT ALL DISPATCHERS
- 18 SHOULD HAVE LEARNED -- BEEN INSTRUCTED WHEN THEY WAS IN
- 19 TRAINING OR SCHOOL OR SOMETHING TO THAT EXTENT?
- 20 A YES, SIR
- 21 Q AND PRETTY MUCH ALL THE DISPATCHERS IN THAT
- 22 PARTICULAR AREA WITH THAT POLICY THAT YOU SPEAKING OF,
- 23 BASIC POLICY, WOULD IT BE USED THROUGHOUT THE STATE OF
- 24 SOUTH CAROLINA, DO YOU KNOW WHETHER OR NOT?
- 25 A I DON'T KNOW JUST BEAUFORT COUNTY IS ALL I CAN

1 ATTEST TO

2 Q WERE YOU WORKING ON JANUARY 8, 2002 IN REFERENCE
3 TO THE INCIDENT OF TWO DEPUTIES BEING KILLED?

4 A YES SIR

5 Q YOU WERE DID YOU TAKE ANY CALLS? WERE YOU
6 INVOLVED IN THE CALLS OR THE COMPLAINT THAT CAME IN?

7 A I HONESTLY CAN'T REMEMBER IF I ANSWERED ANY PHONE
8 CALLS, BUT I WAS WORKING THE RADIO

9 Q YOU WAS WORKING THE RADIO DO YOU RECALL ALL THE
10 DISPATCHERS THAT WAS WORKING ON JANUARY 8, 2002?

11 A I CAN PROBABLY TRY THERE WAS SO MANY PEOPLE AT
12 THAT TIME

13 Q COULD YOU GIVE ME A FEW, DO YOU REMEMBER?

14 A MYSELF MARY MANFIELD (PHONETIC) SANDY FODEL
15 (PHONETIC), JULIE THOMAS, TERRY COLEMAN THAT'S ALL I
16 CAN REMEMBER AT THIS POINT

17 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
18 THE COURT YES, SIR

19 (PAUSE)

20 MR MURDAUGH LET ME LOOK AT THIS ONE MORE TIME
21 PLEASE, SIR

22 (PAUSE)

23 MR MURDAUGH DO YOU WANT ME TO STRAIGHTEN IT OUT
24 FOR YOU?

25 MR ALKEBULANYAHH NO, SIR

STATE VS ALKEBULANYAHH

1 Q MADAM, ARE YOU FAMILIAR WITH THIS PARTICULAR
2 INFORMATION?

3 A NO I'VE NEVER SEEN IT BEFORE

4 Q IS IT -- COULD YOU READ THE FIRST PAGE AND TELL ME
5 IF THAT WOULD INDICATE ANYTHING THAT TO YOU?

6 A TRANSCRIPT OF THE RADIO TRANSMISSION OF THAT DAY,
7 JANUARY 8

8 Q AND WOULD THAT BE A TRANSCRIPT OF THE DESCRIPTION
9 -- I MEAN, THE DEPARTMENT WHERE YOU WORK AT, IS THAT
10 THE TRANSCRIPT OF THE RADIO DISPATCH?

11 A YES, IT LOOKS TO BE APPARENTLY IT'S THE 9-1-1
12 CALLS OF THAT DAY AS WELL

13 MR ALKEBULANYAHH CAN I ENTER THIS INTO
14 EVIDENCE, YOUR HONOR?

15 THE COURT ANY OBJECTION?

16 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO THE
17 INTRODUCTION INTO EVIDENCE BECAUSE IT HAS NOTATIONS ON
18 IT MADE BY SOMEBODY I HAVE NO PROBLEM WITH A CLEAN
19 COPY BEING INTRODUCED

20 THE COURT ALL RIGHT WE'LL HOLD THAT FOR NOW
21 ALLOW IT IN SUBJECT TO GETTING A CLEAN COPY

22 MR ALKEBULANYAHH YES SIR

23 THE COURT MARK THE MARKED UP COPY JUST FOR I D
24 FOR RIGHT NOW JUST SO WE WON'T FORGET ABOUT THAT

25 DEFENDANT'S 29 FOR I D FOR RIGHT NOW

STATE VS ALKEBULANYAHH

1 (TRANSCRIPT OF 9-1-1 CALL, 61 PAGES, MARKED FOR
2 IDENTIFICATION AS DEFENDANT'S EXHIBIT NO 29)
3 Q MS ALDERMAN, DO YOU RECALL WHEN YOU -- ONE OF
4 YOUR SUBORDINATES OR ONE WHEN YOU BEING SUPERVISED ON
5 THAT DAY, A MS JENNIFER KELLY DID SHE WORK FOR YOU?
6 A YES, SHE DID
7 Q AND DID SHE WORK THAT DAY ON JANUARY 8 2002, DO
8 YOU RECALL?
9 A YES, SIR
10 Q DO YOU RECALL WHETHER OR NOT SHE WAS THE ACTUALLY
11 THE ONE THAT TOOK THE CALL AT THE 21 RILEY ROAD
12 RESIDENCE?
13 A YES
14 Q SHE'S NO LONGER EMPLOYED WITH YOU?
15 A NO, SIR
16 Q COULD YOU STATE THE NATURE OF WHY SHE MAY NOT BE
17 EMPLOYED WITH YOU ANY FURTHER?
18 A I'M REALLY -- I'M NOT SURE
19 Q WAS SHE FIRED OR RELEASED?
20 A NO, SIR SHE -- SHE MOVED TO MAINE
21 Q SHE MOVED OKAY MS ALDERMAN, YOU STATED IF I'M
22 CORRECT THAT IT WAS AGAINST POLICY -- YOUR PARTICULAR
23 DEPARTMENT TO DISPATCH TO ANONYMOUS CALLS, IS THAT
24 CORRECT?
25 A NO, SIR, I DID NOT STATE THAT

STATE VS ALKEBULANYAHH

1 Q OKAY COULD YOU STATE MORE CLEARLY IN REFERENCE
2 TO THE POLICY IN REFERENCE TO ANONYMOUS CALLS?

3 A WHEN WE RECEIVE A CALL, WE HAVE TO ASK THE
4 COMPLAINANT'S NAME THEY DO NOT HAVE TO GIVE IT TO US
5 IN ORDER FOR US TO SEND AN OFFICER TO THE RESIDENCE

6 Q OKAY SO IT'S YOUR POLICY THAT WHEN YOU RECEIVE A
7 CALL THAT, THAT YOU MUST ASK THE CALLER THEIR NAME IS
8 THAT CORRECT?

9 A YES, SIR

10 Q AND THAT IS THE POLICY?

11 A YES

12 Q AND IS IT ALSO A POLICY THAT IF YOU RECEIVE A CALL
13 FROM A COMPLAINTANT (PHONETIC), THAT IT'S A POLICY THAT
14 YOU MUST ASK THE COMPLAINTANT (PHONETIC) IF ANY WEAPONS
15 INVOLVED?

16 A YES IN A CRIMINAL DOMESTIC VIOLENCE SITUATION

17 Q MS ALDERMAN, ONCE A CALL HAS CAME IN FROM --
18 LET'S SAY INVOLVING A CRIMINAL DOMESTIC VIOLENCE, ONCE
19 A CALL HAS CAME IN, IS IT THE POLICY THAT YOU ASK FOR
20 THE ADDRESS ALSO?

21 A YES

22 Q IT'S POLICY TO ASK FOR ADDRESS AND IS IT A
23 POLICY THAT YOU ASK FOR A PHONE NUMBER TO WHERE YOU CAN
24 REACH THE COMPLAINTANT (PHONETIC)?

25 A YES, SIR

1 Q IF A CALL CAME IN FOR A C D V AND DOES IT -- DOES
2 THE -- DOES YOUR EMPLOYEES AND YOURSELF -- IS IT -- IS
3 IT POLICY RELATING TO CALLING BACK TO CONFIRM WHETHER
4 OR NOT THERE IS ACTUALLY A C D V OR NOT?

5 A USUALLY WE WILL KEEP THE COMPLAINANT ON THE PHONE,
6 SO THERE WOULD BE NO NEED TO CALL BACK

7 Q SO NORMALLY YOU WOULD KEEP THE COMPLAINTANT
8 (PHONETIC) ON THE PHONE UNTIL THE OFFICERS ARRIVE?

9 A YES, SIR

10 Q AND IF THE COMPLAINTANT (PHONETIC) IS NO LONGER ON
11 THE PHONE, BUT -- GO BACK LET ME GO BACK SO IF
12 NORMALLY A POLICY IS WHEN SOMEONE CALLED IN FOR A
13 C D V -- CRIMINAL DOMESTIC VIOLENCE -- THAT THE
14 DISPATCHER KEEPS THAT INDIVIDUAL ON THE PHONE UNTIL THE
15 OFFICER ARRIVE AND THAT'S A POLICY, IS THAT CORRECT?

16 A YES UNLESS THE COMPLAINANT IS IN FEAR OF HER OWN
17 SAFETY -- HIS OR HER OWN SAFETY BY STAYING ON THE
18 PHONE, THEN WE WOULD LET THEM OFF THE LINE

19 Q THAT'S PRETTY MUCH THE ONLY WAY YOU LET THEM OFF
20 THE LINE UNLESS THE COMPLAINTANT (PHONETIC) IS IN FEAR
21 -- OKAY IF SOMEONE CALL IN BEHALF OF ANOTHER PARTY,
22 COULD YOU GENERALLY STATE TO ME THE STEPS THAT WOULD BE
23 TAKEN BY A 9-1-1 DISPATCHER?

24 A SOMEONE CALLS FOR ANOTHER PARTY WE WOULD TRY TO
25 GET THE COMPLAINANT'S NAME IF SHE WOULD -- HE OR SHE

1 WOULD OFFER IT WE WOULD GET THE ADDRESS WHERE THE
2 OFFICERS NEEDED -- WHAT HE OR SHE KNOWS ABOUT THE
3 SITUATION AND WE WOULD ASK THEM IF THEY WOULD STAY ON
4 THE PHONE, YOU KNOW SOME TIMES THEY DO SOME TIMES
5 THEY DON'T

6 Q WOULD THAT BE A POLICY ALSO THAT IS PRACTICED BY
7 THE PEOPLE IN YOUR EXPERTISE TO SOMEONE -- IF ANOTHER
8 PARTY CALLS TO ALSO KEEP THAT PARTY ON THE LINE?

9 A YES, SIR, IF THEY WOULD

10 Q AND WHAT IS THE PURPOSE -- IF YOU MAY TELL ME --
11 TO SERVE THE DISPATCHER, TO KEEP SOMEONE ON THE LINE
12 WHO HAS CALLED IN BEHALF OF ANOTHER?

13 A IN CRIMINAL DOMESTIC VIOLENCE CASES THINGS CAN
14 HAPPEN IN A SECOND SITUATIONS CAN CHANGE VERY
15 QUICKLY BY KEEPING THE COMPLAINANT ON THE PHONE, WE
16 WOULD HAVE MORE INFORMATION AS THINGS PROGRESS OR NOT
17 PROGRESS, DEPENDING ON THE SITUATION

18 Q AND IF SOMEONE CALL IN BEHALF OF ANOTHER PARTY,
19 WOULD THE -- WOULD THE CALLER BE CONSIDERED THE
20 COMPLAINTANT (PHONETIC) OR THE PERSON THAT SOMEONE
21 CALLED IN BEHALF OF THE PERSON BE THE COMPLAINTANT
22 (PHONETIC)?

23 A THE CALLER IS THE COMPLAINANT

24 Q AND IF THE CALLER IS THE COMPLAINTANT (PHONETIC),
25 IS IT -- WOULD IT BE CONSIDERED PROPER OR REGULATED

1 (SIC) THAT THE CALLER BE CONTACT BY THE OFFICER
2 INITIALLY BEFORE THEY RESPOND TO WHO THE COMPLAINANT
3 (PHONETIC) IS?
4 A NORMALLY, YES
5 Q AND SHOULD THE OFFICER BE INFORMED THAT THE --
6 THAT THE COMPLAINANT (PHONETIC) IS THE -- THE
7 DIFFERENCE BETWEEN THE COMPLAINANT (PHONETIC) AND THE
8 ONE WHO IS CALLING FOR, LET'S SAY ANOTHER PERSON,
9 SHOULD THE OFFICER HAVE THAT KNOWLEDGE ABOUT WHO IS
10 THE ---
11 A COMPLAINANT?
12 Q --- COMPLAINANT (PHONETIC), YES, THE AUTHENTIC
13 COMPLAINANT (PHONETIC)?
14 A YES
15 Q AND THAT COULD BE HELPFUL TO THE OFFICER, IS THAT
16 CORRECT?
17 A YES, SIR
18 Q AND COULD YOU MAYBE GIVE ME A EXAMPLE OF -- OF A
19 WAY THAT IT COULD BE HELPFUL TO THE OFFICER WHERE IF HE
20 KNOW THAT THE COMPLAINANT (PHONETIC) IS SOMEONE WHO'S
21 CALLING FOR SOMEONE ELSE? HOW WOULD MAYBE -- YOU KNOW,
22 THAT BE HELPFUL TO THE OFFICER FOR HIS UNDERSTANDING
23 THE SITUATION?
24 A THE OFFICERS NEED TO KNOW WHO THE COMPLAINANT IS,
25 FOR EXAMPLE, IF IT WAS A FALSE CALL WE WOULD NEED TO

1 KNOW WHO THEY NEEDED TO SPEAK TO IF SOMEONE CALLED IN A
2 FALSE CALL, WHERE THE INFORMATION ORIGINATED FROM, THE
3 OFFICERS NEED THAT INFORMATION

4 Q AND YOU SPEAK OF FALSE CALL, YOU SPEAKING OF,
5 LET'S SAY, A COMPLAINTANT (PHONETIC) OR SOMEONE WHO
6 CALL WHO MAY BE A COMPLAINTANT (PHONETIC) WHO'S CALLED
7 IN A CALL PERHAPS OF THE EVENT THAT HAS NOT REALLY BEEN
8 ESTABLISHED BY IF IT WAS PARTIES INVOLVED IN THE C D V
9 OR CRIMINAL DOMESTIC VIOLENCE?

10 A NO I'M SPEAKING OF A FALSE CALL AS WHEN SOMEONE
11 CALLS IN A CALL THAT NEVER -- DOESN'T ACTUALLY EXIST

12 Q A CALL THAT NEVER ACTUALLY EXIST?

13 A RIGHT

14 Q SO WHEN A DISPATCHER RECEIVE A CALL IN FROM A
15 COMPLAINTANT (PHONETIC) AND THE COMPLAINTANT (PHONETIC)
16 IS ONE WHO IS CALLING IN ALLEGEDLY FOR ANOTHER PARTY
17 IS NOT REALLY CONSIDERED A CRIMINAL DOMESTIC VIOLENCE
18 TYPE OF RESPONSE UNTIL AFTER THE OFFICER HAS MADE
19 CONTACT WITH THE COMPLAINTANT (PHONETIC)?

20 A NO SIR

21 Q OKAY WOULD IT BE -- IT'S NOT CONSIDERED, IS THAT
22 CORRECT?

23 A IT IS CONSIDERED IF THE COMPLAINANT CALLS IN AND
24 STATES THAT THERE IS A CRIMINAL DOMESTIC VIOLENCE
25 SITUATION, WE HAVE TO GO BY WHAT THE COMPLAINANT SAYS,

1 THEREFORE, IT IS CONSIDERED C D V AT THE MOMENT UNTIL
2 THE OFFICERS ARRIVE THERE AND DETERMINE

3 Q OKAY ANYTHING FURTHER, IS THAT CORRECT?

4 A UH-HUH

5 Q AND IF AN OFFICER RESPONDS TO A C D V TO A
6 LOCATION AND CAN'T MAKE CONTACT WITH ANYONE, WOULD THAT
7 -- WHAT WOULD BE THE STEPS THAT -- THAT WOULD -- THAT
8 YOU MAY KNOW ABOUT WHAT THE OFFICER SHOULD DO OR SHOULD
9 NOT DO IN RESPONSE TO KEEPING CLEAR COMMUNICATION
10 BETWEEN THE DISPATCHER AND HIMSELF TO GUARD THE
11 INTEGRITY OF THE CALL AND ITS RESPONSE?

12 A WELL, IF HE ARRIVES ON THE SCENE AND HE DOESN'T
13 FIND ANYTHING, NORMALLY, THEY WOULD ASK US THE
14 COMPLAINANT'S NAME AND PHONE NUMBER, WHICH IS WHY IT'S
15 IMPORTANT TO HAVE THAT INFORMATION, SO WE COULD TRY TO
16 CALL THEM BACK AND GET FURTHER INFORMATION

17 Q AND WHEN THERE'S AN ADDRESS GIVEN BY A
18 COMPLAINTANT (PHONETIC) AND THE ADDRESS IS OTHER THAN
19 THE COMPLAINTANT (PHONETIC) IS THERE A CAUTIONARY
20 MEASURE THAT IS TAKEN TO GIVE THE OFFICER TO LET THEM
21 KNOW WHETHER OR NOT THE CALL CAME FROM THAT PARTICULAR
22 RESIDENCE?

23 A WE JUST ADVISE THEM THAT THE COMPLAINANT WAS
24 CALLING FROM A SEPARATE ADDRESS THAN WHERE THE INCIDENT
25 IS OCCURRING

1 Q AND THAT'S JUST AN ADVISEMENT, NOT PART OF A
2 POLICY?

3 A WELL, YES, THAT'S THE POLICY THAT WE FOLLOW FOR
4 THAT

5 Q AND IS THAT INFORMATION CRITICAL TO ADVISE THE
6 OFFICER THAT THE COMPLAINANT (PHONETIC) DID NOT -- OR
7 DO NOT RESIDE AT THE PLACE THAT THE COMPLAINT OR THAT
8 THE ALLEGE DOMESTIC VIOLENCE OCCURRED?

9 A THE OFFICERS NEED TO KNOW THAT INFORMATION, YES

10 Q AND IF YOU COULD, COULD YOU GIVE ME A EXAMPLE OF
11 HOW THAT PARTICULAR INFORMATION CAN BE USEFUL TO THE
12 OFFICER?

13 A THE INFORMATION OF?

14 Q OF A COMPLAINANT (PHONETIC) CALLING IN AND GIVING
15 THE ADDRESS OTHER THAN THE COMPLAINANT (PHONETIC)
16 WHERE THE CRIMINAL DOMESTIC VIOLENCE IS AT?

17 A THE OFFICERS NEED TO KNOW WHERE TO RESPOND TO, SO
18 THE ADDRESS IS THE MOST IMPORTANT

19 Q THE ADDRESS IS THE MOST IMPORTANT ONCE AN
20 OFFICER ARRIVE ON A -- ON A SCENE -- ALLEGE SCENE OF A
21 CRIMINAL DOMESTIC VIOLENCE, DO THE OFFICER -- IS IT THE
22 NORMAL COURSE OF THE OFFICER TO CALL AND LET THE
23 DISPATCHER KNOW WHAT'S GOING ON ---

24 A YES

25 Q --- AT THAT PARTICULAR SCENE?

1 A YES

2 Q IS IT NORMAL FOR OFFICER TO LET THE DISPATCHER
3 KNOW IF HE'S ENCOUNTERED ANY VICTIMS OR SUSPECTS
4 INVOLVED IN THE CRIMINAL DOMESTIC VIOLENCE?

5 A YES SIR NOT ALWAYS BUT

6 Q BUT IT'S A NORMAL COURSE THAT THEY DO -- THAT THEY
7 ARRIVE AT THE RESIDENCE AND THEY WILL SAY, DISPATCH, WE
8 ARRIVE AT THE RESIDENCE WE HAVE A SUSPECT OR WE HAVE
9 A VICTIM OR WE MET THE COMPLAINTANT (PHONETIC) WOULD
10 THAT BE PERTINENT ---

11 A YES, SIR

12 Q --- FOR HIS ARRIVAL? (PAUSE) AND IS IT A NORMAL
13 COURSE AT THE DISPATCHER WHERE YOU AT THAT THAT OFFICER
14 WHEN HE ARRIVE -- IF HE ARRIVE AT A CRIMINAL DOMESTIC
15 VIOLENCE AT A RESIDENCE, THAT HE WOULD CALL IN IF HE
16 PLANS TO ENTER THE RESIDENCE?

17 A YES

18 Q (PAUSE) COULD YOU ELABORATE WHILE -- IF YOU
19 COULD POSSIBLY POINT IT FOR A DISPATCHER TO KNOW
20 WHETHER OR NOT AN OFFICER HAS ACTUALLY ENTERED INTO A
21 PREMISES OR A RESIDENCE?

22 A I REALLY CAN'T ANSWER THAT IF THE OFFICERS --
23 I'M NOT SURE EXACTLY WHAT THE OFFICERS ARE TAUGHT
24 BECAUSE I'M NOT AN OFFICER BUT, YOU KNOW, SOME TIMES
25 THEY WILL ADVISE US WHEN THEY ENTER A RESIDENCE

1 WHETHER IT'S A POLICY FOR THEM OR NOT, I CAN'T ANSWER
2 THAT

3 Q AND IT IS -- IT IS -- IT IS -- IT IS A NORMAL
4 COURSE ALSO IF THEY ENCOUNTER A VICTIM OR A
5 COMPLAINTANT (PHONETIC) THAT THEY SHOULD NOTIFY THE
6 DISPATCHER TO PRETTY MUCH START TO CURTAIL WHETHER THIS
7 IS ACTUALLY A TRUE SETTING OR THE PROBLEM BEEN RESOLVED
8 OR THERE IS NOT A LEGITIMATE COMPLAINT?

9 A AGAIN, SOME TIMES -- SOME TIMES THEY ADVISE US
10 WHEN THEY MAKE CONTACT WITH THE VICTIM, AND SOME TIMES
11 THEY DON'T IT -- IT DEPENDS ON THE SITUATION

12 Q DEPENDS ON THE SITUATION IT VARIES?

13 A RIGHT

14 Q ARE YOU FAMILIAR WITH -- ARE YOU FAMILIAR WITH THE
15 CODE WHICH IS USED BY DISPATCHERS AND OFFICER OF 10-16?

16 A YES

17 Q AND, MA'AM, COULD YOU TELL ME WHAT 10-16 WOULD
18 INDICATE?

19 A A DOMESTIC

20 Q DOMESTIC AND A 10-31?

21 A YES

22 Q COULD YOU TELL ME WHAT THAT WOULD INDICATE?

23 A IN PROGRESS

24 Q IN PROGRESS WHEN YOU MEAN IN PROGRESS, IT MEANS
25 THAT THE DOMESTIC IS ACTUALLY HAPPENING AS A PHYSICAL

1 THING OR ABSTRACT PROGRESS?

2 A 10-16 10-31 SIMPLY MEANS A DOMESTIC SITUATION IN

3 PROGRESS THERE'S NO PARTICULARS OF WHETHER IT'S

4 VERBAL OR PHYSICAL

5 Q AND THAT DETERMINED BY THE CALL THAT CAME IN

6 PRETTY MUCH, IS THAT CORRECT?

7 A YES, SIR

8 Q WHAT ABOUT THE CODE -- COULD YOU TELL ME ABOUT THE

9 NUMBER -- THE MEANING OF THE CODE 10-23?

10 A YES, SIR, THAT'S ARRIVED ON SCENE

11 Q AND THE PARTICULAR CODE 10-21?

12 A 10-21?

13 Q YES, MA'AM

14 A THAT'S A PHONE CALL

15 Q THAT'S JUST A PHONE CALL?

16 A YES SIR

17 Q WHEN YOU MEAN PHONE CALL, COMING, GOING, OR TO

18 WHAT -- COULD YOU ---

19 A IT'S JUST A PHONE CALL IT DOESN'T MATTER WHETHER

20 IT'S COMING OR GOING 10-21 JUST SIMPLY MEANS PHONE

21 CALL

22 Q OKAY SO IF I SAID 10-21 MS ALDERMAN THAT

23 WOULD MEAN PHONE CALL MADE?

24 A RIGHT

25 Q OKAY A 10-61?

- 1 A YES, THAT MEANS, ARE YOU OKAY?
- 2 Q ARE YOU OKAY AND WHAT WOULD THE CODE BE FOR I'M
- 3 OKAY?
- 4 A USUALLY WHEN WE SAY -- WHEN WE ASK 10-61 OF A
- 5 UNIT, THEY SAY, AFFIRMATIVE
- 6 Q AND A 10-95?
- 7 A 10-95 IS A PRISONER
- 8 Q A PRISONER MS ALDERMAN WHEN -- WHEN A
- 9 DISPATCHER -- WHEN A DISPATCHER GIVES INFORMATION TO A
- 10 LAW ENFORCEMENT OFFICER IN THE FIELD, THE INFORMATION
- 11 THAT THE DISPATCHER IS RELAYING TO THE OFFICER, WOULD
- 12 YOU AGREE THAT THAT INFORMATION SHOULD BE AS TRUE TO
- 13 WHAT THE DISPATCHER HAS RECEIVED FROM THE CALLER?
- 14 A YES, SIR
- 15 Q AND IS IT ETHICAL THAT A DISPATCHER SHOULD GIVE A
- 16 OFFICER A LAW ENFORCEMENT OFFICER IN THE FIELD FALSE
- 17 INFORMATION?
- 18 A NO, SIR
- 19 Q AND AT ANY TIME SHOULD A DISPATCHER GIVE A LAW
- 20 ENFORCEMENT OFFICER FALSE INFORMATION?
- 21 A NOT INFORMATION THAT THEY KNOW IS FALSE
- 22 Q (PAUSE) I'M -- I'M GOING TO GIVE YOU AN EXAMPLE
- 23 OF SOMETHING, AND I WOULD LIKE TO KNOW IF IT'S TRUE OR
- 24 CORRECT IF A INDIVIDUAL -- A COMPLAINTANT (PHONETIC),
- 25 A PERSON CALLING, THE CALLER CALLING 9-1-1 DISPATCHER

1 AND THE COMPLAINANT (PHONETIC) ALLEGE ---

2 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT AS
3 LEADING, SIR

4 THE COURT REPHRASE, COUNSEL

5 Q SHOULD A DISPATCHER GIVE A LAW ENFORCEMENT OFFICER
6 INFORMATION ABOUT A COMPLAINANT (PHONETIC) STATEMENT
7 IF ---

8 MR MURDAUGH YOUR HONOR ---

9 MR ALKEBULANYAHH I'M GOING TO REFRAIN (SIC) --
10 I'M GOING TO REFRAIN (SIC) THE QUESTION -- RETRACT
11 THAT

12 Q SHOULD A DISPATCHER ADVISE AN OFFICER THAT SOMEONE
13 MADE A COMPLAINT OR GIVE A NAME OF A PERSON THAT MADE A
14 COMPLAINT THAT DID NOT MAKE THAT COMPLAINT?

15 A WHEN A PERSON MAKES A COMPLAINT, WE GIVE THE
16 OFFICER THE COMPLAINANT'S NAME

17 Q AND IF YOU GAVE THE OFFICER SOMEBODY ELSE NAME WHO
18 DID NOT MAKE THE COMPLAINT -- THE CALL, WOULD THAT BE
19 PROPER?

20 A NO WE WOULD GIVE THE OFFICER THE COMPLAINANT'S
21 NAME

22 Q AND IF YOU DID NOT GIVE THE OFFICER THAT
23 COMPLAINANT'S NAME BUT OTHER NAME OTHER THAN THE
24 OFFICER -- IS THAT PART OF POLICY?

25 A WELL, I'M NOT SURE WHAT OTHER NAME YOU'RE SPEAKING

STATE VS ALKEBULANYAHH

1 OF IT WOULD DEPEND

2 Q IF SOMEONE WAS CALLING IN BEHALF OF ANOTHER BUT
3 THE DISPATCHER DID NOT KNOW THE NAME OF THE PERSON THAT
4 THE CALLER MADE IN BEHALF OF ANOTHER, SHOULD THE
5 DISPATCHER GIVE THE OFFICER THE NAME THAT WAS CALLED IN
6 BEHALF OF ANOTHER AS THE PERSON WHO MADE THE ORIGINAL
7 CALL?

8 A IF THE DISPATCHER DOESN'T KNOW THE NAME OF THE
9 SECOND PARTY, WOULD BE IMPOSSIBLE TO GIVE IT TO THE
10 OFFICER

11 Q IF THE DISPATCHER USED THE CODE 10-17 AND THAT
12 IS ---

13 A THAT IS A COMPLAINANT

14 Q --- A COMPLAINTANT (PHONETIC) -- IF THE DISPATCHER
15 SAID A 10-17 STATED THIS AND THAT INFORMATION IS
16 UNTRUE, SHOULD A DISPATCHER GIVE THAT INFORMATION AS A
17 10-17 IF THE 10-17 DID NOT?

18 A THE DISPATCHER'S JOB IS TO GIVE THE OFFICER THE
19 INFORMATION THAT THE 10-17 GIVES US IT IS NOT OUR JOB
20 TO DETERMINE WHETHER THE 10-17 IS TELLING THE TRUTH OR
21 LYING

22 Q A DISPATCHER SHOULD NEVER GIVE A LAW ENFORCEMENT
23 OFFICER A FALSE COMPLAINTANT (PHONETIC) -- WOULD YOU
24 AGREE WITH THAT?

25 A THE DISPATCHER CAN ONLY GIVE THE OFFICER THE

1 INFORMATION THE COMPLAINANT GIVES, WHETHER IT'S FALSE
2 OR NOT, IT'S NOT UP TO THE DISPATCHER TO DETERMINE

3 Q SHOULD A DISPATCHER GIVE A NAME TO A COMPLAINANT
4 (PHONETIC) WHO HAS NOT MADE A COMPLAINT?

5 MR MURDAUGH YOUR HONOR, PLEASE, THIS HAS BEEN
6 ASKED AND ANSWERED SEVERAL TIMES SIR

7 MR ALKEBULANYAHH NO, SIR, YOUR HONOR I WAS
8 TRYING TO GET TO A PARTICULAR ABOUT A DISPATCHER

9 THE COURT YOU'RE ASKING IF A DISPATCHER
10 SHOULD GIVE A -- DO SOMETHING IF SOMEONE HAS NOT
11 MADE A COMPLAINT THOUGH -- IS THAT WHAT YOUR QUESTION
12 IS?

13 MR ALKEBULANYAHH RIGHT IF A PERSON HAS NOT
14 MADE A COMPLAINT -- THE PERSON HAS NOT MADE A COMPLAINT
15 AND A DISPATCHER GIVES THE NAME OF A PERSON WHO MADE A
16 COMPLAINT BUT THAT PERSON HAS NOT MADE A COMPLAINT BUT
17 TOLD THE OFFICER THAT A COMPLAINT WAS MADE FROM THAT
18 PARTICULAR PERSON

19 THE COURT I THINK IT'S CONFUSING THE WAY YOU'VE
20 ASKED IT I SUSTAIN THE OBJECTION TO THE QUESTION GO
21 AHEAD

22 MR ALKEBULANYAHH YES, SIR THANK YOU

23 Q IF A COMPLAINER ALLEGES THAT THERE IS A VICTIM AT
24 A CERTAIN LOCATION, SHOULD THE DISPATCHER ADVISE A
25 OFFICER THAT THE VICTIM MADE THE COMPLAINT?

1 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
2 THAT QUESTION AS BEING ASKED AND ANSWERED

3 MR ALKEBULANYAHH IT HAVEN'T BEEN ANSWERED, YOUR
4 HONOR

5 THE COURT ALL RIGHT GO AHEAD, I'LL ALLOW IT

6 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

7 A I'M SORRY WOULD YOU REPEAT THE QUESTION?

8 Q IF A COMPLAINTER (PHONETIC), A CALLER -- ONE WHO
9 MAKES THE CALL TO THE DISPATCH, GIVES THE NAME OF AN
10 ALLEGE VICTIM OTHER THAN HIM OR HERSELF, SHOULD THE
11 DISPATCHER GIVE THE NAME OF THE ALLEGE VICTIM TO THE
12 OFFICERS AS THE COMPLAINANT (PHONETIC)?

13 A NO WE WOULD GIVE THE ALLEGED VICTIM'S NAME TO
14 THE OFFICER AS WELL AS THE COMPLAINANT'S NAME IT'S
15 TWO DIFFERENT -- TWO DIFFERENT PEOPLE

16 Q (PAUSE) SHOULD A DISPATCHER ATTRIBUTE TO --
17 ATTRIBUTE TO AN ALLEGED VICTIM THE STATEMENT OF A
18 COMPLAINANT (PHONETIC)?

19 A I'M SORRY I DON'T UNDERSTAND YOUR QUESTION

20 Q SHOULD A DISPATCHER ATTRIBUTE THE WORDS OF A
21 COMPLAINTER (PHONETIC) TO A ALLEGE VICTIM?

22 A ARE YOU ASKING IF WE SHOULD TELL THE VICTIM WHAT
23 THE COMPLAINANT STATED ABOUT HIM OR HER?

24 Q OR SHOULD YOU TELL THE LAW ENFORCEMENT OFFICER
25 INFORMATION FROM THE COMPLAINANT (PHONETIC) AS THOUGH

STATE VS ALKEBULANYAHH

1 THE VICTIM SAID IT?

2 A NO

3 Q THE ALLEGE VICTIM SAID IT?

4 A NO

5 Q (PAUSE) AND I JUST WANT TO CONFIRM THIS IS IT
6 AGAINST THE POLICY OF THE 9-1-1 DISPATCHER OFFICE TO
7 DISPATCH TO ANONYMOUS CALLS, IS THAT CORRECT?

8 A NO

9 Q IT'S NOT COULD YOU EXPLAIN?

10 A WE DISPATCH CALLS TO ANYBODY THAT CALLS IN A
11 COMPLAINT IF A PERSON CALLS IN AND COMPLAINS ABOUT
12 SOMETHING, WE HAVE TO -- IT'S OUR JOB TO SEND OFFICER,
13 POLICE, FIRE, EMS, WHOEVER THEY'RE ASKING FOR

14 Q AND EVEN IF YOU DON'T GET A NAME FROM THE PERSON
15 THAT MADE THE CALL IS THAT CORRECT?

16 A RIGHT

17 Q AND FROM THERE IT WOULD BE AN INVESTIGATIVE
18 PURPOSE IF YOU HAVE NO NAME?

19 A IT WOULD BE CONSIDERED JUST LIKE ANY OTHER CALL
20 WHETHER IT HAS A NAME OR NOT OUR PURPOSE IS TO SERVE
21 THE CITIZENS OF BEAUFORT COUNTY IF THEY CALL AND HAVE
22 A COMPLAINT, WE HAVE TO CALL AND SEND SOMEONE TO ASSIST
23 THEM

24 MR ALKEBULANYAHH MS ALDERMAN, THANK YOU VERY
25 MUCH THAT'S ALL MY QUESTIONS

STATE VS ALKEBULANYAHH

1 CROSS EXAMINATION BY MR. MURDAUGH.

2 Q MS ALDERMAN -- NOT MS ALDERMAN MS ---

3 A BAPTIES

4 Q --- BAPTIES IF EVERYTHING YOU ALL DID THAT DAY
5 WAS TOTALLY AND COMPLETELY AGAINST POLICY ON THE
6 DISPATCHER, WOULD THAT EXCUSE SOMEBODY FROM KILLING THE
7 TWO OFFICERS ---

8 MR ALKEBULANYAHH OBJECTION ---

9 Q --- IN AMBUSH?

10 MR ALKEBULANYAHH --- YOUR HONOR

11 A NO

12 THE COURT I SUSTAIN THE OBJECTION

13 MR MURDAUGH NO FURTHER QUESTIONS

14 THE COURT DISREGARD THAT, LADIES AND GENTLEMEN
15 YOU MAY STEP DOWN MA'AM

16 (THE WITNESS LEAVES THE WITNESS STAND)

17 MR ALKEBULANYAHH YOUR HONOR, I ASK THAT WITH
18 THAT OBJECTION, THAT AN INSTRUCTION BE GIVEN TO THE
19 JURORS

20 THE COURT I JUST DID I TOLD THEM TO DISREGARD
21 THAT STATEMENT STRIKE THE QUESTION AND ANSWER

22 IN CASE YOU COULDN'T HEAR ME, DISREGARD THAT LAST
23 QUESTION AND ANSWER, LADIES AND GENTLEMEN

24 CALL YOUR NEXT WITNESS

25 MR ALKEBULANYAHH MY NEXT WITNESS IS DR

STATE VS ALKEBULANYAHH

1 NORCROSS

2 THE COURT DOES ANYONE NEED A BREAK ON THE JURY?

3 ALL RIGHT KEEP GOING

4 EDWARD DOUGLAS NORCROSS,

5 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

7 Q GOOD MORNING, MR NORCROSS -- DR NORCROSS

8 A GOOD MORNING

9 Q ON JANUARY 8, 2002 -- BEFORE I GO THERE, COULD YOU
10 STATE FOR THE RECORD YOUR NAME AND YOUR OCCUPATION,
11 SIR?

12 A EDWARD DOUGLAS NORCROSS N-O-R-C-R-O-S-S I'M THE
13 MEDICAL DIRECTOR OF THE TRAUMA SERVICES AT THE MEDICAL
14 UNIVERSITY OF SOUTH CAROLINA, PHYSICIAN

15 Q MR NORCROSS, ON JANUARY 8, 2002, DID YOU SO
16 HAPPEN TO DO SURGERY OR WORK ON -- UNDER THE NAME --
17 WELL YES, THE NAME -- BECAUSE I DON'T KNOW THE NAME
18 THAT THE INDIVIDUAL WAS BROUGHT TO THE HOSPITAL UNDER
19 -- EITHER NZURI BATH ALKEBULANYAHH?

20 A RIGHT THAT'S THE NAME THAT WE WERE GIVEN,
21 CORRECT

22 Q THAT THE NAME YOU GIVEN

23 A NZURI -- SOMETHING I CAN'T PRONOUNCE

24 Q NZURI BATH ALKEBULANYAHH AND THAT WAS A MALE, IS
25 THAT CORRECT?

STATE VS ALKEBULANYAHH

1 A CORRECT

2 Q AND WHAT DATE WAS IT THAT YOU DID THE SURGERY?

3 A LET ME CHECK THE RECORDS TO BE SURE I'M 100
4 PERCENT ACCURATE HERE

5 Q TAKE YOUR TIME

6 A THIS INDIVIDUAL CAME IN ON THE 8TH TO THE I C U
7 AND THEN ON THE 9TH -- RIGHT ON THE 9TH, ACTUALLY,
8 THE FOLLOWING DAY IS WHEN WE DID A MINOR PROCEDURE,
9 TAKE -- CLOSE UP ONE OF THE GUNSHOT WOUNDS THAT THIS
10 PATIENT HAD

11 Q AND WHAT (SIC) WERE THOSE GUNSHOT WOUNDS LOCATED?

12 A ONE WAS IN THE LEFT SHOULDER THE ENTRY WOUND WAS
13 JUST ABOVE THE CLAVICLE -- THE COLLAR BONE, AND THEN
14 THE BULLET ITSELF WAS LODGED IN WHAT WE CALL THE
15 ACROMIAL CLAVICULAR JOINT IT'S WHERE THE COLLAR BONE
16 JOINS THE SHOULDER BLADE OVER ON THE LEFT, UP HERE

17 AND THEN THERE WAS A SECOND GUNSHOT WOUND, WAS
18 SUPERFICIAL, BASICALLY AN ENTRANCE AND EXIT -- IN AND
19 OUT THROUGH THE RIGHT -- AREA OF THE RIGHT HIP, JUST
20 SUPERFICIAL IN THE FAT

21 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

22 THE COURT YES, SIR

23 Q (PAUSE) MR NORCROSS -- DR NORCROSS, ON
24 DEFENDANT'S EXHIBIT 27, IS THIS THE INDIVIDUAL THAT YOU
25 DID THE SURGERY ON JANUARY 8, THAT WAS BROUGHT TO THE

1 HOSPITAL IN CHARLESTON?

2 A IT CERTAINLY LOOKS LIKE THE PERSON WE OPERATED ON
3 IT'S BEEN, WHAT, A YEAR, YEAR AND A HALF BUT THAT
4 CERTAINLY LOOKS LIKE WHO I REMEMBER

5 Q THAT'S THE WAY -- THAT'S THE WAY YOU REMEMBER THE
6 PERSON?

7 A THAT'S THE WAY I REMEMBER THE PERSON

8 MR ALKEBULANYAHH YOUR HONOR, MAY I ALLOW THE
9 JURY TO SEE?

10 THE COURT OKAY

11 (PAUSE)

12 Q DR NORCROSS, ON JANUARY 8, 2002 TO ENCOUNTER THE
13 -- THE PATIENT AT THAT TIME, WAS THERE ANY OTHER
14 INJURIES THAT THE PATIENT SUSTAINED OTHER THAN THE ---

15 A WELL ---

16 Q --- GUNSHOT?

17 A --- THE GUNSHOT WOUNDS -- NOW THE SUPERFICIAL ONE
18 THROUGH THE HIP WAS NOTHING THE ONE IN THE SHOULDER
19 AREA, I BELIEVE ACTUALLY FRACTURED THE CLAVICLE AND
20 BROKEN THE COLLAR BONE ON THE LEFT SIDE BUT OTHER
21 THAN THAT, NO, NO THAT WAS IT

22 Q AND WHAT DATE WAS THE PATIENT RELEASED FROM YOUR
23 CARE?

24 A HE WAS ADMITTED ON THE 8TH AND THEN DISCHARGED
25 BASICALLY ON THE MORNING OF THE 9TH I THINK IT WAS

STATE VS ALKEBULANYAHH

1 BEFORE NOON ON THE 9TH -- SOME TIME ON THE 9TH

2 Q DO YOU HAVE ANY KNOWLEDGE OF WHERE HE WAS
3 DISCHARGED TO?

4 A NOT PERSONAL I UNDERSTAND HE WAS DISCHARGED IN
5 THE CUSTODY OF POLICE BUT I DIDN'T WITNESS THAT
6 MYSELF I WOULD ASSUME THAT

7 MR ALKEBULANYAHH THANK YOU, DR NORCROSS I
8 HAVE NO OTHER QUESTIONS

9 CROSS EXAMINATION BY MR MURDAUGH.

10 Q DOCTOR, YOU TESTIFIED HE HAS TWO BULLET WOUNDS?

11 A CORRECT

12 Q ONE A THROUGH AND THROUGH ON THE RIGHT HIP?

13 A CORRECT

14 Q ONE A WOUND TO THE LEFT SHOULDER?

15 A CORRECT

16 Q YOU DID NOT STATE WHETHER OR NOT YOU HAD X-RAYED
17 HIM TO DETERMINE WHETHER OR NOT THAT BULLET WAS STILL
18 IN HIM?

19 A WE DON'T HAVE ANY X-RAYS AT MUSC SYSTEM --
20 ACTUALLY CHECKED THAT THIS MORNING SO WE MAY HAVE
21 GOTTEN SOME FROM BEAUFORT WHERE HE WAS ORIGINALLY SEEN,
22 BUT I DON'T RECALL THEM I DON'T RECALL WHAT THEY
23 SHOWED

24 Q YOU DON'T RECALL WHETHER THERE WAS A BULLET STILL
25 IN HIM?

STATE VS ALKEBULANYAHH

1 A THE DOCUMENTATION SAYS THE BULLET IS LOCATED IN
2 THE ACROMIAL CLAVICULAR JOINT SO I WOULD ASSUME THE
3 BULLET WAS STILL IN HIM AT THAT POINT BUT, AGAIN, I
4 HAVEN'T -- I DON'T RECALL PERSONALLY WHERE THAT WAS

5 Q DO YOU RECALL WHETHER OR NOT YOU REMOVED THAT
6 BULLET FROM HIM?

7 A I CAN CHECK THAT OUT OF THE RECORDS

8 Q PLEASE DO, DOCTOR

9 A (PAUSE) I DON'T HAVE ANY NOTE THAT I WROTE
10 SAYING THAT I REMOVED THAT BULLET WE DID CLOSE THE
11 WOUND, THE ENTRANCE WOUND WE DIDN'T -- ON THE LEFT
12 SHOULDER, WE DIDN'T REMOVE THE BULLET BY ANY RECORD
13 THAT I HAVE

14 Q DOCTOR IF YOU HAD REMOVED THE BULLET, WOULDN'T
15 YOUR RECORDS REFLECT THAT YOU HAD DONE IT?

16 A NOT ONLY THAT, BUT WE WOULD HAVE MAINTAINED A
17 CHAIN OF CUSTODY ON THE BULLET AS WELL

18 Q SO YOU DID NOT REMOVE IT?

19 A NOT THAT I HAVE ANY RECOLLECTION OR KNOWLEDGE OF

20 Q I HAVE ONE OTHER QUESTIONS, SIR YOU STATED THAT
21 YOU RECOGNIZED A PICTURE AND SAID THAT IT APPEARED TO
22 BE A PICTURE OF THE PERSON YOU WORKED ON?

23 A THAT'S CORRECT AND, UNDERSTAND, I SAW HIM A YEAR
24 AND A HALF AGO FOR BRIEFLY

25 Q I UNDERSTAND DOES THAT FELLOW RIGHT YONDER LOOK

STATE VS ALKEBULANYAHH

1 LIKE THE FELLOW YOU WORKED ON?

2 A LOOKS LIKE THE FELLOW I WORKED ON

3 Q DO YOU RECALL WHETHER OR NOT HE HAD FACIAL HAIR AT
4 THE TIME YOU OPERATED ON HIM OR NOT, SIR?

5 A I DON'T RECALL THAT

6 MR MURDAUGH THANK YOU, SIR

7 THE COURT ANYTHING ELSE?

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

9 THE COURT MAY HE BE EXCUSED?

10 MR MURDAUGH I HAVE NO OBJECTION TO THE WITNESS
11 BEING EXCUSED

12 MR ALKEBULANYAHH YES, SIR

13 THE COURT YOU MAY BE EXCUSED

14 WITNESS THANK YOU

15 (THE WITNESS LEAVES THE WITNESS STAND)

16 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE A QUICK
17 BREAK, SIR?

18 THE COURT LADIES AND GENTLEMEN, I'LL GO AHEAD

19 AND GIVE YOU YOUR MORNING BREAK PLEASE DO NOT DISCUSS

20 THIS CASE IN ANY WAY THANK YOU VERY MUCH

21 (THE JURY RETIRES TO THE JURY ROOM AT 11 05 A M)

22 THE COURT WE'LL TAKE A BREAK

23 (A RECESS WAS TAKEN)

24 THE COURT ARE YOU READY?

25 MR MURDAUGH THE STATE IS

STATE VS ALKEBULANYAHH

1 THE COURT DEFENSE?

2 MR ALKEBULANYAHH YOUR HONOR, I HAVE A IN CAMERA
3 MATTER AND I WOULD LIKE TO OFFER TO THE COURT REASONS
4 TO -- I INTEND TO CALL INTO QUESTION A THIRD PARTY AS
5 BEING INVOLVED IN THIS AND IT IS MY INTENTION THAT I
6 MYSELF WILL TESTIFY TO THIS THIRD PARTY BEING INVOLVED

7 THE COURT SO YOU'RE TALKING ABOUT IN YOUR
8 TESTIMONY?

9 MR ALKEBULANYAHH YES, SIR

10 THE COURT AND YOU'RE GOING TO TESTIFY ABOUT
11 SOMEONE BEING THERE?

12 MR ALKEBULANYAHH YES, SIR

13 THE COURT WELL, THERE'S NO -- I DON'T ---

14 MR MURDAUGH I DON'T THINK THAT WOULD APPLY TO
15 HIM TESTIFYING

16 THE COURT I DON'T HAVE A PROBLEM WITH THAT

17 MR ALKEBULANYAHH AND, THEREFORE, I ASK THAT THE
18 COURT -- BY BRINGING TO THE COURT'S ATTENTION THAT MY
19 TESTIMONY IN REFERENCE TO THIS PARTY BEING THERE AND
20 BEING -- AND HAVING INVOLVEMENT IN -- IN THE DEATH OF
21 OFFICER COURSEN AND TATE THAT I ASK THE COURT TO ALLOW
22 THAT I SOLICIT ANY INFORMATION FROM WITNESSES THAT WILL
23 BE CALLED IN REFERENCE TO THIS PARTICULAR PARTY
24 INTERVIEWS STATEMENTS, AND ETCETERA, IN RELATION TO
25 THIS PARTICULAR PARTY

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 MR MURDAUGH I'M NOT SURE I UNDERSTAND EXACTLY
3 WHAT HE SAID BUT IF, YOUR HONOR, PLEASE, EVEN IF HE
4 GOT UP AND SAID THAT ELIZABETH SMITH SHOT AND KILLED
5 THE TWO OFFICERS, THAT WOULD -- STILL WOULD NOT ALLOW
6 HIM TO PUT OTHER PEOPLE UP ON MERE SUSPICION THAT
7 SOMEBODY HAD DONE THIS

8 THE COURT BUT HE'S GOING TO ASK THEM WHAT THEY
9 -- IF THEY HAD ANY CONVERSATIONS WITH THESE INDIVIDUALS
10 OR WHATEVER -- THE NORMAL COURSE OF INVESTIGATION I'M
11 NOT SURE -- WHAT ARE YOU TRYING TO DO WITH THAT OTHER
12 INDIVIDUAL INSOFAR AS ---

13 MR ALKEBULANYAHH JUST BRING OUT THE GENERAL
14 ABOUT HIS INVOLVEMENT AND YOU KNOW, REVEAL TO THE
15 COURT YOU KNOW TO THE JURORS AND EVERYBODY HIS
16 INVOLVEMENT AND THE TESTIMONY AS OTHER OFFICERS HAS
17 CAME AND GAVE FORTH THROUGHOUT THE PROCEEDING IN
18 REFERENCE TO PEOPLE THAT THEY WAS SEEKING OR SPEAKING
19 TO OR INVESTIGATING

20 THE COURT YOU MEAN, IF THAT OTHER PERSON TALKED
21 TO SOMEONE?

22 MR ALKEBULANYAHH IF THE OTHER PERSON TALKED TO
23 SOMEONE, IF THE OTHER PERSON WAS DETAINED, THEIR --
24 THEIR PARTICULAR CONTACT, WHAT DID THEY DO WITH
25 INFORMATION THAT THEY HAD IN GENERAL

STATE VS ALKEBULANYAHH

1 THE COURT YOU'RE WANTING TO DO THAT PERSON AFTER
2 OR BEFORE YOU TESTIFY?

3 MR ALKEBULANYAHH SIR?

4 THE COURT WELL, WILL THAT PERSON COME BEFORE OR
5 AFTER YOU TESTIFY?

6 MR ALKEBULANYAHH THAT PERSON WILL COME BEFORE I
7 TESTIFY

8 THE COURT AND YOU'RE GOING TO ASK THEM WAS --
9 DID THEY ASCERTAIN THAT SOMEONE ELSE WAS THERE?

10 MR ALKEBULANYAHH YES, YOU KNOW, ASCERTAIN, YOU
11 KNOW, WHETHER SOMEONE ELSE WAS THERE OR DID --

12 THE COURT WELL, THAT'S AN APPROPRIATE QUESTION
13 TO INDICATE WHO MIGHT HAVE BEEN THERE YOU CAN DO
14 THAT ALL RIGHT WHAT ELSE?

15 MR ALKEBULANYAHH AND, YOU KNOW, WHAT THEY --
16 YOU KNOW WHAT THEY -- WHAT -- WHAT HAPPENED IF THEY
17 ENCOUNTER THAT PERSON I DON'T KNOW WHAT HAPPENED,
18 WHAT -- YOU KNOW WHAT ACTIONS WAS TAKEN I DON'T KNOW
19 IF THEY TALK OR DRINK TOGETHER, OR WHATEVER YOU KNOW,
20 HAVE A CIGARETTE TOGETHER I JUST WANT TO ASCERTAIN,
21 YOU KNOW ---

22 THE COURT WELL, YOU CAN ASK THEM ---

23 MR ALKEBULANYAHH --- I MEAN, I'M BLIND

24 THE COURT YOU CAN ASK THEM IF THEY KNOW THAT
25 PERSON

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH RIGHT AND I JUST WANT TO,
2 YOU KNOW, ASK THEM, YOU KNOW DID THAT PERSON TELL THEM
3 ANYTHING OR, YOU KNOW, CONFESS TO THEM ANYTHING, OR
4 WRITE ANY STATEMENTS ABOUT ANYTHING, YOU KNOW, JUST
5 GENERAL

6 THE COURT IF THEY MADE A STATEMENT YOU SHOULD
7 HAVE THAT STATEMENT

8 MR ALKEBULANYAHH YES, I DO HAVE A STATEMENT TO
9 PARTICULAR PEOPLE THAT THIS PERSON ENCOUNTERED BUT
10 ALL THE PEOPLE THAT THEY -- THIS PERSON DIDN'T MAKE A
11 STATEMENT TO EVERY PERSON THAT I INTEND TO SOLICIT
12 INFORMATION ABOUT SO, YOU KNOW, THERE'S PEOPLE THAT'S
13 GOING TO COME UP THAT HAD CONTACT WITH THE PERSON THAT
14 THIS PERSON DIDN'T MAKE STATEMENT TO EVERYBODY THAT HE
15 ENCOUNTER SO YOU KNOW THE PERSONS HE DID MAKE
16 STATEMENT TO IS -- QUITE NATURALLY, I'M GOING TO ASK
17 THEM ABOUT THAT

18 THE COURT WELL, WHY DON'T YOU CALL THAT PERSON
19 AND LET'S SEE LET ME JUST GET AN EXAMPLE OF WHAT
20 YOU'RE PLANNING ON DOING IS THE PERSON HERE?

21 MR ALKEBULANYAHH THE OFFICER?

22 THE COURT YES

23 MR ALKEBULANYAHH YES, SIR

24 THE COURT WELL, CALL THE PERSON

25 MR ALKEBULANYAHH I WANT TO CALL DEPUTY OTT

STATE VS ALKEBULANYAHH

1 DAVID W OTT, BEING FIRST
2 DULY SWORN, TESTIFIED AS FOLLOWS
3 THE COURT PLEASE STATE YOUR NAME FOR THE RECORD
4 WITNESS DAVID OTT, O-T-T
5 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?
6 THE COURT YES, SIR

7 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

8 Q MR OTT, COULD YOU STATE YOUR NAME AND OCCUPATION
9 FOR THE RECORD PLEASE?

10 A DAVID OTT I'M DETECTIVE SERGEANT WITH BEAUFORT
11 CITY POLICE DEPARTMENT

12 Q COULD YOU TELL ME YOUR INVOLVEMENT IN THE MATTER
13 ON JANUARY 8, 2002 INVOLVING THE INCIDENT OF TWO
14 BEAUFORT COUNTY SHERIFF'S DEPUTIES BEING KILLED?

15 A I RESPONDED OUT THERE AFTER THE INITIAL CALL CAME
16 OUT AND AIDED IN THE PERIMETER SEARCH I LATER WAS
17 MOVED TO THE ENTRANCE OF BROAD RIVER ELEMENTARY SCHOOL
18 WHERE I WORKED THE COMMAND POST -- VEHICLES COMING IN
19 AND OUT WHO AND WHAT AND I WAS LATER ASKED TO GO
20 INTO BROAD RIVER ELEMENTARY SCHOOL AND AID IN INTERVIEW
21 OF A YOUNG MAN BY THE NAME OF BOBBY RIGSBY (SIC) IN
22 REFERENCE TO SHOTS THAT HE STATED HE HEARD

23 Q AND COULD YOU STATE THE TYPE OF INFORMATION THAT
24 YOU RECEIVED FROM THIS INTERVIEW?

25 A YES SIR THE SHERIFF'S DEPARTMENT RELAYED TO ME

STATE VS ALKEBULANYAHH

1 THAT THEY HAD INFORMATION THAT BOBBY RIGSBY (SIC) HAD
2 MADE A COMMENT TO SOME FRIENDS OF HIS THAT HE KNEW WHAT
3 HAPPENED, THAT HE WAS THERE WE ALSO HAD INFORMATION
4 OF A SUBJECT ALSO ALLEGEDLY TRYING TO JUMP IN A TRUCK
5 AT THE NICKEL PUMPER HE WAS BROUGHT TO BROAD RIVER
6 ELEMENTARY SCHOOL, AT WHICH TIME I WAS ASKED TO
7 INTERVIEW WITH MATT AVERILL

8 IN THE INTERVIEW WITH BOBBY RIGSBY (SIC), HE
9 STATED THAT HE WAS WALKING DOWN RILEY ROAD, SEE SOME
10 FRIENDS ---

11 MR MURDAUGH YOUR HONOR, PLEASE, I DON'T THINK
12 IT'S OF NECESSITY, BUT I'M GOING TO OBJECT TO THIS AS
13 BEING HEARSAY, SIR FOR THE PURPOSES OF THIS HEARING
14 I HAVE NO PROBLEM

15 THE COURT ALL RIGHT

16 A HE STATED JUST THAT HE WAS STARTING TO ROUND THE
17 CURVE ON RILEY ROAD HE NOTICED A PATROL CAR PARKED,
18 AT WHICH TIME HE HEARD NUMEROUS SHOTS RING OUT AND HE
19 RAN FROM THE AREA, BACK INTO THE -- I BELIEVE BROAD
20 RIVER ESTATES, AND SAT THERE FOR A WHILE THEN HE SAID
21 HE STARTED WALKING BACK TOWARDS THE RILEY ROAD, TO SEE
22 WHAT HAPPENED AND HE NOTICED A DEPUTY STOPPING -- A
23 POLICE OFFICER WAS HIS WORD -- A CAR WITH A BLACK
24 FEMALE, TALKING WITH THEM UPON WALKING FURTHER, HE
25 WAS STOPPED IN THE ROAD BY A WHITE VAN, A FRIEND OF

1 HIS, AND WAS TOLD THAT HE HAD LEARNED THAT SOME
2 OFFICERS WERE SHOT WITH A K 47

3 HE ASKED HOW HE KNOW THAT

4 HE GOES HIS FRIEND HAD A SCANNER AND HE WAS ABLE
5 TO -- HEARD -- HEARD THE POLICE TALKING ABOUT IT ON THE
6 RADIO

7 HE ALSO WAS ASKED WHAT KIND OF GUNSHOT THAT IT
8 SOUND LIKE HE HEARD

9 AND HE TOLD ME IT WAS A K 47 WHEN HE WAS
10 QUESTIONED AS TO HOW HE RECOGNIZED A K 47 HE SAYS
11 FAMILY WAS MILITARY AND HE GREW UP WITH THEM

12 BASICALLY, HE SAID HE ONLY HEARD ONE DISTINCT
13 SOUND OF A GUN

14 I ASKED HIM IF IT WAS MULTIPLE GUNSHOTS
15 HE SAID HE COULDN'T TELL

16 Q AND WAS ANY FARTHER INTERVIEW DONE WITH MR RIGBY?

17 A NOT BY ME I DO NOT KNOW OF ANYBODY ELSE THAT
18 INTERVIEWED HIM

19 MR ALKEBULANYAHH YOUR HONOR, FOR THE PURPOSE OF
20 THIS HEARING, MR -- MR -- DEPUTY OTT HAS -- I THINK
21 THAT I SHOULD BE ABLE TO QUESTION HIM ON LINE OF HIS
22 INTERVIEW WITH WITNESSES INVOLVED IN THIS PARTICULAR
23 INCIDENT HE DID A INTERVIEW AND I THINK THAT IT
24 SHOULD BE ALLOWED -- DEFENSE SHOULD BE ALLOWED TO
25 QUESTION HIM ABOUT PEOPLE HE CAME IN CONTACT WITH THAT

1 WAS AT THE 21 RILEY ROAD SCENE

2 THE COURT ALL RIGHT SIR?

3 MR MURDAUGH I DON'T DISAGREE THAT HE HAS A
4 RIGHT TO ASK HIM IF HE MADE CONTACT WITH HIM, SIR BUT
5 I WILL OBJECT TO ANY STATEMENT THAT HE TESTIFIES TO AS
6 BEING HEARSAY

7 THE COURT YES, I SUSTAIN THAT

8 MR ALKEBULANYAHH AND YOU SPEAKING, YOUR HONOR
9 -- IS HE SPEAKING IN REFERENCE TO THE STATEMENT OR MR
10 RIGBY HIMSELF OR THE INTERVIEW?

11 THE COURT ANYTHING THAT -- NOT THE FACT THAT AN
12 INTERVIEW TOOK PLACE YOU CAN ASK THAT, DID HE
13 INTERVIEW HIM BUT WHAT HE SAID IN THE INTERVIEW YOU
14 HAVE THE RIGHT TO CALL HIM FIRST -- MR RIGBY THEN
15 YOU CAN ASK THIS OFFICER ABOUT ANY STATEMENTS HE MADE
16 TO HIM

17 (PAUSE)

18 THE COURT ANYTHING FURTHER?

19 MR ALKEBULANYAHH I WOULD LIKE -- CAN I GET IN
20 -- TAKE THE ADVICE OF THE COURT ---

21 THE COURT THAT'S NOT ADVICE

22 MR ALKEBULANYAHH WELL, I WOULD LIKE TO BE ABLE
23 TO ---

24 THE COURT YOU HAVE TO DECIDE YOUR OWN PROCEDURE
25 MR ALKEBULANYAHH TO CALL MR RIGBY IN -- FIRST,

STATE VS ALKEBULANYAHH

1 COULD I HAVE A MOMENT WITH MY DEFENSE?

2 THE COURT GO AHEAD

3 YOU MAY STEP DOWN SIR WAIT BACK OUTSIDE

4 (THE WITNESS LEAVES THE WITNESS STAND)

5 (PAUSE)

6 THE COURT ARE YOU READY?

7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

8 THE COURT SO HOW ARE YOU PROCEEDING?

9 MR ALKEBULANYAHH I HAVE MY INVESTIGATOR GOING

10 TO MAKE A CALL TO GET IN CONTACT WITH MR RIGBY TO SEE

11 CAN WE GET HIM DOWN HERE

12 THE COURT DO YOU WANT TO HELP WITH SOMEONE ELSE

13 AT THIS POINT?

14 MR ALKEBULANYAHH YES, SIR, I WOULD

15 THE COURT DID YOU NOTIFY YOUR INVESTIGATOR WHAT

16 I SAID? YOU ALL NEED TO GET SOME OF THESE PEOPLE HERE

17 MR ALKEBULANYAHH YES, SIR YES, SIR, I DID

18 YES SIR, I SURE DID

19 THE COURT DO YOU HAVE SOMEONE ELSE THAT CAN

20 TESTIFY NOW?

21 MR ALKEBULANYAHH YES, SIR I DO

22 THE COURT ALL RIGHT WHO?

23 MR ALKEBULANYAHH MR OTIS IVY

24 THE COURT DOES THIS PERTAIN TO THIS ISSUE THAT

25 WE'RE DEALING WITH?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO, SIR
 2 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
 3 (THE JURY RETURNS TO THE COURTROOM AT 11 40 A M)
 4 THE COURT THANK YOU PLEASE BE SEATED CALL
 5 YOUR NEXT WITNESS
 6 (PAUSE)
 7 OTIS IVY, BEING FIRST DULY
 8 SWORN, TESTIFIED AS FOLLOWS
 9 MR ALKEBULANYAHH MAY I, YOUR HONOR?
 10 THE COURT YES, SIR
 11 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
 12 Q GOOD MORNING, MR IVY
 13 A GOOD MORNING
 14 Q I NEED TO GET SOME INFORMATION IN REFERENCE TO ---
 15 MR MURDAUGH YOUR HONOR, PLEASE, HE NEEDS TO ASK
 16 A QUESTION
 17 THE COURT ASK A QUESTION
 18 Q ON JANUARY 8 2002 COULD YOU TELL ME WHERE YOU WAS
 19 AT THAT EVENING?
 20 A I WAS AT CHARLESTON ALL DAY I GOT BACK AT THE
 21 GARDNER'S CORNER AREA AROUND 3 30-ISH 3 30, 3 40,
 22 SOMEWHERE AROUND THERE
 23 Q AND WHEN YOU GOT BACK, YOU MEAN, YOU RETURNED TO
 24 THE BEAUFORT COUNTY AREA, IS THAT CORRECT?
 25 A COMING -- COMING IN ON 21

STATE VS ALKEBULANYAHH

1 Q AND WHAT DID YOU DO FROM THERE?

2 A WE CALLED OUR HOUSE AT THAT TIME WITH THE CELL

3 PHONE, AND WE SPOKE TO OUR SON WE HAD TO CHECK ON A

4 COUPLE ITEMS

5 Q AND WHAT DID YOU DO FROM THERE?

6 A WE WENT TO OUR HOUSE

7 Q AND DO YOU KNOW APPROXIMATELY WHAT TIME YOU WENT

8 TO YOUR HOUSE?

9 A AROUND 4 00 O'CLOCK, 3 45, 4 00 O'CLOCK, IN THAT

10 AREA

11 Q AND WHEN YOU ARRIVED TO YOUR HOME WHAT DID YOU DO

12 FROM THERE?

13 A WE PICKED UP OUR GRANDDAUGHTER OUR SON SUPPOSED

14 TO HAVE PICKED HER UP FROM THE BUS IN FRONT OF THE

15 HOUSE

16 Q YES, SIR

17 A AND WE STAYED AT THE HOUSE FOR MAYBE 45 MINUTES OR

18 SO THEN WE TOOK THE GRANDCHILD, MY WIFE AND MYSELF,

19 WE WENT TO TAKE THE GRANDCHILD HOME WE WENT TO THE

20 NAVAL HOSPITAL TO PICK UP A PRESCRIPTION AND WENT TO

21 CAPTAIN D'S TO PICK UP SOME FOOD AND WE RETURNED

22 HOME

23 Q WHEN YOU RETURNED HOME, WHO WAS AT YOUR HOME WHEN

24 YOU RETURNED?

25 A OUR SON

1 Q AND DID YOU HAVE ANY OTHER PEOPLE AT YOUR HOME
2 THAT DAY?

3 A WE HAD -- I HAD A BROTHER-IN-LAW AND SISTER-IN-
4 LAW

5 Q AND WHAT WAS THE OCCASION THEY BEING AT YOUR HOME
6 ON THAT DAY?

7 A THEY JUST DROPPED IN TO CHECK ON US

8 Q AND DID ANYTHING ODD HAPPEN THAT DAY WHILE YOU,
9 YOUR WIFE, AND YOUR SON, AND YOUR IN-LAWS WAS AT YOUR
10 RESIDENCE ON JANUARY 8?

11 A WE HAD AN INCIDENT AT THE HOUSE WE HAD A PICKUP
12 TRUCK THAT MY SON WAS IN CHARGE OF PARKED NEXT TO THE
13 SIDE OF OUR HOUSE IT'S ABOUT 25 OR 30 FEET FROM THE
14 STREET MY SON GOT ME UP OUT OF THE BED TO CHASE THIS
15 VEHICLE SOMEONE HAD -- HE SAID SOMEONE HAD STOLEN
16 THIS VEHICLE OUT OF THE YARD -- HELP HIM, YOU KNOW,
17 CHASE THIS VEHICLE, AND WE DID

18 Q AND WHAT -- WAS YOU ABLE TO LOCATE THAT VEHICLE?

19 A YES, WE RAN DOWN AT LOWE'S -- LOWE'S PARKING LOT

20 Q LOWE'S PARKING LOT?

21 A UH-HUH

22 Q AND WHAT DID YOU OR YOUR SON DO FROM THERE?

23 A WELL, WHILE THE VEHICLE WAS PARKED, THEY TOWED THE
24 VEHICLE -- MY SON GOT OUT AND CLIMBED UP IN THE BACK OF
25 THE TRUCK AND BROKE THE WINDOW TO RETRIEVE HIS GOODS

- 1 Q AND WHAT HAPPENED FROM THERE?
- 2 A WE DROVE AROUND AND WE WOUND UP ON THE ROAD -- THE
- 3 BACK ROAD TO PARRIS ISLAND AT A GAS STATION
- 4 Q WOULD THAT BE 170?
- 5 A I BELIEVE IT IS
- 6 Q OKAY
- 7 A ANYWAY, WHILE HE WAS MAKING A PHONE CALL, THE
- 8 POLICE START -- CITY POLICE STARTED TO ARRIVE -- WELL,
- 9 SLIGHTLY AFTER HE MADE THE CALL HE'D GOTTEN BACK IN
- 10 THE PICKUP AND WE WERE HEADED OUT AND THE POLICE
- 11 BLOCKED US AND THAT'S WHEN THEY TOOK US IN CUSTODY
- 12 Q AND WHEN YOU SAY BLOCKED YOU, YOU MEAN THEY
- 13 PREVENTED YOU FROM BEING ABLE TO DEPART FROM THAT
- 14 PARTICULAR AREA?
- 15 A RIGHT
- 16 Q AND WHEN YOU SAY TAKEN INTO CUSTODY, DO YOU MEAN
- 17 THAT THEY PUT YOU IN THE PATROL CARS?
- 18 A RIGHT
- 19 Q AND WHERE DID THEY TAKE YOU ONCE THEY PUT YOU --
- 20 BEFORE THAT, WHY DID THEY -- DID THEY EXPLAIN TO YOU
- 21 WHY THEY WAS PUTTING YOU IN THE PATROL CARS?
- 22 A NO
- 23 Q DID THEY STATE TO YOU YOU WAS UNDER ARREST?
- 24 A NO
- 25 Q DID THEY STATE -- DID THEY READ YOU YOUR MIRANDA

1 RIGHTS?

2 A NO

3 Q AFTER THEY INSTRUCTED YOU TO GET INTO THE PATROL
4 CARS, DID YOU COOPERATE?

5 A YES

6 Q AND WHERE DID THEY TAKE YOU FROM THERE?

7 A TO BROAD RIVER SCHOOL

8 Q IS THAT THE BROAD RIVER ELEMENTARY SCHOOL?

9 A YES

10 Q AND WHEN YOU ARRIVED THERE, WHAT HAPPENED?

11 A WE WERE SEPARATED I WAS QUESTIONED ALONE AND I
12 WAS ASKED IF I KNEW A CERTAIN INDIVIDUAL WHOSE NAME I'D
13 NEVER HEARD OF, AND I TOLD THEM, NO

14 AND THEY WANTED TO KNOW WHO -- WHAT IS THE NAME OF
15 THE PERSON WHO WAS WITH ME AND I TOLD THEM THAT WAS
16 DEVON -- DEVON IVY THAT'S THE ONLY NAME THAT I KNOW
17 THAT HE GOES BY

18 Q AND WHAT DID THEY DO FROM THERE?

19 A I DON'T KNOW WE WAS SEPARATED I HAD A LONG
20 WAIT IN THE ROOM THAT I WAS IN AND APPROXIMATELY
21 10 00 O'CLOCK, SOMEWHERE AROUND THERE, I WAS TOLD THAT
22 I COULD LEAVE, AND AN OFFICER GAVE ME A RIDE BACK TO
23 THE PICKUP TRUCK, WHICH WAS STILL AT THAT GAS STATION
24 ON 170, I GUESS

25 Q AND WHEN THE OFFICER GAVE YOU A RIDE BACK TO THE

1 PICKUP TRUCK, WAS YOUR SON WITH YOU ALSO?
 2 A NO
 3 Q SO THEY KEPT YOUR SON?
 4 A RIGHT
 5 Q DID YOU HAPPEN TO KNOW WHY THEY KEPT YOUR SON?
 6 A NO
 7 Q DID THEY STATE TO YOU WHY THEY KEPT YOUR SON?
 8 A I -- I DON'T REMEMBER ONE OF THEM -- I WAS TOLD
 9 BECAUSE HE GAVE THE WRONG -- THE WRONG NAME, AND THAT
 10 WAS ABOUT IT HE WOULDN'T COOPERATE
 11 Q AND WHEN YOU WAS AT THE COMMAND POST, DID THEY ASK
 12 YOU FOR YOUR CLOTHING?
 13 A NO
 14 Q DID THEY TAKE A GUNSHOT RESIDUE TEST?
 15 A ON ME?
 16 Q YES SIR
 17 A NO
 18 Q AND FROM THERE, THEY TOOK YOU BACK TO YOUR
 19 VEHICLE, IS THAT CORRECT?
 20 A RIGHT
 21 Q AND DID THEY EVER STATE TO YOU WHY THEY TOOK YOU
 22 INTO CUSTODY IN PARTICULARLY (SIC)?
 23 A NO
 24 Q SO THEY JUST BROUGHT YOU IN, QUESTIONED YOU, TOOK
 25 YOU INTO CUSTODY PUT YOU IN A PATROL CAR, AND ASKED

1 YOU QUESTIONS, AND THEN KEPT YOU THERE FOR QUITE SOME
2 TIME, A FEW HOURS, AND THEN LET YOU GO, IS THAT
3 CORRECT?

4 A RIGHT

5 Q WOULD YOU SAY YOU WAS THERE MORE THAN 3 OR 4
6 HOURS?

7 A AROUND 3 -- I'D SAY AROUND 3 -- 3 HOURS, SOMETHING
8 LIKE THAT

9 Q DID YOU -- THE TRUCK THAT YOUR SON WAS IN
10 POSSESSION OF, DO YOU RECALL THE COLOR OF THAT TRUCK?

11 A IT WAS A CHARCOAL BLACK LIKE

12 Q CHARCOAL BLACK IT HAD A BED ON IT?

13 A YES

14 Q DID YOU EVER SEE THAT TRUCK ANYWHERE FROM THAT DAY
15 FORWARD?

16 A NO

17 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
18 QUESTIONS THANK YOU, SIR

19 CROSS EXAMINATION BY MR. MURDAUGH.

20 Q MR IVY, HOW ARE YOU?

21 A ALL RIGHT

22 Q MR IVY, SO I WILL UNDERSTAND COMPLETELY WHAT
23 YOU'VE TESTIFIED TO, YOU'VE SAID THAT YOU WERE COMING
24 BACK FROM CHARLESTON ON THAT DAY?

25 A UH-HUH

1 Q AND ARRIVED AT GARDNER'S CORNER AND MADE A
2 TELEPHONE CALL?
3 A YES
4 Q CAN YOU TELL THE LADIES AND GENTLEMEN WHAT TIME
5 THAT TELEPHONE CALL WAS MADE?
6 A AROUND 3 -- AROUND 3 40
7 Q 3 40 OKAY, SIR AND THE TELEPHONE CALL THAT
8 WAS MADE -- WHO ANSWERED -- WHERE WAS IT MADE TO?
9 A TO OUR HOME
10 Q OKAY, SIR AND WHO ANSWERED THE CALL?
11 A OUR SON
12 Q AND YOUR SON'S NAME IS DEVON IVY?
13 A THAT'S CORRECT
14 Q OKAY SIR YOU ARRIVED AT YOUR HOUSE AT
15 APPROXIMATELY WHAT TIME SIR?
16 A RIGHT BEFORE 4 00
17 Q JUST ABOUT 4 00 O'CLOCK, A LITTLE BIT BEFORE?
18 A I'D SAY A LITTLE BIT BEFORE
19 Q OKAY, SIR AND YOU REMAINED THERE FOR WHAT LENGTH
20 OF TIME SIR?
21 A ABOUT 45 MINUTES SOMETHING LIKE THAT
22 Q SO YOU WOULD HAVE LEFT YOUR HOUSE AT 4 45?
23 A AROUND THAT
24 Q OKAY, SIR AT THE TIME YOU LEFT YOUR HOUSE, WAS
25 YOUR SON, DEVON IVY, STILL IN YOUR HOUSE?

1 A YES, SIR

2 Q OKAY SIR YOU WENT TO THE NAVAL HOSPITAL AND

3 SEVERAL OTHER PLACES?

4 A UH-HUH

5 Q AND CAME BACK TO YOUR HOUSE AT APPROXIMATELY WHAT

6 TIME, SIR?

7 A I WOULD SAY ABOUT AN HOUR WE'D BEEN AWAY FROM

8 THE HOUSE ABOUT AN HOUR

9 Q SO YOU GOT THERE A LITTLE BIT BEFORE 6 00 O'CLOCK?

10 A I'D SAY SO

11 Q SIR?

12 A I'D SAY SO

13 Q OKAY, SIR WHEN YOU ARRIVED BACK AT YOUR HOUSE,

14 WAS YOUR SON, DEVON IVY, THERE?

15 A YES SIR

16 Q OKAY SIR WHEN YOU ALL LEFT AT 4 45 -- 4 40 OR

17 4 45 WAS YOUR SON, DEVON TO DO ANYTHING FOR YOU ALL?

18 A HE WAS SUPPOSED TO WATCH THE HOUSE

19 Q OKAY, SIR AND WAS ANYBODY TO COME TO YOUR HOUSE?

20 A NO

21 Q OKAY NOBODY GETTING OFF OF A SCHOOL BUS OR ---

22 A OH, YES THE GRANDCHILD

23 Q OKAY, SIR

24 A BUT THAT HAPPENED WHILE WE WERE THERE

25 Q OH IT HAPPENED WHILE YOU WERE THERE?

1 A YEAH
 2 Q OKAY, SIR
 3 A WE MADE THE CALL FROM GARDNER'S CORNER TO MAKE
 4 SURE THAT DEVON WOULD BE WATCHING OUT FOR THAT SCHOOL
 5 BUS
 6 Q I GOT YOU, SIR 3 40 APPROXIMATELY AT GARDNER'S
 7 CORNER AND I REALIZE THESE ARE APPROXIMATE TIMES
 8 A RIGHT
 9 Q 4 00 O'CLOCK ARRIVING AT YOUR HOUSE?
 10 A ROUGHLY
 11 Q A LITTLE BIT BEFORE 4 00 ---
 12 A RIGHT
 13 Q --- I THINK YOU SAID? AND THAT YOU WERE THERE
 14 UNTIL ABOUT 4 45?
 15 A RIGHT
 16 Q WERE GONE FOR ABOUT AN HOUR AND WHEN YOU CAME
 17 BACK, DEVON WAS STILL AT YOUR HOUSE?
 18 A RIGHT
 19 Q OKAY, SIR JUST ONE SECOND PLEASE (PAUSE) OH,
 20 YES SIR LET ME ASK YOU THIS WHERE IS YOUR HOUSE
 21 LOCATED, MR IVY?
 22 A 2204 SALEM DRIVE EAST
 23 Q CAN YOU GIVE ME SOME SORT OF A BALLPARK
 24 DESCRIPTION OF WHERE THAT IS?
 25 A THAT'S -- IF YOU GOING ON SALEM ROAD PAST THE

1 BEAUFORT GAZETTE, THERE'S A HOUSING PROJECT THERE IT
 2 WOULD BE THE FIRST STREET ON THE LEFT
 3 Q NOT BEING REAL FAMILIAR WITH THE BEAUFORT AREA,
 4 LET ME ASK YOU THIS WAY, SIR IF YOU WERE ON HIGHWAY
 5 21 COMING FROM GARDNER'S CORNER ---
 6 A ALL RIGHT
 7 Q --- WHERE WOULD YOU GO TO GET TO YOUR HOUSE, SIR?
 8 A I DON'T REMEMBER THE NAME OF THE STREET, BUT IT
 9 WOULD BE THE STREET ---
 10 Q YOU SOUND LIKE ME, YOU KNOW WHERE IT IS BUT DON'T
 11 KNOW THE NAME?
 12 A UH-HUH IT WOULD BE THE STREET THAT THAT MOVING
 13 VAN COMPANY IS LOCATED ON I WOULD TURN THROUGH THERE,
 14 AND COME IN BY THE BUTLER ---
 15 Q THE CAR PLACE?
 16 A RIGHT
 17 Q OKAY, SIR
 18 A BEAUFORT GAZETTE
 19 Q OKAY, SIR LET ME ASK YOU THIS, MR IVY DO YOU
 20 KNOW WHERE THE BROAD RIVER ELEMENTARY SCHOOL IS?
 21 A YES
 22 Q HOW FAR WOULD YOUR HOUSE BE FROM THE BROAD RIVER
 23 ELEMENTARY SCHOOL? IN DRIVING TIME?
 24 A I'D SAY ABOUT 15 MINUTES, SOMETHING LIKE THAT
 25 MR MURDAUGH OKAY, SIR THANK YOU, SIR

1 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH.

2 Q MR IVY, THE NEIGHBORHOOD THAT YOU LIVE ON, ARE
3 YOU FAMILIAR WITH MYSELF, MR ALKEBULANYAHH MOTHER AND
4 FATHER FAMILY ALL STAY IN THAT NEIGHBORHOOD, IS THAT
5 CORRECT?

6 A YES

7 Q AND HOW FAR DO THEY STAY -- HOW FAR IS THEIR HOME
8 AWAY FROM YOUR HOME IN PROXIMITY IF YOU CAN?

9 A I'D SAY ALMOST A MILE DOWN, FURTHER DOWN

10 Q IS IT ON THE SAME STREET AS YOUR HOME?

11 A YES

12 Q DO YOU KNOW -- ARE YOU FAMILIAR WITH THE NAME OF
13 MY MOTHER AND FATHER AND FAMILY?

14 A NO I'M NOT

15 Q ON JANUARY 8, IF YOU CAN RECALL OFFICERS DID COME
16 TO YOUR HOME IS THAT CORRECT IT WAS ON THE 8TH -- I
17 DON'T KNOW IF IT WAS THE 8TH OR THE 9TH? BUT I'M
18 ASKING YOU

19 A I DON'T THINK SO, NOT ON THE 8TH

20 Q DO YOU RECALL TAKING THE OFFICER DOWN TO MY
21 PARENTS' HOUSE IN SALEM POINT AND TELLING THEM THAT MY
22 PARENTS LIVE IN THAT HOME AND THAT WAS THE HOME WHERE
23 I GREW UP AT?

24 A YES, I RODE WITH AN OFFICER DOWN THE STREET

25 Q AND ---

1 A POINTED OUT YOUR HOME
2 Q AND FROM THERE, DID YOU OBSERVE THE OFFICER
3 APPROACH MY PARENTS' HOME?
4 A WE WERE IN THE SAME CAR WE DROVE PAST THE HOUSE
5 Q OKAY AND YOU JUST POINTED TO THEM AS YOU DROVE
6 PAST?
7 A UH-HUH
8 Q AND TOLD THEM THAT WAS THE HOME OF MY PARENTS?
9 A YES
10 Q MR IVY, HOW LONG HAVE YOU LIVED IN THAT SALEM
11 POINT COMMUNITY?
12 A ABOUT 10 YEARS
13 Q ABOUT 10 YEARS DID MY FAMILY, MY PARENTS AND
14 THEM -- WAS LIVING OUT THERE BEFORE YOU ARRIVED THERE,
15 DO YOU KNOW WHETHER OR NOT?
16 A I BELIEVE THEY WERE
17 Q AND THAT PARTICULAR COMMUNITY IS -- COULD YOU
18 TELL ME WHAT PERCENTAGE MAYBE IS BLACK THAT OWN HOMES
19 IN THAT AREA?
20 A ABOUT 5 PERCENT, SOMETHING LIKE THAT
21 Q ABOUT 5 PERCENT
22 MR ALKEBULANYAHH THANK YOU, MR IVY I HAVE NO
23 FURTHER QUESTIONS YOUR HONOR
24 MR MURDAUGH I DO HAVE ONE ADDITIONAL QUESTION
25 PLEASE, SIR

STATE VS ALKEBULANYAHH

1 RECROSS EXAMINATION BY MR. MURDAUGH.

2 Q YOU SAID, MR IVY, THAT SOMEBODY MENTIONED A NAME
3 TO YOU THAT YOU HAD NEVER HEARD, BUT LATER FOUND OUT
4 THAT YOUR SON HAD USED THAT NAME?

5 A YES

6 Q IS THAT NAME MIKE BRODUS?

7 A I -- I THINK, I RECALL IT ALL I COULD TELL THE
8 OFFICERS THAT I NEVER -- I DON'T KNOW ANYONE BY THAT
9 NAME NEVER HEARD OF IT BEFORE

10 Q OKAY, SIR DO YOU KNOW WHETHER OR NOT YOUR SON,
11 DEVON, PLED GUILTY TO FURNISHING FALSE INFORMATION FOR
12 USING THE NAME -- GIVING THE NAME MIKE BRODUS TO THE
13 LAW ENFORCEMENT?

14 A NOT TO MY KNOWLEDGE

15 MR MURDAUGH OKAY SIR THANK YOU, SIR

16 THE COURT YOU MAY STEP DOWN SIR

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 THE COURT ANY OBJECTION TO HIM BEING EXCUSED?

19 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

20 MR MURDAUGH NO, SIR

21 THE COURT YOU MAY BE EXCUSED, SIR

22 MR MURDAUGH THANK YOU MR IVY

23 THE COURT CALL YOUR NEXT WITNESS

24 MR ALKEBULANYAHH I WOULD LIKE TO CALL DEPUTY

25 POLITE

STATE VS ALKEBULANYAHH

1 KATRINA R POLITE BEING
2 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

4 Q GOOD AFTERNOON, MS POLITE STATE YOUR NAME AND
5 YOUR OCCUPATION FOR THE RECORD PLEASE

6 A KATRINA RENEE POLITE, DEPUTY SHERIFF, BEAUFORT
7 COUNTY COURTHOUSE

8 Q MS POLITE, ON JANUARY 8, 2002 DID YOU HAVE AN
9 OCCASION TO BE INVOLVED IN THE INCIDENT INVOLVING THE
10 DEATH OF TWO BEAUFORT COUNTY DEPUTIES?

11 A ON THAT PARTICULAR DAY, I WAS ASSIGNED TO PROVIDE
12 SECURITY AT THE BEAUFORT E R IN REFERENCE TO THE
13 ARRIVAL OF TWO OFFICERS WHO NEVER REPORTED TO THE
14 HOSPITAL

15 Q AND COULD YOU TELL ME, WHEN YOU WAS ASSIGNED OR
16 FIRST PROVIDED THE OPPORTUNITY -- OR WERE YOU ASSIGNED
17 FOR THAT PARTICULAR DUTY?

18 A I WAS ASSIGNED THAT PARTICULAR DUTY BY LIEUTENANT
19 MATTOX, WHICH IS MY SUPERVISOR ON THAT PARTICULAR DAY
20 TO PROVIDE SECURITY AT THE HOSPITAL FOR CORPORAL
21 COURSEN AND LANCE CORPORAL TATE

22 Q DID YOU EVER RESPOND OUT TO THE JOE FRAZIER ROAD
23 AREA?

24 A NEGATIVE

25 Q AND WHEN YOU TOOK UP YOUR PARTICULAR DUTIES ON

STATE VS ALKEBULANYAHH

1 THAT DAY -- YOUR DUTIES CAME AT THE BEAUFORT MEMORIAL
2 HOSPITAL, IS THAT CORRECT?

3 A THAT IS CORRECT

4 Q DID YOU PROVIDE ANY SECURITY FOR MR ALKEBULANYAHH
5 IN THIS CASE?

6 A I DID

7 Q AND COULD YOU TELL ME WHAT WAS THE NATURE OF YOUR
8 RESPONSIBILITY AT THAT TIME?

9 A LIKE I JUST RE-INSTATED, ON THAT PARTICULAR DATE I
10 WAS ASSIGNED TO PROVIDE SECURITY FOR THE OFFICERS WHO
11 WAS INJURED AT 21 RILEY ROAD AT THAT PARTICULAR DATE
12 AT THE HOSPITAL THE NURSE CAME OUT AND SAID THAT THE
13 OFFICERS WERE DOA, WHICH IS DEAD ON ARRIVAL

14 AT THAT TIME I WAS ASSIGNED TO PROVIDE SECURITY AT
15 THE HOSPITAL, AND YOU ARRIVED

16 Q WAS YOU RESPONSIBLE FOR THE SECURITY OF MR
17 ALKEBULANYAHH PROPERTY THAT WAS CONFISCATED FROM HIM?

18 A AS I REMEMBER, I RECEIVED THE PLASTIC BAG WITH
19 CLOTHING AND I THINK IT WAS A PAIR OF BOOTS FROM STAFF
20 SERGEANT AVERILL WITH THE SHERIFF'S DEPARTMENT MYSELF
21 AND CORPORAL GAINES WERE ADVISED TO TRANSPORT THAT
22 PROPERTY TO THE INCIDENT LOCATION AT THAT TIME WE MET
23 UP WITH MY STAFF SERGEANT HARRIS, AND WE GAVE IT TO
24 HIM, AND HE TRANSPORTED IT TO THE INCIDENT LOCATION

25 Q AND YOU RECEIVED THE BAG OF CLOTHING AND BOOTS

- 1 FROM WHO?
- 2 A STAFF SERGEANT MATT AVERILL
- 3 Q AND ONCE YOU RECEIVED THAT BAG OF CLOTHING YOU
- 4 DID WHAT WITH IT?
- 5 A TRANSPORTED -- I WAS INSTRUCTED TO TRANSPORT IT TO
- 6 THE INCIDENT LOCATION AT 21 RILEY ROAD I NEVER GOT TO
- 7 THAT LOCATION I MET UP WITH MY STAFF SERGEANT LEE
- 8 HARRIS WE GAVE HIM THE PLASTIC BAG CONTAINING THE
- 9 CLOTHES THAT YOU WERE WEARING AND A PAIR OF BOOTS, WITH
- 10 EVERYTHING ELSE
- 11 Q WHO INSTRUCTED YOU TO TRANSFER THE CLOTHING AND
- 12 THE BOOTS?
- 13 A WHO INSTRUCTED ME TO TRANSFER IT?
- 14 Q YES
- 15 A I JUST TOLD YOU WHO DID IT STAFF SERGEANT ---
- 16 Q MATT AVERILL?
- 17 A RIGHT
- 18 Q AND DID YOU -- DID YOU FILE A CHANGE OF CUSTODY
- 19 FORM ONCE YOU TRANSFERRED -- ONCE YOU RELEASED THAT
- 20 PROPERTY TO ANOTHER DEPUTY, DID YOU ---
- 21 A IT WAS NOT INSTRUCTED BY ME TO DO SO
- 22 Q SO YOU STATING THAT YOU DID NOT FILL OUT A CHANGE
- 23 OF CUSTODY FORM, IS THAT CORRECT?
- 24 A THAT IS CORRECT
- 25 Q SO YOU HANDED THE EVIDENCE -- WELL, YOU TOOK THE

1 EVIDENCE BACK OUT TOWARD THE CRIME SCENE OR TO THE
2 CRIME SCENE FROM THE INSTRUCTION OF MATT AVERILL, IS
3 THAT CORRECT?

4 A FROM THE INSTRUCTION OF STAFF SERGEANT MATT
5 AVERILL, WE WERE HANDED -- MYSELF AND CORPORAL GAINES,
6 WE WERE HANDED A PLASTIC BAG CONTAINING CLOTHING AND A
7 PAIR OF BOOTS WE MET UP WITH STAFF SERGEANT LEE
8 HARRIS WE GAVE IT TO HIM MY HANDS ACTUALLY NEVER
9 TOUCHED THE PLASTIC BAG CORPORAL GAINES -- HE WAS
10 CARRYING ALL THE PROPERTY

11 Q AND THAT WAS LEE HARRIS, MA'AM?

12 A THAT IS CORRECT

13 Q DO YOU KNOW WHETHER OR NOT DEPUTY GAINES FILLED
14 OUT A CHANGE OF -- CHANGE OF CUSTODY FORM?

15 A I COULD NOT -- I COULD NOT ANSWER THAT FOR HIM

16 Q ONCE YOU DELIVERED THE EVIDENCE BACK TO THE CRIME
17 SCENE AREA, WHAT DID YOU ALL DO FROM THERE? WHAT DID
18 YOU DO FROM THERE?

19 A WE DIDN'T DELIVER THE EVIDENCE BACK TO THE CRIME
20 SCENE AREA LIKE I SAID, WE DELIVERED IT TO STAFF
21 SERGEANT HARRIS

22 Q OKAY

23 A OKAY ONCE WE GAVE HIM THE PROPERTY, WE WERE IN
24 ROUTE BACK TO BEAUFORT MEMORIAL HOSPITAL TO ASSIST WITH
25 PROVIDING SECURITY AT THE E R ROOM

1 Q AND WHEN YOU LEFT YOUR SECURITY POST, WHO TOOK
2 OVER THE SECURITY POST FOR YOU WHEN YOU TOOK -- LEFT TO
3 TAKE THE EVIDENCE OUT TO THE AREA?

4 A STAFF SERGEANT GEORGE WHITE, HE'S A BEAUFORT
5 COUNTY SHERIFF'S OFFICE DEPUTY

6 Q AND WAS YOUR SECURITY DUTIES EXTENDED BEYOND THE
7 BEAUFORT COUNTY MEMORIAL HOSPITAL FOR MR
8 ALKEBULANYAHH?

9 A THAT IS CORRECT

10 Q AND -- AND WHAT WAS THE NATURE OF THAT EXTENSION?

11 A WE ESCORTED EMS WITH MR ALKEBULANYAHH, WHICH IS
12 YOURSELF, ALL THE WAY TO MUSC TRAUMA UNIT IN
13 CHARLESTON, SOUTH CAROLINA

14 Q WHEN YOU STATE ESCORT, DID YOU RIDE IN THE
15 AMBULANCE?

16 A NEGATIVE CORPORAL GAINES DID

17 Q AND YOU, YOURSELF, YOU DROVE ANOTHER VEHICLE OR
18 PATROL CAR?

19 A I DROVE A BEAUFORT COUNTY SHERIFF'S OFFICE FORD
20 CROWN VICTORIA I WAS FLANKING EMS ALL THE WAY TO MUSC
21 IN CHARLESTON

22 MR ALKEBULANYAHH THANK YOU, MA'AM I HAVE NO
23 FURTHER QUESTIONS YOUR HONOR

24 MR MURDAUGH I HAVE NO QUESTIONS, IF YOUR HONOR,
25 PLEASE

1 THE COURT YOU MAY STEP DOWN
2 (THE WITNESS LEAVES THE WITNESS STAND)
3 MR MURDAUGH I HAVE NO QUESTIONS, NOT FURTHER
4 NONE AT ALL
5 THE COURT HOLD ON A SECOND
6 (PAUSE)
7 THE COURT LADIES AND GENTLEMEN YOUR LUNCH IS
8 HERE, SO I'LL GO AHEAD AND SEND YOU LUNCH WE'LL TAKE
9 A BREAK UNTIL 1 15, AND WE'LL PROCEED WITH THE TRIAL
10 DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU VERY
11 MUCH
12 (THE JURY RETIRES TO THE JURY ROOM AT 12 13 P M)
13 THE COURT SEE YOU ALL BACK
14 (COURT IS IN RECESS FOR LUNCH)
15 THE COURT YOU ALL READY?
16 MR MURDAUGH THE STATE IS, SIR
17 THE COURT DEFENSE READY?
18 MR ALKEBULANYAHH YES, SIR
19 (PAUSE)
20 THE COURT DEFENSE?
21 MR ALKEBULANYAHH YES, SIR, YOUR HONOR, I'M
22 GOING TO CALL ONE WITNESS IN, AND THEN I WANT TO CALL
23 MS DUHON, THE 9-1-1 TAPE AFTER THAT IF THAT BE OKAY
24 WITH YOU, SIR
25 THE COURT THE 9-1-1 TAPE PERSON?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES I WAS GOING TO CALL ONE
2 WITNESS WHO'S HERE, AND LET HIM GO ON BACK ABOUT HIS
3 BUSINESS AND THEN THERE AFTER START THE 9-1-1 TAPE
4 SETUP WITH MS DUHON

5 THE COURT IS THIS NEXT WITNESS ABOUT THAT THIRD-
6 PARTY GUILT ISSUE?

7 MR ALKEBULANYAHH YES, HE WAS A WITNESS HE --
8 -- HE -- HE -- HE IS ABOUT THE THIRD-PARTY ISSUE, YES,
9 HE IS AND TRYING TO TRACK DOWN THE THIRD PARTY
10 THERE'S A SUBPOENA FOR IT MY INVESTIGATORS SAY THE
11 NUMBER THAT HE HAD GAVE HER WHEN HE WAS HERE THE OTHER
12 DAY, SHE TRY TO GET IN TOUCH BACK WITH HIM, THE NUMBER
13 WAS NO LONGER USEFUL AND SHE WAS TRYING TO GET IN
14 TOUCH WITH HIS ---

15 MR MURDAUGH WE'LL BE HAPPY TO AID HIM IF HE'LL
16 TELL US WHO HE'S TALKING ABOUT SIR

17 MR ALKEBULANYAHH BOBBY RIGBY

18 THE COURT CAN YOU ALL ASSIST IN THAT TO KEEP
19 THINGS MOVING?

20 (PAUSE)

21 THE COURT IF YOU ALL COULD ASSIST, THAT WOULD
22 SPEED THINGS UP

23 MR MURDAUGH YOUR HONOR, IF MS GILES WOULD GET
24 WITH A DEPUTY OUT HERE, WE WILL SEE TO IT, IF SOMEBODY
25 WILL GIVE US SOME INFORMATION

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT

2 MR ALKEBULANYAHH YOUR HONOR, MOST OF MY
3 WITNESSES THAT ARE LINED UP THAT I'M COMING TO THAT ARE
4 HERE -- THAT ARE HERE, THEY ALL HAVE -- NUMEROUS OF
5 THEM TESTIMONY IN REFERENCE TO QUESTION ABOUT THE
6 THIRD-PARTY INDIVIDUAL

7 THE COURT WELL, LIKE I TOLD YOU BEFORE, IT HAS
8 TO BE SOMETHING MORE THAN JUST MERE SUSPICION I MEAN,
9 THE LAST WITNESS, YOU KNOW, THE FACT THAT SOMEONE WAS
10 PICKED UP BY THE POLICE, I DON'T THINK THAT THAT'S
11 REALLY -- THAT TO ME IS JUST SOMETHING THAT IF ANYTHING
12 CASTS SUSPICION I DON'T KNOW THAT IT DOES ANY MORE

13 MR ALKEBULANYAHH WELL, AS ---

14 THE COURT IT'S SO SPECULATIVE JUST TO THROW A
15 NAME OUT THERE -- YES, SIR

16 MR ALKEBULANYAHH WELL, YOU KNOW, AS I STATED
17 YOUR HONOR, YOU KNOW, I WILL GIVE TESTIMONY TO THIS
18 INDIVIDUAL BEING AT THE 21 RILEY ROAD RESIDENCE WITH
19 MYSELF

20 THE COURT THAT'S FINE FOR YOU TO ESTABLISH THAT
21 SOMEONE ELSE WAS THERE THERE'S NO DOUBT ABOUT THAT

22 MR ALKEBULANYAHH BUT AS FAR AS SUSPICION, THE
23 VERY PERSON TESTIMONY ITSELF WILL PUT HIM -- PLACE HIM
24 THERE AT THE 21 RILEY ROAD -- HIS VERY OWN TESTIMONY,
25 AND HIS OWN TESTIMONY WILL BEAR WITNESS TO THE EVIDENCE

STATE VS ALKEBULANYAHH

1 OF THE TYPE OF WEAPON THAT WAS USED

2 THE COURT WELL SEEMS TO ME YOU SHOULD HAVE HAD
3 HIM -- AGAIN, I DON'T TELL -- I WON'T TELL YOU HOW TO
4 TRY YOUR CASE BUT IT SEEMS TO ME YOU SHOULD HAVE HAD
5 HIM LINED UP, READY TO GO IF HE WAS THE LEAD-IN TO
6 ALL THESE OTHER INDIVIDUALS, WHY DIDN'T YOU CALL HIM
7 FIRST?

8 MR ALKEBULANYAHH WELL, I HAD HIM SCHEDULED TO
9 COME, AND MY INVESTIGATOR TOLD ME THAT THE NUMBER THAT
10 HE HAD GIVEN WHEN HE CAME THE OTHER DAY -- WHEN HE LEFT
11 AND THE NUMBER WAS -- SHE WASN'T ABLE TO CONTACT HIM
12 THROUGH THAT NUMBER WHICH HE LEFT WITH HER WHEN HE CAME
13 DOWN HERE

14 THE COURT WELL, AGAIN, I'M JUST GOING TO HAVE TO
15 HEAR I GUESS I DON'T THINK IT'S PRODUCTIVE JUST TO
16 SIT HERE AND HAVE A HEARING ON EVERY WITNESS FIRST AND
17 THEN GO THROUGH THE SAME STUFF AGAIN ON DIRECT, UNLESS
18 THAT WITNESS IS EXCLUDED EITHER WAY, I DON'T MIND
19 HAVING A HEARING ON EACH ONE

20 MR MURDAUGH I DON'T WANT TO PROLONG THIS THING
21 SO ON THE OTHER HAND, HOW ABOUT LET'S JUST PUT HIM ON
22 THE STAND, AND LET HIM START AND IF I OBJECT, THEN
23 LET'S ---

24 THE COURT ALL RIGHT

25 MR MURDAUGH I'M WITH YOU SIR THAT WOULD BE

STATE VS ALKEBULANYAHH

1 JUST TREMENDOUSLY PROLONGING IT

2 THE COURT ALL RIGHT I THINK THAT'S THE BEST
3 WAY TO GO TOO I CAN JUST KEEP -- I JUST HAVE TO KEEP
4 REPEATING TO YOU THAT, YOU KNOW, THERE HAS TO BE A
5 TRAIN OF FACTS AND CIRCUMSTANCES THAT CLEARLY POINT TO
6 THE OTHER PERSON AS THE GUILTY PARTY YOU CAN'T JUST
7 SUGGEST THAT IT'S SOMEONE ELSE THEY HAVE TO CLEARLY
8 POINT TO THE OTHER PERSON

9 OTHER THAN THAT, THAT CO-EXISTS WITH THE STATE HAS
10 THE BURDEN TO PROVE A DEFENDANT GUILTY BEYOND A
11 REASONABLE DOUBT SO THOSE TWO PARALLEL ONE ANOTHER

12 DO YOU UNDERSTAND WHAT I'M SAYING?

13 MR ALKEBULANYAHH YES, SIR, I UNDERSTAND YOU
14 KNOW, THE TERMINOLOGY THAT YOU GIVE ME IN REFERENCE TO
15 IT, YOUR HONOR AND I WOULD JUST ONLY LIKE TO STATE MY
16 UNDERSTANDING TOO THAT THE BURDEN OF THE STATE TO POINT
17 TO THE GUILT OF SOMEONE ELSE -- AND GUILT IS REFERRED
18 TO AS ---

19 THE COURT I DON'T MEAN THE BURDEN OF THE STATE
20 TO POINT TO THE GUILT OF SOMEONE ELSE IF THE STATE IS
21 SUCCESSFUL IN ITS CASE, THE STATE WOULD HAVE TO PROVE
22 THE DEFENDANT IN THIS CASE GUILTY BEYOND A REASONABLE
23 DOUBT IT WOULD NOT MAKE SENSE TO SAY THEY WOULD HAVE
24 TO PROVE SOMEONE ELSE GUILTY BEYOND A REASONABLE DOUBT

25 MR ALKEBULANYAHH RIGHT

STATE VS ALKEBULANYAHH

1 THE COURT IF THEY FAIL IN PROVING GUILT BEYOND A
2 REASONABLE DOUBT THEN THERE IS -- THEN, THAT'S A NOT
3 GUILTY VERDICT

4 WHAT I WAS SAYING IS THAT THAT DOCTRINE -- THAT
5 DOCTRINE IS WHAT PROVIDES THE BUFFER AGAINST THE
6 INTRODUCTION OF EVIDENCE THROUGH THE THIRD-PARTY GUILT
7 DOCTRINE IF THAT EVIDENCE DOES NOT RISE TO THE LEVEL OF
8 BEING SUFFICIENT FOR PURPOSES OF THAT DOCTRINE

9 I DON'T KNOW IF THAT MAKES A LOT OF SENSE BUT
10 WHAT I'M TRYING TO SAY IS THAT -- PERHAPS I SHOULD NOT
11 HAVE EVEN SAID IT BUT THERE IS A THEORETICAL BASIS
12 FOR THE REASON THAT THERE HAS TO BE EVIDENCE THAT
13 CLEARLY POINTS TO ANOTHER AS BEING GUILTY

14 MR MURDAUGH JUDGE, I GATHER THAT WHAT HE IS
15 DOING IS TRYING TO SHOW THAT A FELLOW BY THE NAME OF
16 BOBBY RIGBY ---

17 THE COURT YES SIR

18 MR MURDAUGH --- WAS SEEN -- WAS INTERVIEWED AND
19 HAD BEEN AT ONE -- MAY HAVE BEEN AT ONE TIME IN THE
20 VICINITY I THINK HE'S TRYING TO DO IT THROUGH
21 OFFICERS INTERVIEWING HIM, WHICH WOULD NOT BE
22 ADMISSIBLE

23 THE COURT I AGREE AND THAT'S WHY I SUGGESTED
24 BEFORE WE BROKE THAT HE CALL MR RIGBY FIRST TO
25 ALLEVIATE A LOT OF THIS, HAVE HIM WORRY WHETHER, YOU

STATE VS ALKEBULANYAHH

1 KNOW, WAS HE IN THAT AREA, DID HE SEE ANYTHING,
2 ETCETERA YOU'RE PERFECTLY CAPABLE OF ASKING HIM ABOUT
3 HIS INVOLVEMENT OR OBSERVATIONS, IF HE WERE IN AN AREA
4 WHERE HE COULD HAVE OBSERVED EVERYTHING

5 MR ALKEBULANYAHH MY QUESTION IN LINE WITH THE
6 OFFICERS, I DON'T THINK THAT, YOU KNOW, THE OFFICERS
7 COULD YOU KNOW -- WOULD OR COULD TESTIFY TO THIS
8 PARTICULAR INDIVIDUAL GUILT OR INNOCENCE OF ANYTHING,
9 BECAUSE IF HE WAS, I WOULD ASSUME THAT HE WOULD HAVE
10 BEEN INCARCERATED OR CHARGED

11 THE COURT THAT'S CORRECT BUT, I MEAN, THEY
12 WOULD NOT TESTIFY ABOUT IF THAT PERSON IS GUILTY,
13 BECAUSE YOU'RE RIGHT, IF THEY WERE, WE WOULDN'T BE
14 HERE

15 MR ALKEBULANYAHH RIGHT

16 THE COURT BUT THEY HAVE TO HAVE SOME KIND OF
17 TESTIMONY THAT THOSE FACTS AND CIRCUMSTANCES CLEARLY
18 POINT OUT THAT THAT OTHER PERSON IS THE GUILTY PARTY

19 MR ALKEBULANYAHH WELL ---

20 THE COURT THE EVIDENCE HAS TO BE SUCH THAT IT'S
21 INCONSISTENT WITH A DEFENDANT'S GUILT THE FACT THAT
22 SOMEONE MAY HAVE BEEN AROUND IN AND OF ITSELF IS NOT
23 INCONSISTENT WITH A PERSON'S GUILT

24 NOW, THIS IS THE PROBLEM TOO ABOUT TRYING TO
25 EXPLAIN THIS STUFF, BECAUSE THERE'S A LOT OF DIFFERENT

STATE VS ALKEBULANYAHH

1 THINGS THAT GO INTO THIS CALCULATION IF THERE'S A
2 QUESTION ABOUT IDENTITY, IF THERE'S A QUESTION ABOUT
3 WHETHER SOMEONE SAW SOMETHING, THERE ARE A LOT OF WAYS
4 TO DEAL WITH THIS AND I'M JUST GOING TO LEAVE IT AT
5 THAT

6 BUT THE WAY YOU'VE DONE IT SO FAR -- I MEAN, THE
7 FACT THAT SOMEONE PICKED SOMEONE UP OR SUSPECTED
8 SOMEONE, THAT'S NOT ENOUGH OKAY? IF SOMEONE OBSERVED
9 SOMETHING, YOU CAN ASK ALL DAY LONG ABOUT SOMEONE'S
10 OBSERVATIONS NO PROBLEM ABOUT OBSERVATIONS

11 MR ALKEBULANYAHH SO I WOULD BE ---

12 THE COURT BUT NOT WHAT SOMEONE WAS TOLD BY ONE
13 OF THESE INDIVIDUALS I DON'T KNOW HOW MANY
14 INDIVIDUALS YOU'RE PLANNING TO GETTING IN TO, BUT
15 SOUNDS LIKE ONE IS THERE MORE THAN ONE?

16 MR ALKEBULANYAHH WELL, YES I JUST WANTED TO
17 GET INTO THE INTERVIEWS THAT WAS CONDUCTED BY THE
18 OFFICERS

19 THE COURT YOU'RE NOT GOING TO BE ABLE TO ASK
20 THEM WHAT THAT PERSON SAID IF YOU HAVE THE PERSON
21 TESTIFY FIRST ABOUT WHAT THEY SAID, THEN THE OFFICER
22 CAN CONFIRM THAT IF IT'S RELEVANT TO THE ISSUES HERE IN
23 THIS CASE IF IT'S ADMISSIBLE, THAT NEGATES ITS
24 HEARSAY STATUS ONCE THE INDIVIDUAL TESTIFIES, AND THE
25 OFFICER CAN CONFIRM THAT WAS THE CONVERSATION THAT HE

STATE VS ALKEBULANYAHH

1 HAD WITH THE INDIVIDUAL, THAT'S DIFFERENT, THAT NO
2 LONGER IS HEARSAY

3 IF YOU DO IT IN REVERSE ORDER IT'S HEARSAY
4 BECAUSE THE PERSON IS NOT HERE TO BE CROSS EXAMINED ON
5 THAT STATEMENT DO YOU UNDERSTAND?

6 MR ALKEBULANYAHH YES, SIR, I DO

7 THE COURT ARE YOU READY TO PROCEED?

8 MR ALKEBULANYAHH CAN I HAVE A MOMENT WITH
9 COUNSEL?

10 THE COURT YES WHAT I'M REMINDING YOU OF IS --
11 BECAUSE WE HAD THIS ISSUE COME UP IN OTHER CONTEXT
12 IS YOU DON'T ASK THEM WHAT WAS SAID AT AN INTERVIEW
13 ALL RIGHT?

14 MR ALKEBULANYAHH (NODS HEAD)

15 THE COURT JUST REMEMBER THAT DON'T ASK A
16 QUESTION, DID THEY MAKE A STATEMENT TO YOU -- UNLESS
17 YOU DO IN THE REVERSE ORDER ONCE THAT STATEMENT IS --
18 THAT PERSON MADE THAT STATEMENT TESTIFIES FIRST --
19 OKAY?

20 MR ALKEBULANYAHH YES SIR

21 THE COURT JUST THE FACT THAT HE MADE A STATEMENT
22 IN AND OF ITSELF IS NOT HEARSAY WHAT I WAS TALKING
23 ABOUT, YOUR NORMAL FORMAT OF YOUR QUESTION IS DID
24 THEY MAKE A STATEMENT THAT WHATEVER YOU WOULD FILL IN
25 THE BLANK WITH THE ACTUAL STATEMENT THAT'S HEARSAY

STATE VS ALKEBULANYAHH

1 ALL RIGHT?

2 MR ALKEBULANYAHH (NODS HEAD)

3 THE COURT YES, YOU MAY HAVE A MOMENT WITH YOUR

4 STAND-BY COUNSEL

5 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

6 (PAUSE)

7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR, THE

8 DEFENSE IS READY

9 THE COURT ALL RIGHT PROCEED WITH YOUR NEXT

10 WITNESS

11 MR ALKEBULANYAHH HENRY CAPDEPON, IV

12 MR MURDAUGH I DIDN'T UNDERSTAND

13 MR ALKEBULANYAHH HENRY CAPDEPON, IV

14 THE COURT HENRY CAPDEPON, IV?

15 MR ALKEBULANYAHH YES, SIR

16 MR MURDAUGH JUDGE I DON'T RECALL THAT NAME

17 BEING ON THE WITNESS LIST

18 THE COURT NO, I DIDN'T EITHER THAT'S WHY I'M

19 CHECKING RIGHT NOW HOW DO YOU SPELL THAT LAST NAME?

20 MR ALKEBULANYAHH C-A-P-D-E-P-O-N

21 THE COURT YES HENRY CAPDEPON, IT'S ON THERE

22 HOLD ON A SECOND

23 BRING THE JURY IN PLEASE

24 (THE JURY RETURNS TO THE COURTROOM AT 1 37 P M)

25 THE COURT THANK YOU, LADIES AND GENTLEMEN I'LL

STATE VS ALKEBULANYAHH

1 BE RIGHT WITH YOU

2 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
3 OUT OF THE HEARING OF THE JURY)

4 THE COURT THANK YOU LADIES AND GENTLEMEN
5 WE'RE READY TO PROCEED

6 HENRY CAPDEPON, IV BEING
7 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

8 CLERK PLEASE HAVE A SEAT AND STATE YOUR NAME AND
9 SPELL YOUR LAST FOR THE COURT

10 WITNESS MY NAME IS HENRY CAPDEPON MY LAST NAME
11 IS SPELLED C-A-P-D-E-P-O-N

12 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

13 Q GOOD AFTERNOON, MR CAPDEPON WHERE DO YOU --
14 WHERE DID YOU RESIDE IN THE MONTH OF JANUARY 2002?

15 A MY RESIDENCE?

16 Q YES, SIR

17 A AROUND THE CURVE AT -- FROM WHERE THE POLICEMEN
18 WERE SHOT AROUND THE CURVE I WAS THE FIRST HOUSE ON
19 THE LEFT PAST THE TREE LINE

20 Q THAT'S ON THE 21 RILEY ROAD?

21 A MY NUMBER IS 45 RILEY ROAD

22 Q YOUR NUMBER IS 45 RILEY ROAD?

23 A (NODS HEAD)

24 Q AND WHEN YOU SAY, AROUND THE CURVE TO THE LEFT,
25 YOU STATING THAT YOUR HOME WAS -- YOUR HOME WAS

STATE VS ALKEBULANYAHH

1 DIRECTLY BEHIND THE RESIDENCE WHERE THE TWO DEPUTIES
2 WERE SHOT?

3 A YES, SIR

4 Q AND HOW LONG HAVE YOU BEEN LIVING THERE?

5 A SINCE '95

6 Q '95 AND DO YOU STILL RESIDE THERE NOW?

7 A YES, SIR

8 Q ON JANUARY 8, 2002 WAS YOU AT HOME ---

9 MR MURDAUGH YOUR HONOR, PLEASE I HAVE BEEN
10 LIBERAL ABOUT THIS, BUT I OBJECT THIS AS BEING LEADING
11 NOW, SIR I THINK IT NEEDS TO ---

12 THE COURT REPHRASE YOUR QUESTION WITHOUT
13 LEADING

14 Q WHERE WERE YOU ON JANUARY 8, 2002, THE AFTERNOON?

15 A AT MY GRAND -- MY MOTHER'S PARENTS CAME TO TOWN
16 AND ME MY GRANDFATHER, AND MY GRANDMOTHER WERE OUT OF
17 TOWN WE WENT TO GET A CUP OF COFFEE, AND THAT'S WHERE
18 WE WERE AT THE TIME

19 Q AND WHAT DID YOU DO AFTER YOU LEFT FROM GETTING
20 SOME COFFEE?

21 A WE WERE ON OUR WAY HOME AND TWO DEPUTIES DID
22 PASS US ON THE WAY A BIG TRUCK AND A BLUE BLAZER
23 BUT WHEN WE CAME UP, NO ONE WAS ALLOWED ON THE ROAD, SO
24 WE SAT ON THE SIDE OF THE ROAD

25 Q AND WHAT DID YOU DO FROM THERE?

1 A I BELIEVE WE PULLED IN THERE AROUND 4 00 O'CLOCK
2 WE SAT OUT THERE UNTIL ABOUT 10 00 O'CLOCK THAT NIGHT
3 Q AND WHEN YOU PULLED TO THE SIDE, WHAT AREA WERE
4 YOU AT?
5 A THERE'S A LINE OF TRAILERS IF YOU'RE PULLING
6 INTO RILEY ROAD TO THE RIGHT OF IT, THERE'S A LINE OF
7 MAYBE FIVE OR SIX TRAILERS NOW WE WERE IN FRONT OF
8 THE FIRST TRAILER
9 Q AND THAT'S NEAR THE 21 RILEY ROAD -- THE RILEY
10 ROAD?
11 A YES, SIR
12 Q AND WHAT HAPPENED THEN?
13 A I WAS SITTING THERE MAYBE 25, 30 MINUTES, AND A
14 BOY NAME BOBBY RIGBY WALKED UP AND I SAW HIM AND GOT
15 OUT OF THE CAR I SAW HIM IN THE REAR VIEW MIRROR AND
16 GOT OUT OF THE CAR AND I STOPPED AND TALKED TO HIM
17 Q AND WHAT HAPPENED THEN?
18 A HE ASKED ME ---
19 MR MURDAUGH YOUR HONOR ---
20 A --- WHAT HAPPENED
21 MR MURDAUGH --- PLEASE THE CONVERSATION
22 BETWEEN THEM WOULD BE INADMISSIBLE
23 THE COURT YES YOU CAN SAY WHAT HAPPENED NEXT
24 WITHOUT REFERRING TO ANY STATEMENTS MADE, SIR GO
25 AHEAD

1 WITNESS WHAT'S THAT?

2 THE COURT YOU CAN'T TELL US WHAT HE ACTUALLY
3 SAID OKAY? YOU CAN TELL US ---

4 WITNESS I DON'T REMEMBER EXACTLY WHAT HE SAID

5 THE COURT ALL RIGHT GO AHEAD

6 Q AND WHAT HAPPENED AFTER YOU -- AFTER MR RIGBY
7 APPROACH YOU? WHAT DID YOU DO NEXT?

8 A WE TALKED FOR A LITTLE WHILE AND THEN MAYBE AN
9 HOUR, HOUR AND A HALF LATER I TOOK HIM HOME

10 Q AND WOULD YOU KNOW WHAT THE OCCASION OF MR BOBBY
11 RIGBY DOING ON 21 RILEY ROAD?

12 MR MURDAUGH YOUR HONOR, PLEASE, THERE'S NO WAY
13 THAT CAN BE NOT HEARSAY, SIR

14 THE COURT ARE YOU ASKING HIM WHY HE WAS THERE?

15 MR ALKEBULANYAHH I'M ASKING HIM WHAT WAS THE
16 OCCASION, WHETHER HE WAS COMING TO SEE HIM OR VISIT HIM
17 OR ANYONE ELSE, SOMETHING LIKE THAT

18 THE COURT YOU CAN ASK HIM IF HE WAS COMING TO
19 SEE HIM

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

22 Q WAS MR BOBBY RIGBY COMING TO VISIT YOU THAT DAY?

23 A NO, SIR

24 Q WHEN YOU PICKED HIM UP ON THE RILEY ROAD AND YOU
25 TOOK HIM WHERE?

1 A TO HIS RESIDENCE I BELIEVE IT WAS BRIARWOOD --
2 NEXT TO THE COMMUNITY BIBLE CHURCH
3 Q SO WHEN YOU HAD ENCOUNTERED MR RIGBY ON THE 21
4 RILEY ROAD, HE WAS WALKING OR ---
5 A YES, SIR, HE -- HE WAS WALKING TOWARDS RILEY ROAD
6 HE WAS STILL ON -- I DON'T KNOW IF IT'S BROAD RIVER
7 BOULEVARD OR NOT HE WAS STILL WALKING ON THE MAIN
8 ROAD
9 Q AND WHEN YOU GIVE HIM A RIDE FROM THE RILEY ROAD
10 AREA WHICH WAS THE SCENE WHERE THE TWO DEPUTIES WERE
11 SHOT, WHERE DID YOU TAKE HIM?
12 A TO HIS RESIDENCE
13 Q AND WHERE WAS THAT RESIDENCE LOCATED?
14 MR MURDAUGH THAT'S BEEN ASKED AND ANSWERED,
15 SIR
16 THE COURT YES, SIR, I SUSTAIN THAT
17 Q WAS ANYBODY THERE AT THAT RESIDENCE WHERE YOU TOOK
18 HIM?
19 A HIS BROTHER AND ONE OF HIS FRIENDS
20 Q DID YOU KNOW THE NAME OF THE FRIEND AND HIS
21 BROTHER?
22 A I KNOW THE NAME OF HIS BROTHER, BUT I DO KNOW THE
23 NAME OF THE FELLOW THAT WAS WITH HIM BUT IT SLIPS ME
24 AT THIS TIME HIS BROTHER'S NAME IS JOHN RIGBY
25 Q AND DID YOU SEE MR RIGBY ANY TIME AFTER THAT WHEN

1 YOU DROPPED HIM OFF?

2 A WE USED TO HANG OUT OCCASIONALLY WE DIDN'T HANG
3 OUT, BUT I WOULD SEE HIM AT THE MOVIE THEATER PARKING
4 LOT OR OTHER TIMES LIKE THAT

5 Q WHEN YOU REFER BACK TO THE RILEY ROAD, WHEN YOU
6 WAS UP ON THE RILEY ROAD, WERE YOU ALONE OR WERE YOU
7 WITH OTHER PEOPLE?

8 A I WAS WITH MY GRANDPARENTS

9 Q WITH YOUR GRANDPARENTS AND YOU ALL JUST ALL IN
10 THE SAME VEHICLE?

11 A YES, SIR

12 Q FROM WHERE YOU WAS AT, COULD YOU SEE THE DEPUTIES'
13 CARS ON 21 RILEY ROAD?

14 A I SAW A NUMBER OF DEPUTIES' CARS

15 Q WERE YOU ABLE TO SEE THE RESIDENCE WHERE THE
16 DEPUTIES WAS SAID SHOT?

17 A NO FROM THE ROAD YOU CANNOT SEE THAT RESIDENCE
18 YOU HAVE TO DRIVE ONTO IT

19 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
20 THE COURT YES, SIR

21 Q MR CAPDEPON, ARE YOU ABLE TO DISCERN THE --
22 WHAT'S IN THESE PICTURES HERE?

23 A YES, SIR

24 Q COULD YOU SPEAK UP?

25 A THIS IS MY HOUSE THIS IS THE TRAILER THE

STATE VS ALKEBULANYAHH

1 DEPUTIES WERE SHOT AT
2 MR MURDAUGH TALK LOUD PLEASE
3 THE COURT CAN YOU SPEAK UP PLEASE? '
4 WITNESS OKAY
5 A MY -- MY TRAILER -- LOOKING ON THIS PICTURE, AFTER
6 YOU GET TO THE TREE LINE, IS ON THE LEFT THE TRAILER
7 WHERE THE DEPUTIES WERE SAID SHOT WERE HERE IN THIS
8 TRAILER YOU SEE THE POLICE CARS HERE I WAS OUT ON
9 THE MAIN ROAD I BELIEVE THERE'S A TRAILER IN THE
10 TREES THAT YOU CANNOT SEE FROM HERE
11 MR ALKEBULANYAHH YOUR HONOR, CAN I APPROACH THE
12 JURY STEP DOWN, SIR
13 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
14 MR MURDAUGH YOUR HONOR PLEASE, THEY HAVE NOT
15 BEE INTRODUCED
16 MR ALKEBULANYAHH MAY I INTRODUCE THIS AS
17 EVIDENCE, YOUR HONOR?
18 THE COURT ANY OBJECTION?
19 MR MURDAUGH MAY I SEE THEM?
20 THE COURT YES, SIR
21 (PAUSE)
22 MR MURDAUGH NO OBJECTION SIR
23 THE COURT ALL RIGHT DEFENDANT'S 30 AND 31
24 WITHOUT OBJECTION
25 (SMALL AERIAL PHOTO OF RILEY ROAD MARKED IN

STATE VS ALKEBULANYAHH

1 EVIDENCE AS DEFENDANT'S EXHIBIT NO 30)

2 (SMALL AERIAL PHOTO OF RILEY ROAD AREA MARKED IN

3 EVIDENCE AS DEFENDANT'S EXHIBIT NO 31)

4 Q COULD YOU ---

5 MR MURDAUGH LOUDER PLEASE

6 Q COULD YOU POINT THE AREAS OUT AND WALK ALONG HERE
7 TO THE JURORS TO SHOW THEM WHERE THE RESIDENCE OF THE
8 21 RILEY ROAD AND WHERE YOUR RESIDENCE IS LOCATED AND
9 THE BEGINNING AND THE END OF THE ROAD IF IT'S IN THE
10 PICTURE?

11 A THIS IS WHERE THE DEPUTIES WERE SAID SHOT PAST
12 THE TREE LINE HERE IS MY RESIDENCE THIS IS THE
13 ENTRANCE, THIS ROAD HERE

14 THIS IS THE RESIDENCE WHERE THE POLICE WERE SAID
15 SHOT

16 MR MURDAUGH CAN'T HEAR HIM, JUDGE
17 THE COURT SPEAK UP

18 A THIS TRAILER RIGHT HERE IS WHERE THE POLICE WERE
19 SAID SHOT MY TRAILER IS HERE PAST THE TREE LINE ON
20 THE LEFT

21 THE COURT HOLD ON A SECOND MR ALKEBULANYAHH,
22 HOLD THAT MICROPHONE NEAR HIM

23 MR ALKEBULANYAHH YES, SIR

24 A THE TRAILER RIGHT HERE IS WHERE THE DEPUTIES WERE
25 SAID SHOT MY HOUSE IS HERE ON THE LEFT PAST THE TREE

STATE VS ALKEBULANYAHH

1 LINE AND THE ROAD, THE ENTRANCE TO RILEY ROAD IS
2 RIGHT HERE
3 THIS TRAILER HERE IS WHERE THE DEPUTIES WERE SAID
4 SHOT MY TRAILER WAS HERE ON THE LEFT AND THE
5 ENTRANCE TO RILEY ROAD IS RIGHT HERE
6 MR MURDAUGH TALK OUT LOUD
7 Q YES COULD YOU POINT OUT IN THIS PICTURE THE AREA
8 FROM THE TRAILER AND THEN WHAT'S THIS ROAD HERE AND THE
9 VIEW THAT YOU ARE SEEING RIGHT HERE FOR THE JURY
10 PLEASE?
11 A EXPLAIN?
12 Q YES, THAT PARTICULAR AREA, COULD YOU EXPLAIN THAT
13 PARTICULAR AREA IN THAT PARTICULAR PICTURE THERE?
14 A YES THIS IS THE TRAILER WHERE THE DEPUTIES WERE
15 SAID SHOT I BELIEVE THE NAME OF THIS ROAD HERE IS
16 BROAD RIVER BOULEVARD I'M NOT EXACTLY SURE, BUT THAT
17 IS THE ENTRANCE TO RILEY ROAD
18 Q SLIDE DOWN
19 A THIS IS THE TRAILER WHERE THE DEPUTIES WERE SAID
20 SHOT THE ENTRANCE TO RILEY ROAD IS RIGHT HERE AND
21 THIS IS BROAD RIVER BOULEVARD
22 THIS HERE IS THE TRAILER WHERE THE DEPUTIES WERE
23 SAID SHOT THIS IS THE ENTRANCE TO 45 RILEY ROAD AND
24 THIS IS BROAD RIVER BOULEVARD
25 Q THANK YOU, MR CAPDEPON TAKE THE STAND

STATE VS ALKEBULANYAHH

1 (THE WITNESS RETURNS TO THE WITNESS STAND)

2 Q MR CAPDEPON, WAS YOU PREVENTED FROM BEING ABLE TO
3 ENTER TO -- TO -- TO GO TO YOUR HOME DOWN THE 21 RILEY
4 ROAD IS THE REASON THAT YOU WAS -- YOU AND YOUR FAMILY
5 WAS PULLED OVER TO THE SIDE?

6 A YES SIR

7 Q AND THAT PARTICULAR PREVENTION WAS IN DIRECT
8 RESPONSE TO THE SHOOTING THAT TOOK PLACE ON THE RILEY
9 ROAD RESIDENCE IS THAT CORRECT?

10 A YES SIR

11 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
12 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL
13 MR CAPDEPON

14 CROSS EXAMINATION BY MR. MURDAUGH.

15 Q HOW DO YOU PRONOUNCE YOUR NAME SIR?

16 A HENRY CAPDEPON

17 Q CAPDEPON?

18 A YES SIR

19 Q MR CAPDEPON, LET ME ASK YOU A QUESTION

20 A YES, SIR

21 Q WHERE WERE YOU LOCATED? WERE YOU ON BROAD RIVER
22 ROAD OR ON RILEY ROAD?

23 A BROAD RIVER ROAD

24 Q YOU WERE OUT ON BROAD RIVER ROAD ALMOST AT THE
25 HEAD OF RILEY ROAD?

- 1 A YES, SIR
- 2 Q WHEN YOU SAW RIGBY WALK UP, WHERE WAS HE COMING
- 3 FROM?
- 4 A OKAY I'M GOING TO STAND -- I'M -- CAN I TURN
- 5 AROUND AND SHOW?
- 6 Q DO ANYTHING YOU WANT TO, SIR
- 7 A OKAY FROM YOUR POSITION, I AM ON BROAD RIVER
- 8 BOULEVARD OKAY? FACING -- THERE'S A CLUB DOWN TO THE
- 9 LEFT CALLED CLUB NICHE (PHONETIC) ---
- 10 Q RIGHT
- 11 A I AM ON THAT ROAD FACING THAT WAY MR RIGBY
- 12 WALKED UP BEHIND ME
- 13 Q OKAY AND SO WHERE YOU ARE FACING, RILEY ROAD
- 14 WOULD BE IN FRONT OF YOU, TO YOUR LEFT?
- 15 A ON MY RIGHT
- 16 Q ON YOUR RIGHT OKAY WHAT WERE YOU DRIVING?
- 17 A A WHITE GMC VAN
- 18 MR MURDAUGH OKAY I HAVE NO FURTHER QUESTIONS
- 19 THE COURT YOU MAY STEP DOWN, SIR THANK YOU
- 20 MR ALKEBULANYAHH I DID WANT TO RESERVE THE
- 21 RIGHT TO ---
- 22 THE COURT YES, SIR YOU ARE EXCUSED FOR NOW
- 23 YOU'LL BE SUBJECT TO RECALL
- 24 (THE WITNESS LEAVES THE WITNESS STAND)
- 25 MR ALKEBULANYAHH MY NEXT WITNESS IS CHARLIE

STATE VS ALKEBULANYAHH

1 CONDOM (PHONETIC)

2 MR MURDAUGH MAY WE APPROACH?

3 THE COURT YES, SIR HOLD THE WITNESS PLEASE

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

6 THE COURT ALL RIGHT BRING THE WITNESS IN

7 CHARLES M CONDON, BEING

8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

10 Q GOOD EVENING, MR CONDOM (PHONETIC) COULD YOU
11 STATE YOUR NAME AND YOUR OCCUPATION FOR THE RECORD
12 PLEASE, SIR?

13 A MY NAME IS CHARLES MALONE CONDON AND I'M
14 CURRENTLY A SENIOR VICE PRESIDENT GENERAL COUNSEL WITH
15 PALMETTO SURETY COMPANY

16 Q MR CONDOM (PHONETIC), DO YOU HAVE ANY EXPERIENCE
17 IN THE LAW ENFORCEMENT AREA?

18 A I DO

19 Q HOW MUCH EXPERIENCE DO YOU HAVE, SIR?

20 A WELL, I WAS AN ASSISTANT SOLICITOR IN CHARLESTON
21 COUNTY I WAS ELECTED CIRCUIT SOLICITOR IN THE NINTH
22 JUDICIAL CIRCUIT, WHICH IS CHARLESTON AND BERKELEY
23 COUNTIES, AND SERVED THERE FOR 11 YEARS AND THEN I
24 WAS ELECTED ATTORNEY GENERAL OF THE STATE OF SOUTH
25 CAROLINA IN 1994, AND SERVED IN THAT CAPACITY FOR 8

STATE VS ALKEBULANYAHH

1 YEARS

2 MR ALKEBULANYAHH YOUR HONOR, I WOULD ASK THAT
3 MR CONDOM (PHONETIC) BE CONSIDERED AN EXPERT IN LEGAL
4 LAW ENFORCEMENT

5 THE COURT YOU'RE SEEKING TO QUALIFY HIM AS AN
6 EXPERT IN LAW ENFORCEMENT PROCEDURES?

7 MR ALKEBULANYAHH YES, SIR

8 THE COURT DO YOU WANT TO ASK HIM SOME QUESTIONS
9 ABOUT HIS EXPERIENCE WITH LAW ENFORCEMENT PROCEDURES?

10 MR ALKEBULANYAHH YES, SIR

11 Q MR CONDOM (PHONETIC), HOW MUCH EXPERIENCE DO YOU
12 HAVE WITH LAW ENFORCEMENT PROCEDURES?

13 A WELL, I WOULD CHARACTERIZE IT AS -- AS SOMEWHAT
14 EXTENSIVE I'VE NOT HAD ANY DIRECT EXPERIENCE WITH
15 SUPERVISING OFFICERS OR THAT NATURE I HAVE HAD
16 EXPERIENCE THOUGH IN ISSUING LEGAL OPINIONS, IN WORKING
17 WITH LAW ENFORCEMENT IN THE PROSECUTION OF CRIMINAL
18 CASES SO FROM THAT RANGE, BUT NOT DIRECT SUPERVISION
19 OF OFFICERS THEMSELVES, NONE WHATSOEVER

20 Q HOW MUCH EXPERIENCE DO YOU HAVE WITH THE WRITING
21 AND UNDERSTANDING OF PROCEDURES WITH THE CONDUCT OF
22 OFFICERS IN REFERENCE TO THEIR DUTIES?

23 A VERY LITTLE

24 Q VERY LITTLE?

25 A I WOULD HAVE -- THE CONTEXT IN WHICH I WOULD HAVE

1 THAT WOULD BE REVIEWING THOSE PROCEDURES, PERHAPS WHEN
2 THEY WOULD COME UP IN THE MIDST OF A CRIMINAL
3 PROSECUTION BUT IN ACTUALLY WRITING THE PROCEDURE AND
4 ADMINISTERING THE PROCEDURE, I WOULD HAVE REALLY NO
5 EXPERIENCE WHATSOEVER IN THAT

6 Q HAVE YOU EVER HAD THE OCCASION TO ANALYZE AND
7 STUDY THE AREA OF A OFFICER DUTY WHEN RESPONDING TO
8 CRIMINAL DOMESTIC VIOLENCE?

9 A IN TERMS OF PROCEDURES?

10 Q YES, SIR

11 A I'VE HAD LIMITED EXPERIENCE IN SUGGESTING PERHAPS
12 REFORMS AND SUCH FROM THE LEGISLATIVE STANDPOINT OF
13 THAT BUT IN TERMS OF SUPERVISING OFFICERS OR WRITING
14 PROCEDURES, REALLY VERY LITTLE

15 Q WOULD YOU HAVE ANY KNOWLEDGE IN REFERENCE TO HOME
16 INVASION?

17 A I WOULD

18 Q IN THAT PARTICULAR AREA ---

19 MR MURDAUGH YOUR HONOR, PLEASE, THIS IS THE
20 LINE OF QUESTIONING I OBJECTED TO, SIR

21 THE COURT ARE YOU ASKING QUESTIONS ABOUT THE LAW
22 OR ARE YOU ASKING HIM ABOUT PROCEDURES THAT HE'S
23 ENCOUNTERED IN HANDLING THESE CASES?

24 MR ALKEBULANYAHH I WAS GOING TO ASK HIM IN
25 QUESTIONING IN LINE WITH THE EXEMPTIONS -- IF ANYBODY

1 WAS ANYTHING UNDER EXEMPTION OF THAT PARTICULAR LAW IF
2 HE HAD ANY KNOWLEDGE IN REFERENCE ---

3 THE COURT THAT IS A LEGAL QUESTION THE COURT
4 WILL ADDRESS THE APPROPRIATE LAW WITH THE JURY AT THE
5 APPROPRIATE TIME

6 IT'S MY UNDERSTANDING YOU WANTED TO ASK HIM ABOUT
7 PROCEDURES IN DEALING WITH LAW ENFORCEMENT, CRIME
8 SCENES, DEVELOPING -- THINGS THAT HE LEARNED IN
9 HANDLING THESE CASES IN DEALING WITH LAW ENFORCEMENT,
10 THAT WAS WHAT I UNDERSTOOD YOU WERE ASKING HIM ABOUT

11 MR ALKEBULANYAHH YES, SIR THANK YOU, YOUR
12 HONOR I WOULD LIKE TO PROCEED

13 THE COURT GO AHEAD

14 Q MR CONDOM (PHONETIC), IS IT THE PROCEDURE FOR
15 OFFICERS TO HAVE ARREST WARRANTS AND SEARCH WARRANTS
16 BEFORE THEY ENTER THE RESIDENCE OF CITIZENS IN THE
17 STATE OF SOUTH CAROLINA?

18 A NO, NOT NECESSARILY, NOT AT ALL

19 Q COULD YOU EXPLAIN -- COULD YOU ELABORATE ON
20 SITUATIONS WHERE THEY MAY NOT NEED ARREST WARRANTS AND
21 SEARCH WARRANTS BEFORE THEY ENTER THE RESIDENCE OF
22 CITIZENS OF SOUTH CAROLINA?

23 A SURELY PERMISSION IF SOMEONE'S GIVEN
24 PERMISSION TO ENTER

25 Q THAT'S CONSENT?

STATE VS ALKEBULANYAHH

1 A IF THERE'S A -- THAT'S AN OBVIOUS EXAMPLE, SOMEONE
2 INVITES LAW ENFORCEMENT IN THERE COULD BE SOME
3 EXCEPTIONS RELATED TO -- THESE WOULD BE LEGAL MATTERS
4 RELATED TO EMERGENCY SITUATIONS THERE ARE A WHOLE
5 HOST OF SITUATIONS IN WHICH IT IS PERFECTLY PROPER FOR
6 LAW ENFORCEMENT TO BE IN FOLKS' RESIDENCES WITHOUT AN
7 ARREST WARRANT OR WITHOUT A SEARCH WARRANT

8 Q DOES CONSENT OR PERMISSION ALLOW LAW ENFORCEMENT
9 TO -- TO DO A GENERAL -- GENERALIZED SEARCH OF THE
10 ENTIRE RESIDENCE?

11 A ABSOLUTELY

12 Q AND DOES IT HAVE THE BURDEN AS BEING EQUIVALENT TO
13 A SEARCH WARRANT? DOES IT HAVE TO -- HAVE TO LIVE UP
14 TO THE STANDARD AS A SEARCH WARRANT WOULD LIMIT CERTAIN
15 PLACES AND AREAS TO BE SEARCHED?

16 A NO IF THERE'S PERMISSION, YOU ARE IN PERMISSION
17 TO BE INSIDE IT'S PERFECTLY ACCEPTABLE FOR LAW
18 ENFORCEMENT OFFICER -- IN FACT, I WOULD SAY GIVEN THE
19 CONTEXT OF A GIVEN CASE IF AN OFFICER IS GIVEN
20 PERMISSION TO ENTER SOMEONE'S HOME, IT WOULD BE A
21 DERELICTION OF THEIR DUTY NOT TO THOROUGHLY FOLLOW
22 THROUGH WITH WHATEVER THE CONTEXT OF THE CALL FOR IN
23 TERMS OF SEARCHING

24 Q AND IF THE -- IF LAW ENFORCEMENT RESPONDS TO,
25 LET'S SAY A CRIMINAL DOMESTIC VIOLENCE, WHAT WOULD BE

1 THE PRIMARY RESPONSIBILITY OF THE LAW ENFORCEMENT
2 OFFICER?

3 A WELL, THERE WOULD BE A NUMBER OF RESPONSIBILITIES
4 ONE, OF COURSE, IS TO PROTECT THE VICTIM FROM HARM,
5 FROM FURTHER HARM

6 ANOTHER ONE WOULD BE EVIDENCE PRESERVATION

7 ANOTHER ONE WOULD BE APPREHENSION OF ANY SUSPECTS
8 THAT MAYBE IN PLAY SO TO SPEAK OR WOULD BE PEOPLE THAT
9 THEY WOULD SUSPECT

10 THERE WOULD BE A WHOLE HOST -- AND YOU WOULD
11 PERHAPS KNOW, BEING A LAW ENFORCEMENT OFFICER IS A VERY
12 DIFFICULT JOB IT HAS MANY, MANY ASPECTS TO IT AND
13 FOR THOSE THAT SERVE, I HAVE THE UTMOST ADMIRATION FOR
14 THEM AND THE ABILITY FOR THEM TO COME FORWARD AND
15 HANDLE SITUATIONS IT REQUIRES A VAST AMOUNT OF
16 JUDGMENT AND A VAST AMOUNT OF JUDGMENT CALLS

17 BUT GENERALLY, THE LAW GIVES THEM GREAT LATITUDE
18 PARTICULARLY WHEN IT COMES TO PERMISSION, PARTICULARLY
19 WHEN IT COMES TO ONGOING POSSIBLE CRIMINAL ACTIVITY
20 AND SO IT WOULD DEPEND ON THE CIRCUMSTANCES

21 Q WHEN YOU SPEAK OF -- OF ONE OF THE PRIMARY
22 RESPONSIBILITY YOU STATED IN THE BEGINNING WHEN YOU
23 WENT TO ENUMERATE A LOT ABOUT REASON WAS THE
24 PROTECTING OF THE -- OF THE VICTIM OR THE COMPLAINTANT
25 (PHONETIC) WOULD THAT BE NUMBER ONE UPON LAW

1 ENFORCEMENT RESPONDING TO A CRIMINAL DOMESTIC VIOLENCE?

2 A NOT NECESSARILY I WOULD SAY THERE WERE ALL SORTS
3 OF COMPETING INTERESTS, DEPENDING ON THE FACTUAL
4 SITUATION OF THE OFFICER THAT WOULD CERTAINLY BE A
5 VERY IMPORTANT ASPECT OF THE RESPONSE ANOTHER
6 IMPORTANT ASPECT WOULD BE THE APPREHENSION OF SOMEONE
7 WHO MAY BE AT FAULT, WHO MAY HAVE COMMITTED A CRIMINAL
8 ACTIVITY

9 ANOTHER ONE THAT'S REALLY BIG IN THE DOMESTIC
10 VIOLENCE AREA, WHICH I KNOW AS ATTORNEY GENERAL OF
11 SOUTH CAROLINA, WE HAD TRAINING PROGRAMS ALONG THIS
12 LINE, IS EVIDENCE PRESERVATION YOU'VE GOT TO BE ABLE
13 TO PRESERVE THE EVIDENCE THERE, SO ANYTHING NECESSARY
14 TO BE RELATIVELY ACTIVE WITH SEEING WHAT EVIDENCE MAY
15 BE AVAILABLE THERE AT A POTENTIAL CRIME SCENE

16 SO THERE'S A WHOLE HOST OF OBLIGATIONS ON THE
17 POLICE OFFICER THEY'RE TRYING TO DO THIS THEY'RE
18 TAUGHT TO DO THIS, I KNOW, FROM DAY ONE AT THEIR POLICE
19 TRAINING AND SO THERE'S SOME VERY IMPORTANT
20 RESPONSIBILITIES IN COMING UPON A POTENTIAL CRIME
21 SCENE

22 Q WOULD YOU AGREE THAT THERE SHOULD BE FACTS KNOWN
23 TO THE LAW ENFORCEMENT OFFICER BEFORE THEY TAKE ANY
24 ACTIONS IN REFERENCE TO ENTERING A HOME, ARRESTING AN
25 ALLEGED SUSPECT, OR TO ASCERTAIN WHETHER OR NOT THERE'S

1 ACTUALLY A CRIME HAS BEEN COMMITTED?

2 A WELL, THE LAW -- THE TRAINING -- THE LAW DOESN'T
3 REQUIRE ANY SORT OF CERTAINTY OF ACTUAL SPECIFIC BEYOND
4 ANY DOUBT TYPE FACTUAL INFORMATION AN OFFICER HAS TO
5 HAVE THE LAW SPEAKS IN TERMS OF REASONABLENESS, WHAT
6 THE OFFICER SHOULD AND SHOULDN'T DO DEPENDS UPON
7 INFORMATION COMING TO THAT OFFICER SO IT WOULD DEPEND
8 VERY MUCH UPON THE INFORMATION THAT'S GIVEN TO THEM

9 AS YOU KNOW, IT'S A VERY STRESSFUL SITUATION
10 WE'VE HAD IN SOUTH CAROLINA SO MANY INCIDENT -- PEOPLE
11 WHO HAVE BEEN HURT IN THE COURSE OF DOMESTIC VIOLENCE
12 SITUATIONS AND THEY'RE TRYING TO BE -- AND I THINK
13 THIS IS VERY GOOD TRAINING, TO BE -- TO BE GOOD ABOUT
14 RESPONDING TO THINGS APPROPRIATELY, YET WITH A CERTAIN
15 DEGREE OF WANTING TO GET TO THE SITUATION OF RESOLVING
16 IT, SITUATION OF PROTECTING INNOCENT PEOPLE, AND
17 EVIDENCE PRESERVATION SO IT WOULD DEPEND UPON THE
18 CIRCUMSTANCES

19 Q AND YOU MENTIONED THE INFORMATION THAT THEY
20 RECEIVE, THAT INFORMATION WOULD YOU AGREE IS CRITICAL
21 TO THEM BEING ABLE TO CARRY OUT THEIR DUTIES PROPERLY
22 THAT THEY RECEIVE ABOUT CRIMINAL DOMESTIC VIOLENCE --
23 THE INFORMATION THAT THEY RECEIVE IN REFERENCE TO THEY
24 ACT UPON?

25 A YOU MEAN, THE INFORMATION THAT THE OFFICER IS

1 GIVEN AS TO POSSIBLE CRIMINAL ACTIVITY?

2 Q YES

3 A IT CAN BE, YES, DEPENDING UPON WHAT'S COMING IN,
4 OF COURSE

5 Q YES AND BY THAT INFORMATION BEING CRITICAL,
6 WOULD YOU AGREE THAT IT WOULD -- IT WOULD HELP HIM TO
7 BE ABLE TO PROTECT HIMSELF AND THE -- ALSO THE RIGHTS
8 OF BYSTANDERS OR INNOCENT -- INNOCENT CITIZENS THAT HAS
9 NO INVOLVEMENT IF THERE WAS A CRIME OR SOMETHING GOING
10 ON, THAT INFORMATION WOULD BE CRITICAL FOR HIM TO BE
11 ABLE TO -- TO PREVENT HIM FROM TRANSGRESSING OR
12 VIOLATING THE RIGHTS OF CITIZENS, WOULD YOU AGREE WITH
13 THAT?

14 A IT CAN BE

15 MR ALKEBULANYAHH MR CONDOM (PHONETIC), THANK
16 YOU SIR I HAVE NO FURTHER QUESTIONS, YOUR HONOR

17 MR MURDAUGH HOW ARE YOU TODAY?

18 WITNESS GOOD AFTERNOON, SOLICITOR

19 MR MURDAUGH PLEASE THE COURT, MY BOSS FOR SOME
20 8 YEARS, WERE YOU NOT?

21 WITNESS I WOULDN'T GO THAT FAR WE WORKED
22 TOGETHER

23 MR MURDAUGH IT'S A PLEASURE TO HAVE YOU IN
24 BEAUFORT COUNTY I HAVE NO QUESTIONS

25 THE COURT ALL RIGHT THANK YOU, SIR YOU MAY

STATE VS ALKEBULANYAHH

1 STEP DOWN
2 (THE WITNESS LEAVES THE WITNESS STAND)
3 THE COURT CALL YOUR NEXT WITNESS PLEASE
4 MR ALKEBULANYAHH I WOULD LIKE TO CALL MR PAT
5 HOLLOWAY
6 PATRICK HOLLOWAY, BEING
7 FIRST DULY SWORN TESTIFIED AS FOLLOWS
8 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
9 Q MR HOLLOWAY, COULD YOU STATE YOUR NAME AND
10 OCCUPATION FOR THE RECORD, SIR?
11 A MY NAME IS PATRICK HOLLOWAY I WORK FOR HARGRAY
12 TELEPHONE
13 Q WERE YOU WORKING FOR HARGRAY TELEPHONE ON JANUARY
14 8, 2002?
15 A YES, SIR
16 Q DO YOU ALSO WORK WITH LAW ENFORCEMENT?
17 A I'M A STATE CONSTABLE, YES, SIR
18 Q MR HOLLOWAY, ON JANUARY 8, 2002 DID YOU HAVE THE
19 OCCASION TO BE ON THE JOE FRAZIER ROAD AREA? THE 21 --
20 THE RILEY ROAD AREA IN RESPONSE TO TWO DEPUTIES BEING
21 KILLED?
22 A YES, SIR
23 Q COULD YOU TELL ME HOW YOU BECAME INVOLVED IN THAT
24 SITUATION?
25 A I WAS ASSISTING THE BEAUFORT COUNTY SHERIFF'S

STATE VS ALKEBULANYAHH

1 OFFICE IN THAT CALL, AND I WAS CALLED TO THE INCIDENT
2 COMMAND CENTER AT BROAD RIVER ELEMENTARY

3 Q AND WHEN YOU ARRIVED AT THE BROAD RIVER COMMAND
4 CENTER, WHAT DID YOU DO?

5 A WE CHECKED IN AND WE WERE DISPATCHED TO THE AREA
6 OF SHELL POINT

7 Q AND WHAT WAS THE NATURE OF THAT DISPATCH?

8 A I WAS ASSISTING ANOTHER AGENT FROM ANOTHER AGENCY
9 IN REFERENCE TO A CALL THAT HE WAS ON

10 Q AND WHAT WAS THAT CALL CONCERNING?

11 A THE CALL WAS ---

12 MR MURDAUGH YOUR HONOR PLEASE, THIS IS THE
13 MATTER THAT WE HAD TALKED ABOUT AND I MADE OBJECTION AT
14 SIDE BAR

15 THE COURT ALL RIGHT YOU CANNOT ASK WHAT
16 SOMEONE ELSE SAID

17 MR ALKEBULANYAHH I DIDN'T ASK HIM WHAT NOBODY
18 ELSE SAID, YOUR HONOR

19 THE COURT APPROACH THE SIDE BAR

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

22 Q MR HOLLOWAY, WAS YOU INVOLVED IN THE
23 INVESTIGATION OF ANYTHING IN RELATION TO THE 21 RILEY
24 ROAD INCIDENT?

25 A NO, SIR

1 Q DID YOU ENCOUNTER A KIMBERLY BLATE (PHONETIC) ON
2 JANUARY 8, 2002?
3 A NO, SIR
4 Q AN ISAAC RILEY?
5 A NO, SIR
6 Q A STRAWBERRY WASHINGTON?
7 A NO, SIR
8 MR MURDAUGH JUDGE, HE HAS TESTIFIED HE HAS
9 NOTHING TO DO WITH THE INVESTIGATION
10 THE COURT I SUSTAIN THAT OBJECTION
11 Q DID YOU INTERVIEW A BOBBY RIGBY ---
12 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S ---
13 Q --- ON JANUARY 8?
14 MR MURDAUGH --- WHAT WE JUST TALKED ABOUT SIR,
15 AND WHAT YOU MADE ---
16 THE COURT YES, SIR I SUSTAIN THAT OBJECTION
17 Q WHAT DID YOU DO WHEN YOU LEFT THE COMMAND POST?
18 WHERE DID YOU GO?
19 MR MURDAUGH YOUR HONOR PLEASE, IF IT GOES TO
20 THE MATTER THAT WE DISCUSSED, SIR, I THINK ---
21 THE COURT I'LL HAVE TO HEAR ---
22 MR MURDAUGH I UNDERSTAND
23 THE COURT GO AHEAD GO AHEAD
24 A WE WERE ASKED TO RESPOND TO A CALL IN THE SHELL
25 POINT AREA

1 MR MURDAUGH I OBJECT TO IT, SIR
2 THE COURT ALL RIGHT I SUSTAIN THAT OBJECTION
3 Q AFTER YOU RESPONDED TO THE CALL, WHERE DID YOU GO?
4 AFTER YOU RESPONDED TO THE CALL, YOU SAY YOU RESPONDED
5 IN THE SHELL POINT AREA, WHAT DID YOU DO AFTER THAT --
6 AFTER THE RESPONSE TO THE CALL?
7 A I RETURNED TO THE INCIDENT COMMAND CENTER AT BROAD
8 RIVER ELEMENTARY
9 Q AND DID YOU REPORT TO ANYONE?
10 A NO, I DID NOT
11 Q WHAT DID YOU DO AT THE BROAD RIVER COMMAND CENTER?
12 A AT THAT POINT, I LEFT IN MY VEHICLE AND WENT HOME
13 Q WHEN YOU RESPONDED OUT TO THE SHELL POINT AREA,
14 WAS ANY OTHER OFFICERS WITH YOU?
15 A YES, SIR
16 Q COULD YOU GIVE ME THE NAME OF THOSE OFFICERS?
17 A I DO NOT RECALL ALL THE NAMES OF THE OFFICERS
18 Q COULD YOU RECALL THE ONES THAT YOU DO REMEMBER?
19 A DEPUTY SHERIFF COPE (PHONETIC)
20 Q YES, SIR
21 A I DO NOT RECALL THE FIRST NAME OF ONE OFFICER THAT
22 WAS OUT THERE THE LAST NAME WAS MONK
23 Q AND THAT'S THE ONLY ONE RIGHT NOW AT THIS
24 PARTICULAR TIME?
25 A THE LAST NAME OF KAHN

1 Q KAHN
2 A THAT'S ALL I RECALL
3 Q IS KAHN A DEPUTY OR SLED AGENT, DO YOU RECALL?
4 A HE'S A FEDERAL AGENT
5 Q FEDERAL AGENT WHEN YOU RETURNED TO THE COMMAND
6 POST, DID YOU SPEAK TO ANYONE?
7 A IF I DID, I DO NOT RECALL WHO IT WOULD HAVE BEEN
8 Q DID YOU WRITE A REPORT?
9 A NO, SIR
10 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
11 YOUR HONOR I WOULD LIKE THE RIGHT TO RECALL THIS
12 WITNESS
13 THE COURT ANY QUESTIONS?
14 MR MURDAUGH I HAVE NO QUESTIONS YOUR HONOR,
15 PLEASE
16 THE COURT YOU MAY STEP DOWN, SIR
17 (THE WITNESS LEAVES THE WITNESS STAND)
18 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
19 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY
20 (THE JURY RETIRES TO THE JURY ROOM AT 2 24 P M)
21 THE COURT PLEASE BE SEATED
22 I'M NOT SURE WHERE YOU'RE GOING TO GO WITH ALL
23 THESE WITNESSES IF YOU'RE JUST GOING TO TRY TO DO WHAT
24 YOU JUST DID
25 MR ALKEBULANYAHH WELL, YOUR HONOR, AGAIN, I

STATE VS ALKEBULANYAHH

1 UNDERSTOOD AND WAS TRYING TO KEEP ACCORDING TO YOUR
2 INSTRUCTIONS AS YOU'VE GIVEN ME I WAS -- MY INTENTION
3 WAS TO GET INFORMATION IN A TOTALLY OPPOSITE DIRECTION
4 AS FAR AS THE INSTRUCTIONS THAT YOU GIVE ME AND I DID
5 NOT -- CONTRARY TO WHAT THE PROSECUTOR SAY I DID NOT
6 HAVE ANY KNOWLEDGE THAT THIS PARTICULAR OFFICER WAS --
7 HAD SOME BUSINESS WITH THIS PARTICULAR WITNESS AND IT
8 WAS A MUCH SURPRISE TO ME AND I CAN ONLY SAY I
9 APOLOGIZE TO THAT EXTENT

10 BUT, AGAIN, CONTRARY TO MR -- WHAT THE PROSECUTOR
11 SAY, I DID NOT KNOW AT THAT TIME I REALLY WAS TRYING
12 TO REFRAIN (SIC) FROM THE AREA, BECAUSE I UNDERSTOOD
13 YOUR INSTRUCTIONS ABOUT WHAT I NEED TO DO BEFORE I GET
14 INTO WITNESSES GIVING TESTIMONY IN REFERENCE TO THE
15 THIRD PARTY

16 THE COURT WELL I MEAN IF YOU'RE GOING TO HAVE
17 A SERIES OF WITNESSES ALL DOING THE SAME THING, IT'S
18 JUST NOT GOING TO BE ALLOWED I'VE ALREADY EXPLAINED
19 THE CONCEPT OF ---

20 MR ALKEBULANYAHH RIGHT

21 THE COURT --- THIS THIRD-PARTY GUILT DOCTRINE
22 YOU KNOW IF YOU'VE GOT SOMEONE THAT WAS THERE WHO SAYS
23 THIS PERSON WAS THERE AND YOU WANT TO EXPLORE THAT,
24 THAT'S A WHOLE DIFFERENT BALL GAME IF YOU WANT TO
25 EXPLORE THEIR OPPORTUNITY, THAT'S NOT NECESSARILY

STATE VS ALKEBULANYAHH

1 POSSIBLE IT JUST DEPENDS ON WHAT THEY'RE SAYING

2 MR MURDAUGH IF YOUR HONOR ---

3 THE COURT THE SAME WAY WITH THE STATE I CAN'T
4 RULE ON THESE THINGS IF I DON'T HEAR IT SO THE ONLY
5 WAY I CAN DO THIS -- IF YOU'RE GOING TO JUMP UP AND
6 OBJECT BEFORE HE SAYS ANYTHING THEN I NEED TO JUST
7 HAVE AN IN CAMERA HEARING, BECAUSE I HAVE NO WAY OF
8 DECIDING THINGS WITHOUT HEARING THE TESTIMONY

9 MR MURDAUGH THEN I ASK YOU, SIR, THAT ANY
10 REFERENCE THAT'S GOING TO BE MADE TO RIGBY IT BE DONE
11 IN CAMERA PRIOR TO ---

12 THE COURT THAT'S FINE DO YOU UNDERSTAND THAT?
13 THIS IS JUST NOT MAKING SENSE, THAT MR RIGBY SHOULD
14 HAVE BEEN HERE AND IT MIGHT HAVE ALLEVIATED SOME OF
15 THESE PROBLEMS IF YOU'VE GOT OTHER WITNESSES THAT YOU
16 WANT TO JUMP TO, THEN JUMP TO THOSE OTHER WITNESSES
17 AND THEN COME BACK WITH MR RIGBY WHEN YOU FIND HIM
18 WHO IS YOUR NEXT WITNESS?

19 MR ALKEBULANYAHH TRAVIS LEE AVANT

20 THE COURT MR AVANT WELL, HE'S THE
21 INVESTIGATOR SO WHAT'S THE STATE'S POSITION ON THAT?

22 MR MURDAUGH JUDGE, I HAVE NO PROBLEM WITH HIM
23 CALLING HIM, BUT I REPRESENT TO THE COURT THAT I KNOW
24 OF VERY -- I DON'T KNOW OF ANYTHING HE CAN TESTIFY TO
25 BUT OUT OF AN ABUNDANCE OF PRECAUTION, SIR I HAVE NO

STATE VS ALKEBULANYAHH

1 PROBLEM WITH HIM I'M PROBABLY GOING TO OBJECT TO
2 ABOUT 95 PERCENT OF WHAT HE'S GOING TO ASK HIM, BUT ---
3 THE COURT WELL, WE CAN DO IT IN CAMERA
4 MR MURDAUGH I DON'T NEED THAT SIR
5 THE COURT ALL RIGHT
6 MR MURDAUGH I DON'T THINK
7 THE COURT ALL RIGHT IF WE DON'T DO IT IN
8 CAMERA, THEN I HAVE TO HEAR ---
9 MR MURDAUGH I UNDERSTAND
10 THE COURT --- WHAT'S BEING SAID BEFORE I CAN
11 RULE ON IT
12 MR MURDAUGH I UNDERSTAND, SIR CAN I MAKE THAT
13 DECISION WHEN WE COME BACK?
14 THE COURT IF WE NEED A BREAK, I'LL BE HAPPY TO
15 TAKE A BREAK
16 MR MURDAUGH I THOUGHT YOU WERE GOING TO TAKE A
17 BREAK I'M SORRY
18 THE COURT I MEAN, IT'S BEEN SINCE 1 15 THAT'S
19 FINE WE CAN GO AHEAD AND TAKE A BREAK WE'LL GO
20 AHEAD AND TAKE A SHORT BREAK
21 (A RECESS WAS TAKEN)
22 THE COURT READY TO PROCEED?
23 MR ALKEBULANYAHH YES, SIR, DEFENSE IS, YOUR
24 HONOR, SIR
25 THE COURT AGAIN, I JUST SUGGEST BACK TO YOU THAT

STATE VS ALKEBULANYAHH

1 THE ONLY ALTERNATIVE I HAVE IS TO HEAR THINGS IN
2 CAMERA OTHERWISE IT'S JUST TOO -- I DON'T KNOW WHAT
3 THEY'RE GOING TO SAY

4 MR MURDAUGH I UNDERSTAND, SIR AND I'M GOING
5 TO MAKE A REQUEST THE NEXT WITNESS WILL NOT BE
6 RELATED TO THAT ISSUE, SIR BUT AFTER THAT'S OVER
7 WITH, I'M GOING TO ASK THAT NO MENTION BE MADE OF BOBBY
8 RIGBY UNLESS IT'S DONE IN CHAMBERS FIRST

9 THE COURT ALL RIGHT

10 MR MURDAUGH I MEAN, IN CAMERA FIRST

11 THE COURT ALL RIGHT

12 MR MURDAUGH AND, YOUR HONOR, PLEASE IN
13 ADDITION SIR MY UNDERSTANDING IS THAT NOW THEY'RE
14 GOING TO PLAY SOME -- ALL OR SOME PORTION OF THE
15 DISPATCH TAPE

16 THE COURT YES SIR

17 MR MURDAUGH I WAS INFORMED THAT THE TAPE THAT
18 WE GAVE THEM -- A COPY -- DID NOT HAVE ALL OF IT ON IT
19 HAD A BUNCH OF TELEPHONE CONVERSATION BETWEEN
20 INVESTIGATOR AVANT AND SOMEBODY AND I ASK THAT THOSE
21 NOT BE VIEWED TO THE JURY SIR

22 THE COURT YOU'RE NOT PLAYING THOSE, ARE YOU?
23 THOSE AREN'T 9-1-1 CALLS?

24 MR MURDAUGH ARE YOU ALL PLAYING THAT TAPE THAT
25 YOU TOLD ME THAT HAD CONVERSATIONS BY AVANT ON THEM?

STATE VS ALKEBULANYAHH

1 LADY NO, SIR
2 MR MURDAUGH ALL RIGHT THAT TAKES CARE OF IT
3 THE COURT ALL RIGHT READY TO PROCEED?
4 MR MURDAUGH I AM, SIR
5 THE COURT READY?
6 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
7 THE COURT BRING THE JURY IN PLEASE
8 (PAUSE)
9 MR ALKEBULANYAHH MAY I APPROACH THE EXHIBITS
10 FOR A MINUTE?
11 THE COURT I CAN'T HEAR
12 MR ALKEBULANYAHH MAY I APPROACH THE EXHIBITS
13 FOR A MINUTE REAL QUICK?
14 THE COURT YES, SIR
15 (PAUSE)
16 THE COURT I JUST -- TO USE THE OPPORTUNITY
17 AGAIN, DO YOU UNDERSTAND MY RULING ABOUT SUSPECTS OR
18 TAKING STATEMENTS FROM OTHER PEOPLE ALL OF THAT?
19 THERE'S NOTHING TO CLEARLY POINT TO THAT PERSON AS THE
20 GUILTY PERSON, SO GENERALLY THAT STUFF IS NOT
21 ADMISSIBLE DO YOU UNDERSTAND THAT RULING?
22 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
23 THE COURT JUST THE FACT THAT YOU TAKE A
24 STATEMENT FROM SOMEONE, THAT DOESN'T MEAN ANYTHING
25 MR ALKEBULANYAHH BUT, IF -- IF -- IF YOU

STATE VS ALKEBULANYAHH

1 CONSIDER THAT THE PERSON KNOWS THE TYPE OF WEAPON THAT
2 WAS USED ---

3 THE COURT THAT'S NOT -- THAT'S DIFFERENT IF
4 SOMEONE HAS DIRECT KNOWLEDGE OF THE TYPE OF WEAPON USED
5 IN THE INCIDENT THERE'S NOTHING THAT BARS THAT THAT
6 DOESN'T POINT TO THE GUILT OF SOMEONE ELSE

7 MR ALKEBULANYAHH NO

8 THE COURT THAT'S NOT THE DOCTRINE THAT'S NOT
9 WHAT'S EVEN IMPLICATED THAT'S DIRECT EVIDENCE OF THE
10 ISSUES IN THIS CASE

11 MR ALKEBULANYAHH BUT, AS WELL AS THAT PERSON
12 OMITS (SIC), YOU KNOW, HAVE INDICATED THAT HE WAS IN
13 THE -- THE -- THE -- THE CRIME SCENE AREA IN ITSELF,
14 YOU KNOW

15 THE COURT IF THE PERSON ---

16 MR ALKEBULANYAHH AND THEY HEARD THE SHOOTINGS
17 OR WAS WITH THE SHOOTINGS OR ---

18 THE COURT IF THE PERSON WAS IN THE CRIME SCENE
19 AND OBSERVED SOMETHING YOU CAN ASK THAT PERSON ABOUT
20 THEIR OBSERVATION IF IT'S SOMETHING THAT POINTS TO
21 SOMEONE ELSE THAT'S JUST A SUSPECT, THAT'S NOT
22 ADMISSIBLE

23 MR ALKEBULANYAHH I WAS JUST -- I WAS JUST, YOU
24 KNOW, THINKING IN CONSIDERATION OF, YOU KNOW, IT BEING
25 PART OF THE INVESTIGATION BY THE OFFICERS WHEN THEY

STATE VS ALKEBULANYAHH

1 HAD, YOU KNOW, DETAINED A PERSON FOR BEING INVOLVED IN
2 THIS AND I -- YOU KNOW, I JUST FELT LIKE IF THEY
3 DETAINED AND PUT SOMEBODY IN CUSTODY WHO HAD
4 INFORMATION THAT NOT EVEN THE INVESTIGATORS OR LAW
5 ENFORCEMENT HAD, THAT THAT INFORMATION WHICH HE GIVE
6 THEM CONCERNING WHAT HAPPENED WAS PART OF THE LAW
7 ENFORCEMENT OFFICERS RECORDS, YOU KNOW

8 THE COURT THAT'S A WHOLE DIFFERENT TOPIC THAT
9 YOU'RE TALKING ABOUT

10 MR ALKEBULANYAHH I MEAN THAT'S THE ISSUE
11 THE COURT WHAT'S THE ISSUE?

12 MR ALKEBULANYAHH THE ISSUE THAT, YOU KNOW, THIS
13 -- THE INFORMATION FROM THE INVESTIGATORS THAT THEY
14 RECEIVE INDEPENDENT FROM HEARSAY FROM THE DIRECT SOURCE
15 OF THE PERSON ABOUT INFORMATION THAT HE HAS OR ---

16 THE COURT BUT THE QUESTION IS WHETHER OR NOT
17 IT'S RELEVANT AND ADMISSIBLE INFORMATION ANY
18 INFORMATION IS NOT ADMISSIBLE

19 MR ALKEBULANYAHH AND RELEVANT ---

20 THE COURT SO WHEN YOU ASK SOMEONE, WELL, WERE
21 YOU IN THE AREA 20 MINUTES AWAY, WELL, THAT COULD BE
22 ANYBODY THAT DOESN'T POINT TO ANYONE'S GUILT

23 MR ALKEBULANYAHH SHOULD I HAVE TO POINT -- I --
24 I DON'T -- I'M NOT -- I DON'T THINK THAT I SHOULD HAVE
25 TO POINT TO ANYONE GUILT I -- I ---

STATE VS ALKEBULANYAHH

1 THE COURT IF YOU'RE GOING TO POINT THE FINGER AT
2 SOMEONE ELSE THIS IS THE OPTION -- THESE ARE THE
3 OPTIONS THE STATE HAS THE BURDEN OF PROVING THIS CASE
4 BEYOND A REASONABLE DOUBT YOU DON'T HAVE TO DO
5 ANYTHING IF THERE ARE HOLES IN THE STATE'S PROOF, YOU
6 GET TO ARGUE THOSE HOLES

7 ON THE OTHER HAND, IF YOU THINK THAT THERE IS
8 CLEAR EVIDENCE THAT SOMEONE ELSE HAS COMMITTED THIS
9 OFFENSE, THEN IF YOU HAVE THAT PROOF, THEN IT'S
10 ADMISSIBLE IF IT'S MERELY SUSPICION OR SPECULATION
11 IT'S NOT ADMISSIBLE, THAT'S THE STATUS OF THE LAW IN
12 THIS STATE

13 I DIDN'T WRITE THAT LAW I FOLLOW IT DO YOU
14 UNDERSTAND?

15 MR ALKEBULANYAHH YES, SIR

16 THE COURT ALL RIGHT

17 MR ALKEBULANYAHH WHEN YOU STAY CLEAR, IS THAT
18 IN THE DETERMINATION OF THE COURT TO DETERMINE WHAT IS
19 CLEAR ---

20 THE COURT IT HAS TO BE SOMETHING MORE THAN
21 SUSPICION AN EXAMPLE WOULD BE DID YOU TALK TO
22 SOMEONE? THAT DOESN'T MEAN THAT PERSON -- THAT DOESN'T
23 CLEARLY POINT TO THE GUILT OF THAT PERSON THAT WOULD BE
24 INCONSISTENT WITH YOUR GUILT IT HAS TO BE SOMETHING
25 INCONSISTENT -- I HAVE TO SAY YOUR -- IN YOUR ROLE AS

STATE VS ALKEBULANYAHH

1 DEFENDANT

2 MR ALKEBULANYAHH RIGHT

3 THE COURT I'M NOT SAYING YOU'RE GUILTY

4 MR ALKEBULANYAHH RIGHT

5 THE COURT DO YOU UNDERSTAND WHAT I'M SAYING?

6 MR ALKEBULANYAHH YES, SIR, I DO

7 THE COURT INCONSISTENT WITH A DEFENDANT'S GUILT

8 ALL RIGHT?

9 MR ALKEBULANYAHH AND -- AND -- AND WILL YOU
10 GIVE AN EXAMPLE OF CLEAR?

11 THE COURT CLEAR WOULD BE SOMEONE TESTIFYING THAT
12 I SAW THAT PERSON SHOOT THE GUN OR I SAW THAT PERSON
13 STRANGLE SOMEONE OR -- IT JUST CAN'T BE A SUSPECT
14 IT HAS TO BE SOMETHING MORE THAN THAT I'D HAVE TO
15 HEAR IT, YOU KNOW

16 MR ALKEBULANYAHH CAN YOU GIVE ME AN EXAMPLE OF
17 CLEAR OUTSIDE OF TESTIMONY?

18 THE COURT WELL, OUTSIDE OF TESTIMONY?

19 MR ALKEBULANYAHH YEAH, OUTSIDE OF JUST
20 TESTIMONY?

21 THE COURT WELL, TESTIMONY WOULD HAVE TO BE --
22 WELL, I GUESS IF THERE WERE A VIDEO CAMERA OPERATING ON
23 A -- A SECURITY CAMERA OPERATING ON THE PREMISES AND
24 THE CAMERA DISPLAYED THE SAME THING THAT WOULD BE
25 ARTICULATED VIA AUDIBLE TESTIMONY, THEN THAT WOULD BE

STATE VS ALKEBULANYAHH

1 CLEAR THAT WOULD BE AN EXAMPLE IT HAS TO BE
2 SOMETHING THAT WOULD BE INCONSISTENT WITH ANOTHER
3 PERSON'S GUILT -- THE PERSON AT TRIAL

4 OTHERWISE, YOU GO BACK TO THE GENERAL PRINCIPLE
5 THAT A PERSON IS PRESUMED INNOCENT AT TRIAL, AND THE
6 STATE HAS THE BURDEN OF PROVING THAT PERSON GUILTY
7 BEYOND A REASONABLE DOUBT IF THERE ARE HOLES IN THAT
8 ARGUMENT, YOU'RE GOING TO BE ABLE TO ARGUE THOSE HOLES

9 MR ALKEBULANYAHH COULD I CONSIDER THAT ---

10 THE COURT YOU'RE NOT GOING TO BE ABLE TO TELL
11 THE JURY, WELL, THIS PERSON WAS A SUSPECT AND THEY
12 NEVER FOLLOWED UP ON IT, SO THAT PERSON MUST BE GUILTY
13 YOU CAN'T SAY THAT

14 MR ALKEBULANYAHH RIGHT YOU DON'T WANT THE
15 JURY -- BUT, YOU KNOW I -- THE DEFENSE POSITION IS
16 THAT THE ACTION OF THE INVESTIGATORS AND THE PEOPLE
17 INVOLVED IN IT -- THAT BECAUSE OF THE -- THE LACK OF
18 THEM TO INSTIGATE OR DO A THOROUGH INVESTIGATION CALL
19 THEM TO LOSE EXCULPATORY EVIDENCE IN REFERENCE TO --
20 THAT COULD HAVE SHOWED THAT THE DEFENDANT WAS NOT
21 GUILTY AND THAT THEIR PARTICULAR ACTION IN REFERENCE
22 TO OTHER SUSPECTS INVOLVED -- THEY NEGLECTED THEIR DUTY
23 TO RULE OUT THAT THE DEFENDANT WAS NOT GUILTY AND I
24 THOUGHT THAT THEIR ACTIONS -- THAT THEY WOULD HAVE
25 CARRIED OUT THEIR ACTION, THAT IT WOULDN'T HAVE BEEN

STATE VS ALKEBULANYAHH

1 EXCULPATORY BUT I THINK THAT IT'S EX -- EXCULPATORY
2 BECAUSE ---

3 THE COURT WELL, IF YOU WANT TO ---

4 MR ALKEBULANYAHH --- IT'S CLEAR ---

5 THE COURT IF YOU WANT TO IMPUGN -- I'M SORRY, I
6 DIDN'T MEAN TO INTERRUPT

7 MR ALKEBULANYAHH YES, SIR, GO AHEAD PLEASE,
8 YOUR HONOR

9 THE COURT IF YOU WANT TO IMPUGN AN
10 INVESTIGATION FOR EXAMPLE IF THEY FOUND OTHER HAIR
11 SAMPLES THERE, FOR EXAMPLE AND THEN SOMEONE SUGGESTED
12 THAT ANOTHER PERSON WAS THERE, AND THEY DIDN'T ASK THAT
13 THAT PERSON WHO WAS ACTUALLY THERE ANY QUESTIONS THEN,
14 YEAH, I WOULD LET YOU ASK QUESTIONS ABOUT WHY -- WHY
15 DIDN'T YOU ASK THAT OTHER PERSON ANYTHING THAT JUST
16 IMPUGNS THEIR INVESTIGATION THAT'S NOT SAYING THE
17 OTHER PERSON DID IT

18 MR ALKEBULANYAHH COULD I -- COULD I USE IN --
19 IN -- IN -- IN THE SAME SENSE THAT A PERSON SAID, YES,
20 I WAS IN THIS AREA I OBSERVED THE CARS I OBSERVED
21 THE SHOOTING I HEARD THE SHOTS I KNOW THE TYPE OF
22 GUN IT CAME FROM AND THEREFORE ---

23 THE COURT THAT PERSON CAN TESTIFY TO THAT SEE,
24 YOU'RE GOING BACK TO THE ---

25 MR ALKEBULANYAHH WHAT I'M SAYING IS FOR THE --

STATE VS ALKEBULANYAHH

1 THE -- THE -- THE INVESTIGATOR, THE OFFICER ---
2 THE COURT NO BECAUSE IT'S HEARSAY
3 MR ALKEBULANYAHH WHAT I'M SAYING, IF -- LET'S
4 SAY IF -- IF -- IF THEY RECEIVE THAT INFORMATION WOULD
5 THAT WARRANT A GUNSHOT RESIDUE KIT?
6 THE COURT BUT YOU'RE ASKING ON SPECULATION
7 YOU'RE ASKING THEM TO ANSWER A HYPOTHETICAL IF YOU HAVE
8 THIS BECAUSE THAT IS NOT IN THIS CASE AT THIS POINT
9 AND YOU'RE NOT GOING TO BE ABLE TO ASK THEM THAT
10 QUESTION THERE'S NO POINT IN PUTTING A LAY WITNESS UP
11 HERE AND ASKING THEM HYPOTHETICAL QUESTIONS ABOUT WHAT
12 THEY WOULD HAVE DONE OR COULD HAVE DONE
13 NOW, IF YOU HAD FOLLOWED THE COURT'S INSTRUCTION
14 ABOUT HAVING THE PERSON THAT YOU -- I ASSUME YOU WANT
15 TO POINT THE FINGER AT, IF THAT'S YOUR THEORY I'M NOT
16 -- THERE MAY BE MORE THAN ONE PERSON I DON'T KNOW
17 I'M NOT ASKING YOU TO REVEAL YOUR THEORY
18 BUT AGAIN, WHAT I INDICATED -- I CAN'T REMEMBER
19 IF IT WAS AT SIDE BAR OR DIRECTLY ON THE RECORD -- WAS
20 TO AVOID HEARSAY PROBLEMS, YOU SHOULD AT LEAST ATTEMPT
21 TO HAVE THAT PERSON HERE SO THEY CAN TESTIFY ABOUT
22 THEIR STATEMENTS THE STATE WOULD HAVE AN OPPORTUNITY
23 TO CROSS EXAMINE THE VERACITY OF THOSE STATEMENTS AND
24 TO CHALLENGE THE RELEVANCE OF ANY TESTIMONY ONCE THEY
25 HEAR THE PROPOSED TESTIMONY

STATE VS ALKEBULANYAHH

1 NOT HAVING FOLLOWED THAT PROCEDURE, YOU'RE IN THIS
2 PROCEDURAL BIND DO YOU UNDERSTAND?

3 MR ALKEBULANYAHH YES, SIR YOUR HONOR, COULD
4 IT BE POSSIBLE THAT THE DEFENSE BE ALLOWED NOT TO
5 ASCERTAIN FROM ANY WITNESS ABOUT THE STATEMENTS THAT A
6 PARTICULAR PERSON MADE, BUT THEIR INVOLVEMENT WITH THAT
7 PERSON I'M NOT ASKING THEM TO SAY, WELL, TELL ME WHAT
8 THIS GENTLEMAN SAID TO YOU OR STATE TO ME WHAT THIS
9 STATE TO YOU?

10 THE COURT NO BECAUSE IT'S JUST SUSPICION AND
11 THEY'RE JUST A POSSIBLE SUSPECT IF EVEN THAT IT'S NOT
12 ENOUGH AND WE'VE GIVEN YOU LEEWAY TO TRY TO DEVELOP
13 SOME OF THIS STUFF YOU KNOW, I'LL BE HAPPY TO HAVE AN
14 IN CAMERA HEARING BUT, I'M GOING TO TELL YOU THIS,
15 I'M NOT GOING TO KEEP GOING OVER THIS CONCEPT WITH
16 EVERYONE

17 DO YOU UNDERSTAND?

18 MR ALKEBULANYAHH YES, SIR

19 THE COURT YOU NEED TO GET THAT PERSON HERE AND
20 THEN WE CAN HEAR WHAT THAT PERSON HAS TO SAY IF
21 SOMEONE WAS THERE, YEAH, LET'S HEAR WHAT THAT PERSON
22 HAS TO SAY, WHAT THEY OBSERVED AND IF YOU HAVE
23 SOMEONE -- BUT REGARDING SOME OF THOSE OTHER WITNESSES
24 YOU INDICATED -- IF SOMEONE COULD COME FORWARD AND SAY,
25 THIS IS THE KIND OF GUN USED, YES, THAT TESTIMONY IS

STATE VS ALKEBULANYAHH

1 ADMISSIBLE THAT'S DIRECT KNOWLEDGE OF WHAT IS
2 PURPORTED TO BE AN ISSUE IN THIS CASE
3 MR ALKEBULANYAHH THAT ---
4 THE COURT THAT IS NOT SPECULATION OR CONJECTURE
5 THAT'S A WITNESS WHO'S TESTIFYING UNDER OATH THE GUN
6 USED WAS THIS
7 MR ALKEBULANYAHH AND -- AND -- AND THAT ---
8 THE COURT AND THE NEXT QUESTION WOULD BE, HOW
9 DID THAT WITNESS KNOW THAT THAT'S THE GUN THAT WAS
10 USED?
11 BUT, THAT'S NEITHER HERE NOR THERE FOR PURPOSE OF
12 THIS DISCUSSION THAT'S DIRECT EVIDENCE DO YOU
13 UNDERSTAND?
14 MR ALKEBULANYAHH FROM THE PERSON WHO SAID
15 THAT ---
16 THE COURT NOT THE PERSON THAT -- SOMEONE ELSE
17 SAID THAT, NO, THAT'S HEARSAY
18 MR ALKEBULANYAHH RIGHT BUT THE PERSON DIRECT,
19 THE PERSON THAT DIRECTLY ---
20 THE COURT THE PERSON DIRECT -- I MEAN THE
21 PERSON WHO KNOWS THAT
22 MR ALKEBULANYAHH MADE THAT STATEMENT
23 THE COURT THE PERSON WHO KNOWS THAT BOBBY
24 RIGBY IS AN EXAMPLE
25 MR ALKEBULANYAHH RIGHT

STATE VS ALKEBULANYAHH

1 THE COURT THAT WOULD BE ONE EXAMPLE I DON'T
2 KNOW THE OTHERS THAT YOU CLAIM WERE THERE

3 MR ALKEBULANYAHH RIGHT

4 THE COURT ALL RIGHT BUT IT WOULD APPLY EQUALLY
5 TO ANYONE YOU CLAIM WERE THERE -- WAS THERE YES, SIR

6 MR MURDAUGH IF YOUR HONOR, PLEASE, I WOULD
7 REQUEST THAT ANY -- IF HE INTENDS TO MAKE ANY REFERENCE
8 TO BOBBY RIGBY OR DEVON IVY OR ANY PERSON HE PERCEIVES
9 AS A SUSPECT, THAT WE DO ALL OF THOSE WITNESSES IN
10 CAMERA AND LET YOU MAKE A DECISION ON THE TOTALITY OF
11 IT

12 THE COURT THAT'S FINE

13 MR MURDAUGH OKAY, SIR BUT BRINGING THEM UP --
14 I WANT TO MOVE THE CASE ALONG, SIR AND I SAID THAT I
15 HAD NO OBJECTION TO HIM PUTTING THEM UP THERE AND GOING
16 WITH THAT BUT THAT JUST ISN'T WORKING

17 THE COURT ALL RIGHT THAT'S FINE WITH ME THE
18 COURT IS WILLING TO DO IT EITHER WAY

19 MR MURDAUGH YES, SIR, AND IT WAS ME THAT DID
20 THAT

21 THE COURT YES SIR

22 MR MURDAUGH NO QUESTION ABOUT THAT BUT I
23 THINK IT'S JUST OBVIOUS THAT THAT'S NOT GOING TO WORK

24 THE COURT ALL RIGHT THAT'S FINE BEFORE ANY
25 REFERENCE TO MR RIGBY COMES UP OR MR IVY, THAT WE

STATE VS ALKEBULANYAHH

1 NEED TO DO THAT KIND OF HEARING WHOMEVER YOU MAY BE
2 CLAIMING MIGHT BE A PERSON THAT'S GUILTY -- OKAY?
3 LET'S HAVE A HEARING ON IT OUTSIDE THE PRESENCE OF THE
4 JURY SO WE WON'T HAVE TO KEEP COMING TO THE SIDE BAR
5 AND HAVING THESE INTERRUPTIONS ALL RIGHT I'D RATHER
6 THE JURY BE IN THE JURY ROOM TAKING A BREAK WHILE WE
7 TAKE THESE UP OKAY?

8 MR ALKEBULANYAHH YES, SIR YOUR HONOR,
9 FURTHER MR RIGBY AS I MENTIONED EARLIER, IF I DIDN'T,
10 THE SHERIFF IS SUPPOSED TO BE ASSISTING DEFENSE IN
11 LOCATE MR RIGBY AND, YOU KNOW HE'S BEEN SUBPOENAED
12 AND HE KNOWS HE'S BEEN SUBPOENAED

13 THE COURT WHO'S THIS AGAIN?

14 MR ALKEBULANYAHH MR RIGBY

15 THE COURT YES, SIR

16 MR ALKEBULANYAHH AND THE SHERIFF IS SUPPOSED TO
17 BE RIGHT NOW IN THE PROCESS OF TRYING TO LOCATE AND
18 ATTAIN (SIC) MR RIGBY

19 THE COURT IS THE SHERIFF'S DEPARTMENT LOOKING
20 FOR HIM RIGHT NOW?

21 MR MURDAUGH YES, SIR WE GOT WITH ---

22 THE COURT THE INVESTIGATORS

23 MR MURDAUGH --- MS CHILDS OR EITHER WITH

24 DALE SHE GAVE US ALL OF THE INFORMATION THEY HAVE,
25 AND THEY'VE BEEN LOOKING FOR HIM FOR SOME 2 HOURS NOW

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT
2 MR MURDAUGH AND WILL CONTINUE
3 THE COURT YES, SIR
4 MR ALKEBULANYAHH I HAVE NOTHING FURTHER THEN
5 THE COURT THE OTHER OPTION IS YOU COULD GO TO
6 OTHER WITNESSES, IF THAT'S WHAT YOU WISH TO DO WHAT
7 TIME WAS HE TOLD TO BE HERE TODAY? WAS HE TOLD TO BE
8 HERE TODAY? MR RIGBY?
9 MR ALKEBULANYAHH I DON'T KNOW I DON'T KNOW
10 RIGHT NOW
11 (PAUSE)
12 THE COURT ALL RIGHT WELL, APPARENTLY HE WASN'T
13 EVEN TOLD TO BE HERE TODAY HE WAS SUBPOENAED -- WAS
14 HE SUBPOENAED?
15 LADY YES SIR
16 THE COURT HE WAS SUBPOENAED FOR THE FIRST DAY
17 WHEN YOU MAKE A DECISION TO RELEASE PEOPLE YOU DO IT
18 -- I CONSTANTLY GIVE THIS LECTURE UNLESS YOU DO IT
19 WITH THE COURT'S PERMISSION, YOU DO IT AT YOUR OWN
20 RISK IF YOU'RE TRYING TO CONVENIENCE PEOPLE, THAT'S
21 FINE I UNDERSTAND THE DESIRE TO WORK WITH PEOPLE
22 BUT AT THE SAME TIME, THE PROCEDURE TO FOLLOW IS TO GET
23 THE COURT'S GUIDANCE BEFORE YOU TELL SOMEONE TO COME
24 BACK THIS COURT IN PARTICULAR DOES NOT LIKE DOWN
25 TIME

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I DO FURTHER WANT TO LET THE
2 -- YOUR HONOR KNOW THAT THERE ARE OTHER WITNESSES THAT
3 I SHALL BE CALLING IT WOULD NOT BE MY INTENTIONS AT
4 ALL TO SOLICIT ANYTHING AT ALL ABOUT MR RIGBY

5 THE COURT ARE THEY HERE?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT WELL, LET'S GO TO THOSE FOR NOW

8 MR ALKEBULANYAHH OKAY AT THE PROCEEDING WHEN
9 WE PROCEED, I THINK WHAT I WANT TO DO IS MS DUHON IS
10 THAT CORRECT? MS DUHON TO COME FORTH WITH THE 9-1-1
11 TRANSCRIPT THAT WE WANTS TO DISPLAY TO THE JURY

12 THE COURT YOU'RE TALKING ABOUT YOU'RE READY TO
13 GO WITH YOUR NEXT WITNESS?

14 MR ALKEBULANYAHH YES, SIR

15 THE COURT ALL RIGHT BRING THE JURY IN PLEASE

16 (THE JURY RETURNS TO THE COURTROOM AT 3 10 P M)

17 THE COURT THANK YOU PLEASE BE SEATED

18 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
19 PROCEED YOUR WITNESS PLEASE CALL YOUR WITNESS
20 PLEASE

21 MR ALKEBULANYAHH MS DUHON

22 THE COURT YOU WERE PREVIOUSLY PLACED UNDER OATH,
23 AND YOU WILL JUST REMAIN UNDER OATH THANK YOU

24 GWEN DUHON, HAVING BEEN
25 PREVIOUSLY FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH THE
2 WITNESS?

3 THE COURT YES, SIR

4 (PAUSE)

5 MR MURDAUGH YOUR HONOR, HE HAS GIVEN ME A -- HE
6 ATTEMPTED TO INTRODUCE A DISPATCH THING -- A WRITTEN
7 TRANSCRIPT OF IT, AND I OBJECT BECAUSE IT HAD
8 SOMEBODY'S WRITING ON IT HE HAS NOW FURNISHED ME WITH
9 A CLEAN COPY

10 THE COURT ALL RIGHT

11 MR MURDAUGH I HAVE NO PROBLEM SUBSTITUTING THAT
12 FOR THE ONE THAT WAS MARKED

13 THE COURT ALL RIGHT MADAM COURT REPORTER WHAT
14 NUMBER WAS THAT?

15 REPORTER DEFENDANT'S 29 FOR I D

16 THE COURT ALL RIGHT DEFENDANT'S 29 SHALL BE IN
17 EVIDENCE WE'LL PLACE A STICKER ON THE NEW COPY

18 (DEFENDANT'S EXHIBIT NO 29 RECEIVED IN EVIDENCE)

19 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MS DUHON, GOOD AFTERNOON

21 A GOOD AFTERNOON

22 Q DO YOU RECOGNIZE THIS DOCUMENT -- THIS DOCUMENTS
23 HERE?

24 A YES, THIS APPEARS TO BE THE TRANSCRIPT PREPARED OF
25 THE INCIDENT

1 Q AND THOSE PARTICULAR DOCUMENTS ARE ASSOCIATED WITH
2 THE 9-1-1 DISPATCH TRANSCRIPT, MA'AM, IS THAT CORRECT,
3 FOR JANUARY 8, 2002?

4 A OF THE TWO TELEPHONE CALLS AND THE RADIO TRAFFIC,
5 YES THAT'S WHAT IT APPEARS TO BE

6 THE COURT MA'AM, YOU HAVE TO SPEAK UP PLEASE,
7 INTO THAT MICROPHONE

8 MR ALKEBULANYAHH YOUR HONOR, AT THIS TIME, I
9 WOULD LIKE TO BRING THIS FORWARD AS EVIDENCE

10 THE COURT IT'S IN EVIDENCE

11 MR ALKEBULANYAHH IN EVIDENCE I WOULD LIKE TO
12 PLAY THE AUDIO -- THE ORIGINAL AUDIO IN REFERENCE TO
13 THE 9-1-1 DISPATCH AT THIS TIME, YOUR HONOR MAY I
14 PROCEED?

15 THE COURT ALL RIGHT ANY OBJECTION?

16 MR MURDAUGH YES SIR HE HAS OBJECTED TO MY
17 INTRODUCTION OF STATE'S EXHIBIT 3 -- 9 WHICH WAS THE
18 TAPE IF THAT GOES IN, THEN HE'S OBVIOUSLY ENTITLED TO
19 PLAY IT

20 THE COURT YES, SIR

21 MR ALKEBULANYAHH MY OBJECTION WAS TO THE --
22 TO THE PARTIAL PART OF THE TAPE BECAUSE I WASN'T --
23 IT WASN'T TO MY UNDERSTANDING THAT THE TAPE WAS THE
24 COMPLETE TRANSCRIPT OF THE 9-1-1 DISPATCH I
25 THOUGHT IT WAS CERTAIN PARTS THAT WAS EXCLUDED FROM

1 THE CASSETTE TAPE, AND THAT WAS MY OBJECTION TO IT
 2 IT WAS NOT OBJECTION TO THE 9-1-1 DISPATCH ITSELF, BUT
 3 THE ---
 4 THE COURT I THOUGHT YOU HAD OBJECTION TO IT
 5 BEING A COPY
 6 MR ALKEBULANYAHH NO, SIR, I WAS ---
 7 THE COURT ALL RIGHT
 8 MR ALKEBULANYAHH I ONLY HAD OBJECTION TO THE
 9 PARTIALITY, THINGS THAT WAS EXCLUDED FROM IT
 10 THE COURT ALL RIGHT I'LL ALLOW IT IN
 11 MR MURDAUGH THANK YOU, SIR
 12 (STATE'S EXHIBIT NO 9 RECEIVED IN EVIDENCE)
 13 MR MURDAUGH AND I HAVE NO OBJECTION ---
 14 THE COURT I'M SORRY
 15 MR MURDAUGH I HAVE NO OBJECTION TO ANY OTHER
 16 DISPATCH TAPE
 17 THE COURT ALL RIGHT
 18 (9-1-1 DISPATCH CASSETTE TAPE PLAYED IN OPEN
 19 COURT)
 20 (PAUSE)
 21 MR MURDAUGH IS THAT THE END OF THE TAPE?
 22 THE COURT IS THAT IT? THAT'S IT ALL RIGHT
 23 MR ALKEBULANYAHH THANK YOU
 24 THE COURT DO YOU HAVE ANY QUESTIONS FOR THIS
 25 WITNESS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH SIR?
2 THE COURT ANYTHING OF THIS WITNESS?
3 MR ALKEBULANYAHH NO NO, SIR
4 THE COURT ALL RIGHT ANYTHING?
5 MR MURDAUGH I HAVE NO QUESTIONS, SIR
6 THE COURT ALL RIGHT YOU MAY STEP DOWN, MA'AM
7 MR MURDAUGH MAY SHE BE EXCUSED AT THIS TIME?
8 MR ALKEBULANYAHH YES, SHE MAY
9 THE COURT YOU MAY BE EXCUSED
10 MR ALKEBULANYAHH THANK YOU, MS DUHON
11 (THE WITNESS LEAVES THE WITNESS STAND)
12 THE COURT PUT THAT SCREEN DOWN PLEASE
13 (PAUSE)
14 THE COURT YOUR NEXT WITNESS
15 MR ALKEBULANYAHH TRAVIS LEE AVANT
16 THE COURT COME FORWARD PLEASE
17 MR MURDAUGH YOUR HONOR, PLEASE, THIS IS A
18 MATTER WE PROBABLY NEED TO TAKE UP
19 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL
20 SEND YOU TO THE JURY ROOM DO NOT DISCUSS THE CASE IN
21 ANY WAY THANK YOU VERY MUCH
22 (THE JURY RETIRES TO THE JURY ROOM AT 3 40 P M)
23 THE COURT PLEASE BE SEATED
24 (PAUSE)
25 THE COURT COME FORWARD PLEASE, MR AVANT

STATE VS ALKEBULANYAHH

1 (PAUSE)
2 MR MURDAUGH THEY'RE LOOKING FOR HIM HE'S NOT
3 OUT THERE, SIR
4 THE COURT OKAY
5 MR MURDAUGH IF YOUR HONOR, PLEASE, HE MAY BE
6 INVOLVED IN LOOKING FOR BOBBY RIGBY
7 THE COURT I KNOW HE WAS IN HERE NOT TOO LONG
8 AGO
9 MR MURDAUGH YES, SIR
10 THE COURT JUST A FEW MINUTES AGO HE MAY HAVE
11 THOUGHT THE TAPE WAS LONGER
12 MR MURDAUGH I DO NOT KNOW WHERE HE IS SIR
13 BUT HE WAS GOING TO TALK WITH SOME PEOPLE ABOUT
14 LOCATING BOBBY RIGBY
15 THE COURT ALL RIGHT
16 MR MURDAUGH WHETHER HE WENT WITH THEM OR
17 SOMETHING OF THAT NATURE, I DO NOT KNOW, SIR
18 THE COURT DO YOU KNOW WHERE HE'S AT?
19 OFFICER HE'S DOWNSTAIRS
20 THE COURT HE'S DOWNSTAIRS
21 MR MURDAUGH OKAY
22 (PAUSE)
23 MR MURDAUGH YOUR HONOR, PLEASE, I UNDERSTAND
24 THAT HE MAY NOT HAVE FOUND HIM DOWNSTAIRS
25 THE COURT DO THEY HAVE ANY WAY OF CALLING HIM?

STATE VS ALKEBULANYAHH

1 MR STONE NO, SIR I GOT HIS VOICE MAIL HE
2 MAY HAVE GONE OUT LOOKING FOR MR RIGBY

3 THE COURT I THOUGHT THE SHERIFF'S DEPARTMENT WAS
4 GOING TO HANDLE THAT HE WAS JUST SITTING HERE READY
5 TO TESTIFY

6 MR MURDAUGH THEY ARE HANDLING IT SIR, BUT HE
7 HAS SOME INFORMATION THAT HE THINKS THAT WOULD BE
8 VALUABLE TO GIVE

9 THE COURT WELL, WE'LL TAKE A SHORT BREAK SO YOU
10 CAN TRACK HIM DOWN

11 (A RECESS WAS TAKEN)

12 OFFICER YOUR HONOR, HE JUST PULLED IN HE'S
13 COMING IN NOW

14 MR MURDAUGH HE'S ON THE WAY UP, SIR

15 (PAUSE)

16 THE COURT BRING THE JURY IN PLEASE OH, HOLD ON
17 A SECOND COME FORWARD PLEASE

18 (PAUSE)

19 TRAVIS LEE AVANT, BEING
20 FIRST DULY SWORN TESTIFIED AS FOLLOWS

21 (PAUSE)

22 THE COURT ARE YOU READY TO PROCEED?

23 MR ALKEBULANYAHH YES, SIR YOUR HONOR, DEFENSE
24 IS READY

25 THE COURT GO AHEAD AND ASK YOUR QUESTIONS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

2 Q MR AVANT, WHAT IS YOUR OCCUPATION?

3 A I'M AN AGENT FOR THE SOUTH CAROLINA LAW
4 ENFORCEMENT DIVISION

5 Q AND WHAT IS YOUR INVOLVEMENT IN THIS PARTICULAR
6 CASE WE'RE HERE FOR TODAY?

7 A I WAS DIRECTED FROM THE OFFICE IN COLUMBIA TO GO
8 TO BEAUFORT AND TO ASSIST THE SHERIFF'S OFFICE IN AN
9 INVESTIGATION

10 Q ARE YOU THE CHIEF INVESTIGATOR OVER THIS
11 PARTICULAR CASE?

12 A I WOULDN'T CLASSIFY IT AS THE CHIEF INVESTIGATOR
13 THE SHERIFF ALWAYS REMAINS AS THE CHIEF INVESTIGATOR
14 BUT UPON MY ARRIVAL -- ARRIVAL AND AFTER SOME
15 DISCUSSION, I WAS DIRECTED BY MY SUPERVISOR, CAPTAIN
16 L C KNIGHT AND AT THE REQUEST OF SHERIFF TANNER OF
17 BEAUFORT COUNTY SHERIFF'S OFFICE, TO BE LEAD CASE
18 INVESTIGATOR

19 Q YOUR LEAD -- YOU WAS REQUESTED BY P J TANNER --
20 SHERIFF P J TANNER TO BE THE LEAD CASE INVESTIGATOR ON
21 THIS PARTICULAR CASE?

22 A HE REQUESTED THE SOUTH CAROLINA LAW ENFORCEMENT
23 DIVISION TO LEAD THE INVESTIGATION MY SUPERVISOR
24 DIRECTED ME AND ASSIGNED ME TO THE CASE

25 Q AND HAVE YOU BEEN INVOLVED IN THIS CASE THROUGHOUT

STATE VS ALKEBULANYAHH

- 1 THE COURSE OF THIS CASE?
- 2 A HAVE I BEEN INVOLVED SINCE ---
- 3 Q BEEN THE LEAD INVESTIGATOR OF THIS PARTICULAR
- 4 CASE?
- 5 A YES
- 6 Q DID YOU HAVE SOME ASSOCIATION WITH THE WARRANTS
- 7 THAT WAS TAKEN OUT IN THIS PARTICULAR CASE?
- 8 A DO I HAVE SOME ASSOCIATION?
- 9 Q YES, WAS YOU A PART OF -- YOU KNOW, INVOLVED IN
- 10 THE WARRANTS THAT WAS TAKEN OUT FOR SUSPECTS IN THIS
- 11 CASE?
- 12 A I BELIEVE THE RECORDS INDICATE THAT I WAS AFFIANT
- 13 YES
- 14 Q YOU HAVE ANY INVOLVEMENT WITH INTERVIEWS TAKEN
- 15 FROM DIFFERENT WITNESSES AND SO FORTH INVOLVED IN THIS
- 16 CASE?
- 17 A THE INTERVIEWS THAT I WAS PRIMARILY INVOLVED IN
- 18 WAS KIMBERLY BLACK -- EXCUSE ME, KIMBERLY BLAKE
- 19 OBVIOUSLY, I'M AWARE OF MANY OTHER INTERVIEWS THAT TOOK
- 20 PLACE THAT WERE CONDUCTED BY VARIOUS LAW ENFORCEMENT
- 21 PERSONNEL
- 22 Q ARE YOU FAMILIAR WITH MOST OF THESE SOUTH CAROLINA
- 23 LAW ENFORCEMENT DIVISION REPORTS FROM THEIR EXAMINATION
- 24 OF DIFFERENT EVIDENCE IN THIS CASE?
- 25 A COULD YOU RESTATE YOUR QUESTION?

1 Q ARE YOU FAMILIAR WITH THE REPORTS -- THE REPORTS
2 THAT CAME FROM THE SOUTH CAROLINA LAW ENFORCEMENT
3 DIVISION ABOUT THIS PARTICULAR CASE? ARE YOU FAMILIAR
4 WITH THE REPORTS THAT THEY HAD -- DIFFERENT EXAMINERS
5 AND EXPERTS IN DIFFERENT AREAS FROM TRACE EVIDENCE --
6 EVIDENCE BEING FOUND, THE SEROLOGY, GUNSHOT RESIDUE,
7 AND DIFFERENT ASPECTS OR AREAS THAT EVIDENCE WAS
8 SUBMITTED TO THE SOUTH CAROLINA LAW ENFORCEMENT
9 DIVISION?

10 A YES

11 MR ALKEBULANYAHH YOUR HONOR, DEFENSE FEEL
12 THAT YOU KNOW, MR AVANT, HE'S VERY INVOLVED AND VERY
13 AWARE, AND SHOULD BE SUBJECT TO QUESTIONING IN
14 REFERENCE TO ---

15 THE COURT GO AHEAD AND ASK YOUR QUESTIONS LET
16 ME HEAR THE QUESTIONS

17 Q MR AVANT, DID YOU WRITE A REPORT ON FEB 26, 2002
18 IN REFERENCE TO THIS PARTICULAR MATTER THAT WE'RE HERE
19 FOR TODAY?

20 A IF YOU ARE REFERRING TO THE NARRATIVE REPORT THAT
21 I COMPILED WHEN I COLLECTED ALL THE STATEMENTS AND
22 DOCUMENTATIONS THROUGHOUT THE CASE THEN THE ANSWER IS
23 YES

24 Q AND COULD YOU STATE THE CASE NUMBER AND THE
25 PARTICULAR CASE FILE IN WHICH YOU WROTE THAT REPORT?

1 A YOU'RE ASKING ME FOR THE SLED CASE NUMBER?

2 Q YES, AND THE DATE AND -- THAT ---

3 A I RECALL THE SLED CASE NUMBER IT'S 31-02-0004

4 Q DO YOU RECALL THE DATE AND TIME OF THAT REPORT?

5 A THE DATE THAT I PREPARED THE REPORT, IF I CAN LOOK

6 AT THE FILE

7 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

8 THE COURT YES

9 (PAUSE)

10 A I'M FAMILIAR WITH THAT DOCUMENT

11 MR ALKEBULANYAHH YOUR HONOR COULD I USE THIS

12 FOR I D PURPOSE FOR NOW, SIR

13 THE COURT YES

14 REPORTER 32 FOR IDENTIFICATION

15 THE COURT ALL RIGHT

16 (SLED REPORT DATED FEB 26 2002 TRAVIS LEE AVANT,

17 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO

18 32)

19 MR MURDAUGH THAT IS FOR I D ?

20 MR ALKEBULANYAHH YES, SIR

21 THE COURT YES, SIR

22 MR MURDAUGH OKAY

23 Q MR AVANT, THAT REPORT I JUST SHOWED YOU, IS THAT

24 REPORT REFRESH YOUR MEMORY OF THE DATE AND TIME THAT

25 YOU SUBMITTED -- WRITTEN THAT REPORT, SIR?

1 A THE DATE REFLECTS FEBRUARY -- THE REPORT REFLECTS
 2 FEBRUARY 26 2002 IS THE DATE
 3 Q SIR, IN THIS REPORT COULD YOU TELL ME WHETHER OR
 4 NOT THAT -- WHAT TYPE OF CALL DID YOU STATE DEPUTY TATE
 5 AND DEPUTY COURSEN WERE RESPONDING TO AT THE ---
 6 MR MURDAUGH YOUR HONOR ---
 7 Q --- 21 RILEY ROAD?
 8 MR MURDAUGH --- WOULD BE HEARSAY, SIR
 9 THE COURT YES, SIR SUSTAINED
 10 Q MR AVANT, DO YOU IN YOUR INVESTIGATION -- WHAT
 11 DID YOU DISCOVER ABOUT WHAT TOOK PLACE AT THE 21 RILEY
 12 ROAD RESIDENCE?
 13 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD BE
 14 HEARSAY UNLESS HE DID IT OF HIS OWN KNOWLEDGE
 15 THE COURT YOU CAN ASK HIM ABOUT WHAT THIS
 16 GENTLEMAN SPECIFICALLY DID
 17 Q MR AVANT, WHAT DID YOU DO ON JANUARY 8, 2002 --
 18 WHAT BROUGHT YOU TO THE BEAUFORT COUNTY AREA ON JANUARY
 19 8, 2002?
 20 A AS STATED EARLIER, I WAS DISPATCHED TO GO TO
 21 BEAUFORT, SOUTH CAROLINA, BEAUFORT TO ASSIST THE
 22 SHERIFF'S OFFICE IN WORKING A HOMICIDE INVESTIGATION
 23 UPON MY ARRIVAL, AND ALSO BEING TOLD THAT THE SLED
 24 CRIME SCENE UNIT WAS COMING, AS WELL AS THE SLED
 25 HELICOPTER WAS ALREADY PRESENT OR WAS IN ROUTE AND

1 NEARBY, I WENT TO THE COMMAND POST AT BROAD RIVER ROAD,
2 WHERE I WAS BRIEFED BY MAJOR BAXLEY AND MAJOR BUTLER
3 OVER A COUPLE MINUTE PERIOD AS TO WHAT HAD WENT ON

4 AFTER A FEW MOMENTS AFTER THAT, I THEN MET WITH
5 THE SOLICITOR, LIEUTENANT EDWARDS, AND SHERIFF TANNER
6 AT THAT PARTICULAR TIME SHERIFF TANNER IN MY PRESENCE
7 INFORMED THE SOLICITOR'S OFFICE HE'D LIKE THE STATE LAW
8 ENFORCEMENT DIVISION TO LEAD THE INVESTIGATION AND I
9 WAS SUBSEQUENTLY ASSIGNED AS THAT INVESTIGATOR

10 Q AND WHAT DID YOU DO FROM THERE?

11 A WHAT DID I DO FROM THERE? SOME TIME THEREAFTER I
12 LEFT AND MET LIEUTENANT BOOMAGE -- CORRECTION,
13 LIEUTENANT BROMAGE AT THE LAW ENFORCEMENT CENTER --
14 BEAUFORT COUNTY SHERIFF'S OFFICE, SOMEWHERE AROUND
15 9 45, WHERE WE HAD -- 9 30, 9 45, WHERE WE HAD A BRIEF
16 INTERVIEW WITH KIMBERLY BLAKE THAT LASTED FOR
17 APPROXIMATELY 15 OR 20 MINUTES SHE WAS ASKED TO
18 PREPARE A STATEMENT

19 I THEN LEFT WITH LIEUTENANT BROMAGE, AND WE WENT
20 TO THE CRIME SCENE AREA, WHERE I MET WITH AGENT DIANE
21 BODIE, AND WE EXCHANGED INFORMATION AS TO THE
22 INVESTIGATION

23 Q WHAT DID YOU DISCOVER FROM YOUR INTERVIEW WITH MS
24 KIMBERLY BLATE (PHONETIC)?

25 A WHAT I DISCOVERED IS SHE WAS VERY UPSET SHE WAS

1 VERY NERVOUS AND SHE WAS VERY APPREHENSIVE IN WANTING
2 TO SPEAK WITH US AT THE TIME

3 Q WHAT ELSE DID YOU DISCOVER?

4 A IN REGARDS TO?

5 Q IN REGARDS TO YOUR INTERVIEW WITH KIMBERLY BLATE
6 (PHONETIC)?

7 A OBVIOUSLY, I CAN REFER BACK TO HER STATEMENT
8 BUT, AGAIN, I REMEMBER HER BEING VERY NERVOUS I
9 REMEMBER SHE WAS VERY UPSET AND I REMEMBER SHE WAS
10 VERY APPREHENSIVE IN WANTING TO TELL US WHAT WENT ON,
11 WHAT SHE SAW AND HEARD AT 21 RILEY ROAD

12 Q DID SHE TELL YOU WHAT WENT ON?

13 A SHE DID OVER A COURSE OF A FEW DAYS, YES

14 Q DID SHE TELL YOU WHAT WENT ON THAT DAY?

15 A SHE DID NOT TELL US EVERYTHING THAT WENT ON THAT
16 DAY SHE TOLD US SOME THINGS THAT HAPPENED AND AS WE
17 CONTINUED TO INTERVIEW HER OVER THE NEXT FEW DAYS, SHE
18 CONTINUED TO PROVIDE ADDITIONAL INFORMATION

19 Q WHAT DID SHE TELL YOU WENT ON THAT DAY?

20 A COULD YOU BE MORE ---

21 Q WHAT DID SHE TELL YOU IN THAT INTERVIEW THAT WENT
22 ON THAT DAY, JANUARY 8, 2002?

23 A I THINK I'D LIKE TO REFER TO THE STATEMENT THAT
24 SHE PREPARED TO US -- PREPARED FOR US, EXCUSE ME

25 Q WHAT STATEMENT WOULD THAT BE?

1 A I GUESS THAT WOULD BE THE STATEMENT -- IN RESPONSE
2 TO YOUR QUESTION, I GUESS IT'S THE STATEMENT DATED
3 JANUARY 8

4 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
5 THE COURT YES, SIR
6 (PAUSE)

7 Q IS THAT THE STATEMENT THAT YOU'RE FAMILIAR WITH ON
8 JANUARY 8 BY MS KIMBERLY BLATE (PHONETIC)?

9 A THE STATEMENT I HAVE IN HAND, WHICH IS -- WHICH IS
10 ENTITLED DEFENDANT'S EXHIBIT 5 DOES APPEAR TO BE A
11 STATEMENT THAT SHE PROVIDED TO ME AND IT'S DATED
12 10 15 P M JANUARY 8, 2002 OF COURSE, WITNESSED BY
13 OTHER SLED AGENTS

14 Q COULD YOU REVIEW THAT STATEMENT AND FAMILIARIZE
15 YOURSELF WITH THAT PARTICULAR INTERVIEW?
16 (PAUSE)

17 A I'M FAMILIAR WITH IT

18 Q SO COULD YOU TELL ME, WHAT THE BASE -- WHAT --
19 WHAT INFORMATION YOU ATTAINED (SIC) FROM THAT INTERVIEW
20 ON JANUARY 8 WITH MS KIMBERLY BLATE (PHONETIC), 2002?

21 A WHAT WE WERE ABLE TO OBTAIN THAT PARTICULAR
22 INTERVIEW WAS THAT SHE WAS PRESENT AT 21 RILEY ROAD,
23 THAT SHE WAS AT THAT PARTICULAR TIME EITHER LEAVING THE
24 ROOM OR STILL IN THE HOUSE WHEN THE INCIDENT TOOK
25 PLACE, THAT SHE HAD BEEN WITH YOU EARLIER THAT DAY AND

1 HAD VARIOUS CONVERSATIONS WITH DIFFERENT PEOPLE AS
2 INDICATED IN THE REPORT

3 Q AND WHAT ELSE DID YOU FIND OUT?

4 A FROM HER IN THAT INTERVIEW?

5 Q YES, SIR

6 A THAT SHE LEFT THE INCIDENT LOCATION AND RAN TOWARD
7 A RELATIVE'S HOUSE, PROBABLY 50, 75 YARDS AWAY PERHAPS,
8 AND WHERE SHE AGAIN MET YOU AND THAT PARTICULAR POINT
9 ON, I THINK THE REST OF THE INFORMATION WAS PROVIDED IN
10 ADDITIONAL STATEMENTS

11 Q DID YOU FIND OUT ANY INFORMATION ON THAT
12 PARTICULAR DAY ABOUT WHAT HAPPENED AT THE 21 RILEY ROAD
13 RESIDENCE WITHIN THE HOME WHERE OFFICER DANA TATE AND
14 COURSEN WAS DISCOVERED?

15 A INFORMATION WAS PROVIDED ME THAT THE TWO DEPUTIES
16 -- DEPUTY TATE AND DEPUTY COURSEN WERE DISPATCHED TO 21
17 RILEY ROAD FOR SOME TYPE OF DISTURBANCE AT THE TIME I
18 WAS INFORMED ---

19 Q EXCUSE ME I WASN'T SPEAKING OF THE INFORMATION
20 THAT WAS GATHERED YOU FROM ANY OTHER SOURCE OUTSIDE OF
21 THE INTERVIEW WITH MS BLATE (PHONETIC) I WAS ONLY
22 CONCERNED ABOUT THE INTERVIEW WITH MS BLATE (PHONETIC)
23 AND THE INFORMATION THAT YOU RECEIVED FROM HER ABOUT
24 WHAT TRANSPIRED AT THE 21 RILEY ROAD RESIDENCE FROM
25 KIMBERLY BLATE (PHONETIC)

1 COULD YOU EXPLAIN TO ME MORE ABOUT WHAT YOU
2 RECEIVED FROM KIMBERLY BLATE (PHONETIC) IN REFERENCE TO
3 WHAT TOOK PLACE INSIDE THE HOME OF THE 21 RILEY ROAD
4 RESIDENCE IN THE INTERVIEW THAT YOU CONDUCTED WITH HER?

5 A LIKE I STATED EARLIER, THE BRIEF INTERVIEW THAT
6 TOOK PLACE WITH KIMBERLY THAT AFTERNOON -- EXCUSE ME,
7 THAT EVENING, ON JANUARY 8 THAT SHE WAS PRESENT, THAT
8 SHE HAD CONVERSATIONS WITH VARIOUS PEOPLE SHE
9 IDENTIFIED THAT SHE HAD A FRIEND STRAWBERRY, WHICH WAS
10 INFORMATION I WAS PROVIDED AS FAR AS THAT'S THE
11 INDIVIDUAL THAT CALLED

12 SHE ALSO PROVIDED INFORMATION THAT SHE LEFT THE
13 ROOM, THAT SHE GAVE HER CHILD TO MS SMITH, AND THAT
14 SHE LEFT THE HOUSE AS THE GUNSHOTS WERE FIRED -- SHOTS
15 WERE BEING FIRED

16 Q DID SHE INDICATE THAT SHE HAD BEEN KIDNAPPED OR
17 HELD HOSTAGE, ANYTHING TO THAT EXTENT?

18 A NOT THAT PARTICULAR INTERVIEW NO SHE DID NOT

19 Q DID SHE INDICATE THAT MR ALKEBULANYAHH POSSESS A
20 WEAPON AT THAT PARTICULAR INTERVIEW?

21 A SHE DID NOT TELL US THAT ON JANUARY 8

22 Q DID SHE INDICATE THAT MR ALKEBULANYAHH MADE A
23 STATEMENT, I KILLED THOSE TWO WHITE BITCHES AND I'M
24 GOING TO SAY IT'S SELF DEFENSE?

25 A ON JANUARY 8 SHE DID NOT SAY THAT

1 THE COURT LET ME ASK, JUST TO SAVE TIME ALL
2 THIS LINE OF QUESTIONING, YOU DON'T HAVE ANY PROBLEM
3 WITH THAT?

4 MR MURDAUGH NO OBJECTION, SIR

5 THE COURT YOU CAN GO INTO THOSE KIND OF
6 QUESTIONS THE CONCERN FOR THE IN CAMERA HEARING IS
7 WHETHER OR NOT YOU'RE TRYING TO ESTABLISH GUILT OF SOME
8 OTHER PERSON, A THIRD PERSON DO YOU HAVE ANY QUESTION
9 LIKE THAT, THAT'S WHAT WE WANT TO HEAR QUESTIONS
10 ABOUT INVESTIGATION, YOU CAN ASK THAT, BECAUSE MS
11 BLAKE HAS TESTIFIED IN THIS CASE, AND YOU CAN ASK HIM
12 ANYTHING ABOUT MS BLAKE

13 Q MR AVANT, AT ANY TIME IN YOUR INVESTIGATION OF
14 THIS CASE, DID YOU -- DID YOUR INVESTIGATION LEAD TO
15 ANY OTHER SUSPECTS IN THIS CASE OUTSIDE OF MR
16 ALKEBULANYAHH?

17 MR MURDAUGH I WOULD OBJECT TO THAT, SIR

18 THE COURT YES, I SUSTAIN THAT OBJECTION YOU
19 CAN'T ASK HIM ABOUT SUSPECTS

20 Q WAS ANYBODY APPREHENDED OUTSIDE -- OUTSIDE OF MR
21 ALKEBULANYAHH?

22 THE COURT YOU CAN ASK HIM WAS THERE ANYONE ELSE
23 THERE -- THIS INVESTIGATION DISCOVER THAT SOMEONE ELSE
24 WAS THERE I'LL LET YOU ASK THAT QUESTION

25 MR ALKEBULANYAHH YOUR HONOR, I FEEL LIKE THAT

STATE VS ALKEBULANYAHH

1 NOT HIM, NOT THE PROSECUTOR, NOT YOURSELF RESPECTFULLY,
2 NOT ANYONE CAN ANSWER THAT QUESTION THERE

3 THE COURT HIS INVESTIGATION UNCOVERED THAT?

4 MR ALKEBULANYAHH YEAH, BECAUSE HE DON'T KNOW IF
5 ANYONE -- THEY DON'T KNOW WHO WAS THERE EVERYTHING
6 THEY KNOW IS HEARSAY

7 THE COURT NO ALL HE CAN TESTIFY TO IS ABOUT
8 WHAT HIS INVESTIGATION REVEALED OTHERWISE, WHAT WOULD
9 YOU HAVE HIM TESTIFY ABOUT THEN?

10 MR ALKEBULANYAHH WELL, HIS INVESTIGATION DON'T
11 REVEAL NOTHING IF IT -- WHEN YOU SAY, WHO WAS THERE?
12 THEY DON'T KNOW WHO WAS THERE I MEAN THE WHOLE CASE
13 PRESENTED FOR THE PROSECTOR THEY DON'T KNOW WHO WAS
14 THERE THEY DON'T EVEN KNOW ---

15 THE COURT THAT'S THE WHOLE POINT OF THIS

16 MR ALKEBULANYAHH THEY ONLY KNOW WHAT KIMBERLY
17 BLATE (PHONETIC) TOLD THEM

18 THE COURT THAT'S THE WHOLE POINT OF THIS HE
19 KNOWS WHAT KIMBERLY BLAKE -- IF HE OBTAINED A STATEMENT
20 FROM KIMBERLY BLAKE -- IS THAT WHAT YOU'RE ASKING HIM
21 -- WANT TO ASK HIM ABOUT?

22 MR ALKEBULANYAHH WELL, I WANT TO ASK HIM
23 ABOUT ---

24 THE COURT YOU ALREADY ASKED HIM ABOUT THAT

25 MR ALKEBULANYAHH I WANT TO ASK ABOUT HIS

STATE VS ALKEBULANYAHH

1 INVESTIGATION, YOU KNOW, THROUGHOUT THE COURSE OF THE
2 CASE WITH -- WITH -- I WANT TO ASCERTAIN INTERVIEWS
3 FROM PEOPLE THAT HE INTERVIEW, INTERVIEWS -- HE'S THE
4 LEAD INVESTIGATOR, ABOUT DIFFERENT PEOPLE INVOLVEMENT
5 WITHIN THIS PARTICULAR CASE

6 I CAN'T SAY MYSELF PER SE WHAT HE KNOW WHO WAS
7 THERE, BECAUSE I KNOW -- I KNOW HE DON'T KNOW WHO WAS
8 THERE AND I KNOW THE COURT -- RESPECTFULLY WITH THE
9 COURT, THAT NOBODY KNOWS WHO WAS THERE OUTSIDE SOMEONE
10 SAID

11 THE COURT THAT'S NOT WHAT I'M INDICATING IF HE
12 -- IF HIS -- IF HE HAS DIRECT KNOWLEDGE -- OR IF HE
13 CONDUCTED INVESTIGATION THAT ESTABLISHED THAT SOMEONE
14 ELSE WAS THERE, THEN, YOU KNOW, THAT'S SOMETHING THAT
15 YOU MAY BE ABLE TO ASK HIM ABOUT

16 MR ALKEBULANYAHH MY LINE OF QUESTION IS SO ---
17 THE COURT WHAT'S THE POINT OF HIS TESTIMONY?
18 JUST TO SAY THAT HE HEARD FROM SOMEONE ELSE THAT
19 THERE'S A SUSPECT OR SOMEONE BEING INVESTIGATED?

20 MR ALKEBULANYAHH YEAH, BUT HIS ACTIONS CAUSE ME
21 TO BE CHARGED WITH TWO COUNTS OF MURDER, AND I'M BEING
22 CHARGED WITH THE DEATH PENALTY THEY'RE SEEKING MY
23 LIFE FROM HEARSAY TESTIMONY SOMETHING THAT SOMEBODY
24 SAY, A PERSON THAT DONE COMMITTED PERJURY, AND THAT'S
25 THE BASIS OF THEIR WHOLE CASE THERE THERE'S NOTHING

STATE VS ALKEBULANYAHH

1 ELSE TO ESTABLISH ---
2 THE COURT IF SOMEONE ---
3 MR ALKEBULANYAHH --- THAT I WAS THERE
4 THE COURT IF SOMEONE HAS TESTIFIED DIRECTLY IN
5 THIS CASE -- AND THERE'S EVIDENCE THEY GAVE A DIFFERENT
6 STATEMENT TO ANOTHER PERSON THEN YOU CAN ASK ABOUT
7 THAT BUT YOU'RE SAYING THESE THINGS GENERALLY, BUT
8 YOU'RE NOT DOING THEM ALL YOU WANT TO DO IS SAY WAS
9 THIS PERSON A SUSPECT? WAS THIS PERSON TALKED TO? AND
10 THAT DOESN'T ADVANCE ANYTHING
11 YOU'RE NOT HERE TO PROVE THE GUILT OF SOMEONE
12 ELSE, UNLESS YOU CAN ACTUALLY -- UNLESS THERE'S
13 EVIDENCE THAT CLEARLY POINT TO THAT GUILT
14 MR ALKEBULANYAHH SO WITH MY LINE OF QUESTION BE
15 FAIR TO -- IF I WANT TO FIND OUT ALL THE PEOPLE THAT
16 WAS INVOLVED IN THE INVESTIGATION?
17 THE COURT DO YOU MEAN ASK THEM EVERY SINGLE
18 PERSON THEY TALKED TO?
19 MR ALKEBULANYAHH WELL, ACCORDING TO WHAT EACH
20 PERSON -- YOU KNOW, WHAT -- WHAT -- IF THEY DID
21 SOMETHING IN THE INVESTIGATION THE INVESTIGATORS ---
22 THE COURT WELL THE POINT IS IF THEY HAD
23 INVESTIGATIVE NOTES -- IF REPORTS WERE FILED BASED ON
24 STATEMENTS THEY TOOK FROM ANYONE, YOU WOULD HAVE COPIES
25 OF THAT INFORMATION YOU'RE FREE TO TALK TO THOSE

STATE VS ALKEBULANYAHH

1 PEOPLE, TO FIND OUT WHAT THEY KNOW, TO BRING THOSE
2 PEOPLE IN HERE AND ASK THEM THAT

3 BUT WHAT YOU'RE DOING IS ASKING OTHER PEOPLE ABOUT
4 WHETHER OR NOT SOMEONE ELSE MADE STATEMENTS AND TRY TO
5 POINT THE FINGER AT OTHER PEOPLE THROUGH THESE
6 INDIVIDUALS THAT ARE INVESTIGATING

7 MR ALKEBULANYAHH WELL, MR AVANT PARTICULARLY
8 I'VE NOT -- GET TO POINT THE FINGER AT ANYONE IT'S
9 NOT MY INTENTION

10 THE COURT YOU WANT TO ASK HIM ABOUT A SUSPECT
11 THAT'S WHAT THE WHOLE QUESTION WAS, ABOUT A SUSPECT

12 MR ALKEBULANYAHH AND I'M NOT ABLE TO ---

13 THE COURT NO, SIR

14 MR ALKEBULANYAHH --- QUESTION ABOUT ---

15 THE COURT NO SIR YOU'RE NOT ALLOWED TO DO
16 THAT

17 MR ALKEBULANYAHH I WANT ---

18 THE COURT IF SOMEONE ELSE WAS AT THE SCENE,
19 YOU'RE ALLOWED TO ASK ABOUT THAT IF THERE WAS SOMEONE
20 IN THE AREA THAT MATCHED THE PERSON'S DESCRIPTION, I'LL
21 ALLOW YOU TO ASK ABOUT THAT ALTHOUGH, THAT IS
22 QUESTIONABLE, I'LL ALLOW YOU TO ASK ABOUT THAT

23 MR ALKEBULANYAHH I JUST FEEL LIKE TO ASK THAT,
24 HE CAN'T -- HE CAN'T ANSWER

25 THE COURT THAT'S WHY HE'S NOT RELEVANT -- THAT'S

STATE VS ALKEBULANYAHH

1 WHY HIS TESTIMONY IS NOT RELEVANT THEN IF YOU KNOW
2 THAT HE CAN'T ANSWER THESE KIND OF QUESTIONS, THEN YOU
3 CAN'T PUT HIM UP FOR THAT

4 MR ALKEBULANYAHH OKAY SO I UNDERSTAND THAT,
5 YOUR HONOR, SIR SO I'M CLEAR WITH YOU ON THAT

6 THE COURT ALL RIGHT GO AHEAD WITH ANY OTHER
7 QUESTIONS THAT YOU MIGHT HAVE PERTAINING TO THAT ISSUE
8 QUESTIONS ABOUT -- IF HE WAS AT THE CRIME SCENE OR IN
9 THAT AREA, WHEREVER THE CRIME SCENE INVESTIGATION TOOK
10 PLACE, WHETHER THE IMMEDIATE AREA OR THE EXTENDED AREA
11 YOU CAN ASK HIM ABOUT THAT

12 IF HE -- IF HE TOOK ANY STATEMENTS -- I'M NOT
13 SAYING HE AS TO THIS ONE I'M TALKING ABOUT ANY OF THEM
14 -- TOOK ANY STATEMENTS FROM A WITNESS THAT HAS
15 TESTIFIED AND YOU THINK THOSE STATEMENTS ARE CONTRARY
16 TO WHAT THEY TOLD A PARTICULAR INDIVIDUAL YOU
17 CERTAINLY CAN ASK ABOUT THAT THAT IMPEACHES THEIR
18 PRIOR TESTIMONY YOU CAN DO THAT ALL RIGHT?

19 MR ALKEBULANYAHH YES, YOUR HONOR, I'M QUITE
20 CLEAR THANK YOU SO MUCH

21 THE COURT ALL RIGHT ANYTHING ELSE OF THIS
22 WITNESS?

23 MR ALKEBULANYAHH NOT IN REFERENCE TO THE MATTER
24 ABOUT OTHER PEOPLE ---

25 THE COURT ALL RIGHT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH --- SUSPECTS
2 THE COURT ALL RIGHT BRING ---
3 MR MURDAUGH YOUR HONOR, PLEASE, IN ANSWERING
4 YOUR QUESTION, SIR, I THINK IT WAS SORT OF EQUIVOCABLE
5 COULD YOU ASK HIM IF THERE'S ANYTHING ELSE HE SAID NOT
6 IN RELATION TO SOMETHING -- I DIDN'T UNDERSTAND WHAT HE
7 SAID, SIR
8 THE COURT I THINK HE WAS SAYING THERE'S NOTHING
9 ELSE AS TO THE LINE OF QUESTIONS FOR WHICH THIS HEARING
10 WAS DESIGNED, ABOUT THIRD-PARTY GUILT
11 MR MURDAUGH OKAY
12 THE COURT WE STOPPED THE QUESTIONING BECAUSE YOU
13 AGREED THAT CERTAIN QUESTIONS ABOUT MS BLAKE WERE
14 ADMISSIBLE
15 MR MURDAUGH YES SIR
16 THE COURT ALL RIGHT
17 MR ALKEBULANYAHH THAT'S CORRECT
18 THE COURT ALL RIGHT BRING THE JURY BACK IN
19 IF YOU WILL STEP DOWN THANK YOU
20 (THE WITNESS LEAVES THE WITNESS STAND)
21 (THE JURY RETURNS TO THE COURTROOM AT 4 18 P M)'
22 THE COURT THANK YOU PLEASE BE SEATED WE'RE
23 READY TO PROCEED GO AHEAD CALL YOUR WITNESS PLEASE
24 MR ALKEBULANYAHH MR TRAVIS AVANT
25 TRAVIS LEE AVANT,

STATE VS ALKEBULANYAHH

1 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

2 MR ALKEBULANYAHH MAY I, YOUR HONOR?

3 THE COURT YES, SIR, GO AHEAD

4 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

5 Q MR AVANT, COULD YOU STATE FOR THE REPORT YOUR
6 NAME AND YOUR OCCUPATION?

7 A MY NAME IS TRAVIS LEE AVANT I'M AN AGENT WITH
8 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION

9 Q MR AVANT, COULD YOU STATE WHAT BROUGHT YOU TO THE
10 BEAUFORT COUNTY AREA ON JANUARY 8, 2002?

11 A I RECEIVED A TELEPHONE CALL FROM HEADQUARTERS IN
12 COLUMBIA AROUND 5 00 P M , THAT THERE'D BEEN A HOMICIDE
13 IN BEAUFORT COUNTY, INVOLVED LAW ENFORCEMENT PERSONNEL
14 WAS DISPATCHED TO GO ASSIST THE COUNTY SHERIFF'S
15 OFFICE

16 UPON MY ARRIVAL I IDENTIFIED THE COMMAND POST,
17 WAS AT A SCHOOL ON BROAD RIVER ROAD AFTER ARRIVING, I
18 WAS BRIEFED BRIEFLY I MIGHT ADD BY MAJOR BAXLEY AND
19 BUTLER AND A FEW MOMENTS LATER -- I'M NOT SURE
20 EXACTLY HOW MANY MINUTES LATER, BUT I MET WITH THE
21 SOLICITOR AND SHERIFF TANNER AND AT THAT PARTICULAR
22 TIME SHERIFF TANNER REQUESTED -- I GUESS PRIMARILY TO
23 THE SOLICITOR AT THAT TIME AND ALSO TO MY SUPERVISOR,
24 BUSTER EDWARDS, THAT THE SOUTH CAROLINA LAW ENFORCEMENT
25 DIVISION ASSIST IN THE INVESTIGATION AT SHERIFF

1 TANNER'S REQUEST AND AT THE DIRECTION OF CAPTAIN KNIGHT
2 WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, WHO
3 SUPERVISES THE LOW COUNTRY REGION, BEAUFORT COUNTY
4 BEING IN THAT REGION, I WAS THEN ASSIGNED AS THE LEAD
5 INVESTIGATOR, ALONG WITH MANY OTHER INVESTIGATORS WHO
6 ASSISTED THE INVESTIGATION

7 Q AND UPON YOUR ARRIVAL IN THE BEAUFORT COUNTY AREA,
8 WHO DID YOU COME IN CONTACT WITH?

9 A WELL, AFTER I LEFT THE COMMAND POST, I MET WITH
10 LIEUTENANT BROMAGE WITH THE BEAUFORT COUNTY SHERIFF'S
11 OFFICE AT THE SHERIFF'S OFFICE, KNOWN AS THE L E C , AT
12 WHICH TIME HE BRIEFED ME AS TO THE INTERVIEW THAT HE
13 JUST HAD MOMENTS PRIOR TO THAT WITH KIMBERLY BLAKE

14 WE THEN -- HE, LIEUTENANT BROMAGE AND I MET WITH
15 KIMBERLY BLAKE BRIEFLY AFTER A FEW MOMENTS LEFT THE
16 L E C AND WENT TO 21 RILEY ROAD

17 Q COULD YOU STATE WHAT INFORMATION DID YOU ATTAIN
18 (SIC) FROM KIMBERLY BLATE (PHONETIC) IN YOUR INTERVIEW
19 ON JANUARY 8, 2002?

20 A WE WERE ABLE TO OBTAIN SOME INFORMATION FROM
21 KIMBERLY BLAKE AT THAT PARTICULAR TIME SHE WAS VERY
22 UPSET, VERY NERVOUS, VERY APPREHENSIVE IN WANTING TO
23 SPEAK WITH US AGAIN, WE MAY HAVE SPOKEN -- TALKED
24 WITH HER FOR ABOUT 15, 20, 25 MINUTES, AND THEN ASKED
25 HER TO PREPARE A WRITTEN STATEMENT

1 AND, BASICALLY, THE INFORMATION THAT WE GATHERED
2 AT THAT PARTICULAR TIME, THAT SHE HAD FOR A FEW DAYS
3 BEEN STAYING AT 21 RILEY ROAD WITH THE DEFENDANT, AND
4 THAT SHE WAS PRESENT IN THE HOUSE AT 21 RILEY ROAD AND
5 WAS WALKING OUT OF THE BEDROOM WHEN THE TWO DEPUTIES
6 WERE KILLED

7 Q IN THAT PARTICULAR INTERVIEW, DID MS BLATE
8 (PHONETIC) STATE THAT MR ALKEBULANYAHH POSSESSED A
9 WEAPON OR SHOT THE TWO DEPUTIES?

10 A IN THE FIRST INTERVIEW WITH KIMBERLY ON JANUARY 8,
11 SHE DID NOT SAY THAT THE DEFENDANT HAD A WEAPON OR SHOT
12 THE TWO DEPUTIES, ONLY THAT HE WAS IN THE ROOM AND SHE
13 WAS EXITING THE ROOM WHEN A GUN WAS FIRED

14 Q IN THE INTERVIEW ON JANUARY 8, 2002 DID MS BLATE
15 (PHONETIC) STATE OR INDICATE TO YOU THAT MR
16 ALKEBULANYAHH STATED THAT HE KILLED TWO WHITE BITCHES
17 AND HE WAS GOING TO CLAIM IT WAS SELF-DEFENSE?

18 A I BELIEVE SOME COMMENTS SIMILAR TO THAT WERE MADE
19 BY KIMBERLY BLAKE, BUT NOT ON JANUARY 8

20 Q AND IF THAT STATEMENT WAS -- IF KIMBERLY BLATE
21 (PHONETIC) SAID SHE MADE THAT STATEMENT ON THAT DAY,
22 WOULD IT BE UNTRUE?

23 A I REMEMBER KIMBERLY BLAKE MAKING A STATEMENT
24 SIMILAR TO THAT BUT, AGAIN, I DON'T BELIEVE IT WAS ON
25 JANUARY 8 IT MAY HAVE BEEN THE 10TH OR 11TH

STATE VS ALKEBULANYAHH

1 Q IF SHE STATED THAT SHE MADE THAT STATEMENT TO THE
2 INVESTIGATOR, TO YOU ON JANUARY 8, 2002, WOULD IT BE
3 UNTRUE?

4 A SHE DID NOT MAKE THAT STATEMENT TO ME ON JANUARY
5 8

6 Q DID MS KIMBERLY BLATE (PHONETIC) MAKE A STATEMENT
7 THAT MR ALKEBULANYAHH WAS HIDING IN A CLOSET ON
8 JANUARY 8, 2002?

9 A SHE MADE A STATEMENT SIMILAR TO THAT, BUT NOT ON
10 JANUARY 8

11 Q DID MS KIMBERLY BLATE (PHONETIC) MAKE A STATEMENT
12 THAT MR ALKEBULANYAHH WAS STANDING IN FRONT OF THE
13 TELEVISION WITH HIS HANDS ON A RIFLE, FEET APART --
14 SHOULDER LENGTH APART, WITH THE GUN POINTING AT THE
15 DOOR?

16 A SHE DID MAKE A STATEMENT SIMILAR TO THAT, YES

17 Q AND SHE MADE THAT STATEMENT ON JANUARY 8, 2002?

18 A THAT STATEMENT THAT SHE MADE, I BELIEVE WAS NOT ON
19 JANUARY 8, MAY HAVE BEEN ON THE 10TH OR THE 11TH

20 Q DID SHE MAKE THAT STATEMENT TO YOU WHEN YOU
21 INTERVIEWED HER ON JANUARY 8, 2002 THAT MR
22 ALKEBULANYAHH WAS STANDING WITH HIS FEET SHOULDER
23 LENGTH APART, WITH HIS HAND ON THE RIFLE, POINTED AT
24 THE DOOR?

25 A AGAIN, SHE DID NOT MAKE THAT STATEMENT ON JANUARY

STATE VS ALKEBULANYAHH

1 8

2 Q MR AVANT, YOU STATED IN YOUR REPORT ON FEBRUARY
3 26, 2002 THAT IN YOUR INVESTIGATION REVEALED THAT MR
4 ALKEBULANYAHH SHOT AND KILLED TWO DEPUTIES, COURSEN AND
5 TATE WHAT INFORMATION DID YOU RECEIVE ON JANUARY 8,
6 2002 THAT INDICATED MR ALKEBULANYAHH HAD SHOT AND
7 KILLED MR COURSEN AND MR TATE?

8 A THE INFORMATION THAT I RECEIVED WAS THAT THE
9 DEFENDANT LIVED AT 21 RILEY ROAD, THAT THE WITNESS THAT
10 WE HAD, KIMBERLY BLAKE, GAVE A STATEMENT THAT AS SHE
11 WAS EXITING THE ROOM, THAT THE SHOTS WERE FIRED IN THE
12 ROOM, THAT UNFORTUNATELY, THERE WERE TWO DEPUTIES WHO
13 HAD BEEN KILLED IN THAT ROOM, THAT WE HAD LAY WITNESSES
14 DURING THAT TIME AND THROUGHOUT THAT EVENING WHO
15 IDENTIFIED HIM RUNNING FROM THAT DIRECTION INTO A
16 DIRECTION BACK TOWARD -- ACROSS BROAD RIVER ROAD AND
17 BACK TOWARD JOE FRAZIER ROAD IN THE MARSH AREA THE
18 FACT THAT HE HAD 7 62 ROUNDS IN HIS POSSESSION

19 AND THE INFORMATION THAT WAS EXCHANGED TO ME BY
20 THE CRIME SCENE BY AGENT DIANE BODIE WAS THAT THEY
21 BELIEVED AT THAT PARTICULAR TIME BASED ON WHAT THEY
22 OBSERVED AT THE CRIME SCENE THAT A 7 62 WAS THE ROUNDS
23 THAT WERE USED TO KILL DEPUTY TATE AND DEPUTY COURSEN

24 Q AND WOULD YOU STATE WHAT THE BASIS THAT YOU
25 ESTABLISH THAT THE HOMICIDE WAS MURDER?

1 A CAN YOU RESTATE YOUR QUESTION?

2 Q CAN YOU STATE THE BASIS -- WHAT YOU CONSIDER --
3 WHAT YOU CAME TO THE CONCLUSION TO CONSIDER THE
4 HOMICIDE WAS MURDER?

5 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS
6 OBJECTIONABLE HE CAN PUT WHAT HE PUT IN THE
7 AFFIDAVIT, SIR THE MATTER OF WHETHER IT'S HOMICIDE OR
8 MURDER IS A MATTER OF LAW

9 THE COURT IS THAT WHAT YOU'RE TALKING ABOUT,
10 WHAT HE PRESENTED?

11 MR ALKEBULANYAHH YES, I WAS ADDRESSING --
12 BECAUSE, YOU KNOW, EVERY -- YOU KNOW, A HOMICIDE ITSELF
13 IT JUST THE LOSS OF LIFE OF SOMEONE AND THERE'S MANY
14 TYPES OF HOMICIDE AND HIS -- HIS INVESTIGATION DON'T
15 SEEM THAT IT WAS SO RAPID AND SWIFT TO THE POINT THAT
16 HE DIDN'T CONSIDER ANY OTHER OPTIONS BUT THE OPTION OF
17 MURDER AND I WAS BASING MY QUESTION AROUND WITHIN
18 THAT PERIOD FROM WHAT HE ATTAIN (SIC) INFORMATION FROM
19 KIMBERLY BLATE (PHONETIC) THAT HE ESTABLISHED THAT THAT
20 PARTICULAR INCIDENT WAS THE CASE OF MURDER

21 THE COURT YOU CAN ASK HIM ABOUT WHAT FACTS HE
22 PRESENTED

23 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

24 Q MR AVANT, WHAT FACTS WERE PRESENTED THAT WOULD
25 CAUSE YOU TO CHARGE A INDIVIDUAL WITH MURDER IN THAT

1 PARTICULAR CASE?

2 THE COURT WELL, APPROACH THE SIDE BAR

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

5 MR ALKEBULANYAHH I'LL WITHDRAW THAT QUESTION,
6 YOUR HONOR

7 Q MR AVANT, WHEN YOU TOOK OUT THE ARREST WARRANT
8 FOR MR ALKEBULANYAHH, WHAT DAY WAS THAT?

9 A WHAT -- THE DAY IT WAS ACTUALLY SIGNED WAS JANUARY
10 9 I WANT TO RECALL THAT WAS IN THE EARLY MORNING
11 HOURS OF JANUARY 9

12 Q BEFORE JANUARY 9 -- BEFORE THE ARREST WARRANT WAS
13 TAKEN OUT FOR MR ALKEBULANYAHH FOR TWO COUNTS OF
14 MURDER, HAD MS BLATE (PHONETIC) MADE A STATEMENT TO
15 YOU THAT MR ALKEBULANYAHH HAD A WEAPON INSIDE HIS
16 HOME?

17 A NO KIMBERLY BLAKE DID NOT MAKE A STATEMENT THAT
18 SHE SAW AT THAT PARTICULAR TIME ON JANUARY 8 --
19 REFERRING TO JANUARY 8 STATEMENT, THAT SHE DID NOT SEE
20 THE DEFENDANT WITH A WEAPON

21 Q COULD YOU TELL ME ANY OTHER INFORMATION THAT YOU
22 RECEIVE ON JANUARY 8 IN REFERENCE TO THE 21 RILEY (SIC)
23 INCIDENT FROM YOUR INTERVIEWS?

24 A IN ORDER TO ANSWER THAT QUESTION, COULD I ASK YOU
25 TO BE A LITTLE BIT MORE SPECIFIC?

STATE VS ALKEBULANYAHH

1 Q YES, SIR DID YOU INTERVIEW MR ISAAC RILEY ON
2 JANUARY 8, 2002?

3 A I DID NOT INTERVIEW ISAAC RILEY

4 MR MURDAUGH YOUR HONOR, PLEASE, I HAVE NO
5 PROBLEM WITH THIS QUESTION, BUT THIS IS LEADING TO MY
6 OBJECTION, SIR

7 THE COURT YES, SIR STICK WITH THE COURT'S
8 RULING, SIR

9 Q DID YOU ALSO TAKE OUT A WARRANT FOR MS NZURI BATH
10 ALKEBULANYAHH, A/K/A ---

11 MR MURDAUGH YOUR HONOR, PLEASE ---

12 Q --- MONICA DEJESUS?

13 MR MURDAUGH --- THAT HAS NOTHING TO DO WITH
14 THIS TRIAL, SIR

15 THE COURT I SUSTAIN THE OBJECTION

16 Q MR AVANT WAS YOU -- ARE YOU IN POSSESSION OF THE
17 SEARCH WARRANT THAT WAS TAKEN OUT FOR A 1999 PONTIAC
18 GRAND PRIX?

19 A IF I UNDERSTAND YOUR QUESTION, YOU ASKED ME IF I
20 WAS IN POSSESSION OF A SEARCH WARRANT?

21 Q YES, WAS YOU IN POSSESSION OR INVOLVED WITH THE
22 SEARCH WARRANT THAT WAS TAKEN OUT FOR A 1999 PONTIAC
23 GRAND PRIX?

24 A I WAS INVOLVED IN MANY SEARCH WARRANTS AND I DO
25 BELIEVE WITHOUT LOOKING AT THE DOCUMENT THAT I WAS

1 INVOLVED IN SOME WAY -- FASHION OR ANOTHER WITH THE
2 SEARCH WARRANT OF THE GRAND PRIX

3 THE COURT PULL THAT MICROPHONE CLOSER

4 WITNESS YES, SIR

5 Q IS IT POSSIBLE THAT YOU TURNED THAT SEARCH WARRANT
6 OVER TO THE PROSECUTOR?

7 A DID I TURN IT OVER TO THE PROSECUTOR?

8 Q YES, SIR

9 A YES

10 MR ALKEBULANYAHH YOUR HONOR, THIS PARTICULAR
11 WARRANT, THE DEFENSE HAS NOT BEEN SUPPLIED BY THE
12 PROSECUTOR WITH A WARRANT THAT ---

13 THE COURT ALL RIGHT HOLD ON BRING THAT TO
14 SIDE BAR PLEASE

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

17 THE COURT GO AHEAD PLEASE

18 MR ALKEBULANYAHH THANK YOU, YOUR HONOR SIR

19 Q MR AVANT, DID YOU GIVE TESTIMONY AT A GRAND JURY
20 INDICTMENT IN THE CASE VERSUS MR ALKEBULANYAHH?

21 A DID I PRESENT THE INDICTMENT TO THE GRAND JURY,
22 YES, I DID

23 THE COURT YOU CAN'T GET INTO THAT MOVE ON

24 Q MR AVANT, AT THE TIME OF MR ALKEBULANYAHH
25 ARREST, WAS IT -- WAS IT BROUGHT TO YOUR ATTENTION OR

STATE VS ALKEBULANYAHH

1 IN YOUR REPORT THAT MR ALKEBULANYAHH POSSESSED A CELL
2 PHONE?

3 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD BE
4 HEARSAY, SIR, IF IT WAS BROUGHT TO HIS ATTENTION
5 UNLESS HE KNOWS IT OF HIS OWN KNOWLEDGE

6 THE COURT YES, SIR SUSTAINED

7 Q MR AVANT, DID YOU GIVE TESTIMONY THAT MR
8 ALKEBULANYAHH WAS IN POSSESSION OF A TELEPHONE
9 BELONGING TO MS KIMBERLY BLATE (PHONETIC)?

10 A IF I DID, IT WAS AT THE PRELIMINARY HEARING HERE
11 IN THIS COURTROOM

12 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

13 THE COURT YES, SIR

14 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO HIM
15 ASKING ABOUT ANYTHING HE DOES NOT KNOW OF HIS OWN
16 KNOWLEDGE

17 THE COURT I SUSTAIN THAT OBJECTION GO AHEAD

18 Q MR AVANT, ARE YOU FAMILIAR WITH THIS PARTICULAR
19 DOCUMENT THAT YOU WAS SPEAKING OF AT THE PRELIMINARY
20 HEARING?

21 A IT APPEARS TO BE A TRANSCRIPT OF THE PRELIMINARY
22 HEARING IN THE MAGISTRATE COURT

23 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
24 INTRODUCE THIS INTO EVIDENCE

25 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO IT

STATE VS ALKEBULANYAHH

1 AS ---

2 THE COURT I SUSTAIN THE OBJECTION

3 MR ALKEBULANYAHH CAN I USE IT FOR I D
4 PURPOSES?

5 THE COURT YES, YOU CAN MARK IT FOR THE RECORD
6 FOR I D PURPOSES YOU CAN'T REFERENCE THAT WITH HIS
7 TESTIMONY, UNLESS THERE'S SOMETHING THAT HE TESTIFIED
8 ABOUT DIRECT KNOWLEDGE -- THAT HE HAD DIRECT KNOWLEDGE
9 OF THAT HE'S NOW TAKEN A DIFFERENT POSITION ON, THEN
10 YOU CAN DO THAT

11 DEFENDANT'S 33 IN EVIDENCE -- I MEAN, MARKED FOR
12 IDENTIFICATION ONLY

13 (PRELIMINARY HEARING TRANSCRIPT MARKED FOR
14 IDENTIFICATION AS DEFENDANT'S EXHIBIT NO 33)

15 (PAUSE)

16 Q MR AVANT, HAVE YOU EVER OMITTED (SIC) THAT
17 KIMBERLY BLATE (PHONETIC) HAD LIED TO LAW ENFORCEMENT
18 OFFICIALS?

19 A I DON'T REMEMBER USING THOSE EXACT WORDS, BUT I
20 REMEMBER REFERENCING ON MORE THAN ONE OCCASION THAT SHE
21 WAS VERY APPREHENSIVE IN HER INTERVIEWS, ESPECIALLY HER
22 FIRST ONE, AND THAT SHE DIDN'T PROVIDE ACCURATE
23 INFORMATION WHEN SHE CONTINUED TO PROVIDE ADDITIONAL
24 INFORMATION

25 Q IF YOU SAW SOMETHING TO REFRESH YOUR MIND DO YOU

STATE VS ALKEBULANYAHH

(

1 THINK YOU WOULD BE ABLE TO RECALL WHETHER YOU STATING
2 THAT KIMBERLY BLATE (PHONETIC) HAD LIED?

3 A I DON'T KNOW IF I HAVE TO SEE ANYTHING TO REMIND
4 ME OR NOT I STATED EARLIER THAT SHE PROVIDED
5 INFORMATION WE FOUND WAS NOT ACCURATE, AND SHE
6 CONTINUED TO PROVIDE US ADDITIONAL INFORMATION
7 THROUGHOUT THE INVESTIGATION

8 Q ARE YOU SAYING THAT YOU HAVE NEVER STATED THAT
9 KIMBERLY BLATE (PHONETIC) HAS LIED?

10 A NO, SIR, I'M NOT STATING THAT

11 Q WAS KIMBERLY BLATE (PHONETIC) TELEPHONE DISCOVERED
12 ON MR ALKEBULANYAHH OR THE SUSPECT ON JANUARY 8 2002
13 AT HIS APPREHENSION?

14 A KIMBERLY BLAKE DID HAVE A TELEPHONE, AND IT WAS
15 DISCOVERED THAT THE DEFENDANT HAD IT IN HIS POSSESSION

16 MR ALKEBULANYAHH / YOUR HONOR, CAN I HAVE A
17 MOMENT PLEASE ---

18 THE COURT YES SIR

19 MR ALKEBULANYAHH --- WITH COUNSEL

20 (PAUSE)

21 Q MR AVANT, DO YOU REMEMBER SAYING SOMETHING
22 DIFFERENT AT THE PRELIMINARY HEARING IN REFERENCE TO
23 MR ALKEBULANYAHH BEING IN POSSESSION OF KIMBERLY BLATE
24 (PHONETIC) PHONE?

25 A NO, I DON'T REMEMBER SAYING ANYTHING DIFFERENT

STATE VS ALKEBULANYAHH

1 THAN THAT

2 Q IF I COULD SHOW YOU SOMETHING TO REFRESH YOUR
3 MEMORY, WOULD IT POSSIBLE REFRESH YOUR MEMORY ABOUT
4 WHETHER OR NOT YOU SAID ANYTHING DIFFERENT?

5 A IT COULD BUT I'M NOT SURE YOU'RE TALKING ABOUT
6 POSSESSION ON YOU OR POSSESSION DURING THE INCIDENT OR
7 POSSESSION ON YOU AFTER YOU LEFT 21 RILEY ROAD?

8 Q HOW ABOUT RECOVERED OR TAKEN -- RECOVERED FROM ME?

9 A WELL IT WAS RECOVERED I DON'T KNOW IF IT WAS
10 RECOVERED FROM YOU PER SE UPON YOUR APPREHENSION I
11 KNOW YOU HAD IT IT WAS BELIEVED THAT YOU HAD IT
12 DURING THE TIME YOU LEFT 21 RILEY ROAD AND PRIOR TO
13 BEING APPREHENDED

14 Q AND WHEN YOU SAY THAT'S A BELIEF INSTEAD OF A FACT
15 THAT YOU KNOW?

16 A OH, ALL THE EVIDENCE CAUSES ME TO BELIEVE THAT
17 THAT'S -- THAT HE HAD IT, THAT I BELIEVE HE HAD IT --
18 THAT I BELIEVE HE HAD IT BASED ON INFORMATION THAT WAS
19 PROVIDED IN THE EVIDENCE

20 Q AND WOULD YOU AGREE THAT THAT EVIDENCE CAME FROM
21 SOMEONE WHO YOU SAY HAD LIED TO YOU AND IS A LIAR?

22 A NO ALL THAT INFORMATION ABOUT THE PHONE AND ALL
23 COMES FROM KIMBERLY BLAKE

24 Q SO WHAT PARTICULAR EVIDENCE THAT YOU CAN SAY THAT
25 MR ALKEBULANYAHH IN FACT POSSESSED THAT PHONE?

1 A LATER INTERVIEWS -- INTERVIEWS LATER WITH KIMBERLY
2 BLAKE, AND BASED ON REPORTS AND STATEMENTS THAT WERE
3 PROVIDED TO ME BY PEOPLE WHO ASSISTED IN THE
4 INVESTIGATION

5 Q AND WOULD YOU SAY THAT'S HEARSAY?

6 MR MURDAUGH I AGREE THAT IT IS BUT HE ASKED
7 HIM THE QUESTION

8 THE COURT YOU'RE ASKING THAT QUESTION GO TO
9 YOUR NEXT QUESTION PLEASE

10 Q SO YOU -- IT'S TRUE THAT YOU DON'T POSSESS ANY
11 KNOWLEDGE OF THE FACT THAT MR ALKEBULANYAHH POSSESSED
12 THE PHONE OF KIMBERLY BLATE (PHONETIC) IS THAT
13 CORRECT?

14 A I'M NOT SURE IF I UNDERSTAND YOUR QUESTION

15 Q THERE IS NO EVIDENCE -- THERE IS NO FACTS, NOTHING
16 TO SUBSTANUATE (PHONETIC) OTHER THAN THE STATEMENT THAT
17 KIMBERLY BLATE (PHONETIC) TOLD YOU THAT I WAS IN
18 POSSESSION OF THAT PHONE AS YOU STATE THAT IN FACT THAT
19 I DID HAVE THAT PHONE?

20 A I DISAGREE WITH THAT

21 Q AND WHAT FACTS IS THEM BASED ON?

22 A FACTS THAT I STATED EARLIER THAT INFORMATION
23 PROVIDED TO US WAS THAT YOU HAD THE TELEPHONE, BASED ON
24 INFORMATION THAT I RECEIVED BY STATEMENTS VIA REPORTS
25 FROM PEOPLE WHO ASSISTED IN THE INVESTIGATION

1 Q WAS THAT PHONE RECOVERED FROM MR ALKEBULANYAHH?

2 A I DON'T KNOW IF IT WAS RECOVERED FROM THE
3 DEFENDANT

4 Q COULD YOU LOOK AT THE PRELIMINARY HEARING
5 TRANSCRIPT THERE, PAGE 22, AND THE LINE OF QUESTIONS OF
6 20 THROUGH 24?

7 MR MURDAUGH YOUR HONOR, PLEASE, THERE'S A
8 DIFFERENT SET OF RULES OF EVIDENCE AT A PRELIMINARY
9 HEARING YOU CAN TESTIFY TO HEARSAY IN A PRELIMINARY
10 HEARING, BUT NOT IN THIS COURT, SIR

11 THE COURT I AGREE ARE YOU ASKING HIM IF HE HAD
12 DIRECT KNOWLEDGE OF THIS?

13 MR ALKEBULANYAHH WELL, SIR, UNDER OATH HE
14 TESTIFIED TO SOMETHING DIFFERENT THAN WHAT HE'S
15 TESTIFYING TO HERE DURING TRIAL AND ---

16 THE COURT LET ME SEE THE TRANSCRIPT PLEASE
17 (PAUSE)

18 THE COURT WHICH LINE, WHICH PAGE?

19 MR ALKEBULANYAHH PAGE 22, LINE OF QUESTIONING
20 20 THROUGH 24

21 (PAUSE)

22 THE COURT WHAT IS -- APPROACH THE SIDE BAR
23 PLEASE

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

STATE VS ALKEBULANYAHH

1 Q MR AVANT COULD YOU TELL ME WHERE YOU FOUND THE
2 PHONE OF KIMBERLY BLATE (PHONETIC)?

3 A I DID NOT FIND THE PHONE

4 Q COULD YOU TELL ME WHERE THE PHONE WAS RECOVERED?

5 MR MURDAUGH YOUR HONOR, PLEASE, THAT ---

6 THE COURT SUSTAINED

7 MR MURDAUGH --- IS THE SAME THING

8 Q MR AVANT, DID YOU GO TO THE 21 RILEY ROAD
9 RESIDENCE AND ONTO THE CRIME SCENE ON JANUARY 8 2002?

10 A I WENT TO 21 RILEY ROAD, YES, I DID

11 Q DID YOU ENTER THE RESIDENCE?

12 A I WENT TO THE BACK PORCH AND STOOD AT THE
13 THRESHOLD OF THE DOOR, EXCHANGED INFORMATION WITH AGENT
14 BODIE

15 Q DID YOU OBSERVE ANY OTHER OFFICERS WITHIN THE
16 CRIME SCENE?

17 A THERE WERE OFFICERS WORKING THE CRIME SCENE
18 EMPLOYED WITH SLED I THINK THERE WERE A COUPLE OF
19 DEPUTIES -- I DON'T RECALL RIGHT OFF, BUT I'D HAVE TO
20 LOOK BACK ON THE REPORTS -- THAT WERE THERE TO PROVIDE
21 SECURITY

22 Q DID YOU WEAR ANY PROTECTIVE BOOTIE, FOOTWEAR OR
23 ANYTHING, BEFORE YOU ENTERED THE CRIME SCENE?

24 A DID I? NO, I DID NOT I WENT TO THE THRESHOLD OF
25 THE DOOR, THE PORCH BACK DOOR

1 Q WOULD THE ROOM TO THE CRIME SCENE INCLUDED THE
2 FENCED-IN PERIMETER AROUND THE HOME?

3 A THAT COULD BE ONE'S OPINION IT COULD BE THE
4 YARD, IT COULD BE A SECLUDED AREA, BUT PRIMARILY THE
5 CRIME SCENE, THE LOCATION WHERE THE DEPUTIES DIED AND
6 WHERE THE MAJORITY OF THE EVIDENCE WAS, WAS IN THE
7 ROOM, THE BEDROOM THAT'S BEEN REFERRED TO MANY TIMES AT
8 21 RILEY ROAD

9 Q WAS MS KIMBERLY BLATE (PHONETIC) THE ONLY PERSON
10 THAT YOU INTERVIEWED ON JANUARY 8, 2002?

11 A I TALKED WITH SO MANY PEOPLE ON JANUARY 8 I
12 BELIEVE KIMBERLY BLAKE WAS THE ONLY PERSON THAT I
13 TALKED TO THAT I ASKED AT THAT PARTICULAR TIME TO
14 PREPARE A STATEMENT I TALKED WITH MANY OTHER PEOPLE
15 PRIMARILY LAW ENFORCEMENT PERSONNEL, INCLUDING THOSE
16 WHO WERE AT THE CRIME SCENE

17 Q DID YOU TAKE THE -- DID YOU GET THE OPPORTUNITY TO
18 -- TO COLLECT -- DID YOU COLLECT ANY EVIDENCE ON
19 JANUARY 8, 2002?

20 A I DON'T RECALL COLLECTING ANY EVIDENCE AS IT
21 RELATES TO THE CRIME SCENE

22 Q WHEN YOU WAS AT THE CRIME SCENE -- THE ALLEGE
23 CRIME SCENE -- ALLEGE DID YOU TAKE NOTICE OF ANY
24 VEHICLES BEING WITHIN THE CRIME SCENE?

25 A I CAN ANSWER THAT QUESTION PERHAPS IF I KNEW WHAT

1 YOU WERE REFERRING TO AS THE CRIME SCENE ARE YOU
2 REFERRING TO THE DIRT ROAD AT 21 RILEY ROAD OR
3 INTERSECTION OF 21 AND BROAD RIVER OR THE YARD?

4 Q THE TAPED-IN PERIMETER, WHERE THE CRIME SCENE TAPE
5 WAS AT

6 A RIGHT OFF WITHOUT LOOKING BACK AT THE PICTURES AND
7 MANY NOTES, I RECALL A SMALL USED CAR IN THE YARD, AT
8 LEAST ONE, AND PERHAPS A COUNTY SHERIFF'S OFFICE
9 VEHICLE IN THE YARD

10 Q DO YOU REMEMBER THE TAPE -- DATE AND TIME WHEN YOU
11 CAME TO KNOW THAT MR ALKEBULANYAHH LEGAL NAME WAS MR
12 ALKEBULANYAHH?

13 A YES, I REMEMBER THAT THE DAY THAT I WAS SERVING
14 THE WARRANTS AND HAVING -- CONDUCT THE INTERVIEW WITH
15 -- AT THAT TIME THE DEFENDANT WAS KNOWN AS MR ROBERTS
16 I BELIEVE I WAS TELEPHONED THAT HE IN FACT HAD CHANGED
17 HIS NAME AND THAT IT WAS BEING FOLLOWED UP, AND I WOULD
18 BE PROVIDED ADDITIONAL INFORMATION WHEN THAT
19 INFORMATION WAS OBTAINED AND PROVIDED

20 I REMEMBER A COUPLE DAYS LATER, PERHAPS IT WAS THE
21 10TH -- I'LL LOOK BACK IN MY NOTES TO BE SURE -- OF
22 BEING TOLD THAT IN FACT THERE WAS A HEARING IN FAMILY
23 COURT WHERE THE DEFENDANT ALONG WITH THE CO-DEFENDANT'S
24 NAMES WERE CHANGED FOR, I THINK, RELIGIOUS PURPOSES --
25 IS WHAT WAS INDICATED ON THE REPORT

1 I OBTAINED THAT INFORMATION AND AFTER OBTAINING
2 IT, I BELIEVE IT WAS ON JANUARY 11, THEN MADE A NOTE
3 AND RECORD OF IT AND PREPARED A MEMO ADDRESSED TO THE
4 MAGISTRATE THAT THE WARRANTS WERE OBTAINED FROM --
5 WHICH WAS MAGISTRATE SMITH, INFORMING HER OF THAT
6 INFORMATION, AS WELL AS ANOTHER CORRECTION ON THE
7 ARREST WARRANT AT THAT TIME, WHICH HAD TO DO WITH TWO
8 LETTERS INVOLVING THE FIRST NAME OF DEPUTY COURSEN

9 Q DID YOU EVER INTERVIEW NZURI BATH ALKEBULANYAHH,
10 A/K/A MONICA DEJESUS?

11 A I REMEMBER MEETING HER AT BEAUFORT COUNTY
12 DETENTION CENTER, MIRANDIZING HER, AND ATTEMPTING TO
13 INTERVIEW HER

14 Q DID ANYTHING -- DID YOU GET ANY -- HAVE ANY
15 PROGRESS WITH THE INTERVIEW?

16 MR MURDAUGH YOUR HONOR, PLEASE, THAT DOES NOT
17 RELATE TO THIS CASE

18 THE COURT I SUSTAIN THAT OBJECTION

19 Q WERE YOU WITH THE DEPUTIES OR ANYONE THAT SERVED A
20 SUBPOENA FOR THE -- FOR MR -- I THINK, A JABARI
21 MOKETSI OF THE GULLAH CENTENNIAL?

22 A I REMEMBER MEETING MR JABARI, HE WAS VERY ---

23 MR MURDAUGH YOUR HONOR, PLEASE, THAT ISN'T
24 RELEVANT WHETHER HE WAS THERE TO SERVE A SUBPOENA

25 MR ALKEBULANYAHH I'M GOING -- I'M GOING -- YOU

STATE VS ALKEBULANYAHH

1 KNOW WHAT I'M SAYING, I CAN'T MOVE ACCORDING TO THE WAY
2 HE WANT ME TO MOVE, WHAT HE WANT ME TO DO

3 THE COURT APPROACH THE SIDE BAR HE'S ON THE
4 WITNESS LIST APPROACH THE SIDE BAR

5 MR MURDAUGH I STIPULATE THAT A SUBPOENA WAS
6 SERVED I MEAN, THAT'S NO PROBLEM

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

9 MR ALKEBULANYAHH I WITHDRAW THAT QUESTION, YOUR
10 HONOR

11 THE COURT ALL RIGHT

12 Q MR AVANT, WAS YOU INFORMED BY MS BLATE
13 (PHONETIC) THE WHEREABOUTS OF MR ALKEBULANYAHH HAD
14 BEEN BEFORE THE -- BEFORE THE TWO DEPUTIES ARRIVED, THE
15 TIME PERIOD BETWEEN THE TIME THAT MR ALKEBULANYAHH
16 ARRIVED AT THE HOME AFTER BEING GONE ALL DAY? DID
17 YOU ---

18 A ARE YOU REFERRING TO JANUARY 8?

19 Q YES, SIR, I AM

20 A I REMEMBER BEING INFORMED THAT YOU AND YOUR WIFE
21 LEFT AT A PERIOD EARLIER IN THE DAY AND WENT TO, MAYBE,
22 A COUPLE DIFFERENT PLACES, AND MENTION -- THERE WAS
23 MENTION OF A LAUNDROMAT, AND THAT YOU ALL BOTH RETURNED
24 AT A PARTICULAR TIME AND THAT YOUR WIFE THEN LEFT
25 SHORTLY THEREAFTER

1 Q AND WAS YOU ABLE TO ACQUIRE A TIME WHEN MR
2 ALKEBULANYAHH ARRIVE BACK FROM THE LAUNDROMAT AFTER
3 BEING GONE ALL THAT DAY?

4 A NO, I'M NOT SURE WHAT TIME YOU ARRIVED BACK

5 Q DID SHE -- MS BLATE (PHONETIC) STATE TO YOU --
6 DID MS BLATE (PHONETIC) STATE TO YOU A TIME, HOW LONG
7 MR ALKEBULANYAHH HAD BEEN BACK BEFORE SHE ALLEGE THE
8 DEPUTIES ARRIVED?

9 A I DON'T REMEMBER THE APPROXIMATE TIME RIGHT OFF,
10 BUT SHE STATED THAT YOU ALL WERE GONE EARLIER IN THE
11 DAY

12 Q WAS YOU AWARE THAT MY CHILD -- MR ALKEBULANYAHH
13 CHILD AND THE CHILD THAT I HAD WITH MS BLATE
14 (PHONETIC) WAS TAKEN INTO CHILD PROTECTIVE CUSTODY?

15 A ON JANUARY 8 LATE THAT EVENING, AND PERHAPS EVEN
16 THE MORNING HOURS OF THE 9TH, THAT WAS THE INFORMATION
17 THAT I RECEIVED FROM ONE OF THE DEPUTIES -- I DON'T
18 RECALL RIGHT OFF WHO -- THAT YOU ALL HAD A CHILD
19 TOGETHER OF COURSE, I KNEW THAT EARLIER THAT EVENING
20 BUT IN FACT, THAT CHILD HAD BEEN TAKEN BY THE DEPUTIES
21 TO THE DEPARTMENT OF SOCIAL SERVICES, I BELIEVE

22 Q DO YOU KNOW THE EXACT -- DO YOU KNOW THE REASON
23 WHY THE CHILD WASN'T RETURNED BACK TO THE MOTHER?

24 MR MURDAUGH YOUR HONOR, PLEASE UNLESS HE KNOWS
25 OF HIS OWN KNOWLEDGE, I OBJECT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I'M ASKING ---
 2 THE COURT DO YOU KNOW OF YOUR OWN KNOWLEDGE?
 3 WITNESS I WAS -- IF HE COULD RESTATE THE
 4 QUESTION I BELIEVE I COULD ANSWER THE QUESTION
 5 THE COURT GO AHEAD
 6 Q DO YOU KNOW WHY THE CHILD WAS NOT RETURNED BACK TO
 7 THE MOTHER?
 8 A THE CHILD WAS IN FACT RETURNED BACK TO THE MOTHER
 9 Q DO YOU KNOW WHY THE CHILD WAS NOT RETURNED BACK TO
 10 THE MOTHER THAT DAY OR THE DAY PRECEDING THAT DAY?
 11 A NOT EXACTLY I DO NOT KNOW THAT
 12 THE COURT I SUSTAIN THAT OBJECTION
 13 (PAUSE)
 14 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
 15 QUESTIONS I WOULD LIKE TO RESERVE THE RIGHT TO RECALL
 16 THIS WITNESS
 17 MR MURDAUGH I HAVE NO QUESTIONS
 18 THE COURT YOU MAY STEP DOWN SIR
 19 (THE WITNESS LEAVES THE WITNESS STAND)
 20 THE COURT NEXT WITNESS
 21 MR ALKEBULANYAHH DEPUTY BAXLEY
 22 WILLIAM MCNEIL BAXLEY, JR ,
 23 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS
 24 (PAUSE)
 25 THE COURT GO AHEAD PLEASE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE ONE
2 MOMENT PLEASE

3 THE COURT YES, SIR

4 (PAUSE)

5 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

6 Q MR BAXLEY, MAJOR BAXLEY IS THAT CORRECT?

7 A YES, SIR

8 Q COULD YOU STATE YOUR NAME AND YOUR OCCUPATION FOR
9 THE RECORD, SIR?

10 A YES, SIR WILLIAM MCNEIL BAXLEY JR AND I WORK
11 FOR THE BEAUFORT COUNTY SHERIFF'S OFFICE

12 Q MR BAXLEY, ON JANUARY 8, 2002 COULD YOU STATE HOW
13 YOU BECAME INVOLVED IN THE INCIDENT THAT WE'RE HERE FOR
14 TODAY AND THE DEATH OF OFFICER COURSEN AND MR TATE?

15 A YES SIR I WAS AT WORK AT MY OFFICE AT THE
16 SHERIFF'S OFFICE AT THE HEADQUARTERS BUILDING AND I
17 HAVE A RADIO IN MY OFFICE I WAS LISTENING TO
18 TRANSMISSIONS, NORMAL CALLS, NORMAL RADIO TRAFFIC AND
19 I HEARD A SITUATION DEVELOPING AS I WAS LISTENING TO
20 THE CONVERSATIONS BETWEEN THE DISPATCHER AND VARIOUS
21 UNITS THAT SOUNDED LIKE SOMETHING THAT WAS MORE UNUSUAL
22 THAN THE NORMAL STUFF WE DEAL WITH AND I GOT UP AND
23 STARTED TO GO THAT WAY AND THEN BEFORE I HAD GOTTEN
24 OUT OF THE COMPLEX, IT WAS RADIOED THAT THERE WERE
25 SHOTS FIRED AT THE SCENE, AND SO I RESPONDED FROM

STATE VS ALKEBULANYAHH

1 THERE

2 Q DO YOU RECALL WHAT TIME THAT YOU ARRIVED OUT ON

3 THE SCENE?

4 A I DON'T RECALL SIR, NO SIR

5 Q WHEN YOU ARRIVED ON THE SCENE, WAS THERE CRIME

6 SCENE TAPE ALREADY PUT UP?

7 A I DON'T RECALL IF THERE WAS ANY CRIME SCENE TAPE

8 OUTSIDE OF THE RESIDENCE WHEN I ARRIVED IT MAY HAVE

9 BEEN, BUT I DON'T RECALL

10 Q DID YOU -- WAS YOU THAT OFFICER IN COMMAND OF THE

11 ALLEGED CRIME SCENE AREA?

12 A I NEED YOU TO BE MORE SPECIFIC ABOUT WHAT YOU MEAN

13 ABOUT THE CRIME SCENE AREA SIR

14 Q THE AREA AROUND THE PERIMETER OF THE 21 RILEY ROAD

15 RESIDENCE?

16 A I AM THE DESIGNATED INCIDENT COMMANDER FOR THE

17 SHERIFF'S OFFICE FOR ANY MAJOR INCIDENTS THAT OCCUR

18 AND WHAT THAT MEANS IS THAT I WAS SUPERVISING THE

19 ENTIRE RESPONSE ALL OF THE PERIMETER UNITS, K-9 UNITS,

20 SWAT UNITS I WAS THE COORDINATOR FOR ALL OF THOSE

21 THE IMMEDIATE CRIME SCENE OF 21 RILEY ROAD --

22 INVESTIGATORS WERE IN CHARGE OF THAT, AND I COORDINATED

23 WHATEVER ASSETS THEY NEEDED TO DO THEIR JOB

24 Q WHEN YOU ARRIVED AT THE 21 RILEY ROAD RESIDENCE,

25 DID YOU SO HAPPEN TO OBSERVE A GREEN PONTIAC OR A BLACK

1 TRUCK IN THE YARD BY THE RESIDENCE?

2 A I RECALL A COUPLE OF VEHICLES PARKED INSIDE THE
3 FENCE I DIDN'T PAY A LOT OF ATTENTION TO THEM THEY
4 APPEARED TO BE DERELICT VEHICLES I DIDN'T PAY A LOT
5 OF ATTENTION TO THEM

6 Q THEY WASN'T VEHICLES BELONGING TO THE SHERIFF'S
7 DEPARTMENT OR PATROL CARS OR ANYTHING SUCH LIKE THAT?

8 A THERE WERE NO SHERIFF'S OFFICE VEHICLES INSIDE THE
9 FENCE ALL SHERIFF'S OFFICE VEHICLES WERE OUTSIDE ON
10 THE ROAD

11 Q DID YOU GET THE OPPORTUNITY OR DID YOU ENTER THE
12 RESIDENCE OF THE 21 RILEY ROAD?

13 A YES, SIR, I DID

14 Q AND WHAT WAS THE OCCASION THAT BROUGHT YOU TO
15 ENTER?

16 A I HAD AN INTEREST, A PROFESSIONAL INTEREST I HAD
17 BEEN TOLD THAT SLED HAD DONE QUITE A THOROUGH JOB
18 INSIDE WITH STRINGS AND DOWEL RODS, DIAGRAMING THE
19 TRAJECTORIES OF THE SHOTS I HAD NEVER SEEN THAT IN MY
20 LAW ENFORCEMENT CAREER I WAS VERY INTERESTED IN
21 SEEING THAT AND I WAS INTERESTED IN PERSONALLY SEEING
22 WHERE MY FRIENDS HAD BEEN MURDERED

23 Q AND DID YOU CONSIDER THAT YOUR TOUR OF THE ALLEGE
24 CRIME SCENE COULD HAVE POSSIBLY CONTAMINATED THE AREA?

25 A IT COULD NOT HAVE CONTAMINATED IT, SIR, BECAUSE

1 SLED HAD ALREADY PACKED UP ALL OF THE EVIDENCE AND WERE
2 DEPARTING

3 Q WHEN YOU ENTER?

4 A YES, SIR, I ENTERED APPROXIMATELY 5 30 ON
5 WEDNESDAY AFTERNOON, JANUARY 9, MORE THAN 24 HOURS
6 AFTER THE INCIDENT HAD OCCURRED

7 Q DO YOU RECALL BRINGING ANY BOOTIES INTO THE
8 RESIDENCE, PROTECTIVE BOOTIES TO A FELLOW OFFICER?

9 A PROTECTIVE BOOTIES, SIR?

10 Q FOOTWEAR OR SHOES -- SHOES DO YOU RECALL TAKING
11 ANY SHOES TO A FELLOW OFFICER?

12 A YES, SIR CAPTAIN ROPER WAS INSIDE THE RESIDENCE,
13 AND HE RADIOED OUT TO ME THAT HE HAD SOME EXTRA
14 FOOTWEAR IN HIS CAR, AND I HAD SOMEONE GET IT OUT OF
15 HIS CAR AND WALK IT AROUND TO THE BACK OF THE
16 RESIDENCE

17 Q WHERE WERE YOU LOCATED AT THE TIME THAT THE ALLEGE
18 SUSPECT, MR ALKEBULANYAHH, WAS BEING APPREHENDED?

19 A WHEN YOU WERE ARRESTED, SIR, I WAS IN FRONT OF 21
20 RILEY ROAD, ON THE ROAD DOING MY JOB AS INCIDENT
21 COMMANDER

22 Q DO YOU RECALL ASKING YOUR OFFICER TO GET A
23 INTERVIEW OF THE ALLEGE SUSPECT AT THAT TIME?

24 A YES, SIR, WE WERE -- IN DOING MY JOB AS INCIDENT
25 COMMANDER, OBVIOUSLY, WE WANTED TO MAKE SURE THAT WE

1 ARRESTED ANY AND ALL PERSONS INVOLVED IN THIS -- IN THE
2 MURDER OF THE TWO OFFICERS AND LIEUTENANT JOHNSON
3 WITH THE SWAT TEAM WAS RESPONDING TO WHERE YOU WERE
4 BEING ARRESTED AT HE ASKED ME A QUESTION -- I DON'T
5 RECALL THE EXACT QUESTION ABOUT SUSPECTS

6 AND I SAID MY ADVICE TO YOU, SCOTT, IS GET UP
7 THERE AND INTERVIEW THAT MAN THAT'S BEING ARRESTED, AND
8 SEE WHAT HE HAS TO SAY

9 Q DID YOU SAY ANYTHING FURTHER?

10 A YES, SIR I SAID, I TOLD HIM TO REMEMBER MIRANDA

11 Q YOU TOLD HIM TO REMEMBER MIRANDA?

12 A YES, SIR

13 Q DO YOU KNOW WHETHER OR NOT THAT PARTICULAR OFFICER
14 READ THE ALLEGE SUSPECT HIS MIRANDA?

15 A I HAVE NO WAY OF KNOWING THAT SIR I WAS AT THE
16 RESIDENCE AT 21 RILEY ROAD

17 Q DO YOU RECALL HOW MANY SUSPECTS YOU WAS LOOKING
18 FOR ON THAT PARTICULAR DAY?

19 A AT WHAT TIME DURING THAT PARTICULAR DAY, SIR? I
20 WAS OUT THERE FOR APPROXIMATELY 8 HOURS

21 Q AT ABOUT THE PROXIMITY (SIC) TIME OF THE -- THE --
22 MR ALKEBULANYAHH BEING DETAINED WITHIN THAT TIME
23 FRAME, MAYBE A HALF HOUR BEFORE, HALF HOUR TO AN HOUR
24 BEFORE, HALF HOUR AFTER?

25 A WHEN WE WERE FIRST ESTABLISHING OUR PERIMETER, WE

STATE VS ALKEBULANYAHH

1 DID NOT KNOW HOW MANY SUSPECTS WE WERE LOOKING FOR WE
2 DID NOT KNOW HOW MANY PEOPLE HAD BEEN INVOLVED IN THE
3 MURDER OF DANA AND A J AND WE DIDN'T KNOW A WHOLE LOT
4 OF WHAT WE WERE LOOKING FOR EXCEPT A HIGH POWERED
5 RIFLE

6 AND SO AS WE BEGAN TO GATHER INFORMATION, WE -- IT
7 WAS RELAYED TO ME THAT TWO PEOPLE HAD BEEN SEEN AT
8 VARIOUS PLACES ALONG DONALDSON CAMP ROAD, VANITA ROAD
9 I DON'T RECALL EXACTLY WHERE OTHER THAN IN THAT AREA,
10 THOSE ROADS ALL RUN NEXT TO EACH OTHER IT'S LATER
11 BEEN EXPLAINED TO ME WHO THE SECOND PERSON WAS, THAT IT
12 WAS MS BLAKE WHEN SHE WAS WITH YOU

13 AND AFTER THAT -- AFTER YOU WERE TAKEN INTO
14 CUSTODY WE CONTINUED TO MAINTAIN OUR PERIMETER AS THE
15 INVESTIGATORS DID THEIR JOB INVESTIGATING TO DETERMINE
16 IF ANYONE ELSE WAS INVOLVED AND IT RAPIDLY BEGAN TO
17 BECOME CLEAR THAT NO ONE ELSE WAS INVOLVED, AND WE HELD
18 THE PERIMETER AS A SAFETY PRECAUTION, UNTIL WE WERE
19 VERY COMFORTABLE THAT NO ONE ELSE WAS INVOLVED

20 AND ONCE WE REACHED THAT CONCLUSION, WE TOOK DOWN
21 THE PERIMETER

22 Q WOULD YOU SAY THAT BASICALLY YOU REACHED THAT
23 CONCLUSION BY THE -- THE INFORMATION THAT MS KIMBERLY
24 BLATE (PHONETIC) HAD RELAYED TO THE LAW ENFORCEMENT
25 OFFICERS?

1 A REACHED WHAT CONCLUSION, SIR?

2 Q THAT, I GUESS, I WAS THE ONLY SUSPECT INVOLVED?

3 A I DID NOT REACH THAT CONCLUSION, SIR, THAT WAS NOT

4 MY JOB

5 Q WAS IT SOME CONCERN TO YOU AT ANY POINT IN TIME

6 THAT -- THAT WHERE MR ALKEBULANYAHH WAS APPREHENDED

7 WAS -- WAS 180 DEGREES FROM WHERE YOU HEARD INFORMATION

8 ABOUT ANOTHER SUSPECT WAS RUNNING?

9 A YOU'RE GOING TO HAVE TO EXPLAIN THAT TO ME, SIR

10 I DON'T -- I DON'T KNOW WHAT YOU'RE TALKING ABOUT

11 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

12 THE COURT YES, SIR

13 (PAUSE)

14 Q ARE YOU FAMILIAR WITH THAT DOCUMENT, MR BAXLEY?

15 A I KNOW WHAT IT IS I'VE NEVER SEEN IT, SIR

16 Q OKAY AT 17 42 57 -- IS THAT CONTRIBUTE TO YOUR

17 COMMENTS ON JANUARY 8, 2002 IN REFERENCE TO THE MATTER

18 THAT WE'RE HERE TODAY FOR?

19 A YES, SIR, I BELIEVE THIS IS TO BE AN ACCURATE

20 RECORDING OF WHAT I SAID

21 MR MURDAUGH 17 WHAT NOW?

22 MR ALKEBULANYAHH 17 42 57

23 Q AND MY QUESTION WAS, DO YOU RECALL BEING CONCERNED

24 THAT WHERE MR ALKEBULANYAHH WAS BEING APPREHENDED WAS

25 100 -- 180 DEGREES OFF FROM WHERE THE SUSPECTS THAT

1 THEY SAY WAS RUNNING AND IN THE AREA OF THE -- IF I'M
2 CORRECT THE DONALDSON CAMP ROAD AREA, AND EVERGREEN
3 ROAD AREA, TO THAT EXTENT -- YOU WAS CONCERNED ABOUT
4 THERE MIGHT BE ANOTHER SUSPECT BECAUSE OF THE 180
5 DEGREE AREA -- THE INFORMATION?

6 A I DON'T UNDERSTAND THE QUESTION, SIR

7 Q I'M TRYING TO -- I -- I WAS LOOKING AT THAT -- YOU
8 KNOW, ACCORDING TO YOUR STATEMENTS -- ACCORDING TO THE
9 DISPATCH TRANSCRIPT, MR JOHNSON WAS SPEAKING TO YOU,
10 ASKING YOU A QUESTION AND HE STATED, WE'RE GOING TO
11 REGROUP AND GO BACK TO THIS AREA THAT HE WAS LAST SEEN
12 IN, AND I DON'T KNOW ANY OTHER WAY OF TRYING TO LOOK
13 FOR THIS SECOND SUSPECT, SO WE DON'T HAVE A STARTING
14 POINT AT THE INCIDENT LOCATION, CORRECT?

15 AND YOUR RESPONSE WAS, THAT'S AFFIRMATIVE, BECAUSE
16 WHERE HE SHOWED UP AT WAS 180 DEGREES OUT FROM -- FROM
17 WHERE WE HAD HEARD HE HAD RUN IN?

18 A YES, SIR

19 Q AND I WAS TRYING TO GET FROM YOU AT THAT
20 PARTICULAR TIME YOU STILL LOOKING FOR A SUSPECT THAT
21 WAS IN A OPPOSITE WAY WHERE MR ALKEBULANYAHH WAS AT?

22 A NO, SIR, WE WERE NOT

23 Q WAS YOU -- WAS YOU EVER ABLE TO APPREHEND ANOTHER
24 SUSPECT OR THAT WAS RUNNING IN THAT PARTICULAR AREA?

25 A NO, SIR, BECAUSE THERE WAS NO ONE RUNNING IN THAT

1 PARTICULAR AREA THE ONLY SUSPECT WAS YOU SIR AND
2 YOU WERE APPREHENDED AND OUR INVESTIGATION DETERMINED
3 THAT THERE WAS ONLY ONE SUSPECT SHOOTER INVOLVED, AND
4 THAT WAS YOU, SIR

5 Q AND THAT WAS AFTER MY APPREHENSION, IS THAT
6 CORRECT?

7 A FINAL DETERMINATION, YES, SIR

8 Q FINAL DETERMINATION OKAY MR BAXLEY, WERE YOU
9 EVER INQUIRED TO BY ANY OFFICERS BECAUSE YOU WAS THE
10 OFFICER IN COMMAND AT THE INCIDENT AS TO THE TYPES OF
11 WEAPONS THAT WAS USED AT THE 21 RILEY ROAD THAT WAS
12 INVOLVED IN THE 21 RILEY ROAD INCIDENT?

13 A IF I UNDERSTAND YOUR QUESTION, YOU ASK ME IF ---
14 MR MURDAUGH YOUR HONOR, PLEASE, IF HE KNOWS OF
15 IT OF HIS OWN KNOWLEDGE, I HAVE NO PROBLEM IF IT'S
16 HEARSAY I OBJECT SIR

17 THE COURT ALL RIGHT IS IT SOMETHING YOU KNOW?
18 WITNESS YOUR HONOR, I'M NOT SURE I UNDERSTAND
19 HIS QUESTION

20 THE COURT RESTATE IT PLEASE

21 Q WAS YOU INQUIRED BY OFFICERS IN THE FIELD -- WAS
22 YOU INQUIRED BY THEM AS TO THE TYPE OF WEAPONS THAT WAS
23 USED IN THE 21 RILEY ROAD INCIDENT?

24 MR MURDAUGH OBJECTION, SIR, HEARSAY

25 THE COURT DO YOU KNOW THAT OF YOUR OWN

1 KNOWLEDGE?

2 WITNESS NO, SIR I ONLY KNOW INFORMATION THAT
3 WAS GIVEN TO ME

4 THE COURT I SUSTAIN THAT OBJECTION

5 Q DID YOU GIVE ANY INFORMATION TO ANY OFFICERS OF
6 THE TYPE OF WEAPON THAT WAS USED AT THE 21 RILEY ROAD
7 INCIDENT?

8 MR MURDAUGH YOUR HONOR, PLEASE, IF IT'S BASED
9 ON HEARSAY, I OBJECT, SIR

10 THE COURT AGAIN, IS THIS SOMETHING YOU KNOW?

11 WITNESS THE INFORMATION WAS BROUGHT OUT TO ME,
12 YOUR HONOR

13 THE COURT I SUSTAIN THAT OBJECTION

14 Q DO YOU REMEMBER RELATING TO THE OFFICERS IN THE
15 FIELD ---

16 MR MURDAUGH YOUR HONOR PLEASE, THAT -- EXCUSE
17 ME, SIR, I'M SORRY

18 THE COURT GO AHEAD GO AHEAD

19 Q DO YOU REMEMBER RELATING TO OFFICERS IN THE FIELD,
20 WE HAVE FOUND ---

21 MR MURDAUGH YOUR HONOR, PLEASE ---

22 Q --- 22 CASINGS, 40 CALIBER CASINGS ---

23 MR MURDAUGH --- I OBJECT

24 Q --- AND 7 62 CASINGS ---

25 MR MURDAUGH THAT'S BASED ON HEARSAY, SIR, AND

STATE VS ALKEBULANYAHH

1 NOT UPON ANYTHING ---
2 THE COURT HOLD ON
3 MR MURDAUGH --- THAT HE KNOWS OF HIS OWN
4 KNOWLEDGE
5 THE COURT ALL RIGHT GO AHEAD LET ME HEAR THE
6 QUESTION
7 Q DO YOU RECALL RELATING TO THE OFFICERS IN THE
8 FIELD THAT YOU HAVE FOUND AT THE 21 RILEY ROAD 22
9 CASINGS ---
10 THE COURT I SUSTAIN THAT
11 Q --- 40 CALIBER CASINGS ---
12 THE COURT I SUSTAIN THE OBJECTION GO TO YOUR
13 NEXT QUESTION
14 Q DO YOU KNOW -- DO YOU KNOW WHAT HAPPENED TO THE
15 22 CASINGS THAT ---
16 MR MURDAUGH YOUR HONOR ---
17 Q --- WAS FOUND AT THE 21 RILEY ROAD RESIDENCE?
18 THE COURT YES, SIR
19 MR MURDAUGH I DON'T EVEN OBJECT THIS TIME
20 THE COURT ALL RIGHT GO AHEAD JUST INDICATE
21 WHETHER YOU OBJECT OR WITHDRAW YOUR OBJECTION THANK
22 YOU, SIR
23 MR MURDAUGH I APOLOGIZE
24 THE COURT GO AHEAD SIR
25 MR MURDAUGH I SHOULD NEVER HAVE ACTED THAT WAY,

STATE VS ALKEBULANYAHH

1 AND I APOLOGIZE, SIR

2 THE COURT GO AHEAD PLEASE

3 Q DO YOU KNOW WHAT HAPPENED TO THE 22 CASINGS THAT
4 WAS FOUND AT THE 21 RILEY ROAD RESIDENCE?

5 A I DON'T KNOW OF ANY 22 CASINGS THAT WERE FOUND

6 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
7 QUESTIONS

8 THE COURT ANY QUESTIONS?

9 MR MURDAUGH I CERTAINLY HAVE NONE, SIR

10 THE COURT ALL RIGHT YOU MAY STEP DOWN SIR

11 (THE WITNESS LEAVES THE WITNESS STAND)

12 THE COURT LADIES AND GENTLEMEN, I THINK I GOT
13 WORD THIS MORNING THAT SOME OF YOU INDICATED THAT YOU
14 WANTED TO WORK LATER I JUST GOT A NOTE SAYING THAT
15 SOME OF YOU ARE TIRED I'M HAPPY TO DO WHATEVER THE
16 JURY WANTS WOULD YOU LIKE TO STOP AT THIS POINT? IF
17 SO, RAISE YOUR HAND

18 (NO RESPONSE)

19 THE COURT I MEAN, I'M MORE THAN HAPPY TO DO
20 THAT DO YOU WISH TO STOP?

21 JUROR GO ON

22 THE COURT YOU WISH TO GO ON ONE MORE WITNESS
23 MAYBE? ALL RIGHT GO AHEAD CALL YOUR NEXT WITNESS

24 MR ALKEBULANYAHH MY NEXT WITNESS IS DEPUTY
25 HIERS

STATE VS ALKEBULANYAHH

1 MR MURDAUGH JODY HIERS? I THINK HE WAS EXCUSED
2 EARLIER HE TESTIFIED AND WAS EXCUSED

3 MR ALKEBULANYAHH I THINK I HAD HIM FOR RECALL,
4 YOUR HONOR

5 MR MURDAUGH OR DID HE OKAY I'M SORRY

6 MR ALKEBULANYAHH YOUR HONOR, I'M -- I'M -- I'M
7 GOING TO CALL -- NOT MR HIERS AT THIS TIME I WOULD
8 LIKE TO CALL DEPUTY WILSON

9 MR MURDAUGH MAY MAJOR BAXLEY BE EXCUSED?
10 THE COURT ANY OBJECTION?

11 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION
12 THE COURT HE MAY BE EXCUSED

13 CHRISTINE WILSON, BEING
14 FIRST DULY SWORN TESTIFIED AS FOLLOWS

15 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?
16 THE COURT YES, SIR

17 DIRECT EXAMINATION BY MR. ALKEBULANYAHH

18 Q MR WILSON, COULD YOU STATE YOUR NAME AND
19 OCCUPATION FOR THE RECORD FOR ME PLEASE?

20 A MY NAME IS CHRISTINE WILSON I'M AN INVESTIGATOR
21 OF THE BEAUFORT COUNTY SHERIFF'S OFFICE

22 Q MS WILSON COULD YOU -- COULD YOU TELL US HOW YOU
23 BECAME INVOLVED IN THE INCIDENT ON JANUARY 8, 2002 IN
24 THE MATTER THAT WE'RE HERE FOR TODAY?

25 A I RESPONDED TO A RADIO CALL FOR ASSISTANCE TO 21

STATE VS ALKEBULANYAHH

1 RILEY ROAD, AND I RESPONDED AT THAT TIME

2 Q AND WHEN YOU GOT THERE, COULD YOU TELL US YOUR
3 OBSERVATION OR WHAT YOU DID?

4 A ONCE I ARRIVED TO THE AREA OF 21 RILEY ROAD
5 KIMBERLY BLAKE WAS ESCORTED TO ME AND AT THE TIME SHE
6 WAS IN HANDCUFFS IT WAS UNKNOWN WHAT HER ROLE IN THE
7 INCIDENT WAS AT THAT TIME I BEGAN TO INTERVIEW MS
8 BLAKE ABOUT THE INCIDENT

9 Q COULD YOU TELL US WHAT THE NATURE OF THAT
10 INTERVIEW WAS?

11 A ONCE I TALKED TO MS BLAKE -- SHE WAS SOAKING WET,
12 AND SHE HAD SOME BLOOD ON HER AND SHE INDICATED THAT
13 SHE WAS FREEZING SHE WAS VERY SCARED SO I PLACED
14 HER IN MY PATROL CAR WITH THE HEATER ON SO SHE'D WARM
15 UP I ATTEMPTED TO GAIN DETAILS FROM HER ABOUT HER
16 OBSERVATIONS AT 21 RILEY ROAD, BECAUSE AT THAT POINT WE
17 HAD NO IDEA HOW MANY POTENTIAL SUSPECTS THERE WERE
18 AND SINCE SHE WAS APPARENTLY INSIDE THE INCIDENT
19 LOCATION AT THE TIME THAT IT OCCURRED, IT WAS IMPORTANT
20 TO TRY TO GET AS MUCH INFORMATION FROM HER AS POSSIBLE

21 A PERIMETER WAS BEING SET UP WITH DEPUTIES WE
22 DIDN'T KNOW HOW FAR OUT TO EXPAND THAT PERIMETER, SO WE
23 WERE TRYING TO GAIN AS MUCH INFORMATION FROM MS BLAKE
24 AS POSSIBLE

25 INITIALLY DUE TO HER FEAR, SHE WAS VERY SKETCHY

STATE VS ALKEBULANYAHH

]

1 AND VAGUE ABOUT THE DETAILS THAT SHE PROVIDED, STATING
2 THAT SHE HAD BEEN STAYING AT THE RESIDENCE WITH AN
3 INDIVIDUAL NAMED QUEEN AND AN INDIVIDUAL NAMED BEN, AND
4 THAT HE ALSO -- THAT BEN ALSO LIVED AT THAT RESIDENCE

5 SHE STATED SHE'D BEEN STAYING AT THE RESIDENCE FOR
6 APPROXIMATELY THREE DAYS WITH HER BABY

7 AT FIRST SHE CLAIMED THAT SHE DIDN'T KNOW BEN HAD
8 BEEN PRESENT JUST BEFORE THE SHOOTING OCCURRED, BUT
9 THEN SHE DID SAY THAT HE WAS PRESENT

10 AS SHE BECAME MORE AT EASE WITH ME IN THE GENERAL
11 PRESENCE OF LAW ENFORCEMENT, SHE BEGAN TO REVEAL MORE
12 OF WHAT HAD OCCURRED SHE SAID SHE'D BEEN IN THE
13 RESIDENCE ON RILEY ROAD FOR APPROXIMATELY THREE DAYS
14 AND WANTED TO GO HOME BUT SHE WAS AFRAID TO JUST
15 LEAVE

16 QUEEN AND BEN LEFT THE RESIDENCE FOR A PERIOD OF
17 TIME ON THE 8TH OF JANUARY 2002 AND AT THAT TIME SHE
18 CALLED HER FRIEND, STRAWBERRY WASHINGTON AND ASKED MS
19 WASHINGTON TO CALL THE POLICE FOR HER SHE DIDN'T KNOW
20 WHY IT TOOK MS WASHINGTON SO LONG TO CALL THE POLICE
21 BUT AT ANY RATE, AFTER A COUPLE OF HOURS, SHE SAID THE
22 POLICE DID ARRIVE

23 AND WHEN THEY ARRIVED MS BLAKE STATED THAT SHE
24 WAS LYING IN A COT IN THE BEDROOM AND THAT BEN WAS
25 SITTING NEXT TO HER RUBBING HER BACK AND TELLING HER TO

1 BE STRONG QUEEN WAS NOT PRESENT, BUT BRENDA -- MS
2 RILEY WAS THERE

3 AT SOME POINT MS RILEY, BRENDA RILEY, KNOCKED ON
4 THE BEDROOM DOOR AND TOLD HER THAT THE POLICE WERE
5 THERE, AND SAID THAT SHE WAS SUPPOSEDLY BEING HELD
6 HOSTAGE, SHE NEEDED TO COME OUT AND TALK TO THEM

7 AND SHE SAID THAT WHEN SHE LEFT THE ROOM, SHE SAID
8 THAT BEN WAS STANDING BEHIND THE TELEVISION IN THE
9 BEDROOM BUT SHE DID NOT SEE A GUN

10 SHE WALKED OUT OF THE ROOM, WALKED PAST THE TWO
11 DEPUTIES SHE STARTED TOWARDS THE FRONT DOOR SHE
12 HEARD GUNSHOTS AND RAN OUT THE FRONT DOOR AND DOWN THE
13 STREET TO A COUSIN OR A FRIEND'S HOUSE AT THE END OF
14 RILEY ROAD

15 SHE STATED SHE HID BEHIND A PATROL CAR TO TAKE OFF
16 HER BRA BECAUSE IT WAS NOT SUPPORTING HER PROPERLY
17 AND AT THAT TIME SHE SAID SHE DIDN'T KNOW HOW THE BLOOD
18 GOT ON THE BRA OR ON HER OTHER CLOTHING AND SHE SAID
19 THAT SHE DID SEE BEN RUNNING DOWN THE ROAD CARRYING A
20 LONG GUN, AND SHE RAN WITH HIM INTO THE WOODS ACROSS
21 BROAD RIVER BOULEVARD BECAUSE SHE WAS SCARED NOT TO

22 SHE THEN SAID THE BLOOD ON HER CLOTHING WAS BEN'S
23 BLOOD

24 SHE RAN WITH BEN AS FAR AS THE WATER AND COULDN'T
25 RUN ANY MORE, SO -- SO HE TOLD HER TO GO ON BACK AND

STATE VS ALKEBULANYAHH

1 THAT IS WHEN SHE WAS SPOTTED BY THE DEPUTIES AND
2 DETAINED FOR FURTHER QUESTIONING

3 Q MS WILSON, YOU DID STATE THAT INITIALLY THAT MS
4 BLATE (PHONETIC) HAD STATED THAT -- THAT SHE DID NOT
5 KNOW MR ALKEBULANYAHH WAS PRESENT JUST BEFORE THE
6 SHOOTING OCCURRED, IS THAT CORRECT?

7 A SHE STATED -- ARE YOU TALKING ABOUT HER INITIAL
8 STATEMENT?

9 Q YES, MA'AM

10 A AT FIRST SHE DID CLAIM THAT SHE DID NOT KNOW YOU
11 WERE PRESENT AND THEN SHE SAID YOU WERE PRESENT

12 Q AND AFTER SHE SAID SHE DIDN'T KNOW IF I WAS
13 PRESENT AND THEN SHE SAID THEREAFTER THAT I WAS
14 PRESENT, SHE STATED PACIFICALLY (SIC) THAT MR
15 ALKEBULANYAHH WAS STANDING IN THE BEDROOM NEAR THE
16 TELEVISION OR BEHIND THE TELEVISION IN THE BEDROOM WHEN
17 SHE EXIT THE ROOM, BUT MR ALKEBULANYAHH DID NOT HAVE A
18 GUN, IS THAT WHAT SHE STATED ALSO?

19 A THAT'S CORRECT

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

22 MR MURDAUGH I HAVE NO QUESTIONS YOUR HONOR
23 THE COURT YOU MAY STEP DOWN

24 (THE WITNESS LEAVES THE WITNESS STAND)

25 THE COURT NEXT WITNESS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH DEPUTY SANKOWSKI

2 (PAUSE)

3 MR ALKEBULANYAHH SHERIFF TANNER P J TANNER

4 P J TANNER, BEING FIRST

5 DULY SWORN, TESTIFIED AS FOLLOWS

6 THE COURT PLEASE STATE YOUR NAME FOR THE RECORD

7 WITNESS P J TANNER

8 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

9 Q MR TANNER, COULD YOU STATE YOUR NAME AND
10 OCCUPATION FOR THE RECORD PLEASE?

11 A MY NAME IS P J TANNER I'M THE SHERIFF FOR
12 BEAUFORT COUNTY

13 Q MR TANNER, DID YOU ARRIVE AT THE 21 RILEY ROAD
14 RESIDENCE ON JANUARY 8, 2002 IN REFERENCE TO TWO
15 DEPUTIES BEING KILLED?

16 A YES I DID

17 Q AND UPON YOUR ARRIVAL, COULD YOU TELL ME WHAT YOU
18 DID?

19 A MY JOB DURING THIS INVESTIGATION WAS TO OVERSEE
20 THE OPERATIONS OF THE INVESTIGATION AND THE DUTIES OF
21 THE SHERIFF'S OFFICE AND ALL THE OTHER LAW ENFORCEMENT
22 THAT WAS COMING INTO THE COUNTY

23 Q AND DID YOU HAVE ANY PARTICULAR ROLE IN THE
24 INVESTIGATIVE NATURE OF THE INCIDENT AT THE 21 RILEY
25 ROAD RESIDENCE? ANY CLEAR-CUT INVESTIGATIVE PURPOSE?

STATE VS ALKEBULANYAHH

1 A MY -- MY DUTIES WERE TO OVERSEE THE INVESTIGATION

2 Q TO OVERSEE THE INVESTIGATION AND WHEN YOU MEAN

3 OVERSEE THE INVESTIGATION, COULD YOU BE MORE CLEAR?

4 A OVERSEE AND COORDINATE I HAD A LOT OF THINGS

5 GOING ON AT ONE TIME THE FIRST LOCATION I ARRIVED WAS

6 21 RILEY ROAD AND I DID A LOT OF WHAT I NEEDED TO BE

7 DOING ON THE TELEPHONE VERY LITTLE ON THE RADIO,

8 BECAUSE I WAS CALLING IN OTHER AGENCIES, SUCH AS SLED,

9 THE MILITARY HELICOPTER, THE SLED HELICOPTER THERE

10 WAS A LOT OF THINGS THAT I WAS COORDINATING FROM MY

11 POSITION

12 Q DID YOU HAVE THE OPPORTUNITY TO ENTER THE CRIME

13 SCENE ---

14 A I DID

15 Q --- THE ALLEGE CRIME SCENE?

16 A I DID

17 Q COULD YOU TELL ME WHAT WAS YOUR ACTION?

18 A I ENTERED THE CRIME SCENE IN THE LATE HOURS OF

19 JANUARY 8, ACCOMPANIED BY THE SOLICITOR, AND I BELIEVE

20 IT WAS LIEUTENANT COLONEL BROWN FROM MY OFFICE, AND FOR

21 THE PURPOSE OF SEEING MY TWO DEPUTIES THAT WERE

22 MURDERED INSIDE THE BEDROOM

23 Q WHEN YOU SPEAK OF MURDER WAS THAT THE INITIAL

24 ASSESSMENT YOU HAD OF THE SITUATION ONCE YOU HEARD TWO

25 DEPUTY HAD LOST THEIR LIFE?

1 A IT WAS PRETTY OBVIOUS TO ME WHEN I LOOKED INSIDE
2 THE CRIME SCENE, YES

3 Q WAS IT -- DO YOU THINK IT WAS FAIR TO JUDGE THAT
4 BEING THAT YOUR TWO DEPUTIES HAD NO ARREST WARRANT OR
5 SEARCH WARRANT?

6 A WELL, MY ASSESSMENT IS BASED ON WHAT I SAW

7 Q SO THE LOSS OF A HOMICIDE AND BY IT BEING TWO LAW
8 ENFORCEMENT OFFICIALS IN YOUR MIND, DID IT CONSTITUTE
9 MURDER?

10 A MY ASSESSMENT WAS BASED ON WHAT I SAW IN THAT
11 ROOM AND BASED ON WHAT I SAW, MY ASSESSMENT WAS THEY
12 WERE GUNNED DOWN AND THEY WERE MURDERED IN YOUR
13 BEDROOM

14 Q DID YOUR TWO DEPUTIES HAVE ARREST WARRANTS OR A
15 SEARCH WARRANT ON THEM?

16 A NOT TO MY KNOWLEDGE

17 Q IS IT THE POLICY OF THE BEAUFORT COUNTY SHERIFF'S
18 DEPARTMENT TO ENTER THE PREMISES OF HOMES WITHOUT
19 SEARCH WARRANT AND ARREST WARRANT?

20 A IT'S THE POLICY OF OUR OFFICE TO INVESTIGATE
21 CRIMINAL ACTIVITY AS IT'S REPORTED

22 Q IS THERE A DIFFERENCE BETWEEN INVESTIGATE AND TO
23 SEARCH?

24 A THERE'S A BIG DIFFERENCE IN THE TWO

25 Q AND COULD YOU EXPLAIN TO ME THE DIFFERENCE?

1 A DO YOU WANT THE TECHNICAL SIDE OR ARE YOU
2 REFERRING TO 21 RILEY ROAD?
3 Q THE TECHNICAL SIDE
4 A INVESTIGATE CRIMINAL ACTIVITY MAY REQUIRE AT TIMES
5 TO SEARCH, DEPENDING ON THE LEVEL OR STRETCH OR SCOPE
6 OF THE SEARCH DEPENDS ON OTHER MATTERS I MEAN, I'M
7 NOT SURE WHERE YOU'RE -- WHAT YOU'RE ASKING
8 Q I'M ASKING THAT -- THAT THERE WOULD -- WOULD IT BE
9 FAIR TO SAY THERE MUST BE FACTS KNOWN TO AN OFFICER
10 PRIOR TO HIM TAKING ANY ACTION IF HE HAS NO KNOWLEDGE
11 OF A CRIME BEING COMMITTED?
12 A LAW ENFORCEMENT OFFICERS ARE FACT FINDERS WHEN
13 THEY RESPONDED TO 21 RILEY ROAD, THAT'S WHAT THEY WERE
14 DOING THEY WERE LOOKING FOR FACTS THEY WERE
15 INVESTIGATING A COMPLAINT THAT HAD BEEN CALLED IN
16 Q SO WHEN THEY RETURN -- WHEN THEY ARRIVED AT 21
17 RILEY ROAD, THEY WASN'T INVESTIGATING A CRIME IS THAT
18 CORRECT?
19 A THE REPORT WAS ALLEGEDLY CRIMINAL ACTIVITY OF
20 SORTS
21 Q AND WHEN YOU SPEAK OF ALLEGEDLY CRIMINAL ACTIVITY,
22 MEANING THAT IT WASN'T A CRIMINAL ACTIVITY, IT WAS JUST
23 A BELIEF OF A CRIMINAL ACTIVITY IS THAT CORRECT?
24 A WE RESPOND TO WELL OVER A HUNDRED THOUSAND CALLS
25 PER YEAR THIS WAS A CALL THAT REQUIRED OUR RESPONSE

1 AND OUR ATTENTION THE OFFICERS RESPONDED BECAUSE OF
2 WHAT COMPLAINT HAD BEEN FILED, AND THEY WERE THERE TO
3 INVESTIGATE

4 Q AND INVESTIGATE WOULD YOU AGREE CURTAIL (SIC)
5 ASKING QUESTIONS?

6 A ABSOLUTELY

7 Q AND WHEN ASKING QUESTIONS, COULD WE CONSIDER
8 WITHIN THE RANGE OF INTERVIEWING THE PEOPLE AT THE
9 PREMISES -- EACH INDIVIDUAL, TO DETERMINE WHETHER OR
10 NOT THERE IS A CRIME BEING COMMITTED?

11 A THAT'S WHAT THE OFFICERS WERE DOING

12 Q AND IF THE OFFICERS FAIL TO ASK ALL THE OCCUPANTS
13 OR THE COMPLAINANT (PHONETIC) OR THE VICTIM THAT THEY
14 ENCOUNTER WHETHER THEY WAS INDEED VICTIMS OR INDEED A
15 COMPLAINTER (PHONETIC), THEN WOULDN'T YOU AGREE THAT
16 THEY WASN'T FOLLOWING THE STANDARD OR PROCEDURE IN
17 RESPONDING TO A DOMESTIC DISTURBANCE OR THE TYPE OF
18 CALL THAT THEY WAS RESPONDING THERE FOR?

19 A IT'S MY BELIEF THAT THEY SPOKE TO EVERYONE AT 21
20 RILEY ROAD THAT THEY KNEW WAS THERE

21 Q AND DO YOU HAVE ANY INFORMATION AS WHETHER TO DID
22 THEY ASK THE PERSON THAT THEY ALLEGEDLY SUPPOSED TO
23 BEEN RESPONDING TO THE 21 RILEY ROAD FOR -- ALLEGE
24 VICTIM KIMBERLY BLATE (PHONETIC) -- WHETHER OR NOT DO
25 YOU HAVE ANY KNOWLEDGE OR ANY INFORMATION THAT SUGGESTS

1 THAT THEY ASKED HER WAS SHE A VICTIM OF ANY TYPE OF
2 MATTER?

3 A DO YOU WANT ME TO TALK ABOUT HEARSAY? I MEAN, I
4 WASN'T THERE WHEN THEY RESPONDED TO THE HOUSE I KNOW
5 THAT BASED ON THE FACTS THAT WERE GATHERED, THE
6 INVESTIGATION AS A WHOLE, AND BASED ON REPORTS, AND ALL
7 THE DOCUMENTS THAT I'VE SEEN, THEY INTERVIEWED EVERYONE
8 THAT THEY KNEW WAS IN THE HOME

9 Q AND IF THEY DID NOT DO THAT, WOULD YOU SAY THEY
10 WAS ACTING IMPROPER?

11 A THEY INTERVIEWED EVERYONE THEY KNEW WAS IN THE
12 HOME IF THERE WAS SOMEONE HIDING IN THAT RESIDENCE,
13 THERE WAS NO WAY THAT THEY COULD HAVE INTERVIEWED THAT
14 PERSON THERE WAS NOT A POLICY VIOLATION

15 Q SO YOU'RE NOT AWARE THAT THEY DID NOT INTERVIEW
16 MS KIMBERLY BLATE (PHONETIC) IS THAT CORRECT?

17 A I KNOW THAT THEY INTERVIEWED EVERYONE THAT THEY
18 KNEW WAS IN THE RESIDENCE

19 Q ARE YOU AWARE THAT THEY DID NOT INTERVIEW MS
20 KIMBERLY BLATE (PHONETIC)?

21 A I'M AWARE OF WHAT I READ IN THE REPORTS AND,
22 AGAIN, LOOKING AT THIS INVESTIGATION IN ITS TOTALITY, I
23 UNDERSTAND THAT THEY SPOKE WITH EVERYONE AT 21 RILEY
24 ROAD WHEN THEY ARRIVED THAT THEY KNEW WAS THERE NOW,
25 WHAT YOU REFER TO AS AN INTERVIEW I'M NOT SURE

1 Q WHEN I REFER TO INTERVIEW, I'M SPEAKING OF MAKING
2 INQUIRY AS TO DID YOU CALL 9-1-1? DID YOU CALL THE
3 POLICE? ARE YOU BEING ABUSED? HAVE YOU BEEN HIT?
4 HAVE YOU BEEN KIDNAPPED? HAVE YOU BEEN HELD HOSTAGE?
5 DO YOU NEED THE ASSISTANCE OF THE SHERIFF'S DEPARTMENT?
6 DO YOU NEED THE ASSISTANCE OF US? IS ANYTHING WRONG,
7 TO THAT NATURE?

8 A BASED ON THE WITNESS ACCOUNTS AND EVIDENCE THAT
9 WAS COLLECTED, THAT'S EXACTLY WHAT THOSE TWO OFFICERS
10 WERE ATTEMPTING TO DO NOW, ONCE THEY ARRIVED AT THE
11 RESIDENCE AND ONCE THEY MADE PROGRESS INTO THE HOME AND
12 THEY IDENTIFIED THOSE WHO THEY KNEW WERE THERE THAT'S
13 -- THAT'S WHAT PROCESS THEY WERE INVOLVED IN, AND
14 THAT'S THE REASON WHY THEY WERE THERE

15 Q AND IF THAT'S THE REASON THEY WAS THERE, WOULD YOU
16 AGREE THAT THEY SHOULD HAVE -- IF MS KIMBERLY BLATE
17 (PHONETIC) WAS THE -- WAS A VICTIM THAT THEY -- OR A
18 COMPLAINTANT (PHONETIC), THAT THEY SHOULD HAVE GOT HER
19 OUT OF THE HOUSE PROTECT HER, TOOK HER ASIDE AND ASKED
20 HER HAS SHE BEEN BEAT ON, HIT ON, HELD HOSTAGE, HELD
21 AGAINST HER WILL, OR KIDNAPPED, THAT TYPE OF LINE OF
22 QUESTIONING TO DETERMINE THE FACTS WHETHER OR NOT THERE
23 WAS ACTUALLY A DOMESTIC DISTURBANCE TAKING PLACE AT 21
24 RILEY ROAD?

25 A THAT PROBABLY WOULD HAVE TAKEN PLACE IF THERE

1 WOULD NOT HAVE BEEN A SURPRISE ATTACK -- AN AMBUSH, IF
2 YOU WILL, IN THE ROOM WHERE THEY WERE ATTEMPTING TO
3 INVESTIGATE THE ACTIVITY THAT WAS CALLED IN TO THE
4 SHERIFF'S OFFICE

5 Q ARE YOU AWARE THAT WHEN THE OFFICERS ENCOUNTERED
6 MS KIMBERLY BLATE (PHONETIC) THAT SHE WAS NOT IN THE
7 BEDROOM? WERE YOU -- WERE YOU -- ARE YOU AWARE OF
8 THAT?

9 A NOT BASED ON WHAT I'VE READ NO

10 Q SO YOUR UNDERSTANDING -- IT'S YOUR BELIEF THAT
11 WHEN THE OFFICERS ENCOUNTERED MS BLATE (PHONETIC),
12 THAT SHE WAS IN THE BEDROOM?

13 A WHEN THEY ENCOUNTERED MS BLAKE, SHE WAS EXITING
14 THE BEDROOM

15 Q AND WHEN YOU USE THE WORD AMBUSH, ARE YOU USING IT
16 IN REFERENCE TO THAT THE OFFICERS WERE LURED INTO THE
17 BEDROOM?

18 A I USE THE WORD AMBUSH -- AN AMBUSH IS A SURPRISE
19 ATTACK

20 Q AND WHEN YOU SAY A SURPRISE ATTACK, CAN ONE
21 SURPRISE ONE IN HIS OWN HOME?

22 A I'M NOT SURE I FOLLOW YOUR QUESTION

23 Q IF ONE -- IF A PERSON IS A HOMEOWNER AND OFFICERS
24 BARGE INTO THEIR HOME AND THE HOMEOWNER DOES NOT KNOW
25 THAT THE OFFICERS ARE PRESENT WILL YOU SAY THAT THE

STATE VS ALKEBULANYAHH

1 HOMEOWNER WILL BE MORE SURPRISED OF THE OFFICERS
2 AGGRESSION BEING THAT THEY ARE AT HOME, A SACRED PLACE,
3 THAT THAT WOULD BE MORE SURPRISE TO THEM THAN ---

4 A IS THIS HYPOTHETICAL OR ARE YOU REFERRING TO
5 YOURSELF?

6 Q I'M REFERRING TO THE HOMEOWNER IN GENERAL

7 A I'M NOT GOING TO ANSWER A HYPOTHETICAL QUESTION
8 IF YOU'VE GOT A QUESTION THAT'S PERTAINING TO 21 RILEY
9 ROAD AND IT PERTAINS TO YOU AND IT PERTAINS TO THE
10 INCIDENT WHERE MY TWO DEPUTIES WERE KILLED I'D BE MORE
11 THAN GLAD TO HELP YOU WITH THAT BUT IN GENERAL
12 HYPOTHETICALLY, I DON'T -- I'M NOT SURE WHERE YOU'RE
13 GOING

14 Q YOUR TWO DEPUTIES, THEY ENTERED A HOME WITHOUT
15 ARREST WARRANT OR A SEARCH WARRANT, IS THAT CORRECT?

16 A I KNOW THEY DIDN'T HAVE A SEARCH WARRANT

17 Q DO YOU KNOW IF THEY HAD ARREST WARRANT?

18 A THEY DIDN'T HAVE AN ARREST WARRANT WITH THEM, NO

19 Q AND WHEN THEY CAME INTO ANOTHER MAN'S DOMAIN AND
20 USED VIOLENCE, IS THAT THE PROPER PROCEDURE FOR A
21 DEPUTY?

22 A THE OFFICERS WERE INVESTIGATING CRIMINAL ACTIVITY
23 -- A REPORT OF CRIMINAL ACTIVITY

24 Q WOULD YOU CONSIDER INVESTIGATING SHOOTING UNARMED
25 -- UNARMED PERSON?

1 A INVESTIGATING -- DO YOU WANT ME TO RELATE THAT TO
2 SHOOTING UNARMED PERSONS?

3 Q YES, IS THAT CONSIDERED IN THE RANGE OF SHOOTING A
4 UNARMED PERSON, TO INVESTIGATE TO SHOOT A UNARMED
5 PERSON?

6 A I DON'T ---

7 THE COURT RESTATE THAT QUESTION I'M NOT SURE

8 Q IS INVESTIGATING IN THE RANGE OF SHOOTING FIRST,
9 BEFORE ASKING QUESTIONS?

10 THE COURT ASK ANOTHER QUESTION

11 Q WHEN YOU SPEAK OF AMBUSH, ARE YOU ALLEGING THAT
12 SOMEONE ATTACK YOUR OFFICERS FIRST?

13 A WHEN I SPEAK OF AMBUSH, IT'S NOT ALLEGING IT'S
14 OVERWHELMING AMOUNTS OF EVIDENCE AND WITNESSES'
15 ACCOUNTS THAT SAY YOU WERE HIDING IN THE CLOSET AND
16 AMBUSHED AND SHOT AND KILLED MY TWO DEPUTIES THAT'S
17 WHAT I'M SAYING

18 Q WHEN YOU SAY OVERWHELMING EVIDENCE DO YOU KNOW
19 ONE WITNESS WHO HAS STATED OR TESTIFIED THAT MR
20 ALKEBULANYAHH PULLED THE TRIGGER THAT KILLED YOUR TWO
21 DEPUTIES?

22 A I HAVEN'T HEARD ANY TESTIMONY I'VE BEEN
23 SEQUESTERED

24 Q DO YOU KNOW ANY INFORMATION TO THIS VERY DAY FROM
25 ANY WITNESS ANYWHERE THAT MR ALKEBULANYAHH PULLED THE

STATE VS ALKEBULANYAHH

1 TRIGGER THAT KILLED YOUR TWO DEPUTIES?

2 A I DON'T KNOW IF YOU CAN FIND A WITNESS THAT CAN
3 SAY THAT THERE WERE THREE PEOPLE IN THAT BEDROOM, YOU
4 AND MY TWO OFFICERS

5 Q AND ---

6 A AND THE EVIDENCE SUPPORTS THAT

7 Q AND WHEN YOU MAKE THAT ASSUMPTION ---

8 A IT'S NOT AN ASSUMPTION, IT'S AN ASSESSMENT BASED
9 ON EVIDENCE

10 Q AND WHAT EVIDENCE THAT YOU KNOW THAT SUPPORTS THAT
11 I MYSELF, MR ALKEBULANYAHH, AND YOUR TWO OFFICERS WAS
12 THE ONLY PEOPLE IN THAT ROOM?

13 A I WASN'T IN THE -- I HAVEN'T BEEN IN THE COURTROOM
14 DURING TESTIMONY, BUT I BELIEVE THE EVIDENCE IS IN THIS
15 COURTROOM

16 Q SO ---

17 A AND IT'S BEEN PRESENTED BY OTHER PEOPLE HASN'T
18 BEEN PRESENTED BY ME

19 Q SO YOU'RE TAKING THE POSITION OF THINGS THAT ARE
20 NOT FACTUAL?

21 A I BELIEVE THE EVIDENCE PRESENTED TO THIS COURT IS
22 FACTUAL ---

23 Q WOULD YOU BE SURPRISED ---

24 A --- VERY MATTER OF FACT

25 Q WOULD YOU BE SURPRISED THERE HAS BEEN NO EVIDENCE

STATE VS ALKEBULANYAHH

1 TO SHOW OTHERWISE THAT MR ALKEBULANYAHH AND YOUR TWO
2 DEPUTIES WAS THE ONLY ONE IN THAT ROOM?

3 A THE EVIDENCE THAT I'VE SEEN, THE CASE AS I KNOW
4 IT, THERE WERE THREE PEOPLE IN THAT ROOM, YOU AND MY
5 TWO OFFICERS YOU'RE THE ONLY ONE WHO WALKED OUT

6 Q WOULD YOU BE SURPRISED THERE HAS BEEN NO EVIDENCE
7 PRESENTED IN THIS COURTROOM THAT MR ALKEBULANYAHH
8 PULLED THE TRIGGER THAT KILLED YOUR TWO DEPUTIES?

9 A I BELIEVE THERE IS OVERWHELMING AMOUNT OF EVIDENCE
10 THAT SHOWS THAT

11 Q AND THAT'S BASED ON?

12 A FORENSIC EVIDENCE

13 Q COULD YOU STATE ONE PARTICULAR FORENSIC EVIDENCE?

14 A I CAN GO THROUGH THE ENTIRE CASE IF YOU WOULD LIKE
15 ME TO, BUT ---

16 MR MURDAUGH YOUR HONOR PLEASE CAN WE TALK
17 OVER HERE?

18 THE COURT YES, SIR

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

21 Q MR TANNER, DO YOU THINK IT'S PROFESSIONAL OF
22 YOURSELF TO SPECULATE AND MAKE CONJECTURES ABOUT A
23 INCIDENT THAT TOOK PLACE -- ALLEGE -- A ALLEGED CRIME
24 OF THINGS THAT HAPPENED AND YOU DON'T KNOW?

25 A I MAKE ASSESSMENTS EVERY DAY BASED ON WHAT I KNOW

1 ARE FACTS SUPPORTED BY EVIDENCE, THAT'S WHAT I MAKE MY
2 ASSESSMENTS ON, THAT IS MY JOB PROFESSIONALLY, THAT'S
3 WHAT I DO SO I BASE MY ASSESSMENTS ON EVIDENCE,
4 WITNESS ACCOUNTS, AND FACTS

5 Q MR TANNER, YOU USED A WORD AMBUSH I WAS
6 WONDERING, WAS THAT WORD BROUGHT TO YOU BY THE
7 PROSECUTOR'S OFFICE OR WAS IT SOMETHING YOU TOLD THE
8 PROSECUTOR TO USE THAT PARTICULAR WORD?

9 A I THINK THAT'S A PRETTY OBVIOUS WORD TO USE BASED
10 ON WHAT WE SAW AT 21 RILEY ROAD ON THAT AFTERNOON

11 Q MR TANNER, DID YOU SEE OR KNOW ANYONE ELSE THAT
12 SAW YOUR OFFICERS WHEN THEY ENTERED THE BEDROOM AT 21
13 RILEY ROAD RESIDENCE WITH THEIR GUNS OUT SHOOTING?

14 A DID I SEE THEM DO THAT?

15 Q YES SIR

16 A NO SIR

17 Q DID YOU ---

18 A DO I KNOW OF ANYONE ELSE THAT SAW THEM DO THAT?

19 Q YES, SIR

20 A NO

21 Q SO WE CAN ASSUME ---

22 THE COURT ASK A QUESTION

23 Q SO IT IS -- IT IS A GUESS BY YOU THAT YOUR
24 OFFICERS DIDN'T OPEN FIRE ON UNARMED PEOPLE?

25 A THAT'S AN EDUCATED GUESS AS WELL, BASED ON THE

1 ASSESSMENT MADE FROM FORENSIC EVIDENCE AND WITNESS
2 ACCOUNTS

3 Q ARE YOU AWARE THAT MR ALKEBULANYAHH POSSESSED NO
4 GUNSHOT RESIDUE ON HIS HAND FROM FIRING A WEAPON?

5 A I DON'T HAVE ANY INFORMATION ABOUT RESIDUE

6 Q ARE YOU AWARE THAT THERE WAS NO FINGERPRINTS FOUND
7 ON THE WEAPON THAT WAS ALLEGEDLY USED TO KILL YOUR TWO
8 DEPUTIES OF MR ALKEBULANYAHH?

9 A I DON'T HAVE ANY INFORMATION ABOUT FORENSICS OF
10 THE WEAPON EITHER SLED LABORATORY DOES ALL THAT, NOT
11 THE SHERIFF'S OFFICE

12 Q ARE YOU AWARE THAT ONLY A SMEAR OR A DROP OF BLOOD
13 WAS FOUND IN THE RESIDENCE OF 21 RILEY ROAD BELONGING
14 TO MR ALKEBULANYAHH ON THE EDGE OF THE DOOR LEAVING
15 OUT OF HIS BEDROOM?

16 A THAT INFORMATION WOULD BE IN THE FORENSIC REPORT
17 BY SLED

18 Q WHEN YOU WAS AT THE 21 RILEY ROAD RESIDENCE, DID
19 YOU WEAR ANY PROTECTIVE FOOTWEAR, BOOTIES, TO -- TO
20 PREVENT CONTAMINATION OF THE ALLEGE CRIME SCENE?

21 A WHEN I WAS AT 21 RILEY ROAD, I DIDN'T GO OR PUT
22 MYSELF IN POSITION WHERE I WOULD BE CONTAMINATING ANY
23 CRIME SCENE AND WHAT MOVEMENTS I MADE AT 21 RILEY
24 ROAD WERE BY CONSENT OF SLED, WHO WE HAD TURNED THE
25 HOUSE OVER FOR FORENSIC INVESTIGATION

1 Q ARE YOU AWARE THAT MR ALKEBULANYAHH SYMPATHIZE
2 WITH THE LOSS OF THE TWO DEPUTIES AND THE FAMILIES AND
3 THE SHERIFF'S DEPARTMENT?

4 A AM I AWARE OF IT OR WAS I AWARE OF IT?

5 Q ARE YOU AWARE OF IT?

6 A ABSOLUTELY NOT

7 MR ALKEBULANYAHH THANK YOU MR TANNER

8 YOUR HONOR, I HAVE NO FURTHER QUESTIONS

9 MR MURDAUGH I HAVE NO QUESTIONS OF THIS
10 WITNESS, SIR

11 THE COURT THANK YOU, SIR

12 MR MURDAUGH MAY HE BE EXCUSED?

13 THE COURT ANY OBJECTION?

14 MR ALKEBULANYAHH NO, I HAVE NO OBJECTION, YOUR
15 HONOR

16 THE COURT YOU MAY BE EXCUSED

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 THE COURT ALL RIGHT LADIES AND GENTLEMEN,
19 WE'LL GO AHEAD AND STOP AT THIS POINT WE'LL PICK BACK
20 UP AT 8 30 TOMORROW MORNING THANK YOU VERY MUCH
21 HAVE A GOOD NIGHT

22 (THE JURY EXITS THE COURTROOM AT 6 10 P M)

23 MR MURDAUGH YOUR HONOR

24 THE COURT YES, SIR

25 MR MURDAUGH I'D LIKE TO PLACE ON THE RECORD

STATE VS ALKEBULANYAHH

1 THAT LAST SIDE BAR WE HAD, SIR

2 THE COURT THAT'S FINE, SIR WE WENT TO THE SIDE

3 BAR GO AHEAD

4 MR MURDAUGH YOUR HONOR, PLEASE I INQUIRED OF

5 THE COURT IF WE COULD HAVE A SIDE BAR AFTER SEVERAL

6 QUESTIONS HAD BEEN -- A NUMBER OF QUESTIONS HAD BEEN

7 ASKED OF SHERIFF TANNER REGARDING HIS BELIEFS ABOUT

8 WHAT HE HAD HEARD, AND IT WAS GETTING WORSE AND WORSE

9 AND I ASKED FOR A SIDE BAR IN ORDER THAT THE DEFENDANT

10 COULD BE ADVISED THAT HE WAS KILLING HIMSELF AND HE

11 SAID HE WANTED TO GO ON AND TESTIFY

12 THE COURT YES, SIR

13 MR MURDAUGH SO WE DID

14 THE COURT I'LL LET THE RECORD REFLECT THAT THE

15 COURT INQUIRED OF THE DEFENDANT AS WHY HE WANTED TO ASK

16 SUCH OPEN ENDED QUESTIONS THAT COULD BE BASED ON

17 HEARSAY I MEAN, THEY WERE SO OPEN, NEWSPAPER ACCOUNTS

18 OR ANYTHING COULD HAVE COME IN IN RESPONSE

19 AND I MADE THAT SAME CONCERN TO THE DEFENDANT AT

20 THE SIDE BAR

21 IT'S MY UNDERSTANDING, MR ALKEBULANYAHH, YOU

22 WANTED TO PURSUE THAT LINE OF QUESTION, IS THAT

23 CORRECT?

24 MR ALKEBULANYAHH YOUR HONOR, YES, SIR, I ---

25 THE COURT AND YOU ACKNOWLEDGE THAT THAT'S INDEED

STATE VS ALKEBULANYAHH

1 WHAT HAPPENED AT SIDE BAR?
2 MR ALKEBULANYAHH YES SIR
3 THE COURT I JUST LIKE TO MAKE THAT RECORD
4 ACCURATE, THAT'S ALL ---
5 MR ALKEBULANYAHH YES, SIR
6 THE COURT --- FOR WHATEVER PURPOSE IT MIGHT
7 SERVE
8 MR ALKEBULANYAHH YES, SIR
9 THE COURT ALL RIGHT THANK YOU
10 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
11 (COURT IS IN RECESS)
12 (FRIDAY, OCTOBER 17, 2003)
13 THE COURT YOU ALL READY?
14 MR MURDAUGH THE STATE IS
15 MR ALKEBULANYAHH DEFENSE IS YOUR HONOR
16 THE COURT BRING THE JURY IN PLEASE
17 (THE JURY RETURNS TO THE COURTROOM AT 8 32 A M)
18 THE COURT THANK YOU PLEASE BE SEATED
19 GOOD MORNING, LADIES AND GENTLEMEN
20 JURORS GOOD MORNING
21 THE COURT WE ARE READY TO PROCEED AT THIS TIME
22 CALL YOUR NEXT WITNESS PLEASE
23 MR ALKEBULANYAHH DEPUTY CAMPBELL
24 ZEVA M CAMPBELL, BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?

2 THE COURT YES, SIR

3 DIRECT EXAMINATION BY MR ALKEBULANYAHH

4 Q MS CAMPBELL, COULD YOU STATE YOUR NAME AND
5 OCCUPATION FOR THE RECORD PLEASE MA'AM?

6 A ZEVA M CAMPBELL, RETIRED LAW ENFORCEMENT

7 Q MS CAMPBELL COULD YOU TELL US HOW YOU BECAME
8 INVOLVED IN THE JANUARY 8, 2002 INCIDENT THAT TOOK
9 PLACE IN REFERENCE TO THE 21 RILEY ROAD RESIDENCE?

10 A ON THE AFTERNOON OF JANUARY 8, SOME TIME AFTER
11 5 00 I WAS IN MY QUAD IN THE REAR OF THE PARKING LOT OF
12 THE BEAUFORT COUNTY SHERIFF'S OFFICE, PREPARING TO GO
13 HOME FOR THE DAY AND THE CALL CAME IN, AND I WENT OUT
14 THERE AT THAT POINT

15 Q AND UPON ARRIVING WHAT DID YOU DO?

16 A I SIMPLY DIRECTED TRAFFIC

17 Q AND DID YOU CONTINUE TO DO THAT FOR THE REMAINDER
18 OF THE DAY?

19 A YES

20 Q DID YOU COME IN CONTACT WITH ANYONE?

21 A YES

22 Q WHO MAY THAT BE?

23 A AN INFANT WHO WAS IDENTIFIED AS THE DAUGHTER OF
24 KIMBERLY BLAKE

25 Q AND HOW DID YOU COME ABOUT COMING IN CONTACT WITH

STATE VS ALKEBULANYAHH

1 THAT INFANT?

2 A SERGEANT ARBELO, WHO IS ANOTHER OFFICER OF THE
3 BEAUFORT COUNTY SHERIFF'S OFFICE, BROUGHT THE INFANT TO
4 ME STATING THAT SHE HAD BEEN LEFT AND NEEDED TO BE
5 CARED FOR

6 Q AND WHEN YOU LEFT, WHAT DO YOU MEAN LEFT?

7 A HE -- FROM THE INFORMATION THAT I GOT FROM HIM,
8 SHE WAS AT SOMEONE'S HOUSE WHO WAS NOT GOING TO BE
9 RESPONSIBLE FOR HER

10 Q AND WOULD YOU STATE, DID YOU KNOW WHO THE INFANT
11 BELONGED TO?

12 A EXCUSE ME?

13 Q THE INFANT, WHO DID YOU STATE THE INFANT BELONG
14 TO?

15 A I WAS INFORMED BY SERGEANT ARBELO THAT THE CHILD
16 HAD BEEN IDENTIFIED AS BEING THE INFANT OF KIMBERLY
17 BLAKE

18 Q AND WHAT WAS THAT INFANT NAME?

19 A I DON'T RECALL THE NAME, SIR

20 Q WHEN YOU RECEIVED THE INFANT, WHAT DID YOU DO WITH
21 THE INFANT?

22 A THE INFANT WAS RELEASED TO THE DEPARTMENT OF
23 SOCIAL SERVICES

24 Q COULD YOU STATE WHY THE INFANT WAS RELEASED TO THE
25 DEPARTMENT OF SOCIAL SERVICE?

- 1 A DUE TO THE CIRCUMSTANCES THAT NIGHT, THERE WAS NOT
2 TIME TO IDENTIFY A FAMILY MEMBER
- 3 Q WAS YOU EVER AWARE THAT THE CHILD ---
4 MR MURDAUGH THAT QUESTION HAS GOT TO BE
5 LEADING THERE'S NO WAY IT COULD COME OUT WITHOUT IT
6 BEING LEADING
- 7 THE COURT YES, SIR SUSTAINED REPHRASE THAT
- 8 Q WHERE WAS THE MOTHER OF THE CHILD WAS AT?
- 9 A SIR, I DO NOT KNOW
- 10 Q WHO DID YOU TURN THE BABY OVER TO AT THE
11 DEPARTMENT OF SOCIAL SERVICES?
- 12 A THE ON-CALL WORKER WAS A MS APRIL SINGLETON SHE
13 HAD TO TRAVEL FROM SAVANNAH AND DUE TO THE CONDITION
14 OF THE WEATHER AND THE WAY THE CHILD WAS DRESSED, I
15 FOUND IT NECESSARY NOT TO WAIT UNTIL SHE ARRIVED FROM
16 SAVANNAH I MADE CONTACT WITH HER SUPERVISOR MS EVA
17 CUMMINGS, THE DEPARTMENT OF SOCIAL SERVICES, IN PERSON
18 AND I PERSONALLY TRANSPORTED THE INFANT TO THE SHELTER
- 19 Q HOW WAS THE INFANT DRESSED?
- 20 A SIMPLY SHE WAS CLAD IN PAMPERS ONLY
- 21 Q AND YOU RECEIVED THE CHILD, THE CHILD WAS ONLY IN
22 PAMPERS ONLY, MA'AM?
- 23 A AND WRAPPED IN A COMFORTER, BED SIZE
- 24 Q WHAT DID YOU DO AFTER YOU RELEASED THE CHILD TO
25 THE D S S ?

1 A I DID NOT RELEASE THE CHILD OVER TO D S S THE
2 CHILD WAS DIRECTLY RELEASED TO THE SHELTER WITH D S S
3 NOTIFICATION

4 Q DO YOU REMEMBER WHO YOU RELEASED THE CHILD WITH AT
5 THE SHELTER?

6 A IT WOULD HAVE BEEN THE DIRECTOR-- THE HOUSE
7 DIRECTOR I DON'T KNOW WHO THE HOUSE MOTHER WAS THAT
8 NIGHT OFF THE TOP OF MY HEAD

9 Q WHAT DID YOU DO AFTER THAT?

10 A I RETURNED BACK TO THE INCIDENT LOCATION, WHICH
11 WAS A COMMAND CENTER STATIONED AT BROAD RIVER
12 ELEMENTARY SCHOOL

13 Q AND WHAT DID YOU DO THEN?

14 A EXCUSE ME?

15 Q WHAT DID YOU DO THERE I'M SORRY MA'AM?

16 A I INFORMED MY SUPERVISOR WHAT I HAD DONE

17 Q AND WHAT DID YOU DO FROM THERE?

18 A WENT BACK TO THE ROAD AND CONTINUED TO DIRECT
19 TRAFFIC FOR A PERIOD OF TIME

20 Q AND WHAT DID YOU DO FROM THERE?

21 A LATER ON DURING THE WEE HOURS OF THE MORNING, I
22 WAS INSTRUCTED TO MEET WITH A SLED AGENT AT THE
23 INCIDENT LOCATION ON RILEY ROAD TO RETRIEVE SOME
24 CLOTHING FOR A MS BRENDA RILEY

25 Q AND THAT -- THAT -- THAT HAD CONCLUDED YOUR DAY?

- 1 A YES
- 2 Q YOU DIDN'T MENTION THAT YOU MET WITH THE
- 3 GRANDMOTHER OF THE CHILD ON THAT DAY?
- 4 A OKAY LATER ON THAT -- I WANT TO THINK IT WAS THE
- 5 FOLLOWING DAY I DON'T THINK IT WAS THE SAME DAY
- 6 WHEN I RETURNED TO THE L E C , THEY WERE THERE IT MAY
- 7 HAVE BEEN THAT NIGHT, BUT I'M NOT SURE I DID MEET
- 8 WITH HER, A GRAND PARENT AND A COUPLE OTHER FAMILY
- 9 MEMBERS WHO I DON'T KNOW
- 10 Q AND YOU SAYING THAT DAY OR THE NEXT DAY YOU
- 11 RETURNED BACK THAT YOU MET WITH THE GRAND PARENTS?
- 12 A IT MAY HAVE BEEN THE NIGHT AFTER I LEFT THE INFANT
- 13 AT THE SHELTER I'M NOT SURE BUT THEY WERE AT THE
- 14 L E C , WHICH IS THE SHERIFF'S OFFICE
- 15 Q IF I SHOW YOU A DOCUMENT, WOULD IT REFRESH YOUR
- 16 MIND?
- 17 A SURE
- 18 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?
- 19 THE COURT YES SIR
- 20 (PAUSE)
- 21 A OKAY YES, SIR
- 22 Q THE DOCUMENT I JUST SHOWED YOU, WAS IT AFFILIATED
- 23 WITH YOU, MA'AM?
- 24 A YES
- 25 Q NOW DO YOU REMEMBER AFTER YOU TOOK THE CHILD TO

1 THE SHELTER THAT YOU RETURNED TO THE COMMAND POST AND
2 MET WITH THE GRANDMOTHER?

3 A THAT WAS AT THE L E C THAT WAS NOT AT THE
4 COMMAND POST I MET A GRANDFATHER OUT THERE LATER

5 Q AND WHEN YOU MET THE GRANDFATHER OUT AT THE
6 COMMAND POST, DID YOU INFORM HIM ABOUT THE WHEREABOUTS
7 OF HIS GRANDDAUGHTER?

8 A HE WAS BROUGHT TO ME BY ANOTHER OFFICER AND
9 IDENTIFIED AS BEING THE GRANDFATHER OF THE INFANT AND
10 I EXPLAINED TO HIM WHAT HAD TRANSPIRED AND THE FACT
11 THAT THE INFANT HAD BEEN RELEASED TO THE DEPARTMENT OF
12 SOCIAL SERVICES

13 Q AND ON THAT DAY YOU ALSO MET WITH THE GRANDMOTHER
14 OF THE CHILD, IS THAT CORRECT?

15 A YES

16 Q WAS THE GRANDMOTHER AND GRANDFATHER OF THE CHILD
17 WAS UPSET ABOUT THE CHILD BEING TAKEN TO ---

18 MR MURDAUGH YOUR HONOR, PLEASE ---

19 Q --- PROTECTIVE CUSTODY?

20 MR MURDAUGH --- I OBJECT TO THAT QUESTION AS
21 NOT RELEVANT

22 THE COURT I SUSTAIN THAT OBJECTION

23 Q WHAT DID YOU SAY TO THE GRANDMOTHER ONCE YOU
24 ENCOUNTERED THE GRANDMOTHER AT THE LOCATION THAT YOU
25 MET HER AT ON THAT DAY?

1 A SHE WAS INFORMED THAT THE INFANT HAD BEEN PLACED
2 IN THE DEPARTMENT OF SOCIAL SERVICES CUSTODY AND THE
3 REASON FOR IT, AND ALSO INFORMED THAT SHE WOULD BE
4 CONTACTED DUE TO THE FACT SHE WAS THE GRANDMOTHER THE
5 FOLLOWING MORNING BY THE DEPARTMENT OF SOCIAL SERVICES
6 AND AT THAT POINT IN TIME I COULD NOT I D FOR HER WHO
7 WOULD BE THE CASE WORKER I ALSO GAVE HER THE PHONE
8 NUMBERS FOR THE DEPARTMENT OF SOCIAL SERVICES

9 Q DID YOU HAVE TO SETTLE THE GRANDMOTHER AND
10 GRANDFATHER DOWN?

11 MR MURDAUGH YOUR HONOR ---

12 A NO, SIR

13 MR MURDAUGH --- AGAIN THAT'S NOT RELEVANT AND I
14 OBJECT SIR

15 THE COURT I SUSTAIN THAT OBJECTION

16 Q DID THE GRANDMOTHER DEMANDED THE LOCATION OF THE
17 INFANT?

18 MR MURDAUGH OBJECTION THE SAME OBJECTION

19 THE COURT I SUSTAIN THAT OBJECTION

20 Q DID YOU EVER TRY TO LOCATE MS KIMBERLY BLATE
21 (PHONETIC) ABOUT THE INFANT?

22 A EXCUSE ME?

23 Q DID YOU EVER TRY TO LOCATE MS KIMBERLY BLATE
24 (PHONETIC) ON JANUARY 8 ---

25 A NO, I DID NOT NO, I DID NOT THAT NIGHT, NO

1 Q WAS YOU AWARE THAT THE FATHER OF KENYAH BLATE
2 (PHONETIC), THE INFANT, RESIDED AT THE 21 RILEY ROAD
3 RESIDENCE?

4 A NO, SIR, I WAS NOT

5 Q WERE YOU INFORMED THAT THE MOTHER KIMBERLY BLATE
6 (PHONETIC) HAD RAN OFF AND LEFT THE CHILD ALONE IN THE
7 RESIDENCE AT 21 RILEY ROAD?

8 A LATER DURING THE NIGHT, YES, SIR

9 Q DID YOU ASSURE -- DID YOU MEET MS BLATE
10 (PHONETIC) THAT DAY ANY TIME?

11 A EXCUSE ME?

12 Q DID YOU MEET MS KIMBERLY BLATE (PHONETIC) ON
13 JANUARY 8, 2002?

14 A I DON'T RECALL WHETHER I DID OR NOT I DID MEET
15 WITH HER I DON'T KNOW IF IT WAS THE NIGHT OF THE
16 INCIDENT OR NOT

17 Q DO YOU EVER RECALL -- DO YOU EVER RECALL MAKING A
18 REPORT THAT THE INFANT WAS LEFT ALONE INSIDE THE RILEY
19 ROAD RESIDENCE CLAD ONLY IN A PAMPER?

20 MR MURDAUGH YOUR HONOR, PLEASE THAT HAS BEEN
21 ASKED AND ANSWERED, AND I OBJECT

22 THE COURT I SUSTAIN THAT OBJECTION

23 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH THE
24 WITNESS?

25 THE COURT YES, SIR

1 Q MS CAMPBELL, ARE YOU FAMILIAR WITH THIS
2 PARTICULAR DOCUMENT?

3 A YES, IT'S AN AFFIDAVIT OF PROTECTIVE CUSTODY
4 ONCE A CHILD IS TAKEN INTO PROTECTIVE CUSTODY, THIS HAS
5 TO BE FILLED OUT, YES

6 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
7 INTRODUCE THIS AS EXHIBIT

8 THE COURT DO YOU HAVE ANY OBJECTION?

9 MR MURDAUGH MAY I SEE IT?

10 THE COURT IF YOU WILL PLEASE SHOW THE EXHIBITS
11 TO COUNSEL FIRST

12 (PAUSE)

13 MR MURDAUGH I HAVE NO OBJECTION, IF YOUR HONOR,
14 PLEASE

15 THE COURT ALL RIGHT DEFENDANT'S 34 IN EVIDENCE
16 WITHOUT OBJECTION

17 (AFFIDAVIT FOR EMERGENCY PROTECTIVE CUSTODY 1
18 PAGE, MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO
19 34)

20 (PAUSE)

21 Q MS CAMPBELL IN -- IN YOUR NOTES OF YOUR
22 AFFIDAVIT FOR EMERGENCY PROTECTIVE CUSTODY WOULD YOU
23 STATE THE REASONS WHY YOU BELIEVE THE CHILD TO BE
24 ABUSED AND NEGLECT AND PUT IN DANGER?

25 A RESTATE YOUR QUESTION PLEASE

1 Q ACCORDING TO YOUR AFFIDAVIT, I WOULD LIKE TO KNOW,
2 COULD YOU STATE THE REASONS WHY YOU STATED THE CHILD
3 WAS PLACED IN DANGER AND PLACED IN PROTECTIVE CUSTODY?

4 A DUE TO THE FACT THE INFANT HAD BEEN -- FROM THE
5 INFORMATION THAT I RECEIVED, THAT THE INFANT HAD BEEN
6 LEFT IN THE HOME ALONE, YES, AND THE FACT THAT WE HAD
7 -- THAT TWO -- THERE HAD BEEN A SHOOTING IN THE
8 RESIDENCE

9 Q AND HAVE YOU DETERMINED WHO WAS THE PERSON THAT
10 PLACED -- WAS IT THE MOTHER THAT PUT THE CHILD IN
11 EMINENT DANGER?

12 A EXCUSE ME?

13 Q WAS IT THE MOTHER THAT HAD PUT THE CHILD IN
14 EMINENT DANGER?

15 A I DID NOT KNOW THAT AT THE TIME I JUST KNOW THAT
16 THE CHILD HAD BEEN LEFT

17 Q MS CAMPBELL, DID YOU HAVE OCCASION TO TESTIFY IN
18 THE FAMILY COURT ON JANUARY 10, 2002 CONCERNING THE
19 MATTER WITH THE CHILD KENYAH BLATE (PHONETIC)?

20 A YES

21 Q WERE YOU UNDER OATH AT THE TIME OF YOUR TESTIMONY?

22 A YES

23 Q WHEN YOU -- WHEN YOU WAS UNDER OATH, DID YOU EVER
24 STATE THAT THE INFANT, KENYAH BLATE (PHONETIC), WAS
25 FOUND IN THE HOUSE UNATTENDED?

1 A I'M NOT SURE WHETHER I DID OR NOT, THAT'S BEEN A
2 WHILE

3 Q IF I WERE TO SHOW YOU SOMETHING TO MAYBE REFRESH
4 YOUR MIND, WOULD IT BE ABLE TO?

5 A WELL, THAT SAID SHE WAS LEFT ALONE

6 MR MURDAUGH YOUR HONOR PLEASE, I OBJECT TO THE
7 ENTIRE LINE OF QUESTIONING AS BEING IRRELEVANT SIR

8 THE COURT I SUSTAIN THAT OBJECTION

9 Q MS CAMPBELL, WAS YOU PART OF THE INFANT -- THE
10 INFANT CHILD BEING TAKEN IN CUSTODY TO BLACKMAIL MS
11 KIMBERLY BLATE (PHONETIC) TO MAKE STATEMENT AGAINST MR
12 ALKEBULANYAHH?

13 A EXCUSE ME?

14 Q WERE YOU PART OF THE CONSPIRACY TO TAKE THE CHILD
15 INTO CUSTODY AND ALLEGE THAT THE CHILD WAS ABANDONED BY
16 THE MOTHER AND FATHER AND LEFT ALONE IN A HOUSE IN
17 ORDER TO COERCE AND BLACKMAIL MS KIMBERLY BLATE
18 (PHONETIC) TO MAKE ACCUSATION THAT MR ALKEBULANYAHH
19 POSSESSED A GUN?

20 A NO, I WAS NOT

21 Q WHY WOULD YOU STATE UNDER OATH THAT THE CHILD WAS
22 LEFT IN A HOUSE UNATTENDED WHEN YOU KNEW IT WAS A LIE?

23 A THAT STATEMENT WAS MADE BASED UPON THE INFORMATION
24 THAT I RECEIVED

25 Q AND THE INFORMATION YOU RECEIVED WOULD THAT BE

1 FROM SERGEANT ARBELO?

2 A YES

3 Q AND SERGEANT ARBELO DID NOT TELL YOU THAT HE TOOK
4 THAT CHILD OUT OF THE CUSTODY OF MS BRENDA SMITH RILEY
5 FROM ANOTHER HOME WHEN THE CHILD WAS INSIDE A HOME WARM
6 AND COMFORT, LYING DOWN ON A COUCH?

7 A NO, HE DID NOT

8 Q DID YOU STATE UNDER OATH THAT THE CHILD -- UPON
9 SERGEANT ARBELO CHECKING THE HOUSE AT THE 21 RILEY ROAD
10 RESIDENCE, THAT THERE WAS NO ADULTS AROUND THE CHILD?

11 A I MAY HAVE

12 Q IF I WERE TO SHOW YOU SOMETHING TO REFRESH YOUR
13 MEMORY, DO YOU THINK THAT WOULD BRING BACK YOUR MEMORY?

14 A YES, SIR

15 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

16 THE COURT YES SIR

17 Q IS THAT DOCUMENT IN RELATION TO YOUR TESTIMONY IN
18 THE COURT MA'AM?

19 A YES, IT IS

20 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
21 INTRODUCE THIS DOCUMENT INTO EVIDENCE

22 THE COURT ANY OBJECTION?

23 MR MURDAUGH YES, SIR, I OBJECT IT IS
24 IRRELEVANT FOR THIS EXCEPT FOR IMPEACHMENT PURPOSES
25 AND IF SHE ANSWERS SOMETHING DIFFERENT THAT'S IN THERE,

STATE VS ALKEBULANYAHH

1 HE CAN USE IT

2 THE COURT I SUSTAIN THAT OBJECTION IF THERE'S
3 SOMETHING INCONSISTENT, YOU CAN USE IT AGAINST HER

4 MR ALKEBULANYAHH YOUR HONOR, MAY I HAVE THIS
5 I D ?

6 THE COURT YES, SIR

7 (TRANSCRIPT OF RECORD 02-DR-07-76, 01/10/02, 15
8 PAGES, MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT
9 NO 35)

10 Q MS CAMPBELL, NOW DO YOU -- NOW DO YOU REMEMBER
11 STATING UNDER OATH THAT THE CHILD WAS LEFT AT THE 21
12 RILEY ROAD RESIDENCE ACCOMPANIED BY NO ADULTS?

13 A YES

14 Q EARLIER DID YOU STATE THAT THE -- WHEN YOU GOT
15 BACK FROM THE SHELTER THAT YOU MET WITH THE GRANDFATHER
16 OF MS KENYAH BLATE (PHONETIC)?

17 MR MURDAUGH BEEN ASKED AND ANSWERED SIR

18 THE COURT I SUSTAIN THAT OBJECTION
19 (PAUSE)

20 Q MS CAMPBELL, COULD YOU TURN TO PAGE 5 AND READ
21 LINE 14 THROUGH ---

22 MR MURDAUGH YOUR HONOR ---

23 Q --- 19 TO REFRESH YOUR MEMORY ABOUT ---

24 THE COURT YES, SIR

25 MR MURDAUGH I OBJECT TO THIS PROCEDURE THAT'S

STATE VS ALKEBULANYAHH

1 NOT THE WAY YOU DO IT YOU ASK HER A QUESTION --

2 EXCUSE ME, SIR

3 THE COURT YOU HAVE TO ASK A QUESTION IF SHE
4 CAN ANSWER THAT QUESTION THEN YOU HAVE THE RESPONSE
5 IF THERE'S SOMETHING THAT SHE NEEDS TO REFRESH HER
6 MEMORY, THEN YOU CAN THEN ASK HER IF THE DOCUMENT WILL
7 HELP HER REFRESH HER MEMORY

8 Q MS -- MS -- MS CAMPBELL, WOULD IT REFRESH YOUR
9 MEMORY ---

10 THE COURT YOU NEED TO ASK HER THE QUESTION FIRST
11 TO SEE IF SHE REMEMBERS

12 Q DO YOU REMEMBER STATING UNDER OATH THAT WHEN YOU
13 RETURNED BACK FROM THE COMMAND CENTER, THAT THE FATHER
14 MS BLATE (PHONETIC) WAS NOT THERE AT THE COMMAND POST
15 WHEN YOU RETURNED?

16 A YES I DO

17 Q EARLIER YOU STATED THAT YOU DID NOT MEET THE
18 FATHER AT THE COMMAND POST IS THAT CORRECT?

19 A WHEN I RETURNED FROM THE L E C , I WAS INFORMED BY
20 ANOTHER OFFICER THAT THE GRANDFATHER, WHO HAD --
21 SOMEONE WHO HAD BEEN IDENTIFIED AS THE GRANDFATHER OF
22 THE INFANT HAD BEEN THERE I WENT AROUND WITH THE
23 OFFICER TO FIND THE GENTLEMAN, AND APPARENTLY HE HAD
24 LEFT

25 (PAUSE)

1 Q DO YOU REMEMBER STATING THAT MS BRENDA ISAAC
2 (SIC) HAD THE CHILD WHEN SHE LEFT THE 21 RILEY ROAD
3 RESIDENCE, THAT SHE LEFT THE CHILD?

4 A THAT'S THE INFORMATION THAT WAS GIVEN TO ME

5 Q AND THIS INFORMATION THAT WAS GIVEN TO YOU, IT WAS
6 GIVEN TO THE JUDGE WHEREBY THE JUDGE WOULD BE ABLE TO
7 USE THAT INFORMATION ---

8 MR MURDAUGH JUDGE, THAT IS NOT RELEVANT IN THIS
9 CASE, SIR

10 THE COURT I SUSTAIN THAT OBJECTION

11 Q AT THIS -- AT THIS -- AT THIS HEARING THAT YOU WAS
12 AT CONCERNING THIS CHILD, THIS HEARING WAS TO DETERMINE
13 WHETHER MS KIMBERLY BLATE (PHONETIC) WOULD BE ABLE TO
14 RECEIVE CUSTODY OF THE CHILD OR NOT?

15 MR MURDAUGH OBJECTION YOUR HONOR

16 THE COURT NO I'LL ALLOW THAT QUESTION
17 APPROACH THE SIDE BAR

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

20 Q IN THE COURTROOM WHERE YOU ATTENDED THAT YOU GAVE
21 TESTIMONY TO, WAS THE OCCASION FOR A CUSTODY
22 PROCEEDING?

23 A IT WAS A PROBABLE CAUSE HEARING

24 Q PROBABLE CAUSE HEARING AND WHAT WAS THE PROBABLE
25 CAUSE HEARING?

- 1 A IT WAS TO DETERMINE WHETHER I HAD GROUNDS TO TAKE
2 THE INFANT INTO PROTECTIVE CUSTODY
- 3 Q AND WAS IT CONFIRMED YOU HAD GROUNDS ---
- 4 A YES
- 5 Q --- TO TAKE THE INFANT IN PROTECTIVE CUSTODY?
- 6 A YES
- 7 Q WAS IT DETERMINED THAT MS KIMBERLY BLATE
8 (PHONETIC) WOULD HAVE VISITATION PRIVILEGES?
- 9 MR MURDAUGH YOUR HONOR, PLEASE, THAT HAS
10 NOTHING TO DO WITH THIS TRIAL, SIR
- 11 THE COURT I'LL ALLOW THAT ONE QUESTION GO
12 AHEAD
- 13 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
- 14 Q WAS IT -- WAS IT -- WAS IT DETERMINED MS KIMBERLY
15 BLATE (PHONETIC) WOULD HAVE VISITATION PROCEEDING WITH
16 HER CHILD?
- 17 A I'M NOT SURE IF THE JUDGE ORDERED IT OR NOT
- 18 Q WAS THE MOTHER AND GRANDMOTHER OF MS BLATE
19 (PHONETIC) PRESENT AT THAT HEARING?
- 20 A THE MOTHER AND THE GRANDMOTHER?
- 21 Q YES, SIR
- 22 A YES
- 23 Q DO YOU RECALL AT ANY FINAL TIME WHEN THE CHILD WAS
24 TURNED BACK OVER TO MS BLATE (PHONETIC) THAT SHE
25 GAINED HER CUSTODY RIGHT TO HER CHILD?

1 A I DON'T RECALL THAT, BUT THAT WOULD FALL UNDER THE
2 AUSPICES OF THE DEPARTMENT OF SOCIAL SERVICES, NOT LAW
3 ENFORCEMENT

4 MR ALKEBULANYAHH MS CAMPBELL, THANK YOU I
5 HAVE NO FURTHER QUESTIONS

6 MR MURDAUGH I HAVE NO QUESTIONS, YOUR HONOR,
7 PLEASE

8 THE COURT YOU MAY STEP DOWN

9 MR MURDAUGH MAY SHE BE EXCUSED?

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT YOU MAY BE EXCUSED

12 (THE WITNESS LEAVES THE WITNESS STAND)

13 THE COURT ALL RIGHT

14 MR ALKEBULANYAHH MAY I CALL MY NEXT WITNESS?

15 THE COURT YES

16 MR ALKEBULANYAHH SERGEANT ARBELO

17 (PAUSE)

18 MR ALKEBULANYAHH I'M SORRY, YOUR HONOR HE'S
19 NOT HERE RIGHT NOW MS ALANA TOKAR

20 ALANA W TOKAR, BEING FIRST
21 DULY SWORN TESTIFIED AS FOLLOWS

22 MR ALKEBULANYAHH MAY I, YOUR HONOR?

23 THE COURT YES SIR

24 \ DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

25 Q GOOD MORNING, MS TOKAR

STATE VS ALKEBULANYAHH

1 A GOOD MORNING

2 Q WOULD YOU STATE YOUR NAME AND OCCUPATION FOR THE
3 RECORD, MA'AM

4 A IT'S ALANA WARD TOKAR AND I WORK FOR BEAUFORT
5 COUNTY DEPARTMENT OF SOCIAL SERVICES IN CHILD
6 PROTECTION

7 Q MS TOKAR, DID YOU HAVE OCCASION TO BE -- BE
8 INVOLVED WITH A CHILD AND THE MOTHER -- THE MOTHER
9 BEING MS KIMBERLY BLATE (PHONETIC) AND THE CHILD BEING
10 MS KENYAH BLATE (PHONETIC) IN REFERENCE TO A MATTER
11 JANUARY 8, 2002?

12 A YES, I DID

13 Q COULD YOU TELL ME WHAT WAS THE OCCASION THAT YOU
14 BECAME INVOLVED?

15 A BEAUFORT COUNTY DEPARTMENT OF SOCIAL SERVICES WAS
16 NOTIFIED OF THE EMERGENCY PROTECTIVE CUSTODY ACTION
17 TAKEN OF THE CHILD, KENYAH BLAKE AT THAT TIME, THE
18 CASE WAS ASSIGNED TO ME FOR FOLLOW-UP OF THE
19 INVESTIGATION

20 Q AND WHAT WAS THE OCCASION THAT BROUGHT ABOUT THE
21 INVESTIGATION?

22 A THE REASON WHY D S S BECAME INVOLVED WAS BECAUSE
23 THE CHILD WAS TAKEN IN EMERGENCY PROTECTIVE CUSTODY

24 Q WHAT WAS THE REASONS THE CHILD WAS TAKEN IN
25 PROTECTIVE CUSTODY?

- 1 A THE CHILD, KENYAH, WAS FOUND LEFT ALONE IN A
2 MOBILE HOME WHERE THERE HAD BEEN A SHOOTING THAT HAD
3 OCCURRED
- 4 Q WOULD YOU KNOW WHO DISCOVERED THE CHILD LEFT ALONE
5 AT THE HOME, MA'AM?
- 6 A NO, SIR, I DON'T
- 7 Q THE CHILD EMERGENCY PROTECTIVE CUSTODY IS A
8 AFFILIATION OF THE D S S, DEPARTMENT OF SOCIAL SERVICE,
9 IT OPERATE TOGETHER?
- 10 A YOU LOST ME WHAT ARE YOU TRYING TO SAY?
- 11 Q I WAS TRYING TO ASCERTAIN WHETHER CHILD PROTECTIVE
12 CUSTODY, IS IT IN THE -- THE DEPARTMENT -- THE
13 DEPARTMENT OF SOCIAL SERVICE OR IT'S A DIFFERENT AGENCY
14 OR A DIFFERENT ---
- 15 A YOU MEAN WHEN A CHILD IS TAKEN INTO EMERGENCY
16 PROTECTIVE CUSTODY, IS IT OUR OFFICE THAT DOES THAT?
- 17 Q YES MA'AM
- 18 A NO NOT THROUGH EMERGENCY PROTECTIVE CUSTODY
19 EMERGENCY PROTECTIVE CUSTODY IS AN ACTION THROUGH LAW
20 ENFORCEMENT
- 21 Q SO EMERGENCY PROTECTIVE CUSTODY IS A -- IS A
22 ACTION THAT'S BROUGHT ABOUT THROUGH LAW ENFORCEMENT AND
23 NOT BY THE DEPARTMENT OF SOCIAL SERVICE?
- 24 A WELL D S S CAN TAKE A ROUTE THROUGH TAKING
25 CUSTODY VIA AN EX PARTE ORDER AND THAT'S THROUGH FAMILY

1 COURT BUT AGAIN, EMERGENCY PROTECTIVE CUSTODY IS WHEN
2 LAW ENFORCEMENT TAKES CUSTODY OF A CHILD FROM THEIR
3 PARENTS WHEN THE CHILD IS AT EMINENT OR SUBSTANTIAL
4 DANGER

5 (PAUSE)

6 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH

7 (PAUSE)

8 MR MURDAUGH I HAVE NO OBJECTION, IF YOUR HONOR,
9 PLEASE I ASSUME HE'S GOING TO ASK IT BE INTRODUCED

10 THE COURT ARE YOU WISHING TO INTRODUCE THAT?

11 MR ALKEBULANYAHH YES, SIR, I INTEND TO

12 THE COURT ALL RIGHT YOU CAN GO AHEAD AND DO
13 THAT SINCE THERE'S NO OBJECTION

14 DEFENDANT'S 36 IN EVIDENCE WITHOUT OBJECTION

15 (AFFIDAVIT OF REASONABLE EFFORTS ALANA TOKAR, 1
16 PAGE, MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO
17 36)

18 Q MS TOKAR, ARE YOU FAMILIAR WITH THAT PARTICULAR
19 AFFIDAVIT, DOCUMENT?

20 A YES, I AM

21 Q AND IS THAT THE DOCUMENT THAT BROUGHT ABOUT YOUR
22 INVOLVEMENT WITH THE CHILD, KENYAH BLATE (PHONETIC)?

23 A ACTUALLY, NO THIS DOCUMENT IS USED FOR THE
24 PROCESSING OF OUR COMPLAINT FOR REMOVAL OF THE CHILD

25 Q OKAY AND IN THAT DOCUMENT, THAT PARTICULAR

STATE VS ALKEBULANYAHH

1 PROCESS OF YOUR COMPLAINT WAS IN REFERENCE TO THE CHILD
2 PROTECTIVE AGENCY HAD MOVED IN OR TOOK THE -- THE POWER
3 OVER THAT PARTICULAR CHILD? WAS THAT TO NOTIFY THE
4 COURT? WHAT WAS THE PURPOSE OF THAT PARTICULAR
5 AFFIDAVIT?

6 A THAT -- WHAT EFFORTS WERE MADE OR WHAT EFFORTS
7 WERE NOT MADE TO PREVENT THE CHILD FROM BEING REMOVED
8 FROM THE HOME

9 Q AND IN THE PARTICULAR DOCUMENT, THE EXHIBIT THAT
10 YOU HAVE THERE, 36, WHICH IS ASSOCIATED WITH YOU IS IT
11 MY UNDERSTANDING THAT YOU COULD NOT TAKE THE PROPER
12 ACTION INVOLVED WITH THE CHILD BECAUSE OF THE CHILD WAS
13 TAKEN INTO EMERGENCY PROTECTIVE CUSTODY?

14 A THAT IS CORRECT

15 Q HAD NOT THE CHILD BEEN TAKEN INTO EMERGENCY
16 PROTECTIVE CUSTODY YOU COULD HAVE ---

17 MR MURDAUGH IF YOUR HONOR PLEASE I OBJECT AS
18 BEING IRRELEVANT

19 THE COURT YES, SIR I SUSTAIN THAT OBJECTION
20 (PAUSE)

21 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

22 THE COURT YES SIR

23 (PAUSE)

24 MR MURDAUGH WE WILL OBJECT TO THE INTRODUCTION
25 OF THIS SIR ---

1 THE COURT ALL RIGHT

2 MR MURDAUGH --- AS BEING IRRELEVANT

3 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO

4 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY

5 WHATSOEVER

6 (THE JURY RETIRES TO THE JURY ROOM AT 9 21 A M)

7 THE COURT NOW YOU MAY NOT DISCUSS YOUR

8 TESTIMONY IF YOU WILL WAIT, I WILL CALL YOU PLEASE

9 THANK YOU YOU MAY GO AHEAD AND TAKE A BREAK

10 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

11 THE COURT PLEASE BE SEATED

12 HOW MANY WITNESSES DO YOU HAVE ON THIS ISSUE

13 PERTAINING TO THE PROCEEDINGS INVOLVING THE CHILD?

14 MR ALKEBULANYAHH I HAVE -- I HAVE -- I HAVE

15 FOUR PROFESSIONAL PEOPLE, YOUR HONOR, AND THE -- AND

16 THE GRANDMOTHER AND THE GREAT-GRANDMOTHER

17 THE COURT WHAT ARE YOU TRYING TO ACKNOWLEDGE

18 MORE THAN WHAT WE DISCUSSED? THE ONLY RELEVANCE THAT I

19 CAN SEE OF THE PROCEEDINGS INVOLVING THE CHILD WOULD BE

20 THAT MS BLAKE HAD SOME MOTIVE OR BIAS -- MOTIVE TO LIE

21 OR POSSIBLE BIAS BECAUSE OF THESE PROCEEDINGS THAT'S

22 IT I CAN'T SEE ANYTHING ELSE AND I BELIEVE YOU

23 ACKNOWLEDGED THAT'S THE REASON YOU WANT TO SET IT OUT

24 SO IF YOU HAVE ESTABLISHED THESE PROCEEDINGS, ALL

25 THESE OTHER PEOPLE THAT WERE INVOLVED IN THAT

STATE VS ALKEBULANYAHH

1 COLLATERAL PROCEEDING HAD NOTHING TO DO WITH THIS CASE
2 HOW CAN THEY OFFER ANYTHING?

3 MR ALKEBULANYAHH WHAT THEY ---

4 THE COURT GO AHEAD

5 MR ALKEBULANYAHH WHAT THEY CAN OFFER IS TO SHOW
6 THAT THE CONSPIRACY BETWEEN LAW ENFORCEMENT AND A
7 STATE-RUN DEPARTMENT IN ORDER TO BRING ABOUT THE -- THE
8 CONVICTION OF A INNOCENT MAN OF TWO COUNTS OF MURDER
9 AND BASED ON THAT THEIR CASE WOULD NEVER HAVE ARRIVED
10 IT TO THE LEVEL THAT IT HAD, HAD NOT THEY ABDUCTED THE
11 CHILD FROM THE LEGITIMATE PARENTS

12 THE COURT WELL, BUT ---

13 MR ALKEBULANYAHH AND THESE AGENCY ---

14 THE COURT --- YOU CAN'T FIGHT -- YOU CAN'T FIGHT
15 BOTH BATTLES AT THE SAME TIME I MEAN THAT -- WHY
16 DOES THAT HAVE ANYTHING TO DO WITH THIS CASE OTHER THAN
17 IF FOR SOME REASON MS BLAKE -- IF YOU'RE CLAIMING SHE
18 SET YOU UP OR SHE LIED OR WHATEVER I'M NOT SURE

19 YOU ASKED MS BLAKE QUESTIONS, A LOT OF QUESTIONS,
20 ABOUT THAT PROCEEDING TO LET THE JURY KNOW THAT SHE
21 MIGHT HAVE SOME REASON TO TESTIFY DIFFERENTLY
22 CERTAINLY YOU ARE FREE TO ARGUE THAT IN YOUR CLOSING
23 STATEMENT

24 YOU'VE HAD TWO WITNESSES NOW ALSO ESTABLISH THOSE
25 PROCEEDINGS THIS CASE IS NOT THE CASE TO DETERMINE

STATE VS ALKEBULANYAHH

1 WHETHER THOSE PROCEEDINGS WERE -- WHETHER THE RESULT OF
2 THOSE PROCEEDINGS WAS THE PROPER RESULT I MEAN,
3 THAT'S WHAT -- YOU SEEM LIKE YOU'RE RE-LITIGATING THAT
4 CASE

5 I MEAN, NOTHING THAT -- ALL THE INDIVIDUALS
6 INVOLVED IN THAT CASE HAVE NO TIE TO THIS CASE OTHER
7 THAN THE FACT THAT THEY'RE INVOLVED IN A PROCEEDING
8 INVOLVING THE CHILD NONE OF THEM CAN OFFER ANY
9 TESTIMONY ABOUT THE FACTS IN THIS CASE

10 MR ALKEBULANYAHH AND THE FACT THAT THEY
11 POSSESSED IT, THE FACT THAT THE CHILD WAS THE
12 INSTRUMENT TO THE CORRUPTION OF THE BEAUFORT COUNTY LAW
13 ENFORCEMENT OFFICIAL IS THE -- HOW THE CHILD WAS
14 INSTRUMENTAL TO THE ORIGIN -- TO -- TO THE ORIGIN OF --
15 OF AN ALLEGED CRIMINAL CONDUCT BY PEOPLE

16 THE COURT WHAT -- WHAT WOULD BE THE EVIDENCE IN
17 THIS RECORD THAT SUGGESTS -- OR JUST TELL ME WHAT THE
18 RATIONALE WOULD BE FOR THAT ARGUMENT BEFORE WE GO ON
19 WITH THESE WITNESSES EXPLAIN THAT TO ME

20 MR ALKEBULANYAHH THE RATIONALE WOULD BE THAT
21 WITHOUT THE INVOLVEMENT OF THE CHILD, MR ALKEBULANYAHH
22 WOULDN'T BE IN THIS TRIAL FIGHTING FOR HIS LIFE
23 BECAUSE OF THIS PARTICULAR CHILD WAS USED AS A LEVERAGE
24 TO BRING ABOUT THE CHARGES THAT I'M FACED WITH TODAY
25 AND ---

STATE VS ALKEBULANYAHH

1 THE COURT DO YOU MEAN IT WAS USED AS A LEVERAGE
2 IN THE SENSE THAT MS BLAKE SET YOU UP?

3 MR ALKEBULANYAHH IT WAS USED IN A SENSE THAT --
4 THAT MS BLATE (PHONETIC) COULD NOT COME FORWARD WITH
5 THE TRUTH, COULD NOT REMAIN WITH THE TRUTH

6 THE COURT ALL RIGHT WELL, THEN THAT GOES TO
7 WHAT MY FEELING WAS THAT THE ONLY REASON THAT THOSE
8 PROCEEDINGS ARE RELEVANT WOULD BE TO SUGGEST THAT MS
9 BLAKE HAD SOME DESIRE TO NOT BE FORTHRIGHT OR NOT TELL
10 THE TRUTH FROM YOUR PROSPECTIVE

11 OF COURSE, I DON'T WEIGH THE TESTIMONY I DON'T
12 DECIDE WHO'S TELLING THE TRUTH OR NOT BUT -- BUT
13 YOU'VE ESTABLISHED THAT

14 NOW WHEN YOU GO INTO THE DETAILS OF THESE
15 PROCEEDINGS, I DON'T SEE HOW THAT CHANGES THE ALLEGED
16 MOTIVE TO LIE IT'S STILL OUT THERE AND YOU STILL GET
17 TO ARGUE IT WHAT ---

18 MR ALKEBULANYAHH WHEN A CHILD IS ---

19 THE COURT THE FACT THAT, YOU KNOW, SOMEONE WAS
20 AT THAT PROCEEDING AND THEY ARGUED THIS AND THE CHILD
21 -- THEY DID THIS OR THAT WITH THE CHILD, WHETHER THAT
22 WAS CORRECT OR NOT DOESN'T CHANGE WHAT YOU GET TO ARGUE
23 IN THIS CASE

24 MR ALKEBULANYAHH THE CHILD -- THE CHILD WAS A
25 VICTIM AS WELL AS I'M A VICTIM AND ---

STATE VS ALKEBULANYAHH

1 THE COURT WELL, THE FACT THAT THE CHILD MIGHT BE
2 A VICTIM IS SOMETHING THAT'S LITIGATED IN THAT CASE
3 NOT THIS CASE

4 MR ALKEBULANYAHH WELL, IN THIS CASE -- IN THIS
5 CASE, THE CHILD -- THE JURY SHOULD HAVE OPPORTUNITY TO
6 SEE THAT IT WAS WELL DEFINED AND ESTABLISH THAT THE
7 CHILD WAS NOT GOING TO BE IN MS KIMBERLY BLATE
8 (PHONETIC) CUSTODY BY THE ACTIONS OF THE LAW
9 ENFORCEMENT IN BEAUFORT COUNTY AND THESE PARTICULAR
10 PEOPLE FROM THE DEPARTMENT OF SOCIAL SERVICE HAVE
11 STATED THAT THE LAW ENFORCEMENT AGENCY ACTION ---

12 THE COURT ARE YOU TRYING TO SUGGEST THAT BUT FOR
13 THESE CHARGES AGAINST YOU, MS BLAKE WOULD NOT GET
14 CUSTODY IN THAT CASE? IS THAT WHAT YOU'RE TRYING TO
15 SAY?

16 MR ALKEBULANYAHH RIGHT IF -- IF MS BLATE
17 (PHONETIC) DID NOT IMPLEMENT (SIC) ME WITH CRIMINAL
18 CONDUCT OF BEING SOME -- RESPONSIBLE OR CULPABLE FOR
19 THE DEATH OF THEM TWO DEPUTIES, BECAUSE IT'S -- IT --
20 I WANT TO ESTABLISH THAT HER STATEMENTS DIDN'T COME TO
21 TWO, THREE DAYS LATER AFTER FIVE TO SIX INTERVIEWS WITH
22 FIVE OR SIX DIFFERENT --, DIFFERENT INVESTIGATORS AND
23 HER OWN STATEMENT STATING THAT MR ALKEBULANYAHH DID
24 NOT POSSESS A WEAPON OR SHE HAD NEVER SEEN A WEAPON
25 THE COURT BUT HAVEN'T YOU GOT IN THIS RECORD

STATE VS ALKEBULANYAHH

1 THAT SHE TRIED -- WELL, IT'S YOUR ARGUMENT YOU'VE GOT
2 THE TESTIMONY IN AND CERTAINLY YOU'LL GET TO -- YOU'LL
3 BE ABLE TO ARGUE TO THE JURY THAT, YOU KNOW, DO YOU
4 BELIEVE A PERSON WHO HAD A MOTIVE TO GET THEIR CHILDREN
5 -- THE CHILD BACK, OR SOMETHING

6 I MEAN, I DON'T KNOW WHICH WORDS YOU ARE GOING TO
7 USE, BUT YOU GET TO ARGUE THAT WHAT MORE ARE ANY OF
8 THESE WITNESSES GOING TO ADD TO THAT ---

9 MR ALKEBULANYAHH WELL, THESE ---
10 THE COURT --- BECAUSE IT JUST SEEMS TO ME YOU'RE
11 TRYING TO ATTACK THOSE PROCEEDINGS NOW

12 MR ALKEBULANYAHH NO THESE WITNESSES -- THESE
13 WITNESSES WOULD BE MORE CREDIBLE TO THE JURORS THAN ME
14 SAYING THIS HAPPENED THAT HAPPENED

15 I DON'T WANT IT TO APPEAR TO THE JURORS THAT I'M
16 JUST MAKING UP A STORY OR SAYING THIS HAPPENED AND
17 THAT HAPPENED, BECAUSE I WANTS TO NOT OWN UP OR SAY
18 THAT, YOU KNOW, I'M RESPONSIBLE FOR SOMEONE THAT I'M
19 NOT RESPONSIBLE FOR ANYONE DEATH

20 SO THEREFORE, I NEED THESE TYPE OF PROFESSIONAL
21 PEOPLE WHO'S INVOLVED IN THIS INCIDENT TO ESTABLISH
22 WITH THE JURORS THE CREDIBILITY OF MS BLATE (PHONETIC)
23 AND THE OFFICERS INVOLVED IN THIS CASE I CANNOT -- I
24 CANNOT ESTABLISH THAT JUST BY ARGUING BEFORE THEM AT
25 THIS TIME

1 THE COURT WELL, I'M NOT SAYING JUST PICK IT UP
2 AND ARGUE IT BY ITSELF WHAT I'M SAYING IS YOU -- YOU
3 HAVE ESTABLISHED IN THE RECORD THAT THESE OTHER
4 PROCEEDINGS WERE GOING ON SO YOU HAVE A BASIS IN THE
5 RECORD TO NOW TELL THE JURY THIS WAS A MOTIVE TO
6 DECEIVE BECAUSE OF THESE PROCEEDINGS AND THE DESIRE OF
7 AN INDIVIDUAL TO GET THE CHILD

8 I MEAN, YOU'VE BEEN ABLE TO PRESENT THAT AND
9 WHAT I'M TRYING TO DISTINGUISH IS NOT THAT BECAUSE I
10 THINK THAT THE -- BEING ABLE TO POINT OUT THAT A
11 WITNESS MAY HAVE SOME MOTIVE TO LIE OR BE BIASED IS
12 RELEVANT AND I DOUBT THE STATE WOULD OBJECT TO THAT
13 THEORY

14 AND -- BUT WHEN YOU GO INTO ALL THESE EXTRINSIC
15 DETAILS I'M NOT SURE THAT THEY CHANGE THAT ARGUMENT IN
16 ANY WAY WHATSOEVER YOU'VE ESTABLISHED THAT ARGUMENT

17 THE ONLY THING LEFT WOULD BE IT SEEMS TO ME WHAT
18 YOU'RE TRYING TO SUGGEST IS THAT MS BLAKE IS A BAD
19 PERSON AND THOSE PROCEEDINGS SOMEHOW ESTABLISH THAT

20 MR ALKEBULANYAHH NO WHAT I'M TRYING TO
21 ESTABLISH, THAT THE LAW ENFORCEMENT OFFICIALS HERE IN
22 BEAUFORT COUNTY IS A CORRUPT PEOPLE, NOT MS BLATE
23 (PHONETIC) IT IS THE LAW ENFORCEMENT OFFICIALS IT
24 IS THESE PEOPLE RIGHT HERE IT'S NOT MS BLATE
25 (PHONETIC) THAT'S WHAT I'M TRYING TO ESTABLISH

STATE VS ALKEBULANYAHH

1 THE COURT WELL, HOW WILL THOSE PROCEEDINGS
2 ESTABLISH THAT?

3 MR ALKEBULANYAHH JUST IN ITSELF BY THEIR
4 CONDUCT BY THEIR ACTIONS, WHAT THEY'VE DONE TO THE
5 FAMILIES AT THE 21 RILEY ROAD, WHAT THEY HAVE DONE TO
6 ME, WHAT THEY HAVE DONE TO MS BLATE (PHONETIC), WHAT
7 THEY HAVE DONE TO THE CHILD

8 THE COURT THE FACT THAT THOSE PROCEEDINGS WERE
9 INITIATED SUGGEST THAT IN YOUR OPINION?

10 MR ALKEBULANYAHH YES, BECAUSE THOSE
11 PROCEEDINGS ---

12 THE COURT ALL RIGHT

13 MR ALKEBULANYAHH IF THOSE PROCEEDINGS HAD --
14 WAS NOT INITIATED AND PRONE (SIC) BY THE LAW
15 ENFORCEMENT THOSE PROCEEDINGS WOULD NEVER HAVE
16 OCCURRED

17 THE COURT SO WHAT YOU WANT TO ASK IS WHETHER OR
18 NOT LAW ENFORCEMENT PURSUED THOSE PROCEEDINGS AS
19 OPPOSED TO MS BLAKE? AND IF YOU HAVE, YOU'VE ALREADY
20 ASKED THAT QUESTION

21 MR ALKEBULANYAHH WHAT I'VE DONE IS I -- I -- I
22 ESTABLISH OR ATTEMPTED TO ESTABLISH WITH THE PARTICULAR
23 WITNESS PARTICULAR FACTS AND THE FIRST -- THE FIRST
24 STEP -- BECAUSE EVERYTHING IS STEP BY STEP I CAN'T
25 JUST JUMPED OUT AND, THIS IS IT ONE QUESTION AND THAT

STATE VS ALKEBULANYAHH

1 SOLVE IT NO

2 FIRST I WANT TO -- I HAVE -- I WANT TO ESTABLISH
3 THAT THIS -- THIS CHILD, FIRST OF ALL, HOW IT CAME INTO
4 THE CUSTODY OF -- OF THE DEPARTMENT OF SOCIAL SERVICE
5 AND ---

6 THE COURT YOU'VE ESTABLISHED THAT

7 MR ALKEBULANYAHH RIGHT

8 THE COURT ALL RIGHT

9 MR ALKEBULANYAHH AND THE NEXT THING I WANT TO
10 ESTABLISH WAS THE GROUNDS FOR THIS CHILD BEING BROUGHT
11 UNDER THE CARE OR UNDER THE CUSTODY OF THE CHILD AGENCY
12 PROTECTIVE SERVICES

13 NOW, WITH THIS PARTICULAR WITNESS I WAS
14 ESTABLISHING THE GROUNDS BECAUSE THIS PARTICULAR
15 WITNESS HERE WOULD BE ABLE TO CONFIRM THAT NOT NO MORE
16 THAN ANYTHING THAN THESE -- THIS -- THIS NEXT BASIS
17 THAT I WANT TO INTRODUCE INTO RECORD SO IT WILL BE
18 ESTABLISHED FOR WHATEVER PURPOSE THAT I MAY NEED IT, IF
19 I NEED IT FOR THE JURORS TO REVIEW IT OR IF THE WORSE
20 HAPPEN, I MAY NEED IT ON APPELLATE REVIEW AND THIS
21 DOCUMENT WILL ESTABLISH THAT, THE PARTICULAR GROUND AND
22 ALLEGATIONS ABOUT THIS PARTICULAR CHILD

23 THE COURT ALL RIGHT WELL, LET'S SAY THAT
24 DOCUMENT ESTABLISHES THOSE GROUNDS AND YOU ARE ABLE TO
25 DO THAT NOW, WHAT ELSE DO ANY OF THESE OTHER

STATE VS ALKEBULANYAHH

1 WITNESSES -- WHAT -- WHAT MORE CAN ANY OF THESE
2 WITNESSES POSSIBLY ADD?

3 MR ALKEBULANYAHH WHAT THESE -- WHAT THESE OTHER
4 WITNESSES CAN DO WILL BE ABLE TO ADD ON, SUBSTANTIATE
5 (PHONETIC) EACH WITNESS THAT BY THEM BEING IN DIFFERENT
6 AREAS OR DEPARTMENT THAT THIS WAS A OVERWHELMINGLY
7 ATROCIOUS ACT BY LAW ENFORCEMENT OFFICIALS HERE AND
8 THEY CAN SUPPORT ONE ANOTHER WITH THIS -- WITH EACH ONE
9 INVOLVEMENT OVER A TIME PERIOD BECAUSE THIS -- THIS
10 DIDN'T COME ABOUT -- THESE -- FOR THEM TO BRING ME TO
11 COURT, IT DIDN'T COME BY JUST BECAUSE THEY BELIEVE I
12 HAD DONE SOMETHING IT WAS ACTIONS THAT THEY HAD TO
13 TAKE THEY DIDN'T ATTACK ME THEY ATTACK THE CHILD
14 AND KIMBERLY BLATE (PHONETIC) THEY DIDN'T ATTACK ME
15 THIS IS WHAT THEY -- THIS IS WHAT THE LAW
16 ENFORCEMENT DID THEY ATTACK THEM AND THE ONLY WAY
17 -- AND THE REASON THEY ATTACK THEM SO THEY COULD GET
18 ME HERE TO THE POINT THAT THEY HAVE ME STANDING BEFORE
19 12 JURORS BECAUSE WITHOUT ATTACKING KIMBERLY BLATE
20 (PHONETIC) AND THE CHILD, I WOULDN'T BE STANDING HERE
21 BEFORE 12 JURORS

22 THE COURT IT'S YOUR THEORY THAT THIS WHOLE CASE
23 IS ABOUT THE FACT THAT THE LAW ENFORCEMENT WANTED TO
24 TAKE THIS CHILD AWAY? THAT'S WHAT YOU SAY THIS CASE IS
25 ABOUT?

1 MR ALKEBULANYAHH THE WHOLE CASE IS ABOUT LAW
2 ENFORCEMENT WANTED TO HOLD SOMEONE RESPONSIBLE
3 THE COURT FOR?

4 MR ALKEBULANYAHH FOR AN ALLEGED CRIME, WHICH A
5 CRIME NEVER TOOK PLACE

6 THE COURT ALL RIGHT DO YOU -- ARE YOU
7 REFERRING TO THE DEATHS OF THE OFFICERS?

8 MR ALKEBULANYAHH EXACTLY

9 THE COURT ALL RIGHT SO LAW ENFORCEMENT WANTED
10 TO HOLD SOMEONE RESPONSIBLE FOR THOSE DEATHS, SO THEY
11 CAME IN AND TOOK THE CHILD?

12 MR ALKEBULANYAHH WELL, LAW ENFORCEMENT SEEN A
13 OPPORTUNITY THAT BY TAKING THIS CHILD FROM THE ONSET
14 AND THIS CHILD WAS THE ONLY WAY THEY WOULD BE ABLE TO
15 MANIPULATE OTHER PEOPLE THAT'S INVOLVED IN THIS
16 INCIDENT

17 NO ONE WAS SAYING MR¹ ALKEBULANYAHH KILLED
18 ANYBODY, WASN'T NO ONE WAS SAYING THEY EVER SEEN MR
19 ALKEBULANYAHH WITH ANY GUN BUT WHEN THIS CHILD IS
20 USED TO MANIPULATE THEN YOU HAVE THE VULNERABLE
21 PERSON, WHICH IS THE MOTHER OF THIS CHILD, THAT THE LAW
22 ENFORCEMENT ESTABLISH OVERWHELMINGLY, WE GOT A WITNESS
23 SAY HE DID THIS

24 THE COURT BUT ---

25 MR ALKEBULANYAHH HE HAD A GUN WE GOT A

STATE VS ALKEBULANYAHH

1 WITNESS

2 THE COURT BUT ---

3 MR ALKEBULANYAHH HOW DID YOU -- HOW DID YOU
4 COME ABOUT THIS? REALLY, IT WASN'T EVEN TRUE

5 THE COURT BUT YOU'RE SUGGESTING THAT THEY PUT
6 PRESSURE ON HER TO DO WHAT SHE HAS DONE IN THIS CASE?
7 THAT WOULD BE TO COME FORWARD AND INDICATE THAT YOU HAD
8 A GUN?

9 MR ALKEBULANYAHH YES

10 THE COURT SO BECAUSE OF HER SITUATION WITH THE
11 CHILD, THAT ---

12 MR ALKEBULANYAHH THAT NOT -- EXCUSE ME, YOUR
13 HONOR

14 THE COURT GO AHEAD

15 MR ALKEBULANYAHH THAT NOT ALONE, NOT ALONE WITH
16 THE SITUATION WITH THE CHILD

17 THE COURT BUT WOULDN'T THAT NOT HAVE TO ASSUME
18 THAT THAT WOULD HAVE TAKEN PLACE BEFORE ANY OF THIS
19 STUFF HAPPENED TO BE -- TO BE A VALID THEORY, WOULD
20 THAT NOT HAVE TO ASSUME THAT ALL THIS TOOK PLACE BEFORE
21 THE INCIDENT EVEN HAPPENED OUT AT RILEY ROAD?

22 MR ALKEBULANYAHH I DON'T UNDERSTAND

23 THE COURT BECAUSE WHAT YOU'RE SUGGESTING IS --
24 GO AHEAD GO AHEAD

25 MR ALKEBULANYAHH THAT PARTICULAR ACTION WAS A

STATE VS ALKEBULANYAHH

1 FORMING ACTION BY THEM THAT IT WAS A STEP TO -- TO PUSH
2 MS BLATE (PHONETIC) TO COOPERATE AND GO IN COLLUSION
3 WITH LAW ENFORCEMENT ABOUT THE CHILD ITSELF BUT IT
4 DIDN'T DO THE JOB IT DIDN'T DO THE JOB BECAUSE FOR --
5 FOR TWO -- UP TO TWO TO THREE DAYS, MS BLATE
6 (PHONETIC), SHE ENDURE WITHOUT THIS CHILD, WITH THEM
7 HAVING THE CHILD AND THEM CLAIMING TO TRY TO TAKE THIS
8 CHILD TO TRY TO MAKE HER CHANGE HER STATEMENT AND --
9 AND ACCUSE ME OF A WRONGDOING
10 THE COURT WELL, DID MS ---
11 MR ALKEBULANYAHH BUT ---
12 THE COURT DID MS BLAKE EVER INDICATE THAT SHE
13 WAS PRESSURED IN ANY WAY TO CHANGE HER STATEMENT?
14 MR ALKEBULANYAHH WELL ---
15 THE COURT SHE DID NOT
16 MR ALKEBULANYAHH MS BLATE (PHONETIC) DID NOT
17 BECAUSE IT'S VERY APPARENT THAT SHE HAS THE -- THE
18 RANGE TO LIE UNDER OATH MAKE FALSE STATEMENTS TO LAW
19 ENFORCEMENT OFFICIAL AND BEING TOTALLY EXEMPT FROM
20 PROSECUTION THAT IS -- THAT IS -- THAT IS -- THAT IS
21 THE CORRUPTIONESS (PHONETIC) OF -- OF JUSTICE
22 THE COURT BUT YOU WERE ABLE TO ASK HER ANY
23 QUESTIONS ABOUT THAT, AND YOU ARE ABLE TO ASK ANY LAW
24 ENFORCEMENT OFFICERS QUESTIONS ABOUT THAT IT STILL --
25 IT -- I DON'T SEE -- AND YOU'VE BEEN ABLE TO ESTABLISH

STATE VS ALKEBULANYAHH

1 THESE PROCEEDINGS TO SUGGEST SHE MIGHT HAVE HAD THAT
2 MOTIVE

3 I STILL CAN'T RESOLVE IN MY MIND ALL THE DETAILS
4 OF THESE PROCEEDINGS CHANGING THAT

5 MR ALKEBULANYAHH WELL AGAIN, AS I SAID, WITH
6 THESE DETAILS TO SHOW THAT MS BLATE (PHONETIC) HAD THE
7 RELUCTANT (SIC) TO COOPERATE OR TO MAKE THEM FALSE
8 STATEMENTS AGAINST ME UNTIL SHE FELT SURE AND CONFIDENT
9 THAT THE LAW ENFORCEMENT OFFICIALS WOULD NOT PROSECUTE
10 HER OR ---

11 THE COURT I UNDERSTAND THAT ARGUMENT

12 MR ALKEBULANYAHH --- TAKE THE CHILD

13 THE COURT I UNDERSTAND THAT ARGUMENT

14 MR ALKEBULANYAHH AND THEN ---

15 THE COURT WHAT MORE WOULD ANYTHING ADD? I'M
16 TRYING TO DECIDE WHY ---

17 MR ALKEBULANYAHH WELL, THIS ---

18 THE COURT --- FOUR OR FIVE OR SEVEN MORE
19 WITNESSES ON THIS SUBJECT IS GOING TO CHANGE ANYTHING
20 ABOUT THAT ARGUMENT

21 MR ALKEBULANYAHH WELL, WHAT -- WHAT -- WHAT
22 THIS -- WHAT THIS WOULD ADD AS THE ARGUMENT CONTINUE
23 ON, WHICH I WOULD LET YOU KNOW AHEAD OF TIME, IF THE
24 PROSECUTOR WANT TO KNOW AHEAD OF TIME, AND THE COURT
25 WANT TO KNOW AHEAD OF TIME WHERE I'M GOING ---

STATE VS ALKEBULANYAHH

1 THE COURT NO, I -- I DON'T WANT TO KNOW AHEAD OF
2 TIME IN THE SENSE THAT -- OTHER THAN WE KEEP GETTING --
3 IF WE'RE GOING TO KEEP GETTING OBJECTIONS, I'M TRYING
4 TO MAKE IT MORE EFFICIENT SO THERE ARE NO OBJECTIONS
5 SO THAT'S WHAT I'M DOING

6 MR ALKEBULANYAHH IT'S GOING TO BE OBJECTIONS
7 THE COURT WHAT ---

8 MR ALKEBULANYAHH THERE IS NO IF, AND OR BUTS
9 ABOUT IT BECAUSE THE PROSECUTOR DO NOT WANT THE JURORS
10 TO KNOW CERTAIN THING I MEAN, I UNDERSTAND YOUR
11 POSITION, YOUR HONOR, RESPECTFULLY BUT I KNOW THAT
12 IT'S GOING TO BE OBJECTIONS TO ANYTHING THAT WOULD SHOW
13 -- TO INDICATE MY INNOCENCE OR ANYTHING FAVORABLE TO
14 THE DEFENDANT

15 AND THAT'S NOTHING THAT -- I DON'T THINK THE COURT
16 WOULD HAVE POWER IN THE PROSECUTOR MIND TO OBJECT TO
17 CERTAIN THINGS BUT OF COURSE, YOU PUT US IN A -- A
18 -- A -- IN A SHELL TO WHERE WE CAN DO AND CANNOT DO,
19 BUT, YOU KNOW, I'M JUST SAYING THAT THERE'S GOING TO BE
20 OBJECTIONS FROM HIM BECAUSE THESE THINGS HE DO NOT WANT
21 THE JURORS TO BE ABLE TO VIEW OR SEE

22 AND WHERE I'M GOING FROM HERE WITH THESE
23 PARTICULAR WITNESS IS -- FROM THIS WITNESS, ONLY SO
24 MUCH CAN GO WITH THIS WITNESS AND THEN THE NEXT
25 WITNESSES COME IN, IT WILL GO ON TO SHOW THAT WHAT

STATE VS ALKEBULANYAHH

1 REASON DID AFTER THEY TOOK THE CHILD, WHAT OTHER
2 MITIGATING REASONS THAT WOULD CAUSE MS BLATE
3 (PHONETIC) TO -- TO LIE ---
4 THE COURT WELL, THEY CAN'T ---
5 MR ALKEBULANYAHH --- TO COOPERATE WITH THEM
6 FALSELY AND THE REASON IS THIS TO GO WITH THAT IS
7 THAT THESE PEOPLE, D S S , WHO'S DEALING WITH
8 DEPARTMENT OF SOCIAL SERVICE WITH MS BLATE (PHONETIC)
9 THE LEVEL OF TAKING THIS CHILD RISES TO THE POINT THAT
10 THEY GOES INTO COURT AND ESTABLISH IN COURT THAT THE --
11 THE POSSIBILITY OF MS BLATE (PHONETIC) GETTING --
12 CRIMINAL CHARGES IS LINGERING OVER YOUR HEAD
13 MS BLATE (PHONETIC) UNDERSTAND YOU -- NOT ONLY
14 ARE YOU GOING TO LOSE THIS CHILD BUT WE HAVE ESTABLISH
15 IN THE COURTROOM, IN THE COURT -- IN THE FAMILY COURT
16 WITH YOU THAT WE'RE NOT GIVING YOU THIS CHILD BECAUSE
17 ONE REASON IS THERE'S THIS POSSIBILITY AT ANY TIME YOU
18 COULD BE CHARGED WITH ACCESSORY MURDER, ACCESSORY
19 MURDER AFTER THE FACT, OR ACCESSORY MURDER BEFORE THE
20 FACT, OR AIDING ABETTING, OR WHATEVER TO THE EXTENT
21 LIKE THEY DID MRS NZURI BATH ALKEBULANYAHH
22 THE COURT WELL, YOU'RE ABLE TO ESTABLISH THAT
23 THROUGH YOUR QUESTIONS OF MS -- MS BLAKE AS WELL AS
24 SOME OF THE OFFICERS THE D S S PROCEEDINGS WOULD NOT
25 DETERMINE THOSE KIND OF QUESTIONS THEY DON'T HAVE ANY

STATE VS ALKEBULANYAHH

1 JURISDICTION OVER THE ISSUANCE OF THOSE KIND OF
2 CHARGES ---

3 MR ALKEBULANYAHH BUT ---

4 THE COURT --- ACCESSORY, ETCETERA

5 MR ALKEBULANYAHH BUT THEY -- THEY -- THE D S S
6 PEOPLE IS NOT BIAS TO THE POINT THAT THEY WOULD WRITE A
7 REPORT AND SAID, WELL, WE -- WE GOT TO TAKE THIS -- WE
8 HAVE CUSTODY OF THIS CHILD WE GOING TO TAKE THIS --
9 TAKE THIS CHILD UNTIL IT DETERMINED -- UNTIL THIS
10 INVESTIGATION OVER WITH BECAUSE MS -- MS BLATE
11 (PHONETIC) IS POSSIBLY WILL BE CHARGED WITH A CRIME AND
12 FOR ABANDONING THIS CHILD

13 NOW, TO BE CHARGED WITH ANYTHING IN RELATION TO AN
14 ACCUSATION OF MURDER IS EXTREMELY (SIC) IN THIS
15 SOCIETY AND WITH THIS TYPE OF BURDEN ON THIS -- THIS
16 -- THIS -- THIS YOUNG LADY AND THE CHILD MISSING FROM
17 HER AND THEN SHE LOOKING AT DOCUMENT AND PEOPLE
18 WATCHING HER IN COURT SAYING YOU AIN'T GETTING THIS
19 CHILD BECAUSE YOU MIGHT BE CHARGED WITH SOMETHING
20 ASSOCIATED WITH THAT

21 THE COURT BUT YOU'VE ESTABLISHED THAT IN THIS
22 RECORD, THAT SHE COULD BE CHARGED WITH ABANDONING THE
23 CHILD

24 MR ALKEBULANYAHH WELL, I CAN ESTABLISH IT WITH
25 AUTHENTIC DOCUMENTS AND PEOPLE WHO ARE OTHER THAN THE

STATE VS ALKEBULANYAHH

1 LAW ENFORCEMENT OFFICIAL SAYING, YEAH, I BELIEVE OR I
2 DON'T KNOW

3 I WILL ESTABLISH THAT FIRMLY AND -- AND -- AND --
4 AND -- AND -- AND THE DEFENSE WANTS TO ESTABLISH THAT
5 FIRMLY WITH THE JURORS, WITH THE RECORD, THAT MS BLATE
6 (PHONETIC) WAS -- HAD THE CHILD TAKEN AND THERE WAS
7 CHARGES, A ONGOING INVESTIGATION THAT KEPT GOING UNTIL
8 SHE MADE SO MANY DIFFERENT STATEMENT

9 IT'S NOT -- IT'S NOT -- IT'S NOT SO FARFETCHED IF
10 I SAY, WHERE CHARGES -- SHE SAYS WHATEVER THE --
11 WHATEVER THE LAW ENFORCEMENT COME TO HER AND SAY

12 THE COURT WAS THERE A COURT ORDER IN THAT
13 PROCEEDING?

14 MR ALKEBULANYAHH EXCUSE ME?

15 THE COURT WAS THERE A COURT ORDER IN THAT
16 PROCEEDING?

17 MR ALKEBULANYAHH YES, IT WAS A COURT ORDER IN
18 THE PROCEEDINGS

19 THE COURT WELL THE ORDER SPEAKS FOR ITSELF IT
20 WOULD NOT BE WHAT ALL THESE PEOPLE THINK WERE THE
21 REASONS FOR THE CHILD TO BE TAKEN AWAY THEY CAN JUST
22 PRESENT TESTIMONY THE JUDGE DECIDES WHO -- WHAT THE
23 BASIS IS

24 MR ALKEBULANYAHH BUT THE JUDGE INVOLVED IN IT
25 RECEIVE ALL FALSE INFORMATION

STATE VS ALKEBULANYAHH

1 THE COURT WELL, SEE, YOU'RE TRYING TO TRY THAT
2 CASE AT THE SAME TIME YOU'RE TRYING TO TRY THIS CASE
3 THERE'S A LOT ON YOUR PLATE RIGHT NOW YOU'RE TRYING
4 TO MANAGE A LOT OF DIFFERENT LITIGATION AT THE SAME
5 TIME

6 MR ALKEBULANYAHH ALL I'M SAYING IS WHAT THEY
7 DONE DONE, THEY DONE DONE I DON'T HAVE TO BE SHAKING
8 THE STICK AT WHAT THEY DONE DONE THAT'S BEEN DONE
9 THEY DONE TOOK THE CHILD THEY HELD THE CHILD THEY
10 HAD THE WOMAN SAY, OH, WELL, HE DIDN'T HAVE A GUN OH
11 OKAY WELL, DIDN'T HE HAVE A GUN WAITING FOR HIM TO
12 COME THROUGH THE DOOR? OKAY, YEAH HE HAD A GUN AND
13 HE WAS STANDING HERE, RIGHT HERE IN FRONT OF THE T V
14 WITH THE GUN POINTING, WAITING FOR HIM TO COME THROUGH
15 THE DOOR

16 THEN WHEN THEY DO THE INVESTIGATION, THEY SAY,
17 NAH, THAT THEORY WON'T WORK WE CAN'T GET THE PUBLIC
18 TO BELIEVE THAT

19 FOUR MONTHS LATER DIDN'T -- YOU KNOW HE WAS -- HE
20 WAS IN A CLOSET, HIDING IN A CLOSET AND THEN SHE SAY
21 OH WELL, HE WAS HIDING IN A CLOSET, YOU KNOW

22 THE COURT BUT THOSE ARE ALL ARGUMENTS FOR THE
23 JURY YOU'RE GOING TO BE FREE TO ARGUE ALL THAT NOW

24 MR ALKEBULANYAHH AND WHEN I ---

25 THE COURT NOTHING IN THAT D S S PROCEEDING IS

STATE VS ALKEBULANYAHH

1 GOING TO CHANGE THE FACTS THAT ARE PRESENTED IN THIS
2 CASE

3 MR ALKEBULANYAHH AND WHEN I STAND HERE ---

4 THE COURT THEY'RE NOT CONTROLLING

5 MR ALKEBULANYAHH THE FACTS WITH THAT ARGUMENT,
6 WITH THEM ARGUMENT, ILLUSTRATE TO YOU IS THAT WITH THE
7 ARGUMENT THAT I'M BRINGING IN REFERENCE TO THIS WOMAN
8 BEING CHARGED WITH AN ACTION, ALL I WANT IS THE RECORD
9 AND THE JURORS TO UNDERSTAND FROM THIS DOCUMENT, NOT
10 FROM MY MOUTH NOT FROM ME SAYING BUT FROM THE
11 WITNESSES THAT I WOULD PRESENT BEFORE THEM PEOPLE THAT
12 IS NOT BIAS IN THEIR PROFESSIONALISM INVOLVED IN THIS
13 CASE

14 NOW, THESE PEOPLE ARE VERY MUCH ACTIVE AND
15 INVOLVED IN THIS CASE IN ORDER TO DETERMINE THE WEIGHT
16 OF WHY ONE WOULD COMMIT PERJURY OR ALLOWED TO COMMIT
17 PERJURY WITHOUT CHARGES BEING BROUGHT BY THE PROSECUTOR
18 OR CHARGES BEING BROUGHT FOR GIVING FALSE INFORMATION
19 TO LAW ENFORCEMENT OFFICIAL

20 THE COURT BUT UNLESS THERE'S BEEN SOME PERJURY
21 IN THIS PROCEEDING, THAT'S NOT PERTINENT TO THIS CASE

22 MR ALKEBULANYAHH WELL, MS BLATE (PHONETIC) HAD
23 STATED SHE COMMITTED PERJURY

24 THE COURT MS BLATE (PHONETIC) -- MS BLAKE
25 INDICATED A COUPLE OF TIMES THAT SHE LIED, AND YOU'RE

STATE VS ALKEBULANYAHH

1 GOING TO BE FREE TO ARGUE HER POSITION ABOUT THAT OF
2 COURSE, THE STATE IS GOING TO SAY SHE CLARIFIED
3 HERSELF, BUT YOU'RE FREE TO ARGUE THAT THE JURY GETS
4 TO HASH ALL THAT OUT YOU'VE ESTABLISHED THAT YOU
5 ASKED HER SEVERAL TIMES SHE SAID IN HER OWN WORDS SHE
6 LIED ABOUT THINGS, BUT YOU'VE ESTABLISHED ALL THAT

7 MR ALKEBULANYAHH WELL, ONCE I ESTABLISH THE
8 CHILD'S BEEN TAKEN, I WANT TO ESTABLISH THAT THE CHILD
9 WAS TAKEN FROM BEING PLACED IN EMINENT DANGER AND
10 ESTABLISH THAT THE CHILD COULD NOT BE RETURNED TO MS
11 BLATE (PHONETIC) BECAUSE THERE WAS ALWAYS THE DANGER
12 LINGERING ABOVE HER HEAD OF BEING INCARCERATED ---

13 THE COURT DID THE ---

14 MR ALKEBULANYAHH --- IN JAIL

15 THE COURT DID -- DID THE JUDGE SAY THAT WAS THE
16 REASON?

17 MR ALKEBULANYAHH SIR?

18 THE COURT WHERE -- WHERE IS THE CHILD RIGHT NOW?

19 MR ALKEBULANYAHH I WOULDN'T HAVE A IDEA
20 THEY ---

21 THE COURT DO YOU KNOW?

22 MR ALKEBULANYAHH THEY KNOW BETTER THEY SEE
23 HER ---

24 MR MURDAUGH IT'S BEEN RETURNED TO KIMBERLY
25 BLAKE ---

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT THE CHILD ---
2 MR MURDAUGH --- ON MARCH 5 I THINK
3 THE COURT THE CHILD WAS RETURNED TO MS BLAKE
4 SO SHE HAS THE CHILD AND YOU'VE ESTABLISHED HER
5 OPPORTUNITY OR MOTIVE TO LIE SHE HAS THE CHILD BACK
6 AGAIN I'M ASKING -- WHAT'S THE STATE'S POSITION ON IT?
7 MR MURDAUGH IF YOUR HONOR, PLEASE, WHILE I
8 DON'T THINK THEY ARE ADMISSIBLE, I WOULD HAVE NO
9 OBJECTION TO ALLOWING THE FINAL ORDER OF THE COURT TO
10 COME IN THE REST OF IT, SIR, I THINK IS IRRELEVANT TO
11 THIS CASE UNLESS THERE IS SOMETHING IN IT THAT HE CAN
12 SHOW CREATED THIS CONSPIRACY HE IS TALKING ABOUT BY LAW
13 ENFORCEMENT TO MAKE HER TELL AN UNTRUTH AND HE HADN'T
14 DONE THAT TO THIS POINT, SIR
15 MR ALKEBULANYAHH SHE HASN'T BEEN CHAPGED WITH
16 GIVING FALSE INFORMATION TO LAW ENFORCEMENT OFFICIAL BY
17 THE PROSECUTOR OFFICE AND THAT'S ENOUGH TO ESTABLISH
18 THAT ITSELF
19 MR MURDAUGH WE'LL STIPULATE WE DIDN'T CHARGE
20 HER, SIR
21 THE COURT WOULD YOU LIKE THAT, MR
22 ALKEBULANYAHH, THAT THEY STIPULATE THEY DID NOT CHARGE
23 HER?
24 MR ALKEBULANYAHH THEY DON'T NEED TO STIPULATE
25 THAT THE RECORD WILL SPEAK FOR THAT

STATE VS ALKEBULANYAHH

1 THE COURT I MEAN, WHEN YOU GET A STIPULATION,
2 THAT MEANS THE JURY HAS TO ACCEPT THAT AS TRUE THEY
3 DON'T HASH THROUGH IT

4 MR ALKEBULANYAHH I'M SURE -- I KNOW THE JURY --
5 I'M SURE THAT THE JURY KNOW THAT'S TRUE, BUT THANK YOU
6 YOUR HONOR, AND MR MURDAUGH

7 THE COURT LET'S TAKE A SHORT BREAK THANK YOU
8 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)
9 (A RECESS WAS TAKEN)

10 MR MURDAUGH DID YOU RULE ON THAT OBJECTION,
11 SIR? I -- I'M NOT CERTAIN

12 THE COURT ON THE LAST ---

13 MR MURDAUGH YES, SIR

14 THE COURT --- DOCUMENT? YEAH, I ---

15 MR MURDAUGH NO SIR NO, NOT ON THE DOCUMENT
16 IT WAS ON THE TESTIMONY AS BEING IRRELEVANT AND
17 IMMATERIAL

18 THE COURT YES, SIR I SUSTAINED THAT OBJECTION

19 MR MURDAUGH OKAY, SIR

20 MR ALKEBULANYAHH WHAT WAS -- WHAT WAS THE
21 OCCASION, YOUR HONOR?

22 THE COURT THE ONLY QUESTIONS THAT I THINK ARE
23 RELEVANT ARE THE ONES THAT GO TO HER POSSIBLE BIAS OR
24 MOTIVE TO LIE THE -- THE ISSUE ABOUT THE PROCEEDINGS
25 AND -- OR AS THE SOLICITOR STATED, IF YOU HAVE SOME

STATE VS ALKEBULANYAHH

1 EVIDENCE THAT THERE WAS SOME KIND OF CONSPIRACY, THEN
2 THAT'S DIFFERENT

3 BUT REALLY ALL YOU'RE ESTABLISHING IS THAT THESE
4 PROCEEDINGS ARE TAKING PLACE AND IT SOUNDS TO ME LIKE
5 YOU'RE JUST GOING TO MAKE THE JURY ARGUMENT AT THE END
6 ABOUT ANY KIND OF CONSPIRACY

7 ALL RIGHT BRING THE JURY IN

8 MR ALKEBULANYAHH WHAT I ---

9 THE COURT HOLD ON HOLD THE JURY BACK

10 MR ALKEBULANYAHH THANK YOU THANK YOU YOUR
11 HONOR WHAT I WOULD OFFER TO DO IS POSSIBLE GIVE THE
12 NEXT WITNESS A FEW MORE QUESTIONS IN REFERENCE TO THE
13 ESTABLISHMENT OF A MOTIVE MS BLATE (PHONETIC) WAS
14 INVOLVED IN AND ---

15 THE COURT A WHAT THAT SHE WAS INVOLVED IN?

16 MR ALKEBULANYAHH A MOTIVE FOR CHANGING HER
17 STATEMENTS AND SO FORTH

18 THE COURT YES, SIR

19 MR ALKEBULANYAHH AND WITH THIS PARTICULAR ---

20 THE COURT THIS WITNESS WOULD KNOW ABOUT THAT?

21 MR ALKEBULANYAHH WELL, I WOULD SUBMIT TO
22 REFRESH THIS WITNESS MIND WITH A -- A DOCUMENT IN WHICH
23 THIS WITNESS HAD WRITTEN

24 THE COURT WELL, FIRST YOU HAVE TO ASK THE
25 WITNESS IF THEY KNOW SOMETHING BEFORE YOU TRY TO

STATE VS ALKEBULANYAHH

1 REFRESH THEIR RECOLLECTION

2 MR ALKEBULANYAHH YOUR HONOR I ALSO WANT TO --
3 I HAVE A WITNESS THAT'S COMING UP THAT I WANT TO -- MR
4 -- MS -- IS IT MRS -- MS KLATT ABOUT THE COMPLAINT
5 ABOUT THE REMOVAL OF THE CHILD AND ---

6 THE COURT COMPLAINT BY WHOM?

7 MR ALKEBULANYAHH D S S DEPARTMENT OF SOCIAL
8 SERVICE

9 THE COURT WOULD THE JUDGE'S ORDER NOT SET FORTH
10 THE WHOLE HISTORY THERE? THE STATE HAS AGREED TO LET
11 YOU ADMIT THAT

12 MR ALKEBULANYAHH OKAY SO I'LL JUST ADMIT
13 THAT

14 (PAUSE)

15 THE COURT HAVE YOU GOT THE JUDGE'S ORDER?

16 MR ALKEBULANYAHH WHAT I HAVE IS THE -- THE
17 COMPLAINT FOR REMOVAL THAT HAVE THE LANGUAGE THAT I
18 WANTED TO INTRODUCE

19 THE COURT SHOW THAT TO THE STATE

20 MR MURDAUGH THIS IS A COMPLAINT FOR REMOVAL AND
21 I OBJECT TO IT AS BEING IMMATERIAL, IRRELEVANT ---

22 THE COURT WHO SIGNED THAT?

23 MR MURDAUGH TRACY O'KELLY KLATT, AN ATTORNEY

24 THE COURT I -- I SUSTAIN THAT OBJECTION THAT'S
25 JUST A DOCUMENT FILED BY THE -- IS THAT THE D S S

STATE VS ALKEBULANYAHH

1 ATTORNEY?

2 MR ALKEBULANYAHH YES YES, YOUR HONOR, AND IT
3 WOULD -- STATES THE -- IT WOULD STATE THE -- IT WOULD
4 STATE THE FACT THAT MS BLATE (PHONETIC) WAS GOING TO
5 BE CHARGED IN REFERENCE TO THIS MATTER AND THAT'S
6 WHAT THE COMPLAINT -- THAT WAS THE REASON FOR THE
7 COMPLAINT

8 THE COURT IN REFERENCE TO WHAT MATTER, THE
9 D S S MATTER?

10 MR ALKEBULANYAHH IN REFERENCE TO THE DEATH OF
11 THE DEPUTIES

12 THE COURT IN THIS CASE?

13 MR ALKEBULANYAHH YES, SIR

14 THE COURT THAT COMPLAINT INDICATES THAT MS
15 BLAKE WAS GOING TO BE CHARGED?

16 MR ALKEBULANYAHH YES, SIR

17 THE COURT LET ME SEE THAT

18 (PAUSE)

19 THE COURT I MEAN, IF THAT'S THE CASE, THEN
20 PERHAPS I WILL ALLOW THAT IN

21 MR ALKEBULANYAHH YOUR HONOR, I HAVE A ORDER
22 WITH THE -- THE JUDGE AND I DON'T HAVE A COPY AND I
23 WAS GOING TO HAVE MY INVESTIGATOR GET A COPY THAT YOU
24 SAID WOULD LET COME IN AND IT SAYS THE SAME THING

25 MR MURDAUGH I -- I JUST SCANNED IT, BUT I DID

STATE VS ALKEBULANYAHH

1 NOT SEE THAT IN IT I MIGHT -- I DID NOT READ IT IN
2 DETAIL, SIR

3 THE COURT IT SAYS BOTH DEFENDANTS ARE FACING
4 CRIMINAL CHARGES RELATED TO THE SHOOTING OF THE
5 DEPUTIES

6 MR MURDAUGH I -- I JUST -- LIKE I SAY, I
7 SCANNED IT, SIR I DID NOT NOTICE THAT

8 THE COURT DO YOU HAVE ANY OBJECTION TO THAT?

9 MR MURDAUGH NO, SIR

10 THE COURT ALL RIGHT THAT IS AN ALLEGATION, BUT
11 IF SHE WAS AWARE OF THAT ALLEGATION, I'LL -- I'LL LET
12 THAT COME IN, WITHOUT OBJECTION

13 MR ALKEBULANYAHH I WAS GOING TO INTRODUCE IT
14 WHEN -- ON THE ORDER

15 THE COURT ALL RIGHT READY TO PROCEED?

16 MR MURDAUGH IF YOUR HONOR, PLEASE, I DO OBJECT
17 TO THAT, SIR, ON SECOND THOUGHT THIS IS TESTIMONY
18 FROM SOMEBODY NOT CONNECTED WITH THE INVESTIGATION
19 REGARDING A COLLATERAL MATTER THAT BEING THE CUSTODY
20 THING AND I DO OBJECT TO IT BECAUSE I DON'T THINK
21 IT'S RELEVANT

22 THE COURT ALL RIGHT AS I INDICATED, IT WAS AN
23 ALLEGATION SO DOES THE ORDER NOT INDICATE ANYTHING
24 ABOUT THAT?

25 LADY IT DOESN'T STATE IT EXACTLY THE SAME WAY

1 THE COURT WHAT DOES IT SAY?
2 LADY WELL IT'S NOT HERE
3 THE COURT I MEAN BUT IT INDICATES SOMETHING
4 ABOUT PENDING CHARGES?
5 LADY YES, THAT SHE'S -- THAT SHE'S UNDER ---
6 THE COURT WELL, IF THE ORDER STATES ---
7 LADY THERE'S AN ONGOING INVESTIGATION
8 THE COURT --- THAT AND THEY'VE AGREED TO LET THE
9 ORDER IN, YOU HAVE IT IN
10 MR ALKEBULANYAHH THANK YOU
11 THE COURT AND THEN THAT COMES FROM THE JUDGE
12 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
13 THE COURT ALL RIGHT WELL, THEN, PULL THE
14 COMPLAINT THEN
15 ARE YOU READY TO PROCEED?
16 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
17 THE COURT READY?
18 MR MURDAUGH YES, SIR
19 THE COURT BRING THE JURY IN PLEASE
20 (THE JURY RETURNS TO THE COURTROOM AT 10 05 A M)
21 THE COURT THANK YOU PLEASE BE SEATED
22 MR ALKEBULANYAHH YOUR HONOR, MAY I INTRODUCE
23 THIS ORDER INTO THE EVIDENCE?
24 THE COURT YES SIR, WITHOUT -- IT'S WITHOUT
25 OBJECTION FROM THE STATE, I UNDERSTAND

STATE VS ALKEBULANYAHH

1 THE WITNESS MAY RETURN TO THE STAND

2 MR MURDAUGH I'M SORRY, SIR

3 THE COURT I WAS TELLING THEM TO BRING THE
4 WITNESS BACK IN THAT WAS TESTIFYING

5 (THE WITNESS RETURNS TO THE WITNESS STAND)

6 THE COURT DEFENDANT'S 37 -- 37 IN EVIDENCE
7 WITHOUT OBJECTION

8 MR MURDAUGH WITHOUT OBJECTION I'M SORRY, SIR

9 THE COURT YES, SIR

10 (ORDER, 02-DR-07-76, JANUARY 14, 2002, 3 PAGES
11 MARKED IN EVIDENCE AS DEFENDANT'S EXHIBIT NO 37)

12 THE COURT GO AHEAD

13 DIRECT EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

14 Q MS TOKAR, YOUR INVOLVEMENT WITH MS KIMBERLY
15 BLATE (PHONETIC) IS SHE ONE OF YOUR CASE LOAD -- ON
16 YOUR CASE LOAD OR ONE OF THE PERSONS THAT YOU ASSIST
17 WITH DEPARTMENT OF SOCIAL SERVICE AFFAIRS?

18 A AT THIS CURRENT TIME?

19 Q WAS SHE THEN?

20 A MS BLAKE BECAME A DEFENDANT IN THE C P S CASE
21 ACTION AT THE TIME HER CHILD WAS TAKEN INTO EMERGENCY
22 PROTECTIVE CUSTODY

23 Q AND WERE YOU AWARE THAT THERE WAS A POSSIBILITY OF
24 CHARGES BEING FILED AGAINST MS BLATE (PHONETIC)?

25 MR MURDAUGH IF YOUR HONOR -- NO I HAVE NO

STATE VS ALKEBULANYAHH

1 PROBLEM WITH THAT

2 THE COURT ALL RIGHT GO AHEAD

3 A WAS I AWARE THAT THERE WAS A POSSIBILITY OF
4 CHARGES BEING FILED?

5 Q RIGHT

6 A THAT WAS PART OF THE INVESTIGATION THAT I WAS
7 TRYING TO DETERMINE IF THERE WERE ANY CHARGES BEING
8 FILED AGAINST MS BLAKE FOR THE PROTECTION OF HER
9 CHILD DURING THE COURSE, I WAS ADVISED THAT THERE WAS
10 NO CHARGES BEING FILED

11 Q AND DURING THE COURSE OF IT, YOU WAS -- THAT'S WHY
12 THE PROCEEDINGS, THE HEARINGS, AND THE GETTING TOGETHER
13 IN REFERENCE TO THE CASE KEPT GOING OVER DAYS AND WEEKS
14 AND MONTHS IN REFERENCE TO ---

15 MR MURDAUGH IF YOUR HONOR PLEASE, AGAIN I
16 OBJECT AS BEING IRRELEVANT IT HAS ---

17 THE COURT I SUSTAIN THE OBJECTION

18 Q DID YOU HAPPEN TO HEAR -- HAD MS -- WELL, I CAN'T
19 ASK YOU THAT

20 DID MS BLATE (PHONETIC) EVER GIVE YOU INFORMATION
21 CONCERNING THE MATTER THAT TOOK PLACE AT 21 RILEY ROAD
22 RESIDENCE?

23 A SHE GAVE ME SOME, YES

24 Q DID -- DO YOU RECALL SHE EVER STATING THAT SHE
25 KNEW THERE WAS GOING TO BE VIOLENCE IN THE HOME?

1 A NO

2 Q DID YOU HAVE THE OPPORTUNITY TO -- TO SEE MS BATE
3 (PHONETIC) -- MS BLATE (PHONETIC) I'M SORRY, AFTER
4 THE CHILD WAS RETURNED?

5 A YES, I DID

6 Q AND DO YOU RECALL WHEN THE CHILD WAS RETURNED?

7 A LEGAL AND PHYSICAL CUSTODY OF KENYAH WAS RETURNED
8 TO MS BLAKE ON MARCH 5, 2002

9 Q IN THE -- YOU POSSESSED A COURT ORDER IN REFERENCE
10 TO MS BLATE (PHONETIC), EXHIBIT 37 BEFORE YOU MA'AM?

11 A YES, THIS IS A PROBABLE CAUSE ORDER HEARING

12 Q AND ON PAGE 2, PARAGRAPH 1, THE LAST SENTENCE, THE
13 CHARGES THAT WAS GOING TO BE BROUGHT BEFORE KIMBERLY
14 BLATE (PHONETIC) AT THAT TIME HAD NOT BEEN BROUGHT
15 BECAUSE IT WAS STILL UNDER INVESTIGATION BY THE COURT
16 ORDER IS THAT CORRECT?

17 A THE ORDER READS, AT THIS TIME NO CRIMINAL CHARGES
18 HAVE BEEN FILED AGAINST THE DEFENDANT, KIMBERLY BLAKE
19 HOWEVER, AN INVESTIGATION IS STILL IN PROGRESS

20 MR ALKEBULANYAHH YOUR HONOR I HAVE NO FURTHER
21 QUESTIONS THANK YOU, MS TOKAR

22 MR MURDAUGH I HAVE NO QUESTIONS IF YOUR HONOR,
23 PLEASE

24 THE COURT YOU MAY STEP DOWN, MA'AM ANY
25 OBJECTION TO HER BEING EXCUSED?

1 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

2 THE COURT ANY OBJECTION TO HER BEING EXCUSED,

3 STATE? MR SOLICITOR, ANY OBJECTION TO HER BEING

4 EXCUSED?

5 MR MURDAUGH I HAVE NO OBJECTION EXCUSE ME I

6 -- I APOLOGIZE, JUDGE I WAS -- SHOULD HAVE BEEN

7 PAYING ATTENTION AND I WASN'T SO

8 THE COURT THAT'S ALL RIGHT

9 (THE WITNESS LEAVES THE WITNESS STAND)

10 THE COURT CALL YOUR NEXT WITNESS PLEASE

11 MR ALKEBULANYAHH MR OLIN MCDOUGALL

12 JOHN OLIN MCDOUGALL, II,

13 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

14 THE CLERK PLEASE BE SEATED AND STATE YOUR NAME

15 FOR THE COURT PLEASE

16 THE WITNESS JOHN OLIN MCDOUGALL, II

17 M-C-D-O-U-G-A-L-L

18 MR MURDAUGH IF YOUR HONOR, PLEASE, I NEED TO

19 BRING A MATTER TO THE COURT'S ATTENTION, SIR

20 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

21 OUT OF THE HEARING OF THE JURY)

22 DIRECT EXAMINATION BY MR. ALKEBULANYAHH

23 Q GOOD MORNING, MR MCDOUGALL

24 A GOOD MORNING

25 Q MR MCDOUGALL, ON A HEARING IN -- ON A HEARING --

STATE VS ALKEBULANYAHH

1 ON A HEARING ON MARCH 5, DID YOU REPRESENT MR
2 ALKEBULANYAHH IN THE BEAUFORT COUNTY COURTHOUSE FAMILY
3 COURTHOUSE?

4 A YES, SIR I WAS APPOINTED TO REPRESENT YOU BY THE
5 FAMILY COURT CLERK OF COURT

6 Q AT THAT PARTICULAR HEARING, WAS IT BROUGHT FORTH
7 THAT -- TO THE COURT'S ATTENTION THAT MS KIMBERLY
8 BLATE (PHONETIC) SHOULD NOT RECEIVE THE CHILD BECAUSE
9 OF THE POSSIBILITY OF CHARGES?

10 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
11 THIS WE HAVE GOT IN THE RECORD THE -- THE INTERIM
12 ORDER I'VE NOT -- STATED THAT I WOULD NOT OBJECT TO
13 THE FINAL ORDER AND I DON'T THINK THIS IS RELEVANT,
14 SIR OR MATERIAL

15 THE COURT YES SIR ARE YOU -- GO AHEAD MOVE
16 ON SUSTAINED

17 Q MR MCDOUGALL, I'LL JUST ASK YOU BRIEFLY, COULD
18 YOU TELL ME THE CIRCUMSTANCES AND THE NATURE OF -- THAT
19 TOOK PLACE AT THE HEARING?

20 MR MURDAUGH IF YOUR HONOR, PLEASE I OBJECT TO
21 THAT, SIR

22 THE COURT I SUSTAIN THAT

23 Q WAS MR ALKEBULANYAHH FOUND RESPONSIBLE ---

24 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
25 THAT, SIR

STATE VS ALKEBULANYAHH

1 THE COURT I SUSTAIN THAT OBJECTION
2 MR ALKEBULANYAHH MR MCDUGALL, HAVE A GOOD
3 DAY THANK YOU I HAVE NO FURTHER QUESTIONS
4 MR MURDAUGH I HAVE NO QUESTIONS, SIR
5 THE COURT ALL RIGHT YOU MAY STEP DOWN SIR
6 MR MURDAUGH AND I HAVE NO OBJECTION TO HIM
7 BEING EXCUSED IF YOUR HONOR, PLEASE
8 THE COURT YOU MAY BE EXCUSED, SIR
9 THE WITNESS THANK YOU, YOUR HONOR
10 (THE WITNESS LEAVES THE WITNESS STAND)
11 MR ALKEBULANYAHH DEPUTY ARBELO
12 ROBERT J ARBELO, BEING
13 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
14 THE CLERK PLEASE BE SEATED STATE YOUR NAME AND
15 SPELL IT FOR THE COURT PLEASE
16 THE WITNESS MY NAME IS ROBERT J ARBELO,
17 A-R-B-E-L-O
18 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
19 Q MR ARBELO COULD YOU STATE YOUR NAME AND
20 OCCUPATION FOR THE RECORD SIR?
21 A MY NAME IS ROBERT J ARBELO A BEAUFORT COUNTY
22 SHERIFF'S DEPUTY
23 MR MURDAUGH PULL THAT MIKE OVER PLEASE -- THE
24 OTHER ONE
25 WITNESS THIS ONE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR

2 Q MR ARBELO COULD YOU TELL -- COULD YOU TELL US
3 HOW YOU BECAME INVOLVED IN THE INCIDENT THAT TOOK PLACE
4 ON JANUARY 8 2002, INVOLVING THE 21 RILEY ROAD
5 INCIDENT?

6 A I OVERHEARD IT ON THE RADIO THAT THERE WAS AN
7 INCIDENT I WAS AN INVESTIGATOR AT THE TIME, AND I
8 RESPONDED TO THE SCENE, AS DID ALL THE OTHER OFFICERS

9 Q WHEN YOU RESPONDED TO THE SCENE, WHAT AREA OF THE
10 SCENE DID YOU RESPOND TO?

11 A BY THE TIME I GOT THERE, BASICALLY THERE WERE
12 OFFICERS ALREADY IN PLACE SO THE ONLY THING THAT I
13 COULD DO WAS GO TO THE -- BASICALLY THE OUTER PERIMETER
14 OF THE INCIDENT LOCATION WHICH WAS RIGHT ALONG
15 SECONDARY ROAD 20

16 Q ALONG -- I'M SORRY?

17 A SECONDARY ROAD 20, WHICH IS THE ROAD WHERE RILEY
18 ROAD COMES OUT TO RILEY ROAD AND SECONDARY 20 IS
19 WHERE I WAS AT

20 Q AND WHAT DID YOU DO FROM THERE?

21 A I BASICALLY ATTEMPTED TO ASSIST HOWEVER I WAS
22 DIRECTED, TO JUST REMAIN THERE AT THAT LOCATION BECAUSE
23 THERE WERE ALREADY OFFICERS AT THE SCENE

24 Q AND WHAT TYPE ASSISTANCE DID YOU GIVE?

25 A WITHOUT REVIEWING MY NOTES OF MY REPORT, I REALLY

1 COULDN'T TELL YOU EXACTLY WHAT SPECIFICS OF WHAT MY
2 ACTIONS WERE AND THE ORDER THAT THEY WERE

3 Q IF I WERE TO GIVE YOU A REPORT OR A DOCUMENT,
4 WOULD THAT BE ABLE TO REFRESH YOUR MEMORY?

5 A YES, SIR IT WOULD BE HELPFUL

6 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

7 THE COURT YES, SIR

8 MR MURDAUGH I OBJECT TO THE REPORT UNDER 803 8

9 THE COURT ALL RIGHT I SUSTAIN THAT OBJECTION

10 MR MURDAUGH IF HE INTENDS TO INTRODUCE IT SIR

11 THE COURT IF YOU WANT TO SHOW HIM THAT REPORT

12 YOU CAN

13 Q IS THIS YOUR REPORT?

14 A YES SIR, IT IS MY REPORT

15 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE IT

16 ADMITTED FOR I D PURPOSES SIR?

17 THE COURT YES, SIR

18 (SUPPLEMENTARY REPORT, SGT ARBELO, 5 PAGES,

19 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO

20 38)

21 THE COURT YOU CAN HAVE HIM LOOK AT IT IF HE

22 NEEDS TO REFRESH HIS RECOLLECTION

23 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

24 (PAUSE)

25 Q YES SIR MR ARBELO, DID THAT REPORT REFRESH

STATE VS ALKEBULANYAHH

1 YOUR MEMORY TO THE INCIDENT THAT HAPPENED BACK IN --
2 JANUARY 1ST A LITTLE BIT?

3 A YES, SIR

4 Q COULD YOU TELL ME FROM WHEN YOU WAS AT THE -- THE
5 CORNER OF RILEY ROAD WHAT YOU PROCEEDED TO DO FROM THAT
6 POINT THAT YOU UNTIL YOU LEFT?

7 A WELL, BASICALLY I WAITED THERE AND THAT'S WHEN I
8 WAS APPROACHED, ACCORDING TO THIS REPORT, BY LIEUTENANT
9 -- BY INVESTIGATOR WILSON AND SHE WAS IN THE COMPANY
10 OF ANOTHER FEMALE NAMED KIMBERLY BLAKE

11 Q AND WHAT -- WHAT HAPPENED FROM THERE?

12 A WELL, DETECTIVE WILSON DEBRIEFED KIMBERLY BLAKE
13 ABOUT WHAT -- WHATEVER SHE HAD SEEN AND THEN SHORTLY
14 AFTER THAT, KIMBERLY BLAKE AND LIEUTENANT JOHNSON WERE
15 GOING TO DO A WALK-THROUGH, BASICALLY TO RETRACE SOME
16 STEPS WHERE SHE HAD RUN TO FROM THE INCIDENT LOCATION
17 SO I BASICALLY WAS WITH THEM DOING THAT, RETRACING THE
18 STEPS

19 Q SO YOU MADE THAT WALK-THROUGH WITH LIEUTENANT
20 JOHNSON AND ---

21 A MS BLAKE

22 Q --- AND MS BLATE (PHONETIC)? AND DO YOU RECALL
23 WHERE YOU MADE THAT WALK-THROUGH TO?

24 A WE WENT DOWN AROUND THE MARSH, DOWN BY VANITA --
25 VANITA LANE AND THEN BEHIND THE HOUSES ALONG THE MARSH

1 Q AND WHAT DID YOU DO FROM THERE?

2 A MAY I -- MAY I LOOK AT THE REPORT AGAIN? IT'S
3 HERE MAY I LOOK AT IT AGAIN? IT'S MY -- IT'S MY
4 RECOLLECTION ---

5 Q YES YES YOU CAN -- CAN LOOK AT THE REPORT

6 A --- THAT FROM THAT POINT ONCE THAT WAS DONE, I
7 RETURNED TO WHERE MY SQUAD WAS AT AND WAS DIRECTED TO
8 TRANSPORT MS BLAKE TO THE LAW ENFORCEMENT CENTER

9 Q AND YOU TRANSPORTED MS BLATE (PHONETIC) TO THE
10 LAW ENFORCEMENT CENTER?

11 A YES, I DID

12 Q AND WHAT DID YOU DO FROM THERE?

13 A ONCE WE WERE AT THE LAW ENFORCEMENT CENTER, MS
14 BLAKE WAS GOING TO BE INTERVIEWED AND I WAS GOING TO
15 ASSIST IN THE INTERVIEW BUT I DID NOT GET TO ASSIST IN
16 THE INTERVIEW IT WAS CONDUCTED BY LIEUTENANT BROMAGE
17 TO SOME DEGREE I DON'T KNOW TO WHAT DEGREE BUT I
18 DIDN'T THAT WAS PRETTY MUCH IT

19 Q AND WHAT DID YOU DO FROM THERE?

20 A I WANT TO SAY THAT I WENT BACK -- AT SOME POINT I
21 WENT BACK TO THE INCIDENT LOCATION TO ASSIST FURTHER
22 AND I BELIEVE THAT IT WAS AT THAT POINT THAT A CHILD
23 WAS BROUGHT -- OR SOMEBODY BROUGHT TO MY ATTENTION THAT
24 A CHILD WAS BASICALLY ABANDONED BY HER MOTHER AND IT
25 WAS AT THE -- AT A BRICK HOUSE THAT WAS BY THE INCIDENT

1 LOCATION, AND A LADY NAMED BRENDA HAD THE CHILD

2 SO I WENT TO THAT BRICK HOUSE WITH SERGEANT ROSER
3 AND ASKED THIS LADY WHERE THE MOTHER WAS

4 SHE SAID SHE DIDN'T KNOW SHE SAID IT WASN'T HER
5 CHILD AND SHE DIDN'T -- BASICALLY WAS NOT GOING TO BE
6 RESPONSIBLE FOR THE CHILD

7 AT THAT POINT, WE TOOK THE CHILD INTO EMERGENCY
8 PROTECTIVE CUSTODY FROM THERE

9 Q LET ME ---

10 THE COURT CAN YOU MOVE THAT MIKE CLOSER TO YOU,
11 SIR?

12 THE WITNESS YES, SIR I'M SORRY HOW'S THAT?

13 MR ALKEBULANYAHH IT'S FINE THANK YOU

14 Q WHEN YOU SAY THAT YOU WENT INTO THE BRICK HOUSE
15 AND YOU SEEN THE LADY IN THAT PARTICULAR HOUSE WHAT
16 WERE THE LADY DOING?

17 A SHE -- I BELIEVE SHE WAS -- SHE WAS STANDING BY
18 WHERE THE BABY WAS THE BABY WAS ON THE SOFA IN A
19 COMFORTER AND SHE WAS JUST STANDING THERE

20 Q I THINK IN YOUR REPORT IN NOTE NO 10, YOU STATED
21 SHE WAS SITTING DO YOU RECALL HER SITTING?

22 A I -- I REALLY DON'T RECALL I MEAN, IF IT'S IN
23 THE REPORT, IT MUST BE I MEAN, I JUST -- WHEN I WROTE
24 THE REPORT, IT WAS NOT FAR FROM WHEN THE INCIDENT
25 OCCURRED, BUT I DO REMEMBER HER STANDING SITTING SHE

STATE VS ALKEBULANYAHH

1 WAS NERVOUS, VERY UPSET

2 Q AND WHEN YOU SAW THIS BABY, DO YOU RECALL THIS
3 BABY ON THIS BIG, BLUE COMFORTER ON THE SOFA?

4 A I REMEMBER THAT

5 Q AND SO THIS BABY WAS ON A BIG, BLUE COMFORTER ON
6 THE SOFA AND -- AND YOU -- YOU ASKED QUESTIONS ABOUT
7 WHO BABY IT WAS?

8 A YES, I DID

9 Q AND -- AND YOU TOOK THE BABY FROM THIS LADY, MS
10 BRENDA SMITH RILEY, FROM OUT OF THIS BRICK HOUSE WHERE
11 SHE WAS LOCATED?

12 A YES, I DID

13 Q WAS THERE ANY MORE ADULTS IN THAT BRICK HOUSE?

14 A I -- I REALLY DON'T RECALL I WANT TO SAY THERE
15 WAS A OLDER GENTLEMAN BUT HE WASN'T INSIDE HE WAS
16 OUTSIDE AND THEN I'M NOT SURE WHAT HIS RELATIONSHIP
17 TO THE PEOPLE INSIDE THE HOUSE WERE

18 Q WAS THIS BRICK HOUSE WHERE THE -- WHERE THE
19 DEPUTIES WAS FOUND?

20 A NO

21 Q COULD YOU RECALL IF YOU COULD THINK MORE DEEPLY,
22 HOW MANY ADULTS WAS IN THAT HOUSE THAT YOU WENT TO
23 WHERE THE BABY WAS AT LYING IN THE BIG, BLUE
24 COMFORTABLE -- COMFORTER?

25 A I'M -- I -- I'M NOT SURE I CAN'T RECALL I -- I

1 BELIEVE THERE WAS THE LADY, MS BRENDA THERE MAY HAVE
2 BEEN ANOTHER LADY I WANT TO SAY THERE WAS BUT I
3 THINK THAT WAS IT

4 Q ABOUT TWO, THREE ADULTS WAS THERE ---

5 A MAYBE TWO

6 Q --- WITH THE BABY?

7 A I BELIEVE THE HOMEOWNER AND THIS LADY AND THE
8 CHILD I THINK THAT WAS IT

9 Q AND WHEN YOU TOOK THE CHILD ---

10 MR MURDAUGH JUDGE, THIS -- THIS -- I OBJECT TO
11 THIS AS HAVING NO RELEVANCE WHATSOEVER TO THIS TRIAL
12 THE COURT I SUSTAIN THE OBJECTION

13 Q AND WHEN YOU TOOK THE CHILD, DID YOU TAKE IT TO
14 MS KIMBERLY BLATE (PHONETIC)?

15 A WELL, NO BUT I TOOK THE CHILD -- I TOOK IT TO
16 ANOTHER DEPUTY BECAUSE THE CHILD WAS -- AT THAT POINT,
17 WE DIDN'T KNOW WHAT THE STATUS WAS GOING TO BE OF
18 EITHER PARTY AND I COULDN'T JUST LEAVE THE CHILD, SO
19 I GAVE IT TO ANOTHER DEPUTY, A FEMALE DEPUTY

20 Q DID YOU DO ANY INTERVIEWS THAT DAY?

21 A I DID I RECALL DOING AN INTERVIEW THAT DAY

22 Q AND WHO MAY HAVE YOU DONE THAT INTERVIEW WITH?

23 A I INTERVIEWED DEVON IVY

24 Q AND WHAT CAME OF THAT INTERVIEW?

25 MR MURDAUGH OBJECTION, IF YOUR HONOR, PLEASE

1 THE COURT YES, SIR
2 MR MURDAUGH IT COMES UNDER THE MOTION THAT I
3 HAD MADE EARLIER
4 THE COURT YES, SIR I SUSTAIN THAT OBJECTION
5 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
6 QUESTIONS
7 MR MURDAUGH I HAVE NO QUESTIONS
8 THE COURT YOU MAY STEP DOWN, SIR
9 MR MURDAUGH EXCUSE ME, I DO I'M SOPRY I DO
10 HAVE A QUESTION
11 CROSS EXAMINATION BY MR MURDAUGH
12 Q DID I UNDERSTAND YOU TO STATE THAT BRENDA SAID
13 SOMETHING ABOUT HER RELATIONSHIP WITH THE CHILD, BRENDA
14 SMITH? DID SHE ---
15 A NO
16 Q --- TELL YOU SHE WOULD TAKE CARE OF THE CHILD?
17 A NO, SIR, SHE DID NOT
18 Q DID SHE TELL YOU THAT SHE WOULD NOT TAKE CARE OF
19 THE CHILD?
20 A YES SIR SHE DID
21 Q I'M SORRY WHAT?
22 A SHE -- SHE TOLD ME SHE WAS NOT GOING TO BE
23 RESPONSIBLE FOR THE CHILD
24 Q OKAY
25 MR MURDAUGH THANK YOU, SIR

STATE VS ALKEBULANYAHH

1 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH.

2 Q MR ARBELO, WHEN YOU TOOK THAT CHILD FROM MS
3 BRENDA SMITH RILEY, THAT CHILD WASN'T ABANDONED OVER AT
4 THE 21 RILEY ROAD RESIDENCE AND LEFT ALONE, WAS IT?

5 MR MURDAUGH THAT'S BEEN ASKED AND ANSWERED,
6 SIR

7 THE COURT YES I ---

8 MR ALKEBULANYAHH NO, IT WASN'T ASKED

9 THE COURT RESTATE YOUR QUESTION

10 Q WHEN YOU TOOK THAT CHILD FROM MS BRENDA SMITH
11 RILEY, YOU DID NOT FIND THAT BABY ABANDONED WITH NO
12 ADULTS AROUND INSIDE THE RESIDENCE OF THE 21 RILEY ROAD
13 RESIDENCE WHERE THE TWO DEPUTIES WAS KILLED, DID YOU?

14 THE COURT I'LL ALLOW THAT GO AHEAD

15 A SHE WAS ABANDONED BY HER MOTHER, WHOEVER THAT WAS
16 AT THAT TIME

17 Q AND WHEN YOU USE THE WORD ABANDONED, WAS THE CHILD
18 -- WAS NOT ACCOMPANIED BY ANY ADULTS?

19 A MY UNDERSTANDING OF THE -- OF THIS -- OF THAT
20 SITUATION WAS THAT THE MOTHER FLED AND LEFT THE CHILD
21 AND IT WAS ONLY AS AN AFTERTHOUGHT THAT THIS PERSON
22 GRABBED THE CHILD, AND THAT THIS PERSON WHO GRABBED THE
23 CHILD WAS NOT GOING TO BE RESPONSIBLE THEREFORE, THE
24 CHILD WAS ABANDONED THERE WAS NOBODY, NO RESPONSIBLE
25 ADULT, THAT WAS WILLING TO ACCEPT THIS CHILD

STATE VS ALKEBULANYAHH

1 Q WERE YOU EVER AWARE THAT THE MOTHER OF THAT CHILD
2 HANDED THAT CHILD INTO THE HANDS AND CARE OF MS BRENDA
3 SMITH RILEY?

4 A I HAVE NO WAY OF KNOWING THAT, SIR

5 Q SO WHEN YOU USED THE WORD THAT THE MOTHER -- MS
6 BRENDA SMITH RILEY GRABBED THE CHILD, THE CHILD WAS
7 NEVER LEFT ALONE?

8 A THERE'S NO WAY I CAN POSSIBLY ANSWER THAT I
9 DON'T KNOW WHETHER YOU'RE ASKING ME SOMETHING OR JUST
10 MAKING A STATEMENT, SIR

11 Q I'M ASKING YOU BECAUSE YOU SAY THAT FROM YOUR
12 UNDERSTANDING THAT THIS CHILD WAS BEING -- THAT MS
13 BRENDA SMITH RILEY GRABBED THIS CHILD WHERE DID SHE
14 SAY SHE GRABBED THIS CHILD FROM?

15 A LET ME JUST SAY THAT THE WAY I SPEAK FIGURATIVELY
16 TO SAY THAT SOMEONE GRABBED SOMETHING FROM AN AREA, I
17 DON'T KNOW WHETHER SHE HAD GRABBED AS IN SNATCHED IT OR
18 SCOOPED IT UP I DON'T KNOW HOW SHE -- WHAT MANNER SHE
19 USED TO -- TO COLLECT THE CHILD, IF YOU WOULD

20 ALL I KNOW IS THAT WHEN I WENT TO THAT RESIDENCE,
21 SHE WAS NOT GOING TO BE THE RESPONSIBLE PERSON FOR THE
22 CHILD, AND I COULDN'T LEAVE THE CHILD WITH NO
23 RESPONSIBLE ADULT IT'S JUST -- HER MOTHER WASN'T
24 THERE AND NOBODY WANTED TO TAKE -- TAKE THE CHILD
25 NOBODY WANTED TO HAVE IT

1 Q WAS YOU AWARE THAT THAT CHILD LIVED IN THE SAME
2 HOME AND RESIDENCE WITH MS BRENDA SMITH RILEY?

3 A I HAVE NO IDEA I JUST KNEW THAT SHE WAS NOT
4 WILLING TO TAKE CHARGE OF THE CHILD

5 Q SO WHEN YOU -- AND IF I'M CORRECT, YOU SAY YOU
6 DON'T HAVE NO IDEA THAT THIS CHILD LIVED IN THE
7 RESIDENCE WITH MS BRENDA SMITH RILEY?

8 A MS RILEY NEVER SAID THAT THIS CHILD LIVES WITH
9 ME SHE NEVER SAID THAT SHE NEVER SAID, I'LL BE
10 RESPONSIBLE, OR ANYTHING FURTHER TO THAT -- TO THAT
11 END

12 Q AND WHEN YOU TOOK THIS CHILD, DID YOU TRY TO
13 RETURN THIS CHILD OR TAKE THIS CHILD OR FIND OUT WHO
14 WAS THE MOTHER OF THIS CHILD?

15 A THAT REALLY WAS NOT FOR ME TO DO AT THAT POINT
16 MY -- MY PORTION AT THIS POINT WAS TO GET THE CHILD TO
17 SAFETY

18 Q SO YOU DIDN'T CONSIDER THE CHILD BEING SAFETY ---
19 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
20 THIS BEING IRRELEVANT AND IMMATERIAL AND ON A
21 COLLATERAL MATTER

22 THE COURT YES, SIR I SUSTAIN THAT OBJECTION

23 Q ISN'T IT TRUE WHEN YOU TOOK THIS CHILD, YOU WAS
24 INTENDING THIS CHILD TO BE A LEVERAGE FOR THE LAW
25 ENFORCEMENT OFFICIALS TO CORRUPT MS BLATE (PHONETIC)

1 AND MAKE HER MAKE FALSE STATEMENT AGAINST MR
2 ALKEBULANYAHH?

3 A I'M GLAD THAT YOU ASKED THAT, SIR, BECAUSE I WAS A
4 VICTIM ADVOCATE BEFORE AND THE ONLY SAFE -- THE ONLY
5 THING -- REASON THAT WAS IN MY MIND WAS THE SAFETY OF
6 THAT CHILD AND THE WELFARE OF THAT CHILD AND UNDER
7 THE SOUTH CAROLINA LAWS, I KNOW WHAT MY -- MY RIGHTS
8 AND RESPONSIBILITIES ARE, AND THEY WERE TO THAT CHILD
9 AND THAT'S ALL I HAD IN MIND

10 Q SO DO YOU BELIEVE THAT YOUR -- YOUR RIGHTS TO THAT
11 CHILD IS -- IS -- EXCEEDS THE RIGHT OF IT FATHER, MR
12 ALKEBULANYAHH?

13 A I HAD NO IDEA WHO HIS FATHER WAS AND THAT WAS NOT
14 EVEN -- THERE WAS NO PERSON THAT PRESENT HIMSELF AS THE
15 FATHER TO TAKE CUSTODY OF THE CHILD

16 Q DO YOU PERCEIVE THAT YOUR RIGHTS TO THIS CHILD
17 EXCEEDS THE RIGHTS OF ITS MOTHER?

18 MR MURDAUGH IF YOUR HONOR PLEASE, THIS AGAIN
19 HAS NOTHING TO DO WITH THIS TRIAL AND I OBJECT SIR
20 THE COURT YEAH I -- I SUSTAIN THAT OBJECTION
21 I DON'T THINK THE QUESTION IS APPROPRIATE ANYWAY

22 GO AHEAD

23 A I'M SORRY CAN YOU REPEAT THE QUESTION?

24 THE COURT NO THE -- GO TO THE NEXT QUESTION

25 Q YOU STATE EARLIER THAT YOU HAD TALK TO MS BLATE

1 (PHONETIC) BEFORE YOU -- BEFORE YOU ABDUCTED THIS
2 CHILD IS THAT CORRECT?

3 MR MURDAUGH IF YOUR HONOR, PLEASE, THIS IS NOT
4 IN RESPONSE TO MY QUESTIONS ON CROSS EXAMINATION, SIR

5 THE COURT ARE YOU ASKING ABOUT THE STATEMENT MS
6 BLAKE SAID? YOU HAD ALREADY ASKED HIM ABOUT THAT

7 Q DID YOU, MR ARBELO, STATE TO ANY LAW ENFORCEMENT
8 OFFICIAL THAT THIS CHILD WAS LEFT ALONE IN A HOUSE WITH
9 NO ADULT SUPERVISION?

10 A I MAY HAVE SAID THAT I REALLY DON'T RECALL RIGHT
11 NOW

12 Q AND IF YOU SAID THAT, YOU WOULD HAVE BEEN A LIAR
13 IS THAT CORRECT?

14 A I DON'T BELIEVE I -- NO

15 Q YOU CAN'T DISCERN THE TRUTH BETWEEN A LIE?

16 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
17 THIS LINE OF QUESTIONING, SIR

18 THE COURT I SUSTAIN THAT OBJECTION

19 Q DID YOU WRITE A REPORT STATING THIS CHILD WAS LEFT
20 ALONE WITH NO SUPER -- ADULT SUPERVISION?

21 MR MURDAUGH OBJECTION, IF YOUR HONOR, PLEASE

22 MR ALKEBULANYAHH HE DIDN'T ANSWER MY QUESTION

23 THE COURT YES, SIR YOUR OBJECTION?

24 MR MURDAUGH TWO GROUNDS, SIR IT'S NOT IN
25 RESPONSE TO MY CROSS EXAMINATION AND IT HAS BEEN ASKED

STATE VS ALKEBULANYAHH

1 AND ANSWERED
2 THE COURT YES, SIR I SUSTAIN THE OBJECTION
3 Q DO YOU RECALL STATING THAT MS BLATE (PHONETIC)
4 GIVE THE CHILD TO MS BRENDA SMITH RILEY WHILE SHE WAS
5 RUNNING OUT OF THE HOUSE?
6 MR MURDAUGH OBJECTION, SIR
7 THE COURT I SUSTAIN THE OBJECTION
8 MR ALKEBULANYAHH YOUR HONOR I HAVE NO FURTHER
9 QUESTIONS
10 MR MURDAUGH I HAVE NO QUESTIONS, SIR
11 THE COURT YOU MAY STEP DOWN, SIR THANK YOU
12 MR MURDAUGH NO OBJECTION TO HIM BEING EXCUSED,
13 SIR
14 THE COURT ANY OBJECTION?
15 MR ALKEBULANYAHH YES I WOULD LIKE TO RESERVE
16 THE RIGHT TO RECALL
17 THE COURT ALL RIGHT YOU MAY STEP DOWN FOR NOW
18 SIR
19 (THE WITNESS LEAVES THE WITNESS STAND)
20 THE COURT NEXT WITNESS
21 MR ALKEBULANYAHH MS PRINCETTA BLATE
22 (PHONETIC)
23 THE COURT COME FORWARD PLEASE
24 PRINCETTA BLAKE, BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 THE COURT PLEASE STATE YOUR FULL NAME FOR THE
2 RECORD PLEASE AND TRY TO TALK INTO THAT MICROPHONE IF
3 YOU NEED TO IT BENDS DOWN

4 STATE YOUR FULL NAME FOR THE RECORD

5 THE WITNESS WHAT'D YOU SAY? CAN'T HEAR YOU

6 THE COURT STATE YOUR FULL NAME FOR THE RECORD
7 PLEASE YOU CAN BEND THAT MICROPHONE DOWN TO YOU
8 THERE YOU GO

9 THE WITNESS MY NAME IS PRINCETTA BLAKE

10 THE COURT SPELL YOUR FIRST NAME FOR US PLEASE

11 THE WITNESS P-R-I-N-C-E-T-T-A

12 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?

13 THE COURT YES, SIR

14 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

15 Q GOOD MORNING MS BLATE (PHONETIC)

16 A GOOD MORNING

17 Q COULD YOU TELL ME HOW YOU CAME TO BE INVOLVED IN
18 THE INCIDENT ON JANUARY 8 2002 CONCERNING THE 21
19 RILEY ROAD INCIDENT, MA'AM?

20 A HOW I WAS INVOLVED?

21 Q YES, MA'AM WHAT -- WHAT LED YOU WITH YOUR
22 INVOLVEMENT CONCERNING THE -- THE INCIDENT THAT TOOK
23 PLACE ON THAT DAY WITH LAW ENFORCEMENT OFFICIALS AND
24 PEOPLE YOU TALKED TO AND THINGS LIKE THAT?

25 A I DIDN'T TALK TO ANYBODY

STATE VS ALKEBULANYAHH