

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

S.C. Supreme Court

Carmen T Mullen, Circuit Court Judge

Case No 06-CP-11-223

TYREE ROBERTS, SK6012
Aka ABDIYYAH BEN ALKEBULANYAHH

Petitioner,

v

STATE OF SOUTH CAROLINA

Respondent

APPENDIX
VOLUME VII OF XI

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1 Q YOU DIDN'T? DID YOU -- DID YOU EVER -- DID YOU
2 EVER GO OUT TO THE LAW ENFORCEMENT COMMAND POST TO
3 SPEAK TO ANYONE ABOUT A CHILD? AT THE BROAD RIVER
4 ELEMENTARY SCHOOL?

5 A NO

6 THE COURT MA'AM, YOU'RE GOING TO HAVE TO SPEAK
7 UP PLEASE

8 THE WITNESS OH, OKAY

9 THE COURT THANK YOU

10 Q SO NO DEPUTY TALKED TO YOU OUT AT THE BROAD RIVER
11 ELEMENTARY SCHOOL ON JANUARY 8, 2002, ON THE DAY THAT
12 THE LAW -- LAW ENFORCEMENTS WERE KILLED?

13 A NO

14 Q MA'AM, DID YOU HAVE A OCCASION TO -- TO BE
15 INVOLVED WITH ANY COURT PROCEEDINGS OR ANYTHING IN
16 REFERENCE TO THE CHILD KENYAH BLATE (PHONETIC)?

17 A YES THAT'S MY GRANDDAUGHTER

18 Q AND ---

19 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
20 QUESTIONS RELATING TO A COURT PROCEEDING, SIR, AS BEING
21 A COLLATERAL MATTER

22 THE COURT EXCEPT TO THE EXTENT THAT YOU AGREED
23 TO ON THE SIDE BAR?

24 MR MURDAUGH THAT'S CORRECT, SIR

25 THE COURT ALL RIGHT

1 MR MURDAUGH YES, SIR

2 THE COURT YOU CAN ASK QUESTIONS ABOUT WHAT WAS
3 DISCUSSED, SIR GO AHEAD

4 Q MS BLATE (PHONETIC), DID YOU GET CUSTODY OF THE
5 CHILD, OF KENYAH BLATE (PHONETIC)?

6 A YES

7 Q AND HOW DID YOU COME ABOUT GETTING THAT CUSTODY
8 MA'AM?

9 A SOMEONE CALL ME I WENT DOWN TO THE SOCIAL WORKER
10 AND I WANT TO FIND OUT, YOU KNOW, WHERE WAS THE CHILD
11 AND SHE WASN'T THERE WELL, I DIDN'T GET HER I WENT
12 DOWN TO TRY TO FIND WHERE THE BABY WAS AND SHE WASN'T
13 THERE, SO THEY TOLD ME TO COME BACK AND I WENT DOWN
14 AND TALKED TO THE SOCIAL WORKER, AND WE WENT TO COURT

15 Q DO YOU KNOW WHY THE CHILD WAS IN POSSESSION OF THE
16 CHILD PROTECTIVE CUSTODY AGENCY?

17 A YEAH, BECAUSE SHE WAS TAKEN AWAY

18 Q AND WOULD YOU KNOW THE REASON THE CHILD WAS TAKEN
19 AWAY?

20 A NO, I DON'T

21 Q AND THE CHILD ENDED IN YOUR CUSTODY ---

22 MR MURDAUGH IF YOUR HONOR, PLEASE ---

23 Q --- FOR THE FOLLOWING REASONS?

24 MR MURDAUGH --- I OBJECT TO THIS AT THIS POINT
25 WHEN SHE SAYS SHE HAS NO REASON TO KNOW WHY THE CHILD

1 WAS TAKEN THAT ELIMINATES WHAT ---

2 THE COURT YES, SIR I SUSTAIN ---

3 MR MURDAUGH --- WE WERE TALKING ABOUT, SIR

4 THE COURT --- THE OBJECTION

5 Q MS BLATE (PHONETIC), IF ONE SAID -- IF A -- IF AN
6 -- IF AN OFFICIAL SAID THAT -- THAT THEY DISCUSSED TO
7 YOU ABOUT THE SITUATION WITH THE CHILD BEING ABANDONED,
8 WOULD THAT BE TRUE?

9 A COULD YOU REPEAT THAT?

10 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
11 THE LINE OF QUESTIONING RELATING TO THE CHILD CUSTODY,
12 SIR

13 THE COURT YES, SIR I SUSTAIN THE OBJECTION
14 YOU'RE ASKING ABOUT STATEMENTS OF PEOPLE YOU'RE NOT
15 IDENTIFYING

16 Q DO YOU KNOW THE REASON WHY YOUR DAUGHTER DID NOT
17 HAVE RIGHTS TO HER OWN CHILD?

18 MR MURDAUGH OBJECTION, IF YOUR HONOR, PLEASE
19 THE COURT SHE'S ALREADY ANSWERED THAT QUESTION
20 THAT SHE DIDN'T KNOW THE REASONS

21 Q HOW LONG WAS THAT CHILD IN YOUR CUSTODY?

22 MR MURDAUGH OBJECTION IF YOUR HONOR, PLEASE,
23 SIR

24 THE COURT NO I'LL ALLOW THAT QUESTION
25 GO AHEAD YOU MAY ANSWER THAT

1 A I CAN'T REMEMBER

2 Q CAN'T REMEMBER WHEN WAS THE CHILD RELIEVED FROM

3 YOUR CUSTODY?

4 A I CAN'T REMEMBER

5 Q DOES THE CHILD PRESENTLY RESIDE IN YOUR HOME?

6 A YES

7 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER

8 QUESTIONS

9 MR MURDAUGH I HAVE NO QUESTIONS, SIR

10 MR ALKEBULANYAHH THANK YOU, MS BLATE

11 (PHONETIC)

12 THE COURT YOU MAY STEP DOWN MA'AM

13 ANY OBJECTION TO HER BEING EXCUSED?

14 MR MURDAUGH NONE FROM THE STATE, SIR

15 MR ALKEBULANYAHH NO SIR, YOUR HONOR

16 THE COURT YOU MAY BE EXCUSED MA'AM THANK YOU

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 THE COURT NEXT WITNESS

19 MR ALKEBULANYAHH MS SADIE BLATE (PHONETIC)

20 SADIE BELLE BLAKE, BEING

21 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

22 THE COURT STATE YOUR FULL NAME PLEASE MA'AM

23 THE WITNESS SADIE BELLE BLAKE

24 MR ALKEBULANYAHH MAY I YOUR HONOR?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

- 1 DIRECT EXAMINATION BY MR ALKEBULANYAHH.
- 2 Q GOOD MORNING, MS BLATE (PHONETIC)
- 3 A GOOD MORNING
- 4 Q MS BLATE (PHONETIC) DID YOUR GRANDDAUGHTER, MS
- 5 KIMBERLY BLATE (PHONETIC), COME TO RESIDE WITH YOU
- 6 AFTER JANUARY 8, 2002, AFTER THE TWO DEPUTIES WAS
- 7 KILLED?
- 8 A SAY THAT AGAIN NOW
- 9 Q DID YOUR GRANDDAUGHTER COME AND RESIDE -- COME --
- 10 COME LIVE WITH YOU AFTER JANUARY 8 IN 2002 AFTER TWO
- 11 DEPUTIES WAS KILLED?
- 12 MR MURDAUGH IF YOUR HONOR, PLEASE ---
- 13 A YES
- 14 MR MURDAUGH --- I MOVE THE -- OBJECT ON THE
- 15 GROUNDS THAT IT IS IRRELEVANT AND IMMATERIAL
- 16 THE COURT I -- I OVERRULE THAT TO THE EXTENT
- 17 THAT MS BLAKE WAS ACTING A CERTAIN WAY IN HER
- 18 PRESENCE HE CAN ASK QUESTIONS ABOUT HER DEMEANOR
- 19 GO AHEAD
- 20 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
- 21 THE COURT YOU CAN ASK THE WITNESS ABOUT WHETHER
- 22 MS BLAKE WAS ACTING A CERTAIN WAY ETCETERA
- 23 Q MS BLATE (PHONETIC) ---
- 24 A YES
- 25 Q --- WHEN YOUR GRANDDAUGHTER, KIMBERLY BLATE

1 (PHONETIC) CAME TO LIVE WITH YOU, WAS THE -- WAS THE
2 LAW ENFORCEMENT COMING TO PICK HER UP ON A DAILY BASIS?

3 A YES, THEY HAVE

4 Q AND WOULD THEY HAVE HER GONE THROUGHOUT THE DAY
5 AND THEN BRING HER BACK IN THE EVENING TIME OR ---

6 A YES

7 Q IN -- IN YOUR OPINION, DO YOU THINK ---

8 MR MURDAUGH IF YOUR HONOR, PLEASE THAT IS NOT
9 -- CAN'T BE A PROPER QUESTION

10 THE COURT YES, SIR I SUSTAIN THAT OBJECTION
11 YOU CAN ASK HER ABOUT HER OBSERVATIONS INSOFAR AS
12 MS BLAKE WAS CONCERNED

13 Q ACCORDING TO YOUR OBSERVATION OF WHAT YOU SAW, DID
14 IT APPEAR THAT ---

15 MR MURDAUGH OBJECTION AS BEING LEADING, SIR,
16 AND NO WAY IT CAN GET AROUND BEING LEADING

17 THE COURT YOU CAN ASK HER IF -- HOW MS BLAKE
18 WAS ACTING IN RESPONSE TO THAT SITUATION

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

21 Q COULD YOU TELL ME THE BEST THAT YOU COULD ABOUT
22 HOW MS KIMBERLY BLATE (PHONETIC) WAS ACTING WHEN THE
23 LAW ENFORCEMENT OFFICIALS WAS COMING TO GET HER ON A
24 DAILY BASIS AFTER THAT INCIDENT?

25 A WELL TO ME SHE WAS ACTING NERVOUS THAT'S THE

- 1 ONLY THING AND SHE KEEP -- LIKE SHE COULDN'T EAT
2 SHE WAS THROWING UP SHE COULDN'T KEEP DOWN NOTHING
3 Q DID SHE EVER EXPRESS ANYTHING ABOUT HER CHILD TO
4 YOU, MA'AM?
5 A YES, SHE SAID SHE HAD MISSED HER BABY
6 Q DID SHE EVER EXPRESS THAT ---
7 MR MURDAUGH IF YOUR HONOR, PLEASE THAT WOULD
8 BE LEADING, SIR
9 THE COURT YES, SIR
10 Q IN WHAT WAYS WAS SHE EXPRESSING OR STATING THAT
11 SHE MISSED THE BABY? DID SHE SHOW ANY ---
12 A WELL, SHE DIDN'T HAD THE BABY WITH HER AND THEY
13 TOOK THE BABY AND SHE WAS JUST CRYING SHE WANTED HER
14 BABY
15 Q AND IT HURT HER THAT THEY HAD TOOK THE BABY AWAY
16 FROM HER?
17 A I DON'T KNOW WHO THEY TOOK THE BABY AWAY FROM
18 BECAUSE I WASN'T EVEN THERE ALL I KNOW THAT THE BABY
19 WASN'T THERE
20 Q AND MS BLATE (PHONETIC), KIMBERLY, YOUR
21 GRANDDAUGHTER, WAS VERY HURT THAT THE BABY WAS TAKEN
22 AWAY FROM HER?
23 A RIGHT
24 Q AND SHE WAS DOING EVERYTHING SHE COULD TO RECEIVE
25 CUSTODY BACK OF THE BABY?

1 MR MURDAUGH LEADING IF YOUR HONOR, PLEASE

2 THE COURT REPHRASE WITHOUT LEADING

3 Q THE REMOVAL OF HER BABY CAUSE -- DID IT CAUSE HER

4 A LOT OF PAIN?

5 A I GUESS SO BECAUSE SHE WAS MISERABLE BECAUSE SHE

6 DIDN'T HAVE IT

7 MR ALKEBULANYAHH MS BLATE (PHONETIC), THANK

8 YOU I HAVE NO FURTHER QUESTIONS, YOUR HONOR

9 MR MURDAUGH I HAVE NO QUESTIONS OF MS BLAKE

10 THE COURT YOU MAY STEP DOWN, MA'AM

11 ANY OBJECTION OF HER BEING EXCUSED?

12 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

13 THE COURT STATE?

14 MR MURDAUGH NONE FROM THE STATE, NO, SIR

15 THE COURT YOU MAY BE EXCUSED MA'AM THANK YOU

16 (THE WITNESS LEAVES THE WITNESS STAND)

17 THE COURT CALL YOUR NEXT WITNESS

18 MR ALKEBULANYAHH YES BOBBY RIGBY

19 THE COURT WHILE WE'RE WAITING ON THE WITNESS,

20 YOU ALL APPROACH THE SIDE BAR

21 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

22 OUT OF THE HEARING OF THE JURY)

23 BOBBY RIGBY, BEING FIRST

24 DULY SWORN, TESTIFIED AS FOLLOWS

25 THE CLERK PLEASE HAVE A SEAT AND THEN STATE AND

STATE VS ALKEBULANYAHH

1 SPELL YOUR NAME FOR THE COURT PLEASE
2 THE WITNESS BOBBY RIGBY, B-O-B-B-Y R-I-G-B-Y
3 MR MURDAUGH IF YOUR HONOR, PLEASE, THIS WOULD
4 RELATE TO MY MOTION, SIR, AND I ASK THAT WE HAVE THE IN
5 CAMERA HEARING
6 THE COURT YES
7 LADIES AND GENTLEMEN, I'LL SEND YOU TO THE JURY
8 ROOM YOU CAN GO AHEAD AND TAKE YOUR MORNING BREAK
9 PLEASE DO NOT DISCUSS THIS CASE IN ANY WAY THANK YOU
10 VERY MUCH
11 (THE JURY EXITS THE COURTROOM AT 11 00 A M)
12 THE COURT PLEASE BE SEATED
13 MR ALKEBULANYAHH YOUR HONOR COULD I HAVE A
14 MOMENT PLEASE?
15 THE COURT YES, SIR
16 MR ALKEBULANYAHH THANK YOU
17 MR MURDAUGH WHILE HE'S TAKING THAT, CAN I WALK
18 OUTSIDE?
19 THE COURT YES SIR
20 (PAUSE)
21 MR ALKEBULANYAHH ONE MOMENT, SIR
22 (PAUSE)
23 MR ALKEBULANYAHH YOUR HONOR MAY I INQUIRE TO
24 THE NATURE OF THE HEARING THAT THE PROSECUTOR HAS
25 CALLED IN REFERENCE TO THE EXAMINATION OF THIS

)
STATE VS ALKEBULANYAHH

1 PARTICULAR WITNESS

2 THE COURT SURE IT'S THE PREVIOUS ISSUE ABOUT
3 THIRD-PARTY GUILT YOU -- YOU INDICATED THAT THAT WAS
4 ONE OF THE -- THIS WAS ONE OF THE INDIVIDUALS

5 MR ALKEBULANYAHH I THOUGHT TO MY UNDERSTANDING
6 THAT ---

7 THE COURT HOLD ON A SECOND

8 SIR, IF YOU'LL STEP OUTSIDE IN THE HALLWAY
9 MOMENTARY -- BRIEFLY PLEASE THANK YOU

10 (THE WITNESS LEAVES THE WITNESS STAND)

11 THE COURT YESTERDAY IN COURT, OPEN COURT OR
12 EITHER AT SIDE BAR, YOU INDICATED THAT THIS WAS ONE OF
13 THE INDIVIDUALS THAT MIGHT BE IMPLICATED PURSUANT TO
14 THE THIRD-PARTY GUILT DOCTRINE UNLESS YOU HAVE
15 DECIDED NOT TO PURSUE THAT LINE OF QUESTIONING, WE
16 INDICATED THAT AN IN CAMERA HEARING WOULD BE NECESSARY

17 MR ALKEBULANYAHH FROM MY UNDERSTANDING, I
18 THOUGHT THE IN CAMERA HEARING WAS HELD TO PREVENT OTHER
19 OFFICERS FROM TESTIFYING IN REFERENCE TO THE THIRD
20 PARTY, NOT THE THIRD PARTY HIMSELF

21 THE COURT WELL, YOU CAN ASK THE THIRD PARTY
22 ABOUT ANYTHING THAT TOOK PLACE WHILE HE WAS THERE, IF
23 HE WAS THERE

24 MR ALKEBULANYAHH WHAT I'M STATING IS MY
25 EXAMINATION OF THE WITNESS, I ASKED THE COURT THAT IT

STATE VS ALKEBULANYAHH

1 BE BEFORE THE JURORS SINCE IT'S NOT RELATED IN TO
2 HEARSAY OR SOMEBODY ELSE SAID

3 THE COURT WHAT'S THE STATE'S POSITION ON THAT?

4 MR MURDAUGH IF YOUR HONOR, PLEASE IF DEPENDS
5 ON WHAT IS GOING TO BE ASKED AND TESTIFIED TO AND
6 THAT'S WHY I WANTED THE IN CAMERA HEARING I DON'T
7 KNOW WHAT HE'S GOING TO ASK HIM, AND THAT'S ONE OF MY
8 PROBLEMS

9 THE COURT TO THE EXTENT YOU'RE TRYING TO RAISE
10 THE THIRD PARTY GUILT DOCTRINE, I THOUGHT I INDICATED
11 WE WOULD HAVE A HEARING BUT YOU'RE RIGHT THAT IF HE
12 TESTIFIES THAT OVERCOMES ANY HEARSAY PROBLEMS THAT
13 IS CORRECT WE DID INDICATE THAT YOU NEED TO PUT HIM
14 UP TO AVOID ANY KIND OF HEARSAY PROBLEM

15 MR ALKEBULANYAHH EXACTLY YES SIR

16 THE COURT ARE YOU JUST GOING TO ASK HIM ABOUT
17 WHAT HE SAW OR WAS HE THERE AND DID HE SEE ANYTHING OR
18 DO ANYTHING?

19 MR ALKEBULANYAHH I'M GOING TO ASK HIM GENERAL
20 QUESTIONS ABOUT THAT DAY I'M GOING TO EXAMINE HIM

21 THE COURT YES SIR

22 MR ALKEBULANYAHH I WAS JUST GOING TO EXAMINE
23 HIM LIKE I WOULD EXAMINE ANY OTHER WITNESS BEFORE A
24 JUROR (SIC)

25 THE COURT AND IF THE WITNESS INDICATES HE WAS

STATE VS ALKEBULANYAHH

1 NOT THERE?

2 MR ALKEBULANYAHH EXCUSE ME?

3 THE COURT YOU'RE GOING TO START OFF BY ASKING
4 HIM IF HE WERE -- IF HE HAD BEEN THERE?

5 MR ALKEBULANYAHH I DON'T -- I -- WHAT YOU'RE
6 STATING IS SOMETHING THAT I GUESS YOU'RE ASSUMING WHAT
7 I'M GOING TO -- WHAT MY LINE OF QUESTIONING IS GOING TO
8 BE, IS THAT CORRECT?

9 THE COURT WELL I CAN ONLY ASSUME BASED ON WHAT
10 YOU TOLD ME, THAT THIS WAS ONE OF THE INDIVIDUALS YOU
11 WERE GOING TO POINT THE FINGER AT

12 MR ALKEBULANYAHH MY -- MY LINE OF QUESTIONING
13 IS GOING TO BE AROUND A VARIETY, NOT JUST THAT
14 PARTICULAR ISSUE

15 THE COURT I DON'T -- I DON'T HAVE ANY PROBLEM
16 ABOUT HIS OBSERVATIONS OR ANYTHING

17 MR ALKEBULANYAHH RIGHT

18 THE COURT THAT -- YOU DON'T HAVE TO GO INTO
19 ANYTHING ABOUT THAT THE ONLY THING WE'RE TALKING
20 ABOUT IS IF YOU'RE GOING TO TRY TO POINT THE FINGER AT
21 HIM, THEN -- GIVE ME AN EXAMPLE OF THE QUESTION YOU
22 MIGHT ASK

23 IF YOU'RE JUST GOING TO STICK TO ASKING HIM ABOUT
24 ANYTHING HE SAW I DON'T NEED HIM ON THE STAND TO -- WE
25 DON'T NEED TO DO THAT IN CAMERA

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH SO I'M GOING TO ASK HIM IS --
2 ABOUT HIS INVOLVEMENT
3 THE COURT YES, SIR
4 MR ALKEBULANYAHH AND WHAT HE DID AND WHAT HE DO
5 ON THAT DAY
6 THE COURT WELL, ARE YOU GOING TO START BY ASKING
7 IF HE WAS THERE?
8 MR ALKEBULANYAHH NO I'M GOING TO START OFF
9 ASKING HIM WHAT HE DONE THAT DAY
10 THE COURT IF YOU CAN'T ESTABLISH THAT HE WAS
11 THERE, THEN WHERE WOULD ANY OF THIS GO?
12 MR ALKEBULANYAHH HE MAY TAKE HIMSELF THERE I
13 CAN'T -- I CAN'T READ HIS MIND
14 THE COURT HE MAY TAKE HIMSELF THERE?
15 MR ALKEBULANYAHH YEAH HE MAY -- HE MAY --
16 HE MAY -- HE MAY -- HE MAY REVEAL TO -- TO THE COURT
17 WHAT -- YOU KNOW WHAT -- WHAT -- WHERE HE GOING
18 THAT'S WHAT HE MAY REVEAL I CAN'T -- I CAN'T READ
19 HIS MIND ON WHETHER OR NOT HE'S GOING TO SAY -- HE MAY
20 SAY I WASN'T THERE AT ALL I DON'T -- I DON'T -- I
21 NEVER -- I NEVER HEARD -- I WASN'T -- I WASN'T -- I
22 DON'T EVEN KNOW NOTHING ABOUT THIS HE MIGHT JUST SAY,
23 YOU KNOW ---
24 THE COURT AND THEN THAT WOULD END YOUR
25 QUESTIONS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH IF HE SAY THAT HE DON'T KNOW
2 NOTHING ABOUT THIS AT ALL ---

3 THE COURT THEN -- YOU'RE LOOKING AT ME LIKE I'M
4 SUPPOSED TO KNOW WHERE YOU'RE GOING WITH THIS I
5 DON'T

6 MR ALKEBULANYAHH WELL, YOUR HONOR, I WAS
7 ASSUMING YOU WAS MAKING A -- YOU KNOW, WHEN YOU SAID
8 THAT, I WAS SUPPOSED TO KNOW QUITE NATURALLY ---

9 THE COURT WELL ---

10 MR ALKEBULANYAHH --- HE SAY HE DON'T KNOW ----

11 THE COURT THAT MAKES ME THINK YOU'VE GOT
12 SOMEONE ELSE ---

13 MR ALKEBULANYAHH --- NOTHING AT ALL, THEN
14 ANYTHING I SAY TO HIM, PROBABLY HE SAY, I OBJECT I
15 OBJECT I OBJECT BECAUSE HE DON'T KNOW NOTHING AT
16 ALL IF HE SAY HE DON'T KNOW NOTHING AT ALL, WHAT --
17 WHAT ELSE CAN I SAY?

18 THE COURT WELL IS THERE ANYONE THAT CAN
19 ESTABLISH THAT HE WAS THERE?

20 MR ALKEBULANYAHH I CAN ESTABLISH THAT HE WAS
21 THERE

22 THE COURT ALL RIGHT AND SO LET'S SAY, FOR
23 EXAMPLE, HE DOES NOT INDICATE HE WAS THERE OR INDICATES
24 HE WAS NOT THERE AND THEN YOU INDICATE HE WAS THERE
25 OBVIOUSLY YOU GET TO ARGUE WHATEVER YOU NEED TO ARGUE

STATE VS ALKEBULANYAHH

1 ABOUT THAT BUT ONCE HE SAYS HE WAS NOT THERE, HE'S
2 NOT -- HE'S GOING TO TAKE THE POSITION HE HAD NO -- HE
3 HAS NO INFORMATION ABOUT THIS THAT'S ONE OF THE
4 REASONS I HAD HIM STEP OUT OF THE ROOM

5 MR ALKEBULANYAHH WELL, IT'S LIKE I SAID TO ME
6 IT -- YOU KNOW, I WOULDN'T KNOW WHETHER HE'S GOING TO
7 SAY HE WAS THERE OR NOT THERE, BUT I'M QUITE SURE, JUST
8 MAKING A ASSUMPTION, THAT WITH NO ONE REALLY INVOLVED
9 IN THIS WANT TO ---

10 THE COURT WELL, THEN WHY DON'T ---

11 MR ALKEBULANYAHH --- PUT THEMSELVES AT THE --
12 AT THE -- AT THE -- AT THE HANDS OF THE COURT OF BEING
13 TAKEN TO JAIL AND CHARGED WITH TWO COUNTS OF MURDER

14 THE COURT WELL, WHY DON'T WE PUT HIM ON THE
15 STAND AND YOU ASK HIM IF HE WAS THERE

16 MR ALKEBULANYAHH I THINK THAT MY QUESTIONS,
17 LINE OF QUESTIONS SHOULD BE BEFORE A JUROR (SIC)

18 THE COURT WELL IF HE SAYS NO, HE HAS NO
19 KNOWLEDGE ABOUT THIS, THEN YOU'RE GOING TO HAVE TO STOP
20 THEN I DON'T HAVE ANY PROBLEM WITH THAT IF YOU WANT
21 TO DO IT THAT WAY IF YOU DON'T WANT AN OPPORTUNITY TO
22 PURSUE IT, THEN THAT'S FINE BUT ONCE HE SAYS HE
23 DOESN'T KNOW ANYTHING ABOUT IT, I DON'T KNOW WHAT ELSE
24 YOU'LL BE ABLE TO ASK HIM

25 YES, SIR?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH IN VIEW OF NOW THAT THIS HAS BEEN
2 EXPLAINED TO HIM, I HAVE NO PROBLEM WITH GOING -- TO
3 SAVE A LITTLE TIME, WITH GOING BEFORE THE JURY, SIR

4 THE COURT DO YOU UNDERSTAND WHAT I'VE INDICATED?

5 MR ALKEBULANYAHH YOU'RE STATING THAT ---

6 THE COURT WELL, I JUST THOUGHT IT WOULD BE AN
7 OPPORTUNITY FOR YOU TO HASH OUT SOMETHING YOU MIGHT NOT
8 BE ABLE TO HASH OUT IN FRONT OF THE JURY, BUT ---

9 ALL RIGHT BRING THE JURY IN BRING THE WITNESS
10 IN PLEASE, THE WITNESS

11 (THE WITNESS RETURNS TO THE COURTROOM)

12 THE COURT YOU'VE ALREADY BEEN SWORN

13 (THE WITNESS RETURNS TO THE WITNESS STAND)

14 (THE JURY RETURNS TO THE COURTROOM AT 11 13 A M)

15 THE COURT THANK YOU PLEASE BE SEATED

16 WE'RE READY TO PROCEED LADIES AND GENTLEMEN

17 GO AHEAD, SIR

18 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

19 Q GOOD MORNING, MR RIGBY

20 A GOOD MORNING

21 Q BOBBY -- I'M SORRY MR RIGBY, COULD YOU TELL ME

22 HOW DID YOU BECAME INVOLVED WITH THE JANUARY 8, 2002,

23 INCIDENT INVOLVING THE 21 RILEY ROAD INCIDENT? COULD

24 YOU TELL ME ABOUT THAT DAY AND HOW YOU BECAME INVOLVED?

25 A WELL, I WAS WALKING DOWN THE ROAD TO GO SEE MY

STATE VS ALKEBULANYAHH

1 GIRL FRIEND AND EVERYTHING I WAS COMING UP FROM MY
2 HOUSE IN SHELL POINT, AND I WAS WALKING DOWN THE ROAD,
3 AND I HEARD SHOTS FIRED
4 Q AND WHO WAS YOUR GIRL FRIEND?
5 A TABITHA RENNOW (PHONETIC)
6 Q AND WHAT DID YOU DO FROM THERE?
7 A WELL, AFTER I HEARD THE SHOTS FIRED, I STARTED
8 RUNNING THE DIRECTION THEY CAME FROM
9 Q AND WHERE DID YOU RUN TO?
10 A I WAS RUNNING TOWARDS RIVER OAKS
11 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
12 THE COURT YES, SIR
13 (PAUSE)
14 MR ALKEBULANYAHH YOUR HONOR, MAY I ASK THE
15 WITNESS TO STEP DOWN?
16 THE COURT YES, SIR PLEASE USE THAT MICROPHONE
17 DOWN THERE
18 (WITNESS STEPS DOWN FROM THE WITNESS STAND)
19 Q I HAVE STATE'S EXHIBIT NUMBER 10
20 THE COURT LET ME COME DOWN, TOO
21 MR MURDAUGH DO YOU WANT THE EASEL?
22 MR ALKEBULANYAHH YES SIR
23 MR MURDAUGH I'LL GET IT FOR YOU
24 Q BOBBY COULD YOU LOOK AT THIS AND TELL ME ARE YOU
25 FAMILIAR WHAT -- FAMILIARIZE YOURSELF WITH THIS

STATE VS ALKEBULANYAHH

1 PARTICULAR MAP?
2 A I RECOGNIZE BROAD RIVER BOULEVARD
3 THE REPORTER I'M SORRY?
4 THE COURT REPEAT THAT PLEASE, SIR
5 A I SAID I RECOGNIZE BROAD RIVER BOULEVARD HERE
6 JUROR I CAN'T SEE
7 Q DO YOU RECOGNIZE THE RILEY ROAD RESIDENCE?
8 THE COURT USE THAT POINTER, SIR, IF YOU CAN
9 USE THE POINTER
10 Q IS THIS THE AREA HERE?
11 A YES
12 THE REPORTER I'M SORRY?
13 THE COURT YOU HAVE TO REPEAT THAT WE CAN'T
14 HEAR YOU
15 A I SAID YES SIR IT IS
16 Q OKAY AND CAN YOU RECOGNIZE THE AREA IN WHICH YOU
17 CAME INTO THAT PARTICULAR AREA?
18 A NO
19 Q DO YOU RECOGNIZE WHERE ---
20 THE COURT YOU HAVE TO REPEAT THAT ANSWER
21 A NO
22 Q DO YOU RECOGNIZE THE AREA WHERE YOUR GIRL FRIEND
23 STAY AT, TABITHA?
24 A SOMEWHERE ALONG DOWN THIS ROAD I COULDN'T
25 PINPOINT IT OUT

STATE VS ALKEBULANYAHH

1 Q IS IT ON RILEY ROAD?
2 A YES
3 MR MURDAUGH YOUR HONOR, SHE CAN'T -- THE
4 REPORTER IS HAVING DIFFICULTY
5 THE COURT SHE CAN'T -- THE COURT REPORTER CAN'T
6 HEAR YOU
7 MR ALKEBULANYAHH I'LL -- I'LL -- I'LL ASK THE
8 QUESTION AGAIN
9 Q DOES YOUR GIRL FRIEND STAY ON RILEY ROAD?
10 A YES
11 Q AND CAN YOU LOCATE IT ON THE MAP HERE? IS YOU
12 ABLE -- IS YOU ABLE TO SEE A RESIDENCE ON THE MAP, ON
13 THIS PARTICULAR MAP?
14 A I COULDN'T PINPOINT IT NO
15 Q AND WHEN YOU LEFT THE RILEY ROAD, WHICH DIRECTION
16 YOU SAY YOU WENT TO? CAN YOU TELL FROM THIS MAP?
17 A HUH-UH
18 THE COURT YOU HAVE TO SAY YES OR NO, SIR
19 A NO
20 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
21 (WITNESS RETURNS TO THE WITNESS STAND)
22 Q WHEN YOU MENTIONED A MOMENT AGO, YOU SAY THAT YOU
23 RAN AWAY FROM THE 21 RILEY ROAD AREA HOW FAR DID YOU
24 GO AND WHERE DID YOU GO TO?
25 A TOWARDS RIVER OAKS, I'D SAY IT WAS PROBABLY ABOUT

STATE VS ALKEBULANYAHH

1 -- A LITTLE BIT UNDERNEATH A MILE
2 Q ABOUT A MILE?
3 A ABOUT THAT
4 Q AND WHERE DID YOU ENDED UP?
5 A IN TO RIVER OAKS, DOWN ON THE ROAD
6 Q AND WHAT DID YOU DO FROM THERE?
7 A I TURNED AROUND TO WALK BACK TO SEE WHAT WAS GOING
8 ON
9 Q AND WHEN YOU SAY YOU TURN AROUND, YOU WENT BACK TO
10 THE RILEY ROAD AREA?
11 A YES, I WENT DOWN BACK TOWARDS BROAD RIVER
12 Q AND WHO DID YOU SEE OR WHAT DID YOU SEE?
13 A WELL, I SAW A BUNCH OF CARS LINED UP ON THE SIDE
14 OF THE ROAD AND I SAW A FRIEND OF MINE THAT WAS DRIVING
15 A PICKUP TRUCK
16 Q AND WHO WAS THAT FRIEND?
17 A LITTLE CAP
18 Q DO YOU MEAN -- LITTLE CAP, YOU MEAN CAPDEPON?
19 A YES
20 Q AND WHAT HAPPENED THEN?
21 A I ASKED HIM FOR A RIDE HOME
22 Q DID YOU AND CAPDEPON HAVE ANY DISCUSSION?
23 A I ASKED HIM WHAT WAS GOING ON IN HIS NEIGHBORHOOD,
24 AND HE SAID HE DIDN'T KNOW
25 MR MURDAUGH JUDGE THAT WOULD BE -- I -- I

STATE VS ALKEBULANYAHH

1 DON'T OBJECT I'M SORRY

2 Q AND WHAT TYPE OF VEHICLE WAS MR CAPDEPON IN?

3 A A BLUE CHEVY PICKUP TRUCK

4 Q AND WHAT DID YOU DO FROM THERE?

5 A HE GAVE ME A RIDE BACK TO MY HOUSE

6 Q MR RIGBY, ISN'T IT TRUE THAT YOU WAS AT THE 21

7 RILEY ROAD WITH ANOTHER BLACK MALE ATTEMPTING TO SELL

8 SOME GUNS?

9 A NO

10 Q ISN'T IT TRUE THAT WHEN YOU RAN FROM THF 21 RILEY

11 ROAD RESIDENCE AWAY, YOU CAME BACK BECAUSE YOU WENT TO

12 STASH WHATEVER YOU HAD AND COME BACK BECAUSE YOU WAS

13 -- YOU THOUGHT SOME PEOPLE HAD SEEN YOU?

14 A NO

15 Q ISN'T IT TRUE THAT YOU TOLD SOME INDIVIDUALS THAT

16 YOU WAS GOING TO BE ON THE NEWS BECAUSE YOU WAS

17 INVOLVED IN A SHOOTING?

18 A NO

19 Q ISN'T IT TRUE THAT YOU TOLD SOME INDIVIDUALS THAT

20 SOME COP ENDED UP SHOT WITH THE A K 47 AND A DUDE YOU

21 KNOW GOT SHOT IN THE SHOULDER AND YOU ALL ALL HAD TO

22 FLEE?

23 A WELL, I DID TELL SOME INDIVIDUALS THAT THERE WAS

24 TWO OFFICERS SHOT OF WHAT I'VE HEARD, BUT I DID NOT END

25 UP GOING TO THAT PERSON'S HOUSE BECAUSE I'D NEVER MET

STATE VS ALKEBULANYAHH

1 HIM BEFORE

2 Q COULD YOU EXPLAIN HOW YOU PERCEIVE TO KNOW THAT

3 THE COP WAS SHOT WITH A A K 47?

4 A YES, SIR WHEN I WAS RIDING IN THE VEHICLE WITH

5 LITTLE CAP, HE CALLED A FRIEND OF HIS THAT HAD A POLICE

6 SCANNER AND ASKED HIM WHAT WAS GOING ON, AND THE FRIEND

7 TOLD HIM

8 Q ISN'T IT TRUE THAT YOU WROTE A STATEMENT TO A

9 OFFICER, BUT INSTEAD TOLD HIM THAT IT SOUNDED LIKE A

10 A K 47 TO YOU?

11 A YES, I DID SAY THAT

12 Q SO ISN'T IT TRUE BEFORE YOU ALLEGE THAT HENRY TOLD

13 YOU IT WAS A A K 47, YOU HAD ALREADY KNEW IT WAS A

14 A K 47, IS THAT CORRECT?

15 A I ASSUMED IT WAS

16 Q SIR?

17 A I ASSUMED IT WAS

18 Q WHEN YOU ARRIVED AT THE LOCATION THAT LITTLE CAPPY

19 TOOK YOU, WHO WAS THERE AT THAT LOCATION?

20 A MY ROOMMATES AND THE GUY THAT OWNED THE HOUSE

21 Q AND WHO WERE YOUR ROOMMATES?

22 A TIMMY -- I DON'T KNOW HIS LAST NAME, ARZELL

23 JOHNSON, AND THE GUY THAT OWNED THE HOUSE WAS EDDIE

24 BROWN

25 Q WOULD THE OTHER GUY'S NAME BE TIMMY -- TIMOTHY

STATE VS ALKEBULANYAHH

1 MORGAN?

2 A YES, I BELIEVE SO

3 Q AND ONCE YOU ARRIVED, WHAT HAPPENED THEN?

4 A WELL, I WENT INTO THE HOUSE AND I CALLED MY MOM TO

5 COME OVER AND TALK TO ME AND WHEN I WAS TALKING TO

6 HER, A POLICE OFFICER ROLLED UP IN THE NEIGHBORHOOD AND

7 ASKED IF THERE WAS ANYBODY UNUSUAL THAT HAS WALKED

8 THROUGH OR THAT I DIDN'T KNOW THAT WAS CAUSING TROUBLE

9 OR ANYTHING LIKE THIS, AND I SAID, NO

10 I TURNED AROUND AND TOLD HIM THE SITUATION THAT

11 I'VE HEARD, AND HE TOOK ME BACK TO BROAD RIVER

12 ELEMENTARY FOR QUESTIONING

13 Q DID THE OFFICER COME TO THAT RESIDENCE AND

14 HANDCUFF YOU?

15 A AFTER THE FACT THAT I TOLD HIM YES HE SAID IT

16 WAS FOR -- I GUESS PROTECTION OR SOMETHING LIKE THAT

17 Q AND WHEN HE HANDCUFFED YOU AND HE PUT YOU IN THE

18 PATROL CAR -- YOU ALL GOT IN THE PATROL CAR?

19 A UH-HUH

20 Q AND WHERE DID YOU ALL GO?

21 A STRAIGHT TO BROAD RIVER ELEMENTARY

22 Q AND ONCE YOU WAS AT THE BROAD RIVER ELEMENTARY,

23 WHAT DID YOU DO THERE?

24 A THEY ASKED ME QUESTIONS AND KEPT ME IN HANDCUFFS

25 UNTIL LIKE 1 00 O'CLOCK IN THE MORNING

STATE VS ALKEBULANYAHH

1 Q THEY HAD YOU THERE UNTIL 1 00 O'CLOCK IN THE
2 MORNING?
3 A YES, SIR
4 Q SO THEY DIDN'T WANT TO RELEASE YOU?
5 A NO, SIR
6 Q THEY THOUGHT YOU WAS A SUSPECT?
7 A I BELIEVE SO
8 Q AND DID THEY TAKE YOUR CLOTHING FROM YOU?
9 A NO, SIR
10 Q DID THEY GIVE YOU A GUNSHOT RESIDUE TEST?
11 A NO, SIR
12 Q AND WHAT DID YOU TELL EDDIE ABOUT THAT SITUATION?
13 A I TOLD HIM THAT I HEARD FIRES -- GUNSHOT FIRE
14 AND I TOLD HIM THAT MY FRIEND TOLD ME THAT THERE WAS
15 TWO POLICE OFFICERS HAD BEEN HIT
16 Q AND WHAT DID YOU TELL ARZELL ABOUT THAT SITUATION?
17 A THE SAME THING
18 Q AND TIMOTHY MORGAN?
19 A THE SAME THING
20 Q DID THE OFFICER GET ANY STATEMENTS FROM TIMOTHY
21 MORGAN?
22 A I BELIEVE SO
23 Q EDDIE BROWN?
24 A I'M NOT SURE
25 Q ARZELL JOHNSON?

STATE VS ALKEBULANYAHH

1 A I BELIEVE SO

2 Q WAS THEY TAKEN TO THE BROAD RIVER ELEMENTARY

3 SCHOOL ALSO?

4 A I THINK THEY DROVE UP THERE

5 Q IN THEIR OWN VEHICLES?

6 A YES

7 Q ISN'T IT TRUE THAT EDDIE BROWN PUT YOU OUT OF YOUR

8 HOUSE -- PUT YOU OUT OF HIS HOUSE BECAUSE OF YOUR

9 INVOLVEMENT WITH THE TWO DEPUTIES GETTING KILLED AT THE

10 21 RILEY ROAD RESIDENCE?

11 A NO, SIR

12 Q DID HE STATE THAT TO YOU?

13 A NO, SIR

14 Q WHAT WAS THE REASON THAT EDDIE BROWN TOLD YOU YOU

15 HAD TO LEAVE?

16 A I HAD A FRIEND SPEND THE NIGHT AND I DIDN'T ASK

17 HIM TO ---

18 MR STONE I OBJECT, YOUR HONOR NOT ONLY IS

19 THIS IRRELEVANT IT'S ALSO HEARSAY

20 THE COURT I SUSTAIN THE OBJECTION

21 MR STONE THANK YOU

22 Q WHO'S THE GUY THAT RAN WITH YOU AWAY FROM THE 21

23 RILEY ROAD RESIDENCE?

24 A NOBODY IT WAS JUST ME

25 Q DID YOU OBSERVE ANYBODY THAT SAW YOU RUNNING AWAY

STATE VS ALKEBULANYAHH

1 FROM THE 21 RILEY RESIDENCE?

2 A NO SIR

3 Q ARE YOU FAMILIAR WITH KIMBERLY BLATE (PHONETIC)?

4 A NO, SIR

5 Q ISN'T IT TRUE THAT IT WAS SOMEONE WHO SAW YOU RUN

6 AWAY FROM THE 21 RILEY ROAD RESIDENCE AND THEY SAID YOU

7 TRIED TO JUMP IN THEY TRUCK, IN THE BACK OF THE BED OF

8 THEY TRUCK?

9 A NO, SIR, THAT'S NOT WHAT HAPPENED

10 Q WERE YOU EVER CONFRONTED INITIALLY ABOUT YOUR

11 DEPARTURE BY AN OFFICER ABOUT YOU TRYING TO JUMP IN THE

12 BED OF A WOMAN'S TRUCK?

13 A HE HAD MENTIONED THAT TO ME, YES

14 Q AND WHAT DID HE MENTION?

15 A HE ASKED IF ---

16 MR STONE OBJECTION

17 THE COURT SUSTAINED

18 Q ISN'T IT TRUE THAT THE DESCRIPTION THAT THE OLD

19 LADY SAID ---

20 MR STONE OBJECTION

21 THE COURT ARE YOU GOING TO GET INTO WHAT SHE

22 SAID OR YOU'RE JUST GOING TO ---

23 MR ALKEBULANYAHH NO, SIR

24 THE COURT ALL RIGHT GO AHEAD

25 Q ISN'T IT TRUE THAT THE DESCRIPTION THAT THE WOMAN

STATE VS ALKEBULANYAHH

1 GAVE ABOUT THE MAN WHO TRIED TO JUMP IN THE BED OF THE
2 TRUCK ---

3 MR STONE OBJECTION

4 Q --- WAS YOUR DESCRIPTION?

5 THE COURT I SUSTAIN THE OBJECTION

6 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
7 QUESTIONS

8 THE COURT ALL RIGHT

9 MR STONE JUST BRIEFLY, YOUR HONOR

10 CROSS EXAMINATION BY MR. STONE.

11 Q MR RIGBY, AFTER THE POLICE OFFICERS INTERVIEWED
12 YOU AND AFTER THEY INTERVIEWED ALL THESE OTHER
13 WITNESSES AND TOOK STATEMENTS FROM YOU, THEY LET YOU
14 GO, DIDN'T THEY?

15 A YES SIR

16 Q MR RIGBY, WHEN YOU WERE OUTSIDE OF THE RILEY
17 ROAD, WHEN YOU WERE WALKING DOWN RILEY ROAD, DESCRIBE
18 THE SOUNDS OF THOSE GUNSHOTS WHAT DID THEY SOUND
19 LIKE?

20 A IT SOUNDED PRETTY MUCH LIKE A A K IT WAS REAL
21 RAPID

22 Q EXCUSE ME?

23 A IT WAS REAL RAPID

24 Q DID YOU HEAR ANY SLOW SHOTS AT ALL?

25 A NOT THAT I ---

STATE VS ALKEBULANYAHH

1 Q JUST RAPID FIRE, IS THAT CORRECT?

2 A YES, SIR

3 Q AND IT WASN'T UNTIL AFTER YOU SPOKE TO YOUR FRIEND
4 THAT HAD THE SCANNER, THE FRIEND THAT TALKED TO THE
5 FRIEND THAT HAD THE SCANNER, THAT YOU KNEW TWO DEPUTIES
6 WERE EVEN KILLED AT THIS PLACE?

7 A I DIDN'T EVEN KNOW UNTIL I FOUND OUT FROM THE
8 SCANNER, THAT'S CORRECT

9 Q HAVE YOU EVER BEEN IN 21 RILEY ROAD?

10 A NO, SIR

11 Q DID YOU SHOOT THESE DEPUTIES?

12 A NO, SIR

13 MR STONE I DON'T HAVE ANYTHING ELSE

14 MR ALKEBULANYAHH YES

15 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH

16 Q MR RIGBY DO YOU RECALL TELLING THE OFFICER THAT
17 YOU USED TO GO HUNTING WITH YOUR FATHER WITH A A K 47?

18 A NO, SIR

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

21 MR STONE NOTHING ELSE, YOUR HONOR

22 THE COURT YOU MAY STEP DOWN, SIR ANY OBJECTION
23 TO HIS BEING EXCUSED?

24 MR MURDAUGH NO OBJECTION, SIR

25 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

STATE VS ALKEBULANYAHH

1 THE COURT YOU MAY BE EXCUSED, SIR
2 (THE WITNESS LEAVES THE WITNESS STAND)
3 THE COURT NEXT WITNESS
4 MR ALKEBULANYAHH DEPUTY WOODWARD
5 MR STONE YOUR HONOR, MAY WE APPROACH?
6 THE COURT YES, SIR
7 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
8 OUT OF THE HEARING OF THE JURY)
9 THE COURT CALL YOUR WITNESS, PLEASE
10 JOEY WOODWARD BEING FIRST
11 DULY SWORN TESTIFIED AS FOLLOWS
12 THE CLERK PLEASE HAVE A SEAT AND STATE AND SPELL
13 YOUR NAME FOR THE COURT PLEASE
14 THE WITNESS MY NAME IS JOEY WOODWARD AND THAT'S
15 W-O-O-D-W-A-R-D
16 MR ALKEBULANYAHH MAY I PROCEED YOUR HONOR?
17 THE COURT YES, SIR
18 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
19 Q MR WOODWARD COULD YOU STATE YOUR NAME AND
20 OCCUPATION FOR THE RECORD PLEASE, SIR
21 A YES, MY NAME IS JOEY WOODWARD AND I AM A SERGEANT
22 WITH THE BEAUFORT COUNTY SHERIFF'S OFFICE
23 Q MR WOODWARD, COULD YOU TELL ME HOW YOU BECAME
24 INVOLVED IN THE JANUARY 8, 2002 INCIDENT INVOLVING TWO
25 BEAUFORT COUNTY SHERIFF DEPUTIES BEING KILLED?

STATE VS ALKEBULANYAHH

1 A YES, SIR I RESPONDED -- I GOT A CALL TO ASSIST
2 IN THE INCIDENT AND RESPONDED TO BEAUFORT AND I WAS
3 IN BLUFFTON AT THE TIME

4 Q AND WHAT DID YOU DO FROM THERE?

5 A I WENT TO -- I SET UP ON A PERIMETER RIGHT DOWN
6 FROM RILEY ROAD AT THE CORNER OF CASTLE ROCK

7 Q AND WAS YOU INVOLVED IN THE PULLING OVER ANY CARS
8 OR ANYTHING INVOLVED WITH THE INCIDENT LIKE THAT?

9 A NO, SIR

10 Q WHAT DID YOU DO FROM THE TIME YOU LEFT THAT
11 PARTICULAR PERIMETER?

12 A YEAH, I WAS ON THE PERIMETER MOST OF THE TIME
13 AND THEN I WAS CALLED OFF TO DO SOME INTERVIEWING AT
14 THE SCHOOL

15 Q AND WHO WERE THE PEOPLE THAT YOU INTERVIEWED?

16 A I INTERVIEWED A GUY BY THE NAME OF DEVON IVY

17 Q AND WHAT WAS -- WHAT WAS THE NATURE OF THAT
18 INTERVIEW?

19 MR MURDAUGH IF YOUR HONOR, PLEASE, THE NATURE
20 OF THE INTERVIEW WOULD BE OBJECTIONABLE, SIR

21 THE COURT I SUSTAIN THE OBJECTION

22 Q WHAT HAPPENED IN THAT INTERVIEW?

23 MR MURDAUGH JUDGE, THAT'S JUST WHAT I OBJECTED
24 TO, SIR

25 THE COURT I SUSTAIN THE OBJECTION

1 Q WHO ELSE DID YOU INTERVIEW?

2 A I INTERVIEWED A MR -- I THINK A MR JOHNSON

3 Q MR JOHNSON IS THAT ARZELL JOHNSON?

4 A IF I HAD THE REPORT, I COULD REFLECT IT BETTER

5 (PAUSE)

6 MR ALKEBULANYAHH YOUR HONOR MAY I APPROACH?

7 THE COURT YES, SIR

8 (PAUSE)

9 Q ARE YOU FAMILIAR WITH THAT DOCUMENT, SIR?

10 A YES

11 Q IS THAT THE REPORT YOU'RE REFERRING TO?

12 A YES

13 MR ALKEBULANYAHH YOUR HONOR, CAN I ENTER IT

14 INTO EVIDENCE?

15 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT,

16 RULE 803 8

17 THE COURT I SUSTAIN THE OBJECTION

18 MR ALKEBULANYAHH CAN I USE IT FOR IDENTIFICATION

19 PURPOSES, YOUR HONOR?

20 THE COURT YES, SIR 39 DEFENDANT'S 39,

21 IDENTIFICATION PURPOSES ONLY

22 (SUPPLEMENTAL INCIDENT REPORT, SSGT WOODWARD, 1

23 PAGE, MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT

24 NO 39)

25 Q AND WHO DID YOU INTERVIEW ON -- AT THAT INTERVIEW

STATE VS ALKEBULANYAHH

1 THAT DATE? DO YOU RECALL NOW? DOES THAT REFRESH YOUR
2 MIND?

3 A MR JOHNSON AND MR BROWN

4 Q AND IS THAT ARZELL JOHNSON AND EDDIE BROWN?

5 A RIGHT

6 Q AND WHAT HAPPENED AT THAT INTERVIEW?

7 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT ---

8 THE COURT SUSTAINED SUSTAIN THE OBJECTION

9 Q DID YOU DO ANYTHING AS A RESULT OF THEIR
10 INTERVIEWS, FROM THE INFORMATION YOU ATTAIN (SIC) FROM
11 THEM INTERVIEWS?

12 A NO, SIR, JUST WROTE A REPORT

13 Q DID YOU SEEK AN ARREST WARRANT FOR ANYONE FROM THE
14 RESULTS OF THE INTERVIEWS?

15 MR MURDAUGH YOUR HONOR, PLEASE, HE SAID HE DID
16 NOTHING

17 THE COURT I -- I SUSTAIN THE OBJECTION

18 Q NOT TO MENTION ANY NAMES IN REFERENCE IF YOU -- IF
19 YOU MAY WERE YOU TOLD ---

20 MR MURDAUGH JUDGE, THAT'S HEARSAY, SIR

21 THE COURT I ---

22 MR MURDAUGH THERE'S NO WAY ---

23 THE COURT I SUSTAIN THE OBJECTION

24 Q DID YOU FIND OUT ANY INFORMATION ABOUT THE
25 SHOOTING?

1 MR MURDAUGH JUDGE ---

2 THE COURT JUST ASK HIM IF HE FOUND OUT ANY IS
3 OKAY

4 Q WHAT DID YOU FIND OUT?

5 MR MURDAUGH THAT'S OBJECTIONABLE, SIR

6 THE COURT I SUSTAIN THE OBJECTION YOU CAN'T
7 REFERENCE WHAT SOMEONE TOLD HIM NOW, IF IT'S -- IF
8 YOU WANT -- IF HE SPOKE WITH SOMEONE THAT'S ALREADY
9 TESTIFIED IN THIS CASE, THAT'S A DIFFERENT QUESTION

10 Q DID YOU GIVE THIS INFORMATION THAT YOU RECEIVED IN
11 YOUR INTERVIEWS TO ANY OTHER OFFICER?

12 A I WROTE THE REPORT AND IT WENT TO THE CASE
13 OFFICER

14 Q DID YOU DO A G S R KIT A GUNSHOT RESIDUE TEST ON
15 THE PEOPLE THAT YOU INTERVIEWED?

16 A NO SIR

17 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE A
18 MOMENT WITH COUNSEL?

19 THE COURT YES, SIR

20 WHILE THEY'RE TALKING, I JUST -- I'LL USE THE
21 OPPORTUNITY TO EXPLAIN SOMEONE ASKED ME WHO THE
22 GENTLEMAN IS SITTING UP HERE WITH ME THAT'S A LAWYER
23 THAT'S ON MY STAFF AND HE ASSISTS ME WITH MY ROLE IN
24 THE CASE, AND WE COLLABORATE ABOUT THE VARIOUS THINGS
25 YOU SHOULD CERTAINLY NOT INTERPRET ANYTHING WE DO

STATE VS ALKEBULANYAHH

1 UP HERE AS ANY INDICATION ABOUT THIS CASE WE MIGHT BE
2 WORKING ON THINGS PERTAINING TO WHAT I HAVE TO DO AT
3 VARIOUS STAGES

4 (PAUSE)

5 THE COURT READY?

6 MR ALKEBULANYAHH YES SIR

7 Q MR WOODWARD, IN YOUR INTERVIEW WITH ARZELL
8 JOHNSON, WHAT DID YOU ASK ---

9 MR MURDAUGH IF YOUR HONOR, PLEASE ---

10 THE COURT LET ME HEAR THE QUESTION GO AHEAD

11 Q IN YOUR INTERVIEW WITH ARZELL JOHNSON, WHAT DID
12 YOU ASK?

13 THE COURT I -- WELL ---

14 MR MURDAUGH THAT GOES TO THE MOTION THAT WE HAD
15 DISCUSSED EARLIER SIR

16 MR ALKEBULANYAHH I ONLY ASKED WHAT HE ASKED I
17 AIN'T ASKED FOR WHAT WAS TOLD TO HIM

18 THE COURT I -- I UNDERSTAND APPROACH THE SIDE
19 BAR

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

22 THE COURT I'LL ALLOW THAT QUESTION

23 Q MR WOODWARD, IN YOUR INTERVIEW WITH ARZELL
24 JOHNSON, WHAT DID YOU ASK?

25 A WE ASKED HIM WHAT INFORMATION COULD HE PROVIDE

1 WITH THIS CASE

2 Q AND WHY DID YOU ASK THAT?

3 MR MURDAUGH YOUR HONOR, PLEASE, WHY HE ASKED --

4 I HAVE NO OBJECTION

5 THE COURT GO AHEAD

6 A TO FIND OUT WHAT HE KNEW ABOUT THE CASE

7 Q AND WHAT WAS THEIR -- WHAT WAS HIS BEHAVIOR?

8 A I DON'T RECALL FROM THAT NIGHT NOTHING STAND OUT

9 ABOUT IT

10 Q WHAT DID YOU ASK MR EDDIE BROWN?

11 A BASICALLY THE SAME QUESTION

12 Q WAS THERE A PARTICULAR REASON WHY YOU ASKED HIM

13 THOSE QUESTIONS?

14 A THAT'S HOW WE -- I MEAN YOU WANT TO FIND OUT

15 WHAT'S GOING ON, YOU JUST ASK THEM

16 Q DID YOU FIND OUT WHAT WAS GOING ON?

17 MR MURDAUGH JUDGE THAT'S GOING BEYOND THE --

18 TO ASK WHAT ACTION HE TOOK

19 THE COURT I -- I SUSTAIN THAT OBJECTION YOU

20 CAN ASK HIM DID ---

21 Q WAS THEY COOPERATIVE?

22 THE COURT YOU CAN ASK HIM IF HE TOOK ANY ACTION

23 IN RESPONSE TO ANYTHING

24 Q WAS MR ARZELL JOHNSON AND EDDIE BROWN

25 COOPERATIVE?

1 A YES

2 Q WAS THERE ANY PARTICULAR INFORMATION YOU WANTED

3 FROM THEM?

4 A JUST WHAT THEY COULD PROVIDE FOR THE

5 INVESTIGATION

6 Q WHAT TYPE OF INFORMATION WAS THAT?

7 MR MURDAUGH JUDGE ---

8 THE COURT I SUSTAIN THAT

9 (PAUSE)

10 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER

11 QUESTIONS

12 MR MURDAUGH I HAVE NO QUESTIONS IF YOUR HONOR,

13 PLEASE

14 THE COURT YOU MAY STEP DOWN, SIR

15 ANY OBJECTION TO HIS BEING EXCUSED?

16 MR MURDAUGH NONE, SIR

17 MR ALKEBULANYAHH I WOULD LIKE TO RESERVE THE

18 RIGHT TO RECALL

19 THE COURT ALL RIGHT YOU MAY STEP DOWN FOR NOW,

20 SIR THANK YOU

21 (THE WITNESS LEAVES THE WITNESS STAND)

22 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I

23 UNDERSTAND YOUR LUNCH IS HERE I'LL SEND YOU TO THE

24 JURY ROOM WE'LL -- WE'LL PICK BACK UP AT 1 15 DO

25 NOT DISCUSS THIS CASE IN ANY WAY THANK YOU VERY MUCH

STATE VS ALKEBULANYAHH

1 (THE JURY EXITS THE COURTROOM AT 12 06 P M)
2 THE COURT THANK YOU SEE YOU ALL AFTER LUNCH
3 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
4 MR MURDAUGH THANK YOU, SIR
5 (COURT IS IN RECESS FOR LUNCH)
6 THE COURT BRING THE JURY IN PLEASE
7 (THE JURY RETURNS TO THE COURTROOM AT 1 29 P M)
8 THE COURT THANK YOU PLEASE BE SEATED
9 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
10 PROCEED CALL YOUR NEXT WITNESS
11 MR ALKEBULANYAHH DEPUTY OTT
12 DAVID W OTT, BEING FIRST
13 DULY SWORN, TESTIFIED AS FOLLOWS
14 THE CLERK HAVE A SEAT AND SPELL YOUR NAME FOR
15 THE COURT PLEASE
16 THE WITNESS I'M SERGEANT DAVID OTT O-T-T
17 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
18 Q MR OTT COULD YOU STATE YOUR NAME AND THE
19 OCCUPATION
20 A I'M DAVID OTT I'M A DETECTIVE SERGEANT WITH THE
21 BEAUFORT CITY POLICE DEPARTMENT
22 Q MR OTT, ON JANUARY 8, 2002 COULD YOU TELL ME HOW
23 YOU BECAME INVOLVED WITH THE INCIDENT AT THE 21 RILEY
24 ROAD LOCATION?
25 A YES, SIR I WAS ACTUALLY OUT AT LAUREL BAY

STATE VS ALKEBULANYAHH

1 GETTING A HAIRCUT WHEN THE CALL CAME DOWN FOR OFFICERS
2 NEEDS ASSISTANCE AND RESPONDED AND AIDED THE SHERIFF'S
3 DEPARTMENT AT THAT POINT

4 Q AND WHAT ACTIONS DID YOU TAKE FROM THAT POINT?

5 A ORIGINALLY I WAS ON A PERIMETER SEARCH AND THEN
6 I MOVED FROM THAT TO THE ENTRANCE OF BROAD RIVER SCHOOL
7 WHERE I HELPED SECURITY HEADQUARTERS, OPERATIONS SO TO
8 SPEAK AND THEN I WAS LATER RELIEVED AND ASKED TO
9 CONDUCT AN INTERVIEW, AID THEM IN THE INTERVIEW OF A
10 INDIVIDUAL BY THE NAME OF BOBBY RIGSBY (PHONETIC)

11 Q AND WHAT WAS THE RESULT OF THAT INTERVIEW?

12 MR MURDAUGH IF YOUR HONOR, PLEASE, THIS GOES --
13 I OBJECT, SIR

14 THE COURT I SUSTAIN THE OBJECTION

15 Q WAS MR BOBBY RIGBY THE ONLY PERSON THAT YOU
16 INTERVIEWED?

17 A YES, HE WAS

18 Q DID YOU RECEIVE ANY INFORMATION CONCERNING A MS
19 KIMA CAREY?

20 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
21 THAT, SIR SAME OBJECTION, SIR

22 THE COURT I SUSTAIN THAT OBJECTION

23 Q WHAT DID YOU ASK IN YOUR INTERVIEWS?

24 A I ASKED HIM AS TO WHAT ALL HE KNEW ABOUT THIS
25 INCIDENT WE RECEIVED INFORMATION THAT HE WAS SEEN ---

1 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
2 THIS SIR

3 THE COURT YES, SIR YOU MAY NOT TESTIFY ABOUT
4 ANY STATEMENTS MADE TO YOU SIR
5 GO AHEAD

6 Q WHAT WAS IT THAT YOU ASKED?

7 MR MURDAUGH I OBJECT TO WHAT HE ASKED HIM, SIR
8 I MEAN, HE CAN TESTIFY HE MADE IT -- HAD AN INTERVIEW
9 WITH HIM, BUT THE QUESTIONS THAT HE ASKED, SIR, ARE NOT
10 PERTINENT TO THIS CASE

11 THE COURT YES, SIR

12 MR ALKEBULANYAHH THE QUESTIONS THAT HE ASKED
13 HIM IS PERTINENT TO THE CASE BECAUSE HE WAS TRYING TO
14 DISCOVER ---

15 MR MURDAUGH WELL, ASK HIM THAT

16 MR ALKEBULANYAHH --- WHO ACTUALLY KILLED THE
17 DEPUTIES

18 THE COURT YOU CAN ASK HIM THAT SIR

19 Q WHAT DID YOU ASK MR RIGBY?

20 MR MURDAUGH NO, SIR IF YOUR HONOR PLEASE, I
21 OBJECT TO THAT

22 THE COURT APPROACH THE SIDE BAR

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

25 THE COURT HOLD ON A SECOND APPROACH THE BENCH

STATE VS ALKEBULANYAHH

1 AGAIN I APOLOGIZE

2 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
3 OUT OF THE HEARING OF THE JURY)

4 Q MR OTT, DID YOU GATHER ANY INFORMATION IN
5 REFERENCE TO BOBBY RIGBY TRYING TO JUMP IN THE BACK OF
6 A LADY'S TRUCK?

7 MR MURDAUGH IF YOUR HONOR, PLEASE, UNLESS HE
8 KNOWS OF HIS OWN KNOWLEDGE, I OBJECT, SIR

9 THE COURT YES, SIR I SUSTAIN THAT OBJECTION

10 Q DO YOU KNOW OF YOUR OWN KNOWLEDGE IN REFERENCE TO
11 BOBBY RIGBY ATTEMPTING TO JUMP IN A TRUCK?

12 A ORIGINALLY WE WAS TOLD ---

13 MR MURDAUGH IF YOUR HONOR, PLEASE ---

14 THE COURT I SUSTAIN THAT

15 IF MR RIGBY TOLD HIM SOMETHING, YOU CAN ASK HIM
16 ABOUT THAT

17 Q DID MR RIGBY TELL YOU ANYTHING ABOUT HIM TRYING
18 TO JUMP IN A TRUCK?

19 A HE STATED HE DID NOT

20 Q HE STATE HE DID NOT TRY TO JUMP IN A TRUCK?

21 A THAT IS CORRECT

22 Q WAS -- WAS MR RIGBY WEARING THE SAME CLOTHES THAT
23 THE WOMAN SAID OF THE INDIVIDUAL WHO TRIED TO JUMP IN
24 HER TRUCK ---

25 MR MURDAUGH YOUR HONOR PLEASE, I OBJECT TO

STATE VS ALKEBULANYAHH

1 THAT, SIR

2 Q --- IN THE BACK BED OF THE TRUCK?

3 MR MURDAUGH HE WOULD HAVE TO MAKE HIS ANSWER

4 BASED ---

5 THE COURT I SUSTAIN THE OBJECTION

6 MR MURDAUGH SIR?

7 THE COURT I SUSTAIN THE OBJECTION

8 Q WAS MR RIGBY WEARING THE CLOTHES OF A DESCRIPTION

9 THAT WAS GIVEN OF A INDIVIDUAL ---

10 MR MURDAUGH OBJECTION, SIR

11 THE COURT SUSTAINED

12 Q DID YOU LEARN THAT BOBBY RIGBY WAS IN THE VICINITY

13 OF THE 21 RILEY ROAD INCIDENT?

14 MR MURDAUGH OBJECTION, UNLESS IT CAME FROM

15 BOBBY RIGBY OR HIS PERSONAL OBSERVATION SIR

16 THE COURT IF YOU TRY TO ASK THESE QUESTIONS

17 SPECIFICALLY, DOES HE PERSONALLY KNOW IF HE WAS IN THE

18 AREA OR DID MR RIGBY TELL HIM THAT, THEN WE WON'T HEAR

19 THE OBJECTION DO YOU UNDERSTAND?

20 MR ALKEBULANYAHH SO I CAN ASK HIM DID HE LEARN

21 SOMETHING OR DID HE -- HE MAY HAVE LEARNED THAT FROM

22 MR RIGBY

23 THE COURT IF MR RIGBY TOLD HIM SOMETHING ABOUT

24 THAT, YES THAT'S -- MR RIGBY HAS ALREADY TESTIFIED

25 IN THIS CASE IT WOULD NOT BE HEARSAY

STATE VS ALKEBULANYAHH

1 Q DID YOU LEARN FROM MR RIGBY THAT HE WAS IN THE
2 VICINITY OF THE 21 RILEY ROAD INCIDENT?

3 A YES

4 Q AND WHAT DID YOU LEARN FROM THAT INTERVIEW?

5 A I LEARNED THAT HE WAS WALKING DOWN RILEY ROAD AND
6 SEEN ONE OF THE PATROL CARS JUST AS HE ROUNDED THE
7 CURVE AND HEARD GUNSHOTS RING OUT, AT WHICH TIME HE
8 RAN

9 Q DID YOU LEARN THAT SOMEONE HAD SEEN HIM RUNNING
10 FROM THE 21 RILEY ROAD ---

11 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT'S GOT
12 TO BE A LEADING QUESTION, SIR THERE'S NO WAY IT CAN
13 FINISH UP WITHOUT BEING LEADING

14 THE COURT I SUSTAIN THE OBJECTION

15 Q WHAT WAS MR RIGBY BEHAVIOR AFTER YOU INFORMED HIM
16 HE WAS ACCUSED OF TRYING TO JUMP IN THE BACK OF A
17 WOMAN'S TRUCK?

18 A HE STATED HE NEVER DID IT HE WAS CALM HE NEVER
19 GOT UPSET

20 Q WAS MR RIGBY EVER DETAINED IN REFERENCE TO 21
21 RILEY ROAD INCIDENT?

22 A NO SIR HE WASN'T DETAINED HE VOLUNTEERED A
23 INTERVIEW

24 Q DO YOU KNOW WHETHER OR NOT HE WAS PLACED IN
25 HANDCUFFS?

1 A I DO NOT KNOW

2 Q DID MR RIGBY STATE TO YOU THAT HE WAS GIVEN A
3 GUNSHOT RESIDUE TEST?

4 A NO, SIR

5 MR MURDAUGH IF YOUR HONOR, PLEASE -- WELL,
6 THAT'S OKAY

7 Q WHAT DO YOU KNOW ABOUT THE INCIDENT AT THE --
8 ABOUT A MAN TRYING TO JUMP IN THE BACK OF A TRUCK?

9 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT'S GOT
10 TO BE BASED ON HEARSAY, SIR, THE LINE OF QUESTIONING
11 THE COURT I SUSTAIN THE OBJECTION

12 Q WHAT WAS YOUR PURPOSE OF RESPONDING TO THE SHELL
13 POINT LOCATION?

14 A I NEVER WENT THERE

15 Q WHAT DID MR RIGBY STATE TO YOU THE REASON HE WAS
16 GOING ON THE 21 RILEY ROAD?

17 A TO VISIT A FRIEND

18 Q AND WHO WAS THAT FRIEND?

19 A HENRY

20 Q SO MR RIGBY STATED TO YOU THAT THE REASON FOR HIM
21 GOING OVER TO THE 20 (SIC) RILEY -- 21 RILEY ROAD WAS
22 TO VISIT A FRIEND, HENRY? IS THAT HENRY CAPDEPON?

23 A I'LL HAVE TO CORRECT YOU A LITTLE BIT ON
24 SOMETHING HE NEVER GAVE ME AN ADDRESS HE JUST SAID,
25 HENRY ON RILEY ROAD THERE WAS NEVER AN ADDRESS GIVEN

1 Q DID HE EVER STATE TO WHAT REASON HE WAS GOING TO
2 VISIT HENRY?

3 A NO, SIR HE SAID HE WAS GOING TO GO VISIT A
4 FRIEND

5 Q DID HE EVER STATE THAT HE ENCOUNTERED HENRY?

6 A NOT ON RILEY ROAD

7 Q DID MR RIGBY STATE TO YOU THAT HE KNEW THE SHOT
8 FIRED FROM A -- AN A K 47 WAS THE -- WAS THE SOUND
9 BECAUSE HIS FATHER WAS A MARINE AND HE GREW UP WITH
10 GUNS?

11 A THAT IS CORRECT

12 Q DID MR RIGBY STATE THAT AFTER HE RAN FROM THE 21
13 RILEY ROAD LOCATION THAT HE RETURNED BACK TO THE 21
14 RILEY ROAD LOCATION?

15 A AGAIN, HE'S NOT TELLING ME HE RAN FROM 21 RILEY
16 ROAD HE RAN FROM RILEY ROAD AND THEN LATER WALKED
17 BACK DOWN BROAD RIVER BOULEVARD, HE TOLD ME

18 Q DID MR RIGBY STATE TO YOU THAT HE WAS QUESTIONED
19 ABOUT WHAT HAPPENED ON RILEY ROAD AND STATED THAT HE
20 REFUSED TO ANSWER SOME QUESTIONS THAT WAS INQUIRED FOR
21 HIM BECAUSE HE DID NOT WANT TO GET MESSED UP IN
22 ANYTHING?

23 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
24 THE QUESTION HE CAN -- MY UNDERSTANDING OF THE RULE,
25 HE CAN ASK HIM ANYTHING THAT WOULD IMPEACH WHAT RIGBY

1 SAID BUT HE'S GONE FAR BEYOND THAT, SIR, AND I'M
2 GOING TO START OBJECTING, SIR

3 THE COURT I SUSTAIN THAT OBJECTION

4 LADIES AND GENTLEMEN -- LADIES AND GENTLEMEN, AS
5 YOU HEAR WHEN I MAKE THESE RULINGS, IF I SAY I OVERRULE
6 THE OBJECTION OR I SUSTAIN THE OBJECTION, I TOLD YOU
7 ABOUT THAT AT THE BEGINNING OF THE CASE DO NOT
8 ATTRIBUTE ANYTHING TO ANY SIDE WHEN I DO THAT

9 THE FACT THAT I RULE ON MATTERS GIVES THEM
10 GUIDANCE ABOUT HOW THEY PROCEED, AND THOSE ARE THE
11 RULES MECHANISMS THEY HAVE TO USE TO SEEK MY GUIDANCE

12 BUT IF I SUSTAIN AN OBJECTION, THAT MEANS
13 DISREGARD THE INFORMATION THAT WAS THE ANSWER OR THE
14 QUESTION

15 GO AHEAD

16 MR ALKEBULANYAHH THANK YOU YOUR HONOR

17 Q DID MR RIGBY STATE TO YOU THAT AS HE RETURNED
18 BACK TO RILEY ROAD THAT HE ENCOUNTERED A FRIEND, HENRY
19 CAPDEPON, IN A WHITE VAN?

20 MR MURDAUGH OBJECTION, SIR

21 THE COURT I WILL -- APPROACH AT SIDE BAR I'LL
22 EXPLAIN

23 MR MURDAUGH I'LL WITH -- I'LL WITHDRAW MY ---

24 THE COURT I'LL EXPLAIN I'LL EXPLAIN

25 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD

STATE VS ALKEBULANYAHH

1 OUT OF THE HEARING OF THE JURY)

2 THE COURT WITHDRAWN?

3 MR MURDAUGH YES, SIR

4 THE COURT GO AHEAD

5 Q MR OTT, DID MR RIGBY STATE TO YOU THAT HE

6 ENCOUNTER -- HE ENCOUNTERED MR CAPDEPON WHO WAS RIDING

7 IN A WHITE VAN?

8 A ACTUALLY IT WOULD BE NO TO THAT BECAUSE HE TOLD ME

9 IT WAS HENRY HE DID NOT KNOW HIS LAST NAME SIR BUT

10 YES, HE DID SAY HE MET A GUY NAMED HENRY IN A WHITE

11 VAN, YES, SIR

12 Q DID MR RIGBY STATE TO YOU THAT HE WAS RECEIVING

13 INFORMATION FROM HENRY AND HE LET HIM CONTINUE TO TELL

14 HIM THINGS ---

15 MR MURDAUGH OBJECTION, SIR

16 THE COURT I SUSTAIN THE OBJECTION

17 Q DID MR RIGBY STATE TO YOU THAT THIS GUY HENRY

18 GIVE HIM A RIDE BACK TO HIS HOME?

19 MR MURDAUGH OBJECTION IF YOUR HONOR, PLEASE

20 THE COURT I'M SORRY RESTATE THAT

21 Q DID MR RIGBY STATE TO YOU THAT THIS GUY HENRY

22 GIVE HIM A RIDE BACK TO HIS HOME, HIS RESIDENCE?

23 THE COURT I SUSTAIN THAT OBJECTION

24 Q AND DID RIGBY STATE TO YOU HE ASKED HENRY TO GIVE

25 HIM A RIDE BACK TO HIS RESIDENCE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH OBJECTION, SIR
2 THE COURT SUSTAINED
3 (PAUSE)
4 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
5 YOUR HONOR
6 MR MURDAUGH YOU MAY COME DOWN I HAVE NO
7 QUESTIONS
8 THE COURT ANY OBJECTION TO HIS BEING EXCUSED?
9 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
10 MR MURDAUGH NOT FROM THE STATE, SIR
11 THE COURT YOU MAY -- YOU MAY BE EXCUSED, SIR
12 THE WITNESS THANK YOU, YOUR HONOR
13 (THE WITNESS LEAVES THE WITNESS STAND)
14 THE COURT NEXT WITNESS
15 MR ALKEBULANYAHH DEPUTY OLES
16 JUSTIN OLES BEING FIRST
17 DULY SWORN, TESTIFIED AS FOLLOWS
18 THE CLERK PLEASE BE SEATED AND STATE YOUR NAME
19 AND SPELL IT FOR THE COURT PLEASE
20 THE WITNESS MY NAME IS JUSTIN OLES, J-U-S-T-I-N,
21 OLES, O-L-E-S
22 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
23 Q MR OLES, COULD YOU TELL ME HOW YOU BECAME
24 INVOLVED IN THE INCIDENT THAT HAPPENED ON JANUARY 8,
25 2002, IN REFERENCE TO THE 21 RILEY ROAD INCIDENT?

STATE VS ALKEBULANYAHH

1 A I WAS LEAVING THE JAIL THAT DAY, SAW OTHER
2 DEPUTIES WITH THEIR LIGHTS AND SIRENS ON, LISTENED TO
3 THE RADIO, AND RESPONDED THAT WAY

4 Q AND WHEN YOU RESPONDED OUT THAT WAY, COULD YOU
5 TELL ME WHAT YOU DID?

6 A I WAS ORDERED -- WE WERE SETTING UP A PERIMETER
7 AT THAT TIME, WE DIDN'T KNOW WHAT WAS GOING ON WE
8 JUST KNEW SOMETHING HAD HAPPENED, SO WE WENT OVER THERE
9 AND SET UP A PERIMETER

10 Q AND YOU SAY YOU WERE SETTING A PERIMETER DO THAT
11 MEAN THAT YOU WAS STOPPING TRAFFIC OR ANYTHING LIKE
12 THAT?

13 A I WAS TOLD TO GO TO A SPECIFIC PLACE I REALLY
14 DON'T REMEMBER WHAT THAT PLACE WAS, BUT I'M NOT REALLY
15 FAMILIAR WITH BEAUFORT

16 Q DID YOU -- WAS YOU INVOLVED IN INTERVIEWING
17 ANYBODY?

18 A I DIDN'T -- NO, SIR, I WASN'T INVOLVED IN THE
19 INTERVIEW PROCESS NO, SIR

20 Q WAS YOU INVOLVED WITH ASSISTING IN DETAINING
21 ANYBODY?

22 A NO

23 Q WAS YOU WITH MR -- DEPUTY SERRATO THAT DAY?

24 A AS FAR AS DID I SEE -- DID I SEE DEPUTY SERRATO
25 THAT DAY?

- 1 Q YES, SIR
- 2 A I REALLY DON'T REMEMBER IF I SAW DEPUTY SERRATO
- 3 THAT DAY OR NOT
- 4 Q DO YOU RECALL REPORTING TO ANYWHERE WHERE SOME
- 5 POSSIBLE SUSPECTS WAS INVOLVED IN THE INCIDENT AT?
- 6 A YES
- 7 Q DO YOU REMEMBER THAT LOCATION?
- 8 A I DON'T REMEMBER THAT -- THAT PHYSICAL ADDRESS
- 9 NO
- 10 Q DO YOU REMEMBER ANY OF THE NAMES OF THE POSSIBLE
- 11 SUSPECTS?
- 12 A NO, SIR
- 13 Q DO YOU KNOW WHETHER OR NOT THE POSSIBLE SUSPECTS
- 14 WAS DETAINED?
- 15 A AS FAR AS -- THE ONLY THING I KNOW IS THAT ONE --
- 16 MY WHOLE INVOLVEMENT IN THIS WHOLE SITUATION IS ONE A
- 17 VEHICLE STOP, TWO, I WENT -- I RESPONDED -- I WAS TOLD
- 18 TO GO TO A HOUSE WITH OTHER DEPUTIES AND I SAT AT THAT
- 19 HOUSE AND AS FAR AS WHO -- THE PEOPLE THEY
- 20 INTERVIEWED OR ANYTHING LIKE THAT, I HAVE NO IDEA WHO
- 21 THEY WERE
- 22 Q WHEN YOU WAS AT THAT HOUSE WAS ANY OF THE
- 23 INDIVIDUAL AT THAT HOUSE LED AWAY FROM THAT HOUSE BY
- 24 DEPUTIES?
- 25 A YES

STATE VS ALKEBULANYAHH

- 1 Q DO YOU RECALL HOW MANY?
- 2 A I DON'T KNOW I DON'T EVEN KNOW I REMEMBER ONE,
- 3 THAT'S IT
- 4 Q WAS THAT HOME SEARCHED DO YOU RECALL?
- 5 A YES, IT WAS
- 6 Q IT WAS SEARCHED BY DEPUTIES?
- 7 A YES, SIR
- 8 Q DO YOU KNOW THE REASON FOR THE SEARCH?
- 9 A I DO NOT
- 10 Q AND YOU DIDN'T RECALL WHO THE -- WHO THE HOUSE
- 11 WAS?
- 12 A LIKE I SAID, I WAS TOLD TO GO THERE AND BECAUSE
- 13 OF THE SITUATION, THE WHOLE SITUATION, IT WASN'T -- WE
- 14 DIDN'T ASK ANY QUESTIONS WE WERE TOLD TO GO THERE I
- 15 WENT THERE AND THAT WAS MY -- AND THAT WAS IT
- 16 Q HOW LONG WERE YOU THERE AT THAT LOCATION?
- 17 A I'D HAVE TO GUESS PROBABLY TWO, MAYBE THREE HOURS,
- 18 COULD BE LONGER
- 19 Q AT THAT PARTICULAR HOUSE?
- 20 A YES
- 21 Q WAS IT MALES AND FEMALES THERE, DO YOU RECALL?
- 22 A YEAH THERE WAS BOTH MALES AND FEMALES
- 23 Q AND THE -- WOULD -- WOULD YOU AGREE THAT THE
- 24 RESPONSE THAT YOU -- THE REASON THAT YOU AND THE OTHER
- 25 DEPUTY WAS THERE, BECAUSE OF POSSIBLE SUSPECTS BEING IN

1 THAT HOUSE?

2 A NO

3 Q WHAT -- WHAT DO -- IF YOU KNOW, POSSIBLE THAT YOU

4 MIGHT HAVE BEEN THERE FOR AT THAT HOUSE?

5 A A WITNESS TO WHAT HAPPENED

6 Q A WITNESS TO WHAT HAPPENED?

7 A YEAH

8 Q AND SO YOU SAYING AT THAT PARTICULAR HOUSE, THERE

9 MIGHT HAVE BEEN WITNESSES THERE?

10 A POSSIBLY, YES

11 Q DO YOU KNOW WHETHER OR NOT ANY -- ANY OBJECTS OR

12 ITEMS WAS TAKEN FROM THAT PARTICULAR HOUSE OR

13 RESIDENCE?

14 A THE BEST OF MY KNOWLEDGE, NOTHING WAS TAKEN FROM

15 THAT HOUSE

16 Q WHEN YOU ARRIVED AT THE HOUSE, WAS IT DAYLIGHT?

17 A I DON'T -- IT WOULD HAVE HAD TO BE AT LEAST DUSK,

18 GETTING DARK I DON'T REALLY REMEMBER IF IT WAS DUSK

19 OR DARK

20 MR ALKEBULANYAHH THANK YOU, SIR I HAVE NO

21 FURTHER QUESTIONS, YOUR HONOR

22 MR STONE NOTHING FROM US, YOUR HONOR

23 THE COURT YOU MAY STEP ---

24 MR STONE MAY HE BE EXCUSED?

25 THE COURT ANY OBJECTION?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION
2 THE COURT YOU MAY BE EXCUSED, SIR THANK YOU
3 (THE WITNESS LEAVES THE WITNESS STAND)

4 MR ALKEBULANYAHH DAVID CALORE

5 DAVID F CALORE, BEING
6 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

7 THE CLERK PLEASE BE SEATED STATE YOUR NAME AND
8 SPELL IT FOR THE COURT PLEASE

9 THE WITNESS MY NAME IS DAVID F CALORE,
10 C-A-L-O-R-E

11 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

12 Q MR CALORE, WOULD YOU STATE YOUR NAME AND
13 OCCUPATION FOR THE RECORD, SIR?

14 A MY NAME IS DAVID F CALORE I'M A SPECIAL AGENT
15 WITH THE F B I

16 Q MR CALORE COULD YOU TELL ME HOW YOU BECAME
17 INVOLVED IN THE 21 RILEY ROAD INCIDENT ON JANUARY 8
18 2002, SIR?

19 A YES IT WAS ASSISTANCE TO THE BEAUFORT COUNTY
20 SHERIFF'S OFFICE

21 Q WHEN YOU -- WHEN YOU ARRIVED IN THAT PARTICULAR
22 AREA, WHAT DID YOU DO?

23 A WHAT DID I DO?

24 Q YES, SIR WHAT -- WHAT WAS YOUR ACTION UPON
25 ARRIVING IN THAT PARTICULAR AREA IN ASSISTANCE WITH THE

STATE VS ALKEBULANYAHH

1 BEAUFORT COUNTY SHERIFF OFFICE?

2 A AFTER YOU WERE PLACED IN AN AMBULANCE, I WENT TO
3 THE HOSPITAL

4 Q WENT TO THE HOSPITAL DID YOU DO ANY INTERVIEWS,
5 SIR?

6 A YES

7 Q AND WHO MAY HAVE YOU INTERVIEWED?

8 A I INTERVIEWED A FELLOW BY THE NAME OF ISAAC RILEY,
9 INTERVIEWED A RESPIRATORY THERAPIST AT THE HOSPITAL
10 AND THERE WERE OTHER PEOPLE THAT WERE INTERVIEWED AT A
11 SCHOOLHOUSE I CAN'T RECALL THEIR NAMES

12 Q DO YOU SO HAPPEN TO RECALL INTERVIEWING A EDDIE
13 BROWN?

14 A NOT OFFHAND BUT IF I WAS SHOWN A POLICE REPORT OR
15 SOMETHING, IT MAY GIVE ME RECOLLECTION OF IT

16 Q HOW ABOUT A MR TIMOTHY MORGAN?

17 A NO, SIR, I CAN'T RECALL THAT

18 Q DID YOU -- DID YOU WRITE A REPORT IN REFERENCE TO
19 YOUR ACTION, SIR?

20 A I WRITE -- FOR THE F B I , WE WRITE 302'S
21 THEY'RE CALLED 302'S WHICH ARE INTERVIEW FORMS, WHICH
22 I WROTE

23 Q DID YOU RECEIVE ANY INFORMATION ABOUT -- ABOUT
24 PEOPLE COMING TO AND FROM THE RILEY ROAD OF NUMEROUS
25 PEOPLE WEARING DREDLOCKS OR BRAIDS, PLAITS IN THEIR

1 HEAD?

2 A NO, SIR

3 Q DO YOU RECALL RECEIVING ANY INFORMATION CONCERNING
4 A YAREAL (PHONETIC) WEARING DREDLOCKS?

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

7 THE COURT I SUSTAIN THE OBJECTION

8 Q DO YOU RECALL RECEIVING ANY INFORMATION ABOUT A
9 YOUNG LADY CALLED MAY ---

10 MR MURDAUGH OBJECTION IF YOUR HONOR PLEASE
11 THE COURT I SUSTAIN THE OBJECTION

12 (PAUSE)

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

15 MR MURDAUGH WE HAVE NO QUESTIONS IF YOUR HONOR,
16 PLEASE

17 THE COURT ANY OBJECTION TO HIS BEING EXCUSED?

18 MR ALKEBULANYAHH NO SIR, YOUR HONOR

19 THANK YOU, MR CALORE

20 THE WITNESS THANK YOU THANK YOU, YOUR HONOR

21 THE COURT YOU MAY BE EXCUSED SIR

22 (THE WITNESS LEAVES THE WITNESS STAND)

23 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE A
24 MINUTE WITH COUNSEL?

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 (PAUSE)
2 MR MURDAUGH ARE WE ON RECESS?
3 THE COURT NO, SIR HE'S CONSULTING WITH HIS --
4 DO YOU NEED A BREAK?
5 MR MURDAUGH NO SIR
6 MR ALKEBULANYAHH MR BOBBY JENKIN (PHONETIC)
7 ROBERT C JENKINS BEING
8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
9 THE CLERK PLEASE BE SEATED STATE YOUR NAME AND
10 SPELL IT FOR THE COURT PLEASE
11 THE WITNESS ROBERT C JENKINS, R-O-B-E-R-T C
12 JENKINS, J-E-N-K-I-N-S
13 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?
14 THE COURT YES, SIR
15 DIRECT EXAMINATION BY MR. ALKEBULANYAHH
16 Q GOOD AFTERNOON, MR JENKINS
17 A GOOD AFTERNOON
18 Q SIR, COULD YOU TELL ME HOW YOU BECAME INVOLVED IN
19 THE JANUARY 8, 2002, INCIDENT IN RELATION TO THE 21
20 RILEY ROAD INCIDENT IN WHICH TWO DEPUTIES WAS KILLED?
21 A AS THE RESULTS OF SOME RADIO COMMUNICATIONS THAT I
22 RECEIVED
23 Q AND DID YOU RESPOND TO THAT LOCATION?
24 A YES, SIR, I DID
25 Q DID YOU RESPOND TO THE ALLEGE CRIME SCENE?

STATE VS ALKEBULANYAHH

1 A NO, SIR, NOT THE ACTUAL SCENE
2 Q WHERE DID YOU RESPOND TO?
3 A TO THE BROAD RIVER ELEMENTARY SCHOOL
4 Q AND WHAT DID YOU DO AT THE -- AT THAT PARTICULAR
5 LOCATION, SIR?
6 A TOOK PRELIMINARY, INFORMAL STATEMENTS FROM PEOPLE
7 THAT WERE ALLEGEDLY AT THE CRIME SCENE
8 Q DO YOU REMEMBER THE PEOPLE THAT YOU TOOK THE
9 PRELIMINARY STATEMENTS FROM THEM?
10 A YES, SIR
11 Q COULD YOU GIVE ME THOSE NAMES, SIR?
12 A ISAAC RILEY
13 Q YES, SIR
14 A BRENDA SMITH RILEY
15 Q YES SIR
16 A STRAWBERRY WASHINGTON
17 Q YES, SIR
18 A AND THE OTHER YOUNG LADY THAT WAS AT THE TRAILER
19 Q WOULD THAT BE KIMBERLY BLATE (PHONETIC), SIR?
20 A YES, SIR, KIMBERLY BLAKE
21 Q MR JENKINS, DO YOU RECALL IN -- WHEN -- IN TAKING
22 THEM STATEMENTS FROM MS KIMBERLY BLATE (PHONETIC), HER
23 EVER GIVING THE STATEMENT THAT THE DEFENDANT, MR
24 ALKEBULANYAHH IN THIS CASE STATED TO HER THAT HE
25 KILLED THOSE TWO WHITE BITCHES AND WAS GOING TO SAY

STATE VS ALKEBULANYAHH

1 IT'S SELF-DEFENSE?

2 A DO I RECALL HER MAKING THOSE REMARKS?

3 Q YES, SIR

4 A NO, SIR, I DON'T

5 Q SIR, DO YOU RECALL MS BLATE (PHONETIC) STATING

6 THAT THE DEFENDANT IN THIS CASE, MR ALKEBULANYAHH, WAS

7 STANDING IN THE 21 RILEY ROAD RESIDENCE WITH A RIFLE IN

8 HIS HAND POINTED AT THE DOOR?

9 A NOT THAT PARTICULAR STATEMENT, NO, SIR

10 MR ALKEBULANYAHH MR JENKINS, THANK YOU I

11 HAVE NO FURTHER QUESTIONS, YOUR HONOR

12 MR MURDAUGH I HAVE NO QUESTIONS, NOR DO I MIND

13 HIM BEING EXCUSED, SIR

14 THE COURT ANY OBJECTION?

15 MR ALKEBULANYAHH NO, SIR

16 THE COURT YOU MAY BE EXCUSED, SIR THANK YOU

17 THE WITNESS THANK YOU

18 (THE WITNESS LEAVES THE WITNESS STAND)

19 MR ALKEBULANYAHH MR FOWLER, MR SEAN FOWLER

20 SEAN P FOWLER, BEING FIRST

21 DULY SWORN, TESTIFIED AS FOLLOWS

22 THE CLERK PLEASE BE SEATED STATE YOUR NAME AND

23 SPELL IT FOR THE COURT PLEASE

24 THE WITNESS MY NAME IS SEAN FOWLER IT'S

25 S-E-A-N F-O-W-L-E-R

STATE VS ALKEBULANYAHH

1 THE COURT JUST ONE SECOND

2 THE WITNESS YES SIR

3 (PAUSE)

4 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

5 Q MR FOWLER, COULD YOU STATE YOUR NAME AND
6 OCCUPATION FOR THE RECORD PLEASE

7 A MY NAME IS SEAN FOWLER I WORK WITH CAROLINA
8 CAPITAL MANAGEMENT I'M A FINANCIAL REPRESENTATIVE
9 FORMER SLED AGENT

10 Q MR FOWLER, DID YOU HAVE THE OPPORTUNITY TO
11 EXAMINE A WITNESS, MS KIMBERLY BLATE (PHONETIC),
12 THAT'S INVOLVED IN THE 21 RILEY ROAD INCIDENT ON
13 JANUARY 8, 2002?

14 A I INTERVIEWED A KIMBERLY BLAKE, YES

15 Q DID MS KIMBERLY BLATE (PHONETIC) GIVE YOU ANY
16 INFORMATION?

17 A YES, SHE DID I DON'T HAVE ANY NOTES WITH ME FROM
18 THAT INTERVIEW THE BEST I CAN DO IS THE LITTLE BIT
19 THAT I REMEMBER UNLESS I HAVE A STATEMENT OR SOMETHING

20 Q IN YOUR INTERVIEW EXAMINATION OF MS KIMBERLY
21 BLATE (PHONETIC), DID YOU DISCERN OR NOT WHETHER SHE
22 LIED TO YOU?

23 MR MURDAUGH IF YOUR HONOR, PLEASE ---

24 THE COURT YES, I SUSTAIN THE OBJECTION

25 Q DO YOU BELIEVE MS KIMBERLY BLATE (PHONETIC) LIED

STATE VS ALKEBULANYAHH

1 TO ---

2 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
3 THIS ONE SIR

4 THE COURT I SUSTAIN THE OBJECTION

5 YOU CAN ASK HIM ABOUT ANY STATEMENTS SHE MADE BE
6 FOR THIS -- IT WILL BE FOR THE JURY TO DECIDE WHO AND
7 WHAT IT WANTS TO BELIEVE IN THIS CASE

8 Q DO YOU RECALL ANY -- DO YOU RECALL ANY STATEMENT
9 THAT KIMBERLY BLATE (PHONETIC) MADE TO YOU?

10 A I -- I REMEMBER SMALL BITS UNLESS I HAD HER
11 ACTUAL STATEMENT TO REFRESH MY MEMORY, I CAN'T REMEMBER
12 EVERYTHING BUT I REMEMBER ---

13 MR MURDAUGH IF YOUR HONOR, PLEASE, UNLESS IT
14 IMPEACHES HER TESTIMONY, SIR I WOULD OBJECT TO IT
15 SIR

16 THE COURT YES SIR I SUSTAIN THAT

17 MR ALKEBULANYAHH I DON'T KNOW WHAT HE'S GOING
18 TO SAY UNTIL -- IT MAY IMPEACH HER TESTIMONY

19 THE COURT ALL RIGHT YOU CAN ASK HIM ABOUT A
20 STATEMENT IN PARTICULAR I'LL ALLOW THAT I'LL ALLOW
21 A LITTLE LEADING IN THAT REGARD

22 Q DID YOU ASK KIMBERLY BLATE (PHONETIC) DID SHE LIE
23 IN ANY PART OF HER PAST OR OF HER LAST STATEMENT
24 PROVIDED?

25 MR MURDAUGH IF YOUR HONOR PLEASE, I OBJECT TO

STATE VS ALKEBULANYAHH

1 THAT, SIR

2 THE COURT I SUSTAIN THAT OBJECTION

3 YOU CAN ASK HIM ABOUT ANY STATEMENT MS BLAKE

4 MADE

5 Q IF ANY STATEMENTS YOU REMEMBER, THAT YOU CAN

6 RECALL THAT MS BLATE (PHONETIC) MADE, COULD YOU TELL

7 ME ABOUT THOSE STATEMENTS?

8 MR MURDAUGH AGAIN IF YOUR HONOR, PLEASE, I

9 OBJECT UNLESS THEY ARE ---

10 THE COURT YES TO SATISFY THAT, I'M GOING TO

11 ALLOW YOU TO LEAD A LITTLE BIT AND ASK ABOUT A SPECIFIC

12 STATEMENT DO YOU WISH TO ASK HIM -- DO YOU WISH TO

13 ASK HIM IF A -- IF SHE MADE A SPECIFIC STATEMENT TO

14 HIM?

15 MR ALKEBULANYAHH (NODS HEAD)

16 THE COURT ALL RIGHT SAY WHAT THAT STATEMENT IS

17 AND ASK HIM

18 IS THAT WITHOUT OBJECTION?

19 MR MURDAUGH THAT IS WITHOUT OBJECTION, YES,

20 SIR

21 THE COURT ALL RIGHT

22 Q DID KIMBERLY BLATE (PHONETIC) MAKE THE STATEMENT

23 THAT MYSELF, MR ALKEBULANYAHH THAT WAS INVOLVED IN

24 THE 21 RILEY ROAD INCIDENT, THAT WAS APPREHENDED IN THE

25 CASE, THAT -- THAT HE KILLED TWO POLICE OFFICERS?

STATE VS ALKEBULANYAHH

1 A I REMEMBER SHE SAID THAT MR TYREE (SIC) HAD A
2 GUN, THE OFFICERS CAME IN THE TRAILER, AND HE TOLD HER
3 NOT TO SAY ANYTHING SHE DIDN'T SHE LEFT THE ROOM
4 AND HE BEGAN FIRING AND THE OFFICERS WERE KILLED

5 Q AND IN YOUR EXAMINATION DID YOU DETERMINE THAT
6 WAS UNTRUE?

7 MR MURDAUGH YOUR HONOR PLEASE ---

8 THE COURT I -- I SUSTAIN THAT OBJECTION

9 MR MURDAUGH THE TRUTH IS FOR THE JURY

10 THE COURT THAT IS A MATTER FOR THE JURY TO
11 DECIDE

12 Q DO YOU BELIEVE THAT IN YOUR EXAMINATION OF MS
13 BLATE (PHONETIC) THAT SHE WAS WITHHOLDING ANY
14 INFORMATION?

15 MR MURDAUGH YOUR HONOR PLEASE I OBJECT TO
16 THAT SIR

17 THE COURT I SUSTAIN THE OBJECTION

18 YOU ASKED -- IF YOU WISH TO ASK HIM DID SHE TELL
19 YOU THIS DID SHE TELL YOU THAT DID SHE TELL YOU THE
20 OTHER THING YOU COULD DO THAT THAT'S ALL

21 MR ALKEBULANYAHH YEAH BUT I DON'T HAVE NO
22 INFORMATION TO -- TO PACIFICALLY (SIC) SAY DID SHE TELL
23 HIM

24 THE COURT YOU -- YOU HAVE THE INFORMATION BASED
25 ON WHAT MS BLAKE HAS TESTIFIED ABOUT AND YOU CAN ASK

1 HIM QUESTIONS ABOUT ANY STATEMENTS THAT SHE MADE

2 Q DID MS BLATE (PHONETIC) STATE THAT HER CHILD WAS
3 TAKEN FROM HER BY LAW ENFORCEMENT?

4 A I DON'T RECALL

5 Q DID MS BLATE (PHONETIC) STATE THAT -- THAT THE
6 LAW ENFORCEMENTS OFFICERS OF BEAUFORT COUNTY WAS
7 PUTTING A LOT OF PRESSURE ON HER?

8 A I DON'T RECALL HER MAKING A STATEMENT LIKE THAT,
9 NO, SIR

10 Q DID MS BLATE (PHONETIC) STATE THAT SHE CAN'T GET
11 ANY SLEEP BECAUSE EVERY DAY THE LAW ENFORCEMENT OFFICER
12 WAS COMING TO PICK HER UP?

13 A I DON'T REMEMBER HER SAYING THAT

14 MR ALKEBULANYAHH YOUR HONOR, CAN I INQUIRE TO
15 THE WITNESS OF -- OF HIS -- OF -- OF HIS BELIEF OR
16 OPINION ABOUT A CERTAIN SITUATION?

17 THE COURT HE'S NOT QUALIFIED AS AN EXPERT IN ANY
18 SITUATION I DON'T KNOW -- IF YOU WANT TO APPROACH,
19 YOU CAN TELL ME

20 MR ALKEBULANYAHH YES, SIR

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

23 Q MR FOWLER, FROM YOUR EXAMINATION OF MS KIMBERLY
24 BLATE (PHONETIC), WAS -- WAS SHE BEING INVASIVE (SIC)?

25 A I DON'T UNDERSTAND WHAT YOU MEAN BY INVASIVE

1 Q WAS SHE TRYING TO KEEP FROM THE -- THE TRUTH?

2 MR MURDAUGH JUDGE, THAT ISN'T -- THE QUESTION
3 WAS EVASIVE, SIR

4 THE COURT YES, SIR

5 A IN THE BEGINNING SHE WAS EVASIVE AND THEN
6 TOWARDS THE END OF THE -- END OF THE INTERVIEW, SHE WAS
7 GIVING MORE OF THE TRUTH, YES

8 Q FROM YOUR INTERVIEW -- FROM YOUR INTERVIEW, WOULD
9 YOU SAY KIMBERLY BLATE (PHONETIC) WAS FOUND TO BE --
10 NOT TO BE CREDIBLE?

11 MR MURDAUGH IF YOUR HONOR PLEASE, I OBJECT,
12 SIR

13 THE COURT I SUSTAIN THAT OBJECTION

14 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE A
15 MOMENT WITH COUNSEL?

16 THE COURT YES SIR

17 (PAUSE)

18 MR ALKEBULANYAHH MR FOWLER, I HAVE NO FURTHER
19 QUESTIONS THANK YOU

20 CROSS EXAMINATION BY MR. MURDAUGH.

21 Q MR FOWLER, DO YOU REMEMBER THE DATE OF YOUR
22 INTERVIEW WITH KIMBERLY BLATE (PHONETIC)?

23 A NOT OFFHAND, NO, SIR

24 Q WOULD -- I SHOW YOU THIS AND ASK YOU IF THAT
25 REFRESHES YOUR MEMORY, SIR?

STATE VS ALKEBULANYAHH

- 1 A YES SIR
- 2 Q AND DO YOU REMEMBER NOW WHAT THE DATE WAS?
- 3 A YES, SIR JANUARY 11, 2002
- 4 Q OKAY, SIR NOW, MR FOWLER, YOU STATED THAT WHEN
- 5 YOU BEGAN YOUR INTERVIEW WITH KIMBERLY BLAKE, THAT SHE
- 6 WAS EVASIVE?
- 7 A YES, SIR
- 8 Q AND DID YOUR INTERVIEW WITH HER CONTINUE?
- 9 A YES, SIR
- 10 Q AND DID SHE THEN BECOME LESS EVASIVE?
- 11 A YES, SIR
- 12 Q AND DID SHE GET AWAY FROM BEING EVASIVE?
- 13 A YES, SIR
- 14 Q AND DID SHE GIVE YOU ALL A STATEMENT?
- 15 A YES, SIR
- 16 Q IN THE STATEMENT, IS WHAT YOU SAID A MINUTE AGO
- 17 WHAT SHE TOLD YOU AFTER SHE HAD DECIDED NOT TO BE
- 18 EVASIVE?
- 19 A THAT'S CORRECT
- 20 Q OKAY, SIR THAT IS -- THAT IS THAT SHE SAID THAT
- 21 TYREE OR ALKEBULANYAHH HAD A GUN?
- 22 A YES
- 23 Q THAT HE GOT IN THE CLOSET IN THAT ROOM?
- 24 A YES
- 25 Q TOLD HER TO LEAVE THE ROOM?

STATE VS ALKEBULANYAHH

1 A TOLD HER NOT TO SAY ANYTHING
2 Q NOT TO SAY ANYTHING?
3 A CORRECT
4 Q THAT SHE LEFT, AND THAT HE FIRED THE GUN?
5 A THAT'S CORRECT
6 Q OKAY SIR WOULD -- WERE YOU PRESENT WHEN A
7 DETAILED HANDWRITTEN STATEMENT WAS LATER TAKEN FROM
8 HER THAT DAY?
9 A I BELIEVE I WAS I CAN'T REMEMBER FOR CERTAIN
10 Q I SHOW YOU DEFENSE EXHIBIT, I THINK, NO 7, SIR,
11 DEFENSE EXHIBIT NO 7 AND ASK YOU IF YOU WOULD JUST
12 LOOK AT THAT TO SEE WHETHER OR NOT YOU RECALL THAT
13 STATEMENT BEING MADE
14 (PAUSE)
15 Q AND I DON'T KNOW WHETHER YOU WERE THERE OR NOT,
16 SIR IF YOU WEREN'T TELL ME
17 A I DON'T REMEMBER -- REMEMBER FOR CERTAIN SIR
18 Q OKAY BUT LOOKING AT THE DATE ON DEFENSE EXHIBIT
19 11 -- I MEAN 7, DOES IT SHOW THAT IT WAS TAKEN IN THE
20 AFTERNOON OF JANUARY 11 2002?
21 A YES SIR, IT DOES
22 MR MURDAUGH THANK YOU SIR I HAVE NO FURTHER
23 QUESTIONS
24 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
2 OUT OF THE HEARING OF THE JURY)

3 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH.

4 Q MR FOWLER, COULD YOU REVIEW DEFENSE EXHIBIT NO
5 7, READ THE CONTENTS TO YOURSELF, DO THAT?

6 MR MURDAUGH IF YOUR HONOR PLEASE, HE SAYS HE
7 DOES NOT RECALL IT AND HE CERTAINLY CAN'T TESTIFY FROM
8 SOMETHING HE DOESN'T RECALL, SIR

9 THE COURT MAY I SEE THAT DOCUMENT PLEASE
10 (PAUSE)

11 THE COURT I SUSTAIN THE OBJECTION

12 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

13 THE COURT YES SIR

14 HAND THAT BACK TO THE COURT REPORTER THANK YOU

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

17 Q IS THIS THE DOCUMENT THAT THE PROSECUTOR JUST
18 SHOWED YOU A MOMENT AGO THAT WOULD -- THAT REFRESHES
19 YOUR MEMORY ABOUT THINGS THAT MS BLATE (PHONETIC)
20 SAID?

21 A IT'S THE DOCUMENT HE SHOWED ME TO REFRESH MY
22 MEMORY ABOUT THE DATE

23 Q ABOUT THE DATE?

24 A YES

25 Q OF THE STATEMENT THAT MS BLATE (PHONETIC)

STATE VS ALKEBULANYAHH

1 ALLEGEDLY SAID TO YOU?

2 MR MURDAUGH IF YOUR HONOR, PLEASE, I -- I DON'T
3 WANT HIM TO GO INTO A MATTER THAT YOU HAVE RULED ON
4 ALREADY, SIR

5 THE COURT HE CAN REFRESH HIS RECOLLECTION FROM
6 THAT DOCUMENT, BUT THE DOCUMENT IS NOT ADMISSIBLE

7 MR ALKEBULANYAHH RIGHT

8 Q BUT THIS IS THE DOCUMENT THAT THE PROSECUTOR JUST
9 SHOWED YOU TO GAVE YOU A RECOLLECTION WHEN HE ASKED YOU
10 THE SERIES OF QUESTIONS AFTER HE SPOKE TO YOU, IS THAT
11 CORRECT?

12 A REGARDING THE SPECIFIC DATE OF THE INTERVIEW,
13 THAT'S CORRECT

14 Q OKAY

15 THE COURT YOU CAN MARK THAT FOR I D PURPOSES IF
16 YOU'D LIKE

17 MR ALKEBULANYAHH YES SIR, I D PURPOSES

18 THE REPORTER 40

19 THE COURT 30?

20 THE REPORTER 40

21 THE COURT 40 I'M SORRY DEFENDANT'S 40 FOR
22 I D PURPOSES

23 (SLED POLYGRAPH REPORT, KIMBERLY BLAKE, 1 PAGE,
24 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO
25 40)

STATE VS ALKEBULANYAHH

1 Q WHAT IS THE DATE OF THAT DOCUMENT, MR FOWLER?

2 MR MURDAUGH THAT'S BEEN ASKED AND ANSWERED AT
3 LEAST TWICE, SIR

4 THE COURT YES, SIR

5 MR ALKEBULANYAHH I WOULD LIKE TO KNOW I -- I
6 -- I MISSED IT

7 THE COURT IF YOU MISSED IT, I'LL ALLOW IT THEN
8 GO AHEAD

9 A THE DATE IS ON THERE JANUARY 11, 2002

10 Q AND ON JANUARY 11, 2002, DID YOU TAKE A STATEMENT
11 FROM MS KIMBERLY BLATE (PHONETIC)?

12 MR MURDAUGH ASKED AND ANSWERED, SIR NOT IN
13 RESPONSE TO MY QUESTIONING, SIR

14 THE COURT YES, SIR I SUSTAIN THE OBJECTION
15 YOU CAN ASK ABOUT ANY OF HIS QUESTIONS IN FOLLOW UP

16 MR ALKEBULANYAHH WELL HE ASKED HER ABOUT -- HE
17 ASKED HIM ABOUT STATEMENTS ---

18 THE COURT YES, SIR

19 MR ALKEBULANYAHH --- AND I WAS ASKING QUESTIONS
20 IN REFERENCE TO THE STATEMENT THAT HE SAID KIMBERLY
21 BLATE (PHONETIC) GAVE HER (SIC) AND I WANT TO FOLLOW UP
22 WITH THE STATEMENT THAT HE'S MADE MENTION ABOUT THE
23 STATEMENT I DIDN'T MENTION ANYTHING ABOUT A
24 STATEMENT

25 THE COURT WELL, ASK HIM QUESTIONS ABOUT IT

1 SPECIFICALLY

2 Q ON JANUARY 11, DID YOU TAKE A STATEMENT FROM MS
3 KIMBERLY BLATE (PHONETIC)?

4 A I HAD A VERBAL STATEMENT FROM MS KIMBERLY BLAKE
5 I DIDN'T TAKE A WRITTEN STATEMENT MYSELF

6 Q WHEN THE PROSECUTOR ASKED YOU ABOUT THE STATEMENT
7 THAT MS KIMBERLY BLATE (PHONETIC) MADE TO YOU, WAS
8 THAT STATEMENT GIVEN TO YOU ON A -- FROM KIMBERLY BLATE
9 (PHONETIC) ON JANUARY 11TH OF 2002?

10 A THAT WOULD HAVE BEEN WHEN SHE DID, YES

11 Q SO ON JANUARY 11, 2002, KIMBERLY BLATE (PHONETIC)
12 TOLD YOU THAT MR ALKEBULANYAHH WAS HIDING IN A CLOSET?

13 A TO THE BEST OF MY MEMORY, THAT'S EXACTLY WHAT SHE
14 SAID

15 Q ARE YOU AWARE THAT THAT STATEMENT WAS MADE FOUR
16 MONTHS LATER ON MARCH 21 2002?

17 A NO

18 Q ARE YOU AWARE THE FIRST TIME THAT STATEMENT EVER
19 CAME OUT ON MARCH 21, 2002, IN WRITING OR PROFESSION?

20 A NO

21 Q ARE YOU AWARE THAT ON JANUARY 11, 2002, IN WHICH
22 YOU SAY YOU GOT THAT STATEMENT THAT KIMBERLY BLATE
23 (PHONETIC) STATED THAT MR ALKEBULANYAHH WAS STANDING
24 IN FRONT OF THE T V WITH HIS FEET SHOULDER LENGTH
25 APART WITH A RIFLE POINTED AT THE DOOR?

STATE VS ALKEBULANYAHH

1 A NO

2 Q SO WHEN YOU STATED THAT MR -- MR -- SHE TOLD YOU
3 MR ALKEBULANYAHH WAS HIDING IN THE CLOSET, WOULD YOU
4 SAY YOU LIED?

5 A NO I TOLD YOU I REMEMBER -- I WAS TELLING YOU
6 WHAT I COULD REMEMBER WITHOUT NOTES IN FRONT OF ME AND
7 THAT'S WHAT I RECALLED

8 Q DID YOU INFORM THE PROSECUTORS OR ANYONE INVOLVED
9 IN THE INVESTIGATION THAT THREE DAYS LATER AFTER THIS
10 INCIDENT THAT MS KIMBERLY BLATE (PHONETIC) TOLD YOU
11 THAT MR ALKEBULANYAHH WAS HIDING IN A CLOSET WITH A
12 GUN?

13 A THERE WERE DEPUTIES FROM THE SHERIFF'S OFFICE
14 PRESENT AFTER SHE MADE THE STATEMENTS I HAD THEM COME
15 IN THEY LISTENED TO THE STATEMENTS AGAIN AND TOOK A
16 STATEMENT A WRITTEN -- WRITTEN STATEMENTS FROM HER TO
17 THE BEST OF MY KNOWLEDGE

18 Q DO YOU KNOW THE DEPUTIES THAT WAS THERE, SIR?

19 A I DON'T RECALL THEIR NAMES, NO

20 Q COULD YOU JUST THINK OF ONE?

21 A NOT OFF THE TOP OF MY HEAD, NO, SIR

22 Q AND WHAT YOU'RE SAYING IS THAT THERE WAS SOME
23 DEPUTIES, INVESTIGATORS THERE ON JANUARY 11, 2002,
24 THREE DAYS AFTER THE INCIDENT IN WHICH THE DEPUTIES WAS
25 KILLED AT THE 21 RILEY ROAD RESIDENCE, THAT MS BLATE

1 (PHONETIC) STATED TO THEM THAT MR ALKEBULANYAHH WAS
2 HIDING IN A CLOSET WITH A GUN?

3 A TO THE BEST OF MY MEMORY, YES

4 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?

5 THE COURT YES, SIR

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

8 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
9 YOUR HONOR

10 RECROSS EXAMINATION BY MR. MURDAUGH.

11 Q MR FOWLER ---

12 A YES, SIR

13 Q --- I ASK YOU TO LOOK AT DEFENSE EXHIBIT NO 7,
14 WHICH IS A STATEMENT TAKEN FROM KIMBERLY BLAKE

15 MR ALKEBULANYAHH YOUR HONOR, I OBJECT I ASKED
16 HIM TO TAKE A LOOK AT THAT AND HE OBJECTED AHEAD OF
17 TIME AND SAID THAT HE COULD NOT AND YOU RULED YOU
18 SUSTAINED THE RULE AS REFERENCE TO THAT PARTICULAR
19 STATEMENT

20 THE COURT DO YOU WISH TO BE HEARD ON THAT?

21 MR MURDAUGH YES, SIR I THINK HE -- HE TOLD
22 HIM HE WASN'T TELLING THE TRUTH, SIR, AND I WANT TO
23 GET TO THE TRUTH

24 THE COURT WELL, BUT HE KNOWS NOTHING ABOUT THIS
25 STATEMENT

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I'M -- WELL, ALL I'M GOING TO DO,
2 SIR, IS GET HIM TO READ A PORTION OF A STATEMENT THAT
3 HAS BEEN INTRODUCED INTO EVIDENCE BY THIS DEFENDANT,
4 SIR, AND BY THIS LAWYER, SIR

5 THE COURT AND YOU WANT TO ASK WHAT ABOUT IT?

6 MR MURDAUGH I'M GOING TO ASK HIM WHETHER OR NOT
7 THIS PIECE OF EVIDENCE CONTAINS A STATEMENT SAYS -- I
8 -- I DON'T WANT TO READ IT AND ---

9 THE COURT YES, SIR WELL, THEN THAT'S GOING TO
10 -- I'M GOING TO GIVE HIM THE RIGHT TO ASK ABOUT THAT
11 STATEMENT TOO

12 MR MURDAUGH I -- I -- OTHER THAN THE TIME IT'S
13 GOING TO TAKE SIR, I HAVE NO PROBLEM WITH THAT

14 THE COURT ALL RIGHT ALL RIGHT GO AHEAD

15 MR ALKEBULANYAHH YOUR HONOR I OBJECT I THINK
16 THAT BECAUSE I WAS CURTAILED FROM BEING ABLE TO USE
17 THAT SAME PARTICULAR STATEMENT BECAUSE OF HIS
18 OBJECTION, THAT I HAD TO FIND OTHER AVENUES TO BRING
19 ABOUT THE TRUTH, I DON'T THINK THAT HE SHOULD BE ABLE
20 TO USE THAT SAME ---

21 THE COURT WELL, IT'S RISEN IN ---

22 MR ALKEBULANYAHH --- TO COME BEHIND ME AND DO
23 THAT

24 THE COURT IT'S RISEN IN -- IT'S RISEN IN A
25 DIFFERENT CONTEXT YOU ASKED HIM IF THAT WOULD REFRESH

STATE VS ALKEBULANYAHH

1 HIS MEMORY AND HE KNEW NOTHING ABOUT THAT STATEMENT SO
2 IT COULD NOT REFRESH HIS MEMORY BUT I HAD TOLD YOU IF
3 YOU WANTED TO ASK ABOUT A SPECIFIC STATEMENT THAT SHE
4 MADE, THAT YOU COULD DO THAT AND THAT'S WHAT HE'S DOING
5 NOW AND I GIVE YOU THE SAME RIGHT I ORIGINALLY
6 AFFORDED YOU ALL RIGHT? OVERRULED
7 GO AHEAD
8 Q LOOK AT PAGE 2 OF THAT STATEMENT DATED JANUARY
9 11TH, 2002, AND MARKED STATE'S (SIC) EXHIBIT NO --
10 EXCUSE ME -- DEFENSE EXHIBIT NO 7 DO YOU HAVE IT,
11 SIR?
12 A YES, SIR
13 Q LOOK AT THE SECOND PAGE LOOK AT THE SECOND LINE
14 AND TELL ME WHAT IT SAYS, SIR?
15 A THE SECOND LINE?
16 Q YES, SIR
17 A IT BEGINS WITH WHEN THE POLICE ARRIVED AT ---
18 Q YES, SIR, THAT LINE THAT -- AND THE NEXT LINE
19 A WHEN THE POLICE ARRIVED, BEN WAS GETTING HIS LONG
20 GUN BEN CURSING STRAWBERRY'S NAME BEN SAID, THAT
21 BITCH IS DESTROYING OUR FAMILY AND LIFE BEN WENT INTO
22 THE BATHROOM AREA, CLOSED THE CURTAIN THEN BEN CAME
23 AND CLOSED THE CURTAIN BY THE COP THEN MOVED -- THEN
24 BEN MOVED TO THE CLOSET
25 Q THANK YOU, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

2 Q AND -- AND THAT STATEMENT ---

3 MR MURDAUGH WELL, YOU DON'T KNOW THAT

4 THE COURT GO AHEAD, SIR

5 MR MURDAUGH THAT'S IT, SIR

6 THE COURT DO YOU WISH TO ASK HIM ABOUT THAT

7 STATEMENT?

8 MR ALKEBULANYAHH YES, SIR

9 REDIRECT EXAMINATION BY MR. ALKEBULANYAHH.

10 Q IN THIS PARTICULAR STATEMENT WHAT YOU JUST READ

11 DOES IT SAID THAT BEN MOVED INTO THE CLOSET WITH HIS

12 GUN?

13 A THIS STATEMENT SAYS, THEN BEN MOVED TO THE CLOSET

14 Q DOES IT SAY THAT BEN WENT INTO THE -- INTO THE

15 CLOSET?

16 A NO

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

18 MR MURDAUGH NOR DO I, SIR

19 THE COURT YOU MAY STEP DOWN, SIR

20 MR MURDAUGH NO OBJECTION TO HIM BEING EXCUSED

21 THE COURT ANY OBJECTION?

22 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

23 THE COURT YOU MAY BE EXCUSED, SIR

24 (THE WITNESS LEAVES THE WITNESS STAND)

25 THE COURT CALL YOUR NEXT WITNESS PLEASE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH DEPUTY COVINGTON
2 JASON COVINGTON, BEING
3 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
4 THE CLERK PLEASE HAVE A SEAT AND STATE AND SPELL
5 YOUR NAME FOR THE COURT PLEASE
6 THE WITNESS MY NAME IS JASON COVINGTON, THAT'S
7 C-O-V-I-N-G-T-O-N

8 (PAUSE)

9 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

10 Q MR COVINGTON, COULD YOU STATE YOUR NAME AND
11 OCCUPATION FOR THE RECORD PLEASE, SIR?

12 A JASON COVINGTON I WORK FOR THE SHERIFF'S OFFICE

13 Q MR COVINGTON, COULD YOU TELL ME HOW YOU BECAME
14 INVOLVED IN THE JANUARY 8, 2002, INCIDENT IN REFERENCE
15 TO THE 21 RILEY ROAD?

16 A I RESPONDED TO THE COMMAND POST TO AWAIT FURTHER
17 INSTRUCTIONS AFTER THE INCIDENT

18 Q AND DID YOU RECEIVE FURTHER INSTRUCTIONS?

19 A YES, I DID

20 Q AND WHAT WERE THOSE INSTRUCTIONS?

21 A I WENT TO A RESIDENCE OVER IN BEAUFORT

22 Q AND WHAT DID YOU DO THERE?

23 A I STOOD BY AND WAITED FOR FURTHER INSTRUCTIONS
24 WE WERE LOOKING FOR A -- A YOUNG MAN WHO LIVED THERE
25 SUPPOSEDLY

STATE VS ALKEBULANYAHH

1 Q AND WHO WAS THAT YOUNG MAN?

2 A I'M NOT SURE OF HIS NAME IT WAS IN A REPORT I
3 DID WRITE THOUGH

4 (PAUSE)

5 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?

6 THE COURT YES, SIR

7 Q WOULD THIS REPORT REFRESH YOUR MEMORY, SIR?

8 A YES

9 MR ALKEBULANYAHH YOUR HONOR, CAN I JUST USE THE
10 REPORT FOR I D PURPOSES?

11 THE COURT YES, SIR

12 THE REPORTER DEFENDANT'S 41

13 THE COURT 41 FOR I D PURPOSES

14 (SUPPLEMENTAL INCIDENT REPORT, COVINGTON, 6 PAGES,
15 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO
16 41)

17 Q YES, SIR, MR COVINGTON, DID THAT REFRESH YOUR
18 MEMORY?

19 A YES

20 Q DO YOU KNOW THE NAME OF THAT INDIVIDUAL?

21 A THE PERSON THAT SUPPOSEDLY WE WERE LOOKING FOR WAS
22 A BOBBY RIGBY

23 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
24 THIS LINE OF TESTIMONY AS BEING IN VIOLATION OF YOUR
25 EARLIER RULING, SIR

1 THE COURT YES, SIR I SUSTAIN THAT

2 Q COULD YOU CONTINUE TO PROCEED WITH THE EXCLUSION
3 OF USING THE NAME BOBBY RIGBY

4 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT DOESN'T
5 CUT IT, SIR

6 THE COURT I -- I SUSTAIN THAT OBJECTION
7 ORDER IN THE COURT PLEASE

8 MR ALKEBULANYAHH YES SIR, YOUR HONOR

9 Q DID YOU COME IN CONTACT WITH ANY INDIVIDUALS --
10 COULD YOU NAME THE PEOPLE THAT YOU CAME IN CONTACT
11 WITH?

12 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT -- AND
13 YOU COULD HAVE NO WAY OF KNOWING THAT THOUGH, SIR I
14 WON'T OBJECT YET

15 THE COURT I'LL ALLOW THAT GO AHEAD

16 GO AHEAD YOU MAY ANSWER THAT QUESTION

17 A I CAME IN CONTACT WITH A EDDIE BROWN WHO OWNED THE
18 RESIDENCE, A TIM MORGAN WHO LIVED AT THE RESIDENCE, AND
19 AN AZALEA (PHONETIC) JOHNSON

20 THE COURT YES, SIR?

21 MR MURDAUGH I OBJECT TO THIS LINE OF QUESTIONS

22 THE COURT ANYTHING BEYOND THAT, I SUSTAIN THAT
23 OBJECTION

24 Q DID YOU ASK ANY QUESTIONS? DID YOU ASK ANY --
25 WHAT DID YOU ASK IF YOU ASKED ANY QUESTIONS?

1 MR MURDAUGH I DON'T -- I -- I THINK I NEED TO
2 OBJECT, SIR, BUT I DON'T KNOW EXACTLY WITHOUT HIM -- I
3 DO OBJECT, SIR

4 THE COURT APPROACH THE SIDE BAR

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

7 THE COURT IF HE SPOKE WITH ANYONE THAT'S A
8 WITNESS IN THIS CASE, AS I INDICATED, YOU CAN ASK THEM
9 ABOUT THEIR STATEMENTS, THAT HAS -- THAT HAS TESTIFIED

10 MR ALKEBULANYAHH THAT HAS TESTIFIED?

11 THE COURT YES, SIR IF YOU EXPECT THEM TO
12 TESTIFY, YOU CAN ASK HIM DID ---

13 MR ALKEBULANYAHH IF I EXPECT THEM ---

14 THE COURT --- THEY MAKE -- WELL THE DIFFERENCE
15 IS THOUGH YOU CAN ONLY SAY DID THAT PERSON MAKE A
16 STATEMENT TO YOU? YOU CAN'T ASK HIM WHAT THE STATEMENT
17 IS

18 Q DID MR MORGAN, TIM MORGAN, MAKE A STATEMENT TO
19 YOU, MR COVINGTON?

20 A YES, HE DID

21 Q DID YOU ASK HIM SOME QUESTIONS?

22 A I DID

23 Q WHAT DID YOU ASK?

24 MR MURDAUGH I OBJECT, SIR

25 THE COURT I SUSTAIN THE OBJECTION

1 Q DID MR EDDIE BROWN MAKE A STATEMENT TO YOU, SIR?
2 A HE DID
3 Q DID YOU ASK HIM ANY QUESTIONS?
4 A YES, I DID
5 Q DID YOU RECEIVE ANY INFORMATION?
6 MR MURDAUGH OBJECTION, SIR
7 THE COURT YOU CAN ASK HIM IF HE ACTED ON ANY
8 INFORMATION RECEIVED, DID YOU TAKE ANY ACTION IN
9 RESPONSE TO ANY INFORMATION RECEIVED
10 Q DID YOU TAKE ANY ACTIONS OR RESPONSE TO THE
11 INFORMATION YOU RECEIVED?
12 A YES
13 Q WHAT WAS THOSE ACTIONS?
14 A PEOPLE WERE TRANSPORTED BACK TO BE INTERVIEWED TO
15 THE COMMAND POST
16 Q AND WHO WAS THOSE PEOPLE YOU TRANSFERRED BACK TO
17 THE COMMAND POST TO BE INTERVIEWED?
18 A I ESCORTED TIM MORGAN, EDDIE BROWN, AND AZALEA
19 (SIC) JOHNSON
20 Q WAS ANY OTHER OFFICERS WITH YOU?
21 A YES, THEY WERE
22 Q DID THEY PARTICIPATE IN THE INTERVIEW?
23 A INTERVIEW OF WHO?
24 Q ONE OR ALL OF THE INDIVIDUALS THAT WAS ESCORTED
25 BACK TO THE COMMAND POST

STATE VS ALKEBULANYAHH

- 1 A I DON'T BELIEVE ANY OF THE OFFICERS THAT WERE WITH
2 ME WERE INVOLVED IN INTERVIEWS AT THE COMMAND POST NO
3 Q AND AFTER THE INTERVIEW AT THE COMMAND POST, WHAT
4 HAPPENED TO THESE GUYS?
5 A I ASSUME THEY WERE RELEASED
6 Q WERE THEY CONSIDERED SUSPECTS?
7 A PARDON?
8 Q WERE THEY CONSIDERED SUSPECTS?
9 A I DON'T KNOW I WASN'T INVOLVED IN THE
10 INTERVIEWS
11 Q SO YOUR ACTION WAS YOU TOOK THEM TO COMMAND ---
12 MR MURDAUGH JUDGE, THAT IS EXACTLY THE THING
13 THAT I ---
14 THE COURT I AGREE
15 MR MURDAUGH --- YOUR RULING ---
16 THE COURT DISREGARD THAT
17 MR MURDAUGH --- TOUCHES ON, SIR
18 THE COURT DISREGARD THAT LAST QUESTION LADIES
19 AND GENTLEMEN, AND THE RESPONSE
20 Q WHAT DID YOU DO AFTER YOU LEFT THE COMMAND POST?
21 A AT WHAT POINT?
22 Q AT THE POINT THAT TIM MORGAN, EDDIE BROWN, AND
23 AZALEA (SIC) JOHNSON, AND BOBBY RIGBY WAS RELEASED?
24 A WERE RELEASED FROM THE COMMAND POST?
25 Q YES, SIR

1 A I DIDN'T DO ANYTHING I WENT -- I WENT -- AFTER I
2 DROPPED THEM OFF, I WENT BACK TO THE HOUSE, EDDIE
3 BROWN'S HOUSE

4 Q AND WHAT DID YOU DO THERE?

5 A I STOOD BY AND WAITED FURTHER INSTRUCTIONS

6 Q DID YOU RECEIVE ANY?

7 A YES

8 Q AND WHAT WAS THOSE INSTRUCTIONS?

9 A WE ASKED FOR A CONSENT TO SEARCH THE RESIDENCE

10 Q WAS IT NECESSARY TO GET A CONSENT TO SEARCH?

11 MR MURDAUGH TO WHOSE HOUSE MAY I ASK --

12 INQUIRE, SIR?

13 THE COURT TO WHOSE HOUSE? WHO DID YOU ASK, MR

14 BROWN?

15 MR ALKEBULANYAHH NO I DIDN'T -- I DIDN'T ASK

16 HIM ANYBODY PARTICULAR, WHOEVER HE SAID

17 THE COURT YOU SAID MR BROWN?

18 WITNESS THAT'S THE HOUSE -- THAT'S THE MAN'S

19 HOUSE WE WERE AT

20 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO

21 THAT THERE'S NO RELEVANCE THAT I'M ---

22 THE COURT I SUSTAIN THE OBJECTION

23 Q DIDN'T YOU FIND SOME EVIDENCE AT MR BROWN'S HOUSE

24 THAT INDICATED THAT SOMEONE IN THAT RESIDENCE WAS

25 INVOLVED IN THE -- IN THE DEATH OF DEPUTY COURSEN AND

1 TATE?

2 A NO

3 Q YOU DID SEARCH THAT RESIDENCE, IS THAT CORRECT?

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

6 THE COURT I SUSTAIN THE OBJECTION

7 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
8 QUESTIONS I -- I WOULD LIKE TO RESERVE THE RIGHT TO
9 RECALL HIM

10 MR MURDAUGH I HAVE NO QUESTIONS OF THE WITNESS
11 AND I WOULD HAVE NO OBJECTION TO HIM BEING EXCUSED

12 THE COURT ALL RIGHT YOU MAY STEP DOWN, SIR
13 THANK YOU

14 (THE WITNESS LEAVES THE WITNESS STAND)

15 MR ALKEBULANYAHH I DO WANT TO RESERVE THE RIGHT
16 TO RECALL HIM SIR

17 THE COURT YES SIR

18 LADIES AND GENTLEMEN, I'LL SEND YOU ON YOUR
19 AFTERNOON BREAK DO NOT DISCUSS THE CASE IN ANY WAY
20 THANK YOU VERY MUCH

21 (THE JURY EXITS THE COURTROOM AT 3 05 P M)

22 THE COURT IS THE DOOR CLOSED?

23 OFFICER NOT YET, JUDGE

24 THE COURT JUST MAKE SURE THAT GETS CLOSED
25 IMMEDIATELY

STATE VS ALKEBULANYAHH

1 ALL RIGHT I JUST WANT TO GO OVER -- I JUST
2 WANTED TO PUT ON THE RECORD ANY SIDE BARS WE NEEDED TO
3 PUT ON THERE

4 MR MURDAUGH ONE WAS SEAN -- SEAN FOWLER, THE
5 POLYGRAPH MATTER

6 THE COURT YES SIR AND THE COURT INDICATED THE
7 POLYGRAPH INFORMATION IS NOT ADMISSIBLE INTO THIS
8 TRIAL

9 MR MURDAUGH ONE WAS IN RELATION TO -- EXCUSE
10 ME I'M -- I'M SORRY

11 THE COURT GO AHEAD GO AHEAD

12 MR MURDAUGH ONE WAS IN THE RELATION TO THE
13 COVINGTON, THE LAST WITNESS WHO WE HAD A CONVERSATION
14 ABOUT WHAT HE COULD GO INTO ON THIRD PARTY GUILT,
15 WHICH ---

16 THE COURT YES SIR AND I JUST WANT -- I SAID
17 I'D PUT ON THE RECORD THAT -- CONTINUE TO GO OVER THIS
18 CONCEPT AND UNLESS THERE IS SOME EVIDENCE THAT
19 CLEARLY POINTS TO THE GUILT OF A THIRD PERSON THAT'S
20 INCONSISTENT WITH THE GUILT OF A DEFENDANT, THEN IT'S
21 JUST NOT ADMISSIBLE

22 AND MR ALKEBULANYAHH, I'VE RULED ALREADY THAT
23 YOU CANNOT ASK ABOUT A SUSPECT YOU JUST DID THAT
24 AGAIN I KNOW YOU'VE BEEN TRYING TO COMPLY WITH THE
25 COURT'S RULES, BUT YOU DID THAT AGAIN AND THAT TYPE

STATE VS ALKEBULANYAHH

1 OF INFORMATION IS NOT ADMISSIBLE

2 NOW, I -- I REPEATED SEVERAL TIMES, ESPECIALLY IN
3 RESPONSE TO THAT LAST ISSUE ABOUT THAT EXHIBIT I GAVE
4 YOU THE OPPORTUNITY TO ASK ABOUT ANY STATEMENTS THAT
5 MS BLAKE HAD MADE

6 AND I CONTINUE TO EXPLAIN TO YOU THAT IF ANY OF
7 THESE WITNESSES, NOTWITHSTANDING ANY QUESTION OR
8 ADMISSIBILITY ABOUT THIRD PARTY GUILT ISSUES, INDICATE
9 THAT THEY SPOKE TO A PARTICULAR PERSON THAT HAS
10 TESTIFIED AND THEY HAVE INFORMATION THAT -- YOU COULD
11 ASK THEM ABOUT ANY STATEMENTS THAT PERSON MADE

12 AND I EVEN OFFERED TO PERMIT YOU TO LEAD A LITTLE
13 BIT SO THAT YOU COULD SPECIFICALLY ASK THEM ABOUT ANY
14 STATEMENTS THAT YOU HAD SOME CONCERN ABOUT

15 AND I JUST WANT TO BRING TO YOUR ATTENTION THAT --
16 THAT THE COURT GIVES YOU THESE OPPORTUNITIES AND YOU
17 DON'T TAKE THEM AND THEN YOU REALIZE LATER YOU WANT
18 THAT OPPORTUNITY, THAT'S GOING TO BE A PROBLEM DO YOU
19 UNDERSTAND THAT?

20 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
21 THE COURT IS THERE ANYTHING YOU WANTED TO PUT ON
22 THE RECORD IN REGARD TO ANY OF OUR SIDE BARS ---

23 MR ALKEBULANYAHH YES, SIR
24 THE COURT --- TO PRESERVE IT?

25 MR ALKEBULANYAHH IN REGARDS TO MR FOWLER WHEN

STATE VS ALKEBULANYAHH

1 THE DEFENSE MADE AN EFFORT TO -- TO GET HIM TO BE
2 FAMILIARIZED WITH A DOCUMENT NOT AS TO BE INTRODUCED IN
3 EVIDENCE BUT TO FAMILIARIZE HIM WITH A STATEMENT THAT
4 HE SAID HE TOOK FROM MS BLATE (PHONETIC) ON THE DAY OF
5 HIS EXAMINATION, THE PROSECUTOR OBJECTED AND THE COURT
6 SUSTAINED YET THE PROSECUTOR SEEN THAT WHERE IT WAS
7 TO HIS ADVANTAGE TO GO BACK AND USE THE SAME DOCUMENT
8 AND SA-SEE (PHONETIC) AND DO WHAT THE COURT DISALLOWED
9 THE DEFENSE TO DO

10 I FELT LIKE THAT YOU KNOW, I WAS REALLY
11 PREJUDICED BY THAT -- THAT PARTICULAR ACTION BECAUSE I
12 -- I -- I ONLY -- TO MY UNDERSTANDING, ONE, THE COURT
13 HAD RULED IN REFERENCE TO A PARTICULAR ACTION SUCH AS
14 THAT STATEMENT, WHICH WAS THE SAME DOCUMENT I WANTED TO
15 INTRODUCE ---

16 THE COURT I UNDERSTAND YOUR OBJECTION YOU
17 DON'T NEED TO REPEAT IT

18 NOW, MR ALKEBULANYAHH THAT'S EXACTLY WHAT I'M
19 TRYING TO TALK TO YOU ABOUT LISTEN CAREFULLY TO WHAT
20 I HAVE TO SAY THE SOLICITOR OBJECTED BECAUSE YOU WERE
21 WANTING THIS WITNESS TO REFRESH HIS RECOLLECTION
22 ESSENTIALLY WITH THIS DOCUMENT AND THE WITNESS
23 TESTIFIED HE HAD NO KNOWLEDGE OF THAT HE CAN'T DO
24 THAT THAT'S NOT THE PURPOSE FOR WHICH IT'S BEING
25 OFFERED

STATE VS ALKEBULANYAHH

1 BUT I SPECIFICALLY IN RESPONSE TO THAT SAID YOU
2 CAN ASK HIM ABOUT ANY STATEMENTS SHE MADE I TOLD YOU
3 THAT AT SIDE BAR AND I TOLD YOU THAT IN OPEN COURT
4 YOU DON'T NEED THE DOCUMENT HE HAS TO ACCEPT THOSE
5 STATEMENTS FROM YOU, DID SHE SAY THIS AND IF SHE GAVE
6 HIM A DIFFERENT ANSWER, SO BE IT YOU GOT ON THE
7 RECORD THAT SHE GAVE HIM A DIFFERENT ANSWER, A
8 DIFFERENT STATEMENT OR SHE'S MADE SOME OTHER
9 OBSERVATION ABOUT A PARTICULAR SITUATION

10 AT LEAST THREE TIMES I INDICATED THAT TO YOU, BUT
11 I DON'T KNOW HOW ELSE I CAN MAKE THINGS CLEARER TO YOU
12 I EMBARKED UPON THIS ENDEAVOR BY TELLING YOU I WAS NOT
13 GOING TO DO THAT ON A REGULAR BASIS, BUT I FIND MYSELF
14 DOING THAT ON A REGULAR BASIS AND I JUST WANT TO
15 CLARIFY THAT YOU NEED TO LISTEN WHEN I MAKE THOSE
16 STATEMENTS YOU STILL DON'T SEE WHAT I'M TELLING YOU
17 ABOUT THAT

18 YOU COULD HAVE GOT -- YOU COULD HAVE ASKED HIM
19 ABOUT EVERY SINGLE STATEMENT SHE SUPPOSEDLY MADE THE
20 COURT DID NOT PROHIBIT YOU FROM DOING THAT YOU CHOSE
21 TO NOT DO THAT IS THAT CORRECT?

22 MR ALKEBULANYAHH THAT IS CORRECT

23 THE COURT ALL RIGHT THAT'S YOUR CALL AGAIN,
24 I'VE BEEN VERY CAUTIOUS THAT I DON'T WANT TO INTERFERE
25 WITH HOW YOU HAVE DEVELOPED YOUR STRATEGY IN THIS CASE

STATE VS ALKEBULANYAHH

1 THAT'S YOUR CALL FROM THE BEGINNING I'VE SAID THAT I
2 DO NOT THINK IT'S A GOOD IDEA THAT YOU REPRESENT
3 YOURSELF, BUT I ADHERE TO THE CONSTITUTION AND YOU HAVE
4 THAT RIGHT

5 ONCE I FOUND YOU TO BE COMPETENT, I -- I GAVE YOU
6 THAT RIGHT TO REPRESENT YOURSELF, AND WHAT -- AND I'VE
7 BEEN OVER THAT A COUPLE OF TIMES AND WE DID THAT IN TWO
8 DIFFERENT HEARINGS WE TALKED ABOUT YOUR REPRESENTING
9 YOURSELF AND THE DISADVANTAGES OF DOING THAT

10 I DON'T REALLY HAVE A PROBLEM ABOUT HOW YOU'RE --
11 YOU'RE HANDLING YOURSELF VERY WELL IN COURT I DON'T
12 HAVE ANY PROBLEM YOU'RE VERY COURTEOUS AND YOU'VE
13 BEEN VERY RESPECTFUL AND COURTEOUS TO THE OTHER SIDE

14 SO I JUST URGE YOU TO PLEASE HEED THE COURT'S
15 INSTRUCTIONS WHEN I'M ESSENTIALLY SAYING, YOU CAN DO IT
16 THIS WAY AND ACHIEVE THE SAME THING THAT'S ABOUT ALL
17 I CAN DO IS OFFER YOU THE OPPORTUNITY TO DO IT

18 HAVING THE WITNESS REFRESH HIS RECOLLECTION FROM A
19 STATEMENT HE DIDN'T MAKE OR PARTICIPATE IN JUST WOULD
20 NOT DO THAT IT'S ALL HOW YOU PHRASE IT, AND THAT'S
21 WHERE SOMETIMES THE DIFFERENCE BETWEEN HAVING THE LEGAL
22 TRAINING AND NOT HAVING THE LEGAL TRAINING MIGHT KICK
23 IN BECAUSE SOMETIMES THESE OBJECTIONS ARE BASED ON
24 FORMALITIES AND YOU UNDERSTAND THAT

25 JUST AS YOU INDICATED AT SIDE BAR, YOU'RE NOT AS

STATE VS ALKEBULANYAHH

1 ARTICULATE IN THE LAW AS THE SOLICITOR, AND I CAN
2 RESPECT THAT AND THAT'S WHY I HAVE TAKEN THE TIME TO
3 BE PATIENT AND TO OFFER SUGGESTIONS AT TIMES ABOUT HOW
4 YOU CAN FORMULATE THE QUESTION BUT IT'S -- THAT'S NOT
5 MY RESPONSIBILITY YOU DO UNDERSTAND THAT RIGHT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT

8 MR ALKEBULANYAHH BUT I -- I WOULD STILL -- I
9 STILL WAS UNABLE TO SEE THAT THIS PARTICULAR DOCUMENT
10 IF THE WITNESS HAVE STATED THAT THAT DOCUMENT HE HAS NO
11 KNOWLEDGE OF, WHATEVER HE SPOKE IN REFERENCE TO
12 REMEMBERING THE DOCUMENT OR SEEING ANY INFORMATION ON
13 THAT DOCUMENT WHEN THE WITNESS WENT BACK AND THEN SAY,
14 OKAY YEAH, THIS IS THE DOCUMENT

15 BUT YOU KNOW THAT DOCUMENT COULDN'T BE
16 ACKNOWLEDGED FOR THE DEFENSE, BUT WHEN THE PROSECUTOR
17 BRING, THEN IT COULD BE ACKNOWLEDGED THAT ---

18 THE COURT WELL ---

19 MR ALKEBULANYAHH --- YEAH THIS IS THE DOCUMENT
20 AND THIS IS THE STATEMENT WAS MADE AND ---

21 THE COURT THAT'S BECAUSE YOU CHOOSE TO FOCUS ON
22 FORM OVER SUBSTANCE, MR ALKEBULANYAHH, AND I WILL
23 LEAVE IT AT THAT IF YOU DO NOT WANT TO ACCEPT THE
24 COURT'S EXPLANATION, THAT'S YOUR PREROGATIVE AS ALWAYS
25 THESE LITTLE SESSIONS RIGHT HERE WHEN THE JURY IS

STATE VS ALKEBULANYAHH

1 OUT ARE JUST TO ALLOW WHOMEVER TO ADD WHATEVER TO THE
2 RECORD BECAUSE I DON'T WANT ANYONE TO HAVE THE ABILITY
3 TO SAY LATER THAT THEY DIDN'T GET THE OPPORTUNITY TO
4 HAVE THEIR SAY IN MY COURTROOM EVERYONE GETS THEIR
5 DAY IN MY COURT AND YOU SHALL TOO, SIR

6 ALL RIGHT WE'LL TAKE OUR BREAK

7 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

8 MR STONE THANK YOU, JUDGE

9 (A RECESS WAS TAKEN)

10 THE COURT YES, SIR

11 MR MURDAUGH IF YOUR HONOR, PLEASE, I WAS
12 INFORMED THAT PERHAPS THERE IS NO PROBLEM WITH EXCUSING
13 LIEUTENANT BROMAGE AND DETECTIVE MATT AVERILL

14 THE COURT ANY OBJECTION TO THAT?

15 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

16 THE COURT ALL RIGHT THEY MAY BE EXCUSED

17 MR THORNTON YOUR HONOR I APOLOGIZE SIR

18 THE COURT YES, SIR

19 MR THORNTON MAY I APPROACH ON AN EX PARTE
20 MATTER

21 (PAUSE)

22 MR MURDAUGH JUDGE -- AND PROBABLY YOU'RE NOT
23 GOING TO BE ABLE TO ANSWER MY QUESTION BUT I WAS
24 WONDERING IF THEY -- WE COULD GET SOME INSIGHT TO THE
25 NUMBER OF WITNESSES THAT THE DEFENDANT -- NOT WHO THEY

STATE VS ALKEBULANYAHH

1 ARE, SIR, BUT TO THE NUMBER THAT ARE LEFT SO WE CAN
2 SORT OF GET A TIME ---

3 THE COURT DO YOU HAVE ANY APPROXIMATION OF HOW
4 MANY WITNESSES YOU'LL BE CALLING, HOW MANY MORE
5 WITNESSES?

6 MR ALKEBULANYAHH YOUR HONOR, I HAVE AN
7 APPROXIMATION, MAYBE ABOUT -- ABOUT FIVE AND -- YEAH,
8 ABOUT FIVE

9 THE COURT ARE YOU TALKING ABOUT TODAY OR TOTAL?

10 MR ALKEBULANYAHH TOTAL

11 THE COURT FIVE MORE WITNESSES?

12 MR ALKEBULANYAHH ONE MINUTE

13 (PAUSE)

14 MR ALKEBULANYAHH YOUR HONOR, I HAVE THREE HERE
15 TODAY AND FIVE TOTAL, AND ONE CAN'T -- WON'T BE ABLE TO
16 MAKE IT UNTIL TOMORROW MORNING

17 THE COURT YES, SIR

18 MR ALKEBULANYAHH AND THERE SHOULD BE NO MORE
19 THAN FIVE ALL TOGETHER

20 THE COURT ALL RIGHT

21 MR MURDAUGH OKAY, SIR IF YOUR HONOR, PLEASE,
22 THAT BEING TRUE, WOULD IT BE REASONABLE TO EXPECT THAT
23 IF THERE'S ONLY GOING TO BE TWO WITNESSES IN THE
24 MORNING, WHICH I ANTICIPATE -- IS WHAT I HEARD HIM SAY,
25 SIR -- THAT WE WILL GO TO THE JURY AS SOON AS WE

STATE VS ALKEBULANYAHH

1 CONCLUDE THE TRIAL? ARE WE GOING TO ---
2 THE COURT IT DEPENDS ON WHEN THEY START I
3 DON'T KNOW IF YOU'LL NEED TIME TO PREPARE CLOSING
4 STATEMENTS OR NOT
5 MR MURDAUGH I -- I DON'T I JUST WANT TO KNOW
6 SIR ---
7 THE COURT YES, SIR
8 MR MURDAUGH --- IF IT'S POSSIBLE I NEED
9 PROBABLY 10 MINUTES TO ORGANIZE THE EVIDENCE BEFORE I
10 START MY ARGUMENT SIR
11 MR ALKEBULANYAHH I WOULD NEED SOME TIME TO
12 PREPARE THE -- PREPARE MY CLOSING ARGUMENTS AND ---
13 THE COURT WELL, IT MAY BE THAT IF IT FINISHES BY
14 LUNCHTIME, WE'LL JUST DO THE ARGUMENTS AFTER LUNCH
15 BUT DEPENDING ON WHEN THOSE GET FINISHED, I'LL MAKE A
16 DECISION ABOUT DELIBERATION
17 MR ALKEBULANYAHH I ANTICIPATE -- I ANTICIPATE
18 FINISHING BEFORE LUNCHTIME IF THE COURT ---
19 THE COURT YES, SIR
20 MR ALKEBULANYAHH --- IS ABLE TO HELP ME OUT
21 THE COURT WELL, WE'LL NEED TIME TO GO OVER THE
22 CHARGES AND THINGS
23 MR MURDAUGH YES, SIR AS I SAID, I NEED ABOUT
24 10 MINUTES JUST TO ORGANIZE THE EVIDENCE IF -- IF YOU
25 COULD GIVE ME THAT, SIR

STATE VS ALKEBULANYAHH

1 THE COURT WELL, WE'RE GOING TO NEED SOME TIME TO
2 GO OVER THE -- THE LEGAL ASPECTS ---
3 MR MURDAUGH YES, SIR, BUT ---
4 THE COURT --- OF THE CHARGE AND ALL
5 MR MURDAUGH I UNDERSTAND, BUT I'D BE INVOLVED
6 IN THAT AND I COULDN'T -- I COULDN'T ---
7 THE COURT IT MAY BE THAT DEPENDING ON WHAT TIME
8 HE GETS FINISHED TOMORROW, WE USE -- WE GET THE LAW AND
9 EVERYTHING TOGETHER AND DO THE ARGUMENTS FIRST THING
10 SATURDAY MORNING OR IT JUST DEPENDS ON THE TIME I
11 -- I DON'T KNOW
12 MR MURDAUGH YES SIR IT WOULD BE MY
13 PREFERENCE THAT WE DO IT AS QUICKLY AS POSSIBLE ---
14 THE COURT YES, SIR
15 MR MURDAUGH --- AND MOVE IT ALONG, SIR
16 MR ALKEBULANYAHH I -- I -- IF IT'S POSSIBLE I
17 WOULD LIKE TO DO THE ARGUMENTS AFTER LUNCHTIME IF
18 POSSIBLE
19 THE COURT IF WE'RE ABLE TO GET IT ALL TOGETHER,
20 WE WILL -- WE WILL DO THAT
21 MR ALKEBULANYAHH OKAY
22 MR MURDAUGH AND I -- EXCUSE ME, SIR
23 THE COURT YES, SIR
24 MR MURDAUGH GO AHEAD
25 THE COURT GO AHEAD

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I HAD ASKED THIS QUESTION EARLIER
2 AND I DON'T KNOW WHETHER IT'S POSSIBLE TO ANSWER IT
3 BUT IN THE EVENT THE JURY SHOULD FIND HIM GUILTY, SIR,
4 IT WOULD BE GREATLY HELPFUL TO ME IF I KNOW WHETHER HE
5 INTENDS TO USE -- AND I REALIZE IF HE DOESN'T WANT TO
6 TELL ME, HE DOESN'T HAVE TO BUT IT WOULD BE GREATLY
7 HELPFUL IF I COULD KNOW IF HE'S GOING TO INVOKE THE 24
8 HOUR RULE, SIR, IF IT SHOULD HAPPEN

9 MR ALKEBULANYAHH I DON'T KNOW, BUT ---
10 THE COURT I MEAN, I -- I'M NOT GOING TO MAKE HIM
11 COMMIT TO THAT, OBVIOUSLY

12 MR MURDAUGH I UNDERSTAND
13 THE COURT I MEAN, HE'S NOT MADE A DECISION ABOUT
14 THAT

15 MR MURDAUGH YES, SIR
16 THE COURT ALL RIGHT MY GUESS IS THAT HE'S
17 GOING TO, BUT MAYBE NOT I DON'T KNOW

18 MR ALKEBULANYAHH BUT ALSO, YOUR HONOR, I WOULD
19 WANT TO INCLUDE -- I HAD MENTIONED MYSELF AS GIVING
20 TESTIMONY

21 THE COURT PARDON?

22 MR ALKEBULANYAHH I WANT TO MENTION THAT MY -- I
23 INTEND TO TESTIFY MYSELF

24 THE COURT I UNDERSTAND YOU'RE NOT COUNTING
25 YOURSELF IN THAT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH RIGHT
2 THE COURT SO THE STATE MAY OR MAY NOT GET
3 FINISHED TOMORROW
4 MR MURDAUGH YES, SIR
5 THE COURT SO IT JUST DEPENDS ON THE ---
6 MR MURDAUGH IF -- IF WE SHOULD FINISH TOMORROW,
7 CAN I HAVE UNTIL SUNDAY MORNING TO START PUTTING UP
8 THE ---
9 THE COURT WELL, IF WE ARE ---
10 MR MURDAUGH NO, NOT SUNDAY MORNING WAIT A
11 MINUTE WHAT DAY IS IT?
12 THE COURT IF WE FINISH TOMORROW AND IF -- ARE
13 YOU TALKING ABOUT IF THE JURY DELIBERATES TOMORROW?
14 MR MURDAUGH IF THEY REACH A DECISION
15 TOMORROW ---
16 THE COURT YES SIR THEN I ASSUME ---
17 MR MURDAUGH I SAID SUNDAY MORNING, SIR
18 THE COURT YES SIR I DON'T -- I ASSUME IF IT
19 FALLS ON A SATURDAY, HE'S GOING TO INVOKE HIS 24 HOURS
20 IS THAT CORRECT?
21 MR ALKEBULANYAHH SIR?
22 THE COURT IF IT FALLS ON A SATURDAY, ARE YOU
23 GOING TO INVOKE YOUR 24 HOURS?
24 MR ALKEBULANYAHH I WOULD LIKE TO IF I CAN -- IF
25 I COULD, SIR

STATE VS ALKEBULANYAHH /

1 THE COURT SO THAT VERY WELL MAY BE EITHER ---

2 MR MURDAUGH OKAY, SIR I JUST BETTER BE
3 PREPARED TO GO SATURDAY MORNING

4 THE COURT TOMORROW IS SATURDAY MORNING SIR,
5 THAT WOULD BE SUNDAY LIKE YOU'RE REQUESTING

6 MR MURDAUGH I'VE LOST ALL CONCEPT OF DAYS SIR
7 I'LL BE HONEST WITH YOU I WAS THINKING TOMORROW WAS
8 SUNDAY

9 THE COURT NO TOMORROW IS SATURDAY

10 MR MURDAUGH OKAY, SIR I WOULD PREFER ---

11 THE COURT IF WE FINISH TOMORROW -- THAT'S WHAT
12 I SAID I'M NOT MAKING HIM COMMIT BUT BASED ON --
13 IT WOULD BE MY GUESS HE'S GOING TO REQUEST THE 24
14 HOURS ---

15 MR MURDAUGH YES SIR

16 THE COURT --- BASED ON OUR EARLIER DISCUSSION
17 ABOUT PREFERRING TO HAVE SATURDAY OFF, SO -- BUT IT MAY
18 NOT BE THAT WAY HE MAY WISH TO GO AHEAD AND PROCEED
19 THAT'S EVEN ASSUMING IT GETS TO THAT POINT

20 MR MURDAUGH I UNDERSTAND, SIR

21 THE COURT IF THE JURY RETURNS A NOT GUILTY
22 VERDICT, THEN WE HAVE NOWHERE ELSE TO GO

23 MR MURDAUGH WE CAN ALL GO HOME, SIR

24 THE COURT YES SIR BUT YOU'VE NOT -- IF IT
25 GETS TO THAT POINT, DO YOU UNDERSTAND WHAT WE'RE

STATE VS ALKEBULANYAHH

1 TALKING ABOUT?

2 MR ALKEBULANYAHH THE 24 HOUR TIME TO ---

3 THE COURT YOU HAVE A RIGHT TO HAVE 24 HOURS

4 BETWEEN IF -- IF THE JURY RETURNED A VERDICT OF GUILT,

5 YOU HAVE A RIGHT TO HAVE 24 HOURS BEFORE WE START THE

6 SECOND PHASE OF THE TRIAL AND DURING THAT PHASE

7 OBVIOUSLY WE'D BE DEALING WITH SENTENCING AND WITNESSES

8 WOULD BE DEALING WITH JUST THAT ISSUE FOR SENTENCING

9 NOW, I DON'T KNOW WHAT YOUR TEAM HAS DONE AS FAR
10 AS LINING UP WITNESSES FOR THAT PHASE IF THE CASE GETS
11 TO THAT POINT, ETCETERA BUT YOU ALSO HAVE THE RIGHT
12 TO WAIVE THAT AND YOU CAN JUST GO STRAIGHT THROUGH, SO

13 BUT I WILL SAY FOR THE RECORD THAT I PREVIOUSLY
14 INDICATED I WOULD RE-EVALUATE THE ISSUE ABOUT SATURDAY
15 AS WE PROCEEDED DEPENDING ON HOW THE CASE MOVED SO I
16 JUST THROW THAT OUT I DON'T KNOW IF YOU WISH TO DO
17 THAT OR NOT, BUT I'M STILL PREPARED, FOR EXAMPLE, TO
18 WORK JUST A FEW HOURS ON SATURDAY OR MAYBE NONE AT ALL
19 DEPENDING ON THAT SITUATION, DEPENDING ON WHERE WE'RE
20 AT IN THE CASE ALL RIGHT?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT READY TO PROCEED?

23 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

24 MR MURDAUGH MAY I HAVE UNTIL SUNDAY IF IT GETS
25 THERE, AND I THINK THAT WILL BE WAY AHEAD OF TIME, SIR

STATE VS ALKEBULANYAHH

1 BUT MAY I HAVE UNTIL SUNDAY TO START THE PENALTY PHASE
2 IF WE SHOULD FINISH TOMORROW?
3 THE COURT I -- I'LL THINK ABOUT THAT WHILE WE
4 PROCEED TODAY
5 MR MURDAUGH THANK YOU, SIR
6 THE COURT READY TO PROCEED?
7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
8 THE COURT BRING THE JURY IN PLEASE
9 I DON'T SEE HOW THAT'S GOING TO BE POSSIBLE
10 ANYWAY, SO ---
11 MR MURDAUGH WELL, IT MAY NOT BE, SIR
12 THE COURT I JUST ---
13 MR MURDAUGH BUT -- BUT I'M TALKING ABOUT IF IT
14 WERE TO HAPPEN IF WE WERE TO GET A VERDICT TOMORROW
15 AFTERNOON ---
16 THE COURT YES, SIR YOU -- YOU ---
17 MR MURDAUGH --- I JUST DON'T WANT TO BE ---
18 THE COURT YES, SIR
19 MR MURDAUGH I JUST DON'T WANT TO HAVE TO START
20 THE -- THE PENALTY PHASE TOMORROW AFTERNOON
21 THE COURT YES SIR I -- I PLANNED ON STOPPING
22 EARLY TOMORROW ANYWAY
23 MR MURDAUGH OKAY, SIR
24 THE COURT THAT RESOLVES THAT I THINK WE'RE ALL
25 CONFUSED ABOUT THE DAYS

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I -- I HAVE TOTALLY LOST CONCEPT OF
2 WHAT DAY IT IS YES SIR
3 THE COURT I THINK WE ALL ARE CONFUSED
4 BRING THE JURY IN
5 (THE JURY RETURNS TO THE COURTROOM AT 3 43 P M)
6 THE COURT THANK YOU PLEASE BE SEATED
7 CALL YOUR NEXT WITNESS PLEASE
8 MR ALKEBULANYAHH DR ALBINIAK
9 DR BERNARD ALBINIAK, BEING
10 FIRST DULY SWORN, TESTIFIED AS FOLLOWS
11 THE CLERK PLEASE HAVE A SEAT, SIR, AND STATE AND
12 SPELL YOUR NAME FOR THE COURT
13 THE WITNESS BERNARD ALBINIAK, B-E-R-N-A-R-D
14 A-L-B-I-N-I-A-K
15 DIRECT EXAMINATION BY MR ALKEBULANYAHH.
16 Q GOOD AFTERNOON, DR ALBINIAK COULD YOU STATE
17 YOUR NAME AND OCCUPATION FOR THE RECORD, SIR?
18 A I'M AN ASSOCIATE PROFESSOR OF PSYCHOLOGY AT
19 COASTAL CAROLINA UNIVERSITY
20 Q WHAT IS YOUR EDUCATIONAL BACKGROUND?
21 A I GOT MY B S IN P'SYCHOLOGY IN 1968 MY PH D IN
22 1977
23 Q WHAT WERE YOUR AREAS OF RESEARCH WHILE YOU WAS IN
24 GRADUATE SCHOOL?
25 A PRIMARILY LEARNING, MEMORY, AND MEMORY RECALL

STATE VS ALKEBULANYAHH

1 Q WHAT IS YOUR CURRENT POSITION?

2 A ASSOCIATE PROFESSOR OF PSYCHOLOGY AT COASTAL, AND
3 I'VE BEEN THERE 27 YEARS

4 Q HOW LONG HAVE YOU HAD THAT POSITION, DOCTOR?

5 A 27 YEARS

6 Q 27 YEARS WHAT RELEVANT COURSES DO YOU TEACH,
7 DOCTOR?

8 A I TEACH A COURSE IN FORENSIC PSYCHOLOGY AND A
9 COURSE IN PSYCHOLOGY IN THE CRIMINAL JUSTICE SYSTEM

10 Q ARE YOU CURRENTLY CONDUCTING ANY RESEARCH IN THE
11 AREA OF MEMORY?

12 A MY STUDENTS AND I ARE DOING STUDIES NOW ON
13 NUTRITIONAL FACTORS IN INFLUENCING MEMORY LEARNING AND
14 RECALL

15 Q DOCTOR COULD YOU MOVE THE MIKE TOWARD YOU A
16 LITTLE BIT, JUST A LITTLE

17 A YES, SIR

18 Q OKAY THANK YOU, SIR I WOULD ASK THAT QUESTION
19 AGAIN

20 MR ALKEBULANYAHH MAY I, YOUR HONOR?

21 THE COURT YES, SIR

22 Q ARE YOU CURRENTLY CONDUCTING ANY RESEARCH IN THE
23 AREAS OF MEMORY?

24 A YEAH MY STUDENTS AND I ARE RIGHT NOW CONDUCTING
25 SOME ANIMAL RESEARCH ON THE INFLUENCE OF NUTRITIONAL

STATE VS ALKEBULANYAHH

1 FACTORS ON BRAIN ANATOMY AND BRAIN FUNCTION WITH --
2 REFRECT (PHONETIC) -- WITH REFERENCE TO LEARNING

3 Q HAVE YOU EVER BEEN QUALIFIED AS A EXPERT WITNESS
4 IN A CRIMINAL PROCEEDING?

5 A I'VE BEEN QUALIFIED IN APPROXIMATELY 65 CASES

6 Q WERE ANY OF THESE CASES DEATH PENALTY CASES?

7 A THIS WOULD BE MY 18TH DEATH -- DEATH PENALTY CASE

8 Q HAVE YOU EVER TESTIFIED FOR THE PROSECUTION?

9 A YES, I HAVE

10 MR ALKEBULANYAHH YOUR HONOR I WOULD LIKE TO
11 MOVE TO -- TO HAVE DR ALBINIAK QUALIFIED AS A EXPERT
12 IN PSYCHOLOGY, YOUR HONOR

13 THE COURT ANY OBJECTION?

14 MR MURDAUGH NO, SIR, I DON'T HAVE ANY
15 OBJECTION

16 THE COURT ALL RIGHT THE COURT FINDS HIM TO BE
17 QUALIFIED IN THAT AREA WITHOUT OBJECTION

18 GO AHEAD PLEASE

19 Q DR ALBINIAK, THE PROCESS OF HUMAN MEMORY, WHAT
20 ARE THE STAGES OF HUMAN MEMORY?

21 A MEMORY OCCURS BASICALLY IN THREE STAGES FOR WHEN
22 YOU EXPERIENCE AN EVENT THE FIRST PROCESS IS
23 ENCODING NOT ALL INFORMATION GETS ENCODED CERTAIN
24 THINGS GET ENCODED, CERTAIN THINGS AREN'T

25 THE SECOND STAGE IS STORAGE SOME THINGS GET

STATE VS ALKEBULANYAHH

1 STORED, SOME THINGS DON'T

2 THE FINAL STAGE IS RETRIEVAL THE RETRIEVAL
3 PROCESS CAN SOMETIMES FAIL IF THE RETRIEVAL PROCESS
4 FAILS THEN THERE S MEMORIES THAT CAN T BE RETRIEVED

5 Q AND YOU MENTIONED THE THREE STAGES OF ENCODING?

6 A STORAGE AND RETRIEVAL

7 Q RETRIEVAL IS THE HUMAN -- IS THE HUMAN MEMORY
8 LIKE A VIDEO TAPE OR A AUDIO TAPE?

9 A NO A VIDEO TAPE AND AUDIO TAPE -- IF YOU PLAY A
10 VIDEO TAPE TWICE YOU GET THE SAME MATERIAL BACK BOTH
11 TIMES PLAY AN AUDIO TAPE, YOU GET THE SAME MATERIAL
12 BACK IF YOU RETRIEVE MEMORIES REPEATEDLY THEY WILL
13 BECOME DISTORTED BECAUSE MEMORIES ARE STORED IN
14 DIFFERENT PARTS OF THE BRAIN SO WHEN THE BRAIN
15 RETRIEVES A MEMORY IT HAS TO PUT THOSE PARTS TOGETHER
16 WE CALL THAT RECONSTRUCTION SO MEMORY IS NEVER
17 RETRIEVED IN THE -- IN THE WHOLE EVERY SINGLE TIME YOU
18 RETRIEVE IT

19 Q SO IN MEMORY SOME THINGS CAN BE LOST?

20 A SOME THINGS CAN BE LOST SOME THINGS CAN BE
21 ADDED

22 Q COULD YOU EXPLAIN TO ME WHAT HAPPENS WHEN A PERSON
23 ATTEMPTS TO RECALL A PACIFIC (SIC) INCIDENT IN THEIR
24 LIFE?

25 A I'M NOT SURE I UNDERSTAND THE QUESTION EXACTLY

1 Q LET ME ASK THIS QUESTION FIRST WHAT IS THE
2 RECONSTRUCTIVE MODEL OF HUMAN MEMORY?

3 A THE -- THE MOST COMMON MODEL NOW IN THE SCIENCE OF
4 MEMORY IS THAT RETRIEVING MEMORIES IS NOT LIKE TAKING A
5 FILE OFF A HARD DRIVE THE WHOLE FILE COMES OUT JUST
6 THE WAY YOU PUT IT IN

7 THE RECONSTRUCTIVE PROCESS SIMPLY MEANS THAT
8 MEMORIES ARE NOT STORED IN ONE PART OF THE BRAIN
9 THEY'RE STORED IN MULTIPLE PARTS IN OTHER WORDS, THE
10 EMOTIONAL COMPONENT OF A MEMORY WILL BE STORED IN THE
11 AMYGDALA PART OF THE BRAIN THE VERBAL PART OF A
12 MEMORY MIGHT BE STORED IN TEMPORAL LOBE

13 BUT ANYWAY, WHEN THE BRAIN TRIES TO REMEMBER A
14 COMPLEX EVENT, IT HAS TO PUT TOGETHER THESE VARIOUS
15 PIECES THAT'S THE RECONSTRUCTION PROCESS THE PROBLEM
16 WITH THAT IS IT CAN BRING OUT PIECES THAT WEREN'T
17 PRESENT IN THAT ORIGINAL MEMORY FROM ANOTHER MEMORY
18 STORE, OR IT CAN FAIL TO RETRIEVE PIECES OF THE MEMORY
19 SO THE MEMORY COMES OUT IN A DIFFERENT WAY EACH TIME

20 Q WHAT HAPPENS WHEN A PERSON ATTEMPTS TO RECALL A
21 PACIFIC (SIC) INCIDENT IN THEIR LIFE?

22 A WELL, IT DEPENDS ON HOW MANY TIMES THEY'VE
23 RETRIEVED THAT MEMORY, AND THE GENERAL PUBLIC DOESN'T
24 APPRECIATE THIS THE MORE TIMES YOU RETRIEVE A MEMORY,
25 THE MORE DISTORTED IT TENDS TO GET BECAUSE PIECES TEND

STATE VS ALKEBULANYAHH

1 TO GET ADDED A PIECE CAN -- SO IN OTHER WORDS THE
2 FIRST TIME YOU RETRIEVE A MEMORY, IT'S TYPICALLY MOST
3 ACCURATE LATER TIMES IT BECOMES A LITTLE BIT LESS AND
4 LESS ACCURATE IN MOST INDIVIDUALS

5 Q SO ARE YOU SAYING AS -- AS EACH TIME YOU START TO
6 REMEMBER A PACIFIC (SIC) TIME IN YOUR LIFE, IT BECOME
7 MORE DISTORTED TO LOSS?

8 A LOSS AND ADDITIONS

9 Q THAN FROM THE ADDITIONAL -- THE FIRST TIME THAT
10 YOU TRIED TO REMEMBER AN EVENT ---

11 A EXACTLY

12 Q --- OF SOMETHING THAT TOOK PLACE IN YOUR LIFE IS
13 THAT CORRECT?

14 A EXACTLY

15 Q I'M GOING TO TRY TO WORD THIS RIGHT I HOPE YOU
16 CAN UNDERSTAND ME SIR HOW DOES REPEATED RETRIEVAL
17 INFORMATION FROM THE MEMORY AFFECT THE RELIABILITY --
18 THE RELIABILITY OF RETRIEVAL INFORMATION -- INFORMATION
19 THAT IS BROUGHT BACK, RELIABILITY?

20 A A NUMBER OF SCIENTIFIC STUDIES HAVE BEEN DONE OF
21 THIS NATURE IF YOU HAVE A DISCUSSION BETWEEN TWO
22 PEOPLE, ONE BEING AN INTERVIEWER, ONE BEING A PERSON
23 WITH -- WITH INFORMATION, IF YOU DISCUSS THE
24 INFORMATION, THE NEXT TIME YOU RETRIEVE THAT
25 INFORMATION TWO WEEKS LATER, THE PERSON NOW WILL

1 REMEMBER THINGS FROM THE DISCUSSION THAT WEREN'T
2 ORIGINALLY EXPERIENCED THEY DON'T UNDERSTAND THAT
3 THOUGH THEY THINK THEY ARE REMEMBERING IT THEY ARE
4 NOT REMEMBERING SOME PIECES SOME OF THE PIECES WERE
5 ACCIDENTALLY IN -- PUT IN PLACE DURING THE DISCUSSION
6 OF THE MATERIAL

7 SO IF THE PERSON SAYS THE MAN WAS WEARING A RED
8 HAT ON THE THIRD OCCASION THEY HAD DISCUSSED THAT IN
9 THE SECOND OCCASION, NOW SHE'S REMEMBERING THAT THE MAN
10 HAD A RED HAT ON NO, SHE'S NOT REMEMBERING THAT THE
11 MAN HAD A RED HAT ON IT HAS BEEN CONTAMINATED BY THE
12 SECOND INTERVIEW SO THE SECOND INTERVIEW HAS
13 CONTAMINATED THE THIRD INTERVIEW BASICALLY

14 Q SO BASICALLY -- I'LL USE THE TERM, LAYMAN'S TERM,
15 IS THAT IF SOMETHING IS SUGGESTED OR SPOKEN ABOUT IN A
16 FIRST CONVERSATION ABOUT EVENT THAT TOOK PLACE PREVIOUS
17 AND ONE MAY HAD A PARTICULAR MEMORY ABOUT IT AT THAT
18 SECOND PHASE AND THEN IF THEY GO TO RE -- GO BACK TO
19 RETRIEVE THAT MEMORY ABOUT THE FIRST STAGE THEN THEY
20 MAY BRING SOME OF THE THINGS THAT WASN'T IN THEIR
21 MEMORY FROM THE FIRST STAGE, FROM THE SECOND STAGE,
22 THAT MIGHT HAVE BEEN SUGGESTED WHICH WAS NOT PART OF
23 THE FIRST STAGE AND THEY WOULD INCLUDE THAT AS PART OF
24 THEIR MEMORY?

25 A YES, THAT'S -- THAT'S A PERFECTLY NORMAL PROCESS

1 THAT'S NOT PATHOLOGICAL AT ALL ALL OF US DO THIS
2 THIS IS PART OF THE FALLIBILITY OF HUMAN MEMORY THE
3 MORE TIMES YOU DISCUSS AN INCIDENT, AN EVENT IN YOUR
4 LIFE, AND PARTICULARLY A TRAUMATIC EVENT, PIECES GET --
5 TEND TO GET ADDED AND YOU LATER RECALL THEM AS THINGS
6 YOU REMEMBERED THOSE ARE NOT THINGS YOU REMEMBERED
7 THOSE ARE THINGS THAT WERE DISCUSSED AND NOW YOU
8 BELIEVE THEY'RE PART OF THE MEMORY PROCESS THEY'RE
9 NOT
10 Q SO IF I'M ACCURATELY SPEAKING THEN, SOME THINGS
11 THAT YOU DISCUSS THE MIND WOULD HAVE THE -- HAVE A
12 TENDENCY TO BELIEVE THAT THAT WAS THE ACTUALLY PART OF
13 THEIR MEMORY OF THE THINGS THAT HAPPENED ---
14 A CORRECT
15 Q --- THAT THEY DIDN'T REMEMBER BEFORE?
16 A CORRECT
17 Q AND WOULD IT -- WOULD THIS BE CORRECT OR COULD YOU
18 ELABORATE ON THIS WOULD THE FIRST RETRIEVABLE
19 INFORMATION FROM THE MEMORY USUALLY BE MORE ACCURATE IN
20 A LATTER RETRIEVABLE PHASE?
21 A GENERALLY SPEAKING, THE FIRST RETRIEVAL WILL NOT
22 HAVE HAD THE OPPORTUNITY TO UNDERGO CONTAMINATION, SO
23 IT WOULD GENERALLY BE THE MOST ACCURATE AND LATER
24 RETRIEVALS WOULD BE LESS ACCURATE NOW THE PERSON
25 MIGHT NOT BELIEVE THEY'RE LESS ACCURATE, BUT THEY --

STATE VS ALKEBULANYAHH

1 THEY WILL TEND TO BE LESS ACCURATE

2 Q SO EVENTS OF THINGS THAT HAPPENED EARLIER, IF THEY

3 START TO RETRIEVE THEIR MEMORY FROM THE EVENT THAT

4 HAPPENED EARLIER, THE ACCURACY OF THEIR MEMORY AS TIME

5 HAS MOVE ON, PROGRESSED ---

6 A DETERIORATES

7 Q --- WOULD NOT ACTUALLY BE THAT ACCURATE?

8 A NO, DETERIORATES

9 Q AND THAT'S PRETTY MUCH THE HUMAN ---

10 A NORMAL MEMORY

11 Q --- NATURE OF ALL PEOPLE CAN A SUGGESTION BY AN

12 INTERVIEWER BECOME INCORPORATED INTO A PERSON MEMORY OF

13 AN INCIDENT EXPERIENCE?

14 A PARTICULARLY IF THE PERSON, THE INTERVIEWER, IS A

15 PERSON OF AUTHORITY LIKE A MINISTER, POLICE OFFICER,

16 PROFESSOR IF THE PERSON HAS A POSITION OF AUTHORITY,

17 THAT IS EVEN MORE LIKELY TO HAPPEN THE SUGGESTION MAY

18 BE INCORPORATED INTO THE PERSON'S MEMORY STORE AS IF IT

19 WAS EXPERIENCED WHEN IT WAS, IN FACT, NOT

20 Q SO LET ME SEE CAN I GET THIS CORRECT SO YOU'RE

21 STATING THAT IF A PERSON HAS AUTHORITY, LIKE A MINISTER

22 OR A LAW ENFORCEMENT AGENCY OR A SCHOOL TEACHER OR

23 PRINCIPAL OR DIRECTOR OR SOMETHING, SUGGEST SOMETHING

24 TO SOMEONE AND THAT THAT SUGGESTION COULD BE

25 INCORPORATED INTO A PERSON MIND TO WHERE THEY MAY

1 BELIEVE TO THE INCIDENT THAT HAPPENED THAT THAT WAS THE
2 ACTUAL EXPERIENCE?

3 A YES

4 Q BUT IN ACTUALITY, IT WAS INCORPORATED BY A FIGURE
5 OF AUTHORITY, IS THAT CORRECT?

6 A YES

7 Q LET ME ASK THIS QUESTION CAN THE PERSON -- CAN A
8 PERSON -- CAN THE PERSON ACCURATE -- ACCURATELY
9 DISTINGUISH BETWEEN WHAT IS ACTUAL EXPERIENCE AND WHAT
10 WAS DISCUSSED IN ONE OR MORE INTERVIEWS?

11 A NO THOSE TWO BLUR IN OTHER WORDS, WHEN A
12 PERSON RETRIEVES A MEMORY FOR THE SIXTH TIME, SOME OF
13 THAT INFORMATION IS -- IS -- WAS ACTUAL EXPERIENCE, NO
14 QUESTION ABOUT THAT, AND SOME OF THAT INFORMATION WAS
15 DISCUSSED OR THOUGHT ABOUT OR SUGGESTED

16 THE PERSON, YOU AND I, CAN'T DISTINGUISH NOW AT
17 THAT POINT IN TIME WHICH PIECES YOU EXPERIENCED AND
18 WHICH PIECES GOT PUT INTO THE MEMORY SYSTEM PROCESS
19 IT'S A FALLIBLE SYSTEM

20 Q WHAT DOES THE TERM COERCION -- WHAT DOES THE TERM
21 COERCION MEAN AS APPLIED TO AN INTERROGATION OR A
22 INTERVIEW?

23 A A PERSON IS COERCED WHEN THEY DO SOMETHING WHICH
24 THEY WOULD RATHER NOT DO IT DOESN'T HAVE TO BE
25 PHYSICAL YOU DON'T HAVE TO HIT A PERSON IN THE HEAD

STATE VS ALKEBULANYAHH

1 TO COERCE THEM COERCION CAN BE SUBTLE AND
2 PSYCHOLOGICAL, BUT IT STILL HAS THE SAME EFFECT THE
3 PERSON WILL MAKE STATEMENTS OR ADMISSIONS THAT THEY
4 MIGHT NOT OTHERWISE MAKE IF THEY ARE IN A COERCIVE
5 SITUATION

6 Q SO -- WOULD YOU AGREE THAT COERCION IS -- CAN BE
7 IN THE FORM OF NOT NECESSARY IN A AGGRESSION FASHION TO
8 WHERE ONE CAN BE MANIPULATED TO DO SOMETHING THAT THEY
9 DON'T WANT TO DO OR SAY SOMETHING THEY DIDN'T WANT --
10 DON'T WANT TO SAY BECAUSE IT COMES IN TERMS OF
11 AUTHORITATIVE SUGGESTION?

12 A CERTAINLY, YEAH

13 Q WHAT IS THE DIFFERENCE BETWEEN A POSITIVE AND
14 NEGATIVE -- A POSITIVE AND NEGATIVE COERCION?

15 A I THINK THE GENERAL PUBLIC THINKS FIRST OF
16 NEGATIVE COERCION IF I THREATEN YOUR LIFE, THAT'S
17 NEGATIVE COERCION IF YOU WON'T DO SOMETHING FOR ME
18 POSITIVE COERCION IS WHEN YOU PROMISE SOMETHING FOR
19 SOME -- POSITIVE FOR THEM IF THEY'LL GIVE YOU
20 INFORMATION BOTH ARE COERCIVE THOUGH BOTH
21 ACCOMPLISH THE SAME GOAL

22 Q SO IF -- IF ONE DO SOMETHING TO SOMEONE BY THE
23 THREAT OF DANGER OR THEM BEING PUNISHED OR ABUSED, THAT
24 WOULD BE A NEGATIVE COERCION?

25 A THAT'S NEGATIVE COERCION

1 Q AND IF ONE DO SOMETHING BY REWARDING, TO GIVE
2 FREELY OF SOMETHING MATERIAL MAYBE OR TO NOT PUNISH A
3 INDIVIDUAL FOR A ACTION TO GET THEM TO DO SOMETHING,
4 THAT WOULD BE CONSIDERED MORE OF A POSITIVE ---

5 A POSITIVE COERCION

6 Q --- COERCION? WOULD THE LOSS -- WOULD THE LOSS OF
7 CUSTODY -- WOULD THE LOSS OF CUSTODY OF A SMALL CHILD
8 BE COERCIVE TO A MOTHER?

9 A IN THE SEVERAL CASES THAT -- THAT I'VE WORKED IN
10 WHICH THAT WAS AN ISSUE, MOST MOTHERS ---

11 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
12 HIM TALKING ABOUT HIS SPECIFIC CASES, SIR, JUST HIS
13 EXPERTISE

14 THE COURT YOU CAN ASK HIM IN GENERAL THAT HE'S
15 BEEN EXPOSED TO

16 MR ALKEBULANYAHH YES, MINE IS -- IS IN GENERAL
17 NOT SPECIFICALLY ---

18 THE COURT ALL RIGHT GO AHEAD

19 MR ALKEBULANYAHH --- SPEAKING OF NO SPECIFIC
20 CASES

21 MR MURDAUGH BUT HE'S NOT ANSWERING IN GENERAL
22 THOUGH, JUDGE

23 THE COURT JUST DON'T REFER TO A SPECIFIC CASE,
24 SIR YOU CAN TALK IN GENERAL TERMS

25 GO AHEAD

STATE VS ALKEBULANYAHH

1 Q MR -- DR ALBINIAK, I'M GOING TO RE -- I'M GOING
2 TO RE -- LET ME REPEAT THE QUESTION TO YOU WOULD THE
3 LOSS OF CUSTODY OF A SMALL CHILD BE COERCIVE TO A
4 MOTHER?

5 A YES IT -- IT WOULD BE A FORM OF -- IT'S A
6 THREAT IT'S A FORM OF -- I WOULD CONSIDER IT NEGATIVE
7 COERCION

8 Q WOULD IT BE FAIR TO SAY THAT YOU BELIEVE THAT
9 BECAUSE THE MOTHER TO BE CAUSED TO TAKE A ACTION OR DO
10 SOMETHING BECAUSE OF HER CONNECTION AND TIES WITH THE
11 CHILD ---

12 A SURE THERE'S A BOND BETWEEN ---

13 Q --- TO DO SOMETHING AGAINST HER WILL?

14 A THERE'S A STRONG BOND BETWEEN A MOTHER AND A CHILD
15 AND SHE WILL DO SOMETIMES ANYTHING SHE CAN TO GET THAT
16 CHILD BACK, TO REGAIN CUSTODY

17 Q WOULD THAT ALSO MEAN THAT A MOTHER WOULD EVEN
18 INTER -- CURTAIL (SIC) PHYSICAL ABUSE OR PSYCHOLOGICAL
19 ABUSE TO -- TO BE ABLE TO BE -- HAVE -- REUNITED WITH
20 HER CHILD?

21 A THAT -- CERTAINLY THAT COULD BE POSSIBLE

22 Q HOW COULD THAT PERCEIVED LAW THAT A MOTHER CAN
23 ACQUIRE -- HOW -- HOW COULD THAT PERCEIVED LAW OF
24 CUSTODY AFFECT THE MEMORY OF THE EVENT OF THAT WOMAN OR
25 A WOMAN?

1 A IF A MOTHER -- IF A MOTHER UNDERSTANDS THAT
2 CERTAIN THINGS ARE REQUIRED OF HER IN ORDER TO GET THAT
3 CHILD BACK, WHATEVER THEY MIGHT BE, SHE MAY DO THEM
4 SHE MAY ENGAGE IN BEHAVIOR THAT SHE OTHERWISE WOULDN'T
5 ENGAGE IN -- IN -- AND THAT COULD BE ALMOST ANYTHING
6 THAT COULD BE MAKING FALSE STATEMENTS, IT COULD BE A
7 VARIETY OF THINGS IF SHE WANTS THAT CHILD BACK, SHE
8 MAY RISK ANY OF THOSE THINGS

9 Q AND THAT'S FROM THE NATURAL BOND THAT A WOMAN OR A
10 FEMALE HAS ACQUIRED THROUGH ---

11 A THROUGH THAT CHILD

12 Q THROUGH THAT CHILD DR ALBINIAK, WOULD YOU
13 CONSIDER A POLICE INTERROGATION A STRESSFUL EVENT?

14 A CERTAINLY IT'S -- IT'S -- A -- AN INTERROGATION
15 IS USUALLY NOT DONE IN A PERSON'S HOME IT'S DONE IN
16 THE POLICE ENVIRONMENT IT'S A VERY CONTROLLED
17 ENVIRONMENT THESE ARE SEASONED OFFICERS THAT DO THIS
18 SO YEAH IT'S A QUITE -- IT'S A QUITE A STRESSFUL
19 EXPERIENCE AND IT HAS TO BE

20 Q COULD A PERSON MAKE FALSE STATEMENTS DURING A --
21 DURING A STRESSFUL INTERVIEW OR INTERROGATION?

22 A SOME PEOPLE WILL MAKE FALSE STATEMENTS IN AN
23 INTERROGATION PROCEDURE AND -- AND MOST OF THOSE
24 PEOPLE DO THAT, THERE'S LITERATURE INDICATES TO ESCAPE
25 FROM THE STRESSFUL EXPERIENCE THEY KNOW IF THEY SAY

1 CERTAIN THINGS, THE INTERVIEW WILL END AND THEY WANT
2 THE INTERVIEW TO END SO THEY WILL SOMETIME MAKE FALSE
3 STATEMENTS TO END THE INTERVIEW

4 Q COULD IT -- IN -- IN -- IN MORE BASIC TERMS -- LET
5 ME ASK THIS SO ARE YOU SAYING THAT IF A PERSON IS
6 BEING INTERROGATED -- SOMEONE IS BEING INTERROGATED AND
7 -- BY A POLICEMAN OR SOMETHING, THAT THEY WOULD SAY
8 SOMETHING THAT THEY MAKE A FALSE STATEMENT OR SOMETHING
9 ONLY TO BE RELIEVED OR BE OUT OF THE PRESENCE TO FREE
10 THEMSELVES FROM ANY FURTHER INTERROGATION?

11 A YEAH

12 Q IS THAT PRETTY MUCH THE BASIC?

13 A PEOPLE WHO EVEN MADE CONFESSIONS TO CRIMES THEY'VE
14 NEVER COMMITTED AND THEY'VE TOLD THE INTERVIEWERS
15 LATER I COULDN'T STAND THE PRESSURE ANY LONGER SO I
16 ADMITTED TO THE FALSEHOOD THEY WILL EVEN GO THAT FAR

17 Q WHAT -- WHAT WOULD BE -- WHAT WOULD BE THE MOTIVE
18 FOR MAKING A FALSE STATEMENT DURING A INTERROGATION?

19 A THE MOST COMMON REASON OR MOTIVATION IS TO
20 TERMINATE THE INTERVIEW THE STRESS LEVEL IS SO HIGH
21 THE PERSON UNDERSTANDS THAT THERE'S ONLY ONE WAY TO GET
22 OUT OF THIS TERRIBLY STRESSFUL CIRCUMSTANCE, AND THEY
23 WILL MAKE THE FALSE STATEMENT THE RELIEF WILL COME
24 WHEN THEY LEAVE THE INTERROGATION ROOM

25 Q AND -- AND THAT PERSON WOULD PRETTY MUCH DO

1 WHATEVER IS REQUIRED UNDER THAT TERROGATION (PHONETIC)
2 TO BE ABLE TO RECEIVE THE RELIEF OF BEING SEPARATED
3 FROM BEING INTERROGATED?

4 A YES

5 Q IF -- IF -- I'LL GO BACK AND PUT THIS QUESTION IN
6 PERSPECTIVE / WHAT IS A FALSE MEMORY AND WHAT IS A
7 FALSE MEMORY SYNDROME?

8 A FALSE MEMORIES ARE EVENTS THAT NEVER HAPPENED TO A
9 PARTICULAR PERSON, BUT THEY ARE FULLY CONVINCED THAT
10 THEY DID FALSE MEMORY SYNDROME IS SIMPLY A
11 MANIFESTATION OF THAT WHEN AN INCIDENT OCCURS TO A
12 PERSON IF -- IF THE MEMORIES THEY RETRIEVE NEVER, IN
13 FACT OCCURRED, WE CALL THOSE FALSE MEMORIES

14 Q SO IF A PERSON HAVE MEMORIES THAT NEVER ACTUALLY
15 HAPPENED IT BECOME A SYNDROME BECAUSE THESE MEMORIES
16 ARE COMING OF THINGS THAT ACTUALLY DID NOT HAPPEN, SO
17 THEY WOULD BE FALSE ---

18 A CORRECT

19 Q --- IN THEIR MIND? CAN EXPERIENCING A TRAUMATIC
20 EVENT CAUSE A FALSE MEMORY?

21 A TRAUMATIC EVENTS ARE PARTICULARLY TROUBLESOME
22 BECAUSE THEY CAN TRIGGER FALSE MEMORIES THEY CAN ALSO
23 TRIGGER SUPPRESSION OF MEMORY SOMETIMES TRAUMATIC
24 EVENTS ARE SO UNNERVING AND DISTRESSING THAT EVEN
25 THOUGH THE MEMORY IS STORED, IT IS EXTREMELY DIFFICULT

1 TO RETRIEVE -- TO RETRIEVE SOMETIMES IT CAN'T BE
2 RETRIEVED

3 Q IF ONE WAS BEING INTERROGATED AFTER EXPERIENCING A
4 TRAUMATIC EVENT, ON ACCOUNT OF THE TRAUMATIC EVENT,
5 COULD THAT PERSON SAY THINGS THAT ARE FALSE BECAUSE OF
6 THE LACK OF WHAT ACTUALLY HAPPENED DURING THAT
7 TRAUMATIC EXPERIENCE?

8 A YES, THAT CAN HAPPEN

9 Q WOULD A PERSON UNDER THE -- UNDER THEM
10 CIRCUMSTANCES WE'RE SPEAKING OF UNDERSTAND THAT THE
11 MEMORY THAT THEY HAVE OR HAVE RECEIVED IS FALSE?

12 A NO THE VAST MAJORITY -- THIS IS NOT AN
13 INTENTIONAL PROCESS THE VAST MAJORITY OF THESE CASES,
14 THE PERSON IS FULLY CONVINCED THAT THE MEMORY THEY
15 HAVE THEY ACTUALLY EXPERIENCED SO THEY'RE NOT LYING
16 THEY'RE NOT FABRICATING THEY'RE NOT FAKING THEY
17 REALLY ARE CONVINCED THAT THAT EVENT DID OCCUR

18 Q AND -- AND SITUATIONS THAT DEALING WITH TRAUMA, A
19 TRAUMATIC EVENT CAUSES THE MEMORY TO ---

20 A IT CAN TRIGGER THE FALSE MEMORY SYNDROME

21 Q --- TRIGGER THE FALSE MEMORY ALL OF THESE
22 MEMORIES OR PHENOMENA THAT WE ARE DISCUSSING, CAN THEY
23 HAPPEN IN A PERFECTLY NORMAL, HEALTHY PERSON?

24 A ALL OF THESE THINGS, THIS MEMORY DISTORTION AND
25 MEMORY RECONSTRUCTION AND FALSE MEMORY, ARE KNOWN TO

1 OCCUR IN PERFECTLY NORMAL PEOPLE IN OTHER WORDS, THIS
2 ISN'T A CONDITION THAT OCCURS AS A PATHOLOGY IT'S A
3 CONDITION THAT OCCURS IN NORMAL PEOPLE UNDER CERTAIN
4 SPECIFIC CIRCUMSTANCES

5 Q SO WOULD IT BE FAIR TO SAY THAT ANYONE REGARDLESS
6 OF THEIR EDUCATION, CLASS, CAREER OR -- OR STATUS IS
7 SUBJECT TO THESE PARTICULAR CONDITIONS?

8 A SURE

9 Q MEMORY RECONSTRUCTION, DISTORTIONS, AND FALSE
10 MEMORIES ARE NOT A PSYCHOLOGICAL PROCESS, ARE THEY?

11 A I THINK YOU MEANT -- MEANT PATHOLOGICAL, I THINK

12 Q YES, PATHOLOGICAL I'M SORRY EXCUSE ME

13 A NO, THESE -- THESE ARE NOT -- THESE ARE NOT
14 PATHOLOGICAL THEY ARE PART OF THE NORMAL HUMAN MEMORY
15 SYSTEM, WHICH AGAIN IS A FALLIBLE SYSTEM WE -- WE NOW
16 KNOW THROUGH BASIC SCIENCE THAT HUMAN MEMORY IS NOT
17 NEARLY AS ACCURATE WE -- AS WE THOUGHT 20 YEARS AGO

18 Q DOCTOR, CAN A VERY EXCITED EVENT EXPERIENCE -- ONE
19 GO TO A VERY EUPHOBIA (PHONETIC) EVENT, SOMETHING THAT
20 REALLY BROUGHT THEM MUCH MUCH HAPPINESS AND THEY GO TO
21 RECALL THE EVENT LATER ON AT ANOTHER TIME ALSO CAN
22 AFFECT THEIR ABILITY OF -- OF -- OF ACCURATELY
23 REMEMBERING THE EVENT THAT TOOK PLACE?

24 A YEAH YES I SHOULD CLARIFY THAT THE -- THE
25 EXPERIENCE DOESN'T HAVE TO BE TRAUMATIC IN THE NEGATIVE

1 SENSE ANY HIGH INTENSITY EMOTION, EUPHORIA, CAN ALSO
2 TRIGGER, SAY, A MEMORY FAILURE SO IT DOESN'T HAVE TO
3 BE A NEGATIVE EVENT. IT CAN BE AN EXTREMELY PLEASANT,
4 HAPPY EVENT

5 PEOPLE STILL WILL DISTORT MEMORY BECAUSE,
6 REMEMBER, THE TWO PARTS OF THE MEMORY, MAINLY THE
7 INFORMATIONAL PART OF THE MEMORY IS STORED IN ONE PART
8 OF THE BRAIN AND THE EMOTIONAL COMPONENT IS STORED IN A
9 DIFFERENT PART OF THE BRAIN, SO THESE CAN DISCONNECT
10 UNDER CERTAIN CIRCUMSTANCES

11 MR ALKEBULANYAHH DR ALBINIAK, THANK YOU, AND I
12 HAVE NO FURTHER QUESTIONS

13 CROSS EXAMINATION BY MR. MURDAUGH.

14 Q DOCTOR, I'VE LISTENED TO YOU, SIR, AND I'M AFRAID
15 I DON'T BELIEVE -- BELIEVE ANYBODY THAT SAYS ANYTHING
16 IS THAT ABOUT WHAT YOU WERE SAYING?

17 A NO NO, NO, NO, NOT -- NOT AT ALL

18 Q OKAY WHAT WERE YOU SAYING, SIR?

19 A I'M SAYING THAT -- THE ONLY REASON I HAVE ---

20 Q LET -- LET ME ASK YOU THIS QUESTION EXCUSE ME
21 FOR INTERRUPTING YOU DOCTOR, ARE YOU TELLING ME THAT
22 YOU COULD SIT DOWN AND INTERVIEW ME FOR FOUR INTERVIEWS
23 AND MAKE ME SAY SOMETHING THAT WASN'T TRUE?

24 A YES

25 Q YOU COULD?

STATE VS ALKEBULANYAHH

- 1 A WELL, I MEAN, LET ME TELL ---
- 2 Q WE'LL PUT SOME MONEY ON IT
- 3 A LET ME TELL YOU -- DR ELIZABETH LOFTIS, WHO IS
- 4 PROBABLY THE WORLD EXPERT IN THIS AREA, JUST REPORTED A
- 5 STUDY ABOUT THREE MONTHS AGO WHERE SHE CONDUCTED A
- 6 SERIES OF INTERVIEWS WITH NORMAL, HEALTHY PEOPLE ---
- 7 Q YES, SIR
- 8 A --- AND 38 PERCENT BY THE FOURTH INTERVIEW WERE
- 9 INDICATING THEY REMEMBERED THINGS THAT DIDN'T HAPPEN TO
- 10 THEM, AND THESE WERE NORMAL, HEALTHY PEOPLE NOT IN A
- 11 POLICE INTERROGATION, JUST IN A NORMAL INTERVIEW
- 12 PROCESS
- 13 Q SO YOU'RE TELLING ME YOU COULD MAKE ME ADMIT TO
- 14 SOMETHING I DIDN'T DO?
- 15 A MAYBE NOT YOU, BUT MANY PEOPLE
- 16 Q OKAY WELL, IN MANY PEOPLE YOU COULDN'T DO THAT
- 17 TO?
- 18 A MANY PEOPLE YOU COULD NOT DO THAT
- 19 Q OKAY LET ME ASK YOU ANOTHER QUESTION, SIR
- 20 ISN'T IT TRUE THAT THROUGHOUT PSYCHOLOGY AND
- 21 PSYCHIATRY, IT HAS BEEN DOCUMENTED THAT WHEN A
- 22 TRAUMATIC EVENT OCCURS TO SOMEBODY, THAT THEIR MEMORY
- 23 OF FACIAL FEATURES IS MUCH, MUCH BETTER THAN IT IS ON
- 24 OCCASIONAL OBSERVATION? NOW, ISN'T THAT TRUE, SIR?
- 25 A ONLY WITH THIS QUALIFICATION

- 1 Q NO, SIR ANSWER ME FIRST
- 2 A RE-STATE THE QUESTION FOR ME
- 3 Q ISN'T IT TRUE, SIR, THAT A TRAUMATIC EVENT WILL
- 4 CAUSE THE MEMORY OF A -- FACIAL FEATURES OF PEOPLE TO
- 5 BECOME ETCHED IN THEIR MEMORY MUCH MORE THAN A CASUAL
- 6 OBSERVANCE WILL BE?
- 7 A TYPICALLY UNLESS THERE'S A WEAPON PRESENT IT'S
- 8 CALLED WEAPON-FOCUS ---
- 9 Q YOU MEAN TO TELL ME IF THERE'S A WEAPON PRESENT,
- 10 YOU DON'T REMEMBER?
- 11 A EXACTLY
- 12 Q YOU READ -- DID YOU READ DODOT'S (PHONETIC) THESIS
- 13 IN REGARD TO THE USE OF WEAPONS, FACIAL REMEMBRANCE?
- 14 A NO BUT I'VE READ MANY, MANY STUDIES THAT SAY
- 15 THIS IF A WEAPON IS PRESENT, WHAT THE VICTIM DOES IS
- 16 SHE FOCUSES ON THE WEAPON AND DOESN'T REMEMBER THE FACE
- 17 VERY WELL
- 18 Q OKAY LET ME ASK YOU THIS, SIR WOULD IT MAKE
- 19 ANY DIFFERENCE IF A PERSON IN GIVING STATEMENTS THAT
- 20 ADDED A LITTLE BIT TO IT EACH TIME, IF AT THE BEGINNING
- 21 SHE HAD FELT GUILTY BECAUSE SHE COULD HAVE MADE AN
- 22 ACTION THAT COULD HAVE PREVENTED THE DEATH OF SOMEBODY,
- 23 WOULD THAT HAVE AN AFFECT ON YOUR THEORY?
- 24 A IT CERTAINLY COULD, YEAH
- 25 Q OKAY, SIR WOULD IT ALSO AFFECT YOUR THEORY IF IN

1 THIS SERIES OF STATEMENTS THAT WERE GIVEN SHE FINALLY
2 ON THE THIRD STATEMENT SAYS SOMETHING THAT SHE TOLD
3 SOMEBODY ELSE INDEPENDENTLY AT THE TIME IT HAPPENED?

4 A YES I MEAN, THAT WOULD MAKE A DIFFERENCE

5 Q YES, SIR AND IT WOULD BE MORE TRUE THAN IF ON
6 THAT THIRD STATEMENT SHE FINALLY GOT AROUND TO SAYING
7 IT IF SHE HAD SAID SOMETHING TO SOMEBODY EARLIER?

8 A IF THAT STATEMENT HAD BEEN MADE EARLIER

9 Q SO IT WOULD MOST PROBABLY BE TRUE?

10 A PROBABLY

11 MR MURDAUGH THANK YOU, SIR EXCUSE ME JUST
12 INDULGE ME JUST ONE MINUTE

13 (PAUSE)

14 MR MURDAUGH THANK YOU, SIR I HAVE NO FURTHER
15 QUESTIONS

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

18 THANK YOU, DOCTOR

19 THE COURT YOU MAY STEP DOWN SIR

20 (THE WITNESS LEAVES THE WITNESS STAND)

21 THE COURT ANY OBJECTION -- ANY OBJECTION TO
22 EXCUSING THIS WITNESS?

23 MR ALKEBULANYAHH NO SIR

24 THE COURT STATE, ANY OBJECTION?

25 MR MURDAUGH NO, SIR I HAVE NO ---

STATE VS ALKEBULANYAHH

1 THE COURT YOU MAY BE EXCUSED, SIR

2 MR MURDAUGH NOT AT ALL, SIR

3 THE COURT CALL YOUR NEXT WITNESS

4 MR MURDAUGH THANK YOU, DOCTOR

5 MR ALKEBULANYAHH I WOULD LIKE TO CALL JENNIFER
6 KELLY

7 JENNIFER KELLY, BEING FIRST
8 DULY SWORN, TESTIFIED AS FOLLOWS

9 THE CLERK HAVE A SEAT AND STATE AND SPELL YOUR
10 NAME FOR THE COURT PLEASE

11 THE WITNESS JENNIFER KELLY, J-E-N-N-I-F-E-R
12 K-E-L-L-Y

13 DIRECT EXAMINATION BY MR. ALKEBULANYAHH

14 Q GOOD AFTERNOON, MS KELLY WERE YOU FORMERLY A
15 BEAUFORT COUNTY 9-1-1 DISPATCHER ON THE EVENING OF
16 JANUARY 8 2002?

17 A ACTUALLY I WAS JUST A CALL-TAKER AT THE TIME

18 Q A CALL-TAKER?

19 A UH-HUH

20 (PAUSE)

21 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH THE
22 WITNESS?

23 THE COURT YES, SIR

24 (PAUSE)

25 Q MS KELLY, WHAT I HAVE HERE IN MY HAND IS A

STATE VS ALKEBULANYAHH

1 DISPATCH TRANSCRIPT, AND YOUR NAME IS REFERRED TO IN
2 THIS PARTICULAR DISPATCH TRANSCRIPT OF THE EVENTS ON
3 JANUARY 8, 2002, AND THIS IS THE DEFENDANT'S EXHIBIT
4 NO 29 AND I WOULD LIKE YOU TO TAKE THIS IN
5 POSSESSION I WOULD LIKE TO ASK YOU SOME QUESTIONS
6 MAYBE IN REFERENCE TO THAT AND FOR YOU TO LOOK AT IT
7 AND FAMILIARIZE ---

8 A OKAY

9 (PAUSE)

10 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE A
11 MINUTE SIR

12 THE COURT YES, SIR

13 MR ALKEBULANYAHH THANK YOU

14 (PAUSE)

15 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

16 Q MS KELLY, ON JANUARY 8, 2002, DID YOU DISPATCH
17 SOME DEPUTIES TO THE 21 RILEY ROAD RESIDENCE?

18 A I DIDN'T ACTUALLY DISPATCH I TOOK A CALL AND
19 PLACED IT

20 Q AND WHEN YOU SAY YOU TAKE A CALL AND PLACED IT ---

21 A UH-HUH

22 Q --- COULD YOU TELL ME THE ACTIONS THAT YOU TOOK?

23 A WHILE I WAS TALKING ON THE PHONE, I WAS TYPING
24 INFORMATION INTO THE COMPUTER, AND THEN I SENT IT OVER
25 FOR THE DISPATCHER TO DISPATCH IT

- 1 Q AND LET ME GET TO -- YOU'RE NOT ACTUALLY A
2 DISPATCHER, YOU'RE A ---
- 3 A AT THE TIME I WAS JUST A CALL-TAKER
- 4 Q AND ARE YOU TRAINED IN RELAYING INFORMATION THAT
5 IS ACCURATE TO A DISPATCHER?
- 6 A YES
- 7 Q IS THAT PART OF THE POLICY AND THE JOB CRITERIA?
- 8 A YES, TO GET THE INFORMATION AND RELAY IT
- 9 Q ON JANUARY 8, 2002, COULD YOU STATE YOUR ACTIONS
10 AND WHAT TRANSPIRED WITH THAT PARTICULAR CALL?
- 11 A WELL, I -- I TOOK THE CALL, GOT THE INFORMATION
12 PUT INTO THE COMPUTER, AND THEN SENT IT OVER FOR THE
13 DISPATCHER TO SEND OFFICERS
- 14 Q IS IT -- DO YOU REMEMBER WHO YOU TOOK THAT CALL
15 FROM?
- 16 A I BELIEVE IT WAS STRAWBERRY, I THINK
- 17 Q IS THAT STRAWBERRY WASHINGTON?
- 18 A I BELIEVE SO, YES
- 19 Q AND WHEN DID YOU ASCERTAIN THAT IT WAS STRAWBERRY
20 WASHINGTON?
- 21 A I'M NOT SURE IF SHE TOLD ME HER NAME, I DON'T
22 REALLY REMEMBER, DURING THE CALL, BUT IT WAS AFTER
- 23 Q AFTER THE CALL?
- 24 A YES
- 25 Q IS THIS PART OF THE -- THE POLICY TO -- TO KNOW

1 THE NAME OR ASK THE NAME OF THE CALLER THAT'S CALLING
2 IN A COMPLAINT?

3 A YES

4 Q IN THE INITIAL CALL THAT YOU RECEIVED FROM MS
5 WASHINGTON, YOU DIDN'T ASK HER NAME, IS THAT CORRECT?

6 A I'M NOT SURE IF I ASKED HER HER NAME I DON'T
7 REMEMBER

8 Q COULD YOU READ AT TIME LOG IN THE DISPATCHER THAT
9 YOU HAVE PRESENT BEFORE YOU 16 02 41, THE CONVERSATION
10 BETWEEN YOU AND STRAWBERRY WASHINGTON ---

11 A YES

12 Q --- OR ALLEGE STRAWBERRY WASHINGTON? WOULD YOU
13 REVIEW THAT AND SEE IS THERE ANYWHERE BETWEEN THE
14 DIALOGUE THAT YOU AND THE CALLER HAD WHERE YOU ASKED
15 THE NAME OF THE CALLER?

16 (PAUSE)

17 Q MADAM, COULD YOU RECALL WHETHER OR NOT YOU ASKED
18 THE NAME OF THE CALLER IN THAT PARTICULAR CALL THAT YOU
19 RECEIVE ON JANUARY 8, 2002?

20 A NO, IT DOES NOT SAY THAT I DID

21 Q AND BY -- BY YOU NOT ASKING THAT NAME, WAS THAT
22 AGAINST POLICY?

23 A I'M NOT EXACTLY SURE

24 Q ARE YOU SAYING THAT YOU'RE NOT FAMILIAR WITH THE
25 POLICIES IN RELATION TO THAT EVENT MA'AM?

STATE VS ALKEBULANYAHH

- 1 A RIGHT
- 2 Q WAS YOU INFORMED -- DO YOU RECALL BEING INFORMED
- 3 THAT THE CALLER STATING THAT THEY'RE NOT REPORTING A
- 4 DOMESTIC DISTURBANCE?
- 5 A I'M NOT SURE I UNDERSTAND WHAT YOU MEAN
- 6 Q IN THE DIALOGUE THAT YOU HAD BETWEEN YOU AND THE
- 7 CALLER, DO YOU RECALL THE ANONYMOUS CALLER STATING TO
- 8 YOU THAT THEY ARE NOT REPORTING A DOMESTIC DISTURBANCE?
- 9 A THAT WAS NEVER SAID DIRECTLY, NO
- 10 Q IF YOU COULD, COULD YOU TURN TO THE SECOND PAGE
- 11 THE FIRST SENTENCE WOULD THAT REFRESH YOUR MIND?
- 12 A THE FIRST SENTENCE?
- 13 Q YES, MA'AM
- 14 A OH, OKAY
- 15 Q NOW DO YOU RECALL THAT THE ANONYMOUS CALLER
- 16 STATED THAT SHE WAS NOT REPORTING A DOMESTIC
- 17 DISTURBANCE?
- 18 A WELL, THAT'S NOT WHAT I TAKE FROM IT
- 19 Q THAT'S NOT WHAT YOU TAKE FROM IT?
- 20 A NO SHE'S SAYING FROM A DIFFERENT PARTY WHO
- 21 DIDN'T WANT TO REPORT A DOMESTIC
- 22 Q OKAY SO YOU'RE -- SO SHE'S SAYING THAT SHE'S NOT
- 23 SAYING THAT SHE'S FILING A DOMESTIC DISTURBANCE SHE'S
- 24 SAYING THAT A DIFFERENT PARTY IS NOT FILING A DOMESTIC
- 25 DISTURBANCE?

- 1 A EXACTLY
- 2 Q AND THAT'S THE PARTY WHO SHE SAY SHE WAS CALLING
- 3 IN FOR?
- 4 A I -- YEAH -- WELL, I TOOK IT UNDER -- I WAS UNDER
- 5 THE IMPRESSION SHE WAS CALLING IN FOR HERSELF TO HELP
- 6 HER FRIEND
- 7 Q SO YOU DIDN'T TAKE IT FOR HER BEING THE VICTIM OR
- 8 ALLEGED VICTIM HERSELF IS THAT CORRECT?
- 9 A THE CALLER?
- 10 Q YES
- 11 A RIGHT
- 12 Q WHEN YOU RELAYED THAT INFORMATION TO DISPATCHER TO
- 13 DISPATCH OUT, DID YOU INFORM THEM TO INFORM THE DEPUTY
- 14 THAT THE ANONYMOUS CALLER WHO CALLED YOU HAD STATED
- 15 THAT THE PERSON THAT SHE WAS CALLING IN FOR WAS NOT
- 16 FILING OR ALLEGING A DOMESTIC DISTURBANCE?
- 17 A NO, I DID NOT STATE THAT IN MY NOTES
- 18 Q WOULDN'T YOU AGREE THAT THAT WOULD HAVE BEEN SOME
- 19 CRITICAL INFORMATION FOR THE OFFICERS RESPONDING TO
- 20 KNOW THAT THE PERSON THAT THE CALLER WAS CALLING IN FOR
- 21 WAS NOT ACTUALLY MAKING A COMPLAINT OR WAS INTENTIONS
- 22 OF FILING OR SAYING IT WAS A DOMESTIC DISTURBANCE GOING
- 23 ON?
- 24 A I DON'T BELIEVE SO BECAUSE THE WAY THE NOTES --
- 25 THE WAY I TYPED THE NOTES WERE THAT THE CALLER WANTED

1 ASSISTANCE IN HELPING HER FRIEND LEAVE, AND THAT WAS
2 IT

3 Q AND DID YOU RELAY THAT INFORMATION TO THE
4 APPROPRIATE PEOPLE WHERE WERE RECEIVED BY THE DEPUTY
5 THAT IT WAS AN ANONYMOUS CALLER WHO NEEDED ASSISTANCE
6 WITH AN ALLEGED PERSON WHO WAS SUPPOSED TO NEED SOME
7 ASSISTANCE FROM THE DEPUTIES?

8 A YES, THAT'S -- I BELIEVE THAT'S WHAT I PUT IN THE
9 NOTES

10 Q WHEN THIS CALLER CALLED IN, DID YOU -- DID YOU
11 SOLICIT A PHONE NUMBER WHERE IT COULD BE ASSISTANCE TO
12 THE DISPATCHERS OR TO THE DEPUTIES, WHERE THEY CAN CALL
13 BACK THE ALLEGED COMPLAINTANT (PHONETIC) OR VICTIM?

14 A YEAH, I DO BELIEVE I ASKED FOR A PHONE NUMBER ---

15 Q AND ---

16 A --- AND I CALLED IT

17 Q AND WHO PHONE NUMBER WAS THAT, DO YOU RECALL?

18 A I BELIEVE IT WAS SUPPOSED TO BE HER CELL PHONE

19 Q AND WHO IS HER?

20 A THE CALLER

21 Q WHICH WOULD BE STRAWBERRY WASHINGTON?

22 A THAT'S RIGHT

23 Q DID YOU GIVE THE INFORMATION -- WAS THE
24 INFORMATION RELATED TO DISPATCH OUT TO THE DEPUTIES
25 THAT THE CALLER, THE ANONYMOUS CALLER, STATED THAT A

1 INDIVIDUAL HAD HIT THE ALLEGED VICTIM?

2 A I MIGHT HAVE I DON'T REMEMBER THE EXACT NOTE ON

3 THAT PART

4 Q IS IT PART OF POLICY THAT -- LET ME ASK YOU, WHAT

5 WAS YOU TAUGHT?

6 A WHAT WAS I TAUGHT?

7 Q YES, ABOUT THAT PARTICULAR FIELD DID YOU GO TO

8 SCHOOL OR TAKE UP ANY CLASSES OR ANYTHING IN REFERENCE

9 / TO THAT PARTICULAR JOB?

10 A THERE'S TRAINING RIGHT THERE

11 Q THERE'S TRAINING WITH ---

12 A RIGHT IN THE BUILDING, YEAH

13 Q AND YOU LEARN CERTAIN PROCEDURES AND POLICIES THAT

14 MUST BE ADHERED TO WHEN TAKING CALLS?

15 A YES, IF AT ALL POSSIBLE

16 Q AND WHAT DID YOU LEARN ABOUT ANONYMOUS CALLS?

17 A WELL IT'S NOT -- THEY DON'T HAVE TO GIVE THEIR

18 NAME IF THEY DON'T WANT TO

19 Q BUT ISN'T IT REQUIRED THAT YOU ASK THE NAMES?

20 A YES

21 x Q COULD YOU TELL ME WHY YOU FAILED TO ASK THE NAME

22 OF THE PERSON THAT MADE THE CALL ON THAT DAY TO YOU?

23 A IF I REMEMBER CORRECTLY, SHE SEEMED VERY UPSET, SO

24 -- AND SHE STARTED RIGHT IN WITH HER SITUATION WITH HER

25 FRIEND AND I GUESS SHE -- I JUST THOUGHT THAT I'D

1 NEED TO FIND OUT WHAT THE EMERGENCY WAS AND DIDN'T ASK
2 THE NAME

3 Q SO WOULD YOU AGREE THAT YOU WAS IN VIOLATION OF
4 YOUR POLICY?

5 A I'M NOT SURE BECAUSE NOTHING WAS SAID TO ME

6 Q WAS IT EVER TAUGHT BY MS BAPTIES, A 9-1-1
7 DISPATCHER SUPERVISOR IN THAT AREA, THAT THE NUMBER ONE
8 THING THAT A CALL-TAKER OR DISPATCHER SHOULD DO IS ASK
9 THE NAME OF THE CALLER?

10 A I'M NOT FAMILIAR WITH THE PERSON, BUT I WOULD
11 SUPPOSE, YES I DON'T KNOW WHO THAT IS

12 Q AND BEING IT'S A CRIMINAL DOMESTIC VIOLENCE BEING
13 ALLEGED, THAT THE NEXT STEP WOULD -- TO ASK IS ANY
14 WEAPONS IN A HOME OR INVOLVED?

15 A IF THE PERSON WAS IN THE HOME, YES

16 Q AND DON'T YOU THINK THAT ALL OF THIS IS NECESSARY
17 IN ORDER TO PROTECT THE -- THE OFFICERS THAT WOULD BE
18 RESPONDING TO THE CALL, WHEREVER THE CALL MAY BE?

19 A YES, IF THE PEOPLE ARE IN THE HOME THAT WERE
20 CALLING

21 Q DID YOU ASK THE -- THE ANONYMOUS CALLER THE NUMBER
22 TO WHERE HER FRIEND WAS LOCATED?

23 A THE PHONE NUMBER?

24 Q YES

25 A YES

1 Q DID YOU RECEIVE THAT NUMBER?

2 A NO

3 Q WHEN YOU SENT OUT THE CALL, WHO DID YOU STATE WAS

4 THE COMPLAINANT (PHONETIC)?

5 A I'M NOT SURE I DON'T REMEMBER

6 Q IT WOULDN'T HAVE BEEN -- IT WOULD NOT HAVE BEEN

7 ACCORDING TO POLICY AND PROCEDURE FOR YOU TO STATE A

8 COMPLAINANT (PHONETIC) TO BE SOMEBODY OTHER THAN THE

9 CALLER, WOULD IT?

10 A YES, BUT AT THAT POINT, I'D ALREADY PASSED BY

11 THAT

12 Q AND WHAT DO YOU MEAN BY YOU HAD ALREADY PASSED BY

13 THAT?

14 A THERE'S A FIELD YOU ENTER IN TO ON A COMPUTER, AND

15 I HAD ALREADY PASSED BY THAT TO START TYPING IN NOTES

16 Q SO WHEN YOU -- WHEN YOU PASSED BY THAT ARE YOU

17 STATING THAT YOU DIDN'T GIVE A NAME OF THE COMPLAINANT

18 (PHONETIC)?

19 A I DON'T REMEMBER IF I PUT A NAME IN THERE OR NOT

20 Q BUT YOU DO AGREE THAT -- THAT A CALL-TAKER OR A

21 DISPATCHER SHOULD NOT GIVE INFORMATION THAT IS NOT

22 CORRECT?

23 A RIGHT

24 Q AND YOUR DIS -- IN THE DISPATCH TRANSCRIPT THAT

25 YOU HAVE BEFORE YOU, EXHIBIT 29, COULD YOU LOOK AT THE

1 TIME OF 16 09 22?

2 A WHERE IS THAT?

3 Q 16 09 22

4 A OKAY

5 Q AND A 10-16, DO YOU RECALL WHAT THAT CODE IS?

6 MR MURDAUGH JUDGE, I -- I DON'T WANT TO -- IT
7 APPEARS TO ME THAT THIS DOCUMENT THAT THEY'RE READING
8 FROM IS IN EVIDENCE, AND THAT IS THE BEST EVIDENCE OF
9 WHAT WAS SAID WE CAN GO THROUGH READING THIS WHOLE
10 THING, WHICH THE JURY HAS ALREADY HEARD PLAYED

11 THE COURT IS IT -- IT'S IN EVIDENCE?

12 MR ALKEBULANYAHH YES, SIR, AND I'M PICK- -- I'M
13 PICKING OUT PARTICULAR INFORMATION FROM IT THAT I WOULD
14 LIKE THE -- TO GO OVER WITH THE WITNESS FOR THE JUROR
15 (SIC) TO -- TO BE ABLE TO -- WHEN THEY GO INTO
16 DELIBERATION TO BE ABLE TO DISCERN ABOUT THAT
17 PARTICULAR INFORMATION AT -- AT HAND

18 THE COURT WELL, YOU WANT TO ASK HER QUESTIONS
19 ABOUT THAT PARTICULAR ITEM OR YOU'RE JUST WANTING HER
20 TO REPEAT WHAT'S ALREADY IN EVIDENCE?

21 MR ALKEBULANYAHH I WANT TO ASK HER A QUESTIONS
22 ABOUT ---

23 THE COURT ALL RIGHT IF YOU'RE GOING TO ASK HER
24 A SPECIFIC QUESTION ABOUT THAT ITEM, GO AHEAD

25 MR ALKEBULANYAHH OKAY

STATE VS ALKEBULANYAHH

1 THE COURT THERE'S NO NEED TO HAVE HER READ
2 SOMETHING THAT'S IN EVIDENCE IF THERE'S NO QUESTION
3 THAT'S GOING TO BE ATTACHED TO IT
4 MR ALKEBULANYAHH I DIDN'T ASK HER TO READ
5 ANYTHING I ASKED HER A CODE NUMBER ---
6 THE COURT ALL RIGHT GO AHEAD
7 MR ALKEBULANYAHH --- AND HIS OBJECTION CAME IN
8 Q WHAT IS A 10-16?
9 A I'M NOT -- I DON'T REMEMBER
10 Q YOU DON'T REMEMBER WOULD -- WOULD -- WOULD THE
11 DOMESTIC ---
12 A THAT COULD BE
13 Q --- I'LL REFRAIN MINE OKAY AND 10-31, IN
14 PROGRESS?
15 A YEAH THAT'S WHAT THAT IS
16 Q AND 10-17, WOULD COMPLAINANT ---
17 A OKAY
18 Q --- SEEM RIGHT? WHO DO YOU STATE IS THE
19 COMPLAINANT IN THIS -- IN THIS PARTICULAR STATEMENT?
20 A KIMBERLY BLAKE
21 Q AND -- AND WHAT DO YOU STATE KIMBERLY BLATE
22 (PHONETIC) PROBLEM IS?
23 A SHE'S NOT BEING ABLE TO LEAVE THE RESIDENCE
24 Q AND, IN FACT, KIMBERLY BLATE (PHONETIC) WAS NOT
25 THE COMPLAINTANT (PHONETIC), IS THAT CORRECT?

STATE VS ALKEBULANYAHH

- 1 A RIGHT
- 2 Q AND THAT WAS A VIOLATION OF YOUR PROCEDURE AND
- 3 POLICY BY YOU STATING THAT, IS THAT CORRECT?
- 4 A NO, I DON'T BELIEVE SO
- 5 Q YOU DON'T BELIEVE SO?
- 6 A NO
- 7 Q DIDN'T YOU AGREE WITH ME THAT THE INFORMATION THAT
- 8 IS GIVEN OUT OVER DISPATCH SHOULD BE ACCURATE IN ORDER
- 9 TO SAFEGUARD THE OFFICERS WHO'S BEING DISPATCHED OUT TO
- 10 ALLEGE COMPLAINTS?
- 11 A YES
- 12 Q AND COULDN'T WE ASSUME THAT THESE OFFICERS ARE ---
- 13 MR MURDAUGH JUDGE, COULD WE ASSUME -- THIS IS
- 14 HIS WITNESS AND THAT ---
- 15 THE COURT YES
- 16 MR ALKEBULANYAHH IF -- IF -- I'LL -- I'LL --
- 17 I'LL -- I'LL -- I'LL RE- -- I WITHDRAW THAT QUESTION
- 18 THE COURT ALL RIGHT
- 19 Q YOU ACTUALLY NEVER TALKED TO KIMBERLY BLATE
- 20 (PHONETIC), IS THAT CORRECT?
- 21 A THAT'S CORRECT
- 22 Q AT 16 21 -- AT 16 21 02 OFFICER TATE INQUIRED OF
- 23 YOU WHO THE CALL CAME FROM IN REFERENCE TO THE REPORT
- 24 OF THE INCIDENT AT THE 21 RILEY ROAD RESIDENCE, IS THAT
- 25 CORRECT?

1 A NO, I WASN'T ON DISPATCH
2 Q YOU WAS NOT DISPATCHING?
3 A HUH-UH
4 JUROR THE MICROPHONE IS NOT ON
5 THE COURT REPEAT YOUR ANSWER PLEASE
6 JUROR THE MICROPHONE IS NOT ON
7 THE COURT IT SHOULD BE ON GO AHEAD IS IT ON?
8 GO AHEAD
9 Q SO YOU -- YOU WASN'T ON DISPATCH?
10 A NO
11 Q SO THE PERSON THAT GAVE THIS INFORMATION OUT OF
12 SPEAKING WITH THE OFFICER IN THIS IS NOT YOU?
13 A CORRECT
14 Q AND THE INFORMATION THAT THE PERSON -- THIS
15 DISPATCHER THAT GAVE THIS INFORMATION OUT, DID THIS
16 INFORMATION COME FROM YOU?
17 A YES
18 Q SO DID YOU -- DID YOU GIVE THE INFORMATION OUT
19 THAT THE -- THE CALL CAME FROM KIMBERLY BLATE
20 (PHONETIC)?
21 A AT THE TIME I WAS -- THOUGHT IT WAS, THAT'S WHO I
22 WAS TALKING TO, EVEN THOUGH I HAD ASKED HER
23 Q SO AT THE TIME THAT YOU TOLD OFFICER TATE THAT THE
24 CALL CAME FROM KIMBERLY BLATE (PHONETIC), YOU THOUGHT
25 AT THAT TIME YOU WAS ACTUALLY TALKING TO KIMBERLY BLATE

1 (PHONETIC), IS THAT CORRECT?

2 A I WAS CONFUSED ON WHO I WAS TALKING TO

3 Q WHEN THE DISPATCHER WAS RECEIVING INFORMATION FROM
4 THE CALL-TAKER WHICH WAS YOU, THE CALL-TAKER WAS
5 TAKING INFORMATION FROM THE OFFICERS IN THE FIELD AND
6 RELAYING IT TO THE DISPATCHER TO BE RELAYED TO THE
7 OFFICERS IN THE FIELD? AM I CONFUSING YOU?

8 A YEAH CAN YOU REPEAT THAT AGAIN?

9 Q WHEN YOU CONTINUED TO RECEIVE CALLS DIRECTLY WITH
10 THE OFFICER IN THE FIELD AND THE OFF -- AND YOURSELF?

11 A NO

12 Q SO AFTER THE SECOND CALL THAT AT THAT TIME WHICH
13 IT BECAME KNOWN THAT MS STRAWBERRY WASHINGTON NAME
14 YOU WASN'T RECEIVING ANY MORE CALLS THEN FROM THAT
15 MOMENT ON?

16 A NO

17 Q AND YOU WASN'T GIVING THE OFFICERS IN THE FIELD
18 ANY INFORMATION AS TO WHO WAS THE CALLERS AND WHO WAS
19 INVOLVED AT THAT POINT?

20 A RIGHT

21 Q MS KELLY, DID YOU MAKE A ATTEMPT TO KEEP MS
22 WASHINGTON ON THE PHONE UNTIL AN OFFICER ARRIVED?

23 A NO I WAS BEING MONITORED BY A SUPERVISOR AND SHE
24 TOLD ME TO HURRY ALONG

25 Q DO YOU KNOW WHO THAT SUPERVISOR WERE?

1 A I BELIEVE IT WAS TERRI COLEMAN

2 (PAUSE)

3 Q SO, MS KELLY YOU -- ARE YOU EMITTING (SIC) --

4 WHEN I SAY THAT YOU'RE EMITTING (SIC) THAT YOU WAS

5 PRETTY MUCH IN ERROR IN THE BEGINNING IN REFERENCE TO

6 THE INFORMATION THAT YOU -- THE WAY YOU RECEIVED THE

7 INFORMATION AND THE INFORMATION THAT YOU SENT OUT TO BE

8 SENT TO THE DEPUTIES THAT WERE OUT IN THE FIELD?

9 A AM I ADMITTING TO IT, IS THAT ---

10 Q YES

11 A --- WHAT YOU'RE ASKING ME?

12 Q YES

13 A I GUESS IT COULD BE PUT THAT WAY

14 Q DID YOUR SUPERVISOR THEN -- DID THEY TAKE ANY

15 ACTION AGAINST YOU BECAUSE OF YOUR MISTAKES OR ERROR

16 INVOLVING THAT PARTICULAR ---

17 A NO

18 Q THEY DIDN'T DID ANYONE ATTEMPT TO ADMONISH YOU

19 IN ANY TYPE OF WAY ABOUT THE MISTAKES YOU MADE IN

20 REFERENCE TO THAT MATTER?

21 A NO I BELIEVE THEY WOULD HAVE DONE IT WHILE I WAS

22 ON THE PHONE BECAUSE I WAS BEING MONITORED THEY WOULD

23 HAVE ME ASK FOR MORE INFORMATION IF IT -- THEY THOUGHT

24 IT WAS NECESSARY

25 Q MS KELLY, DID IT EVER CROSS YOUR MIND AT ANY TIME

1 THAT THE CALL -- THE INFORMATION THAT YOU RELAYED WAS
2 THE FUTE (PHONETIC) OF A VERY TRAGIC EVENT?

3 MR MURDAUGH JUDGE, THAT JUST ---

4 THE COURT I ---

5 MR MURDAUGH THAT ISN'T A PROPER QUESTION

6 THE COURT I SUSTAIN THE OBJECTION

7 MR MURDAUGH AND I OBJECT TO IT, SIR

8 THE COURT I SUSTAIN THE OBJECTION

9 MR ALKEBULANYAHH YES, SIR YOUR HONOR

10 Q HOW LONG DID YOU CONTINUE TO WORK AS A CALL-TAKER
11 AFTER THE JANUARY 8 INCIDENT IN 2002?

12 A SIX MONTHS

13 Q AND YOU SAY YOU WOULDN'T HAVE NO IDEA WHO WAS THE
14 DISPATCHER THAT GAVE OUT THE FALSE INFORMATION IN THE
15 FIELD?

16 MR MURDAUGH IF YOUR HONOR, PLEASE, SHE DIDN'T
17 SAY FALSE INFORMATION WAS GIVEN OUT, SIR, AND I OBJECT
18 TO THE FORM OF THE QUESTION

19 THE COURT YES, SIR REPHRASE THAT QUESTION

20 MR ALKEBULANYAHH YES, SIR

21 Q MS KELLY, COULD YOU EXPLAIN WHAT CAUSED YOU TO --
22 TO GIVE THE INFORMATION THAT MS KIMBERLY BLATE
23 (PHONETIC) HAD CALLED AND MADE A COMPLAINT?

24 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT'S BEEN
25 ASKED AND ANSWERED, SIR

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR I SUSTAIN THAT OBJECTION
2 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE A
3 MOMENT WITH COUNSEL PLEASE?
4 THE COURT YES, SIR
5 (PAUSE)
6 THE COURT WE'LL SEE HOW MUCH LONGER THIS WITNESS
7 MIGHT BE WE MAY END UP STOPPING
8 MR ALKEBULANYAHH MS KELLY, THANK YOU
9 I HAVE NO FURTHER QUESTIONS, YOUR HONOR
10 MR MURDAUGH NO, SIR, I HAVE NO QUESTIONS
11 THE COURT YOU MAY STEP DOWN, MA'AM THANK YOU
12 (THE WITNESS LEAVES THE WITNESS STAND)
13 MR MURDAUGH AND HAVE NO PROBLEM WITH HER BEING
14 EXCUSED, IF YOUR HONOR PLEASE
15 THE COURT ANY OBJECTION?
16 MR ALKEBULANYAHH NO, SIR I HAVE NO ---
17 THE COURT YOU MAY BE EXCUSED, MA'AM
18 ALL RIGHT LADIES AND GENTLEMEN, I -- I KNOW YOU
19 SENT OUT A REQUEST TO GO AHEAD AND TAKE A BREAK WE'LL
20 JUST GO AHEAD AND STOP WE'LL PICK -- I UNDERSTAND YOU
21 ALL WANT TO START EARLIER TOMORROW
22 JUROR THAT'S YOUR CALL
23 FOREMAN IT'S UP TO YOU, JUDGE
24 THE COURT WELL, I MEAN, I'LL HONOR THAT REQUEST
25 WE'LL START AT 8 30 ALL RIGHT THANK YOU

STATE VS ALKEBULANYAHH

1 (THE JURY EXITS THE COURTROOM AT 5 05 P M)
2 MR MURDAUGH IF YOUR HONOR PLEASE, MIGHT I
3 INQUIRE IF SCOTT JOHNSON WAS RELEASED?
4 THE COURT I'M NOT SURE WAS HE RELEASED?
5 MR ALKEBULANYAHH YES, SIR I THINK SO, YOUR
6 HONOR
7 THE COURT ALL RIGHT HE'S RELEASED
8 SEE YOU ALL TOMORROW
9 MR MURDAUGH TOMORROW, SIR
10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
11 (COURT IS IN RECESS)
12 (SATURDAY, OCTOBER 18, 2003)
13 MR MURDAUGH YOUR HONOR, PLEASE, THE WITNESSES
14 THAT I THINK HE IS GOING TO CALL THIS MORNING, WE WOULD
15 LIKE AN IN CAMERA HEARING IN REGARD TO THIRD PARTY
16 GUILT SIR
17 THE COURT YES, SIR
18 MR ALKEBULANYAHH YOUR HONOR I DON'T SEE WHERE
19 IT WOULD BE -- NEED TO BE NECESSARY I PRETTY MUCH
20 HAVE COME TO THE UNDERSTANDING ABOUT CERTAIN
21 INSTRUCTIONS THAT YOU GIVE ME ABOUT THE QUESTIONS OF
22 JURORS (SIC) AND THEY WOULD NOT BE TESTIFYING TO
23 NOBODY WHO HAS NOT TESTIFIED HERE TODAY, TESTIFIED IN
24 THIS COURT PROCEEDING
25 THE COURT SO THE WITNESSES ARE ONLY GOING TO

STATE VS ALKEBULANYAHH

1 TESTIFY ABOUT STATEMENTS OTHER WITNESSES -- PEOPLE WHO
2 HAVE TESTIFIED HAVE MADE?

3 MR ALKEBULANYAHH YES, STATEMENT OTHER PEOPLE
4 HAVE TESTIFIED TO

5 MR MURDAUGH IF YOUR HONOR, PLEASE, I STILL
6 WOULD LIKE THE IN CAMERA HEARING

7 THE COURT ALL RIGHT

8 (PAUSE)

9 THE COURT I'M WAITING FOR THE JURY ONE OF THE
10 JURORS SENT OUT A NOTE THAT SHE RECOGNIZED THAT
11 DISPATCHER THAT WAS ON THE STAND YESTERDAY SHE ONLY
12 KNEW HER BY THE NAME, JEN SHE WORKED WITH HER THREE
13 YEARS AGO SHE ONLY REALIZED WHEN SHE STARTED TO TALK
14 SHE'S NOT SOMEONE SHE KNEW SOCIALLY

15 ANY MATTERS PERTAINING -- ANY ---

16 MR MURDAUGH NOT AS FAR AS THE STATE IS
17 CONCERNED, SIR

18 MR ALKEBULANYAHH NO, SIR I DON'T SEE ANYTHING
19 THAT ---

20 THE COURT DO YOU WISH FOR ME TO BRING HER IN TO
21 SEE IF THAT WOULD AFFECT HER ABILITY TO BE FAIR AND
22 IMPARTIAL IN ANY WAY?

23 MR ALKEBULANYAHH YEAH THAT WOULD BE
24 APPROPRIATE, I THINK

25 THE COURT BRING IN JUROR 258

STATE VS ALKEBULANYAHH

1 (NOTE FROM JUROR CYNTHIA MILANESI, NO 258, 1
2 PAGE, MARKED FOR IDENTIFICATION AS COURT'S EXHIBIT NO
3 6)

4 (JUROR 258 ENTERS THE COURTROOM AT 8 36 A M)

5 THE COURT MA'AM, COULD YOU STATE YOUR NAME FOR
6 THE RECORD?

7 MS MILANESI CINDY -- CYNTHIA MILANESI

8 THE COURT ALL RIGHT NOW, I RECEIVED THE NOTE
9 YOU -- TELL ME HOW YOU KNOW THIS PERSON?

10 MS MILANESI I -- I WORKED WITH HER AT LADY'S
11 ISLAND COUNTRY CLUB ABOUT THREE YEARS AGO WE WERE
12 REALLY IN SEPARATE DEPARTMENTS AND I DIDN'T RECOGNIZE
13 HER UNTIL SHE STOOD UP AT THE STAND AND STARTED
14 SPEAKING

15 THE COURT AND YOU SAID YOU KNOW YOU DID NOT
16 SOCIALIZE WITH HER?

17 MS MILANESI NO I JUST KNEW HER FROM WORK
18 SHE WORKED IN A -- ON THE GOLF SECTION OF THE GOLF
19 COURSE, AND I WORKED IN THE RESTAURANT

20 THE COURT ALL RIGHT WOULD THAT IN ANY WAY
21 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN THIS
22 CASE?

23 MS MILANESI IT WOULDN'T MAKE ANY DIFFERENCE

24 THE COURT ALL RIGHT THANK YOU

25 (THE JUROR EXITS THE COURTROOM AT 8 37 A M)

STATE VS ALKEBULANYAHH

1 THE COURT ANYTHING FURTHER FROM THE STATE?
2 MR MURDAUGH NO, SIR
3 THE COURT DEFENSE?
4 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
5 THE COURT ALL RIGHT
6 MR ALKEBULANYAHH YOUR HONOR, COULD I HAVE A
7 SIDE BAR WITH YOU?
8 THE COURT A SIDE BAR?
9 MR ALKEBULANYAHH YES, SIR
10 THE COURT ALL RIGHT
11 MR MURDAUGH THE JURY IS NOT HERE THERE'S
12 NO ---
13 THE COURT THE JURY IS NOT HERE I MEAN ---
14 MR ALKEBULANYAHH I HAVE A PARTICULAR WITNESS
15 THAT HAVE NOT ARRIVED THIS MORNING AND I JUST -- I HAD
16 A WITNESS TO CALL, BUT THERE'S ABOUT TWO OTHER WITNESS
17 WHO WOULD HAVE TO HAVE MY INITIAL WITNESS WHERE THEY
18 CAN GIVE TESTIMONY, PERMISSIBLE TESTIMONY, IN REFERENCE
19 TO SOME EVENTS
20 AND I JUST WANTED TO BRING TO THE COURT'S
21 ATTENTION IF I COULD HAVE -- NEED A LITTLE MORE TIME
22 I HAVE BEEN TOLD THAT THE DEPUTY HAS WENT OUT TO FIND A
23 PARTICULAR WITNESS FOR ME THIS MORNING
24 THE COURT ALL RIGHT WHO IS YOUR FIRST WITNESS?
25 MR ALKEBULANYAHH I WOULD HAVE -- I WOULD CALL

STATE VS ALKEBULANYAHH

1 ARZELL JOHNSON FOR THE FIRST WITNESS AND IT -- IT --
2 IT SHOULDN'T BE LONG OR ANYTHING OR INTENSIVE TO
3 ANYTHING IT SHOULDN'T BE VERY LONG BUT MY -- THE
4 NEXT WITNESS THAT I WOULD NEED IN ORDER TO GO IN TO THE
5 OTHER WITNESS IN REFERENCE TO A MATTER WOULD CARRY A
6 LITTLE -- A LOT MORE TIME -- NOT A LOT, BUT AT A
7 DIFFERENT PACE

8 BUT I -- AGAIN, AS I SPOKE YESTERDAY TO THE -- TO
9 THE COURT THAT I DON'T THINK THAT THE WITNESSES THAT I
10 HAVE LEFT SHOULD TAKE UP A GREAT AMOUNT OF TIME, ALL OF
11 THEM TOGETHER

12 THE COURT YES, SIR I'LL TAKE THE BREAK

13 MR MURDAUGH IF YOUR HONOR, PLEASE, I HAD ASKED
14 FOR AN IN CAMERA HEARING ON THE WITNESSES THAT I
15 ANTICIPATE HE'S GOING TO CALL THIS MORNING

16 THE COURT YES SIR

17 MR MURDAUGH AND I WAS THINKING WE COULD GO INTO
18 THAT IN CAMERA HEARING UNTIL THIS WITNESS THAT HE'S
19 LOOKING FOR GETS HERE

20 THE COURT YES, SIR THAT'S WHAT I WAS PLANNING
21 ON DOING

22 MR MURDAUGH OKAY, SIR

23 THE COURT YOUR FIRST WITNESS IS READY?

24 MR ALKEBULANYAHH YES SIR ARZELL JOHNSON
25 DO YOU WANT ME TO BRING HIM OUT NOW OR WAIT UNTIL

STATE VS ALKEBULANYAHH

1 THE JURY COME IN?
2 THE COURT WE'LL HEAR IN CAMERA WHETHER THERE'S
3 ANY THIRD PARTY GUILT ISSUES
4 MY GUESS IS WE WILL NOT ARGUE AND CHARGE TODAY
5 PARDON? WHAT'S HIS NAME AGAIN?
6 MR ALKEBULANYAHH ARZELL JOHNSON HE'S IN THE
7 ROOM ACROSS ---
8 MR MURDAUGH HE'S OUT THERE
9 THE COURT ARZELL JOHNSON
10 ARZELL JOHNSON, BEING FIRST
11 DULY SWORN, TESTIFIED AS FOLLOWS
12 THE COURT GO AHEAD, SIR
13 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
14 Q GOOD MORNING MR JOHNSON
15 A HOW YOU DOING
16 Q DO YOU RECALL ON JANUARY 8 2002, A INCIDENT WHERE
17 TWO SHERIFF DEPUTIES WAS SHOT? DO YOU REMEMBER THAT?
18 A YES, I DO
19 Q COULD YOU TELL ME HOW YOU BECAME INVOLVED IN THAT
20 PARTICULAR SITUATION?
21 A WELL, I WAS STAYING AT A RESIDENCE NOT FAR FROM
22 THAT AREA AND I HAD A FRIEND THAT CAME OVER TO WHERE
23 WE WAS STAYING AT AND HE CAME IN THE HOUSE TELLING ME
24 AND A COUPLE OTHERS THAT HE HEAR A COUPLE OF GUNSHOTS
25 AND WE ALL THOUGHT HE WAS JUST JOKING FOR A WHILE

STATE VS ALKEBULANYAHH

1 AND AFTER THAT, COPS CAME AND STARTED TALKING TO
2 US ASKING US QUESTIONS, ASK HIM QUESTIONS, ASK US
3 QUESTIONS ABOUT HIM AND THAT'S ABOUT IT

4 Q WERE YOU -- WAS -- WERE YOU TAKEN IN CUSTODY FOR
5 QUESTIONING OR ANYTHING?

6 A YES, I WAS

7 Q DO YOU RECALL THE OFFICER THAT QUESTIONED YOU?

8 A NO, I DO NOT REMEMBER HIS NAME

9 MR ALKEBULANYAHH YOUR HONOR, I BASICALLY -- YOU
10 KNOW, I SEE THAT HE -- HE HAS KNOWLEDGE ABOUT THE
11 SITUATION AND ---

12 MR MURDAUGH I -- I COULDN'T HEAR THE LAST
13 STATEMENT, SIR

14 MR ALKEBULANYAHH I WAS STATING THAT HE HAD
15 KNOWLEDGE ABOUT THE SITUATION AND -- AND -- AND --
16 AND ---

17 THE COURT IS THAT ALL YOU'RE GOING TO ASK HIM?

18 MR ALKEBULANYAHH WELL, YEAH, BASICALLY YOU
19 KNOW I DIDN'T WANT TO GO THROUGH MY WHOLE SERIES OF
20 QUESTIONS OUTSIDE OF THE PRESENCE OF THE JURORS

21 THE COURT WELL, I DON'T KNOW IF YOU UNDERSTAND
22 THIS PROCESS IF ---

23 MR ALKEBULANYAHH RIGHT

24 THE COURT JUST BECAUSE WE HEAR IT IN CAMERA
25 DOESN'T -- UNLESS IT'S -- UNLESS I TELL YOU IT'S

STATE VS ALKEBULANYAHH

1 OBJECTIONABLE, THEN YOU GET TO GO THROUGH THE WHOLE
2 PROCESS AGAIN WITH THE JURY DO YOU UNDERSTAND THAT?
3 IF I SAY IT'S ADMISSIBLE

4 Q WHO WAS AT THE HOME WHERE YOU WAS AT? DO YOU
5 REMEMBER?

6 A BOBBY RIGBY, ME MYSELF, EDDIE BROWN, A COUPLE
7 OTHER ASSOCIATES I CAN'T REMEMBER THEIR NAME RIGHT
8 NOW

9 Q WHAT WAS THE -- WHAT WAS THE Demeanor OF BOBBY
10 RIGBY WHEN HE ARRIVED AT THE RESIDENCE?

11 A CAN YOU REPHRASE THAT?

12 Q WHAT WAS -- HOW WAS BOBBY RIGBY ACTING WHEN HE
13 ARRIVED TO THE RESIDENCE?

14 A ACTUALLY, NOT OUT OF THE USUAL HE JUST TOLD ME
15 HE JUST HEARD A COUPLE OF SHOTS ABOUT FIVE MINUTES
16 AFTER THAT THE COPS CAME TO THE DOOR BUT LOOKING
17 BACK ON IT I CAN'T SEE ANYTHING OUT OF THE ORDINARY

18 Q WAS HE -- DO YOU RECALL HIM BEING DETAINED, TAKEN
19 INTO CUSTODY?

20 A YES, HE WAS

21 Q DO YOU RECALL HIM STATING WHERE THE -- WHERE --
22 WHERE -- WHERE THE -- WHERE THIS INCIDENT HAPPENED AT?

23 A YOU TALKING ABOUT WHERE WE WAS AT?

24 Q WHERE BOB -- DID BOBBY RIGBY STATE TO YOU WHERE
25 THE INCIDENT TOOK PLACE?

1 A NO

2 Q WERE YOU GIVEN A GUNSHOT RESIDUE TEST?

3 A TO TELL YOU THE TRUTH, I DO NOT REMEMBER

4 (PAUSE) TO TELL YOU THE TRUTH, INCIDENTS LIKE THAT,
5 WHEN YOU DON'T KNOW NOTHING, DON'T HAVE NO RECOLLECTION
6 ABOUT ANYTHING, YOU JUST WANT TO GET ON WITH THE DAY
7 AND PUT EVERYTHING IN THE PAST, TRY NOT TO LOOK BACK ON
8 IT

9 Q WHEN -- WHEN YOU WERE IN -- DID -- DID MR RIGBY
10 GIVE ANY DETAILS IN YOUR CONVERSATION ABOUT THE EVENTS
11 THAT HE WAS INVOLVED IN?

12 A NO EVERYTHING WAS BRIEF

13 Q DO YOU RECALL ABOUT WHAT TIME IT WAS WHEN RIGBY
14 ARRIVED AT THE HOUSE?

15 A I'M SORRY I HAVE NO IDEA

16 Q DO YOU RECALL MR RIGBY STATING THE INCIDENT TOOK
17 PLACE AT THE SCHOOL OR BEHIND THE SCHOOL?

18 A ACTUALLY I DON'T RECALL HIM TELLING ME ANYTHING
19 BUT HE HEARD A COUPLE OF GUNSHOTS YOU SEE, WHEN THE
20 POLICE OFFICERS CAME IN AND STARTED TALKING TO US,
21 THAT'S WHEN I FOUND OUT MYSELF, THAT WE WERE GOING
22 TOWARDS THE SCHOOL AND I PUT IT TOGETHER MYSELF THAT'S
23 WHERE EVERYTHING HAPPENED AT

24 Q DID YOU GIVE A ---

25 THE COURT YOU'RE GOING TO HAVE TO TRY TO TALK

1 UP SIR, OR TALK INTO THAT MIKE, IF YOU NEED TO PULL IT
2 UP TO YOU
3 WITNESS ALL RIGHT
4 Q DID YOU GIVE A WRITTEN STATEMENT?
5 A NO I DID NOT
6 Q WERE YOU ASKED TO GIVE A WRITTEN STATEMENT?
7 A NOT TO MY RECALL SORRY
8 Q HOW LONG DID THEY HAVE YOU AT THE BROAD RIVER
9 SCHOOL, DO YOU REMEMBER? HOURS?
10 A IT WOULD HAVE BEEN HOURS I WOULD SAY ABOUT TWO
11 HOURS, A GOOD THREE, FOUR
12 Q THREE HOURS, THREE OR FOUR HOURS
13 (PAUSE)
14 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
15 QUESTIONS FOR THIS PARTICULAR SUBJECT
16 MR MURDAUGH YOUR HONOR, WE HAVE A MOTION IN
17 THAT REGARD
18 THE COURT YES, SIR
19 MR MURDAUGH WE WOULD MOVE THAT THE
20 TESTIMONY ---
21 THE COURT HOLD ON A SECOND
22 SIR, YOU MAY STEP OUT
23 DO YOU HAVE ANY QUESTIONS TO ASK?
24 MR MURDAUGH NO, SIR, I HAVE NO QUESTIONS
25 THE COURT YOU MAY STEP OUT, SIR

STATE VS ALKEBULANYAHH

1 (THE WITNESS LEAVES THE WITNESS STAND)

2 MR MURDAUGH MY MOTION IS THAT THAT TESTIMONY BE
3 EXCLUDED SIR -- NOT EXCLUDED, BUT NOT ALLOWED ON A
4 NUMBER OF GROUNDS IT MERELY -- UNDER COOPER AND
5 GREGORY MERELY SHOWS SUSPICION ON SOMEBODY ELSE'S PART
6 IF IT GOES THAT FAR IT DOES -- NOTHING THAT HE SAID
7 WOULD BE USED TO CONTRADICT ANYTHING RIGBY SAID, SO THE
8 TESTIMONY IS IRRELEVANT AND IMMATERIAL AND --
9 IRRELEVANT AND IMMATERIAL

10 THE COURT DO YOU WISH TO RESPOND? WHAT -- WHAT
11 RELEVANCE IS THAT TESTIMONY?

12 MR ALKEBULANYAHH THAT -- THAT TESTIMONY IS
13 RELEVANT TO THE -- TO THE -- TO THE EXTENT THAT MR
14 RIGBY STATED THAT HE TOLD MR JOHNSON IN -- INCLUSION
15 TO OTHER INDIVIDUALS THAT WHAT HAD ACTUALLY HAPPENED AT
16 THE -- AT THE 21 RILEY ROAD RESIDENCE, WHAT HE WAS
17 DOING OUT THERE AND WHAT HAPPENED AND THAT'S -- THAT'S
18 RELEVANT

19 THE COURT ALL HE -- ALL HE INDICATED WAS THAT HE
20 WAS TOLD THAT HE HEARD SOME GUN -- MR RIGBY HEARD SOME
21 GUNSHOTS AND HE SAID THAT HE DIDN'T REMEMBER ANYTHING
22 ELSE THAT MR RIGBY SAID

23 MR ALKEBULANYAHH BUT MR RIGBY STATED THAT HE
24 TOLD THEM ABOUT HIM BEING IN THE 21 RILEY ROAD ---

25 THE COURT NO HE SAID THAT HE DIDN'T REMEMBER

STATE VS ALKEBULANYAHH

1 ANYTHING ELSE MR RIGBY INDICATED ARE YOU TALKING
2 ABOUT MR RIGBY?
3 MR ALKEBULANYAHH YES, THAT'S WHO I'M TALKING
4 ABOUT ---
5 THE COURT GO AHEAD
6 MR ALKEBULANYAHH --- MR RIGBY
7 THE COURT GO AHEAD
8 MR ALKEBULANYAHH YEAH, MR RIGBY INDICATED THAT
9 HE TOLD THEM THAT HE WAS OUT ON THE -- AT THE RILEY
10 ROAD VICINITY AND -- AND ABOUT THE -- WHAT HE SAW AND
11 WHAT HE DID
12 AND HE STATED -- THIS PARTICULAR PERSON STATED
13 THAT MR RIGBY AIN'T REALLY TOLD HIM THAT
14 BUT MR RIGBY STATED THAT HE DID TOLD HIM THAT
15 AND I THINK THAT IF NOTHING MORE, THAT IT
16 CONTRADICTS WHAT MR RIGBY HAS STATED ABOUT THE
17 INFORMATION WHAT HE SAID TO PEOPLE IN REFERENCE TO THE
18 INCIDENT
19 THE COURT I DIDN'T HEAR ANYTHING THAT
20 CONTRADICTED ANYTHING MR RIGBY SAID IF YOU WANT TO
21 TELL ME SPECIFICALLY
22 MR ALKEBULANYAHH WELL, THIS PARTICULAR PERSON,
23 FIRST OF ALL, HE WAS DETAINED HE COULD HAVE POSSIBLY
24 BEEN A SUSPECT
25 THE COURT WHICH PERSON?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH MR JOHNSON

2 THE COURT WELL NOT YOU'RE GOING BACK TO THE
3 OTHER SITUATION, THIRD PARTY -- TRYING TO PIN --
4 SUGGEST THAT THIS PERSON MIGHT BE GUILTY TOO?

5 MR ALKEBULANYAHH NO, I'M NOT TRYING TO SUGGEST
6 THIS PERSON WOULD BE GUILTY OR NOT IN REFERENCE TO THIS
7 MATTER BUT THIS WITNESS HAD OBSERVED THE OFFICERS,
8 WHAT WAS GOING ON, AND HAD KNOWLEDGE OF WHAT REALLY --
9 ABOUT THIS SITUATION AND -- AND THAT -- AND THE
10 KNOWLEDGE THAT HE HAD FOR WHATEVER VALUE IS NOT JUST
11 SOMETHING TO SAY, WELL, I'M GOING TO CAST SUSPICION ON
12 SOMEONE TO ANY EXTENT

13 BUT IT CAN BE USED TO SHOW THAT THE -- THE
14 INVESTIGATION OF THE LAW ENFORCEMENT WAS NOT THOROUGH
15 AND -- AND -- AND -- AND -- AND -- AND -- AND IT JUST
16 WASN'T THOROUGH THEY DIDN'T HAVE A THOROUGH
17 INVESTIGATION

18 THE COURT WELL I MEAN WHY DOES THIS WITNESS
19 ADD ANYTHING TO THAT OTHER THAN MR RIGBY SAID HE HEARD
20 SOME SHOTS?

21 MR ALKEBULANYAHH HE CAN ADD THAT THE LAW
22 ENFORCEMENT INVESTIGATION WAS NOT THOROUGH

23 THE COURT WHY COULD THIS WITNESS ADD THAT?

24 MR ALKEBULANYAHH BECAUSE ---

25 THE COURT ALL HE SAID WAS HE -- MR RIGBY SAID

STATE VS ALKEBULANYAHH

1 HE HEARD SOME SHOTS AND HE DID NOT REMEMBER ANYTHING
2 ELSE MR RIGBY SAID

3 MR ALKEBULANYAHH WHAT I'M SAYING, YOU -- YOUR
4 -- HE'S TALKING -- YOU'RE TALKING ABOUT MR RIGBY I'M
5 TALKING ABOUT LAW ENFORCEMENT AND THEIR INVESTIGATION
6 ARE NOT THOROUGH

7 NOW, THE -- THE BUILD (SIC) OF THE SUSPICION COME
8 FROM THE PROSECUTOR AND WHATEVER, YOU KNOW, YOUR HONOR
9 BRING, YOU KNOW, ABOUT WHAT HIS ASSUMPTION MAY BE ABOUT
10 WHAT MY INTENTIONS IS, BUT I DON'T UNDERSTAND ---

11 THE COURT I DON'T HAVE TO ASSUME I HEARD ALL
12 YOUR QUESTIONS THOSE ARE ALL YOUR QUESTIONS

13 MR ALKEBULANYAHH AND I'M SAYING I'M NOT -- I'M
14 -- I -- AND IF YOU -- IF YOU HEARD ME YOUR HONOR I --
15 WITH ALL DUE REGARDS AND RESPECT, I'M SPEAKING THAT THE
16 -- THE OFFICERS DID NOT DO A THOROUGH INVESTIGATION

17 THE COURT BUT ALL THIS WITNESS CAN SAY WAS THAT
18 MR RIGBY SAID HE WAS IN THAT AREA AND HEARD SOME
19 SHOTS

20 MR ALKEBULANYAHH HE CAN SHOW THAT THE OFFICERS
21 DID NOT DO A THOROUGH AND COMPLETE INVESTIGATION

22 THE COURT BUT ALL YOU CAN ASK THIS WITNESS IS
23 DID MR RIGBY SAY HE HEARD SOME SHOTS, WAS IT -- WAS HE
24 IN THE AREA AND HE HEARD SOME SHOTS THAT'S IT AND
25 IF YOU WANT TO ARGUE WHATEVER, YOU CAN ARGUE, BUT

STATE VS ALKEBULANYAHH

1 THAT'S THE ONLY QUESTION I COULD SEE YOU COULD ASK I
2 DON'T SEE HOW THAT'S INCONSISTENT WITH ANYTHING

3 MR ALKEBULANYAHH HE CAN SHOW THAT THE OFFICERS
4 DID NOT DO A THOROUGH AND COMPLETE INVESTIGATION

5 THE COURT DO YOU WISH TO RESPOND?

6 MR MURDAUGH YES, SIR IT GOES BACK TO MY
7 ORIGINAL MOTION YOUR HONOR, PLEASE, I DON'T EVEN
8 THINK HE CAN ASK RIGBY IF HE HEARD SHOTS BECAUSE THAT
9 IS UNCONTROVERTED IT IS NOT TO IMPEACH HIM ON
10 ANYTHING HE SAID IT'S MERELY TO CAST SUSPICION
11 NOTHING HE TESTIFIES SHOWS THE GUILT OF ANOTHER PERSON,
12 NOR THE INNOCENCE OF THIS PERSON

13 THE COURT BUT HIS ARGUMENT IS THAT IT SHOWS THAT
14 SOMEBODY WAS OUT THERE THAT HEARD SOME SHOTS AND THEY
15 DIDN'T ---

16 MR MURDAUGH THAT'S IN TESTIMONY, SIR

17 THE COURT YES

18 MR MURDAUGH I MEAN, RIGBY TESTIFIED TO THAT AND
19 ALL HE COULD DO IS SAY RIGBY TOLD HIM THAT

20 THE COURT DO YOU WISH TO RESPOND?

21 MR ALKEBULANYAHH YOUR HONOR, AGAIN, THIS
22 PARTICULAR INDIVIDUAL CAN SHOW THAT THE LAW ENFORCEMENT
23 DID NOT DO A THOROUGH AND COMPLETE INVESTIGATION IN THE
24 HANDLING OF THE MATTERS INVOLVING THE 21 RILEY ROAD
25 RESIDENCE

STATE VS ALKEBULANYAHH

1 THE COURT BUT YOU ALREADY HAVE MR RIGBY WHO
2 SAID HE HEARD SHOTS

3 MR ALKEBULANYAHH I'M NOT TALKING ABOUT ---

4 THE COURT AND THIS PERSON IS ONLY GOING TO SAY
5 WHAT MR RIGBY SAID

6 MR ALKEBULANYAHH I'M NOT -- I'M NOT TALKING
7 ABOUT MR RIGBY

8 THE COURT I KNOW WHAT YOU'RE TALKING ABOUT, BUT
9 YOU ALREADY HAVE THE ABILITY TO ARGUE THAT BECAUSE MR
10 RIGBY HIMSELF TESTIFIED THAT HE WAS IN THE AREA AND
11 HEARD SHOTS

12 THIS PERSON IS ONLY GOING TO BE SAYING SOMETHING
13 THAT MR RIGBY SAID ABOUT THE SHOTS AND HE
14 SPECIFICALLY SAID I DON'T REMEMBER ANYTHING ELSE MR
15 RIGBY SAID

16 NOTHING DEPRIVES YOU OF THAT ABILITY TO ARGUE
17 WHATEVER YOU'RE GOING TO ARGUE ABOUT THAT

18 MR ALKEBULANYAHH HE WILL BE SAYING SOMETHING
19 ABOUT WHAT THE OFFICERS DID WHEN HE ENCOUNTER THEM,
20 WHAT THEY DID TO HIM AT THAT HOME, WHERE THEY TOOK HIM,
21 THE LINE OF QUESTIONING THEY GIVE HIM THIS IS WHAT HE
22 CAN OFFER ABOUT THE CONDUCT AND WHAT THE OFFICERS DID

23 THE COURT ABOUT WHETHER THEY DETAINED HIM OR
24 NOT?

25 MR ALKEBULANYAHH AND THE LINE OF QUESTIONING

STATE VS ALKEBULANYAHH

1 WHETHER THEY DETAIN HIM OR NOT, WHAT ELSE DID THEY DO
2 ABOUT THE SEARCH OF THE RESIDENCE ASKING FOR
3 STATEMENTS OR WRITTEN STATEMENTS CONCERNING HIM,
4 TESTING HIM AND SEEING IF HE, HIMSELF, MAYBE HAVE BEEN
5 INVOLVED IN THE INCIDENT, ALL BASED ON THE OFFICERS'
6 CONDUCT INVOLVED IN THIS PARTICULAR INCIDENT

7 THE COURT WHAT ABOUT HIS ARGUMENT ABOUT
8 IMPUGNING THE INVESTIGATION?

9 MR MURDAUGH YOUR HONOR, PLEASE, HE DOESN'T KNOW
10 ANYTHING, SIR AND THE ARGUMENT TO THAT -- THE
11 QUESTIONS OF THAT WOULD GO TO THE OFFICERS THAT -- THAT
12 TALKED WITH HIM IF -- IF THAT BECOMES ADMISSIBLE, SIR,
13 IF IT'S ADMISSIBLE

14 THE COURT YES, SIR I SUSTAIN THAT MOTION I
15 AGREE WITH THAT MOTION I'M GOING TO GRANT THE
16 REQUEST I DON'T SEE ANYTHING THAT THIS WITNESS CAN
17 ADD THAT'S ADMISSIBLE

18 WHAT ARE YOU -- YOU'VE GOT TWO OTHER WITNESSES
19 THAT YOU ALL ARE LOOKING IN TO RIGHT NOW?

20 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

21 THE COURT ALL RIGHT

22 MR MURDAUGH I THINK HE HAS THREE OUTSIDE, SIR

23 THE COURT THREE THAT ARE OUTSIDE?

24 MR ALKEBULANYAHH THEY CAN'T GIVE NO TESTIMONY
25 UNTIL I GET ONE OF THEM IN HERE

STATE VS ALKEBULANYAHH

1 THE COURT WHO IS IT THAT'S MISSING?
2 MR ALKEBULANYAHH MR MORGAN, TIMOTHY MORGAN
3 THE COURT WHO IS LOOKING FOR HIM RIGHT NOW?
4 MR ALKEBULANYAHH I THINK THE SHERIFF DEPARTMENT
5 IS
6 THE COURT DOES ANYONE KNOW THE STATUS OF THAT,
7 THE SHERIFF'S DEPARTMENT?
8 MR MURDAUGH MR WALTERS, WOULD YOU CHECK ON
9 THAT
10 FOR THE RECORD, SIR, THEY COULDN'T FIND RIGBY AND
11 WE GOT HIM HERE FOR THEM -- I SAY WE THE SHERIFF'S
12 DEPARTMENT GOT HIM HERE FOR THEM YESTERDAY
13 THE COURT ALL RIGHT WELL, LET'S FIND OUT
14 WHAT'S GOING ON WITH THIS WITNESS IF IT ENDS UP WE
15 FINISH EARLIER THAN EXPECTED, WE VERY WELL MAY ARGUE
16 AND CHARGE, SO -- YES, SIR, YOU MAY GO INQUIRE
17 WHO IS CHECKING ON YOUR SIDE, MR ALKEBULANYAHH?
18 MR ALKEBULANYAHH MS CHILDS
19 THE COURT ALL RIGHT
20 (PAUSE)
21 MR MURDAUGH YOUR HONOR THEY HAVE DISPATCHED AN
22 OFFICER TO GO TO HIS PLACE OF EMPLOYMENT
23 THE COURT ALL RIGHT WE'LL TAKE A SHORT BREAK
24 (PAUSE)
25 THE COURT IS THERE ANYTHING ELSE WE CAN DO?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR I REQUESTED THAT
2 OTHER DAY ABOUT THE SEARCH WARRANT FOR THE PONTIAC, THE
3 GREEN CAR THAT BELONGS TO ---

4 THE COURT DID YOU ALL LOOK FOR THAT AS
5 INDICATED?

6 MR MURDAUGH NO, SIR I APOLOGIZE I JUST FLAT
7 -- I JUST FORGOT ABOUT IT, SIR I'LL DO THAT RIGHT
8 NOW

9 THE COURT YES, SIR

10 (A RECESS WAS TAKEN)

11 THE COURT ALL RIGHT PLEASE BE SEATED

12 MR MURDAUGH YOUR HONOR, PLEASE IN REGARDS TO
13 THE SEARCH WARRANT ---

14 THE COURT YES, SIR

15 MR MURDAUGH --- I HAVE GOTTEN A COPY OUT OF OUR
16 FILE AND HAVE GIVEN IT TO HIM AND I WANT THE COURT TO
17 KNOW, SIR, THAT THIS WAS FURNISHED TO HIM WITH THE
18 ORIGINAL MATERIAL HE HAS HAD IT

19 MR ALKEBULANYAHH YOUR HONOR, IN REGARDS TO THAT
20 PARTICULAR SEARCH WARRANT ---

21 THE COURT WHAT IS THE DATE OF THAT SEARCH
22 WARRANT?

23 MR MURDAUGH THE DATE OF THAT SEARCH WARRANT IS
24 JANUARY 9, 2002 THAT'S WHAT'S ON THE OUTSIDE YES,
25 SIR, THAT'S CORRECT

STATE VS ALKEBULANYAHH

1 (PAUSE)

2 THE COURT YES, SIR

3 MR ALKEBULANYAHH YOUR HONOR, AFTER REVIEWING,
4 MY STAND-BY COUNSEL MR THORNTON LET ME VIEW THAT
5 PARTICULAR DOCUMENT ABOUT A SEARCH WARRANT I DIDN'T
6 SEE ANY RETURN ON IT WHERE ANY EVIDENCE WAS COLLECTED
7 OUT OF THAT PARTICULAR VEHICLE AND THE PARTICULAR
8 VEHICLE MENTIONED IN THAT SEARCH WARRANT, MYSELF, NOR
9 MY WIFE, WE DON'T OWN A BROWN PONTIAC WE OWN A GREEN
10 PONTIAC

11 THE COURT YES, SIR

12 MR ALKEBULANYAHH SO I DON'T THINK THAT -- THAT
13 SEARCH WARRANT IS A LEGITIMATE SEARCH WARRANT TO -- TO
14 THE PROPERTY THAT MYSELF OR MY WIFE OWN

15 THE COURT WELL, I MEAN, WAS ANYTHING ADMITTED
16 FROM ANY SEARCH OF ANY VEHICLE?

17 MR MURDAUGH (SHAKES HEAD)

18 MR ALKEBULANYAHH I DON'T KNOW I KNOW PROPERTY
19 WAS COLLECTED IT WAS BROUGHT TO MY ATTENTION THAT
20 PROPERTY WAS COLLECTED FROM THAT PARTICULAR VEHICLE
21 AND I WOULD -- I WOULD LIKE TO KNOW WHAT PROPERTY WAS
22 COLLECTED BECAUSE IT COULD BE ---

23 THE COURT DO YOU HAVE A RETURN ON THAT?

24 MR MURDAUGH YES, SIR, THERE IS A RETURN ON IT
25 THAT SHOWS THAT THEY PHOTOGRAPHED IT AND TOOK NO

STATE VS ALKEBULANYAHH

1 INVENTORY

2 THE COURT HAVE YOU GOT THAT RETURN?

3 MR ALKEBULANYAHH NO, SIR WHAT I HAVE IS --
4 THE ONLY ONE THAT I HAVE IS -- WHICH I -- I --
5 ACCORDING TO THAT SEARCH MY GUESS IS IN COMPARISON TO
6 WHERE ON THE APRIL WARRANT WAS TAKEN OUT FOR THAT
7 PARTICULAR -- I GUESS THAT PARTICULAR BROWN VEHICLE HE
8 TALKING ABOUT ---

9 THE COURT YES, SIR

10 MR ALKEBULANYAHH --- BY MR BUS -- BUSTER
11 EDWARDS AND -- IN HIS SEARCH WARRANT AND MENTION A
12 BROWN MODEL PONTIAC IN THIS -- IN THIS PARTICULAR
13 SEARCH WARRANT

14 THE COURT AND WAS THERE -- WAS ANYTHING TAKEN
15 FROM THAT?

16 MR ALKEBULANYAHH IT DOESN'T EVEN INDICATED THAT
17 IT WAS -- IT WAS SEARCHED, YOU KNOW IT SAID IT WOULD
18 BE SEARCHED IT QUOTES THAT ALSO THIS SEARCH SHALL
19 INCLUDE ANY OUTBUILDING AND VEHICLE OF PROPERTY
20 PACIFICALLY (PHONETIC) ---

21 THE COURT WELL, THEY HAVE THE AUTHORITY TO
22 SEARCH THEY DON'T HAVE TO

23 MR ALKEBULANYAHH EXCUSE ME, SIR?

24 THE COURT THEY HAVE THE AUTHORITY TO SEARCH IT
25 THEY DIDN'T HAVE TO SEARCH IT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH IN THE -- BUT AGAIN ---
2 THE COURT BUT IF SOMETHING HAS BEEN IMPROPERLY
3 SEARCHED -- JUST SAYING FOR THE PURPOSE OF ARGUMENT --
4 THE REMEDY WOULD BE THAT ANYTHING THAT WAS REMOVED THAT
5 THEY'RE ATTEMPTING TO INTRODUCE WOULD BE SUPPRESSED,
6 BUT THEY HAVEN'T INTRODUCED ANYTHING FROM THE
7 AUTOMOBILE
8 MR ALKEBULANYAHH I DON'T KNOW THAT I DON'T --
9 I DON'T KNOW -- I DON'T ---
10 THE COURT WELL, THEY'VE ALREADY PRESENTED THEIR
11 CASE
12 MR ALKEBULANYAHH BUT I DON'T KNOW WHAT THEY
13 TOOK -- WHAT -- WHAT THEY -- WHAT THEY PRESENTED THE
14 NUMEROUS OF THINGS THAT THEY PRESENTED THEY PRESENTED
15 SHELLS AND THINGS LIKE THAT THAT COULD HAVE BEEN
16 TAKEN FROM THE AUTOMOBILE
17 THE COURT EVERYBODY TESTIFIED WHERE THEY FOUND
18 PARTICULAR ITEMS OF EVERYTHING UNLESS FOR SOME REASON
19 THE EVIDENTIARY FOUNDATION WAS LAID, THEN PEOPLE AGREED
20 THAT SOMETHING COULD BE ADMITTED WITHOUT ANY FURTHER
21 FOUNDATION
22 MR ALKEBULANYAHH THE EVIDENCE THAT BEEN
23 PRESENTED, BECAUSE THE WITNESSES TESTIFY, I DON'T COUNT
24 ON THE PARTICULAR LAW ENFORCEMENT GETTING UP THERE AND
25 SAY BECAUSE YOU SAID SO, OR JUST YOU TESTIFIED THIS

STATE VS ALKEBULANYAHH

1 WHERE THEY FOUND IT IF -- I -- I -- I -- WITH ALL
2 RESPECT, I WOULD LIKE TO KNOW THE ITEMS THAT WAS TAKEN
3 FROM THAT PARTICULAR CAR, BECAUSE APPARENTLY IN
4 REFERENCE TO THAT CAR, THERE WAS ITEMS THAT WAS TAKEN
5 IN REFERENCE TO THAT -- THAT PARTICULAR CAR THAT ENDED
6 UP IN MY POSSESSION

7 THE COURT WHAT ARE YOU BASING THAT INFORMATION
8 ON, THAT ITEMS WERE TAKEN FROM THE CAR?

9 MR ALKEBULANYAHH WELL, BASICALLY THE TESTIMONY
10 OF THE PARTICULAR OFFICER THAT HAD RESPONDED WITH MR
11 PURDY TO THE HOSPITAL THAT I D SUPPOSED TO HAVE BEEN
12 TAKEN OUT OF A PURSE IN THAT CAR

13 THE COURT DID SOMEONE SAY THAT IT WAS TAKEN OUT
14 OF THE CAR? DID SOMEONE SAY THAT?

15 MR ALKEBULANYAHH YES, SIR THEY SAID -- THEY
16 SAID AS A RESULT OF A SEARCH FROM THE CAR, THEY
17 DISCOVERED AN I D AND SOME OTHER ITEMS YES, SOMEONE
18 SAID THAT

19 THE COURT YES, SIR

20 MR MURDAUGH IF YOUR HONOR, PLEASE, TO START OFF
21 WITH, THIS SEARCH HAS NOTHING TO DO WITH THIS CASE
22 THIS IS A CAR THAT HIS WIFE -- WHO IS CHARGED WITH
23 ATTEMPTING TO COME AND SECRET HIM AWAY FROM THE AREA
24 SHE WAS CHARGED WITH ACCESSORY AFTER THE FACT IT HAS
25 NOTHING TO DO WITH THIS CASE NOTHING WAS FOUND IN

STATE VS ALKEBULANYAHH

1 THAT CAR OF ANY EVIDENTIARY VALUE

2 HE HAS SAID THAT THE OFFICERS HAVE TO BE LYING
3 BECAUSE THEY FOUND SOMETHING IN THAT CAR, SIR AND
4 THAT IS NO -- THERE IS NO EVIDENCE IN THE RECORD TO
5 THAT EFFECT

6 EVERYBODY THAT HAS TESTIFIED TO A PIECE OF
7 EVIDENCE THAT THE STATE PUT IN HAD THE PLACE THAT IT
8 WAS FOUND WHO FOUND IT, THE CHAIN OF EVIDENCE
9 FOLLOWING THEREAFTER AND IT JUST HAS NO BEARING, SIR

10 IT SAYS ON HERE IT MAY HAVE HAD THE WRONG COLOR ON
11 HERE, SIR, BUT IT SHOWS THE LICENSE NUMBER, AND THAT IS
12 THE LICENSE NUMBER OF HER CAR I MEAN, IT'S JUST --
13 THIS IS JUST SOMETHING TO WASTE TIME OF THE COURT
14 ABOUT, SIR

15 MR ALKEBULANYAHH YOUR HONOR, THE I D THAT WAS
16 BELONG TO MY WIFE WAS IN HER POSSESSION IN HER CAR
17 THAT I D END UP AN I D ATTRIBUTED TO ME BEING IN MY
18 POSSESSION IN WHICH I WAS HOSPITALIZED, PUT IN THE
19 HOSPITAL UNDER THAT NAME, NZURI BATH ALKEBULANYAHH

20 THERE WAS ANOTHER OFFICER -- I DON'T KNOW IF IT
21 WAS OFFICER AVERILL OR ARBELO -- I THINK AVERILL WHO
22 STATED THAT WHILE SEARCHING THIS CAR AND THROUGH THIS
23 PURSE, HE SEEN A NUMBER OF ITEMS AND THAT I D
24 PARTICULARLY HE SAID HE HAD IN HIS POSSESSION WITH A
25 SOCIAL SECURITY CARD AND THEN THAT EVIDENCE ENDED UP

STATE VS ALKEBULANYAHH

1 AFFILIATED WITH ME ---

2 THE COURT BUT YOU COULD ---

3 MR ALKEBULANYAHH --- FROM THAT PARTICULAR

4 ALLEGE INCIDENT OR WHERE THEY ARRESTED ME AT

5 THE COURT WELL, ACTUALLY, YOU ASKED QUESTIONS

6 ABOUT THAT TOO THERE WAS NO ATTEMPT TO EXCLUDE ANY

7 REFERENCE TO AN I D

8 SECONDLY, IT SEEMS TO ME YOU TRIED TO USE THE I D

9 TO YOUR ADVANTAGE ---

10 MR ALKEBULANYAHH NO, I DIDN'T

11 THE COURT --- THE QUESTION ABOUT THE

12 IDENTIFICATION

13 MR ALKEBULANYAHH NO, I DIDN'T

14 THE COURT WELL, THAT'S SOMETHING YOU CAN ARGUE

15 TO THE JURY, THAT IT DID APPEAR THAT YOU -- PART OF

16 YOUR LIVE QUESTIONING IN THIS CASE WAS DIRECTED AT WHY

17 DID THEY HAVE THE WRONG PERSON LISTED IN THE RECORDS,

18 ETCETERA THAT'S MY RECOLLECTION

19 MR ALKEBULANYAHH WELL, MY -- MY -- MY

20 UNDERSTANDING WAS HOW DID THIS PARTICULAR EVIDENCE WAS

21 BEING PLANTED, NOT NO I D HOW THEY PLANTED THIS

22 PARTICULAR EVIDENCE IN ---

23 THE COURT BUT DID YOU NOT ASK EACH OF THE

24 INDIVIDUAL OFFICERS INVOLVED WHETHER OR NOT THEY FOUND

25 AN I D ?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, I DID

2 THE COURT WELL, THEN WHAT -- YOU HAD THE
3 OPPORTUNITY TO ASK THEM THAT

4 MR ALKEBULANYAHH AND I DID AND WHAT I WANTED
5 TO KNOW, I WANTED TO KNOW THE -- WHAT -- WHAT OTHER
6 PROPERTY THAT THEY CLAIM TO HAVE GOT PACIFICALLY
7 (PHONETIC) AS A RESULT OF THEIR SEARCH OF THE ALLEGED
8 VEHICLE BELONGING TO ME AND MY WIFE

9 THE COURT WELL, DO YOU KNOW OF SOME PROPERTY
10 THAT EXISTS THAT THEY SEIZED THAT YOU COULD BRING TO MY
11 ATTENTION?

12 (PAUSE)

13 MR ALKEBULANYAHH I COULD NOT RECOLLECT THE
14 PARTICULAR OFFICER, BUT FROM MY UNDERSTANDING OF A
15 CERTAINTY, I KNOW A BAG, A DUFFEL BAG, FULL OF
16 ITEMS ---

17 THE COURT YOUR UNDERSTANDING BASED ON WHAT?

18 MR ALKEBULANYAHH FROM READING ALL MY DOCUMENTS
19 THAT I HAVE AND STUDYING THE SUPPLEMENTAL REPORTS AND
20 INCIDENT REPORTS IN REFERENCE TO THIS PARTICULAR --
21 PARTICULAR INCIDENT THAT ITEMS WAS SEIZED, A BAG, A
22 ITEM, A DUFFEL BAG OF ITEMS ---

23 THE COURT WHAT SAYS THAT?

24 MR ALKEBULANYAHH A DUFFEL BAG OF ITEMS

25 THE COURT WHAT SAYS THAT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR, CAN I HAVE A
2 MOMENT PLEASE?

3 THE COURT YES, SIR

4 (PAUSE)

5 THE COURT I'M NOT SURE I DON'T EVEN UNDERSTAND
6 WHAT YOUR REQUEST FOR RELIEF IS I DON'T EVEN KNOW
7 WHAT QUESTION YOU HAVE BEFORE THE COURT

8 (PAUSE)

9 THE COURT WHAT IS YOUR REQUEST?

10 MR ALKEBULANYAHH YOUR HONOR, I REQUEST THAT THE
11 ITEMS ON THE SEARCH WARRANT IN REFERENCE TO THE ITEMS
12 THAT WAS TAKEN FROM THE GREEN PONTIAC THAT MR AVANT
13 HAD RESPONSE -- THAT HE HAD A SEARCH WARRANT TAKEN OUT
14 FOR -- TO BE SUBMITTED TO THE DEFENSE AND ---

15 THE COURT DO YOU KNOW WHO CONDUCTED THE -- WHO
16 WENT OUT THERE TO CHECK THE VEHICLE?

17 MR MURDAUGH AL STUCKEY

18 THE COURT YES SIR

19 MR ALKEBULANYAHH YOUR HONOR AND FURTHER,
20 DEPUTY WILSON ON 2000 -- ON JANUARY 8, 2002, STATED IN
21 HER SUPPLEMENTAL REPORT ABOUT SERGEANT AVERILL TOLD HER
22 TO PICK UP A PURSE THAT HAD BEEN LEFT BY THE OFFICERS
23 THAT HAD TRANSPORTED MS DEJESUS -- WHICH IS NZURI BATH
24 ALKEBULANYAHH -- TO THE DETENTION CENTER AND SHE
25 STATES SHE SIGNED FOR THIS PARTICULAR PURSE

STATE VS ALKEBULANYAHH

1 AND MR AVERILL IN HIS REPORT ON JANUARY 17, 2002,
2 PAGE 2, STATES IN HIS EVIDENCE SUBMITTAL THAT ITEMS
3 LISTED THAT WAS TAKEN FROM MS DEJESUS FOR THAT VEHICLE
4 WAS HE HAD ---

5 MR MURDAUGH NO SIR HE IS MISLEADING THE
6 COURT, SIR

7 MR ALKEBULANYAHH --- ONE -- ONE BLACK BAG WITH
8 STRAP ---

9 THE COURT WAS THAT ITEM -- WAS THAT ITEM TAKEN
10 FROM MS DEJESUS OR FROM HER VEHICLE?

11 MR ALKEBULANYAHH WELL, MS DEJESUS DIDN'T HAVE
12 THESE ITEMS BECAUSE SHE WAS STRIPPED OF THESE ITEMS
13 BECAUSE SHE WAS TAKEN TO JAIL, ACCESSORY TO TWO COUNTS
14 OF MURDER

15 THE COURT WELL, MR PURDY TESTIFIED THAT HE TOOK
16 THE I D CARD FROM MS DEJESUS

17 MR ALKEBULANYAHH SO MS DEJESUS DID NOT HAVE
18 THESE ITEMS ON HER BECAUSE SHE WAS DETAINED AND TAKEN
19 TO JAIL FOR TWO COUNTS OF ACCESSORY TO MURDER

20 THE COURT BUT HE DIDN'T SAY HE TOOK THEM FROM
21 HER CAR HE TOOK THEM FROM HER

22 WHAT WAS THE STATE GOING TO SAY? WHAT WERE YOU
23 GOING TO SAY, SIR?

24 MR MURDAUGH I THINK HE IS ---

25 MR ALKEBULANYAHH IT STATES ONE -- ONE BLACK BAG

STATE VS ALKEBULANYAHH

1 WITH A STRAP, STICKER READING DEJESUS MONICA,
2 CONTAINING VARIOUS PAPERS, BEAUTY CARE ITEMS, SOUTH
3 CAROLINA DRIVER'S LICENSE, SOME COINS, A TELEPHONE, AND
4 A SOCIAL SECURITY CARD FOR NZURI BATH ALKEBULANYAHH

5 THE COURT HE INDICATED HE TOOK IT FROM HER

6 MR ALKEBULANYAHH HE DIDN'T INDICATE HE TOOK IT
7 OFF OF HER

8 THE COURT HE TOOK IT FROM HER

9 MR ALKEBULANYAHH FROM -- HE COULD HAVE BEEN
10 INDICATING THE CAR

11 THE COURT YES, SIR

12 MR MURDAUGH YOUR HONOR, PLEASE JEFF PURDY
13 ARRESTED HER FOR DISORDERLY CONDUCT OUT THERE THAT
14 NIGHT TOOK THE PURSE OFF OF HER, TESTIFIED THAT MR
15 AVERILL LOOKED IN IT AND FOUND THE I D CARD, GAVE IT
16 BACK TO JEFF PURDY AND APPARENTLY CHRIS WILSON
17 RECOVERED IT FROM HIM

18 THERE IS NO TESTIMONY ANYWHERE -- AND I HAVE
19 LISTENED TO HIM IMPUGN THE INTEGRITY OF BEAUFORT COUNTY
20 LAW ENFORCEMENT, AND GOD KNOWS THEY HAVE DONE A GOOD
21 JOB IN THIS CASE NOT ONE ACCUSATION THAT HE HAS MADE
22 HAS BEEN PROVED IN THIS COURT WITH 41 WITNESSES THAT HE
23 HAS CALLED

24 THERE'S NO QUESTION THAT THIS HAS NOTHING TO DO
25 WITH THIS CASE THEY -- THERE'S NO QUESTION THAT THERE

STATE VS ALKEBULANYAHH

1 WAS NOTHING TAKEN OUT OF THAT CAR AND THERE'S NOTHING
2 TO SUPPRESS IF NOTHING WAS TAKEN OUT OF IT, SIR

3 MR ALKEBULANYAHH I SAY THAT HE'S A LIE AND THAT
4 I KNOW ---

5 THE COURT FIRST OF ALL, YOU DIRECT YOUR ---

6 MR ALKEBULANYAHH --- THAT BAG ---

7 THE COURT HOLD ON A SECOND YOU'LL ADDRESS YOUR
8 COMMENTS TO ME, NOT TO EACH OTHER ---

9 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

10 THE COURT --- AS I INDICATED IN THE BEGINNING
11 WHERE -- I STILL DON'T SEE THAT -- WHY THIS HAS ANY
12 CONNECTION

13 MR ALKEBULANYAHH BECAUSE IF I HAD THIS RETURN,
14 I WOULD LIKE TO KNOW WHAT ITEMS THAT THEY HAD TOOK ---

15 THE COURT YOU HAVE THE RETURN YOU HAVE THE
16 RETURN

17 MR ALKEBULANYAHH THAT RETURN -- AND IT IS MY
18 BELIEF -- IT IS MY BELIEF -- IT IS MY BELIEF THAT THEY
19 TOOK A -- THEY TOOK A LARGE BAG AND SOME OTHER ITEMS
20 FROM THAT PARTICULAR VEHICLE AND I KNOW THAT LARGE
21 BAG DID HAVE -- FOR SURE A DRILL WAS IN IT, SOME TYPE
22 OF DRILL AND ---

23 THE COURT AND WHAT EFFECT DOES THAT DRILL HAVE
24 ON THIS CASE?

25 MR ALKEBULANYAHH WELL, THERE MAY HAVE BEEN

STATE VS ALKEBULANYAHH

1 OTHER ITEMS THAT BELONGING TO THAT BAG OR IN THAT BAG
2 THAT MIGHT HAVE BEEN PLACED ON ME

3 THE COURT WHO WAS THE CAR REGISTERED TO?

4 MR ALKEBULANYAHH THE CAR WAS REGISTERED TO ME
5 AND MY WIFE

6 THE COURT BOTH OF YOU JOINTLY?

7 MR ALKEBULANYAHH YES, SIR

8 THE COURT AND HOW WOULD THAT DRILL ASSIST YOU IN
9 THIS CASE?

10 MR ALKEBULANYAHH I'M NOT SPEAKING OF THAT
11 PARTICULAR DRILL THAT DRILL IS A INDICATION THAT MORE
12 ITEMS WAS FOUND AND THINGS THAT WAS TAKEN FROM THAT CAR
13 THAT I MAY OR MAY NOT KNOW THEY -- THEY ---

14 THE COURT WELL, YOU HAVE THE RIGHT TO ASK THE
15 PERSON THAT CONDUCTED -- EXECUTED THAT SEARCH WARRANT
16 WHETHER THEY FOUND SOMETHING ELSE YOU HAVE THAT
17 RIGHT NO ONE SAID YOU DIDN'T HAVE THAT RIGHT

18 MR ALKEBULANYAHH BUT, YOUR HONOR AGAIN, AS I
19 STATED, MAYBE THEY TOOK IT OUT OF A BROWN PONTIAC
20 THAT'S WHAT -- MAYBE THEY TOOK IT OUT OF A BROWN
21 PONTIAC THAT'S WHAT THE WARRANT SAY, WHAT HE SAID UP
22 THERE

23 THE COURT WELL, IF THEY TOOK IT OUT OF SOMEONE
24 ELSE'S CAR, YOU DON'T HAVE ANY STANDING, PERIOD, TO
25 RAISE ANYTHING

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH MAYBE I DON'T, BUT THE HEAD OF
2 SLED GOT UP HERE AND MADE THE ACCUSATION THAT HE TOOK
3 -- HE HAD A SEARCH WARRANT CONTAIN -- TAKEN OUT FOR THE
4 GREEN PONTIAC, THE CAR BELONGS TO ME AND MY WIFE, AND
5 HE STATED THAT IN HIS TESTIMONY

6 THE COURT WELL, I STILL DON'T UNDERSTAND WHAT
7 RELIEF YOU'RE REQUESTING OF THIS COURT IS THERE A
8 MOTION BEFORE THE COURT?

9 MR ALKEBULANYAHH SIR, I WANTED THE RETURN OF
10 THE PACIFIC (SIC) ITEMS AND WHAT WAS TAKEN FROM THAT
11 VEHICLE OR WHETHER IT WAS TAKEN FROM A BROWN PONTIAC OR
12 TAKEN FROM THAT VEHICLE

13 THE COURT ALL RIGHT INSOFAR AS THIS CASE IS
14 CONCERNED, YOU HAVE THE RIGHT TO CALL THAT WITNESS IF
15 YOU THINK THAT THERE'S BEEN SOME MISREPRESENTATION
16 YOU'RE FREE TO ASK THAT WITNESS ABOUT ANYTHING THEY
17 DISCOVERED IN THAT SEARCH

18 MR MURDAUGH AND, AGAIN, I CALL THE COURT'S
19 ATTENTION TO THE FACT THAT THIS WAS GIVEN TO HIM AT THE
20 INCEPTION OF -- NOT AT THE INCEPTION BUT SHORTLY AFTER
21 THIS CASE FILE WAS FINALIZED, WHICH WAS MORE THAN A
22 YEAR AGO IS THAT RIGHT, MR AVANT?

23 MR AVANT PRIOR TO THE PRELIMINARY HEARING

24 MR MURDAUGH AND HE HAD THIS SEARCH WARRANT IN
25 THAT MATERIAL ---

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH AND THAT SEARCH WARRANT ---
2 MR MURDAUGH --- A COPY OF IT
3 MR ALKEBULANYAHH THAT SEARCH WARRANT DOES NOT
4 STATE NOWHERE AT NO TIME ---
5 THE COURT WELL, JUST AGAIN -- AGAIN ---
6 MR ALKEBULANYAHH --- THAT A GREEN PONTIAC ---
7 THE COURT --- YOU ARE ---
8 MR ALKEBULANYAHH --- BELONGING TO MR
9 ALKEBULANYAHH ---
10 THE COURT MR ALKEBULANYAHH, WHERE AM I SITTING?
11 MR ALKEBULANYAHH UP HERE I'M SORRY, SIR
12 THE COURT WELL WHY ARE YOU LOOKING AT HIM?
13 MR ALKEBULANYAHH FORGIVE ME, YOUR HONOR, SIR
14 I APOLOGIZE
15 THE COURT THIS IS WHO YOU TALK TO
16 MR ALKEBULANYAHH I APOLOGIZE
17 THE COURT THAT'S HOW I MAINTAIN ORDER IN THIS
18 COURTROOM
19 MR ALKEBULANYAHH YES, SIR
20 THE COURT I DON'T LET PEOPLE -- IF YOU'VE GOT
21 SOMETHING TO TAKE UP, YOU TAKE IT UP WITH ME ---
22 MR ALKEBULANYAHH YES SIR
23 THE COURT --- NOT HIM, BECAUSE THEN WE HAVE
24 PEOPLE BEING HOSTILE TO EACH OTHER THAT'S NOT GOING
25 TO HAPPEN IN MY COURTROOM DO YOU UNDERSTAND?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

2 THE COURT ALL RIGHT WE'VE GOT PLENTY OF TIME
3 TO RESOLVE THIS WE'RE WAITING ON THE WITNESS THE
4 WITNESS IS HERE WE'VE HAD TIME TO THINK ABOUT IT

5 BUT THERE'S NO REQUEST FROM YOU THAT HAS AN IMPACT
6 ON THIS CASE OTHER THAN YOUR ABILITY TO CALL THAT
7 OFFICER TO QUESTION HIM ABOUT WHETHER OR NOT THERE WAS
8 SOMETHING ELSE FOUND

9 BUT, AGAIN, YOU'RE IN CHARGE OF YOUR DEFENSE IF
10 YOU THINK THAT SHOWS THAT THEY HAVE COVERED UP
11 SOMETHING, YOU'RE WELCOME TO SHOW THAT THAT -- THAT'S
12 ALL YOU'RE GOING TO BE ABLE TO ASK THE OFFICER, I
13 ASSUME, IS JUST DID HE FIND ANY ITEMS IN THERE

14 PROBABLY HIS RESPONSE IS GOING TO BE NO, BUT IF HE
15 DID, SO BE IT

16 AND THEN IF YOU HAVE SOME MATTER FOR THE COURT TO
17 TAKE UP, YOU TELL ME YOU HAVE SOME MATTER FOR THE COURT
18 TO TAKE UP BUT THIS IS NOT THE TIME AND PLACE TO
19 CONTINUE THESE ARGUMENTS ABOUT WHAT YOU THINK PEOPLE
20 DID IN THIS CASE YOU GET TO MAKE THAT ARGUMENT TO THE
21 JURY UNDERSTAND?

22 MR ALKEBULANYAHH YES, SIR

23 THE COURT I DON'T -- I DON'T DECIDE THAT
24 QUESTION THE SOLICITOR DOESN'T DECIDE THAT QUESTION
25 THAT'S FOR THE JURY TO DECIDE

STATE VS ALKEBULANYAHH

1 NOW, WHAT STOPPED YOU FROM ASKING ABOUT THAT,
2 NUMBER ONE, OR WHAT STOPS YOU FROM ASKING ABOUT IT NOW?

3 MR ALKEBULANYAHH WHAT -- WHAT -- WHAT WAS --
4 WHAT -- WHAT CAME TO MY ATTENTION IS THAT THERE WAS THE
5 OFFICERS, WHICH I HADN'T BEEN ON IT, HAD STATED THAT
6 THERE WAS VEHICLES IN THE YARD WHEN THEY ARRIVED AT THE
7 21 RILEY ROAD RESIDENCE AND THEN I WANTED TO KNOW
8 WHAT WAS TAKEN FROM THESE PARTICULAR VEHICLES TO SEE IF
9 THEY TOOK THESE PARTICULAR ITEMS OR ANY ITEMS FROM
10 THESE VEHICLES AND TOOK THEM INSIDE THE HOUSE OR IN THE
11 HOME

12 THE COURT WELL, WHAT STOPS YOU FROM CALLING HIM?

13 MR ALKEBULANYAHH FROM CALLING HIM?

14 THE COURT THE GUY THAT SUPPOSEDLY EXECUTED THE
15 SEARCH WARRANT

16 MR ALKEBULANYAHH THEY HAVE BEEN THERE AND
17 QUESTIONED, BUT AGAIN, I DID NOT ---

18 THE COURT THAT'S NOT THE MAN THAT EXECUTED ---

19 MR ALKEBULANYAHH --- NOT MAKE THE OBSERVATION
20 THAT -- THAT -- THAT -- THAT THE VEHICLE AT MY HOME ---

21 THE COURT NOT THE MAN THAT EXECUTED THE SEARCH
22 WARRANT WAS IT A -- WHO IS THE MAN THAT -- MR
23 STUCKEY?

24 MR MURDAUGH YES, SIR, AL STUCKEY WITH SLED,
25 SIR

STATE VS ALKEBULANYAHH

1 THE COURT NOTHING STOPPED YOU ALL FROM -- IF
2 THAT'S AN ISSUE YOU WANT TO PURSUE NOTHING STOPS YOU
3 FROM ASKING MR STUCKEY THAT QUESTION OBVIOUSLY, YOU
4 DON'T HAVE TO CALL ANYONE, BUT YOU HAVE THE OPTION TO
5 CALL SOMEONE IF YOU SO DESIRE

6 MR ALKEBULANYAHH YOUR HONOR, I -- OR MR
7 EDWARDS, WHATEVER THEY SAID, WAS A BROWN VEHICLE IN THE
8 YARD AND IT WAS ALSO ALLEGE THAT THE TRUCK WAS IN THE
9 YARD THE OFFICER SAID HE SEEN IT

10 AND I WANT TO REALLY KNOW DID THEY SEARCH THAT
11 VEHICLE IN THE YARD OR DID THEY SEARCH MY WIFE VEHICLE
12 DID THEY GET ANY ITEMS AND ---

13 THE COURT AND ALL ANYONE CAN TELL YOU AT THIS
14 POINT IS THERE'S AN AFFIDAVIT AND A RETURN -- AN
15 AFFIDAVIT AND SEARCH WARRANT, AND THEN THERE'S THE
16 RETURN THAT INDICATED NOTHING, SO YOU HAVE THE OPTION
17 ABOUT CALLING THE PERSON

18 AGAIN, YOU DON'T HAVE TO CALL ANYONE, BUT IF YOU
19 SO DESIRE, YOU CAN PRESENT THAT PERSON AND YOU CAN CALL
20 THAT PERSON DO YOU UNDERSTAND?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT WHO'S THE NEXT WITNESS? OTHER THAN
23 THAT, THERE'S NO OTHER MATTER BEFORE THE COURT
24 REGARDING THAT WHO IS THE NEXT WITNESS?

25 MR ALKEBULANYAHH TIMOTHY MORGAN

STATE VS ALKEBULANYAHH

1 THE COURT TIMOTHY MARTIN (SIC)? DOES THIS
2 RELATE TO THE SAME ISSUES?

3 MR MURDAUGH MY UNDERSTANDING IS IT DOES, SIR

4 THE COURT ALL RIGHT BRING HIM FORWARD

5 MR ALKEBULANYAHH YOUR HONOR I ASK THAT THE
6 JUROR (SIC) BE CALLED IN TO ---

7 THE COURT I WILL AFTER WE DO THE IN CAMERA
8 HEARING AGAIN YOU HAVE THE RIGHT IF THE EVIDENCE IS
9 ADMISSIBLE TO ASK ALL THE SAME QUESTIONS THAT ARE
10 ADMISSIBLE

11 MR ALKEBULANYAHH COULD I HAVE A MOMENT WITH
12 COUNSEL, YOUR HONOR?

13 THE COURT YES, SIR

14 (PAUSE)

15 TIMOTHY MORGAN, BEING FIRST
16 DULY SWORN TESTIFIED AS FOLLOWS

17 (PAUSE)

18 THE COURT ARE YOU READY?

19 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

20 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

21 Q MR MORGAN, GOOD MORNING

22 A GOOD MORNING

23 Q THERE WAS A INCIDENT THAT TOOK PLACE ON JANUARY 8,
24 2002, IN REFERENCE TO TWO BEAUFORT COUNTY DEPUTIES
25 BEING KILLED AND I WOULD LIKE TO KNOW DO YOU RECALL

STATE VS ALKEBULANYAHH

1 THAT DAY AND HOW DID YOU BECAME INVOLVED IN REFERENCE
2 TO THAT DAY?

3 A I'D LIKE -- I'D LIKE TO TELL YOU THAT NIGHT WHEN I
4 WAS AT MY COUSIN'S HOUSE IN SHELL POINT, I HAD A FRIEND
5 OF MINE WHO CAME TO ME AND TOLD ME HE WAS LIKE -- KIND
6 OF LIKE WHAT YOU DOING OVER THERE? HE WAS LIKE HIS
7 GIRL FRIEND STAY OVER THERE WHEN -- WHEN THE INCIDENT
8 HAPPENED I TOLD HIM WHAT WENT ON

9 IT WAS LIKE HE JUST HEARD SHOOTING, WHATEVER,
10 WHATNOT

11 SO ALL I KNOW WHEN HE TOLD ME THAT THE COPS CAME
12 TO MY -- CAME TO MY COUSIN'S HOUSE AND WANT TO TALK TO
13 ME AND MY FRIEND

14 AND HE TOLD THEM -- I TOLD THEM WHAT MY FRIEND
15 TOLD ME SO WE TOOK -- WE WENT DOWN FOR QUESTIONING

16 AND AFTER THAT THE NEXT MORNING I GOT RELEASED
17 AND THEY LET ME GO AND THAT'S WHAT -- BASICALLY ALL I
18 KNOW I DON'T KNOW ANYTHING ELSE

19 Q YOU GAVE A WRITTEN TO THE -- DID YOU GIVE A
20 WRITTEN STATEMENT TO THE LAW ENFORCEMENT OFFICERS, YOU
21 RECALL?

22 A ONE OF THEM

23 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH?
24 THE COURT YES, SIR

25 Q ARE YOU FAMILIAR WITH THIS PARTICULAR DOCUMENT

STATE VS ALKEBULANYAHH

1 RIGHT HERE?

2 A UH-HUH

3 MR ALKEBULANYAHH YOUR HONOR, CAN I USE THIS FOR

4 I D PURPOSES?

5 THE COURT YES, SIR 42 FOR I D , DEFENDANT

6 (VOLUNTARY STATEMENT OF TIMOTHY MORGAN, 1 PAGE,

7 MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT NO

8 42)

9 (PAUSE)

10 Q MR MORGAN, DO YOU RECALL BOBBY RIGBY STATING THAT

11 TWO COPS GOT KILLED AND THIS GUY GOT SHOT IN THE

12 SHOULDER?

13 A YEAH, HE TOLD ME THAT

14 Q AT THAT PARTICULAR TIME, DO YOU RECALL HIM STATING

15 THAT THE GUY GOT SHOT IN THE SHOULDER AND GIVING YOU A

16 PARTICULAR NAME OF THE GUY WHO GOT SHOT?

17 A NO, HE AIN'T TELL ME THAT

18 Q DO YOU RECALL MR RIGBY BEING UPSET ABOUT THE

19 INCIDENT?

20 A YEAH

21 Q DO YOU RECALL WONDERING HOW BOBBY RIGBY KNEW SO

22 MUCH INFORMATION ABOUT THAT INCIDENT?

23 A YEAH, IN A WAY

24 Q AND WHY WOULD YOU?

25 A I MEAN, FOR ONE, I MEAN, I KNOW HIS GIRL FRIEND

STATE VS ALKEBULANYAHH

1 WAS STAYING DOWN THERE BUT IT'S KIND OF FUNNY HOW HE
2 JUST CAME AND TELL ME, YOU KNOW, TWO COPS GOT SHOT AND
3 SOMEBODY GOT SHOT IN THE SHOULDER IF YOU KNOW ALL
4 THIS STUFF, HOW COME YOU KNOW THIS STUFF YOU AT YOUR
5 GIRL HOUSE, YOU WITH HER I MEAN, IT OBVIOUS
6 YOU SAY -- YOU TOLD ME YOU HEARD ONE THING, BUT
7 HOW YOU KNOW TOO -- A LOT OF THINGS YOU JUST HEARD ONE
8 THING
9 SO I DON'T KNOW WHO TO SAY WHAT HE REALLY SEEN OR
10 WHAT HE HEARD OR WHAT I CAN'T TELL YOU BECAUSE I
11 WASN'T THERE
12 Q RIGHT AND IT BROUGHT BY SUSPICION BECAUSE HE HAD
13 TOLD YOU HE WAS AT HIS GIRL'S HOUSE ---
14 A RIGHT
15 Q --- AT THAT TIME? AND THAT SUSPICION WAS AROUSED
16 BY YOU BECAUSE OF ALL THE INFORMATION THAT HE HAD ABOUT
17 WHO WAS SHOT, WHERE HE WAS SHOT AT WHO WAS SHOT, AND
18 PRETTY MUCH EVERYTHING ABOUT THE INCIDENT?
19 A YEAH
20 Q DID BOBBY RIGBY ALSO STATE THAT BECAUSE HE WAS
21 SEEN IN THE AREA, HE WAS GOING TO BE ON THE NEWS, IN
22 THE MEDIA?
23 A I DON'T REMEMBER HIM SAYING THAT, NO
24 Q DO YOU REMEMBER HIM STATING THAT HE WAS GOING TO
25 BE ON THE NEWS THAT NIGHT?

- 1 A HUH-UH
- 2 Q COULD YOU REFER TO YOUR STATEMENT, THE LAST
- 3 SENTENCE, AND SEE WHAT THAT -- COULD THAT REFRESH YOUR
- 4 MIND ANY?
- 5 A (PAUSE) YEAH, I DO REMEMBER HIM SAYING THAT
- 6 Q YOU DO REMEMBER HIM SAYING ---
- 7 A I DO REMEMBER HIM SAYING THAT
- 8 Q --- THAT HE WAS GOING TO BE ON THE NEWS ---
- 9 A YEAH
- 10 Q --- BECAUSE SOMEONE SEEN HIM IN THE AREA?
- 11 A YEAH, BECAUSE HE -- HE TOLD ME -- HE TOLD ME THAT
- 12 OTHER THAN THAT, THE COP -- THEY WAS LIKE WATCHING HIM
- 13 SINCE -- SINCE HE LEFT THE SPOT UNTIL HE CAME TO MY
- 14 COUSIN HOUSE, SO
- 15 Q DID YOU FIND THAT STRANGE, HIM BEING ---
- 16 MR MURDAUGH YOUR HONOR, PLEASE, WHAT HE FOUND
- 17 STRANGE HAS NO CONCERN, SIR
- 18 THE COURT I SUSTAIN THAT IF YOU WANT TO ASK
- 19 ABOUT THE DEMEANOR OR SOMETHING, YOU CAN
- 20 Q BECAUSE OF HIS DEMEANOR, THE WAY HE WAS ACTING,
- 21 AND STATING HE WAS GOING TO BE ON THE NEWS, DID -- DID
- 22 IT PUZZLE YOU ---
- 23 A YEAH, IT SHOCKED ME FOR A MOMENT HOW -- HOW -- THE
- 24 WAY HE SAID IT, ON LIKE THE NEWS, YOU'RE TALKING ABOUT
- 25 THE NEWS I MEAN, LIKE I SAID, WHATEVER HE SEEN OR

1 WHATEVER HE HEARD, I MEAN, YOU KNOW, HE CAN TELL YOU
2 WHAT HE REALLY SEEN I MEAN, I WASN'T EVEN THERE WHEN
3 IT HAPPENED, YOU KNOW

4 Q BUT BECAUSE OF THE ABUNDANCE OF INFORMATION THAT
5 HE WAS TELLING YOU GUYS, IT WAS OUT OF THE ORDINARY ---

6 A RIGHT

7 Q --- FOR HIM TO KNOW AND NOT HAD BEEN ACTUALLY
8 THERE?

9 MR MURDAUGH OBJECTION TO HIS LEADING, SIR
10 THE COURT REPHRASE YOUR QUESTION

11 Q BECAUSE OF THE ABUNDANCE OF INFORMATION THAT HE
12 WAS ---

13 MR MURDAUGH THAT'S THE SAME QUESTION, SIR
14 THE COURT YES SIR SUSTAINED REPHRASE
15 (PAUSE)

16 Q WOULD YOU SAY ---

17 MR MURDAUGH YOUR HONOR PLEASE, THAT WOULD BE
18 LEADING, SIR

19 THE COURT YES, SIR

20 Q DID HE SAY HIS GIRL -- WAS HIS GIRL FRIEND WITH
21 HIM?

22 MR MURDAUGH THAT WOULD BE LEADING, SIR

23 THE COURT SUSTAINED YOU CAN ASK HIM IF HE MADE
24 ANY OTHER STATEMENTS

25 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

STATE VS ALKEBULANYAHH

1 Q DID MR RIGBY MAKE ANY OTHER STATEMENTS, MR
2 MORGAN?
3 A NOT THAT I KNOW OF
4 Q DO YOU RECALL HIM STATING ---
5 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S GOING TO
6 HAVE TO BE ---
7 THE COURT HE SAID HE DIDN'T RECALL ANY OTHERS
8 Q WAS ANY TYPE OF WEAPONS MENTIONED, PARTICULAR TYPE
9 OF WEAPONS MENTIONED IN REFERENCE TO THIS INCIDENT?
10 A NO
11 Q AND AT THE LOCATION YOU WAS AT, WHO ALL WAS THERE?
12 DO YOU RECALL?
13 A ME, BOBBY, MY COUSIN, MY COUSIN'S -- ONE OF MY
14 COUSIN'S FRIENDS AT THE -- IN THE HOUSE
15 Q DO YOU KNOW ANY PARTICULAR NAMES?
16 A I DON'T KNOW -- I DON'T KNOW HER NAME
17 Q WERE YOU TAKEN IN CUSTODY?
18 A YEAH
19 Q AND WHERE DID THEY TAKE YOU?
20 A TO BROAD RIVER ELEMENTARY
21 Q AND WHAT DID THEY DO THERE?
22 A BASICALLY ASKED ME QUESTIONS ABOUT THE INCIDENT
23 Q WAS ANYBODY ELSE TAKEN WITH YOU?
24 A YEAH ME IT WAS JUST ME, BOBBY, AND A GUY NAME
25 EDDIE THAT I KNEW

1 Q DO YOU RECALL HOW LONG YOU WAS THERE?
2 A I'D SAY ABOUT -- I CAN SAY AT LEAST ABOUT FOUR AND
3 A HALF HOURS
4 Q FOUR AND A HALF HOURS?
5 A (NODS HEAD)
6 Q DID THEY PERFORM ANY GUNSHOT RESIDUE TEST OR
7 ANYTHING ON YOU ---
8 A NO
9 Q --- OR TAKE YOUR CLOTHES OR ANYTHING LIKE THAT?
10 A NO
11 Q DID -- DO YOU KNOW WHETHER OR NOT THEY DID THE
12 SAME WITH MR RIGBY?
13 A I DON'T KNOW
14 Q AND WHAT HAPPENED AFTER YOU LEFT THE -- THE
15 COMMAND -- THE BROAD RIVER ELEMENTARY SCHOOL?
16 A A OFFICER TOOK ME BACK HOME, AND THAT WAS IT
17 Q DID ALL OF YOU ALL CAME BACK TOGETHER AT THE SAME
18 TIME?
19 A I DON'T REALLY REMEMBER I KNOW -- I KNOW I GOT
20 AT HOME AT THE SAME TIME BUT I CAN'T SAY, WELL, IF
21 BOBBY GOT BACK WHEN I GOT BACK I CAN'T TELL YOU THAT
22 BECAUSE I DON'T KNOW I DON'T REMEMBER
23 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO FURTHER
24 QUESTIONS
25 MR MURDAUGH I HAVE NO QUESTIONS IF YOUR HONOR,

1 PLEASE AND I HAVE A MOTION

2 THE COURT YOU MAY STEP OUT IN THE HALLWAY
3 MOMENTARILY, SIR WE'LL BE WITH YOU MOMENTARILY

4 (THE WITNESS LEAVES THE WITNESS STAND)

5 THE COURT YES, SIR

6 MR MURDAUGH MY MOTION IS THAT THE TESTIMONY BE
7 NOT PERMITTED, THE GROUND -- SAME GROUNDS AS THE LAST
8 ONE, SIR

9 THE COURT DO YOU WISH TO RESPOND?

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR THIS
11 PARTICULAR WITNESS GAVE TESTIMONY THAT CONTRADICTS
12 BOBBY RIGBY'S STATEMENT -- NOT CONTRADICT BOBBY RIGBY
13 STATEMENT IN PARTICULAR -- BUT IT DOES CONTRADICT BOBBY
14 RIGBY STATEMENT BECAUSE THIS PARTICULAR WITNESS SAY
15 BOBBY RIGBY TOLD HIM HE WAS AT HIS GIRL'S HOUSE AND
16 BOBBY RIGBY STATED THAT HE WAS ON HIS WAY GOING TO HIS
17 GIRL'S HOUSE, HIS GIRL FRIEND'S HOUSE

18 AND THERE WAS AN OFFICER INVOLVED IN THIS THAT
19 STATED THAT BOBBY -- BOBBY RIGBY TOLD HIM HE WAS GOING
20 TO HENRY'S HOUSE

21 AND MR CAPDEPON, HENRY CAPDEPON HIMSELF -- GAVE
22 TESTIMONY THAT BOBBY WAS NOT COMING TO HIS HOUSE TO
23 VISIT HIM

24 AND THAT -- THAT PARTICULAR STATEMENT CAN BE
25 USEFUL TO THE DEFENSE

STATE VS ALKEBULANYAHH

1 AND EVEN FURTHER, THIS PARTICULAR WITNESS SAID
2 THAT HE REMEMBERED THAT MR RIGBY DID STATE THAT HE WAS
3 GOING TO BE ON THE NEWS IN REFERENCE TO THE MATTER

4 AND MR RIGBY STATED IN HIS TESTIMONY THAT HE --
5 HE HAS NEVER MADE THE STATEMENT ON THAT DAY ABOUT BEING
6 ON THE NEWS OR ANYTHING INVOLVING THIS PARTICULAR
7 INCIDENT

8 AND I THINK HE SHOULD BE ABLE TO CONTRIBUTE THAT
9 TO THE ---

10 MR MURDAUGH YOUR HONOR, PLEASE

11 THE COURT ALL RIGHT, SIR

12 MR MURDAUGH I'M SORRY

13 THE COURT IF HE TESTIFIED INCONSISTENT ABOUT
14 WHERE HE WAS GOING I MEAN, WHY COULDN'T THAT ONE
15 QUESTION BE ASKED?

16 MR MURDAUGH THAT ONE QUESTION COULD BE ASKED,
17 SIR BUT EVERYTHING ELSE IS INADMISSIBLE, SIR

18 THE COURT YES, SIR

19 MR ALKEBULANYAHH I WOULD -- I -- I -- I WOULD
20 LIKE THAT ONE QUESTION, AS WELL AS THE QUESTION ABOUT
21 THE NEWS BECAUSE MR RIGBY STATED THAT, YOU KNOW, HE
22 DID NOT ---

23 THE COURT YEAH I -- BOTH OF THOSE, I THINK
24 ARE PERMISSIBLE ---

25 MR MURDAUGH IF YOUR HONOR, PLEASE

STATE VS ALKEBULANYAHH

1 THE COURT --- BECAUSE MR RIGBY TESTIFIED TO THE
2 CONTRARY

3 MR MURDAUGH IF YOUR HONOR, PLEASE, IN REGARD TO
4 THE NEWS, HE -- NOBODY EVER ASKED HIM A QUESTION ABOUT
5 THAT, SIR, SO IT CAN'T CONTRADICT SOMETHING HE HADN'T
6 TESTIFIED TO, SIR

7 THE COURT I THOUGHT HE DID SAY SOMETHING ABOUT
8 THAT WE'LL CHECK OUR NOTES

9 MR MURDAUGH I -- I COULD BE WRONG, BUT I DON'T
10 THINK I AM, SIR

11 THE COURT WELL, IT'S HARD TO KEEP UP WITH
12 EVERYTHING EVERYBODY SAYS, BUT WE'LL CHECK ON IT

13 (PAUSE)

14 THE COURT IS IT YOU'RE CLAIMING THAT MR RIGBY
15 SAID THAT ---

16 MR ALKEBULANYAHH HE STATED THAT HE STATED TO NO
17 ONE THAT HE WAS GOING TO BE ON THE NEWS, YES, SIR

18 THE COURT THAT -- THAT HE DID NOT STATE HE WAS
19 GOING TO BE ON THE NEWS?

20 MR ALKEBULANYAHH YES, SIR

21 MR MURDAUGH I THINK HE MISUNDERSTOOD YOU, AND
22 IF YOUR HONOR, PLEASE IT'S TO MY ADVANTAGE FOR YOU TO
23 HAVE THAT MISUNDERSTANDING

24 I THINK WHAT HE IS SAYING IS THAT RIGBY SAID HE --
25 DENIED HE SAID HE WAS GOING TO BE ON THE NEWS, SIR

4 STATE VS ALKEBULANYAHH

1 THE COURT THEN THIS WITNESS SAID THAT HE DID SAY
2 HE WAS GOING TO BE ---
3 MR MURDAUGH YES, SIR
4 THE COURT --- ON THE NEWS, RIGHT?
5 MR ALKEBULANYAHH YES, SIR
6 MR MURDAUGH BUT MY -- I DO NOT HAVE ANY
7 RECOLLECTION WHATSOEVER OF ANYBODY ASKING HIM A
8 QUESTION ABOUT BEING ON THE NEWS IS MY POSITION, SIR
9 THE COURT ALL I CAN DO IS CHECK -- DOUBLE-CHECK
10 WITH THE COURT REPORTER TO CONFIRM IT FOR THE RECORD
11 I MEAN, I AGREE THE REST OF THE STUFF IS NOT
12 ADMISSIBLE
13 MR MURDAUGH THOSE TWO -- THOSE TWO QUESTIONS,
14 SIR I HAVE NO PROBLEM I'D -- I'D RATHER DO THAT THAN
15 TO WASTE THE TIME OF LOOKING IT UP I UNDERSTAND, SIR
16 THE COURT WE'LL ALLOW THOSE -- THE COURT WILL
17 ALLOW THOSE TWO QUESTIONS MR ALKEBULANYAHH
18 MR ALKEBULANYAHH YES, SIR
19 THE COURT NO OTHER QUESTIONS DO YOU
20 UNDERSTAND?
21 MR ALKEBULANYAHH YES, SIR
22 THE COURT WHAT WOULD BE NEXT? THE NEXT WITNESS
23 WOULD BE YOU IF YOU DECIDE TO TESTIFY?
24 MR ALKEBULANYAHH MR -- MR SANKOWSKI AND ---
25 THE COURT ARE THOSE ALL ON THE SAME ISSUE THAT

STATE VS ALKEBULANYAHH

1 WE'RE DEALING WITH HERE?

2 MR ALKEBULANYAHH YES

3 THE COURT I'D RATHER TAKE IT UP NOW SO WE CAN
4 WEED IT ALL OUT AND NOT HAVE TO DO THIS ALL ONE AT A
5 TIME BEFORE THE JURY

6 OUT OF CURIOSITY -- I'M NOT GOING TO HOLD YOU TO
7 ANYTHING, BUT YOU WERE TELLING ME YESTERDAY IN REGARD
8 TO THE WITNESSES BEING SHORT, IF YOU DECIDE TO TAKE THE
9 STAND, DO YOU HAVE ANY IDEA -- WAS THAT INCLUDED IN
10 THAT CALCULATION?

11 MR ALKEBULANYAHH I DON'T THINK THAT WAS
12 INCLUDED

13 THE COURT ALL RIGHT DO YOU HAVE ANY
14 APPROXIMATION ABOUT HOW LONG MR THORNTON IS GOING TO
15 QUESTION YOU IF YOU DECIDE TO TAKE THE STAND?

16 MR ALKEBULANYAHH IT SHOULDN'T BE VERY -- IT
17 SHOULDN'T BE VERY LONG

18 THE COURT I MEAN DO YOU HAVE ANY APPROXIMATE --
19 I'M NOT GOING TO HOLD YOU TO ANYTHING

20 MR ALKEBULANYAHH RIGHT

21 THE COURT I'M JUST TRYING TO GEAR THINGS AS FAR
22 AS THE JURY

23 MR ALKEBULANYAHH I WOULD SAY LESS THAN A HOUR
24 OR MORE LIKE 15 MINUTES

25 THE COURT AND DO YOU HAVE ANY IDEA ABOUT HOW

STATE VS ALKEBULANYAHH

1 LONG YOUR CROSS EXAMINATION WOULD LAST?

2 MR MURDAUGH JUDGE, I -- I HONESTLY CANNOT TELL

3 YOU THAT I DO NOT ANTICIPATE THAT IT WOULD BE REAL

4 LONG, BUT UNTIL YOU GET INTO IT, YOU JUST DON'T KNOW

5 SIR

6 THE COURT RIGHT I UNDERSTAND

7 MR MURDAUGH BUT I DO NOT ANTICIPATE THAT IT

8 WILL BE EXTENDED

9 THE COURT I JUST THOUGHT I'D HIT YOU UP WITH ONE

10 OF YOUR QUESTIONS

11 MR MURDAUGH YES, SIR JUDGE, I APOLOGIZE FOR

12 ASKING YOU, BUT -- I KNOW I'VE -- I'VE GOTTEN ON YOUR

13 NERVES ASKING AND I APOLOGIZE, SIR

14 THE COURT NO NOBODY HAS GOTTEN ON MY NERVES

15 READY FOR THE NEXT WITNESS?

16 MR MURDAUGH YES, SIR

17 THE COURT CALL YOUR NEXT WITNESS PLEASE

18 MR ALKEBULANYAHH MR SANKOWSKI

19 THE COURT NOW, DID YOU WRITE DOWN THOSE TWO

20 QUESTIONS?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT ALL RIGHT

23 CHRIS SANKOWSKI, BEING

24 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

25 THE COURT GO AHEAD PLEASE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

2 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

3 Q MR SANKOWSKI, COULD YOU STATE YOUR NAME AND
4 OCCUPATION -- OCCUPATION FOR THE RECORD SIR?

5 A IT'S MASTER SERGEANT CHRIS SANKOWSKI, EMPLOYED BY
6 THE BEAUFORT COUNTY SHERIFF'S OFFICE

7 Q MR SANKOWSKI, COULD YOU TELL US HOW YOU BECAME
8 INVOLVED IN THE INCIDENT THAT TOOK PLACE ON JANUARY 8,
9 2002, IN REFERENCE TO TWO BEAUFORT COUNTY DEPUTIES
10 BEING KILLED?

11 A YES I RESPONDED -- HEARD THE CALL GO OUT OVER
12 THE RADIO, RESPONDED TO BROAD RIVER ELEMENTARY

13 Q AND WHAT WAS YOUR -- WHAT WAS THE OCCASION FOR YOU
14 RESPONDING TO THE BROAD RIVER ELEMENTARY?

15 A TO ASSIST

16 Q AND WHAT DID YOU ASSIST IN?

17 A I WAS TASKED BY THE SHERIFF TO SIT IN ON
18 INTERVIEWS CONDUCTED BY SLED AGENT EDWARDS

19 Q AND WHO -- WHO DID YOU SIT IN -- WAS INVOLVED IN
20 WITH THE INTERVIEWS?

21 A I WAS PRESENT DURING INTERVIEWS WITH TIMOTHY
22 MORGAN, BOBBY RIGBY, BRENDA SMITH, ISAAC SMITH (SIC),
23 AND STRAWBERRY WASHINGTON

24 (PAUSE)

25 Q YOU INTERVIEWED MS BRENDA SMITH RILEY, IS THAT

STATE VS ALKEBULANYAHH

1 CORRECT?

2 A I WAS PRESENT DURING THAT INTERVIEW, YES

3 Q DO YOU RECALL MS RILEY STATING TO YOU WHO ALL WAS
4 IN THE HOUSE AT THE 21 RILEY ROAD RESIDENCE?

5 A I RECALL HER SAYING WHO SHE THOUGHT MAY BE IN THE
6 HOME

7 Q AND WHO WAS THOSE PEOPLE THAT SHE THOUGHT SHE KNEW
8 THAT MAY BE IN THE HOME?

9 A SHE INDICATED TO SLED AGENT EDWARDS THAT A GIRL BY
10 THE NAME OF MAY AND HER BABY, AND HER HUSBAND, AND
11 HERSELF WERE IN THE HOME

12 Q AND DO YOU RECALL MS BRENDA SMITH RILEY STATING
13 THAT HER AND THIS PARTICULAR PERSON, MAY, WHO WE CAN
14 ASSUME -- DO YOU -- DO YOU KNOW THAT MAY IS MS
15 KIMBERLY BLATE (PHONETIC)?

16 A FROM THE INTERVIEW YES, I DO BELIEVE THAT IS
17 KIMBERLY BLAKE

18 Q AND DO YOU RECALL MS SMITH ADVISING THAT SHE AND
19 MAY HAD BEEN HOME ALL DAY TOGETHER?

20 MR MURDAUGH IF YOUR HONOR, PLEASE, I WILL
21 OBJECT IN FRONT OF THE JURY, IF IT GETS THAT FAR, SIR,
22 AS TO THIS BEING HEARSAY ON HIS PART AND NOT
23 CONTRADICTING ---

24 THE COURT YOU WISH TO RESPOND?

25 MR ALKEBULANYAHH YOUR HONOR, THIS IS A -- A

STATE VS ALKEBULANYAHH

1 INTERVIEW THAT'S CONDUCTED BY AN INVESTIGATOR WITH THE
2 BEAUFORT COUNTY SHERIFF'S OFFICE AND HIS DOCUMENTATION
3 -- I'M ASKING NO MORE THAN HIS DOCUMENTATION, NOT
4 ANYTHING ---

5 THE COURT ARE YOU ASKING ABOUT WHAT SOMEONE
6 SAID?

7 MR ALKEBULANYAHH SIR?

8 THE COURT ARE YOU TRYING TO FIND OUT WHAT
9 SOMEONE SAID?

10 MR ALKEBULANYAHH I'M ASKING HIM WHAT WAS --
11 WHAT DID HE WRITE IN REFERENCE TO -- RECORD IN
12 REFERENCE TO HIS INTERVIEWS?

13 THE COURT WELL, THAT'S JUST GOING TO GET INTO
14 WHAT SOMEONE SAID I SUSTAIN THAT OBJECTION ABSENT
15 WHAT I'VE ALREADY INDICATED TO YOU UNLESS IT'S SOMEONE
16 THAT'S ALREADY TESTIFIED IN THIS CASE

17 MR ALKEBULANYAHH AND IT IS SOMEONE WHO HAS
18 ALREADY TESTIFIED IN THE CASE AND THAT'S WHY I WAS
19 ASKING THE QUESTION IN REFERENCE TO SHOW CONTRADICTION

20 THE COURT ALL RIGHT YOU -- YOUR OBJECTION WAS
21 TO THE DOCUMENT OR TO THE FINDING OUT WHETHER THE
22 WITNESS ---

23 MR MURDAUGH NO, SIR IT WOULD BE TESTIMONY AS
24 TO HEARSAY AND IT'S ABOUT A WITNESS WHO TESTIFIED
25 EARLIER, BUT IT DOES NOT CONTRADICT ANYTHING IN HER

STATE VS ALKEBULANYAHH

1 STATEMENT SIR

2 THE COURT I SEE IT WOULD HAVE HAD TO BE
3 ESTABLISHED IN THAT FIRST WITNESS THAT SHE MADE THAT
4 STATEMENT I SUSTAIN THE OBJECTION

5 Q COULD YOU TELL ME MORE ABOUT WHAT MS -- YOUR --
6 WHAT WENT -- WHAT WAS -- WHAT WAS THE DIALOGUE BETWEEN
7 YOU AND MS BRENDA SMITH RILEY?

8 A COULD YOU REPEAT THAT QUESTION?

9 MR MURDAUGH OBJECTION, SIR
10 THE COURT WHAT'S YOUR OBJECTION?

11 MR MURDAUGH HEARSAY, DIALOGUE BETWEEN HE -- HE
12 AND BRENDA

13 THE COURT YES, SIR

14 MR ALKEBULANYAHH I'M GOING TO ASK HIM WHAT HE
15 RECORDED IN HIS INTERVIEW TO ASCERTAIN WHETHER OR NOT
16 THAT IT'S COLLABORATING WITH MS BRENDA SMITH RILEY
17 TESTIMONY

18 THE COURT IS THERE A PARTICULAR PART OF THAT
19 THAT YOU WANT TO CHALLENGE?

20 MR ALKEBULANYAHH WELL, YOUR HONOR, THE -- THE
21 - I ALSO WANT TO CHALLENGE THE -- THE -- THE -- THE --
22 THE TESTIMONY ALSO ALONG WITH THE TESTIMONY OF MS
23 KIMBERLY BLATE (PHONETIC) IN REFERENCE TO HER TESTIMONY
24 AS WELL, YOUR HONOR, SIR

25 THE COURT ARE YOU -- IS THERE A PARTICULAR

STATE VS ALKEBULANYAHH

1 STATEMENT THOUGH? SINCE WE'RE IN CAMERA, I -- I MIGHT
2 GIVE YOU A -- LEEWAY TO LEAD

3 MR ALKEBULANYAHH YES

4 THE COURT IS THERE A PARTICULAR STATEMENT YOU
5 WANT TO ASK?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT GO AHEAD

8 Q DO YOU RECALL ---

9 MR ALKEBULANYAHH GO AHEAD AND ASK THE WITNESS,
10 YOUR HONOR?

11 THE COURT YES

12 Q DO YOU RECALL MS BRENDA SMITH STATING THAT THE
13 OFFICERS CAME -- DROVE UP TO THE HOME AND -- AND TOLD
14 HER THAT THEY -- THEY CALL THE GIRL MAY AND SEE -- AND
15 THAT A GIRL CAME UP WITH THEM WAS IN A CAR AND TOLD
16 THEM THAT A GIRL NAME MAY WAS INSIDE THE HOUSE, AND THAT
17 HER HUSBAND STATED THAT MAY AND THE BABY WAS INSIDE THE
18 HOUSE?

19 MR MURDAUGH YOUR HONOR PLEASE, THAT IS IN HIS
20 EXHIBIT JUST LIKE HE ASKED IT SO IT WOULD NOT BE
21 CONTRADICTING

22 THE COURT WHAT ABOUT THAT CONTRADICTS ANYTHING?

23 MR ALKEBULANYAHH MS BLATE (PHONETIC) GAVE
24 TESTIMONY THAT THE OFFICERS ALLEGE THAT THEY ONLY
25 NOTIFIED THE OFFICERS THAT ONLY A BABY WAS IN THE

1 HOUSE

2 MR MURDAUGH HE DIDN'T INTERVIEW BLAKE, I DON'T

3 THINK, SIR I THINK HE TESTIFIED -- MAY I ASK HIM IF

4 HE ---

5 THE COURT DID YOU EVER INTERVIEW HER?

6 THE WITNESS I DID NOT INTERVIEW BLAKE ON

7 REFERENCE TO WHAT HAPPENED THAT DAY I INTERVIEWED HER

8 IF SHE KNEW SOME NAMES THAT WAS IT

9 THE COURT I SUSTAIN THAT OBJECTION

10 MR ALKEBULANYAHH EXCUSE ME, YOUR HONOR?

11 THE COURT I SUSTAIN THE OBJECTION

12 MR ALKEBULANYAHH FROM MY UNDERSTANDING THAT HE

13 DID INTERVIEW MS KIMBERLY BLATE (PHONETIC) ---

14 THE COURT HE DID NOT?

15 MR ALKEBULANYAHH --- IN HIS REPORT ON PAGE 7

16 THE COURT DOES -- DOES THE REPORT INDICATE HE

17 INTERVIEWED HER?

18 MR ALKEBULANYAHH YES, SIR, PAGE 7, IN HIS

19 REPORT

20 MR MURDAUGH MY UNDERSTANDING ---

21 THE COURT CAN -- CAN YOU LOOK AT THE REPORT?

22 MR MURDAUGH --- HE ASKED HER WHO SOME NAMES

23 WERE, DID NOT INTERVIEW HER, SIR

24 THE COURT ALL RIGHT WELL, LET'S LOOK AT THE

25 REPORT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WOULD YOU LIKE THE REPORT?

2 THE COURT WELL, READ -- READ FROM THAT REPORT TO
3 ME WHAT YOU'RE REFERRING TO, AND THAT'S DEFENDANT'S
4 EXHIBIT WHAT?

5 MR MURDAUGH THAT -- HIS REPORT HAS NOT BEEN
6 INTRODUCED, YOUR HONOR, PLEASE

7 THE COURT ALL RIGHT

8 MR ALKEBULANYAHH YOUR HONOR, MAY I APPROACH THE
9 WITNESS?

10 THE COURT YES, SIR

11 Q MR SANKOWSKI, ARE YOU FAMILIAR WITH THAT
12 PARTICULAR DOCUMENT?

13 A YES, I AM

14 Q IS THAT YOUR REPORT?

15 A THAT'S CORRECT

16 MR ALKEBULANYAHH YOUR HONOR, CAN I INTRODUCE IT
17 INTO EVIDENCE?

18 MR MURDAUGH OBJECTION, SIR, 803-8

19 THE COURT I SUSTAIN THE OBJECTION YOU NEED TO
20 ASK HIM ABOUT A SPECIFIC STATEMENT, AS I INDICATED I
21 TOLD YOU I'D GIVE YOU LEEWAY TO DO THAT NOW, IF
22 THERE'S SOMETHING INCONSISTENT ABOUT WHAT HE WAS TOLD
23 BY SOMEONE BRING THAT TO MY ATTENTION

24 MR ALKEBULANYAHH YOUR HONOR THE TESTIMONY THAT
25 BLATE (PHONETIC) GAVE SEEMS TO BE INCONSISTENT WITH

STATE VS ALKEBULANYAHH

1 THAT -- FROM INTERVIEWS THAT HE HAD WITH PEOPLE
2 INVOLVED

3 THE COURT BUT HE DIDN'T INTERVIEW MS BLAKE,
4 UNLESS YOU'RE TELLING ME THAT REPORT SAYS HE DID

5 MR ALKEBULANYAHH YES, SIR

6 THE COURT I WANT YOU TO -- I WANTED YOU TO READ
7 THAT TO ME

8 MR ALKEBULANYAHH PAGE 7, SECOND PARAGRAPH

9 THE COURT READ ME THE LANGUAGE

10 MR ALKEBULANYAHH CAP (PHONETIC) INTERVIEW OF --
11 INTERVIEW OF VICTIM, BLATE (PHONETIC), KIMBERLY
12 SERGEANT -- THIS SERGEANT DID ASK BLATE (PHONETIC) A
13 FEW QUESTIONS ABOUT WHO SHE HAS KNOWN TO BE AT THE
14 RILEYS -- AT THE RILEY HOME AND FRIENDS WITH ROBERTS

15 THE COURT ALL RIGHT WHERE -- DO YOU STILL HAVE
16 THAT REPORT, SIR?

17 THE WITNESS YES, SIR

18 THE COURT CAN YOU LOOK AT THAT SECTION?

19 THE WITNESS YES

20 THE COURT NOW, DO YOU WISH TO EXPLAIN THAT? DID
21 YOU INTERVIEW MS BLAKE?

22 THE WITNESS I ASKED -- YES, I DID INTERVIEW HER,
23 BUT NOT PARTICULAR ABOUT THE EVENTS THAT HAPPENED IN
24 THE ROOM

25 THE COURT BUT YOU INTERVIEWED HER?

STATE VS ALKEBULANYAHH

1 THE WITNESS YES, SIR

2 THE COURT ALL RIGHT DO YOU WISH TO ASK HIM
3 ABOUT A SPECIFIC STATEMENT SHE MADE? GO AHEAD I'LL
4 LET YOU ASK A QUESTION ABOUT WHETHER SHE MADE A
5 STATEMENT, NOT SOMEONE ELSE'S STATEMENT

6 Q DID MS BLATE (PHONETIC) EVER STATE TO YOU THAT --
7 THAT THE OFFICERS THAT ARRIVED AT THAT HOME STATED THAT
8 -- THAT THEY STATED THAT ONLY -- THEY WAS TOLD THAT
9 ONLY A BABY WAS IN THE ROOM?

10 A NO

11 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE TO
12 ASK A QUESTION ABOUT WHETHER OR NOT MS RILEY MADE ---

13 THE COURT GO AHEAD AND ASK THE QUESTION WE'RE
14 IN CAMERA I'LL HEAR WHETHER IT'S OBJECTIONABLE OR
15 NOT

16 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

17 Q DID MS BRENDA SMITH RILEY STATE TO YOU THAT --
18 THAT HER HUSBAND STATED TO THE OFFICERS THAT MAY AND
19 HER DAUGHTER WAS IN THE BEDROOM?

20 A THE BEST I RE -- I CAN RECALL, MR RILEY DIDN'T
21 THINK ANYBODY WAS IN THE HOME

22 Q ON PAGE 5, LINE 20 A LITTLE BIT JUST BELOW THE
23 HALF-WAY POINT OF THE PAGE, WOULD THAT REFRESH YOUR
24 MEMORY ABOUT THE STATEMENT THAT MS BRENDA SMITH RILEY
25 GIVE TO YOU?

STATE VS ALKEBULANYAHH

1 A YES, THAT'S MS -- MS RILEY'S STATEMENT
2 Q OKAY DO YOU RECALL NOW THAT MS BRENDA SMITH
3 RILEY STATED THAT HER HUSBAND TOLD THE OFFICER THAT MAY
4 AND HER DAUGHTER ARE IN -- IN THE BEDROOM?
5 A YES
6 (PAUSE)
7 THE COURT ANYTHING ELSE?
8 MR ALKEBULANYAHH YES, SIR
9 Q IN REFERENCE TO YOUR INTERVIEW WITH MR BOBBY
10 RIGBY ON PAGE 6 OF YOUR SUPPLEMENTAL REPORT DO YOU
11 RECALL MR RIGBY STATING THAT HE SAW A FRIEND IN A
12 WHITE VAN AND HE TOLD HIM WHAT HAD HAPPENED AND HIS
13 FRIEND DROVE HIM HOME?
14 A YES
15 Q DO YOU RECALL MR RIGBY STATING THAT HE KNEW THE
16 GUN THAT WAS USED IN REFERENCE TO THE INCIDENT WAS A --
17 AN A K ?
18 (PAUSE)
19 MR MURDAUGH I THINK THAT'S THE END OF THE
20 QUESTION SIR
21 Q I DIDN'T HEAR IT I'M SORRY
22 A IS THAT THE END OF THE QUESTION?
23 Q YES, SIR DO YOU RECALL RIGBY STATING THAT --
24 THAT HE KNEW IT WAS A A K 47 BECAUSE OF THE WAY THE
25 ROUND -- THE ROUNDS SOUND?

STATE VS ALKEBULANYAHH

1 A YES

2 Q IN REFERENCE TO YOUR INTERVIEW WITH MR TIMOTHY
3 MORGAN, DO YOU RECALL MR MORGAN STATING THAT BOBBY
4 RIGBY TOLD HIM THAT TWO GOT -- TWO COPS GOT SHOT AND
5 SOMEONE WAS SHOT IN THE SHOULDER?

6 MR MURDAUGH IF YOUR HONOR, PLEASE, ALL OF THIS
7 AGAIN IS WITH THE HEARSAY AND IT WOULD NOT BE
8 CONTRADICTORY OF ANYTHING THAT'S BEEN SAID

9 MR ALKEBULANYAHH I'M GOING ---

10 MR MURDAUGH I'M TALKING ABOUT EVERYTHING SO
11 FAR

12 THE COURT SO FAR IT DOES SOUND LIKE THAT ARE
13 YOU GETTING TO SOMEWHERE WITH THIS?

14 MR ALKEBULANYAHH YES, SIR

15 THE COURT WELL WHY DON'T YOU ASK THAT DIRECT
16 QUESTION?

17 Q DO YOU RECALL IN YOUR STATEMENT THAT TIMOTHY
18 MORGAN STATED THAT BOBBY RIGBY TOLD HIM THAT TWO COPS
19 GOT SHOT AND ONE -- A PERSON GOT SHOT IN THE SHOULDER
20 AND TOLD HIM THE NAME OF THE GUY THAT GOT SHOT, BUT HE
21 COULDN'T REMEMBER IT?

22 A NO

23 Q DID YOU PUT THAT IN YOUR SUPPLEMENTAL REPORT THAT
24 -- THAT MORGAN STATED THAT RIGBY STATED THE COPS WAS
25 LOOKING FOR SOME GUY AND SOME KID AND SAID A NAME, BUT

STATE VS ALKEBULANYAHH

1 HE DID NOT REMEMBER THAT NAME? IS THAT IN YOUR REPORT?
2 A YES
3 Q AND SO YOU'RE SAYING NOW THAT IT IS TRUE THAT MR
4 MORGAN DID STATE THAT RIGBY TOLD HIM THE NAME OF A
5 PERSON THAT GOT SHOT AT THAT TIME, BUT HE DID NOT
6 REMEMBER THE PERSON NAME?
7 A NO, THAT'S NOT MY UNDERSTANDING
8 Q COULD YOU TELL ME WHAT YOUR UNDERSTANDING WAS WHEN
9 YOU WROTE THIS PARTICULAR STATEMENT?
10 A THAT MORGAN STATED THAT RIGBY TOLD THE COPS WERE
11 LOOKING FOR SOME KIDS ---
12 Q UH-HUH
13 A --- AND SAID A NAME, BUT DID NOT RECALL THE NAME
14 Q OKAY SO MORGAN -- YOU WOULD AGREE THAT MORGAN
15 STATED THAT BOBBY RIGBY TOLD HIM THAT THE COPS WERE
16 LOOKING FOR SOMEONE, SOME ONE, SOME PEOPLE, KIDS, AND
17 HE CALLED THE NAME IS THAT CORRECT? DID HE CALL THE
18 NAME -- THAT -- THAT MR RIGBY HAD CALLED THE NAME OF
19 THE PEOPLE IS THAT CORRECT?
20 A ACCORDING TO MY REPORT IT SAYS THAT MORGAN STATED
21 THAT RIGBY SAID THEY WERE LOOKING FOR SOME KIDS AND
22 SAID A NAME, BUT DID NOT REMEMBER THE NAME
23 Q SO YOU AGREE THAT HE SAID THAT RIGBY SAID THAT --
24 A NAME BUT HE DIDN'T REMEMBER THE NAME?
25 A YES

1 Q IN REFERENCE TO YOUR INTERVIEW WITH MS KIMBERLY
2 BLATE (PHONETIC), DO YOU RECALL MS KIMBERLY BLATE
3 (PHONETIC) ADVISING YOU THAT A DEVON HAD -- THAT A
4 DEVON WAS AT THE RILEYS' HOME ON A SUNDAY AND TOOK HER
5 TO WAL-MART TO GET -- GET PAMPERS FOR HER BABY?

6 A YES

7 Q DO YOU RECALL MS BLATE (PHONETIC) STATING THAT
8 DEVON DRIVES A BLACK PICK-UP TRUCK AND HAS DREDLOCKS?

9 A YES

10 Q DO YOU RECALL ASKING MS BLATE (PHONETIC) ABOUT A
11 TATTOO THAT ROBERTS HAS, MR ALKEBULANYAHH, IN THIS
12 DEFENSE?

13 MR MURDAUGH IF YOUR HONOR, PLEASE, NONE OF THIS
14 IS CONTRADICTORY OF ANYTHING ANYBODY HAS SAID

15 THE COURT I -- I SUSTAIN THAT OBJECTION

16 MR ALKEBULANYAHH YOUR HONOR IT IS
17 CONTRADICTORY

18 THE COURT WHAT?

19 MR ALKEBULANYAHH SIR?

20 THE COURT WHAT IS?

21 MR ALKEBULANYAHH THE QUESTION THAT I INTEND TO
22 ASK IS DIRECT CONTRADICTION AND I'M ASKING THIS
23 QUESTION BEFORE HE OBJECTED TO THIS PARTICULAR LINE OF
24 QUESTIONING

25 THE COURT WHAT IS THE QUESTION?

1 MR ALKEBULANYAHH THE QUESTION, WELL, DO HE
2 RECALL THAT MS BLATE (PHONETIC) WAS ASKED ABOUT A
3 TATTOO THAT ROBERTS, MR ALKEBULANYAHH, THE DEFENDANT,
4 HAD

5 THE COURT WHAT WAS HIS -- WELL, HOW IS THAT
6 CONTRADICTORY?

7 MR ALKEBULANYAHH BECAUSE HIS ANSWER WOULD
8 DETERMINE WHETHER IT'S CONTRADICTORY OR NOT

9 THE COURT WELL, GO AHEAD AND ANSWER THAT
10 QUESTION, SIR

11 A THE -- NO, SHE DID NOT SEE A TATTOO

12 Q DO YOU RECALL MS BLATE (PHONETIC) STATING IF SHE
13 EVER SAW A GUN IN THE ROOM -- IN THE ROOM IN THE 21
14 RILEY ROAD RESIDENCE?

15 A DO I RECALL ASKING HER THAT?

16 Q YES, SIR

17 A YES

18 Q AND DO YOU RECALL HER RESPONSE?

19 A YES SHE SAID, NO

20 MR MURDAUGH AGAIN, THAT IS NOT CONTRADICTORY,
21 SIR

22 THE COURT YES SIR I SUSTAIN THAT WHAT IS
23 CONTRADICTORY ABOUT ANY OF THIS SIR?

24 MR ALKEBULANYAHH IT'S CONTRADICTORY BECAUSE MS
25 BLATE (PHONETIC) TESTIFIED THAT SHE KNEW THAT MR

STATE VS ALKEBULANYAHH

1 ALKEBULANYAHH HAD A TATTOO AND ALWAYS KNEW THAT

2 THAT OTHER CONTRADICTORY (SIC) IS THAT MS BLATE

3 (PHONETIC) STATED THAT SHE KNEW THAT MR ALKEBULANYAHH

4 HAD A GUN IN HER STATEMENT AND -- AND IT CONTRADICTS

5 THE INFORMATION THAT SHE GIVE THIS INVESTIGATOR THAT

6 SHE NEVER, EVER SAW A GUN IN THAT BEDROOM

7 THE COURT YES, SIR YOU WISH TO RESPOND?

8 MR MURDAUGH I JUST DON'T THINK IT DID, SIR

9 SHE SAID IN HER STATEMENT OF JANUARY 8 THAT -- SHE

10 NEVER SAID IN HER STATEMENT OF JANUARY 8 THAT SHE SAW A

11 GUN IN THAT ROOM SHE DID ON THE 10TH AND THE 11TH

12 MR ALKEBULANYAHH IT -- IT -- IT -- IT GOES TO

13 HER CREDIBILITY WHETHER SHE STATED SHE DIDN'T NEVER,

14 EVER SEE A GUN IN THAT BEDROOM AND ---

15 MR MURDAUGH BUT IT'S NOT CONTRADICTORY, SIR

16 THE COURT BUT WHY WOULD THIS WITNESS IMPEACH HER

17 TESTIMONY?

18 MR ALKEBULANYAHH WELL, THIS WITNESS WOULD BE

19 ABLE TO IMPEACH HER TESTIMONY TO THE -- TO LATER ON

20 WHEN SHE CHANGE HER STATEMENT AND STATE SOMETHING

21 DIFFERENT

22 THE COURT WELL WHAT DOES THE WITNESS HERE HAVE

23 TO DO WITH HER CHANGING HER STATEMENTS LATER? WHAT

24 KNOWLEDGE WOULD HE HAVE ABOUT THAT?

25 MR ALKEBULANYAHH BECAUSE HE'D HAVE KNOWLEDGE

STATE VS ALKEBULANYAHH

1 THAT SHE TOLD HIM THAT SHE NEVER, EVER SAW A GUN IN THE
2 BEDROOM AT THE RILEY ROAD RESIDENCE, WHICH IS CONTRARY
3 TO THE WITNESS ---

4 THE COURT AND THAT WAS -- THAT WAS ON THE
5 EARLIER DATE

6 MR ALKEBULANYAHH SIR?

7 THE COURT THAT WAS ON THE EARLIER DATE

8 MR ALKEBULANYAHH AND IT'S A CONTINUATION OF THE
9 EVENTS

10 THE COURT DID THIS WITNESS TALK TO HER ON LATER
11 DATES?

12 MR ALKEBULANYAHH SIR?

13 THE COURT DID HE TALK TO HER ON LATER DATES ---

14 MR ALKEBULANYAHH NOT THAT I KNOW OF

15 THE COURT --- AFTER SHE'D CHANGED HER STATEMENT?

16 MR ALKEBULANYAHH NOT THAT I KNOW OF SIR

17 THE COURT ALL RIGHT SO HOW DOES THAT

18 CONTRADICT THE FACT? I MEAN, EVERYTHING ALREADY

19 ESTABLISHED THAT SHE CHANGED HER STATEMENT I MEAN

20 IT'S -- IT'S SOMETHING THAT SHE SAID DIFFERENT THAN

21 WHAT SHE SAID ORIGINALLY SHE SAID THERE WAS NO GUN

22 HE SAYS SHE SAID THERE WAS NO GUN

23 DID SHE SAY IT IN SOME DIFFERENT MANNER THAN WHAT
24 SHE ORIGINALLY SAID?

25 MR MURDAUGH YOUR HONOR, WHILE HE'S THINKING,

STATE VS ALKEBULANYAHH

1 CAN I WALK OUTSIDE ---

2 THE COURT YES, SIR

3 MR MURDAUGH --- FOR TWO MINUTES?

4 (PAUSE)

5 MR ALKEBULANYAHH MY ARGUMENT IS JUST BASICALLY,
6 YOUR HONOR, THAT FOR MS BLATE (PHONETIC) TO -- YOU
7 KNOW, IT WOULD GO TOWARD HER LATER STATEMENT TO SHOW
8 THAT THE TRUTH WAS TOLD FROM THE BEGINNING, AND THAT
9 WOULD HELP THE DEFENSE OUT BECAUSE THE TRUTH WAS TOLD
10 FROM THE BEGINNING AND LATER SHE ---

11 THE COURT YEAH, I THINK THAT SHE SHOULD -- HE
12 SHOULD BE ALLOWED TO TESTIFY THAT THERE WAS -- THAT HER
13 STATEMENT WAS THERE WAS NO GUN PRESENT SINCE SHE DID
14 CHANGE HER STORY THE FACT THAT SHE TOLD MORE THAN ONE
15 PERSON I THINK HAS RELEVANCE

16 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

17 THE COURT THAT ONE QUESTION IS THAT WHAT YOU
18 ARE TRYING TO GET OUT OF THIS WITNESS?

19 MR ALKEBULANYAHH YES, THAT PARTICULAR, AND THE
20 TATTOO -- ABOUT THE TATTOO

21 THE COURT HOW IS THE TATTOO CONTRADICTORY?

22 MR ALKEBULANYAHH BECAUSE MS BLATE (PHONETIC)
23 GAVE TESTIMONY -- SHE GAVE TESTIMONY DURING TRIAL THAT
24 SHE ALWAYS KNEW THAT MR ALKEBULANYAHH POSSESSES A
25 TATTOO AND SHE -- MATTER OF FACT, SHE STATES SHE

STATE VS ALKEBULANYAHH

1 NEVER TOLD ---

2 THE COURT I'LL ALLOW THAT QUESTION TOO
3 ANYTHING ELSE? WRITE THAT DOWN BECAUSE ---

4 MR ALKEBULANYAHH YES, I DID

5 THE COURT --- I DON'T WANT YOU TO GO BEYOND THE
6 COURT'S GUIDELINE

7 MR ALKEBULANYAHH YES, I DID

8 Q YES DID MS -- DID MS BLATE (PHONETIC) EVER
9 STATE TO YOU THAT SHE NEVER, EVER HEARD MR
10 ALKEBULANYAHH SAY ANYTHING BAD ABOUT THE POLICE?

11 A YES

12 THE COURT DOES THAT CONTRADICT ANYTHING?

13 MR ALKEBULANYAHH YES, SIR, YOUR HONOR, BECAUSE
14 MS BLATE (PHONETIC) STATED IN STATEMENTS THAT MR
15 ALKEBULANYAHH AT A LATER DATE STATED TO HER THAT HE
16 WOULD HAVE A GUN FIGHT WITH THE POLICE AND WAS LOOKING
17 FORWARD TO A BATTLE OR SHOWDOWN WITH THE POLICE

18 THE COURT YEAH, I'M GOING TO ALLOW THAT
19 QUESTION

20 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

21 THE COURT IS THAT IT?

22 MR ALKEBULANYAHH YES SIR, YOUR HONOR

23 THE COURT ALL RIGHT

24 ANY QUESTIONS FROM THE STATE?

25 MR MURDAUGH NO, SIR

STATE VS ALKEBULANYAHH

1 THE COURT YOU MAY STEP DOWN, SIR THANK YOU
2 WE'LL CALL YOU IN MOMENTARILY

3 (THE WITNESS LEAVES THE WITNESS STAND)

4 MR MURDAUGH AND AS I UNDERSTAND, YOU'VE RULED
5 THAT THERE ARE TWO ---

6 THE COURT THREE QUESTIONS

7 MR MURDAUGH THREE QUESTIONS, YES, SIR

8 THE COURT YES, SIR

9 MR ALKEBULANYAHH IN REFERENCE TO THAT
10 PARTICULAR MATTER, YOUR HONOR ---

11 THE COURT IN REFERENCE TO THIS WITNESS

12 MR ALKEBULANYAHH YES TO THE WITNESS ALL
13 TOGETHER?

14 THE COURT YES, SIR

15 MR ALKEBULANYAHH SO YOU DIDN'T RULE THAT I CAN
16 ASK HIM QUESTIONS ABOUT THE BOBBY RIGBY SITUATION WITH
17 THE WHITE VAN?

18 THE COURT THERE WAS NOTHING INCONSISTENT ABOUT
19 WHAT WAS SAID

20 MR ALKEBULANYAHH YES, IT WAS, YOUR HONOR

21 THE COURT WHAT?

22 MR ALKEBULANYAHH BOBBY RIGBY STATED IT WAS A
23 BLUE VAN

24 THE COURT MR RIGBY SAID IT WAS A BLUE VAN MR
25 RIGBY MADE A STATEMENT TO THIS GENTLEMAN THAT IT WAS A

STATE VS ALKEBULANYAHH

1 WHITE VAN?

2 MR ALKEBULANYAHH YES, SIR

3 THE COURT YEAH, I'LL ALLOW THAT QUESTION

4 MR MURDAUGH YES, SIR, HE DID

5 THE COURT I WILL ALLOW THAT QUESTION

6 MR ALKEBULANYAHH AND THE QUESTION IN REFERENCE

7 TO MR MORGAN, THE STATEMENT THAT MR MORGAN STATED TO

8 HIM THAT BOBBY RIGBY TOLD HIM A NAME AND -- THE NAME OF

9 THE PERSON, BUT HE COULD NOT REMEMBER IT

10 MR MURDAUGH THAT IS NOT CONTRADICTORY, YOUR

11 HONOR, PLEASE NOBODY EVER ASKED BOBBY RIGBY THAT

12 THE COURT YEAH I SUSTAIN THAT YOU CAN'T ASK

13 THAT QUESTION

14 ALL RIGHT DO YOU UNDERSTAND WHICH QUESTIONS YOU

15 CAN ASK?

16 MR ALKEBULANYAHH ONE MOMENT YOUR HONOR, TO

17 MAKE SURE I GOT IT AND THE QUESTION IN REFERENCE TO

18 MS BRENDA SMITH RILEY STATING THAT HER HUSBAND TOLD

19 THE OFFICERS THAT MAY AND HER DAUGHTER WAS IN THE

20 BEDROOM

21 THE COURT THAT'S NOT INCONSISTENT WITH ANYTHING,

22 IS IT? SHE SAID THAT

23 MR ALKEBULANYAHH SIR?

24 THE COURT DIDN'T SHE SAY THAT?

25 MR ALKEBULANYAHH MS RILEY?

STATE VS ALKEBULANYAHH

1 THE COURT YES THAT SEEMS TO BE CONSISTENT WITH
2 WHAT SHE SAID

3 MR ALKEBULANYAHH I DIDN'T RECALL HER STATING
4 THAT ---

5 THE COURT I'M NOT GOING TO ALLOW THAT

6 MR ALKEBULANYAHH AND THE STATEMENT ABOUT MS
7 SMITH STATING THAT THE BABY AND MR ISAAC WAS IN THE
8 LIVING ROOM WHEN THE OFFICER WENT INTO THE ROOM MAY
9 LEFT OUT OF AND THE INCONSISTENCE WOULD BE THAT IN
10 THE INTERVIEW, MS RILEY NEVER STATED THAT SHE GIVE THE
11 OFFICER ANY PERMISSION TO -- TO ENTER OR SEARCH THE
12 HOME

13 MR MURDAUGH I -- I'M NOT SURE WHAT HE SAID,
14 SIR

15 THE COURT REPEAT THAT PLEASE

16 MR ALKEBULANYAHH THE STATEMENT IN REFERENCE TO
17 MS SMITH STATED THAT THE BABY AND MR ISAAC WERE IN
18 THE LIVING ROOM AND THE OFFICERS WENT INTO THE ROOM MAY
19 LEFT OUT OF IS INCONSISTENT WITH THE STATEMENT MS
20 SMITH STATING FOR THE FIRST TIME THAT THE OFFICERS
21 ASKED HER TO ENTER AND TO SEARCH

22 MR MURDAUGH THAT WASN'T GONE INTO WITH THIS
23 WITNESS

24 THE COURT I AGREE YOU DID NOT GO INTO THAT
25 WITH THIS WITNESS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH COULD I CALL THE WITNESS BACK
2 AND GO INTO IT?

3 THE COURT YES, SIR BRING THE WITNESS BACK IN
4 (MR SANKOWSKI ENTERS THE COURTROOM)

5 THE COURT JUST RETURN TO THE STAND, SIR YOU
6 REMAIN UNDER OATH

7 (THE WITNESS RETURNS TO THE WITNESS STAND)

8 THE COURT GO AHEAD

9 DIRECT EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.

10 Q SIR, IN YOUR REPORT ON PAGE 5 IN YOUR
11 SUPPLEMENTARY REPORT JUST BE -- JUST BEYOND THE HALF-
12 WAY POINT, YOU -- YOU -- YOU RECALL MS SMITH STATING
13 THAT THE BABY AND MR ISAAC WERE IN THE LIVING ROOM,
14 AND THE OFFICERS WENT INTO THE ROOM MAY LEFT OUT OF?
15 A YES, THAT'S CORRECT

16 MR MURDAUGH IF YOUR HONOR PLEASE, THAT
17 WOULDN'T BE CONTRADICTIONARY

18 THE COURT ALL RIGHT I AGREE WITH THAT

19 MR MURDAUGH THAT'S WHAT BRENDA TESTIFIED TO
20 THE COURT I DON'T SEE HOW THAT'S CONTRADICTIONARY

21 MR ALKEBULANYAHH BUT IT'S INCONSISTENT, YOUR
22 HONOR, WITH HER STATEMENT OF SAYING THAT SHE -- THE
23 OFFICERS ASKED HER TO ENTER AND TO SEARCH

24 THE COURT I DON'T THINK SO GO ON -- IS THERE
25 ANYTHING ELSE? YOU CAN STILL ARGUE ABOUT THOSE

STATE VS ALKEBULANYAHH

1 INFERENCES

2 YOU MAY STEP DOWN, SIR

3 (THE WITNESS LEAVES THE WITNESS STAND)

4 THE COURT DO YOU UNDERSTAND THE QUESTIONS YOU'RE
5 SUPPOSED TO ASK THAT WITNESS -- YOU'RE ALLOWED TO ASK
6 THAT WITNESS?

7 MR ALKEBULANYAHH YES, SIR I PUT A MARKING
8 ON ---

9 THE COURT ALL RIGHT

10 MR ALKEBULANYAHH --- SOME OF MY ---

11 THE COURT ALL RIGHT LET'S GO AHEAD AND GET
12 STARTED THE JURY HAS BEEN WAITING READY?

13 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

14 THE COURT READY?

15 MR MURDAUGH YES SIR

16 THE COURT BRING THE JURY IN PLEASE

17 MR ALKEBULANYAHH YOUR HONOR, IF I'M CORRECT,
18 YOU ALSO SAID THAT I CAN MENTION SOMETHING ABOUT THE
19 MEDIA WITH THE STATEMENT THAT MR MORGAN MADE? YOU DID
20 AGREE I JUST DIDN'T MENTION IT HERE

21 THE COURT ON THE OTHER WITNESS -- ABOUT THE
22 NEWS?

23 MR ALKEBULANYAHH YES, SIR

24 THE COURT THAT WAS WITH THE OTHER WITNESS

25 MR ALKEBULANYAHH I'M SAYING ON THIS WITNESS

STATE VS ALKEBULANYAHH

1 HERE

2 THE COURT WE DIDN'T GO OVER THAT WITH THIS

3 WITNESS

4 MR MURDAUGH I THINK SANKOWSKI SAID THAT HE

5 TALKED TO MORGAN AND MORGAN TOLD HIM THAT RIGBY TOLD

6 HIM, I'M GOING TO BE ON TELEVISION, SIR

7 THE COURT SO YOU HAVE NO OBJECTION?

8 MR MURDAUGH YES SIR I OBJECT THAT'S THIRD-

9 HAND HEARSAY

10 THE COURT THAT'S -- I AGREE WITH THAT

11 MR MURDAUGH AND IT DOESN'T CONTRADICT ANYTHING

12 THAT HAD BEEN SAID, SIR

13 MR ALKEBULANYAHH IT DOES CONTRADICT

14 THE COURT ABOUT THE NEWS?

15 MR MURDAUGH YES SIR

16 THE COURT IF IT WERE NOT BASED ON HOW IT WAS

17 CONVEYED TO HIM, I WOULD LET YOU DO IT LIKE THE OTHER

18 WITNESS BUT THAT CAME FROM ANOTHER SOURCE, NOT THE

19 PERSON THAT HEARD IT

20 MR MURDAUGH JUDGE, OUT OF AN ABUNDANCE OF

21 PRECAUTION, THAT IS THE ONE I TOLD YOU I WOULD HAVE NO

22 OBJECTION TO WE WERE GOING TO LOOK IT UP IN THE

23 RECORD TO SEE IF IT WAS A CONTRADICTION, SO I ---

24 THE COURT IS THAT WHAT YOU'RE REFERRING TO?

25 MR ALKEBULANYAHH YES SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR I -- I'M --, I APOLOGIZE
2 THE COURT BECAUSE YOU DID NOT WANT TO TAKE THE
3 TIME TO LOOK IT UP IN THE RECORD?
4 MR MURDAUGH THAT'S -- THAT IS -- THAT IS
5 CORRECT, SIR AND I APOLOGIZE TO YOU ABOUT THAT, SIR
6 THE COURT OTHERWISE, IT WOULD NOT BE ---
7 MR MURDAUGH THAT'S CORRECT
8 THE COURT --- ADMISSIBLE YES, SIR, YOU MAY ASK
9 THAT
10 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR
11 THE COURT BRING THE JURY IN PLEASE
12 MR MURDAUGH JUDGE, WHILE THE JURY IS COMING IN
13 WE HAVE HAD FOUR WITNESSES FROM OUT OF STATE THAT WE --
14 EXCUSE ME SIR
15 THE COURT GO AHEAD
16 MR MURDAUGH FOUR WITNESSES THAT WE HAD
17 SUBPOENAED AND PUT ON OUR WITNESS LIST WHO ARE UNABLE
18 TO COME, BUT ARE GOING TO SEND A SUBSTITUTE I WANT TO
19 TALK WITH THE COURT ABOUT WHETHER OR NOT WE CAN CALL
20 THEM AND PERHAPS IF WE SHOULD ASK THE JURY IF THEY ---
21 THE COURT WE'D HAVE TO POLL THE JURY I'LL HAVE
22 TO HEAR FROM THE OPPOSING SIDE ABOUT THAT
23 MR MURDAUGH YES, SIR
24 THE COURT WE'LL DO THAT WHEN WE BREAK
25 MR ALKEBULANYAHH YOUR HONOR?

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 MR ALKEBULANYAHH I CAN ASK ONE OR TWO QUESTIONS

3 THAT MR MURDAUGH DIDN'T HAVE NO OBJECTION TO, CAN'T I?

4 THE COURT I'M SORRY?

5 MR ALKEBULANYAHH I CAN ASK A COUPLE QUESTIONS

6 THAT HE DID NOT HAVE NO OBJECTIONS TO?

7 THE COURT I'M NOT SURE WHICH QUESTIONS YOU ARE

8 TALKING ABOUT THOSE ARE THE QUESTIONS I TOLD YOU YOU

9 COULD ASK, THE ONES THAT WE WENT OVER

10 MR ALKEBULANYAHH I'M SAYING I ---

11 THE COURT THE REST, I DIDN'T -- THE REST

12 WERE ---

13 MR ALKEBULANYAHH I HAD ASKED THE WITNESS SOME

14 QUESTIONS, BUT THERE WAS -- YOU KNOW, THERE WAS NO

15 OBJECTIONS TO THE QUESTIONS THAT I ASKED

16 THE COURT I'M NOT SURE WHICH QUESTIONS YOU'RE

17 TALKING ABOUT I TOLD YOU LIKE ON THAT ONE WITNESS IS

18 THAT'S ALL YOU COULD ASK, WERE THOSE COUPLE OF

19 QUESTIONS I INDICATED

20 MR MURDAUGH DID YOU RULE ON ARZELL JOHNSON, IF

21 YOUR HONOR, PLEASE HIS TESTIMONY?

22 THE COURT HE'S -- HE ---

23 MR MURDAUGH WAS THE FIRST ONE THIS MORNING

24 THE COURT YEAH I -- THAT ONE -- YEAH, I'M

25 SORRY I SAID THAT THAT WAS NOT ALLOWED

STATE VS ALKEBULANYAHH

1 MR MURDAUGH OKAY, SIR I -- I -- I'M GETTING
2 SHELL-SHOCKED I CAN'T REMEMBER FROM ONE MINUTE TO THE
3 NEXT, SIR, AND I APOLOGIZE TO THE COURT

4 THE COURT YOU CAN ASK THE QUESTIONS THAT THE
5 COURT INDICATED WERE APPROPRIATE ALL RIGHT?

6 MR ALKEBULANYAHH YES, SIR I RECALL -- I WAS
7 SAYING I RECALL THAT I ASKED, YOU KNOW, SOME QUESTIONS
8 THAT THERE WAS NO OBJECTION TO

9 THE COURT WELL, WITH -- WITH ONE OF -- FOR
10 EXAMPLE, ONE OF THE WITNESSES, HE WAITED UNTIL THE END
11 TO MAKE HIS ARGUMENT, SO IF ANY OF THOSE HAVE TO DO
12 WITH -- IF IT'S JUST INTRODUCTORY TYPE OF QUESTIONS,
13 YEAH, YOU CAN ASK IT BUT IF IT'S ANYTHING TO DO WITH
14 THAT ISSUE THAT I SAID YOU CAN'T ASK, THEN YOU CANNOT
15 ASK THEM

16 BRING THE JURY IN PLEASE

17 (THE JURY RETURNS TO THE COURTROOM AT 11 10 A M)

18 THE COURT THANK YOU PLEASE BE SEATED

19 GOOD MORNING, LADIES AND GENTLEMEN

20 JURORS GOOD MORNING

21 THE COURT I'M SORRY FOR THE DELAY, HAD SOME
22 HOUSEKEEPING MATTERS THAT HAD TO BE TAKEN CARE OF
23 WE'RE READY TO PROCEED AT THIS TIME

24 CALL YOUR WITNESS, SIR

25 MR ALKEBULANYAHH TIMOTHY MORGAN

STATE VS ALKEBULANYAHH

1 TIMOTHY MORGAN, BEING FIRST
2 DULY SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.
4 Q MR MORGAN, COULD YOU TELL ME HOW YOU BECAME
5 INVOLVED IN THE JANUARY 8, 2002, INCIDENT IN RELATIONS
6 TO TWO DEPUTIES THAT WAS KILLED?
7 A THE ONLY -- THE ONLY INFORMATION I KNOW WAS -- WAS
8 TOLD TO ME FROM A FRIEND BASICALLY
9 Q AND ---
10 MAN YOU'VE GOT TO SPEAK UP
11 THE COURT CAN YOU PULL THAT MIKE TO YOU SIR?
12 A I MEAN, ALL I KNOW FROM THE INCIDENT IS WHAT MY
13 FRIEND TOLD ME BASICALLY, THAT'S ALL I KNOW
14 Q AND WHO WAS THAT FRIEND?
15 A BOBBY
16 THE COURT WE CAN'T -- YOU'RE GOING TO START ALL
17 OVER AND YOU'RE GOING TO HAVE TO SPEAK UP, SIR, AS LOUD
18 AS YOU CAN PULL THE MIKE CLOSER TO YOU YOU'RE GOING
19 TO HAVE TO SPEAK UP WITHOUT WHISPERING
20 A ALL I KNOW FROM THE INCIDENT IS WHAT MY FRIEND
21 TOLD ME THAT NIGHT, BASICALLY
22 THE COURT CAN YOU ALL HEAR, LADIES AND
23 GENTLEMEN?
24 JURORS (NODS HEAD)
25 THE COURT ALL RIGHT GO AHEAD

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH START OVER?

2 Q MR MORGAN ON JANUARY 8, 2002, IN REFERENCE TO A
3 INCIDENT WITH TWO DEPUTIES BEING KILLED, COULD YOU
4 REPEAT WHAT YOU ---

5 A I JUST SAID?

6 Q YES, SIR

7 A I MEAN, BASICALLY, I JUST -- ONLY WHAT MY FRIEND
8 TOLD ME BASICALLY RATHER THAN THAT, I HAVE NOTHING TO
9 DO WITH WHAT ACTUALLY WENT ON AT THE ACCIDENT

10 Q AND WHO IS THAT FRIEND?

11 A BOBBY

12 Q WOULD THAT BE BOBBY RIGBY?

13 A YES

14 Q DID MR RIGBY TELL YOU HE WAS AT HIS GIRL FRIEND
15 HOUSE ON JANUARY 8, 2002, SIR?

16 A YES

17 Q DID MR RIGBY TELL YOU HE WAS GOING TO BE ON THE
18 NEWS BECAUSE OF HIS INVOLVEMENT WITH THE 21 RILEY ROAD
19 RESIDENCE INCIDENT?

20 A YEAH

21 Q DID MR RIGBY TELL YOU THAT TWO COPS HAD GOT SHOT
22 AND A GUY SHOT IN THE SHOULDER?

23 MR MURDAUGH IF YOUR HONOR, PLEASE, THAT -- I
24 THINK THOSE WERE ---

25 THE COURT I -- I SUSTAIN THAT

STATE VS ALKEBULANYAHH

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

3 MR MURDAUGH I HAVE NO QUESTIONS
4 THE COURT YOU MAY STEP DOWN, SIR
5 (THE WITNESS LEAVES THE WITNESS STAND)
6 THE COURT CALL YOUR NEXT WITNESS

7 MR ALKEBULANYAHH MR -- DEPUTY SANKOWSKI
8 CHRIS SANKOWSKI, BEING
9 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY MR. ALKEBULANYAHH.

11 Q MR SERRATO (SIC), COULD YOU STATE YOUR NAME AND
12 OCCUPATION FOR THE RECORD, SIR?

13 MR MURDAUGH SANKOWSKI

14 Q I'M SORRY MR SANKOWSKI PLEASE FORGIVE ME

15 A I'M MASTER SERGEANT CHRIS SANKOWSKI, EMPLOYED BY
16 THE BEAUFORT COUNTY SHERIFF'S OFFICE

17 Q MR SANKOWSKI, DO YOU RECALL INTERVIEWING A BOBBY
18 RIGBY ABOUT A INCIDENT ON JANUARY 8, 2002, IN REFERENCE
19 TO TWO DEPUTIES BEING KILLED?

20 A YES I WAS PRESENT DURING THAT INTERVIEW

21 Q AND DO YOU RECALL MR RIGBY STATING THAT -- THAT
22 HE WAS IN THAT VICINITY AND THAT HE SAW A FRIEND WHO
23 DRIVES A WHITE VAN WHO GAVE HIM A -- WHO DROVE HIM HOME
24 IN THAT VAN?

25 A YES

STATE VS ALKEBULANYAHH

1 Q MR SERRATO (SIC), DID YOU SO HAPPEN TO INTERVIEW
2 ALSO TIMOTHY MORGAN?

3 A I WAS PRESENT DURING THE INTERVIEW OF TIMMY --
4 TIMOTHY MORGAN ALSO

5 Q DO YOU RECALL MR MORGAN STATING THAT BOBBY RIGBY
6 TOLD HIM THAT HE WAS GOING TO BE ON THE NEWS?

7 A YES

8 Q MR SANKOWSKI, DO YOU RECALL INTERVIEWING A
9 KIMBERLY BLATE (PHONETIC)?

10 A YES

11 Q AND DO YOU RECALL MS BLATE (PHONETIC) -- OR DO
12 YOU RECALL ASKING MS BLATE (PHONETIC) ABOUT A TATTOO
13 THAT THE DEFENDANT IN THIS CASE MR ALKEBULANYAHH,
14 REFERRED TO AS ROBERTS, HAD ON HIM ON HIS BODY?

15 A YES, I DID

16 Q AND DO YOU RECALL MS BLATE (PHONETIC) STATING SHE
17 NEVER SEEN A TATTOO ON MR ALKEBULANYAHH?

18 A YES

19 Q DO YOU RECALL MS BLATE (PHONETIC) EVER STATING
20 THAT SHE NEVER SEEN A GUN IN THE ROOM AT THE 21 RILEY
21 ROAD RESIDENCE?

22 A YES

23 Q AND WHAT WAS HER RESPONSE?

24 MR MURDAUGH YOUR HONOR, PLEASE, THAT QUESTION
25 HAS BEEN ASKED AND ANSWERED, SIR, THAT WERE ALLOWABLE

STATE VS ALKEBULANYAHH

1 THE COURT GO AHEAD I'LL ALLOW IT GO AHEAD
2 Q AND WHAT WAS HER RESPONSE TO YOU ASKING HER HAD
3 SHE EVER SEEN A -- EVER SEEN A GUN INSIDE THE ROOM AT
4 THE 21 RILEY ROAD RESIDENCE?
5 A SHE SAID, NO
6 Q DO YOU RECALL ASKING MS BLATE (PHONETIC) HAD SHE
7 EVER HEARD MR ALKEBULANYAHH ---
8 MR MURDAUGH YOUR HONOR, PLEASE ---
9 Q --- SAY ANYTHING BAD ABOUT THE POLICE?
10 MR MURDAUGH EXCUSE ME, SIR IF YOUR HONOR
11 PLEASE
12 THE COURT HOLD ON
13 MR MURDAUGH MY UNDERSTANDING IS THAT THE FOUR
14 QUESTIONS HAVE BEEN ASKED
15 THE COURT YES SIR I SUSTAIN THAT OBJECTION
16 MR ALKEBULANYAHH YOUR HONOR YOU STATED THAT I
17 CAN ASK THAT QUESTION
18 THE COURT STATE THE QUESTION
19 MR ALKEBULANYAHH DO HE RECALL ASKING MS BLATE
20 (PHONETIC) HAD SHE EVER HEARD MR ALKEBULANYAHH SAY
21 ANYTHING BAD ABOUT THE POLICE?
22 THE COURT YES, I'LL ALLOW THAT QUESTION
23 MR MURDAUGH I'LL -- I WILL NOT OBJECT TO IT,
24 SIR
25 THE COURT GO AHEAD

STATE VS ALKEBULANYAHH

1 Q MR SANKOWSKI AGAIN DO YOU RECALL MS KIMBERLY
2 BLATE (PHONETIC) STATING THAT SHE HAD NEVER, EVER HEARD
3 MR ROBERTS SAY ANYTHING BAD ABOUT THE POLICE?

4 A YES SHE SAID SHE'D NEVER HEARD HIM SAY ANYTHING
5 -- TALK ABOUT THE POLICE

6 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
7 YOUR HONOR

8 THE COURT ANY QUESTIONS?

9 CROSS EXAMINATION BY MR. MURDAUGH.

10 Q SERGEANT SANKOWSKI, WHAT DATE DID YOU INTERVIEW
11 KIMBERLY BLAKE?

12 A JANUARY 8, 2002

13 Q DID YOU REMEMBER THE TIME OF THE DAY THAT YOU
14 INTERVIEWED HER?

15 A NO SIR I DO NOT DOCUMENT THE TIME

16 Q THIS WOULD BE THE STATEMENT THAT SHE GAVE AFTER
17 THE INTERVIEW?

18 A NO, SIR I DID NOT GET A STATEMENT FROM HER I
19 GOT A VERBAL STATEMENT

20 Q PRIOR TO HER WRITING THAT OUT?

21 A YES, SIR

22 Q OKAY AND THAT'S MARKED STATE'S (SIC) EXHIBIT NO
23 5, IS IT NOT?

24 A YES, SIR

25 Q WERE YOU INVOLVED IN GETTING -- WERE YOU INVOLVED

STATE VS ALKEBULANYAHH

1 IN OBTAINING STATEMENTS FROM HER ON THE 11TH -- 10TH OF
2 JANUARY, THE 11TH OF JANUARY, AND ON THE ---

3 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

4 Q --- MARCH 21ST?

5 MR ALKEBULANYAHH HE'S ALREADY STATED THAT HE
6 DIDN'T INTERVIEW HER AFTER THE INITIAL INTERVIEW

7 THE COURT YES SIR I SUSTAIN THAT OBJECTION

8 MR MURDAUGH I HAVE NO QUESTIONS, SIR

9 THE COURT YOU MAY STEP DOWN, SIR

10 (THE WITNESS LEAVES THE WITNESS STAND)

11 THE COURT APPROACH THE SIDE BAR PLEASE

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

14 MR ALKEBULANYAHH DEPUTY SERRATO

15 RICHARD A SERRATO, BEING
16 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION BY MR ALKEBULANYAHH.

18 Q GOOD MORNING, MR SERRATO

19 A GOOD MORNING

20 Q SIR, ON -- COULD YOU STATE YOUR NAME AND
21 OCCUPATION FOR THE RECORD, SIR?

22 A MY NAME IS RICHARD ANTHONY SERRATO I'M A DEPUTY
23 SHERIFF, THE SHERIFF'S OFFICE

24 Q COULD YOU TELL ME HOW YOU BECAME INVOLVED IN THE
25 JANUARY 8, 2002, INCIDENT IN -- IN RELATION TO TWO

STATE VS ALKEBULANYAHH

1 BEAUFORT COUNTY DEPUTIES BEING KILLED?

2 A YES, SIR I'M PART OF THE SWAT TEAM AND
3 TRADITIONALLY WE ALL RESPONDED TO HIGH-RISK CALLS

4 Q AND COULD YOU TELL ME THE ACTIONS THAT YOU TOOK ON
5 THAT PARTICULAR DAY?

6 A ON THAT PARTICULAR DAY, I WAS INVOLVED IN THE
7 SEARCH OF THE AREA, AND ALSO I DID PARTICIPATE IN
8 TRANSPORTING MR RIGBY FROM ONE LOCATION TO ANOTHER
9 LOCATION

10 Q THIS MR RIGBY, COULD YOU TELL ME HOW YOU BECAME
11 FAMILIAR WITH MR RIGBY?

12 A I'M SORRY?

13 Q COULD YOU TELL ME HOW YOU BECAME FAMILIAR WITH MR
14 RIGBY?

15 MR MURDAUGH IF YOUR HONOR, PLEASE, THIS GOES
16 INTO THAT MATTER THAT WE -- THAT I'VE OBJECTED TO, SIR

17 THE COURT YES, SIR I SUSTAIN THAT OBJECTION

18 MR ALKEBULANYAHH 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 THE COURT YOU CAN ASK THAT QUESTION

23 Q MR SERRATO, HOW DID YOUR CONTACT CAME ---

24 THE COURT NO, SIR YOU CAN ASK HIM IF HE EVER
25 TALKED TO HIM OR DID HE MAKE ANY STATEMENTS TO HIM

1 Q MR SERRATO DID YOU EVER TALK TO MR RIGBY?
 2 A NO, SIR
 3 Q DID HE EVER MAKE ANY STATEMENTS TO YOU?
 4 A NO, SIR
 5 Q DID YOU EVER DETAIN MR RIGBY?
 6 MR MURDAUGH YOUR HONOR, PLEASE ---
 7 THE COURT YES, SIR I SUSTAIN THE OBJECTION
 8 ANYTHING FURTHER?
 9 MR ALKEBULANYAHH YES, SIR
 10 THE COURT APPROACH THE SIDE BAR
 11 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,
 12 OUT OF THE HEARING OF THE JURY)
 13 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
 14 THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY WAY
 15 THANK YOU VERY MUCH
 16 ✓ (THE JURY EXITS THE COURTROOM AT 11 31 A M)
 17 THE COURT GO AHEAD AND ASK YOUR QUESTION
 18 PLEASE MAKE SURE THE DOOR GETS CLOSED RIGHT AWAY
 19 GO AHEAD
 20 DIRECT EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.
 21 Q MR SERRATO, DO YOU OWN ANY PETS?
 22 A YES, SIR
 23 MR MURDAUGH IF YOUR HONOR, PLEASE, I OBJECT TO
 24 THAT AS BEING IMMATERIAL, IRRELEVANT
 25 THE COURT WHAT -- WHY IS THAT RELEVANT TO

1 ANYTHING, MR ALKEBULANYAHH, IF HE OWNS ANY PETS?

2 MR ALKEBULANYAHH I WAS GOING TO ASK HIM -- I
3 WAS GOING TO ASK HIM IF HE HAD HIS PET WITH HIM THAT
4 DAY

5 THE COURT IF HE HAD HIS PET WITH HIM THAT DAY?

6 MR ALKEBULANYAHH UH-HUH

7 THE COURT IN THE CAR?

8 MR ALKEBULANYAHH YES

9 WITNESS I DON'T HAVE ANY OBJECTION TO ANSWERING
10 THE QUESTION, YOUR HONOR

11 THE COURT GO AHEAD, SIR

12 A NO, SIR, I DID NOT HAVE ANY PETS IN MY PATROL CAR

13 THE COURT ORDER IN THE COURT PLEASE I DON'T
14 CONDONE ANY REACTION IN MY COURTROOM THANK YOU GO
15 AHEAD AND THAT INCLUDES ALL PARTICIPANTS IN THIS
16 CASE

17 GO AHEAD

18 Q MR SERRATO, COULD YOU TELL ME WHAT YOU DONE ON
19 THAT DAY?

20 A BE MORE SPECIFIC, BEFORE OR AFTER THE INCIDENT?

21 Q AFTER YOU GOT THE CALL CONCERNING THE INCIDENT

22 A RESPONDED TO THE INCIDENT LOCATION AND ASSISTED IN
23 SEARCHING -- SWEEPING THE AREA FOR POSSIBLE SUSPECTS
24 AND WITNESSES, EVENTUALLY DID MAKE CONTACT, AND THERE
25 WERE SOME INTERROGATION DONE BY ONE OF THE

1 INVESTIGATORS AND WHICH I TRANSPORTED MR RIGBY FROM
2 THE RESIDENCE OVER IN THE SHELL POINT AREA BACK OVER TO
3 THE INCIDENT COMMAND POST
4 Q COULD YOU STATE THE REASON THAT YOU TRANSPORTED
5 MR RIGBY?
6 A IT WAS AT THE REQUEST OF ONE OF THE INVESTIGATORS
7 Q AND WAS MR RIGBY ALONE WHEN YOU TRANSPORTED HIM?
8 A YES, SIR
9 Q DO YOU RECALL WHAT LOCATION YOU PICKED MR RIGBY
10 UP?
11 A NO, SIR, I DO NOT
12 Q DID -- DO YOU RECALL WHY MR RIGBY WAS -- DO YOU
13 RECALL WHY MR RIGBY WAS BEING -- BEING PICKED UP?
14 A AS A POTENTIAL WITNESS
15 Q A WITNESS TO WHAT?
16 A THE INCIDENT THAT WE WERE THERE FOR, SIR
17 Q WAS THERE ANY OTHER REASONS THAT MR RIGBY WAS
18 BEING PICKED UP?
19 A NOT TO MY KNOWLEDGE, BUT THEN I DID NOT
20 INTERROGATE HIM OR QUESTION HIM AT ANY POINT
21 Q DID YOU NOTICE ANYTHING ABOUT MR RIGBY WHEN YOU
22 SAW HIM?
23 A NO, SIR
24 Q WAS -- WAS ANY INFORMATION GIVEN TO YOU ABOUT A
25 DESCRIPTION OF MR RIGBY?

STATE VS ALKEBULANYAHH

1 A NOT THAT I RECALL, NO

2 THE COURT HE INDICATED THAT MR RIGBY DID NOT
3 MAKE ANY STATEMENTS TO HIM

4 Q DID YOU TAKE NOTICE THAT MR RIGBY WAS WEARING
5 CLOTHES THAT WAS REPORTED TO HAVE BEEN INVOLVED IN A --
6 AN INCIDENT?

7 A ASK YOUR QUESTION AGAIN, SIR

8 Q DID YOU TAKE NOTICE THAT MR RIGBY WAS WEARING THE
9 SAME CLOTHING DESCRIPTION AS A -- AS A -- OF A REPORT
10 THAT SOMEONE HAD REPORTED TO THE POLICE DEPARTMENT
11 ABOUT A CALL COMING IN FROM SOMEONE?

12 A AS FAR AS A WITNESS OR AS FAR AS A SUSPECT IS
13 CONCERNED?

14 Q AS FAR AS -- DID YOU TAKE NOTICE THAT MR RIGBY --
15 OF THE DESCRIPTION AND THE CLOTHING THAT HE WAS WEARING
16 FITTED A PARTICULAR DESCRIPTION BY A COMPLAINTANT
17 (PHONETIC) ABOUT RIGBY TRYING TO JUMP IN THE BACK OF A
18 TRUCK?

19 A AS FAR AS A WITNESS IS CONCERNED, YES, SIR

20 Q AND WAS THAT THE REASON THAT YOU TOOK NOTICE OF
21 RIGBY AT -- AT -- AT YOUR INITIAL CONTACT?

22 A I RESPONDED AS A BACK-UP OFFICER FOR ANOTHER
23 OFFICER WHO HAD ALREADY MADE CONTACT WITH HIM

24 Q SO MR RIGBY DIDN'T STATE TO YOU THAT HE HAD
25 INFORMATION IN REFERENCE TO A SHOOTING OF OFFICERS, IS

1 THAT CORRECT?

2 A HE DID NOT MAKE THAT STATEMENT TO ME

3 THE COURT HE SAID HE DID NOT MAKE ANY

4 STATEMENTS I'M NOT GOING TO ALLOW ANY QUESTIONS ABOUT

5 SPECIFIC STATEMENTS

6 MR ALKEBULANYAHH WELL, YOUR HONOR ---

7 THE COURT I'M NOT GOING TO ALLOW A QUESTION ON A

8 SPECIFIC STATEMENT IF HE SAID HE DIDN'T MAKE ANY

9 STATEMENTS FIRST AND FOREMOST THERE'S BEEN NOTHING

10 ELSE ADDED TO THIS

11 Q ARE YOU FAMILIAR WITH A KIMA CAREY?

12 A NO, SIR

13 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,

14 YOUR HONOR

15 MR MURDAUGH IF YOUR HONOR, PLEASE, I HAVE A

16 MOTION

17 THE COURT YES, SIR YOUR MOTION?

18 MR MURDAUGH THAT THE TESTIMONY BE EXCLUDED IN

19 ITS ENTIRETY

20 THE COURT ANYTHING YOU'D LIKE TO ---

21 MR ALKEBULANYAHH YES YOUR HONOR I WOULD

22 LIKE ---

23 THE COURT --- SAY FOR THE RECORD?

24 MR ALKEBULANYAHH I WOULD LIKE TO RESERVE THE

25 TESTIMONY ON RECORD BECAUSE IT CONTRADICTS THE

STATE VS ALKEBULANYAHH

1 TESTIMONY OF A OFFICER THAT HAS GIVEN TESTIMONY IN HERE
2 CONCERNING MR SERRATO ACTIONS ON THAT PARTICULAR DAY

3 THE COURT WELL, HOW DOES IT CONTRADICT ANYTHING?

4 MR ALKEBULANYAHH AN OFFICER SAID THAT MR
5 SERRATO -- THAT MR SERRATO HAD -- OR BOBBY RIGBY HAD
6 MADE STATEMENTS TO MR SERRATO AND ---

7 THE COURT WHICH OFFICER SAID THAT?

8 MR ALKEBULANYAHH OFFICER DAVID OTT AND HE
9 FURTHER STATES THAT MR SERRATO HAD NOTICE THAT BOBBY
10 RIGBY WAS WEARING THE CLOTHES AND -- AND WAS -- AND FIT
11 THE DESCRIPTION OF THE MAN THAT TRIED TO JUMP INTO THE
12 BACK OF A WOMAN'S TRUCK OF TRYING TO EVADE THE POLICE

13 THE COURT YES, SIR

14 MR MURDAUGH YOUR HONOR, PLEASE, THAT WOULD BE
15 IMPEACHMENT OF A COLLATERAL ISSUE AND NOT RELEVANT TO
16 THIS CASE SIR AND ADDITIONALLY, ALL IT DOES IS
17 ATTEMPT TO CAST SUSPICION UPON OTHER PEOPLE, SIR IT
18 DOES NOT POINT TO ANYONE'S GUILT AND IT DOES NOT POINT
19 TO HIS INNOCENCE

20 THE COURT I DON'T SEE ANYTHING THAT INDICATES
21 THAT ANOTHER OFFICER SAID THAT MR RIGBY MADE
22 STATEMENTS TO MR SERRATO

23 MR ALKEBULANYAHH WOULD YOU LIKE TO SEE THE
24 REPORT, YOUR HONOR, THAT I HAVE WITH ME?

25 THE COURT IT'S IN A REPORT?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT MAY I SEE THAT? IS THAT IN EVIDENCE?

3 MR ALKEBULANYAHH NOT THAT I KNOW OF YOUR
4 HONOR

5 THE COURT WHERE'S THE REPORT? YOU NEED TO
6 CLARIFY WHEN YOU'RE TALKING ABOUT A REPORT OR WHETHER
7 IT'S SOMETHING IN EVIDENCE WHEN I CHECK OUR NOTES,
8 YOU KNOW, I DON'T SEE ANYTHING, I DON'T KNOW YOU'RE
9 REFERRING TO SOMETHING I'VE NEVER SEEN

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

11 THE COURT WHAT PAGE -- WHERE IS IT AT?

12 MR MURDAUGH IS IT DAVID OTT'S REPORT, SIR?

13 MR ALKEBULANYAHH PAGE -- PAGE 1, SECOND
14 PARAGRAPH, SECOND AND THIRD PARAGRAPH PAGE 1, NOTE 1,
15 SECOND AND THIRD PARAGRAPH IN NOTE 1

16 THE COURT IT SAYS IN HERE THAT A -- SERGEANT
17 SERRATO ANTHONY LOCATED A GROUP OF PEOPLE AT THE AREA
18 OF DOGWOOD DRIVE AND MAGNOLIA DRIVE, AT WHICH TIME HE
19 SPOKE WITH THEM ONE OF THE SUBJECTS THERE, BOBBY
20 RIGBY, STATED TO HIM THAT HE HAD INFORMATION IN REGARD
21 TO THE SHOOTING, THAT HE WAS AT THE INCIDENT LOCATION
22 AT THE TIME OF THE SHOOTING

23 MR ALKEBULANYAHH AND THE FOLLOWING PARAGRAPH

24 THE COURT SERGEANT SERRATO ALSO NOTICED THAT
25 RIGBY WAS WEARING THE SAME CLOTHING DESCRIPTION AS

STATE VS ALKEBULANYAHH

1 REPORTED BY CAREY AT THE DISPATCH BASED UPON THE
2 INFORMATION, RIGBY WAS DETAINED BY SERGEANT SERRATO AND
3 TRANSPORTED TO THE COMMAND POST

4 PASS THAT BACK DOWN TO THE DEFENDANT
5 GO AHEAD AND ASK THE OFFICER -- LET THE OFFICER
6 LOOK AT THE REPORT

7 MR ALKEBULANYAHH MAY I APPROACH, YOUR HONOR?
8 THE COURT YES HE MAY NOT -- BUT GO AHEAD I
9 DON'T KNOW IF YOU ARE FAMILIAR WITH THAT REPORT OR NOT
10 (PAUSE)

11 THE COURT ANY FURTHER QUESTIONS? DOES THE STATE
12 WISH TO BE HEARD ON THAT?

13 MR MURDAUGH YES, SIR THIS IS THE REPORT OF
14 ANOTHER OFFICER

15 THE COURT YES SIR

16 MR MURDAUGH IF -- IF THIS OFFICER ---

17 THE COURT BUT WHAT HE WANTS TO DO IS ASK HIM
18 ABOUT THAT STATEMENT, AND I ASSUME HE WANTS TO RECALL
19 THAT OFFICER BECAUSE HE COULDN'T ASK ABOUT THE
20 STATEMENT ORIGINALLY HE COULD NOT ASK OTT ABOUT THIS
21 OFFICER'S STATEMENT ---

22 MR MURDAUGH NO -- NO QUESTION, SIR

23 THE COURT --- BECAUSE OF YOUR OBJECTIONS ON
24 HEARSAY

25 MR MURDAUGH YOU'RE RIGHT

STATE VS ALKEBULANYAHH

1 THE COURT SO NOW HE'S FOLLOWING THE PROCEDURE
2 HE'S CALLING THIS OFFICER AND ASKING HIM ABOUT THE
3 STATEMENT

4 MR MURDAUGH I -- LET'S SEE WHAT HE -- CAN WE
5 HEAR WHAT HE'S GOT TO ASK?

6 THE COURT YES GO AHEAD AND ASK YOUR QUESTION

7 Q MR SERRATO, AGAIN, DO YOU RECALL MAKING CONTACT
8 WITH MR RIGBY, MR BOBBY RIGBY, AND HE STATING TO YOU
9 THAT HE HAD INFORMATION ABOUT THE OFFICERS AND THAT HE
10 WAS AT THE INCIDENT LOCATION AT THE TIME OF THE
11 SHOOTING?

12 A WHEN I APPROACHED THE HOUSE, HE WAS MAKING SOME
13 STATEMENTS TO ANOTHER OFFICER AS I EXPLAINED TO YOU
14 EARLIER, I RESPONDED AS A BACK-UP OFFICER

15 THE COURT AND THAT'S OFFICER OTT'S REPORT?

16 MR ALKEBULANYAHH YES, SIR

17 THE COURT ALL RIGHT GO AHEAD

18 Q AND DID YOU NOTICE THAT -- THAT IT CAME TO YOUR
19 ATTENTION THAT BOBBY RIGBY WAS WEARING THE SAME
20 CLOTHING AND DESCRIPTION AS REPORTED BY A CAREY TO
21 DISPATCH?

22 THE COURT WELL HE'S ALREADY ANSWERED THAT
23 QUESTION

24 WITNESS I'VE ALREADY ANSWERED THAT QUESTION

25 THE COURT HE'S ALREADY ANSWERED THAT QUESTION

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH RIGHT
2 THE COURT I'LL LET YOU ASK THAT QUESTION
3 MR ALKEBULANYAHH YOU'LL LET ME ASK IT?
4 THE COURT YES YOU'VE ALREADY ASKED THAT WHAT
5 I'M SAYING IS YOU CAN ASK IT IN FRONT OF THE JURY
6 MR ALKEBULANYAHH OKAY AND THEM BASIS (SIC) --
7 THEM -- THEM JUST THE BASIS (SIC) QUESTIONS AS
8 REFERENCE TO HIS ARRIVAL AND YOU KNOW, THEM PARTICULAR
9 QUESTIONS THAT I HAVE, NOT NOTHING ANY FURTHER EXTENT?
10 THE COURT RIGHT IT'S SOME TIMES THE BASIC
11 QUESTIONS THAT GET YOU IN TROUBLE WHAT IS THE --
12 WHAT'S THE BASIC QUESTION? I MEAN ---
13 MR ALKEBULANYAHH NO MORE THAN, AGAIN ---
14 THE COURT I MEAN, AS FAR AS I UNDERSTAND, YOU'VE
15 ALREADY ASKED THE TWO OR THREE QUESTIONS
16 MR ALKEBULANYAHH RIGHT
17 THE COURT ALL RIGHT
18 MR ALKEBULANYAHH AND THAT'S WHAT IT'S REALLY
19 LIMITED TO
20 THE COURT ALL RIGHT
21 ANYTHING FURTHER FROM THE STATE ON THAT?
22 MR MURDAUGH NO, SIR
23 THE COURT ALL RIGHT
24 ARE THERE ANY OTHER WITNESSES ALONG THIS LINE THAT
25 WE NEED TO TAKE UP THEIR QUESTIONS?

STATE VS ALKEBULANYAHH

1 YOU MAY STEP OUT FOR NOW, SIR WELL, HOLD ON
2 THE JURY -- YOU'VE ALREADY -- I FORGOT YOU'VE ALREADY
3 STARTED IN FRONT OF THE JURY

4 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, NOT THAT
5 I KNOW RIGHT NOW I'D LIKE TO SPEAK WITH MY
6 INVESTIGATOR RIGHT QUICKLY AND SEE THAT SHE DISMISS ANY
7 OF THE WITNESSES

8 THE COURT ALL RIGHT THE JURORS' LUNCH IS
9 SUPPOSED TO BE HERE AT NOON DO YOU HAVE ANY OTHER
10 WITNESSES?

11 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

12 THE COURT SO LET ME GO AHEAD AND JUST OUT OF ---

13 MR ALKEBULANYAHH OTHER THAN IF IT -- IT'S GOING
14 TO BE -- IF IT GOING TO BE NECESSARY IN REFERENCE TO ME
15 RECALLING MR OTT TO THE STAND

16 THE COURT NOW, AFTER -- IS THAT IT THOUGH AS FAR
17 AS OFFICER OTT?

18 MR ALKEBULANYAHH YES, SIR YES, SIR

19 THE COURT ALL RIGHT ONCE WE FINISH THIS WITH
20 THIS WITNESS THEN I'M GOING TO TAKE A FEW MINUTES TO
21 GO BACK OVER WITH YOU ABOUT YOUR RIGHTS INSOFAR AS YOUR
22 RIGHT TO TESTIFY OR TO NOT TESTIFY I'M GOING TO GO
23 AHEAD AND PUT ALL THAT THAT I NEED TO PUT ON THE RECORD
24 PROCEDURALLY ABOUT THAT ISSUE

25 THAT WILL BE ABOUT THE TIME THE JURY HAS THEIR

STATE VS ALKEBULANYAHH

1 LUNCH THEY'LL GO TO LUNCH WE'LL COME BACK AND IF
2 YOU'VE MADE THE DECISION TO TESTIFY, WE'LL TAKE THAT
3 TESTIMONY -- THAT -- WELL, WE'LL TAKE OFFICER OTT IF
4 YOU HAVE OFFICER OTT HERE

5 MR ALKEBULANYAHH HE'S NOT HERE

6 THE COURT YOU WILL HAVE TO USE THE LUNCH HOUR
7 TO ---

8 MR ALKEBULANYAHH SHE'S GOING TO MAKE AN ATTEMPT
9 TO CONTACT HIM

10 THE COURT ALL RIGHT
11 BRING THE JURY BACK IN PLEASE

12 MR MURDAUGH OKAY, SIR NOW, ARE WE GOING TO
13 ASK HIM ---

14 THE COURT JUST THOSE SPECIFIC QUESTIONS, NO
15 OTHER QUESTIONS

16 MR MURDAUGH THERE -- THERE HAVE BEEN SOME TIMES
17 A VARIANCE BETWEEN ---

18 THE COURT YEAH JUST THE -- IT SHOULD BE LIKE
19 THREE QUESTIONS

20 MR ALKEBULANYAHH YES YES SIR

21 THE COURT ALL RIGHT

22 MR ALKEBULANYAHH IT'S WITHIN THAT THREE, FOUR
23 QUESTIONS

24 THE COURT BRING THE JURY IN PLEASE

25 MR MURDAUGH THREE OR FOUR? I THOUGHT IT WAS

STATE VS ALKEBULANYAHH

1 THREE SIR? AM I -- AM I MISTAKEN ABOUT THAT?
2 THE COURT WHAT?
3 MR MURDAUGH HE SAID THREE OR FOUR
4 (MR ALKEBULANYAHH THREE TO FOUR -- FOUR
5 QUESTION, YOU KNOW ACCORDING TO HOW I FORM MY WORDS
6 I'M NOT ---
7 THE COURT WELL, YOU BETTER NOT GO BEYOND WHAT
8 I'VE INDICATED
9 MR ALKEBULANYAHH YES, SIR
10 (THE JURY RETURNS TO THE COURTROOM AT 11 50 A M)
11 THE COURT THANK YOU PLEASE BE SEATED
12 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
13 RESUME QUESTIONING OF THIS WITNESS
14 GO AHEAD PLEASE
15 DIRECT EXAMINATION CONTINUED BY MR. ALKEBULANYAHH.
16 Q MR SERRATO, DO YOU RECALL MR BOBBY RIGBY STATING
17 TO YOU THAT -- ABOUT THE INFORMATION HE HAD IN
18 REFERENCE TO THE SHOOTING OF THE OFFICERS AND THAT HE
19 WAS IN THE INCIDENT LOCATION AT THE TIME OF THE
20 SHOOTING?
21 A NO, SIR, HE DID NOT SAY THAT TO ME HE WAS
22 MAKING ---
23 Q DO YOU RECALL THAT -- DO YOU RECALL HEARING HIM
24 STATE THAT?
25 A YES, SIR, HE WAS MAKING A STATEMENT AS I

STATE VS ALKEBULANYAHH

- 1 APPROACHED THE HOUSE, YES
- 2 Q DO YOU REMEMBER WHO HE MADE THAT STATEMENT TO?
- 3 A IT SEEMS TO ME LIKE IT WAS A -- STATE CONSTABLE
- 4 HOLLOWAY WHO WAS AT THE HOUSE ALREADY
- 5 Q DO YOU RECALL COMING UPON A GROUP OF PEOPLE IN A
- 6 AREA AND -- AND NOTICE BOBBY RIGBY WAS WEARING THE
- 7 CLOTHES AND THE CLOTHING DESCRIPTION OF THE -- OF A
- 8 INDIVIDUAL WHO TRIED TO ELUDE POLICE BY JUMPING INTO
- 9 THE BACK OF A PICK-UP TRUCK REPORTED BY MS CAREY?
- 10 A YOU'RE ASKING ME IF I NOTICED HIM AT THE HOUSE?
- 11 Q YES DID YOU NOTICE -- DID YOU -- WHEN YOU --
- 12 WHEN YOU -- WHEN YOU -- WHEN -- WAS IT OCCASION WHEN
- 13 YOU NOTICE HIM THAT HE HAD FITTED THAT -- HE FITTED A
- 14 PARTICULAR DESCRIPTION ---
- 15 A YES
- 16 Q --- THAT WAS REPORTED THROUGH DISPATCH ---
- 17 A YES
- 18 Q --- OF A PERSON THAT TRY TO JUMP INTO THE BACK OF
- 19 A PICK-UP TRUCK?
- 20 A YES
- 21 Q AND BOBBY RIGBY WAS DETAINED AT THAT TIME, IS THAT
- 22 CORRECT?
- 23 A HE WAS BEING SPOKEN TO BY ONE OF THE OFFICERS,
- 24 YES
- 25 Q AND YOU WAS THE ONE WHO TRANSPORTED BOBBY RIGBY TO

1 THE COMMAND POST, IS THAT CORRECT?

2 A YES

3 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,

4 YOUR HONOR

5 MR MURDAUGH I HAVE NO QUESTIONS

6 THE COURT YOU MAY STEP DOWN, SIR THANK YOU

7 THE WITNESS THANK YOU

8 (THE WITNESS LEAVES THE WITNESS STAND)

9 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I

10 KNOW I SHUFFLED YOU IN AND OUT A LITTLE BIT THIS

11 MORNING YOUR LUNCH SHOULD BE HERE MOMENTARILY WE

12 HAVE TO WAIT FOR ANOTHER WITNESS TO GET HERE, SO -- DO

13 YOU HAVE ANOTHER WITNESS HERE?

14 MR ALKEBULANYAHH NO, SIR YOUR HONOR, BUT THE

15 WITNESS WENT ON A TRIP TO THE MOUNTAINS SOMEWHERE

16 THE COURT ALL RIGHT WELL, WE'LL TAKE THAT UP

17 MR MURDAUGH COULD WE PERHAPS GO OVER THOSE LIST

18 OF NAMES THAT I HAD MENTIONED TO YOU EARLIER?

19 THE COURT YES SIR ONCE I LET THE JURY GO

20 MR MURDAUGH WELL WOULDN'T WE HAVE TO ---

21 THE COURT OH APPROACH THE SIDE BAR

22 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

23 OUT OF THE HEARING OF THE JURY)

24 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I'LL

25 SEND YOU BACK TO THE JURY ROOM WE WILL PICK BACK UP

STATE VS ALKEBULANYAHH

1 AT 1 15 DO NOT DISCUSS THIS CASE IN ANY WAY THANK
2 YOU VERY MUCH

3 (THE JURY EXITS THE COURTROOM AT 11 55 A M)

4 THE COURT NOW, I'LL TAKE THAT OTHER MATTER UP
5 AFTER THAT'S BEEN LOOKED INTO I DON'T WANT THAT
6 DISCUSSED ALL RIGHT?

7 MR MURDAUGH YES, SIR

8 THE COURT NOW, JUST IN AN ABUNDANCE OF CAUTION,
9 I KNOW THAT I HAVE TOLD YOU THIS BEFORE, SINCE WE'RE
10 APPROACHING THAT POINT IN THE TRIAL ---

11 MR ALKEBULANYAHH YES, SIR

12 THE COURT --- DO YOU RECALL THAT I INSTRUCTED
13 YOU THAT YOU HAVE A RIGHT TO TESTIFY IN YOUR OWN
14 BEHALF HOWEVER, NO ONE CAN MAKE YOU TESTIFY IF YOU
15 ELECT TO TESTIFY AND YOU HAVE SOME PRIOR RECORD THAT
16 FALLS WITHIN THE COVERAGE OF OUR RULES, WHICH I
17 INDICATED -- I'VE ALREADY PREVIOUSLY RULED THAT THE
18 ARMED ROBBERY WOULD COME IN -- OR THERE'S SOME OTHER
19 BASIS FOR ADMISSION OF SOME RECORD THEN THE SOLICITOR
20 WILL GO -- PRESENT THAT TO THE JURY FOR ITS
21 CONSIDERATION FOR IMPEACHMENT AND POSSIBLY OTHER
22 PURPOSES

23 IF YOU ELECT TO NOT TAKE THE STAND, I WILL CHARGE
24 THE JURY THEY ARE NOT TO GIVE THE FACT THAT YOU DID NOT
25 TESTIFY ANY WEIGHT OR CONSIDERATION WHATSOEVER AND THAT

STATE VS ALKEBULANYAHH

1 THERE IS TO BE NO PREJUDICE TO YOU BECAUSE YOU DID NOT
2 TESTIFY

3 IT WILL BE LEFT ENTIRELY UP TO YOU WHETHER OR NOT
4 YOU TESTIFY YOU MAY TALK WITH YOUR STAND-BY COUNSEL,
5 BUT THE ULTIMATE DECISION WILL BE LEFT UP TO YOU DO
6 YOU UNDERSTAND THAT?

7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
8 THE COURT AND HAVE YOU MADE A DECISION ABOUT
9 THAT?

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
11 THE COURT AND WHAT IS THAT DECISION?

12 MR ALKEBULANYAHH MY INTENTION IS TO TESTIFY,
13 YOUR HONOR

14 THE COURT DO YOU NEED ANY MORE TIME TO DISCUSS
15 THIS?

16 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
17 THE COURT DO YOU NEED TO TALK TO YOUR STAND-BY
18 COUNSEL ABOUT THAT?

19 MR ALKEBULANYAHH NO, SIR, YOUR HONOR NOT ABOUT
20 THE DECISION

21 THE COURT ALL RIGHT NOW, REGARDING THE --
22 WELL, I'LL TAKE THAT MATTER UP LATER ALL RIGHT
23 THANK YOU

24 ANY FURTHER MATTERS?

25 MR MURDAUGH YES, SIR IF YOUR HONOR PLEASE,

STATE VS ALKEBULANYAHH

1 COUNSEL INFORMED ME THAT IT WOULD BE NECESSARY FOR HIM
2 TO QUESTION THE DEFENDANT I UNDERSTAND THE
3 PREDICAMENT THAT HE IS IN IN DOING IT, AND I WILL HAVE
4 NO OBJECTION TO ANY MANNER THAT HE QUESTIONS HIM ---

5 THE COURT OKAY

6 MR MURDAUGH --- IF THAT MAKES SENSE TO YOU,
7 SIR

8 THE COURT AND I ASSUME COUNSEL IS JUST GOING TO
9 DO IT BY WAY OF ASKING THE DEFENDANT IF THERE'S
10 ANYTHING HE WANTS TO SAY ABOUT THIS CASE, I E ,
11 NARRATIVE TYPE OF QUESTIONS

12 MR MURDAUGH COUNSEL DID NOT TELL ME THE WAY HE
13 INTENDED TO DO IT I ONLY TOLD HIM THAT WHATEVER HE
14 DID ---

15 THE COURT ALL RIGHT

16 MR MURDAUGH --- UNLESS THE -- OF COURSE, A
17 QUESTION WAS OBJECTIONABLE I WOULD HAVE NO PROBLEM
18 WITH THE MANNER IN WHICH HE DID IT

19 THE COURT I -- I ANTICIPATE THAT IT WILL BE A
20 TYPE OF NARRATIVE, BECAUSE THAT'S PROBABLY IN LINE WITH
21 YOUR CONSIDERATION ABOUT HOW YOU'VE BEEN HANDLING THIS
22 CASE IS THAT ---

23 MR THORNTON YES

24 MR MURDAUGH AND I'LL HAVE NO OBJECTION TO THAT,
25 SIR

STATE VS ALKEBULANYAHH

1 MR THORNTON THAT IS MY UNDERSTANDING, YOUR
2 HONOR I HAVE TALKED TO MR ALKEBULANYAHH ABOUT IT
3 THE COURT WELL, THAT'S ALL RIGHT YOU DON'T
4 HAVE TO DISCLOSE THAT IF -- AS LONG AS THE STATE HAS
5 NO OBJECTION TO A NARRATIVE FORM OF QUESTION, THEN ---
6 MR THORNTON YES, SIR
7 THE COURT --- THAT WILL BE OKAY
8 WE'LL BE ADJOURNED -- NOW, I HAD A NOTE -- MR
9 YISRAEL ---
10 MR YISRAEL YES
11 THE COURT --- YOU ASKED TO BE HEARD BY THE
12 COURT?
13 MR YISRAEL YES, SIR I HAD TALKED TO THE
14 COMMITTEE ON A NUMBER OF OCCASIONS ---
15 THE COURT COME -- COME UP TO THIS MIDDLE ---
16 MR MURDAUGH IS THIS THAT COLLATERAL MATTER
17 RELATING ---
18 THE COURT NO SIR
19 MR MURDAUGH OH, OKAY STAND RIGHT HERE IN THE
20 MIDDLE OF THE COURTROOM STATE -- STATE YOUR NAME
21 PLEASE
22 MR YISRAEL MY NAME IS SHIMBYEAL (PHONETIC) BEN
23 YISRAEL I HAVE TALKED ---
24 THE COURT SPELL YOUR LAST NAME FOR THE ---
25 MR YISRAEL Y-I-S-R-A-E-L

STATE VS ALKEBULANYAHH

1 THE COURT YOU HAVE -- YOU HAVE REQUESTED THAT
2 YOU ADDRESS THIS COURT?

3 MR YISRAEL YES I WOULD LIKE TO SPEAK TO THE
4 DEFENDANT AND PRESENT TO HIM SOME EVIDENCE THAT I FEEL
5 THAT'S DEFINITELY OF USE TO HIM HE DOESN'T KNOW ABOUT
6 IT I COULD NOT GIVE IT TO HIM PRIOR TO NOW BECAUSE
7 THE WAY THE SYSTEM IS SET UP THE SOLICITOR WOULD HAVE
8 IT

9 BUT I WOULD LIKE TO -- I HAVE TAPE RECORDINGS HERE
10 AND I HAVE DOCUMENTS HERE AND I -- I DON'T WANT TO
11 GET INTO THE DETAILS OF IT, BUT I WOULD LIKE FOR THE
12 DEFENDANT HIMSELF TO -- TO TALK TO HIM AT LEAST 10
13 MINUTES AND LET HIM DECIDE WHETHER IT'S USEFUL TO HIM
14 OR NOT

15 THE COURT TAPE RECORDINGS OF WHAT?

16 MR YISRAEL OF POLICE CORRUPTION THAT WERE GIVEN
17 TO ME BY THE SHERIFF'S DEPARTMENT

18 THE COURT TAPE RECORDINGS THAT WERE GIVEN TO YOU
19 BY THE SHERIFF'S DEPARTMENT?

20 MR YISRAEL YES AND YOU WILL HEAR ---

21 THE COURT DO THEY HAVE ANYTHING TO DO WITH THIS
22 CASE?

23 MR YISRAEL IT WAS -- IT WAS -- JUST LIKE THE
24 SOLICITOR IS GOING TO ASK SOME QUESTIONS ABOUT HIS
25 PAST, OKAY WHEN HE TAKES THE STAND I WANTED TO SHOW

STATE VS ALKEBULANYAHH

1 -- I GOT DEFINITE EVIDENCE OF CORRUPTION OF THE
2 SOLICITOR HIMSELF AND OF SEVERAL BEAUFORT COUNTY
3 DEPUTIES

4 THE COURT WHY IS IT THAT YOU COULD NOT JUST TURN
5 THOSE TAPES OVER TO HIS INVESTIGATORS? HE HAS A -- A
6 TEAM OF INVESTIGATORS

7 MR YISRAEL I GAVE HER ---

8 THE COURT WHY DID YOU NOT JUST TURN IT OVER TO
9 THEM?

10 MR YISRAEL I GAVE HER A NOTE SHE HASN'T
11 RESPOND -- RESPONDED

12 THE COURT ALL RIGHT WELL ---

13 MR YISRAEL BUT I WOULD LIKE TO GIVE IT TO HIM
14 PERSONALLY IT'S RIGHT OVER THERE

15 THE COURT WELL, YOU CAN GIVE IT TO HIS
16 INVESTIGATORS AND HE WILL NOT HAVE A WAY OF LISTENING
17 TO THAT ---

18 MR YISRAEL I HAVE ---

19 THE COURT --- WHILE HE'S BEING DETAINED SO ---

20 MR YISRAEL I HAVE A TAPE RECORDER, YOUR HONOR,
21 THAT I CAN GET AND LET HIM LISTEN TO IT IT -- IT --
22 IT DOESN'T EVEN LAST THAT LONG BUT YOU CAN LET HIM
23 DECIDE PLEASE

24 THE COURT DOES THE STATE WISH TO BE HEARD ON
25 THAT?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR LET'S GET IT OUT IN THE
2 OPEN IF I'M CORRUPT, SIR I WANT EVERYBODY TO KNOW
3 IT

4 THE COURT YES SIR

5 MR ALKEBULANYAHH DO YOU HAVE ANYTHING YOU'D LIKE
6 TO SAY REGARDING THAT?

7 MR ALKEBULANYAHH NO MORE THAN THAT I WOULD LIKE
8 TO VIEW THE INFORMATION THAT HE HAVE

9 THE COURT AND YOU SAY IT'S A VERY SHORT TAPE?

10 MR YISRAEL ONE LASTS FOR ABOUT 2 MINUTES AND
11 ANOTHER ONE LASTS ABOUT 8 MINUTES AND BOTH OF THEM --
12 THE 8-MINUTE ONE IS ON COURT -- IS ON FILE WITH THE
13 COURT I HAVE A COPY OF IT AND THE 2-MINUTE ONE WAS
14 GIVEN TO ME ---

15 THE COURT IS THAT FROM ANOTHER CASE?

16 MR YISRAEL IT SHOWS THE CREDIBILITY OF THE
17 LAW ---

18 THE COURT IS IT FROM ANOTHER CASE?

19 MR YISRAEL YES YES, CIVIL CASES

20 THE COURT ALL RIGHT

21 MR MURDAUGH I HADN'T PRACTICED CIVIL LAW IN 17
22 YEARS BY THE WAY, SIR

23 THE COURT I UNDERSTAND WELL ---

24 MR YISRAEL AND I HAVE -- AND I HAVE A LITTLE
25 TAPE RECORDER I HAVE IT -- I HAVE IT TRANSCRIBED ON

STATE VS ALKEBULANYAHH

1 PAPER AND PLUS I HAVE IT TAPE RECORDED I'D LIKE FOR
2 HIM ---

3 (PAUSE)

4 THE COURT ALL RIGHT THERE BEING NO OBJECTION
5 FROM THE STATE THE DEPUTIES CAN ---

6 MR YISRAEL THERE'S NO WAY I COULD TALK TO HIM
7 PERSONALLY?

8 THE COURT NO YOU CAN TURN THAT OVER TO HIS
9 TEAM AND I WILL LET HIM -- THE CLERK WILL PROVIDE A
10 TAPE RECORDER YOU CAN STAY AT THAT TABLE FOR -- HE
11 SAYS THERE'S ONLY 10 MINUTES -- CAN LISTEN TO THE TAPE

12 MR MURDAUGH IF YOUR HONOR, PLEASE, I WOULD
13 REQUEST ONE OTHER THING I WOULD REQUEST THAT YOU
14 DIRECT THE INVESTIGATORS TO HOLD THOSE TAPES, BECAUSE I
15 WANT THEM, AFTER THEY HAVE HEARD THEM, TURNED OVER TO
16 SLED FOR AN INVESTIGATION

17 THE COURT WELL, I WAS GOING TO GIVE YOU ALL THE
18 OPPORTUNITY TO LISTEN TO THEM

19 MR MURDAUGH YES, SIR

20 THE COURT SO THE -- YOU CAN -- WHO'S GOING TO BE
21 HERE WITH HIM? SLED OR ONE OF YOU ALL WILL BE IN HERE
22 WHILE HE DOES THAT?

23 OFFICER WE'LL HAVE TWO OR THREE DEPUTIES AND A
24 COUPLE OF OTHERS

25 THE COURT ALL RIGHT THEN AFTER THE TAPES ARE

STATE VS ALKEBULANYAHH

1 DONE, IF YOU'LL PUT THEM IN A SEALED ENVELOPE FOR THE
2 COURT ALL RIGHT?

3 MR YISRAEL YOUR HONOR CAN I TALK TO THE -- TO
4 HIS INVESTIGATORS FIRST ---

5 THE COURT YES, SIR YOU COULD TALK TO ---

6 MR YISRAEL --- WITH A TAPE -- WITH A TAPE
7 RECORDER?

8 THE COURT I DON'T -- I DON'T GET INVOLVED WITH
9 WHOMEVER TALKS WITH HIS INVESTIGATORS ALL RIGHT

10 MR YISRAEL NO, I DON'T MEAN THAT I WANT TO ---

11 THE COURT HAVE YOU GOT THE TAPES?

12 MR YISRAEL I HAVE THE TAPES OVER HERE ---

13 THE COURT TURN THEM ---

14 MR YISRAEL --- BUT I WANT TO GET MY TAPE
15 RECORDER AND SHOW IT TO THE INVESTIGATORS

16 THE COURT TURN THEM OVER TO THAT GENTLEMAN OVER
17 THERE, MR WALTON

18 YES, SIR?

19 MR ALKEBULANYAHH I CAN START LUNCH AFTER
20 THE ---

21 THE COURT NO GO AHEAD AND LISTEN TO THIS
22 FIRST

23 MR ALKEBULANYAHH OKAY

24 THE COURT THEN THE -- THE SECURITY WILL CLEAR
25 THE COURTROOM WHILE -- OBVIOUSLY, THIS IS A

STATE VS ALKEBULANYAHH

1 CONFIDENTIAL MATTER FOR THE DEFENDANT NO ONE IS GOING
2 TO BE IN HERE
3 MR MURDAUGH MAY WE LEAVE THEN?
4 THE COURT YES, SIR
5 COURT SHALL BE ADJOURNED UNTIL 1 15 WE MAY HAVE
6 TO GIVE A LITTLE LONGER THAN THAT
7 (COURT IS IN RECESS FOR LUNCH)
8 MR MURDAUGH YOUR HONOR, PLEASE, I ASSUME THAT
9 THEY HAVE HAD THE OPPORTUNITY TO REVIEW THOSE TAPES
10 THE COURT I -- I ASSUME SO I DIDN'T ---
11 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
12 THE COURT I WASN'T IN HERE, SO
13 MR ALKEBULANYAHH YES, SIR
14 MR MURDAUGH MIGHT I REQUEST, SIR THAT UPON THE
15 CONCLUSION OF THIS TRIAL, THAT THE INTEGRITY BE
16 MAINTAINED AND THEY BE TURNED OVER TO SLED
17 THE COURT I HAVE THEM UP HERE I DON'T KNOW IF
18 THERE'S AN ISSUE ABOUT THEM IN THIS CASE OR NOT
19 ALL RIGHT IS YOUR NEXT WITNESS READY?
20 MR ALKEBULANYAHH YES SIR, YOUR HONOR
21 THE COURT ALL RIGHT AND IS THE STATE READY?
22 MR MURDAUGH YES SIR
23 THE COURT NOW, I ASSUME YOU'RE NOT REFERENCING
24 THOSE WITHOUT BRINGING IT TO THE COURT'S ATTENTION?
25 MR ALKEBULANYAHH WHAT, THE TAPES?

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 MR ALKEBULANYAHH NO, SIR

3 THE COURT ALL RIGHT BRING THE JURY IN

4 MR MURDAUGH I -- I DIDN'T HEAR YOU I DIDN'T
5 UNDERSTAND YOUR QUESTION

6 THE COURT I SAID I ASSUME NO ONE IS REFERENCING
7 THE TAPES WITHOUT BRINGING IT TO MY ATTENTION BECAUSE I
8 DON'T KNOW IF THEY'RE EVEN APPLICABLE

9 MR MURDAUGH NOR DO I, SIR

10 THE COURT BRING THEM IN

11 (THE JURY RETURNS TO THE COURTROOM AT 1 32 P M)

12 THE COURT THANK YOU PLEASE BE SEATED

13 ALL RIGHT LADIES AND GENTLEMEN, WE'RE READY TO
14 PROCEED

15 CALL YOUR NEXT WITNESS

16 MR ALKEBULANYAHH THE NEXT WITNESS IS DEFENSE
17 ABDIYYAH BEN ALKEBULANYAHH

18 THE COURT ALL RIGHT COME FORWARD PLEASE

19 MR THORNTON MAY IT PLEASE THE COURT, YOUR
20 HONOR

21 THE COURT YES, SIR

22 MR THORNTON THANK YOU

23 THE COURT PLEASE BE SWORN

24 ABDIYYAH BEN ALKEBULANYAHH,
25 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I AFFIRM

2 DIRECT EXAMINATION BY MR. THORNTON.

3 Q MR ALKEBULANYAHH, PLEASE STATE YOUR NAME AND

4 PLEASE SPELL YOUR LAST NAME FOR THE RECORD

5 A I AM ABDIYYAH BEN ALKEBULANYAHH,

6 A-L-K-E-B-U-L-A-N-Y-A-H-H

7 Q MR ALKEBULANYAHH, IS THERE EVIDENCE THAT YOU WISH

8 TO PRESENT THIS JURY IN THE FORM OF TESTIMONY, SIR?

9 A I DO

10 Q PLEASE PROCEED

11 A ON JANUARY 8, 2002, I HAD LEFT MY RESIDENCE EARLY

12 THAT MORNING AND I HAD BEEN OUT DOING LAUNDRY WITH MY

13 WIFE WE SPENT THE WHOLE AFTERNOON DOING LAUNDRY

14 BECAUSE WE HAD MY LAUNDRY, HER LAUNDRY, AND MY CHILD'S

15 LAUNDRY AND ANOTHER PERSON AT THE RESIDENCE, MS

16 BRENDA SMITH RILEY SOME LAUNDRY THAT WE WAS DOING

17 AND THE LAUNDRY HAD ACCUMULATED GREATLY, SO WE DONE THE

18 LAUNDRY, WASH IT AND FOLD IT UP AND PUT IT ALL

19 TOGETHER

20 AND I STAYED OUT DOING LAUNDRY FROM ABOUT 8 00,

21 9 00 THAT MORNING TO -- I CAME AND RETURNED SOMEWHERE

22 BETWEEN 4 00 AND 4 30 THAT EVENING

23 BUT ABOUT SOMEWHERE BETWEEN 12 00 O'CLOCK AND 3 00

24 O'CLOCK THAT EVENING, A YOUNG LADY THAT HAS MY DAUGHTER

25 OUTSIDE OF MY WIFE, MS KIMBERLY BLATE (PHONETIC), CALL

STATE VS ALKEBULANYAHH

1 AND SHE ASKED ME TO BRING HER SOMETHING TO EAT AND I
2 SAID I WOULD
3 AND SHE CALL BACK AGAIN MAYBE A HALF HOUR OR SO
4 AND TOLD ME THAT HER COUSIN AND ANOTHER GUY WAS AT THE
5 HOUSE AND THEY HAD SOMETHING THAT THEY WANTED TO SEE
6 DID I WANT TO BUY OR PURCHASE FROM HIM
7 AND I ASKED HER HOW DID THEY GET TO MY -- HOW DID
8 THEY KNOW WHERE I STAY? AND SHE STATED THAT MS
9 STRAWBERRY WASHINGTON HAD TOLD HER COUSIN WHERE I WAS
10 -- WHERE I LIVED AT, WHERE I -- WHERE SHE WAS AT
11 SO I TOLD HER, YOU KNOW, YOU DIDN'T BRING THEM IN
12 THE HOUSE OR ANYTHING
13 AND SHE SAID NO
14 SO I TOLD HER THAT I WOULD CALL HER BACK AND LET
15 HER KNOW WHEN WE GET READY TO LEAVE FROM THE LAUNDRY
16 SHE CALLED AGAIN AND ASKED -- SAID THEY HAD CAME
17 BACK BY AND SAID THAT THEY WANT TO KNOW PACIFICALLY
18 (PHONETIC) WHEN I PROBABLY WOULD ARRIVE
19 AND I TOLD HER MAYBE SOMEWHERE ABOUT 3 30, 4 00
20 O CLOCK
21 FROM THERE, I DID -- I CAME IN ABOUT 3 00 OR 4 00
22 AND ONCE I ARRIVED TO THE HOUSE, I TOOK THE LAUNDRY
23 OUT, THROW THE LAUNDRY IN THE TUB, IN THE BATHTUB INTO
24 THE MASTER BEDROOM WHERE ME AND MY WIFE RESIDES AND I
25 TOOK MS BRENDA HER ITEMS THAT WE TOOK TO WASH AT THE

1 LAUNDRY ALSO

2 MY WIFE, SHE GOT IN THE CAR AND SHE LEFT SHE'S A
3 NAIL TECHNICIAN AND SOMEONE WANTED HER TO DO HER A
4 FAVOR ABOUT DOING HER NAILS RIGHT AWAY SO MY WIFE
5 LEFT THE RESIDENCE I WAS AT THE RESIDENCE

6 I INQUIRED TO KIMBERLY ABOUT HER COUSIN AND A GUY
7 NAME BOBBY RIGBY HER COUSIN NAME IS MICHAEL BLATE
8 (PHONETIC)

9 AND SHE SAID THEY HAD LEFT AND THEY WOULD BE RIGHT
10 BACK

11 SO I WENT TO THE REST ROOM AND -- AND THE REST
12 ROOM IN THE REAR -- IN THE REST ROOM ---

13 MR ALKEBULANYAHH YOUR HONOR, MAY I -- THE MODEL
14 -- APPROACH THE MODEL?

15 THE COURT YES, SIR

16 (THE WITNESS STEPS DOWN FROM THE WITNESS STAND)

17 A I LEFT AND I WENT TO THIS REST -- TO THE REST ROOM
18 BACK HERE TO DEFECATE I HAD NOT DONE ANYTHING ELSE,
19 BEEN IN THE HOUSE NO MORE THAN MAYBE 5 TO 10 MINUTES
20 FROM MY ARRIVAL IN THE HOUSE I WENT IN THIS AREA AND
21 I SAT HERE TO DEFECATE

22 I HEARD KNOCKING ON THE DOOR

23 AT THAT TIME, MS KIMBERLY BLATE (PHONETIC), SHE
24 WAS LAYING HERE WITH THE CHILD ON THIS COT RIGHT HERE,
25 JUST LAYING DOWN FACE DOWN WHEN I -- WHEN WE CAME IN

STATE VS ALKEBULANYAHH

1 AND PUT THE LAUNDRY IN THE TUB HERE

2 AND IT -- THIS -- AND THE PICTURES THAT YOU WILL
3 SEE AND EXHIBITS YOU WILL SEE THAT THE TUB IS FULL UP
4 WITH GRAY BAGS FULL OF LAUNDRY

5 I YELL -- I YELLED TO KIMBERLY AND WHEN I HEARD
6 THE KNOCK, I ASKED HER TO ANSWER THE DOOR, WHY WOULDN'T
7 SHE ANSWER THE DOOR, BUT SHE DIDN'T RESPOND THE
8 KNOCKS DECEASE (SIC)

9 I -- I -- I -- I WAS STILL HERE DEFECATING THEN
10 THE KNOCKS CONTINUE AGAIN

11 IT SOUNDED LIKE SOMEONE WAS BEATING ON THE WINDOW
12 BECAUSE THE WINDOW WAS RATTLING AND I YELLED TO
13 KIMBERLY BLATE (PHONETIC), WHICH I USED THE NAME, MAY
14 BECAUSE THAT'S A -- A NICKNAME THAT WE CALL HER, MAY
15 AND I SAY, MAY MAY, ANSWER THE DOOR, YOU KNOW,
16 GET THE DOOR BUT SHE DIDN'T SAY -- SHE DIDN'T SAY
17 ANYTHING AGAIN AND THEN THE KNOCKS DECEASE (SIC)

18 THEN BY THEN ABOUT -- JUST A FEW MINUTES PASSED
19 AFTER THE OFFICER WAS STANDING RIGHT HERE BETWEEN THE
20 FOYER AND HE ASKED ME WHAT WAS MY NAME

21 AND I WAS LOOKING AT HIM BECAUSE HE HAD HIS GUN
22 OUT AND IT WAS POINT -- HE WAS POINTED IN MY FACE

23 AND I SAID, MY NAME IS MINISTER ABDIYYAH BEN
24 ALKEBULANYAHH

25 AND THEN THE OFFICER STATED TO ME, HE SAID, YOU

STATE VS ALKEBULANYAHH

1 LOOK LIKE A TALIBAN
2 AND I DIDN'T SAY ANYTHING
3 AND HE TOLD ME TO GET OFF OF THE TOILET AND I
4 HAD MY PANTS DOWN I PULLED MY PANTS UP AND HE TOLD
5 ME TO PUT MY HANDS ON THE HEAD
6 HE -- HE WAS STANDING RIGHT HERE BETWEEN THIS --
7 THIS AREA OF THE HOME ONCE I PUT MY HANDS UP AND
8 PULLED MY PANTS UP AND I PUT MY HANDS ON MY HEAD -- I
9 HAD MY HANDS LIKE THIS (INDICATING)
10 HE TOLD ME TO BACK UP
11 I BACKED UP I BACKED UP FROM THIS AREA TO HERE
12 AND HE WAS STANDING IN HERE, INSIDE THIS AREA OF THE
13 BATHROOM THEN I TURN AROUND HE -- HE HAD ME BY MY
14 -- BY THE BACK OF MY COLLAR AND MY HAIR A LITTLE BIT
15 RIGHT HERE
16 AND THEN HE TOLD ME TO GO THIS WAY
17 WHEN I GOT RIGHT HERE AND GOT BETWEEN THE DOOR
18 HERE I OBSERVE -- I OBSERVE THE GUY, MICHAEL BLATE
19 (PHONETIC), STANDING RIGHT OVER HERE BY THE DRESSER I
20 OBSERVED BOBBY RIGBY SITTING ON THE COT BED ON THIS
21 CORNER HERE RIGHT ABOUT -- RIGHT ON THE EDGE RIGHT BY
22 THE DOOR, BECAUSE JUST RIGHT BEFORE THE CORNER, THE
23 OFFICER WAS HERE AND HE HAD JUST -- LOOK LIKE HE HAD
24 JUST COME OUT FROM UNDER A PILLOW HERE
25 MR TATE TOLD MR COURSEN TO PAT ME DOWN, TO SHAKE

STATE VS ALKEBULANYAHH

1 ME DOWN SO I WALKED OVER HERE HE POINTED OVER HERE
2 AND I STOOD RIGHT HERE BY THE DOOR AND THE EXIT AND THE
3 DRESSER

4 AND I HAD ASKED MR TATE SEVERAL TIMES TO NOT
5 POINT THE GUN IN MY FACE BECAUSE I HAD MY HAND LIKE
6 THIS (INDICATING) AND I WAS LOOKING LIKE THIS BECAUSE
7 HE HAD THE GUN IN MY FACE AND I JUST COULDN'T LOOK
8 DIRECTLY INTO THE GUN BECAUSE HE HAD THE GUN IN MY
9 FACE

10 AND HE DIDN'T SAY ANYTHING AND THE OTHER OFFICER
11 CAME AND STOOD IN FRONT OF ME HERE, AND HE WAS PATTING
12 ME DOWN RIGHT HERE BY THE DOOR AND AS HE WAS PATTING
13 ME DOWN, THERE WAS A OBJECT FELL IN THIS DIRECTION OVER
14 HERE

15 AND I HAD MADE A ASSUMPTION BECAUSE OVER HERE WAS
16 A STACK OF TAPES THAT WE HAD ATTAINED (SIC) FROM WAL-
17 MART IN THE PACKS BY 8 AND 9 BUT WE HAD LIKE 70 OR 80
18 PACKS BECAUSE WE WAS MAKING TAPES FOR THE CHURCH OF THE
19 MINISTRY THAT I HAD BEEN TEACHING IN MY SERMON AND
20 THEY WAS NEW IT WAS A PACK -- MAYBE FROM 50 TO 70 OF
21 THEM PACKED OVER THERE I ASSUME ONE OF THEM FELL
22 BECAUSE THEY FALL SOMETIME AT NIGHT JUST BECAUSE THE
23 TAPE BE STACKED UP ON IN THERE SLIDE AND I HEARD THE
24 NOISE BEFORE

25 BUT WHEN WE -- WHEN I LOOK, OFFICER TATE FIRED

STATE VS ALKEBULANYAHH

1 WHEN HE FIRED, MR COURSEN WAS PATTING ME DOWN, GOING
2 THROUGH ME LIKE THIS, AND I WAS LIKE THIS AND THE
3 FIRST SHOT HIT OFFICER COURSEN FROM THE BACK OF HIS
4 HEAD BECAUSE MR COURSEN, HE SPIN

5 WHEN THE SHOT HIT HIM, WHEN HE WAS COMING UP AND
6 THE SHOT WENT OFF AND HE SPIN HE FELL OVER THIS WAY
7 TOWARD THE COT WHERE RIGBY WAS

8 RIGBY SLID UP ON THE BED I REALLY DIDN'T PAY TOO
9 MUCH ATTENTION TO HIM, BUT HE SLID BACK UP ON THE BED
10 AND MR COURSEN SLID AND FELL RIGHT WHERE THE AREA IN
11 THE DISPLAY, WHERE THEY SAY THEY FOUND HIS BODY IN THAT
12 PARTICULAR AREA, LEANING AGAINST THE COT BED

13 I TURNED THERE WAS ANOTHER -- THERE WAS -- THERE
14 WAS ABOUT THREE SHOTS I TURNED AND I WAS -- AND I WAS
15 HIT IN THE SHOULDER WHEN I TURNED, I WENT OUT THE
16 DOOR HERE

17 ONCE I WENT OUT THE DOOR, I CAME OUT THE EXIT I
18 WENT THROUGH THE PORCH AND I JUMPED A FENCE IN THE BACK
19 YARD AND THEN THAT'S WHEN I HEARD A LOT OF -- MORE
20 SHOTS

21 THE SHOTS THAT I HEARD, I COULD NOT DIFFERENTIATE
22 THE TYPES OF SHOTS THAT WAS BEING SHOT BUT ONCE I
23 JUMPED THE FENCE IN THE BACK YARD -- I WENT TO CLIMB
24 OVER THE FENCE TO JUMP BUT I REALLY DIDN'T KNOW THE
25 EXTENT OF THE DAMAGE THAT WAS DONE TO ME SO WHEN I

STATE VS ALKEBULANYAHH

1 WENT TO GRAB THE FENCE LIKE THIS TO JUMP, MY SHOULDER
2 GAVE WAY AND I FELL AND WAS HANGING ON THE FENCE
3 BECAUSE MY SHOULDER BONE HAD BEEN SPLATTERED FROM THE
4 SHOT, THE GUNSHOT WOUND, THAT HIT MY -- HIT MY
5 SHOULDER

6 WHEN I FELL, I WENT TO GET UP, BUT I COULDN'T GET
7 UP BECAUSE I COULDN'T PUT PRESSURE ON THE -- ON THE
8 SHOULDER AND I WAS REALLY PANICKING, YOU KNOW, BECAUSE
9 I WAS TRYING TO GET AWAY I DIDN'T KNOW IF THE SHOTS
10 WAS COMING, THERE WAS CONTINUING, YOU KNOW A -- A-- A
11 -- A -- A VARIETY OF SHOOTING OR WHO WAS GOING TO BE
12 SHOOTING

13 BUT AS I RAN OUT THE BACK DOOR AND I LOOKED THIS
14 WAY I SAW OFFICERS' PATROL CAR AND I WAS ASSUMING
15 OFFICERS WAS OUT THERE AND WAS GOING TO CONTINUE TO
16 FIRE AT ME AND THAT'S WHY I WENT OUT THE BACK AND
17 JUMPED OVER THE FENCE

18 ONCE I LANDED ON THE GROUND, I WAS TRYING TO GET
19 UP AND I WENT TO GET UP BUT MY HIP GAVE AWAY AND
20 THAT'S WHERE THE SHOT -- WHERE I HAD BEEN SHOT THROUGH
21 THE HIP

22 I DIDN'T KNOW OR DIDN'T FEEL WHEN I WAS SHOT OR
23 DIDN'T KNOW I WAS HIT IN MY HIP AND I WAS SHOT IN MY
24 HIP I DIDN'T KNOW THAT I DIDN'T KNOW -- I DIDN'T
25 FEEL -- I DON'T -- I DON'T RECALL FEELING ANY PAIN OR

STATE VS ALKEBULANYAHH

1 ANYTHING FROM MY HIP, BUT I JUST FELT THE PAIN IN MY
2 SHOULDER

3 BUT WHEN I WENT TO TRY TO GET UP WITH MY HIP, MY
4 HIP WAS LIKE STUNNED IT WAS LIKE STUNNED AND I
5 LOOKED UP AND MS BLATE (PHONETIC) WAS STANDING AT THE
6 END OF THE -- END OF THE FIELD BETWEEN HER COUSIN'S
7 HOUSE AND WHERE WE LIVED AND SHE WAS WAVING TO ME
8 SAYING, BEN, COME THIS WAY, COME THIS WAY

9 AND I WENT TO GET UP AND I COULDN'T GET UP SHE
10 RAN UP TO ME SHE GOT UP UNDER MY ARM LIFT ME UP WE
11 GOT UP AND I WAS GOING -- WE WAS WALKING REAL SLOW
12 SHE WAS HELPING ME AND THAT'S HOW THE BLOOD GOT ALL
13 OVER HER BODY, FROM HER LIFTING ME UP AND WALKING UP
14 UNDER MY ARM

15 WHEN WE GOT TO HER COUSIN'S HOUSE TO THE BACK YARD
16 WHERE MS MARTHA STAY, THAT'S WHEN HER COUSIN, MICHAEL
17 BLATE (PHONETIC), RAN UP AND I DON'T KNOW WHERE --
18 WHICH WAY HE CAME FROM HE CAME AND HE GOT UP UNDER MY
19 OTHER ARM AND THEY WAS TOTING ME

20 AND WHILE WE WAS GOING, HE THEN TOLD HER, LET THIS
21 FOOL GO HE AIN'T GOING TO MAKE IT AND THEN HE -- HE
22 PULLED OFF AND WHEN HE PULLED OFF, I WAS LIKE ONE-
23 SIDED HOLDING ONTO HER AND THEN SHE BACKED OFF AND
24 SHE STARTED LOOKING AT ME

25 AND THEN THEY RAN AND CROSSED THE STREET I FEEL

STATE VS ALKEBULANYAHH

1 RIGHT WHERE I WAS AT NEXT -- ON THIS SIDE OF MS MARTHA
2 HOUSE I GOT UP FROM MS MARTHA'S HOUSE, AND I START
3 WALKING SLOWLY, STRAIGHT DOWN BROAD RIVER ROAD

4 AND ON THIS MAP ---

5 THE COURT DO YOU NEED AN EASEL?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT CAN YOU LEAN IT ON THAT THING RIGHT
8 THERE LIKE YOU DID BEFORE? LET ME COME DOWN SO I CAN
9 SEE TOO PLEASE

10 (PAUSE)

11 THE COURT LET ME COME DOWN SO I CAN SEE TOO

12 (PAUSE)

13 A THIS IS THE -- THIS IS -- THIS IS OUR HOME ON THE
14 21 RILEY ROAD RESIDENCE -- IT IS IN THE CORNER AND
15 HERE IS THE -- THIS IS OUR HOME I'M SORRY THIS IS
16 THE HOME RIGHT HERE ON 21 RILEY ROAD IN THIS CORNER
17 AND HERE IS KIMBERLY'S -- BLATE'S (PHONETIC) COUSIN'S
18 HOUSE, MARTHA'S HOUSE RIGHT HERE

19 AND I CAME OUT HERE AND THERE'S -- AND THIS IS
20 HIGH GRASS IT'S ABOUT 50 -- 50 YARDS OF HIGH GRASS
21 BETWEEN THAT HOUSE AND THAT HOUSE BETWEEN THEIR YARD

22 KIMBERLY BLATE (PHONETIC) WAS HERE BEHIND THE HIGH
23 GRASS AND HAD TOLD ME -- SHE RUN UP TO ME HERE AND
24 HELPED ME GET -- GET UP -- EXCUSE ME

25 AND THEN WE RAN UP AND WE MADE IT TO MS MARTHA'S

STATE VS ALKEBULANYAHH

1 HOUSE RIGHT HERE AND THEN THAT'S WHEN THEY LEFT ME,
2 RIGHT HERE, AND THEY CROSSED AND WENT ACROSS THE STREET
3 INTO THE WOOD AREA OVER HERE

4 I GOT UP AND I START WALKING, AND I CAME TO BROAD
5 RIVER ROAD AND I WALK STRAIGHT DOWN BROAD RIVER ROAD
6 AND I WAS WALKING VERY SLOW AND MY CLOTHING THAT I
7 HAD -- I HAD ON BLUE JEAN AND A BLACK ARMY JACKET AND
8 I WALKED UP BROAD RIVER ROAD AS I WALK UP THE BROAD
9 RIVER ROAD, THEN THE POLICE START COMING

10 THE COPS START COMING AND WHEN THE COPS COME
11 TOWARD ME, I WAS TURNED AND ACT LIKE I WAS LOOKING TO
12 SEE WHAT WAS GOING ON SO THE MANY OFFICERS JUST KEPT
13 GOING PAST ME AND EACH TIME I WALKED AND I WOULD TURN
14 WHENEVER A OFFICER COME, AND LOOK THIS WAY, AND THEY
15 WOULD GO PAST ME THEY WAS GOING PAST ME

16 I WALKED ALL THE WAY UP BROAD RIVER ROAD I GOT
17 HERE BY THE ELEMENTARY SCHOOL, AND I WALK IN A -- IN A
18 DITCH I WASN'T WALKING IN A ROAD I WALK TOWARD THE
19 DITCH BECAUSE THEY GOT SOME HOMES THAT WAS LINED UP
20 HERE

21 AND I GOT TOWARD BROAD RIVER ROAD AND WHAT I --
22 WHAT I OBSERVE ON BROAD RIVER ROAD BY THE ELEMENTARY
23 SCHOOL, THERE WAS SOME GUYS THAT WAS DOING CONSTRUCTION
24 WORK THERE WAS ABOUT -- I WOULD SAY SOMEWHERE BETWEEN
25 5 AND 10 MEN DOING CONSTRUCTION WORK RIGHT THERE IN

1 THAT AREA

2 AND ONE OF THE GUY -- I STRAIGHTENED UP AND TRIED
3 TO, YOU KNOW KEEP MY WALK AND ONE OF THE GUY ASK ME,
4 SAID, WHAT'S GOING ON?

5 I SAID, I DON'T KNOW I SAID, SOMETHING GOING ON
6 BACK THAT WAY SO THEY KEPT LOOKING IN THE DIRECTION
7 WHERE THE POLICE CARS WAS GOING AND I KEPT GOING

8 AND I CAME ALL THE WAY DOWN TO THE JOE FRAZIER
9 ROAD BRIDGE WHEN I GOT TO THE JOE FRAZIER ROAD
10 BRIDGE, THE OFFICERS -- IT WAS MANY OF THEM THEY WAS
11 COMING SO RAPIDLY SO I WENT DOWN THE EMBANKMENT ON
12 THE OTHER SIDE AND WENT UNDER THE BRIDGE AND I WAS
13 TIRED I WAS EXHAUSTED, AND I WAS WEAK

14 BUT WHEN I WENT TO GO DOWN ON THE EMBANKMENT, I
15 FELL DOWN AND ROLLED DOWN INTO THE WATER THERE WAS A
16 LITTLE PUDDLE OF WATER IN THE MIX DOWN THERE I ALMOST
17 DROWNED IN THAT PARTICULAR AREA I PULLED MYSELF ON
18 THE EMBANKMENT, AND I LAID THERE AND I LAID THERE -- I
19 DON'T KNOW HOW LONG I LAID THERE, FROM SOME TIME

20 THEN OFFICER GREEN, SERGEANT GREEN, CAME DOWN THE
21 EMBANKMENT AND HE -- AND WHEN HE WAS COMING TOWARD
22 THE -- WALKING TOWARD MY DIRECTION, HE -- HE DID NOT
23 HAD MADE OBSERVATION OF ME, BUT I MADE OBSERVATION OF
24 HIM BUT I WAS AFRAID BECAUSE I DIDN'T KNOW, YOU KNOW,
25 WHAT THE CIRCUMSTANCES WERE AND I DID -- I WANTED TO BE

STATE VS ALKEBULANYAHH

1 -- IF -- I WANTED TO BE CAUGHT I WAS WEAK, BUT I
2 DIDN'T WANT TO DIE AND I DIDN'T KNOW TO THE EXTENT OF
3 MY INJURY SO WHEN HE WAS WALKING TOWARD ME, HE WAS
4 WALKING -- HE DID NOT RECOGNIZE -- HE DID NOT KNOW I
5 WAS THERE

6 AND WHEN HE GOT TO A CERTAIN DISTANCE, I -- I
7 STUCK MY HANDS OUT LIKE THIS FAR FROM UNDER THE BRIDGE,
8 BECAUSE I DIDN'T WANT MY HEAD OUT AND DIDN'T WANT HIM
9 TO JUST START SHOOTING ME UNDER THE BRIDGE, BECAUSE I
10 WAS VERY SKEPTICAL ABOUT IF A OFFICER COME UP ON ME,
11 THAT HE MIGHT JUST SHOOT ME AND KILL ME AND IT WOULD BE
12 JUST -- HE WOULD HAVE IT BE -- CALL IT JUSTIFIABLE IF
13 HE JUST SHOT ME INNOCENT LIKE THAT BY THE -- THE
14 CIRCUMSTANCES AND THE THINGS THAT JUST TRANSPIRED

15 SO I STUCK MY HANDS OUT LIKE THIS AS HE STATED IN
16 HIS TESTIMONY, AND I DID SAY -- I SAID, I BEEN HIT I
17 SAID, I BEEN HIT AND I HAD MY HANDS OUT

18 HE SAID, LET ME SEE YOUR HANDS AND MY HANDS WAS
19 ALREADY OUT

20 AND THEN THAT'S WHEN HE PULLED OUT HIS WEAPON
21 AFTER I SAY, I BEEN HIT BECAUSE HE WAS WALKING UP FROM
22 ME HE DIDN'T SEE I SAID I BEEN HIT I BEEN HIT
23 THEN HE PUT THE CUFFS ON ME AND THEN HE -- THEY
24 DRUG ME UP THE HILL AND THEY PUT ME UP ON THE -- ON THE
25 BRIDGE AT THAT TIME

1 BY THE TIME I GOT UP TO THE BRIDGE, HE HAD
2 RELEASED ME

3 I SLIPPED OUT OF HIS HAND AND I CAN'T SAY THAT IT
4 WAS OFFICER GREEN HIMSELF, BUT A OFFICER KICKED ME IN
5 MY FACE AND ANOTHER OFFICER CAME UP AND STUMPED (SIC)
6 AT ME AND SAID, HE KILLED TWO OF OUR GUYS AND THEN I
7 -- AND I KNOW OTHER OFFICER WAS TRYING TO RESTRAIN THEM
8 AT THAT TIME

9 AND I WAS AFRAID, VERY AFRAID AND I WAS WEAK AND
10 I WAS BLEEDING AND I WAS NEVER UNCONSCIOUS I WAS
11 NEVER UNCONSCIOUS, BECAUSE I WAS -- I JUST WOULDN'T
12 RESPOND BECAUSE I WAS AFRAID AND I WAS SCARED AND I WAS
13 LISTENING I DIDN'T KNOW WHAT THEY WAS GOING TO DO OR
14 HOW THEY WAS GOING TO ACT OR WHAT THEY WAS GOING TO LET
15 ME BLEED TO DEATH

16 AND ONE OF THE OFFICERS, HE WENT TO ASKING ME --
17 ASKING ME QUESTIONS ABOUT WHERE'S THE GUN, AND I DIDN'T
18 SAY NOTHING

19 THEN I HEARD ONE OFFICER HE ASKED THE QUESTION
20 AND I HEARD -- HE ANSWER HIS OWN QUESTION, SAY, YOU
21 THREW IT IN THE TREE LINE YOU THREW IT IN THE TREE
22 LINE

23 I DIDN'T SAY NOTHING AND I WAS STILL THERE AND
24 I KNEW THERE WAS RESTRAINING OFFICER I KNEW THEY WAS
25 RESTRAINING THE OFFICER BECAUSE THE OFFICER SAID, YOU

STATE VS ALKEBULANYAHH

1 KNOW HE KILLED ONE OF OUR GUYS, AND HE WAS THE ONE
2 THAT CAME UP WITH STUFF

3 I DIDN'T OPEN MY EYES I DIDN'T WANT TO OPEN MY
4 EYES BECAUSE I DIDN'T WANT THEM TO PERCEIVE THAT I
5 WASN'T UNCONSCIOUS I WAS PRETENDING TO BE UNCONSCIOUS
6 SO THEY WOULD NOT HARM ME OR HARM ME ANY FARTHER (SIC)

7 AND I HEARD A WOMAN'S VOICE AND THE WOMAN'S
8 VOICE WAS LIKE, GET HIM TO A HOSPITAL GET HIM TO THE
9 HOSPITAL AND I RECOGNIZED THAT VOICE, AND IT WAS MY
10 WIFE VOICE AND IT WAS RELIEF TO ME BECAUSE I -- I WAS
11 UNDER THE ASSUMPTION THAT THEY WAS GOING TO LEAVE ME IN
12 THE- ROAD AND JUST BLEED TO DEATH, JUST BLEED TO DEATH,
13 LEAVE ME OUT THERE TO BLEED TO DEATH AND IT WAS MY
14 WIFE VOICE

15 AND I HEARD HER SAY GET HIM TO A HOSPITAL

16 AND I HEARD THEM SAYING SOMETHING IN THE
17 BACKGROUND TO HER GET BACK, MA'AM, GET BACK, GET BACK,
18 MA'AM AND I ASSUMED SHE WAS ON HER WAY BACK TO THE
19 HOUSE OR BACK TO THE HOME THIS IS MY ASSUMPTION UP
20 UNTIL THIS POINT, BECAUSE SHE HEARD ABOUT SOMETHING
21 THAT WAS GOING ON AT THE HOUSE OR SOMETHING WAS WRONG

22 AND THE WAY SHE WAS COMING BACK TO THE HOME IS THE
23 DIRECTION THAT WE LIVE, SO SHE WASN'T COMING TO AID ME
24 SHE WAS COMING TO SEE WHAT WAS GOING ON AND FROM MY
25 UNDERSTANDING, SHE WAS UNDER THE IMPRESSION THAT

STATE VS ALKEBULANYAHH

1 SOMETHING WAS WRONG WITH MS KIMBERLY BLATE (PHONETIC)
2 BABY AND MY CHILD SO SHE WAS COMING BACK

3 SHE THOUGHT IT WAS A EMERGENCY SITUATION WITH THE
4 CHILD BUT UPON HER COMING, SHE SEEN IT WAS ME IN THE
5 MIDDLE OF THE ROAD, THAT THEY HAD PULLED UP TO THE TOP
6 OF THE ROAD AND THAT -- AND THAT IS -- THAT IS WHAT
7 HAPPENED IN REFERENCE TO HOW -- AND HOW I LEFT THE
8 HOUSE AND WHAT REALLY TRANSPIRED

9 AND, AGAIN, I CAME OUT HERE AND I TRIED TO JUMP
10 THE FENCE, AND I FELL OVER ON THE FENCE

11 MS BLATE (PHONETIC) CAME UP TO ME, GOT UP UNDER
12 MY ARM, AND THAT'S HOW SHE COULD NOT EXPLAIN WHY ALL
13 THE BLOOD HAD ACCUMULATE ON HER AND THE MIXTURE OF
14 BLOOD WAS ON HER

15 OF COURSE YOU HEARD HER SAY THAT SHE GRABBED MY
16 NECK WHEN I SAID SOMETHING, I KILLED THOSE TWO WHITE
17 BITCHES AND I'M GOING TO CLAIM IT'S SELF DEFENSE

18 THAT WAS TOTALLY UNTRUE I NEVER SPOKE TO
19 KIMBERLY BLATE (PHONETIC) BUT ONE TIME

20 WHEN WE GOT OUT THE FIELD AND WAS WALKING AND WE
21 WAS THERE, I ONLY SAID THIS TO KIMBERLY I SAID, YOU
22 DONE DONE SOMETHING WRONG YOU DONE DONE SOMETHING
23 WRONG AND BY THE TIME I FINISHED THAT, THAT'S WHEN
24 MICHAEL BLATE (PHONETIC), HER COUSIN, CAME UP TO ME AND
25 GOT UP UNDER ME

STATE VS ALKEBULANYAHH

1 I WAS UNDER THE ASSUMPTION THAT WHAT THEY HAD TO
2 SELL ME WAS SOME FIREARMS OR SOMETHING BECAUSE I HAD
3 ASKED HER WHEN I HAD TALKED TO HER ON THE PHONE WHAT
4 THEY GOT

5 AND SHE WAS LIKE WELL, HE SAY YOU -- WHEN YOU GET
6 HERE HE'LL LET YOU SEE, HE'LL LET YOU KNOW WHAT IT WAS
7 THAT THEY WANTED TO SELL ME

8 I WASN'T INTERESTED IN NO FIREARMS, BUT I WAS
9 WONDERING WAS IT SOMETHING THEY HAD MAYBE LIKE SOME
10 CLOTHES OR SOME BABY THINGS FOR THE BABY OR SOMETHING
11 TO THAT EXTENT

12 -BUT I WASN'T IN THE HOUSE NO MORE THAN 5 MINUTES,
13 AND KIMBERLY BLATE (PHONETIC) HERSELF AND MS RILEY,
14 THEM ONCE I HAND MS RILEY, MS BRENDA SMITH RILEY
15 THE CLOTHES I RETURNED BACK TO THE BEDROOM AND MY WIFE
16 HAD WENT OUT

17 I COULDN'T HAVE BEEN IN THE HOUSE NO MORE THAN 5
18 MINUTES OR 10 MINUTES BETWEEN THE TIME THE OFFICERS
19 KNOCK AND BETWEEN THE SHOOTING STARTED IT WASN'T NO
20 LONG, EXTENDED PERIOD OF TIME I NEVER HEARD THE
21 OFFICERS

22 THE COURT YOU WANT TO GO BACK TO THE STAND?

23 MR ALKEBULANYAHH YES, SIR

24 (WITNESS RETURNS TO THE WITNESS STAND)

25 A I NEVER HEARD ANY OF THE OFFICERS I DID NOT KNOW

STATE VS ALKEBULANYAHH

1 THE OFFICERS WAS THERE

2 AS YOU HEARD THE TESTIMONY OF KIMBERLY BLATE
3 (PHONETIC) WHEN SHE WAS ASKED, DID MR ALKEBULANYAHH
4 KNOW THE OFFICERS THERE? NO I DID NOT KNOW THE
5 OFFICERS WAS THERE I DID NOT KNOW THEY WERE
6 RESPONDING

7 I DID NOT KNOW THERE WAS A PROBLEM, BECAUSE MS
8 BLATE (PHONETIC) ENDED UP IN THE RESIDENCE BECAUSE SHE
9 WAS HAVING PROBLEMS WITH HER FAMILY, AND SHE SAY SHE
10 DID NOT WANT TO BE THERE SO SHE HAD -- I TOLD HER TO
11 SPEAK TO MY WIFE CONCERNING IT BECAUSE SHE DIDN'T WANT
12 TO STAY OVER AT HER MOTHER'S HOUSE AT THAT TIME SO MY
13 WIFE TOLD HER SHE COULD STAY THERE AND -- UNTIL I HELP
14 HER GET HER A APARTMENT

15 SHE SUPPOSED TO BEEN GETTING AN APARTMENT AND
16 WANTED THEM DOWN -- THE DOWN PAYMENT ON THIS APARTMENT,
17 AND THAT'S HOW SHE ENDED UP AT THE RESIDENCE BUT I
18 DIDN'T STAY -- WAS LIVING AT THE RESIDENCE I WAS WITH
19 SOME FRIENDS AND WE JUST COME IN AND OUT OVER THEM
20 COUPLE OF DAYS, AND I BE CHECKING ON THEM AND SEE WHAT
21 MY WIFE WANTED

22 BUT MS BLATE (PHONETIC), I HAD TALKED TO HER HER
23 COUSIN HAD CALLED THAT MORNING WHILE WE WAS AT THE
24 LAUNDRY AND HER NAME IS TERRI NIX (PHONETIC) AND SHE
25 STAY IN SAVANNAH, GEORGIA, RIGHT NOW FROM MY

STATE VS ALKEBULANYAHH

1 UNDERSTANDING AND THAT'S KIMBERLY BLATE'S (PHONETIC)
2 FIRST COUSIN

3 AND I TALKED TO HER THAT MORNING AND I HAVE TOLD
4 HER ABOUT THE SITUATION THAT KIMBERLY BLATE (PHONETIC)
5 WAS GOING THROUGH WITH THE -- WITH THE FAMILY AND
6 EVERYTHING

7 AND SHE WAS SAYING WELL -- WELL, KIMBERLY CAN
8 COME AND STAY WITH ME

9 AND I TOLD HER, WELL, YOU KNOW, I WILL GIVE YOU 4
10 OR \$500 AND YOU -- YOU KNOW, YOU CAN GET THE APARTMENT
11 WITH HER I MEAN, SHE -- YOU SET UP WITH THE
12 APARTMENT

13 SHE SAID, NO SHE GOT -- YOU AIN'T GOT TO PUT UP
14 APARTMENT AND HELP HER GET STARTED, SAID, SHE KNOW SHE
15 CAN COME STAY WITH ME

16 I HAD TALKED TO KIMBERLY ABOUT THAT BEFORE I
17 ARRIVED HOME I ASKED HER WOULD SHE LIKE TO GO STAY
18 WITH HER COUSIN

19 AND SHE SAID, YEAH, YEAH I WANT TO GO STAY WITH
20 -- I -- I WOULDN'T MIND GOING TO STAY WITH MY COUSIN,
21 YEAH

22 IN -- YOU KNOW, I SAY, IN SAVANNAH
23 SHE WAS LIKE YEAH

24 THAT MONDAY PRECEDING THE JANUARY 8 INCIDENT, I
25 HAD THREATENED TO TAKE KIMBERLY BACK TO HER MOTHER'S

STATE VS ALKEBULANYAHH

1 HOUSE, BECAUSE KIMBERLY -- I HAD BEEN SITTING IN THE
2 LIVING ROOM, ME AND SOME FRIENDS, AND WE WAS PLAYING
3 SOME -- SOME GAMES WITH -- NINTENDO PLAY STATION GAMES
4 AND KIMBERLY CAME IN AND SHE SAID -- HAND -- AND
5 SHE HANDED ME THE PHONE AND SAID, STRAWBERRY WASHINGTON
6 AND MY FAMILY, THEY -- THEY ARE BOTHERING ME THEY
7 KEEP BOTHERING ME THEY KEEP CALLING THE PHONE
8 AND I SAID, WHY DON'T YOU JUST CUT THE PHONE OFF,
9 YOU KNOW AND -- AND I DIDN'T ALLOW -- I DIDN'T ALLOW
10 STRAWBERRY THERE I DIDN'T ALLOW THEM PEOPLE AT MY
11 HOUSE AND THE ONLY REASON I DID NOT ALLOW THEM AT MY
12 HOUSE, BECAUSE IT WAS BROUGHT TO MY ATTENTION THAT
13 KIMBERLY BLATE (PHONETIC) WAS TAKING MY DAUGHTER AND
14 LEAVING HER WITH ANY BABYSITTER WHILE HER AND
15 STRAWBERRY WAS GOING BACK AND FORTH TO SAVANNAH TO
16 CLUBS DURING THE WEEKEND AND IT WAS BROUGHT TO MY
17 ATTENTION
18 AND THAT'S HOW I ENDED UP GOING -- LOOKING FOR AND
19 ASKED HER ABOUT, YOU KNOW, LET ME TAKE THE BABY,
20 BECAUSE I DIDN'T WANT THE CHILD TO BE LEFT WITH ANYBODY
21 AT THAT TIME
22 STRAWBERRY WAS VERY ANGRY SHE DID NOT -- SHE WAS
23 ANGRY BECAUSE I TOLD HER SHE COULDN'T COME OUT THERE
24 AND -- AND -- AND SHE WANTED TO COME OUT THERE AND
25 STILL SOCIALIZE WITH KIM

STATE VS ALKEBULANYAHH

1 BUT I TOLD KIM, I DIDN'T WANT HER OUT THERE, I
2 DIDN'T WANT HER, YOU KNOW, WITH HER SHE COULD
3 SOCIALIZE WITH HER AWAY FROM THE HOUSE BECAUSE I HAD --
4 KIMBERLY BLATE (PHONETIC) DURING THAT TIME HAD BEEN TO
5 THE HOUSE MANY TIMES BEFORE IT WASN'T HER FIRST TIME
6 SHE HAD SPENT THE NIGHT OVER THERE JUST LIKE MS
7 -- MS ISAAC AND MR -- MRS ISAAC BRENDA RILEY
8 TESTIFIED SHE HAD BEEN THERE FOR MONTHS, COMING BACK
9 AND FORTH ALL THE TIME
10 I ONLY ASSUMED THAT FOR MS KIMBERLY BLATE
11 (PHONETIC), WHY SHE STATED WHAT SHE STATED AND WHY SHE
12 DIDN'T WANT TO SEE THE OFFICER, BECAUSE SHE KNEW THAT
13 SHE COULD LEAVE ANY TIME SHE WANT TO
14 I HAVE NEVER STRUCK HER AND ACCORDING TO HER
15 TESTIMONY AS SHE SAID YOU KNOW, I HAVEN'T STRUCK HER
16 THAT DAY I'D NEVER HIT HER I'D NEVER HELD HER
17 HOSTAGE OR TOLD SHE -- HER SHE COULDN'T GO HERE OR SHE
18 COULDN'T RETURN BACK TO HER HOME
19 AND AS YOU HEARD HER STATE, WHEN I ASKED HER --
20 WHEN I THREATENED -- SHE SAID I -- WHEN I THREATENED
21 HER, ASKED HER, DIDN'T I THREATEN TO TAKE YOU HOME THE
22 DAY PRECEDING THIS HAPPEN?
23 AND SHE -- SHE SAID YES, AND SHE BEG ME, NO, NO,
24 DON'T TAKE ME BACK JUST GIVE ME A CHANCE I -- I -
25 I'M GOING TO -- I AIN'T -- I'M GOING TO CHILL I'M NOT

STATE VS ALKEBULANYAHH

1 GOING TO BE CONTACTING THEM, BECAUSE I DIDN'T WANT TO
2 HEAR ALL WHAT WAS GOING ON BETWEEN STRAWBERRY AND HER
3 FAMILY AND WHAT THEY WAS TALKING ABOUT

4 I TOLD HER IF SHE WANT TO GO OVER THERE SHE CAN
5 GO IF SHE DIDN T THEN I'LL HELP HER, I'LL GET THE
6 APARTMENT BUT BEFORE THE APARTMENT WAS TO BE GOTTEN
7 THAT FRIDAY HER COUSIN, TERRI NIX CALL AND I TALK TO
8 HER AND SHE SAID THAT SHE CAN GO OVER TO THE HOME OR
9 COME TO SAVANNAH - TO SAVANNAH AND STAY WITH HER

10 BUT IT WAS NEVER NEVER -- AT NO TIME DID I THINK
11 THAT THAT DAY WOULD HAVE TURNED OUT THE WAY THAT DAY
12 TURNED I DID NOT SHOOT OR KILL ANY OFFICER I DID
13 NOT EVEN POSSESS A WEAPON AT MY HOME NOR DID ANY OF
14 THE OTHER OCCUPANTS AT MY HOME POSSESS A WEAPON

15 AND WHEN THESE GUYS -- WHEN THEM GUYS WAS THERE I
16 ONLY ASSUMED THAT THE FIRST KNOCK THAT CAME WAS THE -
17 WAS THEM GUYS AND THEY CAME IN AND THEN THIS -- THEN
18 THE KNOCK THAT I HEARD PRECEDING THAT I WOULD ONLY
19 ASSUME THAT IT WAS THE POLICE OFFICERS WHO HAD CAME AND
20 WAS KNOCKING ON THE DOOR

21 AND BY THAT TIME I ASSUMED THAT MAYBE THEM GUYS
22 WANTED IN BECAUSE THEY SEEN THE POLICE OFFICER COMING
23 UP THE ROAD AND THAT'S WHY KIMBERLY BLATE (PHONETIC)
24 DIDN T WANT TO GO OUT THERE BECAUSE SHE KNEW THE POLICE
25 WAS OUT THERE AND HER COUSIN KNEW THE POLICE WAS OUT

STATE VS ALFEBULANYAHH

1 THERE AND I ONLY ASSUMED THAT THEY KNEW THAT THEY HAD
2 THESE WEAPONS

3 I DIDN'T KNOW IF THEY HAD A WARRANT OR WHATEVER
4 I DIDN'T SEE ANY OF THEM I DIDN'T KNOW ANYTHING TO
5 THAT EXTENT ABOUT WHAT WAS GOING ON, WHY THEY WAS
6 THERE I DIDN'T EVEN SEE THE POLICE KIMBERLY BLATE
7 (PHONETIC) NEVER SAW ME WITH NO WEAPON

8 AND IN THE BEGINNING AS SHE HAD STATED, SHE SAID,
9 WELL HE WAS -- I ASSUME HE WENT TO THE BATHROOM
10 BECAUSE THAT'S WHERE THE LAST TIME THAT I HAD WENT

11 AND WHEN I LEFT KIMBERLY BLATE (PHONETIC) I
12 WASN'T TALKING TO HER SHE WAS LYING DOWN ON THE COT
13 NEXT TO WHERE MR COURSEN WAS FOUND, AND I WENT TO THE
14 BATHROOM AND THAT WAS THE LAST TIME THAT I HAD SEEN
15 KIMBERLY BLATE (PHONETIC) UNTIL I WENT OUT THE DOOR AND
16 JUMPED THE FENCE, AND SHE WAS ON THE OTHER SIDE CALLING
17 ME AND TELLING ME TO COME THIS WAY COME THIS WAY

18 I DID NOT GO ANYWHERE IN THE AREA WHERE THEY SAY
19 THAT -- CROSS THAT BROAD RIVER BRIDGE, OVER IN THE
20 MARSH, OVER OR DOWN ON THE VANITA RAIN (SIC) DRIVE AND
21 DONALDSON COMP (SIC) -- CAMP ROAD DRIVE I'VE NEVER,
22 EVER BEEN IN THAT AREA THE ONLY TIME I EVER BEEN IN
23 THAT AREA WAS I HAVE WALKED IT OVER TO WHERE THEY HAD
24 THE CLUB CALLED THE ASS -- THE ESSAY -- ASSAY CLUB

25 I'VE WALKED OVER IN THAT AREA AND WALKED BACK

STATE VS ALKEBULANYAHH

1 THERE AND LOOKED OVER THE -- OVER THE WATER, WHICH IS
2 JUST A ROAD STRAIGHT DOWN IT'S NOT IN THAT AREA BUT
3 I DIDN'T KNOW NO DIRECTION OVER THERE

4 AND I KNEW THAT IRREGARDLESS OF WHAT THEY HAD SAID
5 OR ANYBODY WAS SAID I KNEW THAT THEY WAS NOT GOING TO
6 FIND, NOT ON ME, NO SHOE IMPRESSION, NO FOOTPRINTS, NO
7 CLOTHING, OR NO ONE WAS GOING TO GIVE A DESCRIPTION OF
8 ME BEING IN THAT AREA BECAUSE I WAS NOT IN THAT AREA
9 IT WAS NOT ME

10 THE ONLY REASON THAT I DID COME FORTH AND TELL THE
11 OFFICERS AND EVERYBODY WHAT HAPPENED BECAUSE WHEN I
12 WOKE UP IN THE HOSPITAL -- I HAD DOZED OFF AND I WOKE
13 UP IN THE HOSPITAL, THEY HAD A CAM -- A T V CAMERA IN
14 THE ROOM AND I LOOKED UP AND I SEEN MY NAME AND I
15 SEEN THE OFFICERS' NAME AND THEY WAS SAYING THE
16 OFFICERS WAS DEAD

17 AND THAT WAS THE FIRST TIME THAT I LEARNED THAT
18 THE TWO OFFICERS WAS KILLED WAS FROM MY HOSPITAL BED,
19 LAYING IN THE BED, WHEN THEY PULLED THESE TUBES OUT OF
20 ME AND I LOOKED UP AND SEEN IT

21 AND FROM THERE, LIEUTENANT BROMAGE AND MR AVANT
22 CAME TO ME AND I DIDN'T WANT TO SPEAK AT ALL TO THEM

23 I DID NOT SPEAK TO THEM AT ALL I DIDN'T I DID
24 NOT EVEN WANT TO TALK TO THEM BECAUSE I KNEW THEY -- I
25 WAS CHARGED WITH TWO COUNTS OF MURDER WHICH I DID NOT

1 COMMIT AND DIDN'T -- HAD NOTHING TO DO WITH IT AND
2 WHEN THEY CAME, I WOULD NOT SPEAK

3 AND THEY COULD -- THEY WAS PERSISTENT ABOUT, SPEAK
4 TO ME, OR WHAT'S GOING ON? WE WANT TO KNOW WHAT THIS
5 HAPPENED WE WANT TO KNOW WHAT THAT HAPPENED

6 I NEVER TOLD THEM, I WANT TO SEE A LAWYER, OR I
7 SHOT TWO PEOPLE, IT WAS SELF DEFENSE OR NONE OF THAT
8 I DID NOT SAY ANYTHING, BECAUSE I KNEW THAT WHATEVER IT
9 WAS, IT WAS VERY SERIOUS AND I COULD NOT UNDERSTAND WHY
10 I WOULD BE CHARGED WITH TWO COUNTS OF MURDER AND NOBODY
11 EVEN THOUGHT TO COME EVEN TALK TO ME OR ASK ME WHAT
12 HAPPENED IN MY RESIDENCE, WHAT HAPPENED TO ME, WHAT
13 REALLY HAPPENED

14 BUT THE CHARGES CAME AND THAT ALARMED ME TO NOT TO
15 SAY ANYTHING OR DO ANYTHING OR TELL THEM WHO WAS THERE
16 AND WHAT HAPPENED AND I WOULD ALONG HAVE TOLD THEM
17 ALL THE PEOPLE THAT WAS INVOLVED IN THIS BUT FRIENDS
18 WAS GET -- WORD WAS GOING AROUND, COMING BACK TO MY
19 FRIENDS SAYING THAT THE BEAUFORT COUNTY LAW ENFORCEMENT
20 OFFICIALS WAS GOING AROUND KNOCKING ON DOORS, TRYING TO
21 FIND ANYBODY WHO KNOW ME, HARASSING THEM, AND DIFFERENT
22 THINGS LIKE THAT

23 SO A LOT OF MY FRIENDS AND PEOPLE THAT I KNEW,
24 SOME OF THEM LEFT TOWN OR THEY DIDN'T -- YOU KNOW,
25 WASN'T ABLE TO SHOW ME ANY SUPPORT OR ANYTHING BECAUSE

STATE VS ALKEBULANYAHH

1 THEY WAS AFRAID BECAUSE IT WAS LIKE A -- A -- LIKE WHAT
2 THEY WOULD SAY, A WITCH HUNT BUT THEY WANTED, YOU
3 KNOW, TO HARASS AND FIND OUT WHO DID WHAT BUT THEY
4 KNEW I WASN'T TALKING TO THEM BECAUSE THEY ALREADY DONE
5 ACCUSED ME AND CHARGED ME WITH TWO COUNTS OF MURDER

6 I WASN'T -- I HAD NEVER BEEN CONCERNED ABOUT THEY
7 TAKING A GUN POWDER TEST ON ME AND MY HAND COMING UP
8 WITH POSITIVE WITH GUN POWDER FIRED A WEAPON I WAS
9 NEVER CONCERNED I NEVER BEEN CONCERNED ABOUT MY HAND
10 BEEN ON A WEAPON OR YOU FINDING FINGERPRINTS ON A
11 WEAPON BECAUSE I NEVER POSSESSED A WEAPON THERE WAS
12 NEVER A WEAPON IN MY HAND I KNEW THAT

13 SO THESE -- THESE THINGS DIDN'T CONCERN ME THEY
14 DIDN'T -- THEY DIDN'T CONCERN ME ABOUT PEOPLE WERE
15 SAYING AND ALL THE ACCUSATIONS THEY WAS SAYING WHAT
16 THEY WAS ACCUSING ME OF, BUT I KNEW THAT THEY WAS
17 MAKING A MONSTER OUT OF ME, SOMEBODY THAT I WASN'T AND
18 SAYING SOMETHING THAT I DID DO THAT I DID NOT DO AND
19 HAD NO PART OF IT AND THAT IS WHAT I HAVE TO SAY
20 ABOUT THAT PARTICULAR INCIDENT

21 AND, AGAIN, AS I SAY, HAVE STATED, THE REASON MY
22 BLOOD IS NOT IN THAT ROOM, ON THAT WALL, ON THAT FLOOR,
23 OR ON THAT CEILING, AND ON THE OUTER EDGE OF THAT DOOR,
24 EXIT DOOR, IS BECAUSE THAT'S WHERE I WAS AT

25 WHEN I GOT SHOT, I DIDN'T HAVE TIME TO BLEED OR GO

STATE VS ALKEBULANYAHH

1 OVER THE ROOM OR WALK OVER THERE AND SHOOT A OFFICER IN
2 THE BATHROOM, OR STAND OVER HERE AND SHOOT THAT'S WHY
3 MY BLOOD AIN'T IN NO CLOSET THAT'S WHY MY BLOOD AIN'T
4 ON NO DRESSER OR ON NO T V OR ON NO FLOOR AND I BEEN
5 SHOT TWICE AND MY BLOOD ONLY ON THE OUTER EDGE OF THAT
6 DOOR THERE, ON THE EXIT DOOR

7 THAT'S WHY, BECAUSE I WASN'T IN THERE I WAS ONLY
8 IN THERE WHEN THE SHOOTING START AND MR CATE (SIC)
9 -- MR TATE SHOT MR COURSEN IN THE BACK OF HIS HEAD
10 BECAUSE HE SPIN AND FELL OVER AND I PUSHED HIM TOO AT
11 THE SAME TIME WHEN HE SHOOT BECAUSE I THOUGHT -- I
12 REALLY DIDN'T REALIZE HE WAS HIT UNTIL HE SAID, OH

13 AND THEN -- AND WHEN HE HIT, HE SPIN AND HE FELL
14 SO EASILY WITH ME GOING TOWARD THE DOOR AT THE SAME
15 TIME, AND HE FELL ON THE COT, AND I SLIPPED OUT THE --
16 I SLIPPED OUT THE BACK DOOR

17 AND THEN BY THE TIME I GOT IN THE YARD ABOUT 20
18 YARDS AWAY -- 20 YARDS OUT THE DOOR PAST THE PORCH
19 THAT'S WHEN I HEARD A VARIETY OF SHOOTING AND IT WAS
20 -- IT WAS -- IT WAS JUST A VARIETY OF SHOOTING JUST
21 POP, POP, POP STOP POP, POP, POP

22 I JUMPED THE FENCE AND WAS LAYING DOWN AND,
23 AGAIN, AS I SAID I THOUGHT A OFFICER WAS SHOOTING AT
24 ME ALSO ONCE I RAN OUT THE DOOR BECAUSE I LOOKED AND I
25 SEEN MORE THAN ONE POLICE CAR LOOK LIKE WAS ON THE

1 SIDE AND I LOOK AND I THOUGHT THAT'S WHERE HE WAS
2 SHOOTING AND WHEN I FELL AND I LOOKED UP AND I AIN'T
3 SEE NO OFFICER STANDING BEHIND NO CAR WHEN I LOOKED UP
4 AND I ONLY SEEN TIMOTHY BLATE (PHONETIC) TELLING ME,
5 RUN THIS WAY RUN THIS WAY RUN THIS WAY

6 AND THAT IS THE CONCLUSION OF WHAT HAPPENED TO ME
7 ON JANUARY 8, 2002, AND THAT'S THE TRUTH AND THAT IS
8 THE FACTS TO THIS PARTICULAR CASE I HAVE NOTHING ELSE
9 FURTHER TO SAY, YOUR HONOR

10 THE COURT ANY ADDITIONAL QUESTIONS?

11 MR MURDAUGH YES, YOU DO, SIR

12 - THE COURT HOLD ON A SECOND ANY -- HOLD ON
13 ANY QUESTIONS?

14 MR THORNTON NONE THAT I AM AWARE OF, YOUR
15 HONOR, OTHER ---

16 MR MURDAUGH I'M SORRY

17 MR THORNTON --- THAN CROSS EXAM, SIR

18 THE COURT ALL RIGHT ALL RIGHT GO AHEAD,
19 PLEASE

20 CROSS EXAMINATION BY MR. MURDAUGH.

21 Q MY UNDERSTANDING IS THAT MICHAEL BLAKE AND BOBBY
22 RIGBY WERE IN THAT ROOM?

23 A YES, SIR

24 Q AND THEY CAME THERE WITH GUNS TELL ME WHAT
25 YOU'RE TALKING ABOUT, SIR?

STATE VS ALKEBULANYAHH

1 A WHEN I SAY I DON'T KNOW IF THEY CAME THERE WITH
2 GUNS -- I DON'T KNOW IF THEY CAME THERE WITH GUNS I
3 SAID I ONLY CAN ASSUME THEY WAS -- I WAS TOLD THAT THEY
4 HAD SOMETHING THAT THEY WANTED ME TO SEE OR -- OR -- OR
5 SELL ME

6 Q I SHOW YOU STATE'S EXHIBIT NO 11 AND ASK YOU IF
7 YOU KNOW ANYTHING ABOUT THIS?

8 A NO, SIR, I DO NOT

9 Q NEVER SEEN IT BEFORE IN YOUR LIFE?

10 A I HAVE NEVER SEEN IT BEFORE IN MY LIFE

11 Q I SHOW YOU STATE'S EXHIBIT NO 12 AND ASK IF
12 YOU'VE EVER SEEN THAT, THE MAGAZINE THAT FITS IN THIS
13 GUN?

14 A I HAVE NEVER SEEN THAT MAGAZINE IN MY LIFE OR THAT
15 GUN

16 Q AND NEVER PUT YOUR HANDS ON EITHER ONE?

17 A I NEVER PUT MY HANDS ON EITHER ONE OF THEM GUN
18 AND IF MR BLATE (PHONETIC) WAS CARRYING THAT GUN AND
19 IF MY HAND WERE TO HAVE TOUCHED THAT GUN, IT WOULD HAVE
20 BEEN WHEN HE WAS HELPING ME WITH MY GUN -- I DID -- I
21 DID NOT PUT MY HANDS ON THE GUN WHILE HE WAS HELPING ME
22 OR I DID NOT SEE HIM WITH A GUN

23 I DID NOT RECOGNIZE HIM OF HAVING A GUN, SO I
24 CAN'T SAY MR BLATE (PHONETIC) -- THAT I RECOGNIZED
25 THAT HE HAD A GUN I WASN'T PAYING ATTENTION TO

STATE VS ALKEBULANYAHH

1 WHETHER MR BLATE (PHONETIC) HAD A GUN OR NOT WHEN THEY
2 WAS HELPING ME

3 Q UNDER YOUR SCENARIO, HOW DID YOUR BLOOD GET ON
4 THAT MAGAZINE AND THAT GUN?

5 A UNDER MY SCENARIO, MY BLOOD EITHER GOT ON THAT GUN
6 BY -- IN DIRECT CONTACT WITH MR BLATE (PHONETIC) AND
7 KIMBERLY BLATE (PHONETIC) HELPING ME UP OFF THE GROUND
8 AND LEADING ME THROUGH THE YARD OR THE BEAUFORT COUNTY
9 SHERIFF DEPARTMENT PUT THAT BLOOD THERE

10 Q OKAY, SIR YOU THINK THAT THE BEAUFORT COUNTY
11 SHERIFF'S DEPARTMENT PLANTED ON YOUR BACK THE FANNY
12 PACK, THE BLACK FANNY PACK, IS THAT CORRECT?

13 A I KNOW -- I KNOW THAT THE BEAUFORT COUNTY SHERIFF
14 DEPARTMENT, THEM, BROUGHT THAT FANNY (SIC) PACK OUT TO
15 WHERE I WAS AT BECAUSE KIMBERLY BLATE (PHONETIC) AND NO
16 ONE ELSE HAS EVER STATED I HAD THAT FANNY (SIC) PACK
17 I DID NOT HAVE THAT FANNY (SIC) PACK AND YOU WOULD
18 NOT FIND NAIL, FINGERPRINT ON NOTHING, NO ITEM IN THAT
19 FANNY PACK THAT BELONGS TO ME OR NO OTHER ITEM IN THERE
20 ON THAT FANNY PACK I HAVE NOT TOUCHED NOT ONE SINGLE
21 ITEM NOT ONE FINGERPRINT OF MINE IS ON ANY OF THEM
22 ITEMS IN THAT FANNY PACK

23 Q BILL GREEN, COLONEL DAVE BROWN, AND MATT AVERILL
24 PLANTED THAT FANNY -- AND ROGER KARR PLANTED THAT FANNY
25 PACK ON YOU, IS THAT WHAT YOU ARE SAYING?

1 A WHAT I'M TELLING YOU IS THAT WHETHER IT WAS A
2 CONSPIRACY OR WHETHER IT WAS THE ACT OF ONE INDIVIDUAL
3 JUST AS THE OFFICER SAID -- MR AVERILL SAID HE CAME UP
4 AND HE SEEN THE KNIFE IN MR KARR'S HAND AND HE DIDN'T
5 KNOW WHETHER THAT KNIFE WAS PUT WITH THAT NEXT TO ME OR
6 JUST THE SAME AS WHEN HE TURNED IN HIS REPORT AND THEN
7 ADDED TO THAT REPORT LATER ON WHEN HE SEND IT TO SLED,
8 TALKING ABOUT A LIGHTER WAS WITH THEM ITEMS

9 Q AND I ASSUME THAT EITHER BILL GREEN, DAVE BROWN,
10 MATT AVERILL OR ROGER KARR PLANTED IN THAT FANNY PACK
11 THE 8 7 62 BULLETS THAT KILLED THESE TWO OFFICERS, IS
12 THAT CORRECT, SIR?

13 A WHAT I'M TELLING YOU IS THIS NOT ONE BULLET
14 SHELL, NOT ONE BULLET CASING FROM THAT HOME, FROM MY
15 HOUSE, FROM THAT FANNY PACK, MY FINGERPRINTS, MY HAND
16 HAS NEVER TOUCHED ANY OF THEM ITEMS

17 Q I ASSUME SIR THAT STATE'S EXHIBIT 102 WHICH IS
18 A BOX, A FULL BOX OF 7 62 ROUNDS, I ASSUME THAT THAT
19 WAS PLANTED IN YOUR HOUSE IS THAT CORRECT?

20 A WHAT I'M TELLING YOU, I DON'T KNOW WHERE ---

21 Q I'M ASKING YOU A QUESTION, SIR

22 A NO, IT WAS NOT ON MY -- IN MY HOUSE THERE WAS NO
23 AMMONITION (PHONETIC), THERE WAS NO GUN IN THE 21 RILEY
24 ROAD RESIDENCE AND IF IT WAS THERE, IT EITHER CAME
25 THERE BY THE -- BY THE -- BY -- BY BLATE (SIC), OR

STATE VS ALKEBULANYAHH

1 RIGBY, OR THE BEAUFORT COUNTY LAW ENFORCEMENT AGENCY
2 THAT'S HOW THAT GOT THERE THERE IS NO DOUBT TO THAT
3 Q THAT BOX OF SHELLS WAS PUT THERE, PLANTED ON YOU,
4 IS THAT WHAT YOU ARE SAYING?

5 THE WITNESS I HAVE ANSWERED THAT QUESTION, YOUR
6 HONOR

7 THE COURT YES, SIR, YOU'VE ANSWERED THAT
8 QUESTION

9 MR MURDAUGH WHAT DID HE SAY, SIR? I HAVE HAD
10 DIFFICULTY UNDERSTANDING HIM SOME TIMES

11 THE COURT GO TO YOUR NEXT QUESTION HE ANSWERED
12 THAT QUESTION, SIR

13 MR MURDAUGH OKAY

14 Q YOU HAVE GIVEN A SEMI-EXPLANATION, SIR, OF HOW
15 YOUR BLOOD COULD HAVE BEEN ON THE MAGAZINE AND THE GUN
16 TELL ME HOW YOUR BLOOD COULD BE ON THE STICK THAT WAS
17 FOUND WHERE THE GUN WAS BURIED IN THE WOODS, THE STICK
18 THAT IS MARKED STATE'S EXHIBIT NO 12?

19 A I WILL TELL YOU THIS WHY IS NOT ANY BLOOD ON THE
20 GROUND, ON THE LEAVES ---

21 Q ANSWER MY QUESTION PLEASE, SIR HOW DID THE BLOOD
22 GET ON THERE IF YOU WEREN'T THERE?

23 A BECAUSE YOUR DEPUTIES PUT IT THERE

24 Q OKAY, SIR SO THE DEPUTIES PLANTED THE BLOOD ON
25 THAT STICK THE LADY THAT SAID THAT YOU TOLD THEM THAT

1 YOU HAD KILLED THESE TWO MEN AND WOULD PUT THEM UNDER,
2 SHE IS A SLUT, IS SHE NOT IN YOUR MIND, SIR?
3 A I DON'T KNOW NOTHING ABOUT HER
4 Q YOU DON'T?
5 A NO, SIR
6 Q YOU DIDN'T ASK HER QUESTIONS THE OTHER DAY?
7 A YES, I DID, BUT ---
8 Q AND DIDN'T YOU ACCUSE HER OF MESSING WITH
9 EVERYBODY IN THE JAILHOUSE?
10 A I ACCUSE HER FOR WHAT I KNOW BECAUSE SHE -- WHAT
11 -- WHAT SHE DONE I DIDN'T ---
12 Q - DIDN'T YOU ACCUSE HER OF DOING THAT, SIR?
13 THE WITNESS I'VE ANSWERED THAT QUESTION, YOUR
14 HONOR
15 THE COURT ANSWER THE QUESTION
16 Q AND THE FELLOW THAT CAME UP AND TESTIFIED THAT YOU
17 SAID I DONE KILLED TWO AND I'LL -- YOU ALL PLAY WITH
18 ME I'LL PUT YOU ALL UNDER HE'S A DRUNK ISN'T HE?
19 A (NO RESPONSE)
20 Q ISN'T THAT WHAT YOU ACCUSED HIM OF, SIR?
21 A IT'S MY BELIEF
22 Q THAT'S WHAT YOU ACCUSED HIM OF?
23 A IT'S MY BELIEF
24 Q PLANTING THE FANNY PACK, PLANTING THE BULLETS IN
25 THE ROOM, PLANTING THE BULLETS IN THE FANNY PACK,

STATE VS ALKEBULANYAHH

1 PLANTING THE BLOOD ON THE -- ON THE STICK? EVERY
2 POLICE THAT YOU COME IN CONTACT OR ANYBODY THAT'S ---

3 THE WITNESS YOUR HONOR ---

4 THE COURT GO ON, LET HIM FINISH HIS STATEMENT

5 Q EVERY POLICE THAT YOU COME IN CONTACT AND WITH
6 EVERY PERSON THAT'S TESTIFIED AGAINST YOU HAS DONE
7 SOMETHING WRONG, HADN'T THEY?

8 A YOU HAVE YOU LIED TO THE JURORS

9 Q TELL ME HOW I'VE LIED TO THIS JURY, SIR?

10 A BECAUSE IN YOUR OPENING ARGUMENTS, YOU TOLD THEM
11 THAT I HAD THE I D OF NZURI BATH ALKEBULANYAHH ON ME
12 WHEN THEY ARREST ME

13 Q THAT'S HOW THEY PUT YOU IN THE HOSPITAL ISN'T IT,
14 SIR, AS NZURI BATH ALKEBULANYAHH, ISN'T THAT CORRECT,
15 SIR?

16 A YOU LIED TO THE JURORS

17 Q EVERYBODY THAT HAS COME IN CONTACT WITH YOU IN
18 LAW ENFORCEMENT -- YOU THINK EVERY LAW ENFORCEMENT
19 OFFICER ---

20 THE WITNESS YOUR HONOR ---

21 THE COURT HOLD ON A SECOND HE NEEDS TO FINISH
22 HIS STATEMENT SO I CAN HEAR IT

23 Q YOU THINK EVERY LAW ENFORCEMENT OFFICER INVOLVED
24 IN THIS CASE IS CORRUPT, DON'T YOU, SIR?

25 A NO, SIR THAT'S FAR FROM MY THOUGHTS

STATE VS ALKEBULANYAHH

1 Q HADN'T YOU ACCUSED ALL OF THEM OF BEING CORRUPT?

2 A NO, SIR

3 Q HADN'T YOU MADE STATEMENTS LIKE THAT IN THIS
4 COURTROOM?

5 A NO, SIR I'VE NEVER SAID ALL OF THEM IS CORRUPT

6 Q MOST OF THEM, SIR?

7 A ALL I CAN TELL YOU, THAT FROM WHAT I KNOW AND
8 BELIEVE -- I'M NOT A INVESTIGATOR I KNOW THAT THEIR
9 CONDUCT WAS INAPPROPRIATE I MAY KNOW THINGS FROM
10 DIFFERENT INDIVIDUALS WHO HAVE HAD EXPERIENCE WITH THE
11 LAW ENFORCEMENT -- EXCUSE ME -- LAW ENFORCEMENT HERE IN
12 BEAUFORT COUNTY

13 I KNOW THAT YOU HAVE LIED I KNOW THAT SOME
14 OFFICERS HAVE WENT OUT OF THEIR WAY TO VILLAINIZE
15 (PHONETIC) ME AND TO PUT THIS CASE ON ME BECAUSE YOU --
16 BECAUSE YOU DIDN'T DO YOUR -- YOU DIDN'T -- THE LAW
17 ENFORCEMENT ALLOW THE PEOPLE POSSIBLE TO KNOW EXACTLY
18 WHO DID THIS SHOOTING LEAVE THAT RESIDENCE OR HAD THEM
19 DETAINED AND THEY DIDN'T DO A THOROUGH INVESTIGATION

20 AND THEY JUST SHUT THE CASE DOWN AND THEY BASED
21 THEIR WHOLE CASE ON ONE INDIVIDUAL, WHICH IS KIMBERLY
22 BLATE (PHONETIC) AND THEY CO -- AND -- AND -- AND IT
23 IS MY BELIEF THAT SHE WOULD NEVER, NEVER HAVE
24 COOPERATED OR -- OR FELT SHE HAD THE RANGE (SIC) TO
25 TELL ALL THE LIES THAT SHE HAD TO TELL TO YOU, THE LAW

STATE VS ALKEBULANYAHH

1 ENFORCEMENT OFFICER, IF SHE DIDN'T BELIEVE THAT THEY
2 WASN'T GOING TO GIVE HER HER BABY BACK OR SHE WOULD BE
3 CHARGED WITH TWO COUNTS OF ACCESSORY TO MURDER LIKE YOU
4 DONE MY WIFE

5 Q SIR, JAKELLE CHAPLIN, WHAT'S WRONG WITH HER?

6 A THERE'S NOTHING WRONG WITH MICHELLA (SIC) CAPLIN
7 (SIC)

8 Q SHE SAW YOU WALKING WITH KIMBERLY BLAKE?

9 A SHE SAW A BLACK MAN WITH A BROWN JACKET WALKING
10 WITH KIMBERLY BLATE (PHONETIC)

11 Q DIDN'T SHE POINT YOU OUT AND SAY YOU'RE THE ONE?

12 A - WHAT SHE SAW, JUST LIKE SHE SAID, AND EVERYBODY
13 ELSE SAW, FROM THE MEDIA, FROM NEWSPAPER, FROM
14 TELEVISION

15 Q CECIL FRANKLIN SAID HE SAW YOU?

16 A AND MR CECIL FRANKLIN, JUST LIKE HE SAID, HE SAW
17 A MAN LIMPING AND DRAGGING HIS LEFT LEG AND BLOOD ON
18 HIS LEFT LEG HE DIDN'T SEE A MAN WITH A INJURY TO HIS
19 SHOULDER OR A MAN WITH A BLACK JACKET OR A MAN THAT HAD
20 BEEN SHOT IN THE RIGHT HIP

21 AND THERE WAS NO BLOOD FOUND BY DIANE BODIE OF THE
22 SLED FORENSIC OF ANY BLOOD ON THE LEFT LEG OR THE LEFT
23 JEAN OF MR ALKEBULANYAHH

24 AND CECIL FRANKLIN SAY THE MAN HE SEEN WAS BLOODY
25 ON THE LEFT LEG AND DRAGGING HIS LEFT LEG

- 1 Q DO YOU HAVE AN INJURY TO YOUR LEFT LEG, SIR?
- 2 A NO, SIR
- 3 Q YES, SIR LET ME ASK YOU THIS MR JAMES
- 4 HOLLOWAY SAW YOU, DID HE NOT?
- 5 A MR JAMES HOLLOWAY SAW A MAN WALKING WITH A BROWN
- 6 JACKET ON I HAVE NEVER HAD A BROWN JACKET ON JUST
- 7 LIKE IN YOUR EVIDENCE DEPARTMENT WHEN THEY DISCOVERED
- 8 ME, AND AS THE G S R MR POWELL TESTIFIED TO WITH THE
- 9 JACKET AND THE SHIRT THAT THEY FOUND ON ME WITH HOLES
- 10 CONSISTENT WITH BULLET WOUNDS WAS A BLACK ARMY JACKET
- 11 Q BRYAN NAGEL SAW YOU, DIDN'T HE, SIR?
- 12 A - AND MR BRYAN NAGEL, HE STATED THAT HE SEEN THE
- 13 SAME INDIVIDUAL WITH BROWN JACKET ON, AS MR HOLLOWAY
- 14 I -- IN YOUR EVIDENCE, WHEN THEY PULL ME OVER AND
- 15 THEY TOOK MY CLOTHING I HAD A BLACK ARMY JACKET, A JET
- 16 BLACK ARMY JACKET AND THAT'S A BIG DIFFERENCE BETWEEN
- 17 A BROWN, A TAN, OR A LIGHT-COLOR JACKET THAT THE PERSON
- 18 THAT WAS WEARING THAT WAS WITH KIMBERLY BLATE
- 19 (PHONETIC) WHO POSSESSED A GUN
- 20 Q MATTHEW CARMON SAID HE SAW YOU, DIDN'T HE?
- 21 A AND MATTHEW CARMON SAID THAT THE PERSON THAT HE
- 22 SAW HAD ON DARK CLOTHING, BLUE OR BLACK
- 23 Q EACH AND EVERY ONE OF THEM LOOKED YOU IN THE EYE
- 24 AND SAID, YOU ARE THE PERSON I SAW DIDN'T THEY, SIR?
- 25 A WITH A IN-COURT IDENTIFICATION ---

STATE VS ALKEBULANYAHH

- 1 Q DIDN'T THEY, SIR?
- 2 A --- THEY DID NOT IDENTIFY ME FROM ME BEING WITH
- 3 KIMBERLY BLATE (PHONETIC) OR IN THE AREA THAT THEY SAY
- 4 THEY SAW MR CARMON, IF HE SAY HE SAW ME, THEN HE SAW
- 5 ME, BECAUSE HE SEEN ME WITH A BLACK JACKET ON, WITH THE
- 6 JACKET I WAS WEARING, WHICH I WAS SHOT IN BUT THEM
- 7 PEOPLE THAT SAID THEY SEEN THE PERSON WITH THE LIGHT
- 8 JACKET, THE WHEAT-COLOR JACKET AND THE TAN JACKET, THEY
- 9 DID NOT SEE ME
- 10 Q DIDN'T THEY LOOK YOU IN THE FACE AND SAID, YOU ARE
- 11 THE PERSON THAT WE SAW?
- 12 A - NO THEY DID NOT THEY SAID THAT IN A ROUND-ABOUT
- 13 -- THEY SAID DO ---
- 14 Q THE PERSON I SAW?
- 15 A WELL, I SAY AGAIN AS I SAID ---
- 16 Q DIDN'T THEY LOOK YOU IN THE FACE AND SAY THAT?
- 17 A NO
- 18 Q THEY DID NOT IN THIS COURTROOM?
- 19 A NO THEY DID NOT SAY THAT ---
- 20 Q OKAY
- 21 A --- AFFIRMATIVE
- 22 Q NOW, LET ME ASK YOU A QUESTION YOU SAID THAT
- 23 WHEN THEY PULLED YOU OUT UNDER THE BRIDGE, THAT THEY
- 24 ASKED YOU QUESTIONS AND YOU SAID NOTHING, IS THAT
- 25 RIGHT?

1 A INDEED

2 Q OKAY, SIR I TELL YOU, SIR, THAT I'M GOING TO ASK
3 YOU THIS QUESTION ONE MORE TIME AND THAT IF YOU ANSWER
4 IT NO, I INTEND TO PUT WITNESSES UP TO REBUT YOUR
5 TESTIMONY

6 A OKAY

7 Q DID YOU TELL THE OFFICERS ANYTHING THAT DAY WHEN
8 THEY PULLED YOU OUT FROM UNDER THE BRIDGE?

9 A I TOLD THE OFFICER -- WHEN MR GREEN WALKED UP ON
10 ME I HAD BEEN HIT I HAD BEEN HIT AND I HAD MY
11 HAND OUT, AND I DID NOT TELL THE OFFICER ANYTHING ELSE
12 Q - YOU DID NOT TELL THEM ANYTHING ABOUT WHERE THE GUN
13 WAS?

14 A NEVER SAID ---

15 Q OKAY, SIR

16 A --- THAT I KNEW ANYTHING ABOUT A GUN BECAUSE I
17 COULDN'T TELL THEM ABOUT A GUN BECAUSE I DID NOT
18 POSSESS OR OWN A GUN OR HAD A GUN WITH ME

19 Q I NEGLECTED TO ASK YOU ABOUT WHAT LIE BRENDA SMITH
20 TOLD SHE SAID YOU WERE THE ONLY ONE IN THAT ROOM WHEN
21 THE OFFICERS WALKED IN THERE, DIDN'T SHE?

22 A NO, SHE DID NOT

23 MR MURDAUGH JUST ONE SECOND, YOUR HONOR,
24 PLEASE

25 (PAUSE)

STATE VS ALKEBULANYAHH

1 Q DID THE OFFICERS AT THE CHARLESTON COUNTY
2 DETENTION CENTER LIE WHEN YOU TOLD THEM, I'VE ALREADY
3 KILLED TWO, I'M LOOKING AT THE DEATH PENALTY?

4 A THEY LIED ON EACH OTHER THEY -- IN THEIR
5 STATEMENT, SOME SAY THEY DID NOT SEE THE OFFICER GRAB
6 ME SOME SAY THEY DID NOT SEE THE OFFICER SLAM ME
7 AGAINST THE WALL ONE OFFICER SAY HE DID GRAB ME
8 OTHERS SAY HE DIDN'T

9 SOME SAID THAT I SAID NOTHING ABOUT I'LL GET THE
10 DEATH PENALTY SOME SAID THAT I SAID I'D GET THE
11 CHAIR OTHER ONE SAY HE'S NEVER HEARD ANYTHING ABOUT
12 ME SAYING I'LL GET A LIFE SENTENCE THEY SAID SO MANY
13 DIFFERENT THINGS I'M SURE EVERYONE HERE WAS HEARING
14 AND LISTENING CORRECTLY, SO

15 Q DID YOU TELL THE OFFICERS AT THE CHARLESTON COUNTY
16 DETENTION CENTER, I KILLED TWO OFFICERS, I'M LOOKING AT
17 THE DEATH PENALTY?

18 A NO

19 Q DID YOU TELL THEM ANYTHING OF THAT NATURE?

20 A NO

21 Q YOU DID NOT TELL THEM, I'M LOOKING AT LIFE?

22 A NO

23 Q YOU DIDN'T TELL THEM, I'M LOOKING AT THE CHAIR?

24 A NO

25 Q YOU DID NOT TELL THEM, I KILLED TWO OFFICERS?

- 1 A NO
- 2 Q ISN'T IT TRUE, SIR -- ISN'T IT TRUE THAT ON
- 3 JANUARY 8, 2002, THAT THOSE OFFICERS CAME TO THE DOOR
- 4 AND BRENDA SMITH INVITED THEM IN?
- 5 A I DON'T KNOW
- 6 Q OKAY, SIR ISN'T IT TRUE THAT AT SOME POINT YOU
- 7 KNEW THE OFFICERS WERE THERE?
- 8 A NO
- 9 Q YOU NEVER LOOKED AT THAT WINDOW AND SAID, I AIN'T
- 10 GOING WITH THEM PEOPLE WHEN THEY COME IN HERE?
- 11 A NO
- 12 Q - OKAY, SIR ISN'T IT TRUE, SIR, THAT KIMBERLY
- 13 BLAKE LEFT THAT ROOM?
- 14 A I ASSUME
- 15 Q YOU DON'T KNOW SIR?
- 16 A SHE WASN'T IN THERE WHEN I CAME OUT THE BATHROOM
- 17 Q OKAY, SIR SO SHE HAD TO HAVE LEFT?
- 18 A I ASSUME
- 19 Q WELL, SHE WASN'T THERE, WAS SHE?
- 20 A I DON'T KNOW WHERE SHE WAS
- 21 Q WAS SHE IN THE ROOM?
- 22 A I DON'T -- DID YOU ASK HER?
- 23 Q WAS SHE IN THE ROOM, SIR?
- 24 A I DIDN'T SEE HER WHEN I CAME OUT OF THE BATHROOM
- 25 Q OKAY SO ISN'T IT TRUE THAT WHEN THOSE OFFICERS

STATE VS ALKEBULANYAHH

1 CAME TO THE DOOR THAT YOU WERE HIDING IN THAT CLOSET,
2 THAT YOU SHOT OFFICER COURSEN BECAUSE HE STILL HAD HIS
3 GUN SNAPPED IN HIS HOLSTER, THAT YOU THEN SHOT THROUGH
4 THE DOOR AND TATE RETURNED ROUNDS AND SHOT THROUGH THAT
5 DOOR, AND THAT YOU FOLLOWED HIM AFTER HITTING HIM,
6 FOLLOWED HIM AROUND AND SHOT INTO THE BATHROOM AND
7 KILLED HIM, SIR?

8 A THAT IS A LIE AND THERE IS NO EVIDENCE TO SUPPORT
9 THAT

10 Q THAT, WE SHALL SEE, SIR

11 MR MURDAUGH I HAVE NO FURTHER QUESTIONS

12 - MR ALKEBULANYAHH MAY I, YOUR HONOR?

13 THE COURT ANYTHING?

14 MR THORNTON UNLESS I CAN ASK, YOUR HONOR MAY
15 IT PLEASE THE COURT?

16 THE COURT YES SIR

17 REDIRECT EXAMINATION BY MR. THORNTON.

18 Q MR ALKEBULANYAHH, DO YOU HAVE ANYTHING ELSE THAT
19 YOU WISH TO TELL THE JURY IN RESPONSE TO THE CROSS
20 EXAMINATION, SIR, OR DO YOU WISH TO COME DOWN?

21 A I HAVE NO MORE THAN TO SAY THAT WHAT THE
22 PROSECUTOR HAS STATED, THAT THERE IS NO FACTS, THERE IS
23 NO EVIDENCE THERE IS NOTHING THAT BEEN SAID FROM ME OR
24 ANYONE TO SUPPORT WHAT THE -- WHAT HE SAY THEY SAID I
25 DID NOT KILL THOSE TWO OFFICERS AND THE EVIDENCE IN

STATE VS ALKEBULANYAHH

1 ITSELF SHOULD SPEAK FOR ITSELF

2 I HAVE A GREAT DEAL OF REMORSE FOR THE FAMILIES
3 AND WHAT HAD TRANSPIRE IN MY HOME THAT THERE IS
4 NOTHING, NOT ONE FINGERPRINT ON NONE OF THE ABUNDANCE
5 OF EVIDENCE ITEMS, KNIVES, BULLETS, SHELL CASINGS OR
6 ANYTHING

7 AND HE STATED ABOUT MY BLOOD BEING ON A STICK, ONE
8 STICK ON THE GROUND, NO BLOOD ON THE GROUND, NO BLOOD
9 ON THE LEAF, NOT EVEN ONE SINGLE SHOE PRINT YOU GOT A
10 MARSH YOU GOT GROUND, AT LEAST ONE SHOE PRINT TO FIT
11 THE DESCRIPTION OF MY SHOE TO SAY THAT I WAS IN WHERE
12 THAT STICK WAS OR I WAS WHERE A GUN WAS OR WHERE -- I
13 WAS -- WHERE THEY SAY I WAS, BECAUSE THE REASON IS
14 BECAUSE IT WAS NEVER THERE THEY DIDN'T FIND ANYTHING
15 TO SUPPORT THEIR ALLEGATIONS AND WHAT THEY SAY ABOUT
16 ME THERE IS NOTHING

17 THE BLOOD WHAT RAIN OUT OF THE SKY AND JUST
18 DROPPED ON THE STICK PERFECTLY WITHOUT HITTING THE
19 GRASS AROUND IT OR HITTING THE LEAVES AROUND IT OR
20 HITTING THE GROUND AROUND IT?

21 WITH THE BLOOD ON THE GUN WITHOUT ANY SHOE PRINT
22 LEADING UP TO A PERSON WALKING UP TO THE GUN? WAS NOT
23 ANY BLOOD AROUND THE GUN WHERE THE LEAVES OR TREES OR
24 BARK AROUND IT WITH NOT -- NOT ONE DROP OF LEAF (SIC),
25 A DROP FALL ON THE GROUND OR A LEAF AROUND A WEAPON,

STATE VS ALKEBULANYAHH

1 NOT EVEN A SHOE PRINT OR ANY BLOOD?

2 AND THEN YOU GOT A WEAPON AND YOU GOT ALL THIS
3 AMMUNITION YOU GOT ALL THESE SHELL CASINGS AND
4 THERE'S NO FINGERPRINTS, NO EVIDENCE OF ME NOWHERE ON
5 ANY OF THEM ITEMS AND THEN I GOT MY BOOTS ON AND THEY
6 SAY THESE PEOPLE, THEY SHOT IN MY ROOM AND BLOOD ON THE
7 WALL, BLOOD ON THE FLOOR, AND BLOOD ON THIS, AND
8 THERE'S NOT ONE DROP OF BLOOD UNDER THE BOTTOM OF MY
9 FEET TO SAY THAT I WAS IN THERE WHEN THEY -- WHEN --
10 WHEN -- WHEN -- WHEN ALL THE BLOOD WAS ALL OVER THAT
11 ROOM, STEPPING IN ANYBODY BLOOD OR EVEN STEPPING IN MY
12 OWN-BLOOD

13 THE ACCUSATIONS AND THE THINGS THEY HAVE ACCUSED
14 ME OF IS WRONG AND IT'S FALSE AND I KNOW THAT HE KNOW
15 THIS I KNOW THAT THEY KNOW THIS AND IT IS NOT TRUE

16 THERE IS NOTHING NOT ONE SINGLE THING NO SHOE
17 PRINT, NO BLOOD UNDER MY SHOES, NO FINGERPRINTS ON NO
18 SHELL CASINGS, NO FINGERPRINTS ON NO GUN, NO DROPPINGS
19 AROUND THE GUN, NO DROPPINGS AROUND THE STICK, NOWHERE
20 IN THAT WHOLE ENTIRE AREA, BECAUSE I NEVER BEEN IN THAT
21 AREA

22 THESE PEOPLE -- IF THESE PEOPLE ARE SO CONFUSED
23 THAT THEY CAN'T UNDERSTAND BETWEEN A MAN WEARING A
24 LIGHT JACKET AND A MAN WEARING A BLACK JACKET? IS THEY
25 SO CONFUSED THAT HE DIDN'T BRING NOBODY UP HERE TO TELL

STATE VS ALKEBULANYAHH

1 THEM THAT MR ALKEBULANYAHH DIDN'T HAVE NO HAIR ON HIS
2 FACE LIKE THE DOCTOR CAME UP HERE AND SPOKE AND SAID
3 THE MAN THAT HE -- THAT BROUGHT -- THEY BROUGHT INTO
4 SURGERY

5 IF -- IF HE'S SO CONFUSED, THIS IS EVIDENCE

6 I ONLY FELT -- WHAT I FELT ABOUT THE OFFICERS
7 BEING THERE BECAUSE OF WHAT I DIDN'T KNOW I DIDN'T
8 KNOW THAT MS BRENDA RILEY HAD COME LATER ON, TWO YEARS
9 LATER, AND SAY THAT THESE OFFICERS CAME IN OR SHE TOLD
10 THEM TO COME IN AND SEARCH IF SHE DID, THAT'S FINE

11 BUT IF THESE OFFICERS WAS THERE TO ASSIST SOMEONE
12 WHO-WAS IN NEED, THAT'S FINE, BECAUSE NOBODY KNOWS WHEN
13 THEY MAY NEED LAW ENFORCEMENT

14 BUT TO ME I DIDN'T KNOW THAT -- THAT THE
15 CIRCUMSTANCES AND THE FACTS THAT SURROUNDED THEM BEING
16 IN THERE I'M ONLY THINKING THEY TRIED TO KILL ME OR
17 ASSASSINATE ME I DIDN'T KNOW THEY WAS THERE FOR
18 KIMBERLY BLATE (PHONETIC) OR BECAUSE OF A ANONYMOUS
19 CALLER DONE CALL I DON'T HAVE NOBODY TELLING ME THIS
20 IS WHY THEY WAS THERE OR WHAT THEY REPORTED

21 KIMBERLY DIDN'T APPEAR TO HAVE NO PROBLEMS NO
22 ONE NEVER TOLD ME SHE HAD A PROBLEM AND EVEN SHE
23 STOOD HERE ON THIS STAND AND SAID THAT I HAD NO
24 KNOWLEDGE THE POLICE WAS COMING OR HAD NO KNOWLEDGE
25 THAT THE POLICE WAS THERE

STATE VS ALKEBULANYAHH

1 SO I DON'T KNOW -- I -- I DON'T HAVE NO
2 UNDERSTANDING OF WHY THIS IS HAPPENING TO ME BUT I
3 GOT TO TRY TO FIGURE THESE THINGS OUT AS I GO, WHILE
4 I'M SUFFERING, GOING THROUGH THE THINGS THAT THEY --
5 THEY -- THEY -- THEY ACCUSING ME OF OR BRINGING TO ME
6 AIN'T NO ONE TELLING ME NOTHING

7 I'M NOT GOING TO SAY, WELL, THESE OFFICERS WAS BAD
8 OFFICERS, OR THIS, THIS IF THEY WAS IN BAD CONDUCT BY
9 THE WAY THEY COMING IN MY HOUSE, I DON'T KNOW THAT
10 BECAUSE I WASN'T OUT THERE WHEN THEY ASKED QUESTIONS
11 I WASN'T OUT THERE TO HEAR WHAT PEOPLE REALLY -- PEOPLE
12 SAID TO THEM I DON'T KNOW I DO NOT KNOW THAT, AND I
13 CANNOT SPEAK FOR THAT

14 BUT I CAN'T SAY THAT I WOULDN'T WANT NO OFFICERS
15 COMING IN MY HOME OR I DON'T WANT NO OFFICERS DOING
16 THIS OR CHECKING OR TRYING TO HELP SOMEONE IF SOMEONE
17 IS IN NEED AND THE PERSON THAT WAS IN NEED WHO'S
18 RESPONSIBLE FOR ALL OF THIS, IF ANYTHING, WAS KIMBERLY
19 BLATE (PHONETIC)

20 EVEN WITH HER OWN WORDS SHE SAY SHE DIDN'T WANT TO
21 SEE THE OFFICER ALL SHE HAD TO DO IF SHE RESPONSIBLE
22 FOR THEM COMING THERE AND SHE GOT THE KNOWLEDGE THAT
23 THEY WAS THERE FOR HER, ALL SHE DO WAS WALK OFF WITH
24 THEM AND GO

25 Q IS THAT ALL SIR?

1 A YES, SIR, THAT WILL BE -- THAT'S ALL
2 MR THORNTON YOUR HONOR, AT THIS TIME THERE'S
3 NOTHING FURTHER I'M AWARE OF UNLESS THE SOLICITOR HAS
4 RECROSS
5 MR MURDAUGH I DO NOT, SIR
6 THE COURT YOU MAY STEP DOWN, SIR
7 (THE WITNESS LEAVES THE WITNESS STAND)
8 THE COURT ANYTHING FURTHER?
9 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, NOT FROM
10 THE DEFENSE
11 THE COURT ALL RIGHT
12 LADIES AND GENTLEMEN, AT THIS STAGE OF THE CASE, I
13 HAVE TO TAKE UP CERTAIN MATTERS PLEASE DO NOT DISCUSS
14 THIS CASE IN ANY WAY WHATSOEVER THANK YOU VERY MUCH
15 (THE JURY EXITS THE COURTROOM AT 2 33 P M)
16 THE COURT PLEASE BE SEATED
17 ANY MOTIONS?
18 MR MURDAUGH IF YOUR HONOR, PLEASE, I WOULD
19 RESPECTFULLY BE ALLOWED TO PUT UP THREE WITNESSES
20 REGARDING THE STATEMENT ABOUT, I THREW THE GUN IN THE
21 WOOD LINE ---
22 THE COURT YES, SIR
23 MR MURDAUGH --- UNDER HARRIS VERSUS NORTH
24 CAROLINA, I THINK THE CITE I'M TRYING TO FIND IT NOW,
25 SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT I STILL THINK I NEED TO
2 TAKE UP MOTIONS SINCE HE IS RESTING

3 MR MURDAUGH OH, OKAY, SIR

4 THE COURT YES, SIR?

5 MR ALKEBULANYAHH YES, YOUR HONOR COULD I HAVE
6 A MOMENT WITH COUNSEL?

7 THE COURT YES SIR

8 (PAUSE)

9 THE COURT READY?

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

11 THE COURT YES, SIR

12 - MR ALKEBULANYAHH I WOULD LIKE TO ASK THE COURT
13 YOUR HONOR, TO RENEW ALL THE MOTIONS AND TO --
14 RECONSIDER THE MOTION ON A DIRECT -- DIRECT A VERDICT
15 FOR LACK OF EVIDENCE

16 THE COURT ANYTHING ELSE?

17 MR ALKEBULANYAHH NO, SIR

18 THE COURT DO YOU WISH TO RESPOND FOR THE RECORD?

19 MR MURDAUGH JUDGE, I DON'T THINK -- UNLESS YOU
20 WOULD SPECIFICALLY LIKE TO HEAR MY FEELINGS ABOUT SOME
21 SPECIFIC ITEM, I DON'T THINK THERE'S A NEED TO -- TO
22 RESPOND, SIR

23 THE COURT BASED ON THAT TESTIMONY JUST NOW, DOES
24 THAT IN ANY WAY NEGATE ANY ARGUMENTS ABOUT IMPROPER
25 ENTRY?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I -- I THINK IT DOES, SIR NO
2 QUESTION ABOUT IT

3 THE COURT ALL RIGHT MR ALKEBULANYAHH, BASED
4 ON YOUR TESTIMONY IN WHICH YOU INDICATED THAT YOU
5 DIDN'T KNOW WHETHER THE OFFICERS WERE ACTING PROPERLY
6 OR NOT OR WHETHER ANYONE CONSENTED, DOES THAT NOT
7 NEGATE ANY ARGUMENTS THAT YOU HAD HAD ABOUT IMPROPER
8 ENTRY WHICH IS THE ONLY EVIDENCE OF RECORD ABSENT
9 THOSE COMMENTS OF YOUR UNCERTAINTY WOULD BE THAT
10 CONSENT WAS GIVEN?

11 MR ALKEBULANYAHH WELL, YOUR HONOR BASED -- I
12 USED THAT BASED ON THE -- BEFORE THIS TRIAL THAT -- AND
13 UP UNTO A COUPLE OF WEEKS BEFORE THE TRIAL THAT THERE
14 WAS NOTHING FROM NUMEROUS INVESTIGATORS OR ANY
15 STATEMENTS BY ANYBODY AT THE RESIDENCE THAT THEY HAD
16 STATED THAT THEY CONSENTED OR GAVE PERMISSION ---

17 THE COURT I'M NOT CRITICIZING YOUR PRETRIAL
18 POSITION WOULD YOU NOW AGREE THAT BECAUSE OF THE
19 NATURE OF YOUR TESTIMONY AND THE UNDISPUTED EVIDENCE IS
20 THAT CONSENT WAS GIVEN, THAT THERE'S NO INDICATION IN
21 THIS RECORD THAT IT WAS NOT AN AUTHORIZED ENTRY?

22 MR ALKEBULANYAHH NO SIR, I -- I DISAGREE WITH
23 THAT BECAUSE CONSENT MAY HAVE BEEN COERCED AND BEEN A
24 COERCED CONSENT

25 THE COURT BUT NO ONE HAS TESTIFIED TO THAT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH EXCUSE ME, SIR
2 THE COURT NO ONE HAS TESTIFIED TO THAT
3 MR ALKEBULANYAHH NOR DID THEY STATE IT TO THE
4 LIMIT OF THAT CONSENT, YOU KNOW, BECAUSE TO MY
5 UNDERSTANDING, I KNOW THE CONSENT ALSO HAS A LIMITATION
6 AS A SEARCH WARRANT IN ITSELF DOES WHEN IT'S PASSED
7 DOWN BY A JUDGE
8 THE COURT ALL RIGHT I DENY YOUR PREVIOUS
9 MOTIONS ANYTHING FURTHER?
10 MR ALKEBULANYAHH NO SIR YOUR HONOR
11 THE COURT STATE?
12 - MR MURDAUGH NOT IN THAT REGARD, NO, SIR
13 THE COURT DO YOU HAVE SOME ---
14 MR MURDAUGH YES, SIR I WOULD HAVE THREE
15 WITNESSES REGARDING THE STATEMENT THAT HE MADE TO BILL
16 GREEN, I THREW THE GUN IN THE WOOD LINE
17 THE COURT ALL RIGHT ARE THEY PREPARED -- ARE
18 THEY HERE?
19 MR MURDAUGH I HAVE TWO OF THEM -- I HAVE ONE
20 HERE I HAVE ONE ON THE WAY AND THEN IF I CAN'T GET
21 TO THE THIRD ONE I JUST WON'T, SIR SHE'S COMING FROM
22 BLUFFTON
23 THE COURT YOU MEAN NOT GO TO THE THIRD ONE?
24 MR MURDAUGH YES, SIR
25 THE COURT I PREFER TO FINISH ALL THE TESTIMONY

STATE VS ALKEBULANYAHH

1 TODAY

2 MR MURDAUGH YES, SIR I AGREE

3 THE COURT BRING THE JURY IN PLEASE

4 (THE JURY RETURNS TO THE COURTROOM AT 2 43 P M)

5 THE COURT THANK YOU PLEASE BE SEATED

6 MR MURDAUGH MAY IT PLEASE THE COURT

7 THE COURT YES SIR

8 MR MURDAUGH IF YOUR HONOR, PLEASE, THE STATE

9 WOULD NOW CALL BILL ---

10 MR ALKEBULANYAHH YOUR HONOR, MAY I ASK FOR A

11 SIDE BAR PLEASE?

12 - THE COURT YES, SIR

13 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD,

14 OUT OF THE HEARING OF THE JURY)

15 MR MURDAUGH BILL GREEN I THINK MR GREEN HAS

16 ALREADY BEEN SWORN

17 THE COURT YOU'LL REMAIN UNDER OATH, SIR

18 BILL GREEN, BEING

19 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

20 DIRECT EXAMINATION BY MR. MURDAUGH.

21 Q YOU ARE BILL GREEN AND YOU'VE ALREADY TESTIFIED, I

22 BELIEVE?

23 A YES, SIR, I HAVE

24 Q MR GREEN, I ASK YOU AT THE POINT TO WHERE YOU SAW

25 ALKEBULANYAHH UNDER THE BRIDGE ON JOE FRAZIER BOULEVARD

STATE VS ALKEBULANYAHH

1 -- JOE -- ROAD, OR WHATEVER IT IS, DID YOU ASK HIM
2 ANYTHING?

3 A YES, SIR, I DID

4 Q AND DID HE -- WHAT DID YOU ASK HIM?

5 A I ASKED HIM -- I WANTED TO SEE HIS HANDS AND THEN
6 I WANTED TO SEE WHERE THE GUN WAS

7 Q OKAY, SIR AND WHAT DID HE SAY?

8 A HIS STATEMENT TO ME WAS THAT HE HAD THROWN THE GUN
9 IN THE WOODS BEHIND THE SCHOOL

10 MR MURDAUGH THANK YOU, SIR NO FURTHER
11 QUESTIONS

12 THE COURT YES, SIR

13 MR ALKEBULANYAHH MAY I?

14 THE COURT YES, SIR

15 CROSS EXAMINATION BY MR ALKEBULANYAHH.

16 Q MR GREEN, DID YOU WRITE A REPORT OF WHAT WAS SAID
17 TO YOU?

18 A NO

19 Q WHY DIDN'T YOU WRITE A REPORT?

20 A I WAS TOLD I DIDN'T NEED TO

21 Q WHY WAS YOU TOLD YOU DIDN'T NEED TO?

22 A I WAS TOLD THAT IT WAS -- IT WAS SO SMALL, I
23 DIDN'T NEED TO WRITE IT

24 Q SO YOU SAYING YOUR ACTIONS WAS SO SMALL, THAT YOU
25 DIDN'T NEED TO WRITE A REPORT?

STATE VS ALKEBULANYAHH

- 1 A I DIDN'T WRITE A REPORT, SIR
- 2 Q COULD YOU STATE WHY YOU DIDN'T WRITE A REPORT?
- 3 A I DIDN'T WRITE A REPORT
- 4 Q ARE YOU RESPONSIBLE FOR THE -- THE -- THE ARREST
- 5 OF MR ALKEBULANYAHH?
- 6 A THE APPREHENSION OF TYREE ROBERTS, YES, SIR, I AM
- 7 Q DID YOU WRITE A INCIDENT OCCURRENCE?
- 8 MR MURDAUGH IF YOUR HONOR, PLEASE, I THINK
- 9 THAT'S BEEN ASKED AND ANSWERED TWICE, SIR
- 10 THE COURT YES, SIR I SUSTAIN THAT
- 11 Q WHAT -- WHAT -- WHAT -- WHAT -- WHAT OFFICER TOLD
- 12 YOU-YOU DIDN'T HAVE TO WRITE A REPORT?
- 13 A COLONEL BROWN
- 14 Q COLONEL BROWN SO THEY STATE THAT ANY TIME YOU
- 15 ARREST ANYONE OR DETAIN ANYONE, YOU DON'T HAVE TO WRITE
- 16 A REPORT TO LET ANYONE KNOW WHAT YOUR ACTION WAS OR
- 17 WHAT YOU DID, IS THAT CORRECT?
- 18 A I BELIEVE EVERYTHING THAT WAS COVERED THAT DAY IS
- 19 IN COLONEL BROWN'S REPORT
- 20 Q DO COLONEL BROWN KNOW EVERY MOVE YOU MADE?
- 21 A YES SIR, HE DOES
- 22 Q DID HE KNOW EVERYTHING EVERY MOVE YOU MADE ON
- 23 JANUARY 8, 2002, AT THAT JOE FRAZIER ROAD BRIDGE?
- 24 A YES, SIR, HE DID
- 25 Q DID HE SEE YOU WHEN YOU APPROACHED THE -- MR

1 ALKEBULANYAHH AND MR ALKEBULANYAHH SAID HE SHOT AND HE
2 SHOT, AND YOU ALMOST FELL BACKWARDS REACHING FOR YOUR
3 GUN?

4 A NO MY SERVICE WEAPON WAS ALREADY OUT OF THE
5 HOLSTER

6 Q AND YOU DIDN'T WRITE THAT IN NO REPORT, DID YOU?

7 A NO, SIR, I DIDN'T

8 Q SO YOU WAS WALKING AROUND IN A PUBLIC PLACE WITH
9 YOUR -- WITH YOUR SERVICE WEAPON IN YOUR HAND, HUH,
10 TRUE?

11 A WHERE I WAS WITH THE SERVICE REVOLVER -- MY
12 SERVICE WEAPON WAS OUT OF THE HOLSTER WAS DOWN NEAR THE
13 BRIDGE

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

16 MR MURDAUGH YOU MAY COME DOWN

17 (THE WITNESS LEAVES THE WITNESS STAND)

18 MR MURDAUGH I CALL DAVE BROWN MAY MR GREEN
19 BE EXCUSED

20 THE COURT ANY OBJECTION?

21 MR ALKEBULANYAHH I HAVE NO OBJECTION, YOUR
22 HONOR

23 THE COURT YOU MAY BE EXCUSED SIR

24 THE WITNESS THANK YOU

25 THE COURT YOU REMAIN UNDER OATH, SIR

STATE VS ALKEBULANYAHH

1 DAVID BROWN, BEING
2 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION BY MR. MURDAUGH.
4 Q MR BROWN YOU HAVE ALREADY TESTIFIED IN THIS CASE
5 ONE TIME AND YOU'RE STILL UNDER OATH, SIR YOU
6 UNDERSTAND?
7 A YES, SIR, I DO
8 Q MR BROWN, I ASK YOU THAT AT THE TIME YOU WERE OUT
9 AT THE BRIDGE ON JOE FRAZIER ROAD OR BOULEVARD -- WHICH
10 IS IT?
11 A IT WAS JOE FRAZIER BOULEVARD, I BELIEVE
12 Q OKAY, SIR AT THE TIME YOU WERE OUT THERE, DID
13 YOU HEAR BILL GREEN ASK ---
14 MR ALKEBULANYAHH OBJECTION, YOUR HONOR HE'S
15 LEADING AND THAT WAS INSTRUCTION TO THE JURORS
16 THE COURT REPHRASE THE QUESTION
17 Q DID YOU HEAR BILL GREEN ASK ANYBODY ANYTHING?
18 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
19 THE COURT JUST ASK HIM IF HE HEARD HIM SAY
20 ANYTHING GO AHEAD
21 Q DID YOU HEAR BILL GREEN SAY ANYTHING?
22 A NO SIR I DON'T KNOW WHO I HEARD I HEARD THE
23 QUESTION ASKED
24 Q WHAT QUESTION?
25 A THE QUESTION WAS ASKED WHERE WAS THE WEAPON

STATE VS ALKEBULANYAHH

1 Q OKAY WAS ANYBODY THERE BESIDE YOU AND ONE OTHER
2 OFFICER?
3 A YES SIR THERE WAS SEVERAL OFFICERS IN THE
4 VICINITY
5 Q OKAY SIR AND THE QUESTION WAS ASKED, WHAT?
6 A WHAT DID YOU DO OR WHERE IS THE WEAPON?
7 Q OKAY, SIR DID YOU HEAR A RESPONSE FROM ANYBODY?
8 A YES, SIR, I DID
9 Q AND WHO DID YOU HEAR THE RESPONSE FROM?
10 A THE DEFENDANT
11 Q AND WHAT DID HE SAY?
12 A - HE SAID HE HAD DROPPED THE WEAPON IN THE WOOD
13 LINE
14 Q OKAY, SIR NOW, I ASK YOU, SIR, IF YOU PREPARED A
15 REPORT?
16 A YES, SIR, I DID
17 Q AND I SHOW YOU STATE'S (SIC) EXHIBIT NO 13 AND
18 ASK YOU IF THAT IS YOUR REPORT?
19 A YES SIR THIS IS MY SUPPLEMENTAL REPORT
20 Q OKAY, SIR I ASK YOU IF THAT CONTAINS -- AND I
21 WANT YOU TO LOOK AT IT CAREFULLY PLEASE, SIR
22 A (PAUSE) YES, SIR
23 Q DO YOU SEE A BLANK PLACE IN THAT REPORT?
24 A YES, SIR IT'S SOMETHING BEEN OMITTED
25 Q OKAY I'M GOING TO SHOW YOU A COPY OF YOUR

1 REPORT, I THINK I SHOW YOU ANOTHER ITEM AND ASK IF
2 YOU CAN IDENTIFY THAT, SIR?

3 A YES, SIR IT SHOULD BE A STATEMENT IN THERE WHERE
4 I WROTE ABOUT THE STATEMENT MADE BY THE DEFENDANT ---

5 MR ALKEBULANYAHH OBJECTION YOUR HONOR

6 A --- AND ---

7 THE COURT HOLD ON APPROACH THE SIDE BAR

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

10 THE COURT LADIES AND GENTLEMEN, I'LL SEND YOU TO
11 THE JURY ROOM DO NOT DISCUSS THE CASE IN ANY WAY
12 THANK YOU VERY MUCH

13 (THE JURY EXITS THE COURTROOM AT 2 56 P M)

14 THE COURT LET ME HAVE THE CITE WHAT IS THE
15 CASE THAT YOU'RE REFERRING TO FIRST? I WANT TO
16 DOUBLE-CHECK SOMETHING

17 MR MURDAUGH IF YOUR HONOR, PLEASE I TOLD YOU
18 NORTH CAROLINA IS -- HARRIS VERSUS NEW YORK I'M
19 SORRY SIR AND IT IS CITED AT 401 U S 222

20 THE COURT AND WHAT DID THAT -- WHAT IS IT FOR
21 THE PROPOSITION -- DOESN'T THAT CASE INVOLVE ---

22 MR MURDAUGH IT IS THE PROPOSITION THAT A
23 CONFESSION THAT IS OTHERWISE INADMISSIBLE THIS WAS A
24 CASE WHERE THEY HAD NOT GIVEN MIRANDA WARNINGS AND HAD
25 TAKEN A STATEMENT FROM SOMEBODY, TRIED TO INTRODUCE IT,

STATE VS ALKEBULANYAHH

1 COULDN'T GET IT INTRODUCED

2 HE GOT UP ON THE STAND AND STATED THAT HE NEVER
3 GAVE A STATEMENT THEY ALLOWED IT BECAUSE THEY SAID
4 THE PURPOSE OF THE LAW IS TO GET TO THE TRUTH AND IF
5 -- THEY WOULD ALLOW IT IF HE DENIED THAT HE HAD MADE
6 IT

7 THE COURT AND HARRIS DID NOT INVOLVE A VOLUNTARY
8 STATEMENT?

9 MR MURDAUGH SIR?

10 THE COURT THAT CASE DID NOT INVOLVE A VOLUNTARY
11 STATEMENT?

12 - MR MURDAUGH I DON'T THINK SO I THINK IT WAS A
13 NO-MIRANDA STATEMENT IF YOUR HONOR, PLEASE

14 THE COURT YES SIR LET ME LOOK AT THAT

15 MR MURDAUGH DO YOU WANT I SHOULD GO PRINT IT
16 OUT FOR YOU?

17 THE COURT NO I'VE GOT IT UP HERE DO YOU HAVE
18 THE CITE?

19 MR MURDAUGH 401 U S AT 222

20 THE COURT I'VE GOT IT

21 MR MURDAUGH 91 SUPREME COURT AT 643

22 THE COURT I'VE GOT IT

23 MR MURDAUGH OKAY SIR

24 (PAUSE)

25 THE COURT THAT CASE INVOLVED A SIMILAR SITUATION

STATE VS ALKEBULANYAHH

1 WHERE THE STATE CONCEDED THAT THEY WOULD NOT BE ABLE TO
2 USE THE STATEMENTS IN THEIR CASE IN CHIEF BECAUSE OF
3 MIRANDA

4 MR MURDAUGH THAT IS CORRECT, SIR THAT IS MY
5 RECOLLECTION IT'S BEEN A NUMBER OF YEARS SINCE I'VE
6 READ THAT CASE, BUT MY RECOLLECTION, IT WAS LACK OF
7 MIRANDA I THINK THE STATE EVEN CONCEDED THAT IT WAS
8 NOT ADMISSIBLE IN CHIEF

9 THE COURT YES, THEY DID
10 (PAUSE)

11 THE COURT YOU NEED TO MAKE A FOUNDATION FOR THE
12 TRUSTWORTHINESS OF THAT STATEMENT?

13 MR MURDAUGH JUDGE, EVERYTHING THAT HAPPENED HAS
14 BEEN TESTIFIED TO HERE TODAY, SIR IT WAS A SIMPLE
15 MATTER THEY ARRESTED HIM THEY WERE AFRAID -- I
16 THINK -- NO, I DIDN'T ASK HIM THAT YES SIR LET ME
17 ASK A COUPLE -- LET ME PUT MR GREEN BACK ON THE STAND

18 THE COURT YES, SIR

19 (THE WITNESS LEAVES THE WITNESS STAND)

20 MR MURDAUGH MR GREEN

21 (BILL GREEN RETURNS TO THE WITNESS STAND)

22 DIRECT EXAMINATION BY MR. MURDAUGH.

23 Q MR GREEN, AT THE TIME ---

24 THE COURT YOU REMAIN UNDER OATH, SIR

25 LET ME JUST MAKE SURE I UNDERSTAND FOR THE RECORD

STATE VS ALKEBULANYAHH

1 PRETRIAL, YOU CONCEDED THIS AND THERE WAS NO NEED FOR A
2 DENNO HEARING BECAUSE YOU CONCEDED THAT IT WAS A
3 VIOLATION OF MIRANDA?

4 MR MURDAUGH THAT IS CORRECT AND DID NOT ATTEMPT
5 TO PUT IT IN, SIR IN FACT, HE EVEN AGREED TO AMEND
6 THE EXHIBIT THAT HE PUT IN MAKING REFERENCE TO IT, SIR
7 THE COURT YES SIR, AND IT WAS REDACTED FROM
8 THAT EXHIBIT YES

9 GO AHEAD

10 Q MR GREEN, AT THE TIME YOU FOUND ALKEBULANYAHH,
11 TYREE ROBERTS, UNDER THE BRIDGE, YOU ASKED HIM WHAT?

12 A - I ASKED HIM TO SEE HIS HANDS I ASKED HIM TO SEE
13 HIS HANDS I ASKED HIM IF HE HAD A WEAPON

14 Q OKAY SIR WHY DID YOU ASK HIM IF HE HAD A
15 WEAPON?

16 A JUST SHORTLY TO THIS INCIDENT TWO OFFICERS HAD
17 BEEN SHOT, AND THERE WAS A 10-78

18 Q OKAY, SIR WAS IT FOR YOUR SAFETY?

19 A YES, SIR, IT WAS

20 Q YOURS AND THE OTHER OFFICERS?

21 A YES, SIR ANYBODY ELSE THAT WAS WITH ME

22 Q WAS THE PURPOSE IN ASKING THAT QUESTION TO
23 OBTAIN ---

24 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
25 LEADING

STATE VS ALKEBULANYAHH

1 THE COURT YES REPHRASE
 2 Q AGAIN, WHAT WAS YOUR PURPOSE IN ASKING?
 3 A THE PURPOSE OF ASKING THE QUESTION WAS FOR MY
 4 SAFETY, AS WELL AS THE OTHER OFFICERS, COLONEL BROWN
 5 AND WHOEVER ELSE WAS RIGHT THERE WITH ME
 6 Q OKAY, SIR DID YOU HAVE A GUN POINTED AT HIM?
 7 MR ALKEBULANYAHH OBJECTION, YOUR HONOR,
 8 LEADING
 9 THE COURT I'LL ALLOW THAT GO AHEAD
 10 Q DID YOU HAVE A GUN POINTED AT HIM?
 11 A MY SERVICE WEAPON WAS POINTED AT HIM
 12 Q - WHY?
 13 A TWO OFFICERS HAD BEEN SHOT I HAD WHAT I BELIEVED
 14 TO BE A SUSPECT UNDERNEATH THE BRIDGE
 15 Q DID YOU MAKE ANY THREATS TO HIM TO OBTAIN THAT
 16 STATEMENT?
 17 A NO, SIR, I DID NOT
 18 Q USE ANY COERCION OR PROMISES TO SECURE IT?
 19 A NO, SIR I DID NOT
 20 MR MURDAUGH THANK YOU, SIR THAT'S ALL I HAVE
 21 IF YOUR HONOR PLEASE
 22 (PAUSE)
 23 THE COURT I THINK A -- A DETERMINATION HAS TO BE
 24 MADE WHETHER OR NOT THE STATEMENT WAS VOLUNTARY OR
 25 INVOLUNTARY, AS MY GUT WAS TELLING ME THAT WHAT THAT

STATE VS ALKEBULANYAHH

1 CASE -- HARRIS WAS NOT ABOUT VOLUNTARINESS AS I WAS
2 CITING, BUT STATE VERSUS HOOK, SOUTH CAROLINA 2001,
3 INDICATES THAT STATEMENT

4 YES, SIR?

5 MR MURDAUGH HE HAS TESTIFIED THAT NO THREATS
6 WAS USED TO -- COERCION OR PROMISES USED TO SECURE IT

7 THE COURT YES, SIR

8 MR MURDAUGH AND THAT IT WAS DONE NOT TO SECURE
9 INFORMATION, BUT FOR THE SAFETY OF THE OFFICERS AND,
10 I MEAN, TESTIFIED ABOUT EVERYTHING THAT HAPPENED

11 THE COURT DO YOU WISH TO RESPOND TO THAT?

12 MR ALKEBULANYAHH NO MORE THAN, YOUR HONOR, THAT
13 THE TESTIMONY HE'S GIVEN WAS NOT GIVEN IN -- IN THE
14 INITIAL PHASE WHEN HE FIRST CAME UP IN THE TRIAL ABOUT
15 THE PARTICULAR ACTION AND IT SEEMS LIKE THAT HE'S
16 CREATED -- FABRICATED THIS STORY AT THE LAST MINUTE
17 AND I THINK IT SHOULD HAVE BEEN ---

18 THE COURT WELL, YOU HAVE THE OPPORTUNITY TO ASK
19 THE WITNESS ABOUT THE VOLUNTARINESS OF THE STATEMENT
20 THE REASON I'VE STOPPED IS TO HAVE A HEARING ON THE
21 VOLUNTARINESS OF THE STATEMENT

22 THE -- THE LAW IS CLEAR THAT VOLUNTARY STATEMENTS,
23 ALTHOUGH MAY NOT BE ADMISSIBLE IN THE CASE IN CHIEF IF
24 TAKEN IN VIOLATION OF MIRANDA, WOULD NEVERTHELESS BE
25 ADMISSIBLE FOR IMPEACHMENT PURPOSES IF THEY WERE INDEED

STATE VS ALKEBULANYAHH

1 VOLUNTARY
2 INVOLUNTARY STATEMENTS UNDER ANOTHER SITUATION ARE
3 ADMISSIBLE SO ---
4 MR ALKEBULANYAHH WOULDN'T THAT ---
5 THE COURT --- IF YOU'D LIKE TO ASK ANY QUESTIONS
6 ON THE VOLUNTARINESS OF THE STATEMENT, I'LL BE HAPPY TO
7 GO AHEAD AND PUT THAT IN THE RECORD SO I CAN MAKE THE
8 APPROPRIATE FINDING IF I WERE TO FIND THAT THE
9 STATEMENT WAS INVOLUNTARY, THEN I WOULD INSTRUCT THE
10 JURY TO DISREGARD IT AND I'M NOT GOING TO ALLOW THE
11 NEXT WITNESS TO TESTIFY ABOUT IT
12 - MR ALKEBULANYAHH THE STATEMENT THAT ---
13 THE COURT DO YOU WISH TO ASK THE WITNESS ANY
14 QUESTIONS ABOUT THAT?
15 MR ALKEBULANYAHH ABOUT THE STATEMENT THAT WERE
16 MADE?
17 THE COURT THE STATEMENTS AT ISSUE, WHETHER THEY
18 WERE MADE, NOT MADE, OR WHETHER THEY WERE VOLUNTARY I
19 REALIZE YOUR TESTIMONY AT TRIAL WAS THAT THE STATEMENTS
20 WERE NOT MADE
21 MR ALKEBULANYAHH RIGHT
22 THE COURT THAT'S WHY THAT SET UP THIS SEGMENT OF
23 THE CASE BECAUSE NOW THEY WANT TO IMPEACH YOU WITH
24 THAT
25 BEFORE I CAN ALLOW THE IMPEACHMENT, I HAVE TO MAKE

STATE VS ALKEBULANYAHH

1 A FINDING ABOUT WHETHER OR NOT THOSE STATEMENTS WERE
2 MADE VOLUNTARILY, THE TRUSTWORTHINESS OF THOSE
3 STATEMENTS ESSENTIALLY

4 GO AHEAD

5 MR ALKEBULANYAHH I ASK THE COURT THAT IN ORDER
6 TO HAVE SOMETHING TO -- TO SUPPORT THOSE STATEMENTS,
7 THAT THEY SHOULD HAVE A WRITTEN STATEMENT THAT I MADE
8 OR A RECORDED STATEMENT THAT I MADE IN ORDER TO IMPEACH
9 ME FROM, NOT FROM -- IMPEACH ME FROM HIS OWN SAYING ---

10 THE COURT YOU CAN ASK THE WITNESS IF THERE IS A
11 RECORDED STATEMENT OR WRITTEN STATEMENT

12 MR ALKEBULANYAHH YES, SIR

13 THE COURT YOU CAN ASK THE WITNESS ANY QUESTIONS
14 ABOUT THE VOLUNTARINESS THAT'S WHAT THIS HEARING IS
15 FOR

16 MR ALKEBULANYAHH THANK YOU YOUR HONOR MAY I
17 PROCEED?

18 THE COURT YES, SIR

19 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

20 Q MR GREEN, DID YOU RECEIVE A WRITTEN STATEMENT
21 FROM MR ALKEBULANYAHH ABOUT HIS STATEMENT TO YOU,
22 ALLEGED STATEMENT TO YOU?

23 A NO

24 Q DID YOU RECORD ---

25 THE WITNESS YOUR HONOR ---

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 THE WITNESS CAN I ELABORATE A LITTLE BIT ---

3 THE COURT YES, SIR GO AHEAD

4 A AT THE TIME WE WERE UNDER THE BRIDGE, I DIDN'T GET
5 A STATEMENT FROM YOU I GOT A VERBAL COMMENT FROM YOU
6 AS TO WHAT YOU HAD DONE BECAUSE I WANTED TO KNOW IF YOU
7 HAD A GUN OR NOT, SIR

8 Q DID YOU GET A RECORDING FROM MR ALKEBULANYAHH OF
9 A STATEMENT THAT HE ALLEGEDLY SUPPOSE TO MADE TO YOU?

10 A AS I ANSWERED BEFORE, NO, SIR

11 Q AND AS YOU STATED, YOU SAYING THAT MR
12 ALKEBULANYAHH STATED THAT HE THREW THE GUN BEHIND THE
13 BROAD RIVER SCHOOL?

14 A I ASKED YOU WHERE THE WEAPON WAS I DIDN'T SAY
15 GUN I ASKED YOU WHERE THE WEAPON WAS AND YOU SAID
16 IT WAS BEHIND THE SCHOOL

17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
18 YOUR HONOR

19 THE COURT ANYTHING ELSE -- ANYTHING ELSE FROM
20 THE STATE?

21 MR MURDAUGH NO, SIR

22 THE COURT YOU MAY STEP DOWN SIR

23 (THE WITNESS LEAVES THE WITNESS STAND)

24 THE COURT CALL YOUR OTHER WITNESS

25 MR MURDAUGH DAVE BROWN

STATE VS ALKEBULANYAHH

STATE VS ALKEBULANYAHH

- 1 A NO, SIR
- 2 Q WERE ANY PROMISES MADE TO HIM OR ANY HOPE OF
3 REWARD MADE TO HIM?
- 4 A NO, SIR
- 5 Q WAS IT FREE AND VOLUNTARY ON HIS PART?
- 6 A YES SIR
- 7 MR MURDAUGH THANK YOU, SIR
- 8 MR ALKEBULANYAHH MAY I YOUR HONOR?
- 9 THE COURT YES, SIR
- 10 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 11 Q MR BROWN ---
- 12 A - YES, SIR
- 13 Q --- COULD YOU STATE PRECISEFULLY (PHONETIC) THE
14 STATEMENT THAT MR ALKEBULANYAHH MADE, ALLEGEDLY MADE,
15 UPON YOU HEARING SOMEONE ASKING MR ALKEBULANYAHH --
16 ALLEGEDLY ASKING MR ALKEBULANYAHH, WHERE IS THE
17 WEAPON? COULD YOU STATE THE EXACT -- WHAT YOU EXACTLY
18 HEARD?
- 19 A THE STATEMENT WAS MADE BY YOU THAT THE WEAPON WAS
20 EITHER PUT IN THE -- IN THE TREE LINE OR THE WOOD LINE,
21 OR WORDS TO THAT EFFECT
- 22 Q THE WEAPON WAS PUT IN THE TREE LINE?
- 23 A OR THE WOOD LINE, OR WORDS TO THAT EFFECT HAVE
24 WE FOUND THE COPY OF THAT?
- 25 Q DID YOU ---

STATE VS ALKEBULANYAHH

1 MR MURDAUGH MAY I SHOW HIM A COPY OF HIS
2 REPORT, SIR?

3 THE COURT YES, SIR

4 (PAUSE)

5 THE COURT IS THAT IN EVIDENCE?

6 MR MURDAUGH NO, SIR, IT IS NOT, SIR

7 THE COURT ALL RIGHT

8 MR MURDAUGH THE ONE IN EVIDENCE IS THE ONE THAT
9 IT WAS REDACTED FROM, SIR

10 THE COURT ALL RIGHT HOLD ON TO THAT HOLD ON
11 GIVING THE REPORT BACK HOLD OFF ON THE REPORT PLEASE
12 IF YOU NEED FOLLOW-UP QUESTIONS OR NEED -- YOU NEED TO
13 REFRESH HIS RECOLLECTION OR SOMETHING

14 GO AHEAD AND READ THE QUESTIONS

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

17 MR MURDAUGH NOR DO I, SIR

18 THE COURT ALL RIGHT YOU MAY STEP OUTSIDE, SIR
19 (THE WITNESS LEAVES THE WITNESS STAND)

20 MR MURDAUGH IF YOUR HONOR, PLEASE, I WOULD
21 PROFFER TO THE COURT THAT I WOULD HAVE A WITNESS THAT
22 WOULD NOT ADD OR TAKE ANYTHING AWAY FROM WHAT THEY HAVE
23 TESTIFIED TO SIR, AND I -- FOR THE PURPOSES OF THIS
24 HEARING, THAT'S ALL I WANT

25 THE COURT ARE YOU -- IS THAT NEXT WITNESS GOING

STATE VS ALKEBULANYAHH

1 TO -- ARE YOU GOING TO TENDER ANOTHER WITNESS ABOUT A
2 STATEMENT THE DEFENDANT MADE?

3 MR MURDAUGH YES, SIR

4 THE COURT ALL RIGHT BRING THAT WITNESS IN

5 MR MURDAUGH IS DENHAM HERE?

6 OFFICER YES SIR

7 MR MURDAUGH COME AROUND THIS WAY, PLEASE,

8 MA'AM PUT YOUR LEFT HAND ON THE BIBLE HOLD UP YOUR

9 RIGHT HAND AND BE SWORN

10 KAREN M DENHAM BEING

11 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

12 DIRECT EXAMINATION BY MR. MURDAUGH.

13 Q MS DENHAM, GIVE US YOUR FULL NAME PLEASE?

14 A KAREN MARIE DENHAM

15 Q AND SPELL YOUR LAST NAME FOR THE REPORTER?

16 A D-E-N-H-A-M

17 Q OKAY MS DENHAM, I ASK YOU WHETHER OR NOT ON

18 JANUARY 8, 2002, YOU WERE AT THE BRIDGE OVER JOE

19 FRAZIER ---

20 A I WAS

21 Q --- WHEN ALKEBULANYAHH WAS ARRESTED?

22 A YES SIR

23 Q DID YOU HEAR -- DID YOU SEE WHAT BILL GREEN WAS

24 DOING?

25 A YES, SIR

STATE VS ALKEBULANYAHH

- 1 Q \ TELL US WHAT HE WAS DOING?
- 2 A WHEN I ARRIVED, BILL WAS UNDERNEATH THE BRIDGE
- 3 TELLING THE DEFENDANT KNOWN AS TYREE ROBERTS, TO COME
- 4 OUT SHOWING HIS HANDS HE WAS FACE DOWN AT THAT
- 5 TIME, BILL PUT HIS HANDS BEHIND HIS BACK AND ASKED FOR
- 6 MY HANDCUFFS
- 7 Q DID HE ASK HIM, WHERE IS THE GUN?
- 8 A I DON'T KNOW
- 9 MR MURDAUGH THEN I HAVE NO QUESTIONS, SIR
- 10 THE COURT DO YOU WANT TO ASK HER ABOUT ANY --
- 11 ANYTHING FURTHER?
- 12 Q DID YOU HEAR ANYBODY THREATEN HIM?
- 13 A NO, SIR
- 14 Q DID YOU HEAR ANYBODY MAKE ANY PROMISES TO HIM?
- 15 A NO SIR
- 16 Q DID YOU HEAR ANYBODY OFFER HIM ANY HOPE OF REWARD?
- 17 A NO SIR
- 18 Q DID YOU HEAR ANYBODY DO ANYTHING TO HIM TO MAKE
- 19 HIM ANSWER THAT QUESTION?
- 20 A NO, SIR
- 21 Q OKAY WAS THE STATEMENT FREE AND VOLUNTARY ON HIS
- 22 PART?
- 23 A WHEN I ASKED HIM WHERE HE THREW THE GUN, IT WAS
- 24 Q EXCUSE ME?
- 25 A WHEN I ASKED HIM -- WHEN WE BROUGHT HIM UP ON THE

1 BANK, THERE WAS MULTIPLE PEOPLE STANDING THERE, AND I
2 ASKED WHERE HE THREW THE GUN

3 HE SAID HE THREW IT IN THE TREE LINE, AND IT WAS
4 VOLUNTARY

5 Q OKAY

6 MR MURDAUGH THANK YOU

7 THE COURT ANY QUESTIONS, SIR?

8 MR ALKEBULANYAHH YES, SIR

9 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

10 Q DID YOU HEAR ANYBODY STATE THAT MR ALKEBULANYAHH
11 THREW THE GUN BEHIND THE BROAD RIVER SCHOOL?

12 A - NO

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

15 MR MURDAUGH NOR DO I, SIR

16 THE COURT YOU MAY STEP DOWN, MA'AM THANK YOU
17 (THE WITNESS LEAVES THE WITNESS STAND)

18 MR MURDAUGH THAT WOULD CONCLUDE THE REBUTTAL,
19 SIR

20 THE COURT ALL RIGHT ANY ARGUMENTS ON THE
21 VOLUNTARINESS OR INVOLUNTARINESS OF THESE STATEMENTS,
22 STATE?

23 MR MURDAUGH FROM THE STATE, WE SUBMIT THAT IT
24 IS ADMISSIBLE, SIR THE STATEMENT WAS NOT TAKEN FROM
25 ANYTHING OTHER THAN TO ATTEMPT TO -- THE SAFETY OF THE

STATE VS ALKEBULANYAHH

1 OFFICERS AND FIND THE GUN

2 WE ADMIT THAT IT WAS NOT PROPER IN THE CASE IN
3 CHIEF THERE IS NO EVIDENCE THAT ANY COERCION, DURESS,
4 FORCE, THREATS, PROMISES, OR HOPE OF REWARD WAS USED TO
5 SECURE THE STATEMENT, AND WE FEEL THAT IT IS VOLUNTARY
6 THERE WAS NO COERCIVE POLICE CONDUCT, SIR

7 THE COURT ANY RESPONSE FROM THE DEFENSE?

8 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

9 THE COURT YES SIR

10 MR ALKEBULANYAHH THE STATEMENT THAT HAS JUST
11 BEEN PRESENTED, THEY -- THEY ARE INCONSISTENT WITH WHAT
12 THE-PROSECUTOR HAVE PRESENTED BEFORE THE COURT

13 MR BILL GREEN STATED THAT HE STATED THAT MR
14 ALKEBULANYAHH ALLEGEDLY TOLD HIM THAT HE THREW THE GUN
15 BEHIND THE BROAD RIVER SCHOOL

16 LIEUTENANT BROWN COME UP AND HE STATED IN HIS
17 EXACT WORDS THAT MR ALKEBULANYAHH STATED THAT HE THREW
18 THE GUN IN A WOOD LINE

19 AND OFFICER DENHAM STATED THAT SHE NEVER HEARD MR
20 ALKEBULANYAHH STATE TO MR GREEN THAT HE THREW A GUN
21 BEHIND THE BROAD RIVER SCHOOL

22 AND BASED ON THEM INCONSISTENCIES THAT CONTRADICT
23 MR BILL GREEN'S STATEMENT BY TWO OF THE WIT -- TWO OF
24 THE THREE WIT -- TWO OF THE WITNESS, THAT TESTIMONY
25 SHOULD NOT BE ALLOWED

STATE VS ALKEBULANYAHH

1 MR MURDAUGH IF YOUR HONOR, PLEASE, I CALL YOUR
2 ATTENTION TO STATE VERSUS HOOKS AT 348 SOUTH CAROLINA
3 AT 401 IN ---

4 THE COURT IS THAT THE NEWEST 348?

5 MR MURDAUGH JUDGE, I DON'T KNOW HOW TO USE THIS
6 COMPUTER, BUT THAT'S ONE OF THE ONES ON THE COMPUTER

7 THE COURT YES, THAT WAS THE CASE I CITED ---

8 MR MURDAUGH OKAY, SIR

9 THE COURT --- STATE VERSUS HOOK

10 MR MURDAUGH IF IT WASN'T FOR THEM UP HERE, I
11 WOULDN'T BE GETTING YOU ANYTHING EXCEPT OUT OF MY --
12 THUMBING THROUGH MY BOOKS

13 THE COURT DIDN'T I SAY STATE VERSUS HOOK?

14 MR MURDAUGH I -- I DIDN'T HEAR YOU, SIR

15 THE COURT ALL RIGHT GO AHEAD

16 MR MURDAUGH IN IT, IT SAYS THAT YOU HAVE TO
17 FIND THAT THERE IS COERCIVE POLICE ACTIVITY IN ORDER TO
18 FIND THAT THE STATEMENT IS INVOLUNTARY AND I THINK
19 THE EVIDENCE CLEARLY SHOWS THAT THERE WAS NO COERCIVE
20 POLICE ACTIVITY HERE

21 HUGHES AND TYLER ALSO ARE IN THAT LINE

22 THE COURT ALL RIGHT THERE BEING NO FURTHER
23 ARGUMENTS, I WANTED TO TAKE THE TIME TO PUT IN THE
24 RECORD A HEARING ON THIS ISSUE IN ACCORDANCE WITH STATE
25 VERSUS HOOK, AS WELL AS HARRIS VERSUS NEW YORK

STATE VS ALKEBULANYAHH

1 CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES
2 HEARING THE TESTIMONY BOTH PRETRIAL AND AT TRIAL
3 CONCERNING THE STATEMENT WHEREAS -- WHEREAS DURING
4 PRETRIAL PROCEEDINGS, THE STATE CONCEDED THAT THE
5 STATEMENT WAS IN VIOLATION OF MIRANDA THEREFORE, A
6 JACKSON VERSUS DENNO HEARING WAS NOT NECESSARY BECAUSE
7 THEY ADMITTED TO THE ADMISSIBILITY OF SUCH STATEMENTS
8 DURING THEIR CASE IN CHIEF

9 I'VE ALSO CONSIDERED THE TRIAL TESTIMONY OF BOTH
10 THE OFFICERS, AS WELL AS THE DEFENDANT, AND I FIND THAT
11 THE TOTALITY OF CIRCUMSTANCES SUGGEST THAT THE
12 STATEMENT -- THE STATEMENT WAS NOT COERCED AND WAS, IN
13 FACT, VOLUNTARILY MADE IN ACCORDANCE WITH STATE VERSUS
14 HOOK AND HARRIS VERSUS NEW YORK AND IT'S SUFFICIENTLY
15 TRUSTWORTHY TO ALLOW ITS ADMISSION

16 ALL RIGHT READY TO PROCEED?

17 MR MURDAUGH YES, SIR IF YOUR HONOR, PLEASE, I
18 WOULD LIKE TO -- NOW THAT OFFICER BROWN HAS TESTIFIED
19 AND THE ISSUE OF THAT STATEMENT IS NO LONGER AT ISSUE
20 IN HIS REPORT WHICH IS STATE'S (SIC) EXHIBIT 12 I
21 THINK -- 10 -- 13, AND I WOULD ASK THAT A UNREDACTED
22 COPY BE PLACED IN THE EVIDENCE

23 THE COURT YES, SIR ANY OBJECTION?

24 MR ALKEBULANYAHH YES, SIR, YOUR HONOR, BASED ON
25 THAT THE STATEMENT THAT MR BROWN MADE IS INCONSISTENT

STATE VS ALKEBULANYAHH

1 WITH THE STATEMENT THAT MR GREEN MADE
2 THE COURT ALL RIGHT I'LL ALLOW IT IN YOU CAN
3 ARGUE THAT INCONSISTENCY IF YOU FEEL IT'S APPROPRIATE
4 YOU MAY SUBSTITUTE ---
5 MR MURDAUGH AND I ASSUME WE WILL STILL MARK IT
6 AS 13, SIR?
7 THE COURT YES, AND MARK THE OTHER ONE FOR
8 COURT'S I D , THE ORIGINAL ONE
9 (SUBSTITUTION FOR DEFENDANT'S EXHIBIT NO 13 WAS
10 MARKED IN EVIDENCE)
11 (PREVIOUSLY MARKED DEFENDANT'S EXHIBIT NO 13 WITH
12 REDACTION MARKED FOR IDENTIFICATION AS COURT'S EXHIBIT
13 NO 7)
14 THE COURT READY TO PROCEED?
15 MR MURDAUGH YES, SIR
16 MR ALKEBULANYAHH JUST A SECOND, YOUR HONOR
17 THE COURT HAVE THE WITNESS RETURN TO THE STAND
18 MR MURDAUGH DAVE BROWN
19 (PAUSE)
20 (DAVID BROWN RETURNS TO THE WITNESS STAND)
21 (PAUSE)
22 THE CLERK YOUR HONOR, THE JURY IS HERE
23 THE COURT BRING THEM IN PLEASE
24 (THE JURY RETURNS TO THE COURTROOM AT 3 25 P M)
25 THE COURT THANK YOU PLEASE BE SEATED

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION CONTINUED BY MR. MURDAUGH.

2 Q NOW, MR BROWN, I NOW SHOW YOU STATE'S -- EXCUSE
3 ME -- DEFENDANT'S EXHIBIT 13 AND HAS AN UNREDACTED COPY
4 NOW IN EVIDENCE?

5 (PAUSE)

6 Q ANSWER ME PLEASE, SIR

7 A YES, SIR

8 Q OKAY, SIR

9 MR MURDAUGH THANK YOU ANSWER ANY QUESTIONS HE
10 MAY HAVE

11 MR ALKEBULANYAHH I HAVE NO QUESTIONS, YOUR
12 HONOR

13 MR MURDAUGH YOU MAY COME DOWN CALL KAREN --
14 CAROL -- KAREN DENHAM

15 MAY MR BROWN BE EXCUSED?

16 THE COURT ANY OBJECTION?

17 MR ALKEBULANYAHH I HAVE NO OBJECTION YOUR
18 HONOR

19 THE COURT YOU MAY BE EXCUSED, SIR

20 (THE WITNESS LEAVES THE WITNESS STAND)

21 MR MURDAUGH MS DENHAM, COME AROUND, PUT YOUR
22 LEFT HAND ON THE BIBLE AND HOLD UP YOUR RIGHT HAND TO
23 BE SWORN PLEASE

24 KAREN M DENHAM, BEING
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

- 1 DIRECT EXAMINATION BY MR. MURDAUGH.
- 2 Q YOUR NAME IS KAREN DENHAM?
- 3 A YES, SIR
- 4 Q OKAY MS DENHAM, BY WHOM ARE YOU EMPLOYED?
- 5 A BEAUFORT COUNTY SHERIFF'S DEPARTMENT
- 6 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S
- 7 DEPARTMENT?
- 8 A SIX YEARS
- 9 Q HOW -- WHAT IS YOUR -- WHAT CAPACITY ARE YOU WITH
- 10 THEM?
- 11 A I'M A CORPORAL
- 12 Q - OKAY AND DO WHAT WITH THEM?
- 13 A ACTUALLY NOW I'M ASSIGNED TO TRAFFIC MANAGEMENT
- 14 CONTROL
- 15 Q OKAY WHERE WERE YOU ASSIGNED IN JANUARY OF 2002?
- 16 A NORTHERN PATROL
- 17 Q MA'AM?
- 18 A NORTHERN PATROL DIVISION
- 19 Q OKAY MS DENHAM, I ASK YOU WHETHER OR NOT YOU
- 20 WERE ON THE BRIDGE OVER JOE FRAZIER ON THE NIGHT OF
- 21 JANUARY 8, 2002, WHEN THE DEFENDANT WAS APPREHENDED BY
- 22 BILL GREEN?
- 23 A YES, SIR
- 24 Q DID YOU HEAR -- DID YOU SEE HIM PULLED UP FROM THE
- 25 -- UNDERNEATH THE BRIDGE?

- 1 A YES, SIR
- 2 Q WHEN HE GOT UP, DID YOU ASK HIM ANYTHING?
- 3 A I ASKED HIM WHERE HE THREW THE GUN
- 4 Q WHAT -- DID HE RESPOND?
- 5 A HE SAID HE THREW IT IN THE TREE LINE
- 6 Q DID YOU MAKE ANY ---
- 7 MR ALKEBULANYAHH OBJECTION, YOUR HONOR HE'S
- 8 LEADING
- 9 THE COURT REPHRASE PLEASE
- 10 Q DID YOU USE ANY FORCE, THREATS, OR DUERCION
- 11 (PHONETIC) TO CAUSE HIM TO MAKE THAT STATEMENT?
- 12 A - NO SIR
- 13 Q DID YOU GIVE ANY PROMISES OR HOPE OF REWARD FOR
- 14 HIM TO MAKE THE STATEMENT?
- 15 A NO SIR
- 16 Q WAS THE STATEMENT FREE AND VOLUNTARY ON HIS PART?
- 17 A YES, SIR
- 18 MR MURDAUGH THANK YOU, MA'AM
- 19 THE COURT QUESTIONS?
- 20 MR ALKEBULANYAHH MAY I PROCEED, YOUR HONOR?
- 21 THE COURT YES, SIR
- 22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 23 Q MS DEHAM (SIC) -- DENHAM, IS THAT CORRECT?
- 24 A YES
- 25 Q MS DENHAM, DID YOU HEAR ANY OFFICER STATE THAT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH THREW A GUN BEHIND THE SCHOOL?

2 A NO

3 Q DID YOU HEAR A MR BROWN STATE THAT MR
4 ALKEBULANYAHH THREW A GUN BEHIND THE SCHOOL?

5 A NO

6 Q DID YOU HEAR AN OFFICER GREEN, OR SERGEANT GREEN
7 AT THAT TIME -- MR ALKEBULANYAHH STATE HE THREW A GUN
8 BEHIND THE SCHOOL?

9 A NO

10 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
11 YOUR HONOR

12 MR MURDAUGH I HAVE NO QUESTIONS YOU MAY COME
13 DOWN

14 WITH THAT THE STATE AGAIN RESTS

15 THE COURT ALL RIGHT YOU MAY STEP DOWN PLEASE
16 (THE WITNESS LEAVES THE WITNESS STAND)

17 THE COURT LADIES AND GENTLEMEN, AGAIN I'LL SEND
18 YOU TO THE JURY ROOM DO NOT DISCUSS THIS CASE IN ANY
19 WAY THANK YOU VERY MUCH

20 (THE JURY EXITS THE COURTROOM AT 3 31 P M)

21 THE COURT PLEASE BE SEATED

22 DO YOU WISH TO -- DO YOU WISH TO RENEW YOUR
23 MOTIONS JUST ---

24 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

25 THE COURT ALL RIGHT

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I WOULD LIKE TO RENEW ALL MY
2 MOTION AND ASK THE COURT TO RECONSIDER MY MOTION FOR
3 DIRECT (SIC) VERDICT FOR LACK OF EVIDENCE

4 THE COURT ALL RIGHT I DENY THOSE -- I DENY
5 THOSE MOTIONS I THINK THAT THERE IS A BASIS UPON
6 WHICH THE JURY COULD REACH A DECISION IN THIS CASE AS
7 TO THE GUILT OF -- ON THESE CHARGES, SO I DENY THAT
8 MOTION

9 ANYTHING FURTHER?

10 MR ALKEBULANYAHH NO, SIR, NOT FROM THE DEFENSE,
11 YOUR HONOR

12 MR MURDAUGH NOT FROM THE STATE

13 THE COURT ALL RIGHT JUST A MATTER OF
14 PROCEDURE JUST IN CASE IT HAS NOT BEEN DONE, ALL
15 WITNESSES ARE NOW HEREBY EXCUSED ANYBODY OBJECT?

16 MR MURDAUGH THE STATE DOES NOT

17 MR ALKEBULANYAHH THE DEFENSE DOES NOT NEITHER

18 THE COURT INSOFAR AS THE FIRST PHASE OF THE
19 TRIAL I DON'T KNOW ABOUT WITNESSES FOR THE SECOND
20 PHASE IF THE CASE GETS TO THE SECOND PHASE I'M JUST
21 TALKING ABOUT ANYONE THAT WAS SPECIFICALLY TARGETED FOR
22 THE FIRST PHASE ALL RIGHT

23 AND I'LL -- YESTERDAY YOU REQUESTED THAT
24 EVERYTHING BE DONE TOGETHER INSOFAR AS THE ---

25 MR MURDAUGH I WOULD PREFER THAT SIR BUT I'M

STATE VS ALKEBULANYAHH

1 -- AND PLEASE UNDERSTAND, I'M AT YOUR ---
2 THE COURT YES, SIR
3 MR MURDAUGH --- BECK AND CALL, SIR
4 THE COURT I'LL GIVE EVERYONE THE CHANCE TO
5 PREPARE WE'LL DO THE ARGUMENTS AND CHARGE FIRST THING
6 IN THE MORNING, 9 00 O'CLOCK
7 MR MURDAUGH I -- I APPRECIATE THAT, SIR
8 THE COURT WE'LL USE -- WE'LL USE A LITTLE BIT OF
9 THIS TIME TODAY GOING OVER THE CHARGES AND IF THERE'S
10 ANYTHING ELSE, GIVE YOU ALL A CHANCE TO GET ALL THE
11 EXHIBITS TOGETHER THIS AFTERNOON PLEASE AND MAKE SURE
12 WE HAVE EVERYTHING ---
13 MR MURDAUGH YES, SIR
14 THE COURT --- READY TO GO ALL RIGHT WE'LL GO
15 AHEAD AND TAKE A SHORT BREAK AND THEN WE'LL GET STARTED
16 WITH GOING OVER ANY POSSIBLE CHARGES OR ANYTHING
17 THANK YOU
18 (PAUSE)
19 THE COURT BEFORE YOU ALL LEAVE ---
20 MR MURDAUGH YES SIR
21 THE COURT --- LET ME GO AHEAD AND EXCUSE THE
22 JURY BEFORE WE TAKE A BREAK ---
23 MR MURDAUGH SURE
24 THE COURT --- BECAUSE WE DON'T NEED THE JURY ANY
25 LONGER ALL RIGHT?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES SIR
2 THE COURT ALL RIGHT
3 MR MURDAUGH LET'S HAVE ORDER PLEASE
4 (THE JURY RETURNS TO THE COURTROOM AT 3 35 P M)
5 THE COURT THANK YOU PLEASE BE SEATED
6 ALL RIGHT LADIES AND GENTLEMEN THAT COMPLETES
7 THE PRESENTATION OF THE EVIDENCE AND TESTIMONY IN THIS
8 CASE FROM THIS POINT, THIS IS WHERE WE'RE AT IN THE
9 CASE WE'LL PROBABLY SPEND A LITTLE BIT TODAY GETTING
10 ALL THE EXHIBITS IN ORDER, KIND OF HOUSEKEEPING
11 MATTERS I'LL BE TALKING TO EVERYONE HERE ABOUT THE
12 LEGAL- INSTRUCTIONS THAT I'LL BE GIVING TO YOU AND WE'LL
13 JUST TAKE UP A FEW OTHER MATTERS
14 SO I'M NOT GOING TO HAVE YOU WAIT WHILE WE DO
15 THAT BY THE TIME I GET EVERYTHING ORGANIZED, IT WILL
16 BE KIND -- IT WILL BE 5 00 O'CLOCK, SO I'M GOING TO GO
17 AHEAD AND LET YOU GO WE WILL PICK BACK UP AT 9 00
18 O'CLOCK TOMORROW YOU WILL HEAR THE CLOSING STATEMENTS
19 OF EACH SIDE
20 UPON COMPLETION OF THOSE CLOSING STATEMENTS, I
21 WILL INSTRUCT YOU ON THE LAW
22 AFTER I INSTRUCT YOU ON THE LAW, AT THAT POINT I
23 WILL RELEASE YOU TO BEGIN YOUR DELIBERATIONS
24 YOU SHOULD NOT DISCUSS THIS CASE IN ANY WAY
25 WHATSOEVER I HOPE YOU HAVE A GOOD EVENING WE SHALL

STATE VS ALKEBULANYAHH

1 SEE YOU TOMORROW AT 9 00 IS THAT OKAY WITH EVERYBODY?
2 JURORS YES JUDGE THANK YOU
3 THE COURT ALL RIGHT SEE YOU TOMORROW THANK
4 YOU
5 (THE JURY EXITS THE COURTROOM AT 3 37 P M)
6 THE COURT WE'LL GO AHEAD AND TAKE A SHORT BREAK
7 AND THEN WE'LL PICK BACK UP WITH THE ---
8 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
9 MR MURDAUGH THANK YOU, SIR
10 THE COURT --- INSTRUCTIONS
11 (A RECESS WAS TAKEN)
12 - THE COURT INSOFAR AS THE CHARGE IS CONCERNED,
13 ANY SPECIAL REQUESTS TO CHARGE?
14 MR MURDAUGH IF YOUR HONOR, PLEASE OF COURSE,
15 MURDER, CIRCUMSTANTIAL EVIDENCE, CREDIBILITY OF THE
16 WITNESS ---
17 THE COURT YES, SIR
18 MR MURDAUGH --- THE IMPEACHMENT TO SHOW
19 CREDIBILITY I THINK WE NEED A CHARGE ON THAT
20 THE COURT IMPEACHMENT TO SHOW CREDIBILITY BASED
21 ON?
22 MR MURDAUGH HIS SAYING THAT HE DIDN'T MAKE A
23 STATEMENT AND THEN US PROVING HE DID MAKE A STATEMENT
24 THE COURT PRIOR -- YOU MEAN PRIOR -- ALL RIGHT
25 MR MURDAUGH JUDGE, THAT'S ---

STATE VS ALKEBULANYAHH

1 THE COURT WHAT'S YOUR REQUEST?

2 MR ALKEBULANYAHH COULD I HAVE A MOMENT WITH

3 COUNSEL, YOUR HONOR?

4 THE COURT YES, SIR

5 (PAUSE)

6 THE COURT ANYTHING SPECIAL? I HAVE ALL THE

7 ROUTINE THINGS LIKE INTRODUCTORY PRESUMPTIONS, THE

8 WITNESSES, CREDIBILITY, CIRCUMSTANTIAL EVIDENCE, CHARGE

9 ON MURDER, CHARGE ON MULTIPLE INDICTMENTS, CHARGE ON --

10 WHAT'S YOUR POSITION ON ANY LESSER?

11 MR MURDAUGH CANNOT BE ANYTHING OTHER THAN

12 MURDER SIR HE SAID HE DIDN'T DO IT, SO IT CAN'T BE

13 MANSLAUGHTER

14 THE COURT WHAT'S YOUR POSITION ON CONSIDERATION

15 -- DO YOU WISH FOR THE COURT TO CONSIDER CHARGING

16 MANSLAUGHTER?

17 MR ALKEBULANYAHH NO, SIR

18 THE COURT YOU SURE ABOUT THAT?

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT ALL RIGHT DO YOU WISH TO CONSULT

21 WITH YOUR ATTORNEYS ABOUT THAT?

22 MR ALKEBULANYAHH NO SIR

23 THE COURT YOU JUST WISH FOR THIS TO BE PRESENTED

24 STRAIGHT UP OR DOWN TO THE JURY?

25 MR ALKEBULANYAHH YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT WHAT ABOUT THAT -- THERE
2 IS A STATEMENT SOMEWHERE IN THE RECORD THAT YOU
3 INTRODUCED THAT SAID THEY SHOT FIRST SO DO YOU WISH
4 -- YOU DO NOT WISH FOR THE JURY TO CONSIDER ANY
5 ALTERNATIVE CHARGES JUST STRAIGHT UP OR STRAIGHT DOWN?

6 MR ALKEBULANYAHH YES SIR

7 THE COURT ALL RIGHT DO YOU UNDERSTAND WHAT I'M
8 SAYING?

9 MR ALKEBULANYAHH YES, SIR, IF I'M CORRECT, YOU
10 STATING THAT FOR A LESSER OFFENSE THAN THE ACTIONS THAT
11 WOULD BE CHARGED TO THE JUROR (SIC) TO CONSIDER?

12 - THE COURT THE JURY WOULD HAVE THE OPTION OF
13 CONSIDERING MANSLAUGHTER

14 MR ALKEBULANYAHH MANSLAUGHTER RIGHT, EXACTLY

15 THE COURT YOU DO NOT WISH FOR ME TO CONSIDER
16 CHARGING THAT?

17 MR ALKEBULANYAHH YES, SIR

18 THE COURT YES SIR, YOU DO NOT WISH FOR ME TO DO
19 IT?

20 MR ALKEBULANYAHH YES SIR, I DO NOT WISH FOR IT
21 TO BE CHARGED THAT -- THAT I COMMITTED AN ACT, ANY TYPE
22 OF ACT

23 THE COURT THAT'S ---

24 MR ALKEBULANYAHH MANSLAUGHTER, ANYTHING --
25 ANYTHING LESSER

STATE VS ALKEBULANYAHH

1 THE COURT IS THAT A STRATEGY DECISION ON YOUR
2 PART?

3 MR ALKEBULANYAHH NO MORE THAN I HAVE NOT DONE
4 THE ACT

5 THE COURT I UNDERSTAND ALL RIGHT LET THE
6 RECORD REFLECT THAT BECAUSE OF THAT ONE EXHIBIT, I WAS
7 GOING TO CONSIDER THAT ALL RIGHT

8 ANYTHING SPECIAL? AS FAR AS I KNOW THEN ---

9 MR ALKEBULANYAHH NO MORE THAN THE REQUEST THAT
10 I SUBMITTED EARLIER

11 THE COURT DO YOU HAVE THOSE?

12 (PAUSE)

13 THE COURT DO YOU HAVE THOSE STILL?

14 MR ALKEBULANYAHH I DON'T HAVE NO COPIES

15 THE COURT I'M NOT SURE IF I CAN PUT MY FINGER ON
16 THEM RIGHT HERE

17 (PAUSE)

18 THE COURT WHAT WAS THE NATURE OF YOUR SPECIAL
19 REQUESTS? I REMEMBER YOU HANDED THOSE UP LIKE IN
20 CHARLESTON OR FLORENCE OR SOMETHING I CAN'T PUT MY
21 FINGER ON THEM RIGHT NOW

22 MR ALKEBULANYAHH ABOUT CIRCUMSTANTIAL EVIDENCE
23 AND REASONABLE DOUBT AND FACTS OF THE CASE

24 THE COURT CIRCUMSTANTIAL EVIDENCE, YES FACTS
25 -- WHAT DO YOU MEAN FACTS OF THE CASE?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I REQUEST A CHARGE ABOUT
2 FACTS OF THE CASE, AND YOU INSTRUCT THAT YOU WOULD
3 STATE IN THE -- IN THE WORDING THAT I STATED IN MY
4 DOCUMENT THAT YOU ARE THE SOLE JUDGES OF THE FACTS
5 OF THE CASE

6 THE COURT YES, I TELL THEM THAT

7 (PAUSE)

8 MR ALKEBULANYAHH CAN I ASK MY -- COULD SHE GET
9 THESE FROM THE CLERK OF COURT?

10 THE COURT I CAN'T HEAR YOU

11 MR ALKEBULANYAHH CAN I ASK MY -- I WANT TO
12 REQUEST THAT MY INVESTIGATOR WENT DOWN AND GET IT THEM
13 REQUEST TO CHARGE

14 THE COURT THE REQUEST, WERE THERE ANY OTHERS YOU
15 CAN REMEMBER?

16 (PAUSE)

17 THE COURT DO YOU HAVE THAT FILE, MADAM CLERK OF
18 COURT?

19 CLERK NO SIR I CAN GET IT

20 THE COURT WOULD YOU DO THAT

21 (PAUSE)

22 MR MURDAUGH IF YOUR HONOR PLEASE, THERE ARE
23 TWO THINGS I THINK THAT YOU NEED TO CHARGE

24 THE COURT YES, SIR

25 MR MURDAUGH VOLUNTARINESS OF THE STATEMENT

STATE VS ALKEBULANYAHH

1 THE COURT YES, I'M GOING TO CHARGE THAT
2 MR MURDAUGH OKAY, SIR AND THE OTHER THING IS
3 -- AND IT HADN'T COME UP, BUT I JUST THINK I NEED TO
4 ADDRESS IT IS THERE SHOULD BE NO SELF DEFENSE CHARGE
5 THE COURT THAT WASN'T AN ISSUE IN THE CASE DO
6 YOU AGREE?
7 MR ALKEBULANYAHH YOUR HONOR?
8 THE COURT YOU CONTEND THERE WAS NO ACT?
9 MR ALKEBULANYAHH RIGHT I CONTEND THAT THERE
10 WAS NO ACT BY ME
11 THE COURT YES, SIR
12 (PAUSE)
13 MR MURDAUGH THEY HAVE ALREADY GONE THROUGH THE
14 EVIDENCE IF YOUR HONOR PLEASE
15 (PAUSE)
16 MR ALKEBULANYAHH YOUR HONOR WOULD YOU LIKE TO
17 TAKE A LOOK AT THE ONES THAT I DO HAVE?
18 THE COURT YES, SIR IS THAT ANOTHER COPY?
19 MR ALKEBULANYAHH MY COPY
20 THE COURT I'LL JUST LOOK AT IT REAL QUICK AND
21 GIVE IT BACK
22 MR ALKEBULANYAHH I DON'T KNOW IF I HAVE THEM
23 ALL -- ALL THERE I JUST ASSUME IT APPEARS THAT MOST
24 OF THEM THAT I HAVE
25 THE COURT ALL RIGHT YOU HAVE A CHARGE ON

STATE VS ALKEBULANYAHH

1 UNLAWFUL ARREST RIGHT TO RESIST
2 MR ALKEBULANYAHH YES SIR
3 THE COURT BUT THERE'S NO TESTIMONY ABOUT THAT
4 THERE'S JUST NO TESTIMONY ABOUT THAT IN LIGHT OF YOUR
5 STATEMENT, YOU DIDN'T DO ANYTHING
6 MR ALKEBULANYAHH RIGHT
7 THE COURT THERE'S NO INDICATION THAT YOU
8 RESISTED IT
9 MR ALKEBULANYAHH RIGHT BUT WHAT MY -- WHAT MY
10 -- WHAT MY REQUEST WAS MADE UPON WAS THE FACT THAT --
11 THAT THE OFFICERS INITIATED THE SHOOTING, AND WHICH
12 WOULD PRECLUDE THE OFFENSE OF MURDER, YOU KNOW, BEING
13 IN MY PREMISES YOU KNOW, BECAUSE IF THE ---
14 THE COURT THAT WOULD SAY THAT YOU SHOT SOMEONE
15 MR ALKEBULANYAHH NO, I DON'T WANT TO SAY THAT I
16 SHOT SOMEONE
17 THE COURT WELL ---
18 MR ALKEBULANYAHH I WANT TO RULE OUT ---
19 THE COURT YOU HAVE THE RIGHT TO RESIST WOULD
20 REQUIRE ME TO TELL A JURY THAT YOU HAD THE RIGHT TO USE
21 THE FORCE THAT WAS USED UNDER THE CIRCUMSTANCES
22 YOUR CONTENTION IN YOUR DIRECT TESTIMONY WAS THAT
23 NO FORCE WAS USED
24 MR ALKEBULANYAHH WELL, I GUESS IT'S NOT THE --
25 IT WAS NOT MY INTENTION WHAT I INTEND WAS I GUESS I

STATE VS ALKEBULANYAHH

1 WAS FOR THE CHARGE OF MURDER ITSELF, YOU KNOW, THAT IT
2 JUST WAS NOT MURDER I JUST CONTEND THAT IT WAS NOT
3 MURDER, BEING THAT THE OFFICER INITIATED THE SHOOTING
4 IN THAT -- IN MY RESIDENCE, AND IT'S NOT BASED ON WHEN
5 I WROTE THAT MOTION IN REFERENCE TO MYSELF -- ME BEING
6 THE -- HAVING THE RIGHT TO INITIATE THE SHOOTING, BUT
7 THE RIGHT THAT THE WORD MURDER ITSELF WAS THE ELEMENT
8 OF IT ITSELF, ALL THAT SURROUND AND EMBODY THE WORD
9 MURDER PREMEDITATED AND MALICE AND SO FORTH
10 TRANSPIRED

11 THE COURT DOES THE STATE WISH TO RESPOND?

12 - MR MURDAUGH YES, SIR I DO NOT THINK THAT IT
13 SHOULD BE CHARGED, SIR IT CANNOT BE PROPER IF HE TOOK
14 NO -- ASSUMING THE OFFICERS DID BREAK IN AND STARTED
15 SOMETHING IF HE DIDN'T RESPOND TO IT HE CAN'T GET
16 THAT CHARGE SIR, BECAUSE IT'S JUST NOT PERTINENT

17 THE COURT YES, I AGREE YOU DIDN'T INDICATE IN
18 ANY WAY THAT THERE WAS ANY TYPE OF AN ATTEMPT TO
19 RESIST

20 MR ALKEBULANYAHH BUT WHAT I'M SAYING IS MURDER
21 -- MURDER -- MURDER -- MURDER HAS NOT BEEN ESTABLISHED
22 IN THE SENSE OF -- IN THE SENSE OF ITS DEFINITION FOR
23 THAT PARTICULAR INCIDENT -- THE INCIDENT ITSELF, THE
24 CHARGE ITSELF THERE'S NOTHING TO SUBSTANUATE
25 (PHONETIC) THE CHARGE ITSELF

STATE VS ALKEBULANYAHH

1 THE COURT I'M NOT SURE I UNDERSTAND WHAT YOU'RE
2 SAYING YES, SIR

3 MR ALKEBULANYAHH MURDER DID NOT EXIST, NOT THAT
4 I DIDN'T COMMIT AN ACT, BUT THE ACT OF MURDER NEVER
5 TOOK PLACE THE -- THE -- THE CHARGE ITSELF IS FALSE,
6 IS ---

7 THE COURT WELL, THERE'S NOT ANY EVIDENCE IN THE
8 RECORD TO REFUTE WHETHER OR NOT AN ARREST WAS EVEN
9 BEING MADE AT THE TIME

10 MR ALKEBULANYAHH WHAT I'M SAYING IS ---

11 THE COURT ONLY UNREFUTED EVIDENCE IS THEY HAD
12 CONSENT TO COME IN

13 MR ALKEBULANYAHH BUT THE CHARGE -- THE CHARGE
14 OF MURDER IS NOT LEGIT IT IS NOT -- THERE IS -- THERE
15 IS NO EVIDENCE OF MURDER

16 THE COURT WELL ---

17 MR ALKEBULANYAHH THE CHARGE ITSELF

18 THE COURT BUT WHAT DOES THAT HAVE TO DO WITH
19 RESISTING ARREST? IF YOU DID NOT ENGAGE IN ANY OF THAT
20 ACTIVITY, THE EVIDENCE WOULD NOT SUPPORT THAT CHARGE

21 MR ALKEBULANYAHH AND THE CHARGE ---

22 THE COURT IF YOU HAD TAKEN THE STAND AND SAID,
23 FOR EXAMPLE -- OR SOME WITNESS HAD SAID OR IF THE
24 EVIDENCE REVEALED, DEPENDING ON HOW YOU DID IT --
25 BECAUSE YOU HAVE NO OBLIGATION TO DO SO BUT IF THERE

STATE VS ALKEBULANYAHH

1 WAS SOME INDICATION IN THE RECORD THAT YOU RESPONDED TO
2 AN UNLAWFUL ARREST, THEN THAT MIGHT BE POSSIBLE BUT
3 WHAT EVIDENCE IS THERE?

4 MR ALKEBULANYAHH I HAVE -- I HAVE THE CHARGE OF
5 MURDER, AND I -- I DIDN'T RESPOND BY TAKING THE LIFE OF
6 ANOTHER INDIVIDUAL BUT THE LIFE THAT IS -- THAT WAS
7 TAKEN WAS NOT A RESULT OF -- OF MALICE AND
8 PREMEDITATION

9 THE COURT BUT YOUR POSITION AND TESTIMONY WAS
10 YOU DIDN'T SHOOT ANYONE

11 MR ALKEBULANYAHH AND THAT IS TRUE

12 - THE COURT SO WHAT ISSUE IS THERE TO SAY, I SHOT
13 THEM BECAUSE THEY WERE IN MY HOME?

14 MR ALKEBULANYAHH MY POSITION IS NOT I, BUT THE
15 PEOPLE AT MY HOME ACTED IN RESPONSE

16 THE COURT BUT IF YOUR ARGUMENT IS SOMEONE ELSE
17 SHOT THEM, THAT'S YOUR ARGUMENT

18 MR ALKEBULANYAHH RIGHT

19 THE COURT NOT THAT YOU WERE THE ONE SHOOTING
20 THEM, IT WAS SOMEONE ELSE ARGUE -- THIS CHARGE DOESN'T
21 HAVE TO DO WITH THAT DO YOU UNDERSTAND WHAT I'M
22 SAYING?

23 MR ALKEBULANYAHH YEAH, PRETTY -- YES, SIR

24 THE COURT ALL RIGHT I'M NOT GOING TO CHARGE
25 THAT ONE

STATE VS ALKEBULANYAHH

1 YOU HAVE A CHARGE ON CIRCUMSTANTIAL EVIDENCE I
2 HAVE A CHARGE ON THAT, THAT IS -- NOW, I USE THE STATE
3 VERSUS GRIPON CHARGE WHICH IS THEY CAN CONSIDER ALL
4 EVIDENCE CIRCUMSTANTIAL AND DIRECT EVIDENCE

5 I DO CHARGE THOUGH THAT IN REGARD TO REASONABLE
6 DOUBT, SUSPICION ALONE IS NOT ENOUGH

7 ALL RIGHT?

8 MR ALKEBULANYAHH YES SIR

9 THE COURT AND SOLE JUDGE OF THE FACTS, ETCETERA,
10 I DO CHARGE SOMETHING ABOUT THAT AT THE END I DO SAY
11 THAT THEY'RE SWORN TO FAIRLY AND IMPARTIALLY DETERMINE
12 THE-CASE

13 I'VE PRETTY MUCH GOT MOST OF THAT IN THERE

14 REASONABLE DOUBT YOUR CHARGE ON REASONABLE DOUBT
15 IS THE CHARGE I USE, THAT WOULD CAUSE A REASONABLE
16 PERSON TO HESITATE TO ACT I DO CHARGE THAT

17 BIAS, REQUEST TO CHARGE NO 4

18 CREDIBILITY OF ALL WITNESSES IS A MATTER FOR YOU
19 THE JURY, TO DETERMINE -- MINE IS SOMETHING LIKE THAT
20 IN MAKING THIS CONSIDERATION, YOU MAY CONSIDER A
21 PARTICULAR WITNESS WAS AN INFORMER PROVIDING EVIDENCE
22 FOR PAY OR WITNESS WHO HAS BEEN GRANTED IMMUNITY FROM
23 PUNISHMENT OR A WITNESS WHO'S ENTERED A PLEA AFTER
24 BARGAIN WITH THE STATE, OR A WITNESS WHO MAY GAIN SOME
25 REWARD, PAYMENT, OTHER PERSONAL ADVANTAGE OR

STATE VS ALKEBULANYAHH

1 VINDICATION

2 MR MURDAUGH THERE'S NONE OF THAT IN THE
3 TESTIMONY, SIR

4 THE COURT DO YOU WISH TO BE HEARD ON THAT? I DO
5 CHARGE THAT THEY CAN CONSIDER WHETHER A WITNESS HAS ANY
6 REASON TO BE BIAS OR PREJUDICED

7 MR ALKEBULANYAHH YES, BEING IN REFERENCE TO
8 KIMBERLY BLATE (PHONETIC) THAT SHE'S EXEMPT FROM
9 PERJURY CHARGES AND NOT BEING CHARGED WITH ACCESSORY

10 THE COURT WELL, THAT WASN'T BROUGHT OUT AT TRIAL
11 THAT SHE WAS EXEMPT FROM PERJURY CHARGES

12 - MR ALKEBULANYAHH WELL, IT WAS ---

13 THE COURT AND I DON'T KNOW ---

14 MR ALKEBULANYAHH --- INTRODUCED IN EVIDENCE
15 THAT CHARGES WAS PENDING

16 THE COURT NOTWITHSTANDING IF SOMEONE IS BROUGHT
17 UP ON PERJURY AS A CONTEMPT PROCEEDING BEFORE THIS
18 COURT, NO ONE HAS THE RIGHT TO STOP THE CONTEMPT
19 PROCEEDING BUT MYSELF

20 BUT I DON'T -- I DON T REMEMBER ANY TESTIMONY THAT
21 SHE'D BEEN PROVIDED IMMUNITY OR -- WAS THERE ANYTHING
22 LIKE THAT OR SOME PLEA BARGAIN OR ANYTHING?

23 MR MURDAUGH THERE WAS NONE, SIR

24 THE COURT YES, SIR BUT I DO CHARGE THAT THEY
25 CAN CONSIDER ANY BIAS OR PREJUDICE OF A WITNESS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WOULD YOU CONSIDER THAT HER
2 STATEMENT IN REFERENCE TO THAT IF SHE COOPERATE WITH
3 THE LAW ENFORCEMENT, THAT SHE WOULD RECEIVE THE CHILD
4 BACK?

5 THE COURT WELL, I DON'T COMMENT ON FACTS YOU
6 CAN ARGUE THAT

7 MR ALKEBULANYAHH OKAY

8 THE COURT YOU CAN ARGUE SHE WAS BIASED OR SHE
9 HAD A REASON TO NOT TELL THE TRUTH BECAUSE OF THAT
10 CUSTODY SITUATION YOU'RE FREE TO ARGUE ALL THAT

11 BUT I DO SAY WHETHER A WITNESS HAD A REASON TO BE
12 BIAS OR PREJUDICED ALL RIGHT?

13 MR ALKEBULANYAHH YES SIR

14 THE COURT AND THEN YOU ARGUE THE FACTS I CAN'T
15 COMMENT ON THE FACTS OKAY?

16 MR ALKEBULANYAHH (NODS HEAD)

17 THE COURT BIAS IMMUNITY CREDIBILITY
18 WHETHER A PARTICULAR WITNESS TESTIFIES UNDER A GRANT OF
19 IMMUNITY -- THAT'S THE SAME THING WE JUST TALKED ABOUT

20 THERE WAS NO TESTIMONY ANYONE GOT A GRANT OF
21 IMMUNITY BUT, AGAIN, YOU CAN ARGUE THE BIAS

22 BIAS -- AND THEN YOU'VE GOT, DASH ACCOMPLICE
23 THE CREDIBILITY OF ALL WITNESSES IS A MATTER FOR THE
24 JURY I DO SAY THAT

25 YOU CAN CONSIDER WHETHER A PARTICULAR WITNESS WAS

STATE VS ALKEBULANYAHH

1 AN ACCOMPLICE I DON'T SEE AN ACCOMPLICE CHARGE AS
2 BEING APPROPRIATE IN THIS CASE -- THAT A WITNESS WAS AN
3 ACCOMPLICE

4 THOSE WERE ALL YOUR REQUESTS?

5 MR ALKEBULANYAHH YES, (THAT I KNOW OF

6 THE COURT MADAM CLERK, CAN YOU GO MAKE A COPY OF
7 THAT SO I CAN PUT THOSE IN THE RECORD FOR HIM?

8 CLERK YES, SIR

9 THE COURT AND THEN YOU CAN GIVE HIM HIS SET
10 BACK LET'S DO THAT RIGHT NOW

11 OTHER THAN THAT, IT'S A PRETTY ROUTINE CHARGE I
12 MEAN I CAN'T THINK OF ANYTHING PARTICULAR THAT WOULD
13 BE SAID

14 I WILL TELL THE JURY SOMETHING ABOUT VOLUNTARINESS
15 OF STATEMENTS MR ALKEBULANYAHH

16 MR ALKEBULANYAHH YES SIR

17 THE COURT THAT THEY HAVE TO FIND THAT -- JUST
18 BECAUSE I'VE ADMITTED THEM INTO EVIDENCE -- JUST
19 BECAUSE I ALLOWED THE QUESTIONS, DOESN'T MEAN THE
20 STATEMENTS WERE VOLUNTARY THEY HAVE TO DECIDE THAT
21 THE STATEMENT ---

22 MR ALKEBULANYAHH OR TRUE?

23 THE COURT PARDON?

24 MR ALKEBULANYAHH OR TRUE TOO? YOU CHARGE
25 VOLUNTARY OR TRUE?

STATE VS ALKEBULANYAHH

1 THE COURT YES, I TELL THEM THEY CAN BELIEVE ALL
2 OF IT, SOME OF IT, OR NONE OF IT THE STATE HAS THE
3 BURDEN OF PROVING THAT THEY WERE ACTUALLY FREELY AND
4 VOLUNTARILY MADE, ETCETERA

5 MR MURDAUGH YOUR HONOR, PLEASE, THERE WAS ONLY
6 ONE STATEMENT THAT THE -- THAT THE STATE INTRODUCED
7 AND THAT WAS THE ONE IN REBUTTAL EVERY OTHER
8 STATEMENT THAT'S IN, HE PUT IN, SIR

9 THE COURT THAT'S TRUE IT DID COME BACK LATER
10 THAT YOU PUT THOSE STATEMENTS IN

11 MR MURDAUGH YES SIR AND DIDN'T ASK FOR A
12 HEARING ON VOLUNTARINESS SO THAT DOESN'T BECOME AN
13 ISSUE BUT I THINK YOU SHOULD CHARGE IT ANYHOW SIR

14 THE COURT YES, I WAS THINKING THERE WAS
15 SOMETHING ELSE, THE STATEMENT ABOUT BEING HURT WE DID
16 HAVE A HEARING ON THAT

17 MR MURDAUGH YOU'RE ABSOLUTELY CORRECT I
18 APOLOGIZE

19 THE COURT YES, SIR

20 MR MURDAUGH I FORGOT ABOUT THAT

21 THE COURT IT'S BEEN A LONG TWO WEEKS

22 BUT ANYWAY WHAT I WAS EXPLAINING, MR

23 ALKEBULANYAHH ---

24 MR ALKEBULANYAHH YES, SIR

25 THE COURT --- IS THAT IF YOU CONTEND THAT A

STATE VS ALKEBULANYAHH

1 STATEMENT WAS NOT MADE VOLUNTARILY YOU CERTAINLY HAVE
2 A RIGHT TO SAY THEY'VE NOT PROVEN THAT STATEMENT ALL
3 RIGHT?

4 MR ALKEBULANYAHH (NODS HEAD)

5 THE COURT ALL RIGHT IS THERE ANYTHING ELSE
6 ANYONE S REQUESTING AS FAR AS CHARGES?

7 MR ALKEBULANYAHH I WOULD LIKE TO RENEW ALL MY
8 MOTIONS FOR YOU TO RECONSIDER A DIRECT (SIC) VERDICT

9 THE COURT I WILL CHARGE SOMETHING ON I D

10 MR MURDAUGH OKAY SIR I HAVE NO PROBLEM WITH
11 THAT

12 THE COURT I WILL CHARGE A LITTLE BIT ABOUT I D
13 THE STATE HAS THE BURDEN OF PROVING IDENTIFICATION
14 BEYOND A REASONABLE DOUBT ALL RIGHT?

15 MR ALKEBULANYAHH THANK YOU YOUR HONOR

16 THE COURT THEY HAVE TO PROVE THAT YOU WERE THE
17 ONE THAT DID IT

18 MR ALKEBULANYAHH THANK YOU YOUR HONOR

19 THE COURT LET'S SEE I WILL NOT RE CHARGING
20 ABOUT PRIOR CONVICTIONS BECAUSE THAT WAS NOT
21 INTRODUCED

22 MR MURDAUGH THAT'S CORRECT I CHOSE NOT TO GO
23 INTO THAT IN THIS PHASE

24 THE COURT I UNDERSTAND AND I WILL TELL THEM
25 ALSO I BELIEVE THAT -- OR THERE WILL BE SOMETHING ON

STATE VS ALKEBULANYAHH

1 EXPERT TESTIMONY AND I WILL TELL THEM SOMETHING ABOUT
2 THEY'RE NOT TO CONSIDER ANYTHING ABOUT ANY POSSIBLE
3 SECOND PHASE OKAY?

4 MR MURDAUGH YES, SIR I WAS GOING TO SUGGEST
5 THAT AT THE BEGINNING OF YOUR CHARGE THAT YOU EMPHASIZE
6 TO THEM ---

7 THE COURT YES, SIR

8 MR MURDAUGH --- THAT THIS ONLY RELATES TO GUILT
9 OR INNOCENCE

10 THE COURT I WILL I THINK THAT COVERS IT

11 NOW, WE CAN GO OVER THIS TOMORROW BUT IF WE DO
12 GET TO THE SECOND PHASE, I WANT TO DISCUSS THE
13 STATUTORY MITIGATING CIRCUMSTANCES I PRETTY MUCH HAVE
14 ALL THE OTHER FORMS PREPARED

15 ALL RIGHT I WILL ---

16 MR MURDAUGH JUDGE YOU WILL SUBMIT -- ASSUMING
17 AGAIN, THAT WE GET TO THAT PHASE, YOU WILL SUBMIT TO
18 THE JURY A LIST OF STATUTORY MITIGATING ---

19 THE COURT YES SIR

20 MR MURDAUGH --- AND AGGRAVATING CIRCUMSTANCES?

21 THE COURT YES, SIR

22 MR MURDAUGH WOULD YOU WISH FOR ME TO PREPARE
23 THAT?

24 THE COURT WELL, I'VE ALREADY GOT IT PREPARED

25 MR MURDAUGH OKAY, SIR

STATE VS ALKEBULANYAHH

1 THE COURT YOU TOLD ME -- YOU ALL -- WHETHER IT
2 INVOLVED THE MURDER OF A LAW ENFORCEMENT OFFICER
3 ETCETERA THEN WHETHER TWO OR MORE PERSONS WERE
4 MURDERED

5 MR MURDAUGH YES, SIR

6 THE COURT AND THAT'S JUST AN ABBREVIATED FORM
7 BUT I KNOW WHICH ONES YOU'RE TALKING ABOUT

8 MR MURDAUGH YES, SIR

9 THE COURT AND YOU UNDERSTOOD THOSE ARE THE TWO
10 THEY WERE SEEKING?

11 MR ALKEBULANYAHH YES, SIR

12 - THE COURT WE WENT OVER THAT, I THINK, AT THE
13 LAST HEARING

14 MR MURDAUGH THAT'S CORRECT, SIR

15 THE COURT ALL RIGHT BUT I WILL NEED TO GO OVER
16 WITH YOU ALL MITIGATING -- STATUTORY MITIGATING
17 CIRCUMSTANCES, PUT IT IN A FORM IF THAT BECOMES
18 NECESSARY BUT WE CAN TALK ABOUT THAT TOMORROW IF THE
19 JURY RETURNS A VERDICT

20 ALL RIGHT LET'S SEE I HEARD YOU SAY YOU RENEW
21 ALL YOUR MOTIONS I THINK YOU ALREADY DID THAT

22 MR ALKEBULANYAHH YES, SIR

23 THE COURT BUT JUST FOR THE SAKE OF THE RECORD
24 I'LL DENY THOSE MOTIONS AGAIN

25 I'M TRYING TO THINK LET ME MAKE SURE FROM MY

STATE VS ALKEBULANYAHH

1 LEGAL MIND HERE, ANYTHING ELSE I NEED TO COVER
2 (PAUSE)
3 THE COURT I DON'T KNOW THAT IT'S -- SINCE IT
4 WASN'T AN ISSUE JUST TO THE EXTENT THAT IT WAS RAISED
5 BY WHEN WE WERE GOING TO LUNCH, SOMEONE APPROACHED YOU
6 AND SAID THEY WANTED YOU TO LISTEN TO SOME TAPES AND
7 I DON'T KNOW IF THE RECORD REFLECTED THAT BUT I DID
8 GIVE THE DEFENDANT THE OPPORTUNITY TO LISTEN TO THOSE
9 TAPES BECAUSE NOTHING WAS PRESENTED ON IT I ASSUME
10 YOU DECIDED NOT TO PURSUE THAT, IS THAT CORRECT?
11 / MR ALKEBULANYAHH YES, SIR
12 - THE COURT ALL RIGHT I CAN'T THINK OF ANYTHING
13 ELSE
14 MR MURDAUGH JUDGE
15 THE COURT YES, SIR
16 MR MURDAUGH I -- I WOULD ASSUME THAT HE
17 UNDERSTANDS THAT THE LAW PROVIDES THAT HE HAS THE LAST
18 ARGUMENT
19 THE COURT YES, SIR YES, SIR I WILL GIVE YOU
20 AN OPPORTUNITY TO TALK ABOUT WHETHER OR NOT YOU WOULD
21 LIKE -- HOW -- TALK WITH YOUR LAWYER ABOUT THAT
22 MR ALKEBULANYAHH I'VE ALREADY -- I'M ALL READY
23 THE COURT YOU'VE ALREADY DONE THAT?
24 MR ALKEBULANYAHH YES, SIR I MEAN I'M ALREADY
25 FAMILIAR WITH THE LAW IN REFERENCE TO IT

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 MR MURDAUGH AND HE WOULD ALSO HAVE -- IF HE
3 CHOOSE TO DO SO, THE OPPORTUNITY BOTH TO MAKE AN
4 ARGUMENT HIMSELF AND FOR HIS ATTORNEY TO MAKE AN
5 ARGUMENT

6 THE COURT YES, SIR DO YOU WISH TO DO THAT
7 ALONE OR DO YOU WISH FOR YOUR ATTORNEY TO ALSO MAKE AN
8 ARGUMENT -- ALTHOUGH THEY'VE BEEN STAND-BY IN THIS
9 CASE?

10 MR ALKEBULANYAHH I WOULD -- I'M GOING TO THINK
11 ABOUT THAT TONIGHT

12 - THE COURT ALL RIGHT DO YOU WISH TO BE HEARD ON
13 THAT?

14 MR KELLY NOT AT THIS TIME

15 THE COURT OKAY CAN YOU MAKE A COPY OF THESE
16 CHARGES FOR THE RECORD PLEASE, COURT'S I D

17 REPORTER COURT'S EXHIBIT 8

18 THE COURT DID YOU GIVE HIM HIS COPY OF THAT?

19 CLERK YES, SIR

20 THE COURT ALL RIGHT

21 (DEFENDANT'S REQUEST TO CHARGE, 8 PAGES, MARKED
22 FOR IDENTIFICATION AS COURT'S EXHIBIT NO 8)

23 THE COURT DO YOU WISH TO USE THE INDICTMENTS AS
24 THE VERDICT FORMS BECAUSE IT'S STRAIGHT UP AND DOWN?

25 MR MURDAUGH SUITS ME SIR

STATE VS ALKEBULANYAHH

1 THE COURT OR DO YOU WISH FOR US TO USE THE
2 INDICTMENTS AS THE VERDICT FORM OR DO YOU WISH FOR US
3 TO JUST PREPARE A SEPARATE PIECE OF PAPER AS TO EACH
4 INDICTMENT? IT WILL BE ONE PIECE OF PAPER WITH TWO
5 INDICTMENT NUMBERS AS TO THE OFFENSE OF MURDER, OR THEY
6 COULD JUST WRITE ON THE BACK OF THE INDICTMENT THE
7 VERDICT

8 NOW, I WILL TELL THEM IN MY CHARGE THAT -- UNLESS
9 YOU DO NOT WANT ME TO, THAT YOU WERE CHARGED AS TYREE
10 ALPHONZO ROBERTS ALSO KNOWN AS ABDIYYAH BEN
11 ALKEBULANYAHH, BUT YOU CHANGED YOUR NAME TO ABDIYYAH
12 BEN ALKEBULANYAHH UNLESS YOU DON'T EVEN WANT ME TO
13 TOUCH ON THAT

14 MR ALKEBULANYAHH WELL I PREFER TO BE
15 RECOGNIZED MY NAME PROCEED (SIC) TYREE ROBERTS BECAUSE
16 THAT WAS A NAME I WAS UNDER FOR YEARS BEFORE I GOT EVEN
17 PLACED IN THIS TYPE OF SITUATION, SO

18 THE COURT WELL, I DON'T ---

19 MR ALKEBULANYAHH I MEAN, I ---

20 THE COURT THE INDICTMENT ITSELF SAYS WHAT IT
21 SAYS BUT I DON'T -- IF SOME OTHER FUTURE PAPER WORK
22 HAS TO BE FILLED OUT, I DON'T MIND PUTTING ---

23 MR ALKEBULANYAHH WELL, DO IT ON A SEPARATE
24 PAPER

25 THE COURT --- ABDIYYAH BEN ALKEBULANYAHH, ALSO

STATE VS ALKEBULANYAHH

1 KNOWN AS

2 MR ALKEBULANYAHH WELL, YOU CAN DO IT ON A

3 SEPARATE PAPER THAT INDICTMENT, I AIN'T LIKE THE

4 WORDING OF IT

5 THE COURT ALL RIGHT I WILL NOT SEND THE

6 INDICTMENTS BACK THEN I'LL JUST DO A VERDICT FORM

7 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

8 THE COURT ANYTHING FURTHER?

9 MR ALKEBULANYAHH YES, SIR, YOUR HONOR MAY I

10 REQUEST THE COURT THAT I HAVE A FEW MINUTES WITH MY

11 INVESTIGATOR ONCE YOU ---

12 - THE COURT YES, SIR

13 MR ALKEBULANYAHH --- RECESS FOR THE REST OF THE

14 DAY?

15 THE COURT YES SIR ANYTHING FURTHER FROM THE

16 STATE?

17 MR MURDAUGH NO, SIR

18 THE COURT ALL RIGHT SEE YOU ALL TOMORROW AT

19 9 00 O'CLOCK THANK YOU

20 MR MURDAUGH YES, SIR

21 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

22 MR MURDAUGH THANK YOU, YOUR HONOR

23 (COURT IS IN RECESS)

24 (SUNDAY, OCTOBER 19 2003)

25 THE COURT IT'S MY UNDERSTANDING YOU BOTH HAVE

STATE VS ALKEBULANYAHH

1 REVIEWED THE VERDICT FORM AND THERE'S NO OBJECTION
2 THE STATE?
3 MR STONE THAT'S CORRECT, YOUR HONOR
4 THE COURT DEFENSE?
5 MR ALKEBULANYAHH THAT'S CORRECT, YOUR HONOR
6 THE COURT ALL RIGHT
7 (PAUSE)
8 THE COURT MR ALKEBULANYAHH ---
9 MR ALKEBULANYAHH YES, SIR
10 THE COURT --- YOU UNDERSTOOD WHAT WE DISCUSSED
11 YESTERDAY THAT YOU HAVE THE RIGHT TO MAKE THE LAST
12 ARGUMENT?
13 MR ALKEBULANYAHH YES SIR
14 THE COURT AND YOUR COUNSEL HAS -- STAND-BY
15 COUNSEL, IF YOU NEED THEIR ASSISTANCE, CAN DO THAT DO
16 YOU UNDERSTAND THAT?
17 MR ALKEBULANYAHH YES, SIR
18 THE COURT HAVE YOU MADE A DECISION?
19 MR ALKEBULANYAHH YES, SIR
20 THE COURT WHAT IS THAT?
21 MR ALKEBULANYAHH I'M GOING TO PROCEED ALONE
22 THE COURT YOU WISH TO MAKE THE LAST ARGUMENT?
23 MR ALKEBULANYAHH YES, SIR
24 THE COURT ALL RIGHT
25 (PAUSE)

STATE VS ALKEBULANYAHH

1 THE COURT IS THE JURY READY?
2 OFFICER YES, SIR, YOUR HONOR
3 THE COURT YOU ALL READY TO PROCEED?
4 MR MURDAUGH THE STATE IS, SIR
5 MR ALKEBULANYAHH DEFENSE IS, YOUR HONOR, SIR
6 THE COURT ALL RIGHT BRING THE JURY IN PLEASE
7 (THE JURY RETURNS TO THE COURTROOM AT 9 03 A M)
8 THE COURT PLEASE BE SEATED
9 GOOD MORNING, LADIES AND GENTLEMEN
10 JURORS GOOD MORNING
11 THE COURT ALL RIGHT AS I INDICATED YESTERDAY,
12 THE -PRESENTATION OF THE CASE HAS BEEN COMPLETED AT
13 THIS POINT YOU WILL BE HEARING THE CLOSING STATEMENTS
14 OF EACH SIDE
15 NOW I JUST WANT TO REMIND YOU I EXPLAINED THE
16 WHOLE PROCESS TO YOU ABOUT THE WAY THESE CASES ARE
17 HANDLED PLEASE REMEMBER THAT IN CONSIDERATION OF THE
18 ISSUES THAT ARE PRESENTED TO YOU IN THIS PHASE YOU
19 SHOULD NOT IN ANY WAY CONSIDER PUNISHMENT OR
20 SENTENCING
21 ALL RIGHT WHAT WILL HAPPEN IS THE STATE WILL
22 PRESENT ITS ARGUMENT, AND THEN THE DEFENSE WILL PRESENT
23 ITS ARGUMENT
24 GO AHEAD PLEASE
25 MR MURDAUGH MAY IT PLEASE THE COURT

STATE VS ALKEBULANYAHH

1 THE COURT YES, SIR

2 CLOSING ARGUMENTS BY MR. MURDAUGH ON BEHALF OF THE
3 STATE.

4 MR FOREMAN AND LADIES AND GENTLEMEN OF THE JURY,
5 I WANT FIRST OF ALL TO APOLOGIZE TO YOU ALL I TOLD
6 YOU AT THE BEGINNING WHAT I WOULD PRESENT AND I THOUGHT
7 I WOULD PRESENT IT IN A MUCH SHORTER TIME THAN IT'S
8 BEEN PRESENTED

9 I AM SORRY THAT YOU ALL HAVE BEEN TAKEN AWAY FROM
10 YOU ALL'S FAMILIES AND YOUR LIVES AND HAD TO SIT IN
11 THIS COURTROOM AND IN YOUR HOTEL BUT IT IS IMPORTANT
12 IT IS ABSOLUTELY IMPORTANT THAT YOU ALL COME TO SEE
13 THAT JUSTICE IS SERVED IN BEAUFORT COUNTY

14 I DON'T THINK THAT I HAVE TRIED -- IN MY ALMOST 40
15 YEARS OF PROSECUTION, I DON'T THINK I HAVE EVER SEEN A
16 JURY THAT WAS AS ATTENTIVE AS YOU ALL HAVE BEEN YOU
17 ALL HAVE LISTENED TO EVERYTHING THAT EVERYBODY HAS
18 PRESENTED, AND THAT'S YOUR DUTY YOUR DUTY IS TO WALK
19 INTO THIS COURTROOM WITHOUT ANY PRECONCEIVED NOTIONS OF
20 WHAT HAPPENED AND LISTEN TO THE EVIDENCE AND TO WATCH
21 THE EXHIBITS THAT HAVE BEEN PUT IN TO REACH A
22 DETERMINATION

23 HIS HONOR IS GOING TO CHARGE YOU WE HAVE ONE ISSUE
24 HERE, AND THAT IS THE GUILT OR INNOCENCE OF THAT FELLOW
25 SEATED RIGHT OVER THERE IS HE GUILTY OF MURDERING

STATE VS ALKEBULANYAHH

1 OFFICER TATE? IS HE GUILTY OF MURDERING OFFICER
2 COURSEN? YES OR NO THAT PART OF IT IS SIMPLE

3 HIS HONOR IS GOING TO CHARGE YOU THAT MURDER IS
4 THE UNLAWFUL KILLING OF ANOTHER PERSON WITH MALICE
5 AFORETHOUGHT AND EACH OF THOSE ELEMENTS HAS TO BE MET
6 BEFORE YOU CAN FIND HIM GUILTY

7 THE UNLAWFUL KILLING, THERE'S NO QUESTION THERE'S
8 A KILLING OF TWO OFFICERS THE UNLAWFUL KILLING OF
9 ANOTHER PERSON, THERE AIN'T NO QUESTION THERE'S ANOTHER
10 PERSON

11 WITH MALICE AFORETHOUGHT -- AND WHAT DOES MALICE
12 AFORETHOUGHT MEAN? MALICE WILL BE DESCRIBED TO YOU BY
13 THE JUDGE AS TO WHAT CREATES MALICE MALICE CAN BE
14 EITHER EXPRESS OR IMPLIED IF I SAID I HATE YOU, THAT
15 IS AN EXPRESSION, DIRECT MALICE

16 INFERRED MALICE CAN BE FROM THE USE OF A DEADLY
17 WEAPON HIS HONOR WILL CHARGE YOU ALL OF THIS

18 IN OTHER WORDS, IF THERE'S NO EXPRESS MALICE, EVEN
19 IF YOU USE A DEADLY WEAPON, WHICH WAS DONE IN THIS
20 CASE THAT IS A INFERENCE FROM WHICH YOU CAN DRAW THAT
21 THERE WAS MALICE

22 AFORETHOUGHT IS THE NEXT QUESTION HIS HONOR WILL
23 CHARGE YOU THAT YOU HAVE TO HAVE HAD IT IN YOUR MIND AT
24 THE TIME OF THE KILLING TO DO THE KILLING DOES THAT
25 MAKE SENSE? AND YOU HAVE TO HAVE HAD IT IN YOUR MIND

STATE VS ALKEBULANYAHH

1 BEFORE THE KILLING AS WELL AS AT THE TIME OF THE
2 KILLING TO DO THE KILLING AFORETHOUGHT IN OTHER
3 WORDS, YOU HAD TO HAVE HAD IN YOUR MIND THAT I'M GOING
4 TO KILL THIS PERSON

5 HE WILL TELL YOU THAT THE AFORETHOUGHT DOESN'T
6 HAVE TO BE FOR A DAY WELL, HE MAY NOT PUT IT IN THESE
7 WORDS, BUT YOU'LL HEAR HIS THING IT DOESN'T HAVE TO
8 BE FOR ANY PREDETERMINED LENGTH OF TIME THERE'S NO
9 RULE THAT SAYS IT HAS TO BE FOR A DAY, A WEEK, OR A
10 MONTH BUT IT HAD TO HAVE BEEN IN HIS MIND BEFORE THE
11 ACTION WAS TAKEN IT CAN BE ALMOST -- ALMOST, BUT NOT
12 QUITE, SIMULTANEOUS WITH THE KILLING IT HAS TO BE IN
13 IT BEFORE IT YOU FOLLOW WHAT THAT IS NOW

14 HE IS ALSO GOING TO CHARGE YOU AND I REFERRED TO
15 THIS IN THE BEGINNING, THAT YOUR DUTY IS TO DETERMINE
16 THE TRUTH, THE CREDIBILITY OF THE WITNESSES, THE
17 BELIEVABILITY OF THE WITNESSES AND THERE IS NO
18 FORMULA THAT YOU CAN GO BY YOU BRING INTO THIS
19 COURTROOM EVERYTHING YOU'VE LEARNED IN YOUR NATURAL
20 LIFE TO DETERMINE IT

21 HOW MANY OF YOU ALL HAVE -- MAY HAVE CHILDREN AND
22 YOU SEE THEM WITH THEIR HAND IN THE COOKIE JAR AND THEY
23 SAY, NO MA'AM, I WASN'T GOING TO GET A COOKIE OUT OF
24 THERE WELL, YOU'VE GOT HIM WITH HIS HAND IN THERE
25 YOU PRETTY WELL KNOW, EVEN THOUGH HE SAYS I WASN'T

STATE VS ALKEBULANYAHH

1 GOING TO DO IT, THAT HE WAS GOING TO GET SOMETHING OUT
2 OF THAT COOKIE JAR THAT'S -- THAT'S THE KIND OF
3 THINGS -- YOU USE YOUR GOOD COMMON SENSE THAT'S WHAT
4 IT ALL BOILS DOWN

5 HE'S GOING TO TELL YOU THAT YOU CAN BELIEVE ONE
6 WITNESS AGAINST TWO, TWO AGAINST ONE, TEN YOU CAN
7 BELIEVE A PART OF WHAT ONE SAYS YOU CAN DISBELIEVE A
8 PART BUT YOU HAVE TO DETERMINE WHAT THE TRUTH IS

9 NOW, ONCE YOU DO THAT, YOU THEN APPLY THE LAW AS
10 HIS HONOR WILL GIVE YOU -- AND I'VE TOLD YOU IN LAY
11 TERMS WHAT THAT LAW IS -- AND REACH A DECISION

12 - MY DUTY IS TO ATTEMPT TO AID YOU ALL IN
13 DETERMINING WHAT THE TRUTH IS WHAT I SAY HAS NO
14 EVIDENTIARY VALUE I MEAN YOU CANNOT -- IF I TOLD YOU
15 THIS MAN KILLED HIM YOU ALL CAN'T BELIEVE THAT YOU
16 HAVE GOT TO LOOK AT THE EVIDENCE TO MAKE THAT
17 DETERMINATION WHAT I'M TRYING TO DO IS GIVE YOU A
18 GUIDELINE THAT YOU CAN GO BY IN MAKING THAT
19 DETERMINATION

20 NOW, I'M PROBABLY GOING TO BE A LITTLE LONGER THAN
21 I NORMALLY AM BECAUSE THERE IS A GREAT DEAL OF EVIDENCE
22 HERE AND IT IS IMPORTANT JUST AS IT'S IMPORTANT WHEN
23 THE DEFENSE, IF HE SHOULD DECIDE TO MAKE A -- AN
24 ARGUMENT TO YOU THAT YOU LISTEN TO EVERYTHING THAT'S
25 SAID

STATE VS ALKEBULANYAHH

1 NOW, LET'S LOOK, LADIES AND GENTLEMEN, AT WHAT WE
2 KNOW AS A FACT WE KNOW AS A FACT THAT SOMEBODY -- AND
3 I'LL COME BACK LATER TO TELL YOU WHO WE KNOW THAT
4 SOMEBODY WAS IN THAT CLOSET WHEN THE TWO OFFICERS CAME
5 IN WE KNOW THAT OFFICER TATE (SIC) WAS AT THE
6 ENTRANCEWAY TO THIS BEDROOM SOMEWHERE IN THIS VICINITY
7 WE KNOW THAT HE WAS SHOT IN THAT VICINITY BECAUSE IF
8 YOU'LL RECALL THE TESTIMONY, HE WAS FOUND LAYING FACE
9 DOWN ON THE COT

10 MR ALKEBULANYAHH EXCUSE ME, YOUR HONOR MAY I
11 APPROACH?

12 THE COURT YES, SIR

13 MR MURDAUGH DID I SAY COURSEN?

14 THE COURT YES SIR

15 MR MURDAUGH I APOLOGIZE

16 LET ME TELL YOU, WHEN YOU GET TO TALKING -- AND
17 THAT'S WHY IT IS SO IMPORTANT THAT YOU ALL LISTEN AND
18 NOT TAKE WHAT I SAY AT FACE VALUE

19 THE COURT NO LET'S STAY OVER HERE PLEASE ARE
20 YOU GOING TO USE THE BOARD?

21 MR MURDAUGH SIR?

22 THE COURT GO OVER THERE PLEASE HE WANTED TO
23 SEE WHAT YOUR ---

24 MR MURDAUGH THAT'S WHY IT'S SO IMPORTANT THAT
25 YOU ALL KNOW WHAT YOU ALL KNOW, NOT WHAT I SAY

STATE VS ALKEBULANYAHH

1 OFFICER COURSEN, NO QUESTION THAT HE FELL RIGHT
2 THERE ON THAT COT WE KNOW FOR A FACT THAT WHEN HE
3 FELL, THAT HIS HOLSTER WAS SNAPPED IN HIS -- THE GUN
4 WAS SNAPPED IN HIS HOLSTER, HADN'T EVEN ATTEMPTED TO
5 TAKE IT OUT

6 WE KNOW FOR A FACT IN LOOKING AT THIS BOARD THAT
7 THE SPENT CARTRIDGES, THE YELLOW BEING THE 7 62, THE
8 BLUE BEING THE 40, WE KNOW THAT A GREAT NUMBER OF THEM
9 WERE FIRED FROM HIM A FEW ENDED UP OVER HERE WE
10 KNOW THAT THE 40'S STARTED IN THE BEDROOM CAME OUT OF
11 THE BEDROOM THEN LOOKING AT THE MODEL, YOU CAN SEE
12 THE TRAJECTORY OF HOW IT HAPPENED, JUST AS DIANE BODIE
13 TOLD YOU ALL IN RESPONSE TO A QUESTION THAT WAS ASKED
14 HER

15 THE FIRST SHOTS WERE FIRED OUT OF THE CLOSET INTO
16 COURSEN, THAT THE PERSON CAME OUT -- SOME SHOTS WERE
17 THEN RETURNED BY TATE THAT WENT THROUGH THE DOOR AND
18 YOU'LL HAVE ALL OF THIS IN YOUR JURY ROOM, LADIES AND
19 GENTLEMEN SHOTS WERE FIRED BY TATE THAT WOULD BE
20 THESE BLUE ANGLES RIGHT HERE, THAT FIRE WAS RETURNED
21 THROUGH THIS DOOR OUT OF THE CLOSET AND THEN FOLLOWED
22 AROUND AND SHOT INTO THE BATHROOM WHERE THEY FINALLY
23 FINISHED TATE OFF

24 WE KNOW THAT THAT IS WHAT HAPPENED BECAUSE IF YOU
25 LOOK -- AS I SAID, YOU WILL HAVE THIS IN THERE YOU

STATE VS ALKEBULANYAHH

1 CAN -- YOU SAW THE HOLES THAT WERE IN THESE CLOTHING
2 SO IT WAS A CLOSE-UP SHOT AND I THINK THAT'S WHAT JOE
3 POWELL WAS IT -- WE'VE HAD SO MANY PEOPLE, IT'S HARD
4 TO REMEMBER I THINK IT WAS JOE POWELL TOLD YOU ALL
5 THAT IT WAS A CONTACT WOUND TO THE CLOTHING AND TO THE
6 DOOR

7 WHAT ELSE DO WE KNOW AS A FACT? WE KNOW AS A FACT
8 UNDISPUTED THAT AT THE TIME THIS HAPPENED, THE PERSON
9 -- A PERSON LEFT

10 WE KNOW THAT A PERSON WENT DOWN THE ROAD, LEFT
11 RILEY ROAD, WHICH IS RIGHT HERE

12 - WE KNOW AS A FACT THAT JAKELLE CHAPLIN SAW A
13 PERSON AND A WOMAN RIGHT HERE, THAT THAT PERSON HAD A
14 GUN IN HIS HAND

15 WE KNOW THAT THE MAGAZINE, THIS ITEM RIGHT DOWN
16 HERE ON THE FLOOR, WAS FOUND WHERE THIS RED DOT IS

17 WE KNOW THAT CECIL FRANKLIN SAW A MAN AND A WOMAN
18 AT THIS POINT, THAT THE MAN SAID SOMETHING TO WHERE --
19 HOW CAN I GET OUT OF HERE, OR WORDS TO THAT EFFECT,
20 THAT THE TWO OF THEM LEFT THE GIRL CAME BACK

21 WE KNOW THAT JAMES HOLLOWAY SAW HIM RIGHT IN THIS
22 VICINITY WE KNOW THAT THE GUN WAS FOUND WHERE THAT
23 RED DOT IS WE KNOW THAT BRYAN NAGEL SAW HIM -- SAW A
24 PERSON AND A -- AND A GIRL -- A PERSON HERE, THAT
25 MATTHEW CARMON SAW A PERSON HERE THAT CRAWLED DOWN INTO

STATE VS ALKEBULANYAHH

1 THE MARSH AND WAS CRAWLING ON HIS HANDS AND KNEES DO
2 YOU REMEMBER THAT TESTIMONY?

3 WE KNOW THAT BILL GREEN AND COLONEL BROWN DAVE
4 BROWN, ARRESTED HIM HERE AT THIS POINT THAT WE KNOW
5 AS A FACT THERE IS NO QUESTION ABOUT THAT

6 NOW, WHO -- WHO DID IT? WE KNOW THAT KIMBERLY
7 BLAKE SAID THAT THERE WERE TWO PEOPLE IN THAT ROOM ME
8 AND -- AND BEN, I THINK, AS SHE KNEW HIM

9 WE KNOW THAT WHEN SHE LEFT THAT ROOM, SHE TOLD
10 BRENDA SMITH HE'S IN THE CLOSET REMEMBER THAT? HE'S
11 IN THE CLOSET

12 -- WE KNOW THAT BRENDA SMITH SAID THERE WAS NO -- SHE
13 SAW NOBODY ELSE IN THAT HOUSE AND THIS IS HER HOUSE
14 SHE WOULD HAVE KNOWN IF SOMEBODY HAD BEEN THERE SHE
15 SAID THERE WAS NOBODY THERE EXCEPT KIMBERLY KIMBERLY'S
16 DAUGHTER AND SHE KNEW HIM AS MINISTER, I THINK --
17 BRENDA IF I'M NOT MISTAKEN, SAID THERE WASN'T BUT
18 THREE PEOPLE IN THERE

19 TWO OF THEM CAME OUT, THE SIX MONTH OLD BABY AND
20 KIMBERLY BLAKE CAME OUT BECAUSE SHE TOLD THEM, SAYS,
21 HE'S IN THE CLOSET, CAME OUT SO THAT LEAVES ONE
22 PERSON IN THERE AND THAT'S THAT FELLOW RIGHT YONDER,
23 THE DEFENDANT IN THIS CASE

24 WE KNOW THAT JAKELLE CHAPLIN -- AND KIMBERLY SAID
25 YEAH I LEFT HE MET UP WITH ME AT MY COUSIN -- WAS IT

STATE VS ALKEBULANYAHH

1 MARTHA? I THINK MARTHA I'M -- THERE'S BEEN -- LIKE I
2 SAY, IT'S BEEN SO MANY NAMES, IT'S HARD TO REMEMBER
3 BUT I THINK IT WAS MARTHA -- MET UP AT MARTHA'S
4 HOUSE AND SHE GRABBED ME AROUND THE NECK -- OR I
5 GRABBED HIM AROUND THE NECK I THINK SHE SAID AND
6 WHEN HE CAME HE HAD A GUN IN HIS HAND HE
7 ALKEBULANYAHH HAD A GUN IN HIS HAND, THAT WE STARTED
8 THROUGH THE WOODS
9 REMEMBER IN HER STATEMENT SHE SAYS THAT HE STOPPED
10 AND HE DID SOMETHING TO IT THAT WOULD BE THE POINT
11 WHERE THE MAGAZINE FELL ON THE GROUND THAT WE WENT ON
12 DOWN AND HE WAS USING THE GUN AS A CRUTCH, GOT TO CECIL
13 FRANKLIN
14 AND JAKELLE CHAPLIN LET'S TALK ABOUT HER JUST A
15 MINUTE SHE WAS 12 YEARS OLD AT THE TIME AND I TELL
16 YOU, SHE IMPRESSED ME WHETHER SHE IMPRESSED YOU I
17 DON'T KNOW BUT A 12 YEAR OLD CHILD, 14 NOW, SHE SAYS
18 -- I ASKED HER I SAID, DO YOU KNOW WHO IT WAS YOU SAW?
19 SHE SAID, YES, SIR IT'S THAT FELLOW RIGHT YONDER
20 IT'S THAT MAN RIGHT THERE THAT I SAW
21 HE GOT UP AND ASKED HER SOME QUESTIONS SHE NEVER
22 WAVERED IF YOU'LL REMEMBER HER TESTIMONY THERE WAS
23 NEVER ANY DOUBT IN HER MIND WHO SHE SAW
24 THEN WE GOT CECIL FRANKLIN SAID YES, I SAW THAT
25 FELLOW RIGHT YONDER WITH A YOUNG GIRL AND I TALKED

STATE VS ALKEBULANYAHH

1 ABOUT THAT A MOMENT -- JUST A MINUTE AGO I SAW THAT
2 MAN WITH A GUN IN HIS HAND USING IT AS A CRUTCH NO
3 QUESTION IN THE -- HIS MIND

4 THEN JAMES HOLLOWAY SAYS, I SAW THAT MAN I THINK
5 HE SAID HIS PANTS WERE WET UP TO HIS -- ABOVE HIS KNEES
6 IF I'M NOT MISTAKEN I SAW THAT MAN, THIS FELLOW RIGHT
7 HERE, WALKING WITH THAT GUN AND WITH THAT GIRL, THAT HE
8 LEFT HE CAME UP OUT OF THE MARSH

9 HE SAID HOW CAN I GET OUT OF HERE OR WORDS TO THAT
10 EFFECT THAT THEY LEFT AND KIMBERLY BLAKE -- HE DIDN'T
11 SAY KIMBERLY BLAKE BECAUSE HE DIDN'T KNOW KIMBERLY
12 BLAKE -- SAID THE GIRL CAME BACK AND LEFT AND WENT BACK
13 GENERALLY IN THE WAY THEY HAD COME FROM THAT'S WHAT
14 CECIL SAID

15 HOLLOMAN (SIC) SAYS HE SAW HIM WET UP TO THE KNEES
16 ON IN THE SAME DIRECTION HE HAD BEEN TRAVELING THE
17 WHOLE TIME

18 THEN YOU GOT BRYAN NAGEL SAYS YES THAT IS THE
19 MAN I SAW, THAT MAN RIGHT YONDER

20 WE'VE GOT MATTHEW CARMON THAT SAYS, YES, THAT IS
21 THE MAN I SAW CRAWLING IN THE MARSH

22 THEN YOU'VE GOT BILL GREEN SAYING, YES, I GOT HIM
23 OUT FROM UNDER THAT BRIDGE AND I ARRESTED THAT MAN
24 RIGHT YONDER

25 YOU'VE GOT DAVE BROWN TO SAY THAT HE WAS BACK-UP

STATE VS ALKEBULANYAHH

1 THAT HE SAW HIM COMING OUT FROM UNDER THERE AND IT IS
2 THAT MAN RIGHT YONDER

3 NOW, BELIEVABILITY BELIEVABILITY OF WITNESSES CAN
4 BE DETERMINED BY A NUMBER OF THINGS ONE OF THE THINGS
5 THAT YOU CAN USE -- AND YOU CAN USE THIS EVIDENCE ONLY
6 FOR CREDIBILITY BELIEVABILITY

7 HE GOT ON THE WITNESS STAND YESTERDAY AND HE SAYS
8 THAT WHEN I WAS PULLED OUT FROM UNDER THAT BRIDGE --
9 WHEN I WAS PULLED OUT FROM UNDER THAT BRIDGE, I MADE NO
10 STATEMENT ABOUT THE GUN DO YOU REMEMBER THAT?

11 I PUT THREE WITNESSES UP TO REBUT HIM BILL GREEN
12 WHO-SAID YEAH, I ASKED HIM IF HE WAS SCARED -- I MEAN,
13 THEY WERE SCARED FOR THEIR SAFETY TWO COPS HAD BEEN
14 KILLED AND KNEW THERE WAS A GUN INVOLVED THEY DIDN'T
15 KNOW WHETHER HE HAD IT OR NOT SAID -- AND HE'S GOT THE
16 GUN ON HIM IF YOU'LL REMEMBER HIS TESTIMONY HE SAID
17 WHERE IS THE GUN?

18 DO YOU REMEMBER WHAT HE SAID? I THREW IT IN THE
19 WOOD LINE

20 YOU CAN USE THAT ONLY TO DETERMINE HIS
21 CREDIBILITY HE DENIED THAT HE HAD SAID IT THEY SAID
22 HE DID YOU CAN USE THAT TO DETERMINE HIS CREDIBILITY

23 NOW, LET'S LOOK AT CREDIBILITY DO YOU REMEMBER
24 THE EXPERT AND THE EX -- ABOUT MEMORY? WELL, LET ME
25 TELL YOU, ALL OF THOSE PEOPLE ARE SMARTER THAN I AM,

STATE VS ALKEBULANYAHH

1 AND IT'S HARD FOR ME TO QUESTION THEM

2 BUT IN QUESTIONING HIM, I ASKED HIM I SAID LET
3 ME ASK YOU A QUESTION IF A PERSON MAKES FOUR
4 STATEMENTS AND ADDS A LITTLE BIT TO IT EACH TIME -- YOU
5 REMEMBER THIS QUESTION -- AND IF SHE FELT GUILTY ABOUT
6 THINKING MAYBE SHE WAS NOT THE CAUSE OF BUT WAS SORT OF
7 RESPONSIBLE FOR THE OFFICERS BEING KILLED, DO YOU THINK
8 THAT WOULD HAVE AN EFFECT UPON HER PUTTING THE TRUTH IN
9 THE THIRD STATEMENT?

10 DO YOU REMEMBER HIS RESPONSE TO THAT? YES, IT
11 WOULD HAVE A SIGNIFICANT EFFECT

12 - I ALSO ASKED HIM, I SAID, IF A PERSON IN THE THIRD
13 STATEMENT THAT SHE MADE PUT SOMETHING IN -- WE'RE
14 TALKING ABOUT -- NO QUESTION WE'RE TALKING ABOUT BRENDA
15 -- NOT BRENDA -- KIMBERLY BLAKE'S TESTIMONY I SAID IF
16 SHE PUT SOMETHING IN THE THIRD STATEMENT THAT SHE TOLD
17 SOMEBODY ON THE SCENE WOULDN'T IT MAKE IT BELIEVABLE?

18 AND DO YOU REMEMBER WHAT HIS ANSWER WAS? YES IT
19 WOULD MAKE IT BELIEVABLE

20 SHE TOLD BRENDA SMITH ALKEBULANYAHH WAS IN THE
21 CLOSET WHEN SHE EXITED THAT ROOM YOU REMEMBER THAT
22 TESTIMONY? WE TALKED ABOUT IT JUST A SECOND AGO HIS
23 EXPERT SAYS THAT WOULD MAKE THAT BELIEVABLE KIMBERLY
24 BLAKE SAYS THAT THEY WERE IN THERE KIMBERLY BLAKE ---

25 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH --- SAYS THAT HE WAS THE ONLY
2 PERSON IN THE ROOM WHEN ---
3 THE COURT HOLD ON, SIR
4 MR MURDAUGH --- MY BABY AND I LEFT
5 THE COURT HOLD ON SIR THERE'S AN OBJECTION
6 MR ALKEBULANYAHH YOUR HONOR I -- I DID NOT ---
7 THE COURT APPROACH THE -- APPROACH THE SIDE BAR
8 (A SIDE BAR CONFERENCE WAS HELD OFF THE RECORD
9 OUT OF THE HEARING OF THE JURY)
10 THE COURT LADIES -- LADIES AND GENTLEMEN, I NEED
11 TO SEND YOU OUT PLEASE DO NOT DISCUSS THE CASE IN ANY
12 WAY -
13 (THE JURY EXITS THE COURTROOM AT 9 23 A M)
14 THE COURT WHAT IS YOUR OBJECTION?
15 MR ALKEBULANYAHH MY OBJECTION WAS THAT MS
16 FIMBERLY BLATE (PHONETIC) NEVER GAVE TESTIMONY NOR MADE
17 IN HER STATEMENT THAT SHE -- WHEN SHE CAME OUT OF THE
18 ROOM THAT SHE TOLD MS BRENDA SMITH RILEY THAT MR
19 ALKEBULANYAHH WAS IN A CLOSET
20 MR MURDAUGH YOUR HONOR PLEASE, IF I MISQUOTED,
21 WHICH I DIDN'T, SIR THAT STATEMENT -- THIS IS
22 ARGUMENT
23 THE COURT YES, SIR
24 MR MURDAUGH HE HAS A RIGHT TO ARGUE ANYTHING HE
25 WANTS TO AND IF HE WANTS TO TELL THE JURY TO PLAY IT

STATE VS ALKEBULANYAHH

1 -- HAVE IT PLAYED BACK, THEY MUST MAKE THAT
2 DETERMINATION AS TO WHETHER IT'S CORRECT OR NOT
3 THE COURT BUT YOU CAN'T ARGUE A FACT THAT'S NOT
4 IN EVIDENCE IF THAT'S THE CASE
5 MR MURDAUGH YES, SIR, BUT IT IS
6 THE COURT I HAVE TO VERIFY THAT WE NEED TO
7 FIND THAT STATEMENT
8 (PAUSE)
9 THE COURT GO AHEAD GO AHEAD WITH YOUR
10 STATEMENT
11 MR MURDAUGH THE STATEMENT WOULD BE, AS I WAS
12 EXPLAINING TO THE JURY, THAT BRENDA SMITH SAID THAT
13 KIMBERLY BLAKE TOLD HER THAT HE WAS IN THE CLOSET
14 MR ALKEBULANYAHH AND THAT IS NOT WHAT HE TOLD
15 THE JURORS HE TOLD THE JURORS THAT IN THE THIRD
16 STATEMENT AND UPON SHE REMEMBERING SOMETHING ---
17 THE COURT WOULD YOU -- I SEE
18 MR ALKEBULANYAHH --- AND MAKING A STATEMENT
19 THAT WHEN SHE CAME OUT OF THERE SHE TOLD -- MS
20 KIMBERLY BLATE (PHONETIC) TOLD THEM -- SHE TOLD MS
21 BRENDA THAT HE WAS IN THAT CLOSET
22 THE COURT WELL THE -- IF MS -- IF BRENDA
23 INDICATED THAT, THEN HE CAN ARGUE THAT SHE SAID THAT
24 BECAUSE OF THAT STATEMENT
25 MR ALKEBULANYAHH BUT HE CAN'T ---

STATE VS ALKEBULANYAHH

1 THE COURT DO YOU CONCEDE THAT BRENDA DID SAY
2 THAT?

3 MR ALKEBULANYAHH BUT FOR HIM TO STATE THAT
4 KIMBERLY BLATE (PHONETIC) STATED THAT -- HE DIDN'T SAY
5 NOTHING ABOUT MS BRENDA SAID HE SAID -- HE TOLD THE
6 JURORS KIMBERLY BLATE (PHONETIC) STATED THAT AND -- AND
7 THAT WAS IN THE THIRD STATEMENT AND THAT WAS IN HER
8 TESTIMONY AND THAT IS NOT TRUE

9 THE COURT YEAH I THINK HE CAN ARGUE THAT THAT'S
10 AN INFERENCE THAT CAN BE DRAWN, OR NOT AN INFERENCE,
11 THAT MS -- THAT BRENDA SAID THAT

12 - MR MURDAUGH YES, SIR

13 THE COURT I THINK YOU CAN CORRECT THAT BY SAYING
14 THAT'S WHAT BRENDA SAID ALL RIGHT?

15 MR MURDAUGH I UNDERSTAND WHAT YOU'RE SAYING I
16 THOUGHT I HAD DONE THAT SIR

17 THE COURT WELL YOU SAID THAT KIMBERLY BLAKE
18 DIRECTLY SAID IT THAT'S WHAT HIS OBJECTION IS

19 MR MURDAUGH TO BRENDA

20 THE COURT I DIDN'T HEAR THE TO BRENDA PART

21 MR MURDAUGH I'LL GET THAT STRAIGHTENED OUT

22 THE COURT I DON'T -- WE CAN CHECK THAT REAL
23 QUICK

24 MR MURDAUGH NO SIR THAT ---

25 THE COURT THAT WAS JUST A MINUTE AGO

STATE VS ALKEBULANYAHH

1 MR MURDAUGH NO NEED TO DO THAT I CAN GO BACK
2 OVER IT

3 THE COURT ALL RIGHT BRING THE JURY BACK IN

4 MR ALKEBULANYAHH I ASK THE OBJECTIONS BE WITH
5 THE INSTRUCTIONS YOUR HONOR

6 THE COURT NO I'M GOING TO LET HIM -- I'M GOING
7 TO LET HIM PROCEED

8 GO AHEAD

9 (THE JURY RETURNS TO THE COURTROOM AT 9 26 A M)

10 CLOSING ARGUMENTS CONTINUED BY MR. MURDAUGH.

11 LADIES AND GENTLEMEN, I THINK I WAS TELLING YOU
12 ALL ABOUT WHAT BRENDA -- KIMBERLY BLAKE SAID TO BRENDA
13 SMITH AS TESTIFIED TO BY BRENDA SMITH

14 DO YOU REMEMBER WHEN BRENDA SMITH TESTIFIED, WHEN
15 -- SAID THAT WHEN KIMBERLY BLAKE CAME OUT OF THAT ROOM,
16 SHE LOOKED AT ME AND SAID, HE'S IN THE CLOSET

17 SO WE KNOW THAT THEY ARE ONE PERSON IN THAT ROOM
18 WE KNOW THAT THAT PERSON IS ALKEBULANYAHH THAT FELLOW
19 SEATED RIGHT OVER YONDER

20 WE KNOW THAT GUNFIRE TOOK PLACE IN THAT ROOM WE
21 KNOW THAT THE ONLY PERSON IN THAT ROOM THAT COULD HAVE
22 FIRED THE GUN WAS ALKEBULANYAHH AND IF HE IS THE ONLY
23 PERSON IN THERE THAT COULD HAVE FIRED THE GUN, THEN HE
24 DID THE KILLINGS

25 YOU KNOW, IT JUST ALL OF A SUDDEN DAWNED ON ME

STATE VS ALKEBULANYAHH

1 DO YOU ALL RECALL WHEN HE WAS ON THE WITNESS STAND, I
2 WAS ASKING HIM A QUESTION ABOUT HOW IT COULD BE THAT --
3 HOW IT COULD BE THAT HIS BLOOD AND FINGERPRINT WAS
4 FOUND ON THE MAGAZINE OF THE GUN IF HE HAD NEVER SEEN
5 THE GUN?

6 AND STARTED TALKING, SAYS YOU DIDN'T FIND MY
7 FINGERPRINTS ON ANY CASINGS IN THERE YOU DIDN'T FIND
8 MY FINGERPRINT ON ANYTHING YOU DIDN'T FIND IT ON MY
9 GUN DO YOU ALL REMEMBER THAT?

10 YOU HAVE A RIGHT TO PLAY BACK HIS TESTIMONY AND
11 HEAR THAT IF YOU WANT TO YOU HAVE A RIGHT TO PLAY IT
12 BACK AND HEAR IT IF YOU DID NOT CATCH IT DURING HIS
13 TESTIMONY

14 CREDIBILITY OF THE WITNESSES FOUND A FANNY PACK
15 AND IN THAT FANNY PACK WERE 8 7 62 CARTRIDGES WHICH
16 WERE PLANTED ON HIM BY BILL GREEN, DAVE BROWN, MATT
17 AVERILL, OR ROGER KARR OR SOMEBODY ELSE IF YOU ALL
18 BELIEVE THAT, TURN HIM LOOSE

19 TO START OFF WITH, HOW WOULD THEY KNOW WHAT TO
20 PLANT ON HIM AND HOW WOULD THEY HAVE GOTTEN IT TO PLANT
21 ON HIM? IT CAME OFF OF HIS BACK HE HAD THE SAME
22 BULLETS THAT THE GUN USES IN HIS FANNY PACK YOU HEARD
23 ALL OF THAT TESTIMONY

24 WE KNOW THAT HIS FINGERPRINT -- HIS FINGERPRINT,
25 WAS FOUND ON THE -- ON THE MAGAZINE

STATE VS ALKEBULANYAHH

1 YOU HEARD DIANE BODIE TESTIFY THAT THE
2 FINGERPRINTS WHICH WERE TAKEN FROM HIM BY JEFF PURDY
3 WAS COMPARED TO A FINGERPRINT SHE LIFTED OFF OF THIS
4 MAGAZINE AND THAT IT WAS HER -- HIS FINGERPRINT

5 WE KNOW AGAIN FOR A FACT THAT HIS BLOOD WAS FOUND
6 ON THE MAGAZINE WE KNOW THAT HIS BLOOD WAS FOUND ON
7 THE RIFLE WE KNOW THAT HIS BLOOD WAS FOUND ON THE
8 DOOR AS YOU EXIT THE ROOM WE KNOW THAT HIS BLOOD WAS
9 FOUND ON A STICK RIGHT NEXT TO THE GUN DO YOU ALL
10 REMEMBER THAT THING THAT SAID -- I THINK IT WAS A OR B
11 OR 1 AND 2 I CAN'T REMEMBER WHICH YOU'LL HAVE ALL
12 OF THAT IN THE ROOM WITH YOU

13 WE KNOW THAT HIS BLOOD WAS FOUND ON EACH OF THOSE
14 THINGS AND HOW DO WE KNOW THAT? A VIAL OF BLOOD WAS
15 TAKEN FROM HIM AT THE HOSPITAL MISTAKENLY IN THE NAME
16 OF NZURI BATH ALKEBULANYAHH JEFF PURDY EXPLAINED HOW
17 THAT CAME ABOUT

18 BUT DO YOU REMEMBER REGINA ATKINS? DO YOU
19 REMEMBER REGINA ATKINS SAYS, I AM THE PERSON THAT DREW
20 THE BLOOD AND I DREW THE BLOOD FROM THAT FELLOW RIGHT
21 YONDER

22 SO NO QUESTION WHERE THE BLOOD CAME FROM IT CAME
23 OUT OF HIS BODY AND WHEN IT WAS COMPARED, THE SWABS
24 THAT WERE TAKEN BY JAN BRYSON AND DIANE BODIE, WHICH
25 ARE CONTAINED IN THESE THREE PACKAGES HERE, WHEN THEY

STATE VS ALKEBULANYAHH

1 WERE COMPARED BY GRAY AMICK, THE DNA EXPERT, HE SAID
2 THAT'S TYREE'S BLOOD -- OR DIDN'T SAY TYREE HE SAID
3 THAT IS THE BLOOD THAT I COMPARED THAT CAME OUT OF HIS
4 BODY

5 WE KNOW THAT HIS BLOOD WAS ON THE DOOR THE
6 MAGAZINE, THE GUN, AND ON THAT STICK THAT WAS FOUND
7 WHERE THE GUN WAS FOUND I MEAN THAT IS FACT THAT'S
8 -- NO QUESTION ABOUT THAT

9 NOW, THAT -- THAT STICK -- THAT BLOOD WASN'T HIS
10 HE PLANTED IT -- SOMEBODY PLANTED IT AGAIN IF YOU
11 BELIEVE IT, TURN HIM LOOSE IF YOU THINK THE POLICE
12 PLANTED IT

13 BUT LET ME TELL YOU SOMETHING WHERE WOULD THEY
14 HAVE GOTTEN THE BLOOD FROM TO PLANT IT? I JUST -- IT
15 DOESN'T MAKE A LOT OF SENSE TO ME

16 EVERYBODY HE HAS COME IN CONTACT WITH, EVERY
17 PERSON THAT HE HAS COME IN CONTACT HAS DONE SOMETHING
18 WRONG THEY PLANTED THE FANNY PACK THEY PLANTED THE
19 BLOOD APPARENTLY THEY PLANTED THE FINGERPRINT ON THE
20 MAGAZINE

21 THEY PLANTED -- OH, THEY PLANTED THIS BOX OF
22 SHELLS THAT DIANE BODIE TOLD YOU ALL, 7 62, THE SAME
23 KIND THAT THAT GUN FIRES, THAT WAS FOUND I THINK SHE
24 SAID OVER HERE ON THIS -- THIS LITTLE TABLE HERE IF I'M
25 NOT MISTAKEN

STATE VS ALKEBULANYAHH

1 WE FOUND THOSE IN THE ROOM HE SAYS SOMEBODY
2 PLANTED IT IN THERE THE CREDIBILITY OF THE WITNESSES
3 LADIES AND GENTLEMEN, AND HIS CREDIBILITY IS AT STAKE

4 HE SAYS, I NEVER SAW THAT GUN EVER IN MY LIFE
5 BUT ONE TIME DURING HIS THING I ASKED HIM, I SAID
6 HOW DID YOUR FINGERPRINTS AND YOUR BLOOD GET ON IT?

7 HE SAYS, IT COULDN'T BE ON MY GUN IT COULDN'T BE
8 ON MY GUN

9 MR ALKEBULANYAHH YOUR HONOR -- OBJECTION, YOUR
10 HONOR THAT STATEMENT THAT HE'S MAKING IS A INCOMPLETE
11 STATEMENT THAT ---

12 - THE COURT HE'S ARGUING WHAT HE BELIEVES THE
13 EVIDENCE SHOWS YOU'RE CAPABLE OF ARGUING THAT TOO

14 LADIES AND GENTLEMEN, THE CLOSING ARGUMENTS ARE
15 NOT EVIDENCE IT'S JUST THE OPPORTUNITY TO SUMMARIZE
16 WHAT THEY BELIEVE THE EVIDENCE SHOWS, PUT THE PIECES
17 TOGETHER -- THE PUZZLE TOGETHER SO TO SPEAK

18 GO AHEAD PLEASE

19 MR MURDAUGH THE LAST THING THAT WE KNOW IS THAT
20 THE SHOTS THAT KILLED OFFICER COURSEN AND OFFICER TATE
21 WERE FIRED BY THAT RIFLE

22 DO YOU REMEMBER DAN DEFREESE TESTIFYING, YOU KNOW,
23 THE BALLISTICS EXPERT WITH SLED HE SAYS THAT I
24 COMPARED THE BULLETS THAT WERE TAKEN FROM THE DEAD
25 BODIES BY KIM COLLINS, THE PATHOLOGIST, AND I COMPARED

STATE VS ALKEBULANYAHH

1 STATE'S EXHIBIT NO 2, WHICH WAS TAKEN FROM COURSEN IT
2 MATCHED THAT GUN IT WAS FIRED BY THAT GUN

3 TWO OF THESE THREE -- ONE OF THESE THREE IF I
4 REMEMBER DEFREESE'S TESTIMONY, CAME FROM -- CAME FROM
5 THE BODY TAKEN BY DR COLLINS MATCHED THE GUN

6 AND IF YOU WILL RECALL DR COLLINS' TESTIMONY,
7 EACH OF THOSE BULLETS COULD HAVE BEEN THE FATAL WOUND
8 THERE WERE A NUMBER OF WOUNDS, BUT THEY COULD HAVE BEEN
9 THE FATAL WOUNDS IN THOSE CASES

10 I DON'T KNOW WHAT HE WAS DOING WITH THIS GUN I
11 DON'T KNOW WHY HE HAD IT THERE

12 - I KNOW, AND YOU WILL HAVE IN EVIDENCE LADIES AND
13 GENTLEMEN OF THE JURY, STATEMENTS, FOUR STATEMENTS FROM
14 KIMBERLY BLAKE THESE ARE EVIDENCE AND WAS PLACED IN
15 EVIDENCE BY THE DEFENDANT YOU WILL HAVE THESE
16 STATE'S EXHIBITS 5, 6, 7, AND 8 THESE WERE PUT IN BY
17 HIM

18 SHE SAYS THAT HE WAS IN THE CLOSET SHE SAYS IN
19 THERE THAT HE MET HER BACK AT MARTHA'S HOUSE, THAT HE
20 HAD THE GUN IN HIS HANDS, THAT HE WAS WOUNDED, AND SAID
21 I KILLED THOSE TWO WHITE -- I KILLED THOSE TWO BITCHES,
22 NOT WHITE BITCHES THAT'S NOT IN THE STATEMENT I
23 KILLED THOSE TWO BITCHES THAT'S WHAT HE TOLD HER AS
24 -- IMMEDIATELY AFTER IT HAPPENED

25 WE ALSO KNOW THAT HE TOLD RIGHT HERE IN BEAUFORT

STATE VS ALKEBULANYAHH

1 COUNTY WHILE HE WAS CONFINED IN THE DETENTION CENTER,
2 HE SAYS YOU ALL PLAY WITH ME THE LAST TWO PEOPLE ARE 6
3 FOOT UNDER, AND I'LL PUT YOU ALL THERE YOU REMEMBER
4 THAT TESTIMONY THAT'S FROM THE SLUT AND THE DRUNK
5 EVERYBODY HE COMES IN CONTACT WITH, THERE'S
6 SOMETHING WRONG OTHER THAN HIM HAVE YOU ALL NOTICED
7 THAT?
8 HE THEN TOLD THREE PEOPLE IN CHARLESTON I DON'T
9 REMEMBER THEIR NAMES IT WAS BEATTY, THORNTON,
10 PERHAPS, AND SOMEBODY ELSE, THE THREE OFFICERS THERE
11 THAT WERE TAKING A PICTURE OF HIM HE SAID LOOK --
12 THEY SAID YOU CAN'T SMILE WHEN WE ARE TAKING THIS
13 PICTURE WE NEED AN EXPRESSIONLESS PICTURE
14 HE SAID LET ME TELL YOU SOMETHING I DONE KILLED
15 TWO COPS I KNOW I'M GOING TO THE CHAIR OR I'M GOING
16 TO GET DEATH, OR WORDS TO THAT EFFECT YOU ALL WILL
17 HAVE TO REMEMBER THE SPECIFIC WORDS
18 LADIES AND GENTLEMEN, I COULD TALK TO YOU ALL FOR
19 ANOTHER COUPLE OF HOURS ABOUT THE EVIDENCE AND ALL OF
20 THAT BUT I THINK I HAVE TOUCHED ON EVERYTHING
21 THERE IS ABSOLUTELY NO QUESTION THAT HE WAS
22 SITTING IN THAT CLOSET BECAUSE HE TOLD KIMBERLY BLAKE,
23 HE SAID, I AIN'T GOING WITH THEM COPS YOU ALL HAVE
24 GOT THOSE FOUR STATEMENTS RIGHT THERE IF THERE'S ANY
25 QUESTION IN YOUR MIND ABOUT IT, YOU READ THEM HE

STATE VS ALKEBULANYAHH

1 SAID, I AM NOT GOING WITH THE POLICE

2 HE SAID HE HAD A RIFLE IN HIS HANDS, THAT HE
3 HEADED TO THE CLOSET

4 AND WHAT DID HE DO? OFFICER COURSEN WAS STANDING
5 THERE AND, YOU KNOW, BLESS GOD, LADIES AND GENTLEMEN
6 OF THE JURY, THE MOST RIDICULOUS THING ABOUT THIS,
7 THESE OFFICERS WERE DOING THEIR JOB

8 I MEAN, THEY WERE RESPONDING TO A CALL WHETHER IT
9 BE A LEGITIMATE CALL, WHETHER IT NOT BE LEGITIMATE
10 THEY WERE RESPONDING TO A CALL AND THEY HAD AN
11 OBLIGATION IF YOU, OR YOU, OR ANYBODY IN THIS
12 COURTROOM WERE TO CALL AN OFFICER, THEY'VE GOT AN
13 OBLIGATION TO COME INVESTIGATE IT

14 AND THE MOST ASININE THING ABOUT IT IS HAD HE NOT
15 AMBUSHED AND SHOT AND KILLED THESE TWO OFFICERS, THEY
16 PROBABLY WOULD HAVE GONE TO HIM AND SAID LOOK, DID YOU
17 BEAT UP ON HER?

18 HE WOULD HAVE SAID NO

19 THEY WOULD HAVE GONE TO KIMBERLY BLAKE AND SAID
20 DID HE BEAT UP ON YOU?

21 AND SHE PROBABLY WOULD HAVE TOLD THEM NO THAT'S
22 WHAT SHE SAID ON THE WITNESS STAND, SAID HE PULLED MY
23 HAIR ONE TIME AND SHE WOULD HAVE GONE HER WAY HE
24 WOULD HAVE GONE HER (SIC) WAY AND THE OFFICERS WOULD
25 BE HERE TO SERVE AND PROTECT US TODAY

STATE VS ALKEBULANYAHH

1 BUT BLESS GOD WHAT HAPPENED LADIES AND
2 GENTLEMEN, HE HID IN THAT CLOSET HE HID IN THE CLOSET
3 AND HE AMBUSHED TATE (SIC) AND AFTER HE AMBUSHED TATE
4 (SIC), HE FOLLOWED HIM AROUND AND WENT INTO THAT
5 BATHROOM AND CONTINUED SHOOTING, AND CONTINUED SHOOTING
6 UNTIL HE KILLED TATE

7 THERE IS NO QUESTION WHAT THE EVIDENCE SHOWS THE
8 PHYSICAL EVIDENCE, EVERYTHING THAT HAS COME OUT IN THIS
9 TRIAL

10 HE SAID THAT TATE SHOT COURSEN IN THE BACK OF THE
11 HEAD AND HE FELL ON THE COT DO YOU REMEMBER HIS
12 TESTIMONY ABOUT THAT?

13 WELL, LADIES AND GENTLEMEN, IF YOU WILL RECALL DR
14 COLLINS' TESTIMONY, HE HAD A BULLET WOUND TO HIS CHIN
15 THAT CAME OUT OF HIS EYE DO YOU REMEMBER THAT? BLESS
16 GOD HOW COULD THAT HAVE HAPPENED? HOW COULD HE HAVE
17 GOTTEN THAT INJURY IF HE'S LAYING FACE DOWN ON THAT COT
18 LIKE HE SAYS HE WAS THERE IS NO WAY IT COULD HAVE
19 HAPPENED THE WAY HE DID (SIC)

20 THE FACTS SHOW HE IS GUILTY OF MURDERING OFFICER
21 COURSEN, AND IT SHOWS THAT HE IS GUILTY OF MURDERING
22 OFFICER TATE AND YOUR ONLY TRUE VERDICT WILL BE
23 GUILTY TO BOTH COUNTS

24 THE FAMILY, OFFICERS -- WE'LL BE WAITING ON YOUR
25 VERDICT THANK YOU

STATE VS ALKEBULANYAHH

1 INDULGE ME JUST ONE SECOND PLEASE
2 (PAUSE)
3 MR MURDAUGH THANK YOU, SIR
4 THE COURT READY TO PROCEED?
5 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
6 THE COURT LADIES AND GENTLEMEN, YOU SHOULD JUST
7 DISREGARD ANY STATEMENT ABOUT WHO IS -- IN PARTICULAR
8 IS WAITING FOR ANY VERDICT IN THIS CASE
9 ALL RIGHT GO AHEAD
10 (PAUSE)
11 MR ALKEBULANYAHH GOOD MORNING LADIES AND
12 GENTLEMENS
13 THE JURORS GOOD MORNING
14 CLOSING ARGUMENTS BY MR. ALKEBULANYAHH ON BEHALF OF THE
15 DEFENDANT.
16 THE PROSECUTOR HAS GIVEN YOU HIS SIDE OF WHAT HE
17 THOUGHT OR BELIEVED TO HAVE HAPPENED
18 NOW I STAND BEFORE YOU TO DO SOMETHING THAT THE
19 JUDGE SAY IS NOT REQUIRED BY ME TO DO AND THAT IS TO
20 PROVE MY INNOCENCE IT IS HIS DUTY TO PROVE MY GUILT
21 BUT I STAND BEFORE YOU TO SHOW YOU THAT I WILL PROVE MY
22 INNOCENCE FROM THE EVIDENCE THAT HE PRESENTED
23 MR ALKEBULANYAHH HAS NOT KILLED ANYONE MR
24 ALKEBULANYAHH WANTED MY FAMILY, THE OFFICERS' FAMILY
25 THAT'S INVOLVED TO KNOW THE TRUTH ABOUT A SITUATION

STATE VS ALKEBULANYAHH

1 THAT HAS OCCURRED

2 AND I ASK THAT YOU, LADIES AND GENTLEMEN, TO LOOK
3 AT THE EVIDENCE, NOT TO LOOK AT WORDS OR EMOTIONS,
4 BECAUSE EMOTIONS AFFECTS ALL OF US BUT LOOK AT THE
5 EVIDENCE, THE FACTS, THE PROOF

6 AND WHAT HE'S PRESENTED BEFORE YOU IS WHAT THEY
7 CALL CIRCUMSTANTIAL EVIDENCE, MEANING THERE IS NO
8 SUBSTANTIAL EVIDENCE, THERE IS NOTHING CONCRETE
9 NOTHING SOLID, NOTHING TO INDICATE THAT I KILLED
10 ANYONE AND ALL THOSE CIRCUMSTANCES THAT HE PUT
11 TOGETHER, HE SHOULD BE ABLE TO PUT ALL THEM TOGETHER TO
12 WHERE THEY FIT PERFECTLY THEM CIRCUMSTANCES SHOULD
13 FIT PERFECTLY

14 EACH CIRCUMSTANCE THAT HE PUT TOGETHER TO TRY TO
15 DRAW A CONCLUSION OF MY GUILT THEY SHOULD FIT
16 PERFECTLY THEY SHOULD BE THIS WAY AND THAT WAY THEY
17 SHOULD BE LIKE A PUZZLE IF A PIECE DON'T FIT IN A
18 PUZZLE, IT'S NOT COMPLETE IF YOU GOT A THOUSAND PIECE
19 PUZZLE AND ONE OF THE PIECES DON'T FIT THE PIECE DON'T
20 FIT THE PUZZLE IS NOT COMPLETE UNLESS IT FITS

21 AND THIS IS WHAT I WOULD ASK YOU, LADIES AND
22 GENTLEMENS (SIC), IS TO LOOK AT THIS AS A PUZZLE AND
23 PUT ALL THE EVIDENCE TOGETHER THAT WHEN IT FIT, THAT IT
24 WILL FIT AND COME TOGETHER AND POINT TO MY GUILT BEYOND
25 A REASONABLE DOUBT NOT JUST A DOUBT

STATE VS ALKEBULANYAHH

1 IF THERE'S EVIDENCE TO MAKE YOU HESITATE OR YOU
2 SEE EVIDENCE TO SEE -- TO MAKE -- THAT POINTS TO
3 SOMEBODY ELSE INVOLVED OR DOING -- OR -- OR -- OR HAS
4 SOME ACTIONS INVOLVED IN THIS INCIDENT, THEN IT'S
5 DOUBT AND THE EVIDENCE SHOULD SHOW THAT WITHOUT A
6 DOUBT AND IF YOU HAVE A DOUBT, IF YOU THINK -- SAY
7 WELL, THIS EVIDENCE IS -- WHAT HE'S PRESENTED, MAYBE HE
8 DIDN'T MAYBE HE DID AND THAT'S DOUBT
9 AND I WANT THE EVIDENCE TO SHOW THIS NOT ME TO
10 SAY I'M GOING TO TALK ANY EMOTIONAL OR GET YOU TO FEEL
11 SORRY FOR ME I DON'T WANT NOBODY FEELING SORRY FOR
12 ME - I DON'T WANT NO SYMPATHY ALL I WANT IS THIS JURY
13 TO DETERMINE TO -- AND I CONTRIBUTE TO PICKING THIS
14 PARTICULAR JUROR (SIC)
15 AND IT WAS PART OF ME AND MY DEFENSE TO TRY TO
16 PICK STRONG PEOPLE, REAL STRONG PEOPLE BECAUSE WE KNEW
17 THIS WOULD BE A STRONG CASE, PEOPLE WHO WOULD BE
18 DETERMINED TO -- TO STICK TO THE TRUTH AS THE
19 QUESTION WAS GIVEN TO YOU WOULD YOU -- DO YOU PROMISE
20 TO JUDGE FAIRLY TO STICK -- TO NOT BE IMPARTIAL, TO
21 NOT BE BIASED TOWARD ME NOT BECAUSE OF MY PARENTS, NOT
22 BECAUSE OF MY LOOKS NOT BECAUSE OF MY DEMEANOR, BUT
23 BECAUSE OF THE FACTS THAT WOULD BE PRESENTED TO YOU,
24 THAT -- THAT HAS BEEN PRESENTED TO YOU IN THIS CASE
25 AND THIS IS WHY EACH ONE OF YOU ALL IN MY DEFENSE,

STATE VS ALKEBULANYAHH

1 WHY WE CHOSEN TO PICK THIS PARTICULAR JUROR (SIC) AND
2 WHY I WENT ALONG TO WANT YOU ALL TO SIT, BECAUSE EACH
3 ONE OF YOU HAVE DIFFERENT INDIVIDUAL CHARACTERISTICS
4 BUT ACCORDING TO THE QUESTIONNAIRE, YOU ALL POSSESSED A
5 STRONG WILL TO WANT TO DO WHAT'S RIGHT

6 AND WHAT'S RIGHT WOULD BE TO GIVE ME A FAIR TRIAL
7 BY THE EVIDENCE AND THE THINGS THAT YOU KNOW THAT
8 YOU'LL BE TAKING BACK THERE WITH YOU

9 AND I'M GOING TO PRESENT SOME THINGS TO YOU AND
10 ASK YOU TO SCRIBBLE SOME THINGS DOWN TO TAKE BACK THERE
11 IN THE JURY (SIC) WHEN YOU GO IN THE JURY BOX (SIC) TO
12 DELIBERATE TO LOOK AT FOR YOURSELF

13 AND WHAT I -- WHAT I WANT TO POINT OUT TO YOU WILL
14 BE SO OVERWHELMINGLY -- OVERWHELMINGLY (SIC) IT WILL
15 BE OVERWHELMING IT WILL BE NO DOUBT THAT I WAS NOT
16 THE ONE WHO SHOT AND KILLED OFFICER TATE OR COURSEN
17 IT WILL BE OVERWHELMINGLY (SIC)

18 THE PROSECUTOR, WHEN HE OPENED UP HIS -- OPENED
19 HIS STATEMENTS TO YOU ALL, HE CAME AND HE STOOD BEFORE
20 YOU ALL IN OPENING STATEMENT BEFORE HE CAN GET INTO
21 HIS OPENING STATEMENT, HE STARTED OUT WITH TELLING YOU
22 A LIE HE STARTED OUT FROM THE BEGINNING WITH A LIE

23 HE STATED TO YOU RIGHT HERE, HE SAID, MR
24 ALKEBULANYAHH, THAT MAN RIGHT THERE, YOU'RE GOING TO
25 SEE WHEN YOU GET UP HERE THAT THIS EVIDENCE THAT HE HAD

STATE VS ALKEBULANYAHH

1 IN HIS POSSESSION A I D WITH NZURI BATH ALKEBULANYAHH
2 ON IT AND THE OFFICER TOOK THAT OUT OF HIS
3 POSSESSION

4 BUT THEN YOU HEARD THE OFFICER SAY HE WAS LOOKING
5 IN THE PURSE OF A WOMAN THAT HE HAD DETAINED AND SEEN A
6 I D WITH NZURI BATH ALKEBULANYAHH NAME ON IT AND
7 THEN YOU HAD ANOTHER OFFICER COME SAY THE OFFICER GIVE
8 HIM THE I D AND HE TOOK THE I D TO THE HOSPITAL WITH
9 HIM

10 WHY WOULD HE TELL YOU ALL THAT? BECAUSE HE WANT
11 YOU TO BELIEVE OR THINK THAT WHEN THEY TOOK THIS I D
12 AND THEY PUT IT -- THEY PUT IT AS EVIDENCE BELONGING TO
13 ME TO SHOW THAT THEY WAS -- THEY WAS FROM THE BEGINNING
14 STARTING TO TRY TO CONSTRUCT A CASE, CONCOCT A CASE,
15 BECAUSE HE DIDN'T BRING NOTHING UP WITH THAT TO TRY TO
16 MAKE SURE THAT HE TELL YOU ALL THAT

17 HE LIED FROM THE BEGINNING, JUST LIKE ALL THE
18 OTHER THINGS THAT'S LIES BEHIND IT HE DON'T HAVE NO
19 PROBLEM HE DIDN'T EXPRESS ANY REMORSE FOR HIS LIES
20 HE DIDN'T SAY I'M SORRY FOR TELLING YOU A LIE FROM THE
21 BEGINNING SOON AS I STARTED OPENING MY -- IN MY OPENING
22 STATEMENT BEFORE THE CASE EVEN BEGAN BECAUSE THAT WAS
23 HIS INTENTION AND THAT'S WHAT HE DID

24 AND YOU COULD PULL THE RECORD AND THE RECORD WOULD
25 SHOW THAT LOOK AT THE RECORD FOR YOURSELF AND IT

STATE VS ALKEBULANYAHH

1 WOULD SHOW THAT

2 AND I ASKED YOU A QUESTION WHEN WE PICK THESE --
3 YOU JURORS, SHOULD THE PROSECUTOR HAVE A RIGHT TO LIE
4 TO YOU?

5 AND ALL OF YOU SAID, NO EACH AND EVERY ONE OF
6 YOU SAY, NO, HE SHOULD NOT LIE -- BECAUSE I KNEW HE
7 WOULD LIE BUT EACH AND EVERY ONE OF YOU SAID THE
8 PROSECUTOR SHOULD NOT LIE WHEN PRESENTING A CASE ABOUT
9 FACTS AND THINGS THAT'S GOING ON IN A CASE TO YOU NOR
10 TO PROTECT OR COVER UP POLICE OFFICERS

11 I DIDN'T SAY TWO -- BOTH OF THESE POLICE OFFICER
12 WAS -EVIL, THESE PEOPLE WAS EVIL, AND THIS AND THIS,
13 ABOUT THEM BEING EVIL AND BAD AND WHATEVER I DON'T
14 KNOW THEIR LIFE OUTSIDE FROM THE TIME THEY ENTER MY
15 HOME I DIDN'T SOCIALIZE WITH THEM

16 BUT THERE WAS ACTION TAKEN THAT WAS BAD AND IT WAS
17 WRONG THERE WAS MISTAKES MADE BY THEM FOR WHAT THEY
18 DID BUT I'M NOT GOING TO SIT HERE AND SAY I DON'T
19 HAVE NO REMORSE OR NO FEELINGS TOWARD THESE OFFICER
20 (SIC), ANYBODY'S LIFE BEING TAKEN

21 BUT THE PROSECUTOR IS WRONG HIS EVIDENCE IS
22 WRONG HIS LIE HE TOLD YOU FROM THE BEGINNING WAS
23 WRONG AND I STAND BEFORE YOU TO PRESENT THE TRUTH
24 BECAUSE I HAVE TO BELIEVE THAT THE ONLY WAY THAT YOU'LL
25 BE ABLE TO SEE THE COMPLETE PICTURE OF WHAT'S REALLY

STATE VS ALKEBULANYAHH

1 HAPPENING UNLESS YOU HEAR IT FROM ME -- YOU WILL HAVE
2 TO HEAR IT FROM ME, BECAUSE THE MEDIA IS NOT GOING TO
3 PUT THE COMPLETE PICTURE THE NEWS IS NOT GOING TO PUT
4 THE COMPLETE PICTURE

5 NO ONE WANTS TO BE OSTRACIZED AND THEY WILL GIVE
6 YOU THE THING WELL YOU'RE TAKING THE SIDES OF A COP
7 KILLER YOU'LL BE OSTRACIZED AND THAT'S NOT RIGHT
8 IT'S NOT FAIR AND THIS IS WHAT CAN HAPPEN WITH THIS
9 PARTICULAR CASE THEY DIDN'T WANT THE TRUTH FROM THE
10 BEGINNING

11 THEY NEVER ASKED MR ALKEBULANYAHH WHAT HAPPENED
12 IN HIS HOME, WHO WAS THERE THEY PUT THEIR WHOLE CASE
13 ON A PERSON THAT TOOK THIS STAND AND TOLD YOU MORE THAN
14 FOUR OR FIVE TIMES I LIE IN MY STATEMENT, I LIED IN MY
15 INTERVIEWS, AND I LIE UNDER OATH

16 MS KIMBERLY BLATE (PHONETIC) TOOK THIS STAND AND
17 TOLD YOU MORE THAN THREE, FOUR, FIVE, SIX TIMES,
18 OMITTED (SIC) I LIE I LIED UNDER OATH I LIED IN MY
19 STATEMENT I LIED IN MY INTERVIEWS, AND DIDN'T EXPRESS
20 NO REMORSE FOR HER LYING BECAUSE SHE HAVE CONFIDENCE TO
21 LIE SHE WILL BE PROTECTED BY THEM THERE WON'T BE NO
22 FALSE -- GIVING FALSE INFORMATION CHARGES AGAINST HER
23 THERE WON'T BE NO PERJURY CHARGES AGAINST HER

24 BUT IF SOMEONE GOT UP THERE AND LIED TO MR
25 ALKEBULANYAHH, THEY WOULD HAVE FALSE -- THEY WOULD HAVE

STATE VS ALKEBULANYAHH

1 A PERJURY CHARGE THEY WOULD HAVE GIVING A FALSE
2 STATEMENT CHARGE

3 BUT SHE'S CONFIDENT SHE'S CONFIDENT AND THE
4 PROSECUTOR, THE INVESTIGATORS IN THIS CASE SHE WAS
5 STATING I SOCIALIZED WITH MR BROMAGE SOCIALIZED, YOU
6 SOCIALIZED?

7 HER GRANDMOTHER GOT UP HERE AND SAY THEY BEEN
8 COMING TO PICK HER UP EVERY DAY FOR WEEKS FROM MORNING
9 IN TO HOURS THAT'S WHAT HER GRANDMOTHER SAID THAT'S
10 WHAT MS SADIE BLATE (PHONETIC) SAID

11 WHAT IS -- WHY IS IT NECESSARY THEY COME AND
12 PICKING HER UP EVERY DAY, KEEPING HER ALL DAY FOR
13 WEEKS? WHY DOES SHE HAVE TO MAKE SO MANY -- YES, I
14 INTRODUCED KIMBERLY BLATE'S (PHONETIC) STATEMENTS INTO
15 EVIDENCE

16 MR -- THE PROSECUTOR TOLD YOU I INTRODUCED
17 KIMBERLY BLATE'S (PHONETIC) STATEMENTS IN -- IN
18 EVIDENCE YES, I DID AND THE REASON I INTRODUCED
19 KIMBERLY BLATE'S (PHONETIC) STATEMENTS INTO EVIDENCE,
20 SO THAT YOU WOULD HAVE A IMPARTIAL VIEW

21 I WANTED YOU TO SEE THE GOOD THINGS SHE SAID, AND
22 THE BAD THINGS SHE SAID, AND THE INCONSISTENCY, AND THE
23 LIES THAT'S WHY I INTRODUCED IT I COULD HAVE SAID,
24 WELL, I DON'T WANT TO INTRODUCE THIS PART AND LET THE
25 PROSECUTOR ENTER THIS PART I -- I DON'T WANT TO

STATE VS ALKEBULANYAHH

1 INTRODUCE THE PART ABOUT SHE SAID HE KILLED THOSE TWO
2 BITCHES OR HE WAS HIDING IN THE CLOSET NO, YOU NEEDED
3 TO KNOW THAT SHE WROTE THAT IN HER STATEMENT AND WHEN
4 SHE WROTE IT YOU NEEDED TO KNOW THAT YOU NEEDED TO
5 KNOW THE BAD AND YOU NEEDED TO KNOW WHAT THE GOOD WAS
6 WHY SHOULD I TRY TO HIDE SOMETHING THAT SHE SAID
7 BECAUSE IT MAKES SMALL OR SMEARS ME? IT CAN'T BECAUSE
8 IT'S NOT THE TRUTH SO THAT'S WHY I INTRODUCED ALL OF
9 HER STATEMENT IN THERE, NOT PARTIAL
10 HE WANTS TO GIVE YOU PARTIAL EVIDENCE, JUST LISTEN
11 TO THIS, TAKE THIS AND THEN GO WITH THIS AND THIS AND
12 THAT - DON'T WORRY ABOUT THIS GIRL HERE
13 BUT KIMBERLY BLATE (PHONETIC) -- THEIR WHOLE CASE
14 WAS BUILT ON A LIE, A PERSON THAT JUST TOLD LIES FROM
15 HER STATEMENT
16 AND SHE SAID I LIED I LIE UNDER OATH I LIE IN
17 MY STATEMENTS I LIED TO THE PROSECUTOR I LIE BEFORE
18 THE JUDGE I CAN LIE
19 BELIEVE ME, NO ONE BELIEVES HER TO ME, I DON'T
20 THINK NOBODY BELIEVE HER BUT THEM THEY THE ONLY ONES
21 THAT BELIEVE HER WHEN YOU LOOK AT HER STATEMENTS --
22 LOOK AT HER STATEMENTS REMEMBER WHAT SHE SAID UNDER
23 OATH
24 HOW CAN YOU BELIEVE HER? NOT EVEN A RATIONAL OR
25 SENSIBLE PERSON WOULD BELIEVE HER, NOT HER IT'S

STATE VS ALKEBULANYAHH

1 IMPOSSIBLE READ AND LOOK THROUGH ALL HER STATEMENTS
2 SHE COME FROM HE DIDN'T HAVE A GUN I DIDN'T EVEN
3 KNOW HE WAS PRESENT
4 YES, SHE'D BEEN TRYING TO TELL THEM THE TRUTH
5 ORIGINALLY BUT SHE'S -- THE INVESTIGATOR, YOU HAD
6 FIVE, FOUR OR FIVE OF THEM YOU HAD MR WILSON
7 INVESTIGATOR WILSON, INVESTIGATOR SANKOWSKI YOU HAD
8 INVESTIGATOR LIEUTENANT BROMAGE YOU HAD INVESTIGATOR
9 TRAVIS LEE AVANT YOU HAD THE SLED AGENT, THE -- MR
10 JENKINS YOU HAD ALL THESE PEOPLE INTERVIEW MS BLATE
11 (PHONETIC) ON THIS DATE, AND MS BLATE (PHONETIC) SAY
12 MR -ALKEBULANYAHH, NO HE HAD NO GUN WHEN I SEE, HE
13 HAD NO GUN
14 YOU HAD MR SANKOWSKI WHO SAY, WHEN I INTERVIEW
15 HER AND ASK HER HAVE SHE EVER HEARD HIM SAY ANYTHING
16 THAT NIGHT NEVER HEARD HIM SAY NOTHING BAD ABOUT --
17 ABOUT NO -- ABOUT NO POLICE
18 MS WILSON TOOK THE STAND AND TESTIFY AND SAID THE
19 SAME THING
20 AND THEN THERE WAS EVIDENCE PRODUCED TO YOU ON
21 JANUARY 10 TWO DAYS LATER, SHE WAS GOING TO FAMILY
22 COURT, WHICH I ASKED -- THAT -- WHICH WAS INTRODUCED
23 INTO EVIDENCE, THE ORDER WHEN THE JUDGE ORDER ABOUT THE
24 SITUATION WITH THE CHILD
25 NOW, ON THIS DATE THAT THE CHILD CUSTODY THING WAS

STATE VS ALKEBULANYAHH

1 GOING ON, JANUARY 10, TAKE NOTE, WHEN THEY WENT TO THE
2 FAMILY COURT AND ABOUT SPEAKING TO HER ABOUT GIVING
3 THAT BABY BACK TO HER, THAT SHE COMES WITH A NEW
4 STATEMENT AND THE FIRST TIME SHE SAYS IN THIS
5 STATEMENT, ON THE SAME DAY, JANUARY 10, THAT STATEMENT
6 OF JANUARY 10, AND YOU LOOK AT THAT ORDER -- THAT
7 HEARING THAT THEY HAD IN THE FAMILY COURT JANUARY 10

8 SO AFTER THEY SAID THINGS TO HER ABOUT RETURNING
9 THE BABY, THEY BROUGHT HER, MAKE A NEW STATEMENT

10 SHE MAKE A STATEMENT AND FOR THE FIRST TIME, WHAT
11 DID SHE SAY? OH, HE BEEN STANDING IN FRONT OF THE T V
12 WITH HIS HANDS ON THE GUN, SHOULDER LENGTH APART,
13 WAITING FOR THE OFFICERS TO COME THROUGH THAT'S WHAT
14 SHE SAID AFTER SHE COME FROM THIS COURT HEARING

15 BUT GUESS WHAT, THEY WAS HAPPY THAT PUT HIM WITH
16 THE GUN WE GOT HIM NOW WE CAN HOLD HIM THIS -- WE
17 GOT HIM HE'S THE GUY SHE JUST PUT HIM WITH THE GUN
18 SHE DONE WROTE A STATEMENT AND PUT HIM WITH THE GUN

19 BECAUSE BEFORE THAT SHE WOULDN'T SAY SOMETHING
20 THAT WAS UNTRUE EVEN AGAINST THEM HAVING HER BABY

21 BUT WHEN THEY WAS SPEAKING ABOUT THERE'S A
22 POSSIBILITY SHE WILL BE CHARGED, THAT'S A REALIZATION
23 SHE HAS NO -- NO CHOICE BUT TO BELIEVE BECAUSE THEY GOT
24 -- THEY GOT MR ALKEBULANYAHH'S WIFE IN JAIL CHARGED
25 WITH TWO COUNTS OF ACCESSORY TO MURDER

STATE VS ALKEBULANYAHH

1 AND YOU AIN'T HEARD ONE TIME WHERE SHE WAS
2 INVOLVED AROUND THAT HOME, NO WHERE NEAR IT, KNEW WHO
3 WAS SHOT OR ANYTHING BUT SHE'S CHARGED WITH TWO
4 COUNTS OF MURDER AND SAT IN THIS JAILHOUSE NINE MONTHS
5 AND HAD OUR -- AND HAD OUR FIRST CHILD WHILE IN CUSTODY
6 IN THIS JAILHOUSE

7 IT LOOK LIKE KIMBERLY BLATE (PHONETIC) SHOULD HAVE
8 BEEN IN JAIL THAT'S WHO SHOULD HAVE BEEN IN JAIL
9 SHE'D BEEN THERE

10 BUT MY WIFE SIT HERE NINE MONTHS, TWO COUNTS OF
11 ACCESSORY TO MURDER AND HAVE OUR FIRST CHILD IN THE
12 JAILHOUSE WITH HANDCUFFS ON HER WHILE SHE HAVE MY BABY
13 IN THE HOSPITAL AND SHE KNOW NOTHING -- KNEW NOTHING
14 ABOUT THE CASE

15 YOU DON'T THINK KIMBERLY BLATE (PHONETIC) DIDN'T
16 BELIEVE THAT SHE GOING TO BE IN THERE TOO? YES, SHE
17 BELIEVED THAT SO SHE WROTE WHAT THEY WANTED SAYING
18 THAT WELL, HE WAS STANDING THERE WITH A GUN IN FRONT OF
19 THE T V

20 THEN THEY COME TO HER JANUARY 11, ONE DAY LATER,
21 AND SHE ADDS ON AND TAKES AWAY

22 WELL, JANUARY 11, WHAT DID SHE ADD ON NOW AFTER
23 THE FIRST -- THE JANUARY 8 STATEMENT AND JANUARY 10
24 STATEMENT, OH, HE SAID -- HE -- HE TOLD ME HE KILLED
25 THOSE TWO -- THOSE TWO BITCHES THAT'S WHAT SHE SAID

STATE VS ALKEBULANYAHH

1 THAT'S TO MAKE EVIL THAT'S TO MAKE THIS SEEM
2 MALICE

3 AND -- AND THEN FOUR MONTHS LATER -- IF HER MEMORY
4 AIN'T RIGHT AND MR BROMAGE JUST AIN'T ENTERTAINING HER
5 EVERY DAY, DRIVING HER BACK AND FORTH TO THE POLICE
6 DEPARTMENT PROBABLY GOING AND EATING AND HAVING
7 HAMBURGERS OR SOCIALIZING, WHATEVER THEY DO

8 AND FOUR MONTHS LATER AFTER THEY INVESTIGATED,
9 THEY GO WE CAN'T SAY MR ALKEBULANYAHH WAS STANDING
10 HERE IN FRONT OF THE CLOSET, BECAUSE IT WOULDN'T MAKE
11 SENSE BECAUSE IF HE WAS STANDING THERE IN FRONT OF THE
12 CLOSET, THE DEPUTIES WOULD HAVE HAD TO COME THROUGH
13 THIS DOOR

14 AND THEN OFFICER TATE, AS THEY SAY, IS DISCOVERED
15 HERE AND MR COURSEN HERE -- I DON'T RECALL WHICH ONE
16 THEY SAY MADE A -- ENTERED THE HOME FIRST BUT IF A
17 MAN WAS STANDING HERE WITH A GUN AS BIG AS THAT GUN
18 IS, DON'T YOU THINK THEY WOULD HAVE SEEN HIM AS SOON AS
19 HE COME THROUGH THAT DOOR? DO YOU THINK THEY WOULD
20 HAVE CAME IN THERE?

21 I DON'T THINK THEM OFFICERS WOULD HAVE BEEN THAT
22 IGNORANT TO COME THROUGH A DOOR WITH A MAN STANDING
23 WITH A FOOT ON HIS HAND (SIC) WITHOUT SAYING DROP THE
24 WEAPON AND THEY HEAR HIM SAY DROP THE WEAPON OR
25 NOTHING THEY DON'T SAY NOTHING

STATE VS ALKEBULANYAHH

1 KIMBERLY BLATE (PHONETIC) WAS RIGHT NOBODY HEAR
2 NOTHING ABOUT HE SAY DROP THE WEAPON, OR MS RILEY
3 DIDN'T SAY THEY SEEN A MAN STANDING THERE WITH A GUN
4 SO IT DIDN'T FIT THEIR THEORY IT DIDN'T FIT

5 THE CHIEF INVESTIGATOR OF THE SLED LAW ENFORCEMENT
6 DIVISION TOOK THIS STAND ON A PRELIMINARY HEARING AND
7 STATED UNDER OATH KIMBERLY BLATE (PHONETIC) SEEN THAT
8 MAN STANDING WITH A GUN POINTED AT THE DOOR, FEET
9 SHOULDER LENGTH APART, WHEN OFFICER TATE AND OFFICER
10 COURSEN WENT THROUGH THAT DOOR AND GUNNED THEM DOWN

11 BUT REASONABLE PEOPLE COULDN'T BELIEVE THAT
12 BECAUSE IF -- IF -- IF -- IF THE INDIVIDUAL SHOT THIS
13 PERSON, THE FIRST OFFICER TO COME IN THIS ROOM, THEN
14 THE NEXT OFFICER WOULD HAVE RAN OFF, WOULDN'T HE? HE'D
15 HAVE BACKED OFF SO THAT DIDN'T FIT THEIR THEORY WHAT
16 HE TESTIFIED TO IN PRELIMINARY HEARING

17 THEY PUBLISH IN EVERY PAPER, OH, WITNESS
18 IDENTIFIES MR ALKEBULANYAHH STANDING IN FRONT OF THE
19 T V WITH A GUN WHEN THE OFFICERS COME THROUGH

20 BUT A LOT OF CITIZENS, THINKING CITIZENS, THINKING
21 PEOPLE, SAY IT AIN'T MAKE SENSE SOMEBODY MUST HAVE
22 BROUGHT IT TO HIS ATTENTION NO, WE MADE A MISTAKE
23 LOOK, WE NEED TO MAKE HER ANOTHER -- SHE NEED ANOTHER
24 STATEMENT

25 FOUR MONTHS LATER, MARCH 21-- THAT'S WHY I

STATE VS ALKEBULANYAHH

1 INTRODUCED THESE STATEMENTS IN TO YOU
2 FOUR MONTHS LATER, THEY GO MS BLATE (PHONETIC),
3 COME HERE MAKE THIS SHORT ALL HER STATEMENTS BEEN
4 -- FIRST SHE STARTED WITH ONE, THEN FROM TWO TO THREE
5 PAGE STATEMENT BUT THEN ON HER MARCH 21 STATEMENT,
6 FOUR MONTHS LATER, TWO PARAGRAPH
7 ONE -- NO NOW I REMEMBER HE WAS STANDING WITH THE
8 GUN, SHOULDERS APART BUT NOW I REMEMBER HE WAS HIDING
9 IN THIS CLOSET
10 WHY WOULD THEY HAVE HER TO SAY THAT? BECAUSE IT
11 DIDN'T FIT THEIR THEORY THAT THEY WAS GOING TO
12 INTRODUCE IT TO YOU, TO THE JURORS, AND THE PEOPLE IF
13 THEY HAD A TRIAL IT DIDN'T FIT
14 THEY DIDN'T BELIEVE THAT YOU WOULD BUY THAT STORY,
15 SO THEY NEED TO CREATE SOMETHING ELSE BECAUSE NOBODY
16 WAS GOING TO BUY THAT STORY, NOBODY NOBODY WOULD HAVE
17 BOUGHT THAT STORY THAT -- WHAT MR AVANT TESTIFIED TO,
18 A MAN WAS STANDING IN THE CLOSET AND -- AND KIMBERLY
19 BLATE (PHONETIC) WROTE A MAN WAS STANDING IN THE CLOSET
20 WITH A GUN WHEN THE OFFICER CAME NOBODY BOUGHT THAT
21 STORY
22 SO FOUR MONTHS LATER -- THAT'S WHY I INTRODUCED --
23 YES, I INTRODUCED I THE ONE INTRODUCED ALL OF
24 KIMBERLY BLATE'S (PHONETIC) STATEMENTS SO YOU CAN SEE
25 THE NEGATIVE AND THE POSITIVE IN REFERENCE TO WHAT WENT

STATE VS ALKEBULANYAHH

1 ON THERE

2 I DIDN'T WANT YOU TO SAY, WELL I WANT YOU TO SEE
3 THE PART WHERE KIMBERLY BLATE (PHONETIC) SAID I DIDN'T
4 HAVE A GUN NO I DIDN'T WANT YOU TO SEE JUST THAT
5 PART WHERE KIMBERLY BLATE (PHONETIC) GOING TO SAY HE
6 DID NOT HAVE A GUN

7 WELL, JURORS SEE KIMBERLY BLATE (PHONETIC) SAID I
8 DIDN'T HAVE A GUN, SO I'M GOING TO INTRODUCE THAT PART
9 OF THE EVIDENCE IN THERE

10 NO I WANT YOU TO SEE THE EVIDENCE WHERE SHE SAID
11 I HAD A GUN, WHERE SHE SAID I HAD A GUN AND WHERE I WAS
12 AT - THEN I WANT YOU TO SEE THE EVIDENCE WHERE SHE SAID
13 THAT I STOOD IN THIS CLOSET, BECAUSE I THINK THAT --
14 ALL THAT EVIDENCE IS NECESSARY SO YOU COULD COME TO A
15 REASONABLE CONCLUSION SO YOU DON'T HAVE TO BE DECEIVED
16 ABOUT THE EVIDENCE THAT'S BEEN PRESENTED IN THIS CASE

17 AND THIS IS WHAT DONE HAPPENED, AND THAT DON'T
18 MAKE SENSE IT'S A SHAME IT'S A SHAME ON LAW
19 ENFORCEMENT IT'S A SHAME ON MR PROSECUTOR HERE
20 IT'S A SHAME IT'S A CRIME AGAINST THE CITIZENS
21 BECAUSE WHAT HAPPENED TO MR ALKEBULANYAHH CAN HAPPEN
22 TO YOU OR ANY ONE OF YOU, YOUR HUSBAND, YOUR SONS, YOUR
23 DAUGHTERS, YOUR KIDS IT CAN HAPPEN TO ANYONE

24 IT'S NOT ABOUT A MAN WITH A BLACK FACE OR A MAN
25 WITH A DRED IT'S ABOUT LAW ENFORCEMENT IT'S NOT

STATE VS ALKEBULANYAHH

1 ABOUT THEM BEING BAD OR THEY BEING WRONG

2 NO ALL LAW ENFORCEMENT IS NOT WRONG BUT THE
3 ACTIONS OF THESE PEOPLE HAVE DOING UNFAIR IS WRONG IT
4 CAN HAPPEN TO ANY ONE OF YOU AND THAT'S THE FACT

5 THE ELEMENTS THE JUDGE SHOULD INSTRUCT YOU ABOUT
6 THE ELEMENTS IF I DO -- HE ALREADY OR HE WOULD --
7 SHALL INSTRUCT YOU ABOUT THE ELEMENT, THAT EACH AND
8 EVERY ELEMENT OF MURDER MUST BE ESTABLISHED IT MUST
9 BE ESTABLISHED WHO PULLED THE TRIGGER THAT'S A
10 ELEMENT

11 IT MUST BE ESTABLISHED WHO INITIATED THE SHOOTING,
12 WHO-INITIATED THE SHOOTING THAT MUST BE ESTABLISHED

13 IT MUST BE ESTABLISHED A EVIL MIND, A MALICE MIND,
14 A MALICE THOUGHT, THAT MUST BE ESTABLISHED NOT DAY
15 BEFORE, BUT AT THE TIME THAT THIS INCIDENT SUPPOSED TO
16 HAPPEN

17 THERE'S MORE ELEMENTS IN -- THAT GOES ALONG WITH
18 THAT, BUT THEM THINGS MUST BE ESTABLISHED IT HAS NOT
19 BEEN ESTABLISHED HERE

20 IT HAS NOT BEEN ESTABLISHED WHO INITIATED THE
21 SHOOTING IT HAS NOT BEEN ESTABLISHED THAT MR
22 ALKEBULANYAHH PULLED THE TRIGGER

23 KIMBERLY BLATE (PHONETIC) NEVER SAID MR
24 ALKEBULANYAHH PULLED THE TRIGGER

25 MS BRENDA SMITH RILEY NEVER SAID MR

STATE VS ALKEBULANYAHH

1 ALKEBULANYAHH PULLED NO TRIGGER

2 MS KIMBERLY BLATE (PHONETIC) CAME LATER AND TRIED
3 TO INFER THE PROSECUTOR DIDN'T COME WITH NO GENIUS
4 IDEAS TO SAY MR ALKEBULANYAHH WAS IN THIS ROOM

5 MR ALKEBULANYAHH THEN STATED HE WAS IN THIS ROOM
6 ALL THE TIME DURING THE TIME THAT HE ARRIVED BACK FROM
7 THE LAUNDRY, THAT WAS NOT NOTHING NEW

8 THIS MY BLOOD WAS FOUND IN THIS ROOM? YES I
9 ALREADY DONE STATED IT, WHERE I WAS AT WAY BEFORE THIS
10 TOOK PLACE

11 I WROTE A NEWSPAPER AND TOLD THEM I WAS IN THERE
12 WITHIN A MONTH -- WITHIN A MONTH OR SO AFTER THE EVENT
13 HAPPENED

14 I'M NOT SAYING I WASN'T NEVER IN THIS ROOM BUT I
15 WASN'T IN THE ROOM -- I WAS NOT IN THIS ROOM WHEN ANY
16 OTHER INDIVIDUALS STARTED THIS SHOOTING, AND THAT'S A
17 FACT

18 YOU HEARD ABOUT MS JAKELLE CHAPLIN, THE YOUNG
19 LADY THAT CAME AND SPOKE ABOUT -- WITH THIS IN-COURT
20 IDENTIFICATION

21 I KNEW THIS YOU KNOW, I THANK GOD WHEN I SIT
22 THERE AND THEY SAY, YEAH, THAT WAS HIM THAT WAS HIM,
23 BECAUSE I KNOW MY FACE BEEN IN THAT PICTURE -- BEEN IN
24 THE NEWSPAPER

25 I KNOW HOW THEY DEPICTED ME ON THE NEWS I KNOW

STATE VS ALKEBULANYAHH

1 THEY DEPICTED ME AS THIS INSANE, WILD-LOOKING
2 INDIVIDUAL UNEDUCATED, IGNORANT, UNENLIGHTENED I
3 KNEW THAT'S THE WAY THEY WANTED TO DEPICT ME BECAUSE
4 THIS IS WHAT THEY WANT, THE EMOTIONS BEHIND THEM
5 BUT WHEN YOU SEE ME IN PERSON I'M NOT THE PERSON
6 THAT YOU SEE IN THE NEWSPAPER WITH THE TWISTED MOUTH
7 AND THE -- AND THE WILD DREDS, RUNNING THIS AND THE
8 HAIR THIS HERE, AND -- AND -- AND -- AND SOME MILITANT-
9 TYPE PERSON BUT I DON'T CONTROL THE MEDIA
10 AND I KNOW THESE PEOPLE WHEN THEY GOT UP HERE AND
11 THEY SAY WITH THEIR IN-COURT IDENTIFICATION, THAT'S
12 HIM, THAT'S HIM, WHY DIDN'T WHEN -- WHEN THEY ARRESTED
13 ME THEY TOOK A PICTURE OF ME AND SAY IS THIS THE MAN?
14 IS THIS THE MAN? IS THIS THE MAN? IS THIS THE MAN YOU
15 SAW? IS THIS THE MAN YOU SAW? BECAUSE THEY KNEW THE
16 IDENTIFICATION THAT THEY RECEIVED FROM THEM INDIVIDUALS
17 DID INDICATE ME THEY KNEW THIS THEY KNEW THIS
18 DID YOU NOTICE ALL THE WITNESSES, NOT IN NONE OF
19 THE OFFICER REPORT DID THEY GET A DESCRIPTION OF THE
20 PERSON THAT THEY -- THAT THEM EYE WITNESSES SAY THEY
21 SEEN
22 THAT'S THE FIRST THING LAW ENFORCEMENT DO, COULD
23 BE A ROBBERY, A BURGLARY AND SOMEBODY SEE SOMETHING
24 THE FIRST THING THEY SAY, WHAT DID THEY LOOK LIKE, SO
25 THEY COULD DRAW A SKETCH WE SEE IT ALL THE TIME IN

STATE VS ALKEBULANYAHH

1 TELEVISION DRAW A SKETCH HE HAD A BEARD HE HAD A
2 MUSTACHE HE HAD A SCAR ON HIS SIDE HE HAD LONG
3 HAIR HE HAD SHORT HAIR HIS HAIR WAS TO THE BACK
4 WHY OUT OF ALL THESE WITNESSES MS JAKELLE
5 CHAPLIN MP HOLLOWAY MR BRYAN NAGEL, AND ALL THEM
6 CECIL FRANKLIN WHY DIDN'T THEY GO TO THEM AND GET A
7 SKETCH? YOU KNOW THAT WOULD -- THAT WOULD SOLIDIFY
8 EVERYTHING THERE WOULD BE NO MISTAKE IT WASN'T NO
9 MISTAKE ABOUT IDENTIFICATION THERE WOULD BE NO
10 MISTAKE

11 BUT THEY KNEW MR ALKEBULANYAHH DIDN'T FIT THE
12 IDENTIFICATION THAT THEY SAID

13 MS JAKELLE CHAPLIN THE YOUNG GIRL SHE SAY WELL
14 I NEVER SAW T V I NEVER SEEN HIM ON THE NEWS BUT
15 WHEN SHE FURTHER INQUIRE SHE SAID YEAH I DID YOU
16 KNOW I -- I DID

17 OKAY MAYBE -- YOU KNOW SHE'S DOING HER BEST TO
18 TRY YOU KNOW AND FIGURE -- I WANT -- YOU KNOW, I WANT
19 TO BE ABLE TO ASCERTAIN -- GET -- GET THE KNOWLEDGE AND
20 SEE YOU KNOW SO SHE CAN COME FORTH TO KNOW WHAT
21 REALLY WENT ON

22 SHE SAY SHE SEEN A MAN AND THIS WOMAN TOGETHER AND
23 THE MAN HAD A GUN THE MAN HAD A GUN AND THE MAN HAD
24 ON A BROWN JACKET THAT'S IN EXHIBIT 10 THAT'S MS
25 JAKELLE WASHINGTON (SIC) -- MS JAF -- I'M SORRY -- MS

STATE VS ALKEBULANYAHH

1 JAKELLE CHAPLIN STATEMENT IN EXHIBIT 10 THE MAN HAD A
2 BROWN JACKET WITH A GUN

3 THEY TALKED TO MR HOLLOWAY HE DON'T KNOW MS
4 CHAPLIN HE'S A DIFFERENT PERSON ANOTHER GENTLEMAN,
5 OLDER GENTLEMAN, HE SAY IN HIS TESTIMONY, I SEEN THE
6 MAN AND THE MAN, HE HAD ON A LIGHT COLOR TAN JACKET
7 THAT'S WHAT HE SAID THAT FITS MS JAKELLE DESCRIPTION
8 PRETTY MUCH, YOU KNOW, MAYBE TAN, LIGHT

9 MR BRYAN NAGEL, HE TESTIFIED, YEAH, IT WAS A
10 LIGHT COLOR IT WAS A TAN JACKET OR COAT THIS MAN HAD
11 ON YEAH, THAT'S WHAT HE SAID

12 - DEPUTY HIERS GOT UP, STATED HE -- HE -- HE -- HE
13 HAD REPORTED CAME OVER THE 9-1-1 DISPATCH -- AND YOU
14 COULD FIND THAT IN THE -- IN THE DISPATCH TRANSCRIPT AT
15 17 22 39 THE MAN HAD A BROWN JACKET RUNNING DOWN
16 DONALDSON CAMP ROAD

17 OKAY NO QUESTION THE GUY YOU SEEN WITH THE GUN,
18 THE GUY YOU SEEN WITH THE GIRL HAD A BROWN JACKET, A
19 TAN JACKET OR A LIGHT COLOR COAT?

20 NO QUESTION ABOUT IT

21 ALL THESE PEOPLE IDENTIFICATION IS CONSISTENT WITH
22 ONE ANOTHER

23 MR ALKEBULANYAHH IN EXHIBIT 29, IN A 9-1-1
24 DISPATCH OVER THE RADIO, I BELIEVE IT WAS MAJOR BAXLEY
25 CALLING YOU GOT THE 10-95, IS WE GOT A SUSPECT WE

STATE VS ALKEBULANYAHH

1 GOT A SUSPECT AT THE JOE FRAZIER ROAD BRIDGE SOMEBODY
2 TELL ME WHAT'S THIS GUY WEARING SO WE CAN KNOW HOW MANY
3 SUSPECTS WE COULD ASCERTAIN ARE IN THIS AREA

4 THIS IS ON THE RADIO THIS -- IN THE RADIO
5 ACTUALLY HAPPENED, IN EXHIBIT 29 AT THE TIME 17 26 48
6 PER DEPUTY SENOTTI (PHONETIC) HE'S WEARING BLACK AND
7 BLUE HE'S WEARING A BLACK JACKET AND BLUE PANTS,
8 BEING OBTAIN -- DETAINED ON THE SPOT

9 MR ALKEBULANYAHH CAN'T BE TWO PLACES AT THE SAME
10 TIME HE CAN'T BE RUNNING DOWN DONALDSON CAMP ROAD
11 WITH A BROWN JACKET ON AND A GUN SLUNG ACROSS HIS BACK
12 AND BEING DETAINED AT THE END OF JOE FRAZIER ROAD
13 BRIDGE WITH A BLACK JACKET WITH BULLET HOLES IN IT FROM
14 THE SHOTS THAT THE OFFICERS DONE SHOT, WHICH IS
15 CONSISTENT WITH THE -- WITH THE JACKET THAT I HAVE THAT
16 BELONGS TO ME THAT'S WHAT'S MR SENOTTI (PHONETIC)
17 SAID

18 IN EXHIBIT 25, THE EVIDENCE PROCESSING DEPARTMENT,
19 IF YOU LOOK AT ITEM 14, IT SAY CLOTHING FROM TYREE
20 ROBERTS, ONE BLACK JACKET, ITEM 14, EVIDENCE PROCESSING
21 ROOM THERE'S NO MISTAKE ABOUT IT

22 MR POWELL GET UP HERE, THE FORENSIC MAN, WHO
23 SPOKE ABOUT ITEMS THAT WAS IN EVIDENCE, THE SENIOR
24 SUPERVISOR FOR THE SLED TRACE EVIDENCE DEPARTMENT, I
25 ASKED HIM IN HIS TESTIMONY WHAT WAS ITEM 14 1?

STATE VS ALKEBULANYAHH

1 HE SAY ITEM 14 -- ITEM 14 1 WAS CLOTHING FROM
2 TYREE ROBERTS, ONE BLACK JACKET THAT WAS ITEM 14 1,
3 EVIDENCE PROCESSING -- THIS -- THIS -- THIS IS EVIDENCE
4 -- THIS IS EVIDENCE BELONGING TO ME, THAT'S ASSOCIATED
5 WITH ME

6 MR CARMON, THE GUY THEY SAY SEEN MR
7 ALKEBULANYAHH GOING ACROSS THE JOE FRAZIER ROAD BRIDGE
8 WHO THEY SAY WERE INSTRUMENTAL IN -- IN -- SUPPOSED TO
9 BE IN MY CAPTURE WHAT DID MR CARMON GET?

10 MR CARMON TOOK THE STAND HE TESTIFIED YEAH, I
11 SEEN HIM I DIDN'T RECOGNIZE NO BEARD ON HIM OR
12 ANYTHING I JUST RECOGNIZED HIS EYES

13 AND WHEN HE WAS ASKED, WELL, WHAT DID HE HAVE ON?

14 HE SAY, HE HAD ON DARK COLOR CLOTHING BLACK AND
15 BLUE THIS IS WHAT MR CARMON STATED THAT'S
16 CONSISTENT THAT'S CONSISTENT WITH MR ALKEBULANYAHH
17 NOT BEING IN THIS AREA TOTALLY, BECAUSE IN THIS AREA
18 WHERE ALL THESE DOTS AT THERE'S A GENTLEMAN THEY SAY
19 WITH A BROWN JACKET ON CARRYING A GUN WITH A WOMAN,
20 WITH THE GUY SAYING -- WITH THEM SAYING WHAT?

21 MR HOLLOWAY, THIS GUY GOT A BEARD

22 MR CECIL FRANKLIN, YEAH, THIS GUY HAD A BEARD AND
23 -- AND -- AND HE WAS IN THIS AREA WITH A BROWN JACKET
24 AND A GUN

25 MR ALKEBULANYAHH IS HERE WITH A BLACK JACKET ON,

STATE VS ALKEBULANYAHH

1 UNDER THE BRIDGE

2 MR CARMON, I DON'T RECOGNIZE NOTHING BUT HIS
3 EYES HE HAD A BLACK JACKET ON I DIDN'T RECOGNIZE NO
4 BEARD OR NOTHING ON HIM

5 HOW COULD HE BE HERE AND OVER HERE AT THE SAME
6 TIME? IT DIDN'T HAPPEN MR ALKEBULANYAHH WAS NEVER
7 IN THIS AREA

8 THEY SAY -- HE SAY, WELL WE FOUND A SHELL CASING
9 WHERE MR ALKEBULANYAHH WAS DOWN IN THE MARSH WE
10 FOUND A BLOOD WITH STICK (SIC) AND A GUN WITH IT

11 THEY GOT FOOT IMPRESSION EXPERT WHY DIDN'T HE
12 TOOK-NO MOLD OR NO CAST AND PULL DOWN NEAR THE GUN
13 AROUND THE SHELL, TO AT LEAST LOOK FOR FOOTPRINTS AND
14 SAY THIS IS HIM

15 LOOK, YOUR FOOTPRINTS WAS -- WAS BY THIS STICK
16 YOUR FOOTPRINTS WAS BY THIS SHELL CASING YOUR
17 FOOTPRINT WAS BY THIS GUN YOU GOT -- AND IF YOU IN
18 THE MARSH OR YOU'RE AROUND SOFT GROUND AND THEY SAY
19 YOU'RE WALKING IN MUD -- THE GUY WAS WALKING IN MUD AND
20 ALL THIS, YOU CAN -- YOU SHOULD GET A FOOTPRINT AND
21 YOU GOT MY SHOES -- AND MAKE A COMPARISON TO

22 BUT YOU KNOW WHY? BECAUSE THE FOOTPRINT DIDN'T
23 MATCH THE FOOTPRINT THAT LED UP TO THE STICK OR LED
24 UP TO A GUN OR LED UP TO A MAGAZINE, IT DIDN'T MATCH
25 MR ALKEBULANYAHH THAT'S WHY IT WASN'T PRESENTED TO

STATE VS ALKEBULANYAHH

1 YOU THAT'S WHY NO EXPERTS OR NOBODY WHO TOOK CASTS OR
2 FOOT IMPRESSION

3 WHAT ABOUT THE GUY THAT TOOK THE PICTURES, SAY HE
4 TOOK THE PICTURES OF THE FOOT IMPRESSIONS AND STUFF?
5 WHY DIDN'T HE PRESENT HIM WITH THE PICTURES WITH THE
6 PRINT? BECAUSE THE PICTURES WOULD NOT SHOW THAT MR --
7 IT WAS MR ALKEBULANYAHH FOOTPRINT

8 YOU HEARD MR JOHNSON SAID, WELL WE GOT TRACKS
9 HERE WE HAD TRACKS HERE AND I CALLED A GUY HERE
10 WHY? THAT'S VERY IMPORTANT WHERE ARE THE
11 FOOTPRINTS THAT LEAD TO THE STICK? WHERE ARE THE
12 FOOTPRINTS THAT LEAD TO THIS GUN? ANYTHING?

13 NOT ONLY WAS THERE NO FOOTPRINTS, THERE WASN'T
14 EVEN NO BLOOD DROPPING THERE WASN'T EVEN A BLOOD
15 TRAIL YOU GOT A TRAIL FROM HERE -- YOU GOT A MAN
16 BLEEDING FROM HIS SHOULDER WITH HIS BONE SPLATTER AND A
17 BULLET THROUGH HIS HIP AND YOU AIN'T GOT NOT ONE SINGLE
18 BLOOD CROSSING THIS BROAD RIVER ROAD FROM HERE ALL THE
19 WAY THROUGH THIS AREA AND THEY SAY KIMBERLY BLATE
20 (PHONETIC) TOOK THEM ON THE EXACT ROUTE

21 YOU DON'T HAVE NO DROP OF BLOOD ON THE GROUND, ON
22 A LEAF, OR NOWHERE, AROUND A BULLET, AROUND A MAGAZINE

23 THE ONLY PLACE YOU GOT SOME BLOOD AT IS ON A STICK
24 METICULOUSLY DIRECTLY ON THE STICK, NOT DROPPING TO THE
25 SIDE OR ROLL OFF LIQUID FORM, NOT IN THE SOIL IT'S --

STATE VS ALKEBULANYAHH

1 THAT HAS TO BE QUESTIONABLE IT AIN'T RATIONAL IT'S
2 NOT LOGICAL IT'S NOT REASONABLE

3 I'M SURE ALL OF YOU HAVE SEEN BLOOD AND KNOW WHAT
4 IT'S LIKE, THE BLOOD YOU KNOW, YOU CAN POKE YOUR
5 FINGER AND BLOOD WILL RUN AND BLOOD WILL BE ON
6 EVERYTHING IT'S JUST GOING TO SMEAR EVERYWHERE IT'S
7 NOT LOGICAL IT DON'T FIT HIS THEORY BUT THAT'S WHAT
8 THE PROSECUTOR WANTS YOU TO BELIEVE

9 MR FRANKLIN, HE STATED, THE MAN I SEEN, I BEEN UP
10 CLOSE TO HIM, AND THIS GUY EVEN HAD BEEN SHOT IN THE
11 LEFT LEG AND I ASKED HIM ABOUT THE BLOODY LEG DO YOU
12 REMEMBER HE SAID, YEAH, IT WAS BLOOD HIS LEG BLED
13 HE HAD SPOTS ALL OVER IT IT WAS A BLOODY LEG

14 I SAID LIMPING?

15 YES

16 YOU'RE SURE?

17 YEAH

18 WHEN YOU LOOK AT THE EVIDENCE PROCESSING ROOM,
19 WITH THE EXHIBIT NO 26, MR AMICK GRAYSON (SIC) THE
20 SEROLOGY, THE ONE THAT DID THE DNA AND THE BLOOD, HE
21 DIDN'T FIND NO BLOOD ON THE BLUE JEAN, WHICH WAS THE
22 BELONGED TO MR ALKEBULANYAHH, ON THE LEFT SIDE, NO
23 BLOOD THERE WAS NO BLOOD

24 MR CECIL FRANKLIN SAID THE MAN HAD BLOOD ON HIS
25 LEFT LEG AND HE WAS DRAGGING IT THIS INDIVIDUAL WAS

STATE VS ALKEBULANYAHH

1 INJURED AND WAS DRAGGING HIS LEFT LEG AND HAD BLOOD ON
2 IT

3 BUT THE SEROLOGIST SAY THERE WAS NO BLOOD ON THE
4 LEFT LEG MR ALKEBULANYAHH HAD BLOOD ON HIS RIGHT
5 SIDE, ON HIS HIP

6 NOW YOU GOT THIS MAN DRAGGING A LEFT LEG, SUPPOSED
7 TO BE WITH BLOOD ON HIS LEFT LEG, WEARING A BROWN
8 JACKET, AND YOU GOT A BEARD OKAY, YOU GOT THAT YOU
9 GOT POSITIVE DESCRIPTION FROM ALL OF THESE WITNESSES
10 THEY SAY -- HE SAID ABOUT MS CHAPLIN, MR HOLLOWAY
11 CECIL FRANKLIN

12 - YOU GOT ALL THESE PEOPLE WITH THIS -- THESE
13 IDENTIFICATIONS JUST COME UP BUT, YOU KNOW, WHEN MR
14 -- WHEN MR NORCROSS GOT ON THE STAND -- AND LOOK AT
15 EXHIBIT 7 (SIC) PLEASE LOOK AT EXHIBIT 27 FOR ME
16 PLEASE LOOK AT EXHIBIT 27, BECAUSE THE DOCTOR SAID --
17 DOCTOR, IS THIS THE MAN THAT WAS BROUGHT INTO YOUR
18 HOSPITAL ON JANUARY 8, 2002?

19 HE SAID YES, THAT'S THE MAN HE LOOKS JUST LIKE
20 THE MAN THAT I OPERATED ON JANUARY 8, 2002

21 WHEN THE CHARLESTON MAN GOT UP THERE AND EXHIBIT
22 27 BROUGHT TO HIM AND SAY IS THIS THE MAN THAT YOU
23 BOOKED INTO YOUR JAILHOUSE, TOOK A PHOTO OF? IS THIS
24 THE PHOTO THAT YOU BOOKED WITH THE MAN BEING DETAINED?
25 THAT'S HIM

STATE VS ALKEBULANYAHH

1 IS THIS THE MAN YOU SAY CLAIM SAID HE KILLED TWO
2 COPS AND HE WAS GOING TO GET A LIFE SENTENCE OR DEATH,
3 YOU KNOW, DEATH ROW, A CHAIR, OR WHATEVER? THERE WAS A
4 LOT OF THINGS THAT HE HAD TO SAY ABOUT IT BUT THIS
5 PARTICULAR GROUP OR INDIVIDUAL FROM CHARLESTON

6 HE SAY, YES, THAT'S HIM

7 MR ALKEBULANYAHH WASN'T WEARING NO BEARD
8 THERE'S NO BEARD ON MR ALKEBULANYAHH THERE'S NO
9 BROWN JACKET THERE'S NO BLOODY LEG THAT'S POSITIVE
10 IDENTIFICATION THAT'S OPPOSITE, TOTALLY CONTRARY TO
11 WHAT MR ALKEBULANYAHH WAS WEARING AND WHAT HE LOOKED
12 LIKE

13 THERE'S NO MISTAKE ABOUT IDENTIFICATION THERE'S
14 NO MISTAKE THAT MR ALKEBULANYAHH DIDN'T HAD NO GUN AND
15 WASN'T WITH NO MS KIMBERLY BLATE (PHONETIC) THAT'S
16 EVIDENCE THAT'S NOT SOMETHING THAT'S ABSTRACT
17 THAT'S GOING TO BE -- THAT'S RIGHT THERE IN THEM
18 EXHIBITS RIGHT BEFORE YOU THAT'S CONCRETE THERE'S
19 NO MISTAKE ABOUT THAT

20 MR ALKEBULANYAHH WAS DETAINED HE WAS TAKEN TO A
21 HOSPITAL THIS DOCTOR DON'T HAVE NO REASON TO COME ALL
22 THE WAY DOWN HERE TO TELL YOU THIS IS THE MAN THAT I
23 OPERATE ON

24 DO YOU THINK THE CHARLESTON MAN THAT CAME FROM THE
25 DETENTION CENTER WOULD COME ALL THE WAY DOWN HERE TO

STATE VS ALKEBULANYAHH

1 CHANGE HIS STORY AND SAY, WELL, NO, IT DON'T LOOK LIKE
2 HIM BECAUSE HE TOOK THE PICTURE

3 THEY HAD ME THEY TOOK ME OFF THE BED, HANDCUFFED
4 ME OFF THE BED I BEEN HANDCUFFED FROM THE TIME I TOOK
5 -- WAS TAKEN OFF THE ROAD AT JOE FRAZIER ROAD ALL THE
6 WAY UNTIL THEY TOOK ME BACK IN THE BACK OF THE
7 JAILHOUSE DURING THE OPERATION FEET LOCKED ON ONE
8 LEG, CHAINS ON ONE LEG TO THE BED I AIN'T WENT NO
9 WHERE I AIN'T CHANGED I HAVE NOT CHANGED

10 THE PROSECUTOR DID NOT BRING ONE PERSON, NOT ONE
11 INDIVIDUAL UP HERE TO SAY THAT MR ALKEBULANYAHH HAD
12 CHANGED SOME TYPE OF WAY OR WHATEVER

13 I NEVER CHANGED THAT'S THE FACTS THAT'S NOT
14 MADE UP THAT'S NOT ILLUSION THAT'S THE EVIDENCE
15 THIS EVIDENCE IS PRESENTED TO YOU

16 MR HOLLOWAY SAY, WELL, THIS GUY HAD THE BROWN
17 BEARD (SIC) I SEEN WALKING DOWN THE ROAD HE HAD A BIG
18 BEARD A ROUGH BEARD AND -- THAT'S WHAT MR HOLLOWAY
19 SAID HE DON'T HAVE NO PARTIALITY ABOUT WHAT HE SEEN
20 AND WHAT HE DOING OR WHATEVER YOU KNOW, I TOOK HIM TO
21 BE A HONEST AND -- AND -- AND -- AND FORTHRIGHT PERSON

22 THE YOUNG LADY, MS CHAPLIN, I TOOK HER TO BE A
23 HONEST AND FORTHRIGHT PERSON LOOK AT -- THEY TOLD YOU
24 THE TRUTH ABOUT WHAT THEY SAW THAT DAY

25 MR BRYAN NAGEL, HE TOLD THE SAME THING THE GUY

STATE VS ALKEBULANYAHH

1 I SEEN HAD A GOATEE AND A BROWN JACKET AND A ROUGH
2 BEARD, ROUGH BEARD

3 MR CECIL FRANKLIN, THE GUY I SEE, HE BEEN WALKING
4 ON A CRUTCH, HAD A ROUGH BEARD, SHOT IN THE LEFT LEG
5 THAT'S IN THE EVIDENCE THAT'S BEFORE YOU
6 THAT'S BEFORE YOU, LADIES AND GENTLEMEN THAT IS
7 BEFORE YOU THEM ARE THE FACTS

8 HE SPEAKS ABOUT MR ALKEBULANYAHH FRAMING PEOPLE
9 OR THE POLICE PLANTED THIS, THE POLICE PLANTED THAT
10 WELL, I'M NOT GOING TO SAY THE POLICE PLANTED THINGS
11 I THINK YOU JURORS TAKE NOTES AND GO AND LOOK AT
12 EVIDENCE FOR YOURSELF MAYBE THE POLICE DIDN'T DO IT
13 MAYBE IT WAS SOMEBODY OUTSIDE THE POLICE THAT WAS
14 HANGING WITH THE POLICE, FOLLOWED BEHIND THEM DOING
15 THINGS THAT WASN'T PART OF THE DEPARTMENT BUT THIS
16 STUFF IS QUESTIONABLE

17 AND IN EXHIBIT 29 -- IN EXHIBIT 29, EXCUSE ME,
18 17 51 26 AT THAT PARTICULAR TIME THEY REPORT 10-17,
19 THAT'S 10-17 THIS IS SUPPOSED TO BE THE LADY,
20 STRAWBERRY WASHINGTON SHE ADVISED BEFORE SHE LEFT
21 THAT RESIDENCE, THERE WAS A BLACK TRUCK IN THE YARD AND
22 A GREEN TRANS AM THAT'S WHAT IS STATED IN THE FACTS

23 ONE OFFICER SAY IN THE INTERVIEW WHEN INTERVIEWING
24 MS KIMBERLY BLATE (PHONETIC), SHE TOLD THEM THAT DEVON
25 IVY, A FRIEND OF MR ALKEBULANYAHH, HAS DRED LOCKS AND

STATE VS ALKEBULANYAHH

1 DRIVES A BLACK TRUCK

2 THAT'S KIND OF ODD TO ME THIS IS VERY STRANGE TO

3 ME

4 THEN ALL OF A SUDDEN BETWEEN THIS INFORMATION HE

5 GOT, MR OTIS IVY -- MR OTIS IVY, DEVON'S FATHER, GET

6 ON THE STAND AND SAY WELL ON THIS DAY DURING THIS TIME

7 BETWEEN 4 00 O'CLOCK AND 7 00 O'CLOCK -- 6 00 O'CLOCK

8 DURING THE TIME THIS AFTERNOON, SOMEBODY DONE STOLE THE

9 TRUCK FROM HIM, PULLED IT OFF IT WAS GONE

10 BUT YOU NOTICE THEY NEVER TOLD YOU ABOUT WHERE

11 THAT TRUCK WAS OR WHO TOOK THAT TRUCK, LAW ENFORCEMENT

12 NOBODY WENT TO JAIL FOR THAT TRUCK THIS MAN WAS OUT

13 WITH HIS SON TRYING TO FIND THE TRUCK

14 BUT IF YOU LOOK IN EXHIBIT 29 17 35 26 YOU HEAR

15 MAJOR BAXLEY OVER THE PHONE SAID BRING THE TRUCK TO

16 THE 21 RILEY ROAD RESIDENCE THAT'S WHAT HE SAID

17 EXHIBIT 29, 9-1-1 DISPATCH, BRING THE TRUCK TO THE --

18 DOWN HERE WHERE WE'RE AT ON 21 RILEY ROAD RESIDENCE

19 ON JANUARY 10, NEWSPAPER COME OUT YOU GOT A

20 TRUCK IN THE PICTURE YOU GOT A CAR ON THE SIDE, A

21 DIAGRAM OF THINGS THAT WAS AT THAT HOME THAT'S ODD

22 THAT'S STRANGE

23 THE LADY THAT LEFT THERE SAY, THERE WAS A TRUCK

24 HERE AND A GREEN PONTIAC GRAND AM

25 MAJOR BAXLEY SAY, BRING THE TRUCK DOWN HERE TO 21

STATE VS ALKEBULANYAHH

1 RILEY ROAD WHEPE WE AT

2 A DIAGRAM COME OUT THE NEXT DAY FOR INFORMATION
3 FROM THE MEDIA THAT THE TPUCK WAS IN THE YARD

4 MR OTIS IVY AND HIS SON OUT TRYING TO RETRIEVE
5 THE TRUCK THAT HAD BEEN HIJACKED OUT OF HIS YARD

6 WHO ARE THESE PEOPLE THAT HAD AUTHORITY TO GET
7 THIS TRUCK? WHO ARE THESE PEOPLE THAT HAD AUTHORITY TO
8 HAVE THIS TRUCK BRING OVER TO 21 RILEY ROAD? WHAT WAS
9 THE PURPOSE? WAS HE TRYING TO TIE IN PEOPLE CONNECTED
10 TO ADD MORE PEOPLE INTO THIS SITUATION? THIS IS IN THE
11 EVIDENCE AND THIS IS WHAT I WANT THE JURY TO LOOK AT

12 IN THIS SAME EXHIBIT 29 WHEN I TOLD YOU MR
13 ALKEBULANYAHE COULD NOT BE TWO PLACES AT THE SAME TIME
14 WHEN THEY WAS ARRESTING ME AT THE JOE FRAZIER ROAD
15 BRIDGE, IF YOU READ AT 17 42 45 THROUGH 17 42 57 YOU
16 WILL HEAR THE DEPUTY SAY WHEN THEY HAD APPREHENDED MR
17 ALKEBULANYAHW HE SAID WHAT IS THIS GUY WEARING?

18 HE SAID, WELL THIS GUY IS WEARING BLACK AND BLUE

19 HE SAY WELL THIS IS ODD BECAUSE WHERE THIS GUY IS
20 AT YOU ALL CAPTURED THIS DUDE HE STATES OH IT'S 180
21 DEGREES FROM THE -- FROM THE AREA OF THE SUSPECT WE
22 SEE THE GUY WITH THE BROWN JACKET WITH KIMBERLY BLATE
23 [PHONETIC] WITH A GUN OVER HIS BACK HE SAY IT'S 180
24 DEGREES A TOTALLY DIFFERENT AREA FROM THE REPORT THAT
25 THEY GET OF A WOMAN WITH A MAN WITH A BROWN JACKET AND

STATE VS ALKEBULANYAHE

1 A GUN FROM ON JOE FRAZIER ROAD WHERE MR ALKEBULANYAHH
2 IS BEING CAPTURED

3 AND THEY'RE SPOTTING ALL THESE PEOPLE HERE, BUT
4 THEY GOT MR ALKEBULANYAHH CAPTURED HERE AND THEY
5 LOOKING FOR THE SECOND SUSPECT HE STATES, THAT'S 180
6 DEGREES THAT'S LIKE OPPOSITE, TOTALLY AWAY FROM THAT
7 PARTICULAR AREA

8 I DON'T THINK ANYONE HAS TO BE A DOCTOR OR A
9 ROCKET SCIENTIST TO FIGURE THAT OUT YOU GOT A MAN
10 RUNNING WITH A BEARD, WITH A GUN, WITH A BROWN JACKET
11 ON IN THIS AREA AND THEN YOU GOT A MAN WITH A BLACK
12 JACKET, WITH -- WITHOUT A BEARD, WITHOUT A GUN IN A
13 TOTALLY DIFFERENT AREA, 180 DEGREES, AND YOU GOT
14 REPORTS OVER HERE, WITH THIS PERSON STILL RUNNING WITH
15 A GIRL AND PEOPLE POINTING AND SAYING THIS AND YOU GOT
16 A MAN OVER HERE APPREHENDED WITH HANDCUFFS ON HIM

17 I DON'T THINK ANYONE HAS TO BE A GENIUS TO FIGURE
18 THAT OUT

19 INVESTIGATOR WILSON WITH THE BEAUFORT COUNTY
20 SHERIFF'S DEPARTMENT, SHE GOT UP HERE AND TESTIFIED
21 KIMBERLY BLATE (PHONETIC) TOLD ME -- MR ALKEBULANYAHH,
22 HE WAS NOT PRESENT WHEN -- WHEN THE -- WHEN THE OFFICER
23 FIRST ENTER THE ROOM WHEN THE OFFICER ENTER --
24 INITIALLY -- SHE SAY SHE WASN'T INITIALLY PRESENT SHE
25 DIDN'T EVEN THINK HE WAS PRESENT WHEN THE OFFICERS

STATE VS ALKEBULANYAHH

1 ENTERED THE ROOM THAT'S WHAT SHE SAY
2 SHE SAY SHE ASKED HER, WELL, DID HE HAVE A GUN?
3 SHE SAY, NO
4 MR SANKOWSKI, HE GOT UP HERE AND TESTIFIED -- THE
5 OTHER INVESTIGATOR -- ASKED KIMBERLY BLATE (PHONETIC),
6 DID MR ALKEBULANYAHH HAVE A GUN?
7 SHE SAY, NO
8 WELL, HAVE YOU EVER HEARD HIM SAY ANYTHING BAD
9 ABOUT THE POLICE?
10 SHE SAY, NO
11 LIEUTENANT BROMAGE, HE COME INTERVIEW MS KIMBERLY
12 BLATE (PHONETIC) HE ASKED HER, DID YOU SEE THIS GUY
13 WITH A GUN IN THE ROOM BEFORE THE OFFICER COME IN?
14 NO HE TESTIFIED TO THAT
15 SLED AGENT AVANT CHIEF INVESTIGATOR, CAME AND
16 TOOK THE STAND ASKED HIM, DID YOU SEE THIS -- DID MS
17 KIMBERLY BLATE (PHONETIC) TELL YOU SHE SEE THIS GUY
18 WITH A GUN IN THE ROOM?
19 NO
20 MR JENKIN (PHONETIC), BOBBY JENKIN (PHONETIC) OF
21 SLED TESTIFIED, KIMBERLY BLATE (PHONETIC) NEVER TOLD US
22 THIS GUY HAD A GUN
23 YOU GOT SIX PEOPLE FIVE TO SIX PEOPLE, THAT
24 INTERVIEWED THIS WOMAN DIFFERENT PEOPLE AND SHE'S
25 PERSISTENT IN LETTING THEM KNOW THAT MR ALKEBULANYAHH

STATE VS ALKEBULANYAHH

1 DID NOT HAVE A GUN BECAUSE SHE FIGURED THEY WERE
2 INTERESTED IN THE TRUTH UNTIL SHE FOUND OUT LATER THEY
3 WASN'T INTERESTED IN THE TRUTH THEY WERE INTERESTED
4 IN PUTTING SOMEBODY IN JAIL

5 AND SHE HAD TO FIGURE THAT OUT HERSELF AFTER BEING
6 INTERVIEWED BY FIVE OR SIX INVESTIGATORS AND SHE'D BEEN
7 TELLING THEM ALL THE SAME THING SHE CAN'T COME TO A
8 LOGICAL CONCLUSION, I AIN'T GOING TO BE SAYING THIS TOO
9 MUCH BECAUSE THEY'RE TALKING ABOUT PUTTING ME IN JAIL
10 THEN THEY TALKING ABOUT KEEPING MY BABY AND I DONE
11 TOLD FIVE OR SIX OF THESE PEOPLE, ALL THESE
12 INVESTIGATORS, OVER AND OVER, I DID NOT SEE THIS MAN
13 WITH A GUN I NEVER SEEN A GUN IN THE 21 RILEY ROAD
14 RESIDENCE

15 WELL, YOU COMPARE THAT TO BEING CHARGED WITH
16 ACCESSORY TO MURDER, OR BEING PUTTING (SIC) AWAY FOR
17 LIFE, FOR THE REST OF YOUR LIFE, OR YOUR NEWBORN CHILD
18 BEING TAKEN FROM YOU COMPARE THAT

19 AND THEN YOU GOT THE LAW ENFORCEMENT OFFICIALS,
20 ALL OF THEM EVERY DAY COMING TO YOU DEMANDING YOU SAY
21 SOMETHING DIFFERENT SAY SOMETHING YOU GOING TO
22 WRITE SOMETHING DIFFERENT ALL THEM HOURS OF
23 INVESTIGATING, ALL THEM HOURS

24 I DON'T THINK TOO MANY PEOPLE WOULD HAVE BEEN ABLE
25 TO ENDURE FIVE AND SIX INVESTIGATORS AND ALL THE LONG

STATE VS ALKEBULANYAHH

1 HOURS OF INTERROGATING WITHOUT BREAKING DOWN AND SAY,
2 WELL -- SO FINALLY MAYBE SHE JUST WANTS TO SAY WHATEVER
3 THEY WANT ME TO SAY, WHATEVER THEY -- YEAH, YEAH, YEAH,
4 YOU -- IF YOU SAY THAT WILL HAPPEN, YEAH I'LL SAY
5 WHATEVER AND THAT'S WHAT HAPPENED

6 THIS IS VERY IMPORTANT AND I WANT THE JURORS TO
7 LOOK AT THIS BECAUSE THIS WILL EXPLAIN ALL THIS THEORY
8 ABOUT GUNSHOTS GOING HERE, GUNSHOTS GOING IN HOLES
9 GOING HERE HOW MUCH DO THEY REALLY KNOW ACCORDING TO
10 THEIR THEORY ABOUT WHAT -- WHAT HAPPENED HERE? THIS IS
11 VERY IMPORTANT AND I -- I WOULD ASK THAT THE JUROR
12 (SIC) LOOK AT THIS WHEN YOU GO BACK AND DELIBERATE

13 LOOK AT EXHIBIT 29 EXHIBIT 29, AT THE TIME OF
14 17 49 15 THROUGH 17 49 47

15 NOW DEPUTY HIERS HE COMES ON THE RADIO MAJOR
16 BAXLEY SIR SIR WE NEED TO KNOW WHAT KIND OF
17 CASINGS IS FOUND SO WE COULD DETERMINE HOW MANY WEAPONS
18 ARE BEING USED

19 MAJOR BAXLEY SAY, I GOT INVESTIGATORS HERE I GOT
20 INVESTIGATORS ON THE BRIDGE HE'S HERE HE -- HE --
21 HE -- HE'S HERE AT THE CRIME SCENE YOU KNOW WHAT HE
22 SAYS? HE SAID WE HAVE 22 CASINGS WE HAVE 40
23 CALIBER CASINGS AND WE HAVE 7 62 CASINGS

24 AND MR HIERS SAY, SO WE HAVE TWO POSSIBLE WEAPONS
25 BEING USED OUTSIDE OF THE 40 CALIBER CASINGS THAT THE

STATE VS ALKEBULANYAHH

1 LAW ENFORCEMENT HAD

2 WELL, YOU KNOW WHAT, DID THE PROSECUTOR MARCH UP
3 HERE? HE SLAMMED THESE BULLETS DOWN HE SLAMMED THIS
4 DOWN HE SLAMMED THAT DOWN HE DIDN'T SLAM NO 22
5 CASINGS DOWN HE DIDN'T SAY HE GOT A 22 CASING UP
6 THERE MR ALKEBULANYAHH HAD HERE

7 SO WHERE -- WHERE IS THE 22 CASINGS AT? THEY HAD
8 THEM? BECAUSE THEY DIDN'T WANT THERE TO BE INDICATED
9 THAT THERE WAS MORE THAN ONE GUN IN THAT -- IN THAT
10 FIRING INSIDE THAT HOUSE, BECAUSE THEY WANTED ONE
11 SUSPECT AND ONE GUN BECAUSE TO INDICATE MORE THAN ONE
12 GUN-MEANS THAT MORE -- THAT SOMEBODY ELSE THAT WAS IN
13 THAT HOUSE OTHER THAN MR ALKEBULANYAHH MR
14 ALKEBULANYAHH WAS FIRING A RIFLE AND A HANDGUN OR A 22
15 RIFLE WHATEVER, A 22 GUN THAT SHOOT 22 AT THE SAME
16 TIME, A GUN -- THIS BIG OLD GUN RIGHT HERE IN ONE HAND
17 AND ANOTHER GUN IN ANOTHER HAND THAT'S EVIDENCE
18 THAT'S IN THE EVIDENCE

19 WHAT -- WHAT THEY DO WITH IT? WHO TOOK IT? WHY
20 DIDN'T HE PRESENT IT? WHY DIDN'T HE HAVE IT -- THEM
21 22 CASINGS EXAMINED FOR FINGERPRINTS? BECAUSE THEY
22 WANTED MORE -- THEY DIDN'T WANT MORE THAN ONE WEAPON
23 WAS USED ACCORDING TO THEIR EVIDENCE

24 SO THEY TOOK THE 22 CASINGS WHO TOOK THEM?
25 MAYBE SHERIFF TANNER TOOK THEM HE WAS THERE HE WAS

STATE VS ALKEBULANYAHH

1 -- HE SAY HE WAS IN CHARGE OF EVERYTHING MAYBE HE
2 WANTED THEM ALL SOMEBODY HAD TO TAKE RESPONSIBILITY
3 FOR THEM TO REMOVE THEM CASINGS
4 IF YOU'RE COLLECTING CASINGS AND THESE CASINGS ARE
5 THERE AND YOUR INVESTIGATOR SAY AND YOU ARE TO REPORT
6 THESE CASINGS THERE AND YOU'RE COLLECTING THIS
7 EVIDENCE, BUT THE EVIDENCE DON'T TURN UP IS THEM
8 FABRICATING THAT? IS THAT FABRICATING THEY PLANTED
9 EVIDENCE? DOES THAT SOUND LIKE A -- HE -- HE PLANTED
10 THIS THIS OFFICER PLANTED THAT THIS OFFICER PLANTED
11 THAT NO
12 - DON'T -- DON'T TAKE MR ALKEBULANYAHH WORD AND
13 SAY WELL HE -- THEY PLANTED IT LOOK AT THE EVIDENCE
14 AND USE YOUR OWN INTELLIGENCE USE YOUR OWN
15 INTELLIGENCE YOU DON'T HAVE TO BE A COLLEGE GRADUATE
16 OR A DOCTOR OR PROFESSOR TO LOOK AT THE EVIDENCE BEFORE
17 YOU AND THAT'S IN THE EVIDENCE
18 THIS -- THESE SHELL CASINGS THIS THING, THESE
19 BULLETS, THIS BACK (SIC) -- THIS FANNY PACK ALL THESE
20 ITEMS OKAY THERE WAS OTHER ITEMS WITH THESE ITEMS
21 TOO, WASN'T IT? BUT IT -- IT -- JUST LOOK AT THIS
22 FANNY PACK JUST LOOK AT THESE SHELLS JUST LOOK AT
23 THAT THERE WAS OTHER ITEMS THEY SAY, WAS A KNIFE AND
24 ALL THAT WAS INVOLVED IN THAT AND -- AND OTHER ITEMS
25 THAT MY MAN READ OFF BUT WHY -- WHY DO HE WANT TO

STATE VS ALKEBULANYAHH

1 PRESENT ALL THEM ITEMS TO YOU?
2 YOU GOT THIS FANNY PACK YOU GOT THESE SHELLS
3 YOU HAD OTHER ITEMS THE GUY TALK ABOUT A KNIFE AND
4 THE PHONE BOOK AND ALL THIS STUFF HERE WHY DID HE --
5 WHY DID HE WANT TO PRESENT THAT? YOU KNOW WHY?
6 BECAUSE THESE ITEMS HE PRESENTED TO YOU DIDN'T HAVE MR
7 ALKEBULANYAHH FINGERPRINTS ON THEM THAT'S WHY
8 ALL YOU GOT TO DO TO GET A FINGERPRINT OFF -- YOU
9 SAY YOU WENT AND GOT A FINGERPRINT OFF A HAT OR A
10 PARTIAL THUMB PRINT YOU SAY THAT'S KIND OF ODD FOR --
11 YOU SAY YOU GOT A SHELL CASING BIG AS THIS ITEM IS AND
12 ONCE A MAN WOULD HAVE TO HANDLE THIS ITEM IN THESE
13 THINGS HERE AND YOU GET A PARTIAL PALM PRINT? THAT'S
14 SOMETHING TO CONSIDER, TO THINK ABOUT
15 YOU DIDN'T GET NO PINKIE OR INDEX FINGER YOU USE
16 THE INDEX FINGER FOR EVERYTHING WHERE IS THE
17 FINGERPRINT? WHY -- WHY DIDN'T THEY GET A FINGERPRINT
18 OFF OF THE FANNY PACK AND THE THINGS -- THE ITEMS IN
19 THERE? BECAUSE YOU KNOW WHY THEY DIDN'T PRESENT IT TO
20 YOU? BECAUSE IT WASN'T THERE AIN'T NO USE PRESENTING
21 SOMETHING TO A JURY IF IT AIN'T THERE
22 WHAT USE TELLING YOU, WELL, THIS IS MR
23 ALKEBULANYAHH WE GOT HIS FINGERPRINTS OFF OF SOME
24 SHELLS FOUND IN THE BAG WE GOT HIS FINGERPRINTS OFF
25 THE SIDE OF THE FINGERPRINT BAG WE GOT HIS

STATE VS ALKEBULANYAHH

1 FINGERPRINTS OFF OF A ADDRESS BOOK OR SOME STUFF LIKE
2 THAT WHY?

3 YOU REMEMBER THAT GUY? HE SAID -- I THINK IT WAS
4 MATT AVERILL HE SAID I CAME UP AND I SAW THEM AND
5 MR KARR HAD A KNIFE IN HIS HAND I DON'T KNOW IF IT
6 WAS MR ALKEBULANYAHH KNIFE OR -- OR MR KARR KNIFE
7 BUT ALL OF A SUDDEN THIS KNIFE SUPPOSE TO HAVE ENDED UP
8 WITH THIS FANNY PACK

9 THEN LATER ON HE SENDS HIS REPORT TO THE SOUTH
10 CAROLINA LAW ENFORCEMENT DIVISION IN COLUMBIA ABOUT THE
11 EVIDENCE THAT HE ACQUIRE THEN ALL OF A SUDDEN HE GOT
12 A -- A BIC LIGHTER INCLUDED IN THE EVIDENCE YES, IT
13 CONCERNS ME BECAUSE YOU SAID YOU TOOK EVIDENCE OFF A
14 MAN RIGHT HERE ON JOE FRAZIER ROAD

15 THEN YOU SAY YOU SEEN A MAN WITH A KNIFE AND YOU
16 DIDN'T SEE A KNIFE ON ME YOU SAW THE KNIFE IN THE
17 HANDS OF SOMEBODY ELSE THEN THIS KNIFE END UP IN
18 EVIDENCE AND NOW YOU SENDING EVIDENCE UP TO COLUMBIA
19 SAYING WHAT EXACTLY YOU GOT FROM MR ALKEBULANYAHH

20 AND YOU GOT A BIC LIGHTER THAT BIC LIGHTER, YOU
21 NEED -- I NEED TO KNOW WHERE YOU GET IT FROM BECAUSE
22 YOU MIGHT HAVE DONE PUT MY FINGERPRINTS ON THAT BIC
23 LIGHTER TO TRY TO CONNECT THIS FANNY PACK WITH ME

24 JUST LIKE IF HE SAY HE TOOK A PARTIAL THUMB PRINT
25 FOR THIS BECAUSE TRY TO CONNECT THIS WITH ME THEN YOU

STATE VS ALKEBULANYAHH

1 GOING TO PUT THIS BIC LIGHTER IN THERE?

2 YOU -- YOU HAVE TO QUESTION THE INTEGRITY OF THE
3 INVESTIGATION IT AIN'T RIGHT IT SHOULDN'T BE DONE
4 TO ME IT SHOULDN'T BE DONE TO NEITHER ONE OF YOU,
5 YOUR KIDS YOUR CHILDREN IT SHOULDN'T BE DONE TO
6 NOBODY

7 THE EVIDENCE IS THE EVIDENCE STAY TO THE TRUTH
8 NOTHING SHOULD BE ADDED TO THE EVIDENCE WHY WOULD YOU
9 ADD TO THE EVIDENCE? NOW, YOU WOULD ADD A BIC LIGHTER
10 TO EXAMINE

11 NOW, IF YOU ADD THAT BIC LIGHTER -- IF -- IF -- IF
12 THEY'D HAVE PRESENTED SOME EVIDENCE, SAY, WELL, WE
13 FOUND A BIC LIGHTER AND -- AND -- AND THE ITEM -- THE
14 LIGHTER WAS IN THE FANNY PACK AND MR ALKEBULANYAHH
15 FINGER WAS ON IT AND THAT IDENTIFIED -- YEAH THAT WAS
16 HIM HE HAD THE FANNY PACK HE HAD THIS BECAUSE THE
17 LIGHTER WAS WITH IT, JUST LIKE THE GUN HE FOUND A
18 PARTIAL PRINT

19 WHAT THEY GOING TO DO? THEY GOING TO CONNECT IT
20 TOGETHER SO WHY SHOULD THEY GIVE YOU -- WHAT'S TO BE
21 ADD OR TAKE AWAY FROM EVIDENCE? IF THE TRUTH IS THE
22 TRUTH, IF YOU FOUND -- IF THAT'S WHAT YOU GOT, LET IT
23 BE THE TRUTH YOU SHOULDN'T TAKE AWAY OR ADD IT'S
24 NOT LOGICAL IT'S NOT REASONABLE THERE'S NO
25 JUSTIFICATION FOR IT

STATE VS ALKEBULANYAHH

1 AND MR MURDAUGH, HE KNOW THIS THIS MAN KNOW
2 THIS BUT HE GOT TO PRESENT THIS CASE

3 I DON'T HAVE NO ILL FEELINGS TOWARD MR MURDAUGH
4 BECAUSE HE'S A PROSECUTOR HE'S DOING HIS JOB THAT'S
5 HIS JOB

6 HE MAY KNOW CERTAIN THINGS ABOUT WHAT WENT ON IN
7 THE INVESTIGATION AND HOW THE CONDUCT OF THEM OFFICERS
8 WAS IMPROPER OR BAD CONDUCT OR ILLEGAL HE MAY CLOSE
9 HIS EYES TO IT, BUT HE GOT TO PRESENT THIS CASE AND
10 HE GOING TO SHIFT THE BURDEN TO THE JURORS BECAUSE
11 THAT'S WHO IT'S ON

12 HE DONE DID HIS JOB HE DONE DID WHAT HE'S
13 SUPPOSED TO DO I CAN'T BE ANGRY AT HIM FOR PRESENTING
14 HIS CASE OR SAYING THE BEST THAT HE KNOW OR WHAT HE
15 THINKS OR WHAT THIS EVIDENCE MAYBE LEAD TO BECAUSE
16 THAT'S THE PROSECUTOR JOB THAT'S HIS JOB

17 HE AIN'T RESPONSIBLE FOR WHAT HAPPENED OUT AT THE
18 CRIME SCENE, THE ALLEGED CRIME SCENE HE AIN'T
19 RESPONSIBLE FOR THE EVIDENCE THAT WAS GATHERED HE'S
20 NOT RESPONSIBLE FOR THAT BUT HE HAS TO PRESENT THIS
21 CASE WHETHER HE WANTED TO OR NOT, HE WAS GOING TO
22 PRESENT IT BECAUSE OF THE NATURE OF THIS CASE AND THE
23 THINGS THAT'S SURROUNDED THE STATE AND THAT'S WHAT HE
24 HAVE TO DO

25 AND THEN YOU REMEMBER MS KIMBERLY BLATE

STATE VS ALKEBULANYAHH

1 (PHONETIC) GOT UP HERE AND IN A STATEMENT IN THE LAST
2 AND SHE LOOKED STRAIGHT UP AND SAID, I TOLD THEM
3 OFFICERS, I TOLD MR BROMAGE, YES ON JANUARY 8 THAT
4 MR ALKEBULANYAHH -- HE SAID THAT HE KILLED -- EXCUSE
5 MY LANGUAGE -- HE KILLED THOSE TWO WHITE BITCHES AND HE
6 WAS GOING TO CLAIM IT WAS SELF DEFENSE

7 AND I SAID, YOU DID?

8 YEAH

9 YOU -- ON JANUARY 8, YOU TOLD INVESTIGATORS THAT?

10 UH-HUH, I TOLD THEM THAT

11 OUT OF ALL SIX OF THE INVESTIGATORS I JUST
12 FINISHED MENTIONING EVERY ONE OF THEM DENY SHE SAID
13 ANYTHING LIKE THAT, BECAUSE IF SHE'D HAVE SAID THAT
14 LIKE SHE SAID SHE TOLD THEM ON JANUARY 8, IT WOULDN'T
15 HAVE BEEN NECESSARY FOR THEM TO KEEP PRESSURING HER AND
16 MESSING WITH HER TO CHANGE ALL THEM STATEMENTS IF SHE'D
17 HAVE SAID THAT

18 ALL THE INVESTIGATORS, THE SLED AGENTS, BEAUFORT
19 COUNTY INVESTIGATOR LAW ENFORCEMENT, SHE DID NOT SAY
20 THAT NO I DON'T -- I DON'T RECALL THAT NO I DO
21 NOT RECALL SHE SAYING THAT

22 BUT SHE STOOD -- SHE SAT RIGHT THERE ON THAT STAND
23 AND TOLD YOU JURORS THAT YES, SHE DID SHE TOLD YOU
24 -- SHE TOLD A LOT OF THINGS AND EVERYTHING SHE SAY
25 SHE TOLD, THE PROSECUTOR PRESENTED TO YOU ALL

STATE VS ALKEBULANYAHH

1 DO YOU REMEMBER WHAT KIMBERLY BLATE (PHONETIC)
2 SAID? DO YOU REMEMBER WHAT KIMBERLY BLATE (PHONETIC)
3 SAID? AND KIMBERLY BLATE (PHONETIC) SAID THIS, AND
4 KIMBERLY BLATE (PHONETIC) SAID HE WAS DOING THIS AND
5 KIMBERLY BLATE (PHONETIC) SAID THIS, AND KIMBERLY BLATE
6 (PHONETIC) SAID THAT AND KIMBERLY BLATE (PHONETIC) --
7 NOTHING ABOUT EVIDENCE KIMBERLY BLATE (PHONETIC)
8 BUT KIMBERLY BLATE (PHONETIC) STOOD RIGHT ON THIS
9 STAND AND SAY, YEAH, YEAH I -- I COMMITTED PERJURY I
10 LIE
11 I ASKED HER, DID YOU -- DID YOU LIE? DID YOU
12 COMMIT PERJURY?
13 YES YES I LIE
14 DID YOU SWEAR UNDER OATH THAT IT WAS TRUE THOUGH?
15 YEAH I DID
16 AND IT WASN'T THE TRUTH?
17 NO, IT WASN'T
18 WHEN YOU WROTE THAT STATEMENT, THAT FOURTH
19 STATEMENT, DID YOU TELL THE TRUTH?
20 YEAH BUT THEN AFTER SHE GET CAUGHT IN IT, SHE
21 SAY, I LIED I LIED THAT'S WHAT SHE SAY FIVE, SIX,
22 SEVEN TIMES
23 BUT EVERYTHING THAT'S SUPPOSED TO HAPPEN IN HERE
24 AIN'T COME FROM NO INVESTIGATOR IT COME FROM THE
25 STATEMENTS OF KIMBERLY BLATE (PHONETIC)

STATE VS ALKEBULANYAHH

1 YEAH KIMBERLY BLATE (PHONETIC) HAD A LOT OF
2 PRESSURE ON HER

3 I JUST -- FOR I WAS -- I -- I -- I CAN'T SAY WHAT
4 -- WHAT -- WHAT'S THE DEAL I LOOK, AND I CAN IMAGINE
5 WHAT SHE BEEN THROUGH BECAUSE I IMAGINE WHAT I -- I
6 KNOW WHAT I HAVE BEEN THROUGH

7 I KNOW WHAT I HAVE BEEN THROUGH, AND I CAN IMAGINE
8 WHAT SHE BEEN THROUGH TO A CERTAIN EXTENT, ESPECIALLY
9 WITH HER FAMILY BEING THAT HER COUSIN WAS INVOLVED,
10 MICHAEL BLATE (PHONETIC), BEING THAT HER FAMILY -- THEM
11 TELLING HER YOU AIN'T COMING HERE YOU BETTER DO
12 THIS YOU BETTER SAY THIS BEING THAT THE CHILD WAS
13 INVOLVED, BEING THAT SHE GOT TO GO OVER THERE AND LIVE
14 WITH HER GRANDMOTHER, AROUND THEM, BEING THAT SHE KNOW
15 THAT SHE THE ONE BROUGHT THEM THERE

16 AND IF SHE TELL THEM PROSECUTORS THAT, THEN THEY
17 KNOW -- SHE KNOW SHE'LL BE IN JAIL, BECAUSE ME AND MY
18 WIFE WOULDN'T HAVE BEEN IN JAIL IT WOULD HAVE BEEN
19 KIMBERLY BLATE (PHONETIC), MICHAEL BLATE (PHONETIC),
20 AND BOBBY RIGBY IN JAIL

21 AND THEN HE WANT TO GET UP HERE AND SAY LIKE MR
22 RIGBY TOOK -- WHY MR RIGBY?

23 HENRY CAPDEPON SAID, RIGBY AIN'T COME TO HIS WHITE
24 VAN HE DIDN'T -- HE DIDN'T HAVE NO WHITE -- HE DIDN'T
25 HAVE NO BLUE VAN

STATE VS ALKEBULANYAHH

1 RIGBY WELL I GOT IN A BLUE VAN WITH HENRY
2 CAPDEPON

3 HENRY CAPDEPON SAID, NO, NO, NO, NO, HE DIDN'T I
4 GOT -- I GOT A WHITE VAN

5 I -- WELL, I WAS -- I WAS AT MY GIRL FRIEND'S
6 HOUSE, HE TOLD MR MORGAN BUT HE GOT TO SAY, NO I
7 WAS HEADED THAT WAY

8 WHY WOULD HE LIE? WHY WOULD HE LIE? BECAUSE HE
9 KNOW LIKE ANY OF THEM KNOW IF HE TELL IT -- IF HE TRY
10 TO COOPERATE OR TELL THEM, HE'S GOING TO BE IN JAIL
11 HE'S GOING TO BE IN JAIL

12 - AND THE DEPUTY GET UP THERE AND SAY, YEAH, MR
13 RIGBY, HE FIT A DESCRIPTION OF A MAN FLEEING FROM THE
14 SCENE TRYING TO JUMP IN THE BACK OF A WOMAN'S PICKUP
15 TRUCK THAT KIND OF MAN WALKED UP ON THEM YOU SEE,
16 HE FIT A DESCRIPTION -- THE CLOTHING FIT THE
17 DESCRIPTION THAT THE WOMAN SAID THAT A MAN WAS FLEEING
18 AT THAT TIME AND TRIED TO JUMP IN HER BACK -- IN THE
19 BACK OF HER PICKUP TRUCK AND THAT'S HOW HE END UP

20 IF THE MAN HAD RECOGNIZE HIM, THEY WOULD HAVE
21 NEVER EVER KNEW BUT IT SO HAPPENED THE OFFICER,
22 DEPUTY SERRATO SEEN HIM AND DID DECIDE TO QUESTION

23 THEN WHEN THE -- WHEN THE OFFICER RAN UP ON HIM,
24 BY THE -- BY HIM FITTING THE DESCRIPTION OF THE MAN
25 FLEEING FROM THE SCENE, TRYING TO JUMP IN THE BACK OF A

STATE VS ALKEBULANYAHH

1 PICKUP TRUCK, WELL, LET ME TELL YOU, I WAS OVER IN THE
2 VICINITY OF THE 21 RILEY ROAD RESIDENCE I WAS IN THE
3 AREA YEAH, I HEARD THE SHOTS AND A -- A -- I BELIEVE,
4 A -- IT SOUND LIKE A A K 47 AND -- BECAUSE HE KNEW HE
5 WAS CAPTURED AND HE KNEW HE WAS GOING TO BE
6 INTERROGATED

7 AND THEN THIS GUY SAY HE WAS IN THIS -- HE WAS IN
8 THE VICINITY, HE WAS AT THE SCENE IN THIS AREA ON THE
9 VERY ROAD -- ACCORDING TO HIS STATEMENT THEN YOU
10 SHOULD AT LEAST GIVE HIM A GUN POWDER RESIDUE TEST
11 YOU COULD HAVE FOUND OUT WHAT THIS MAN WAS THE MAN
12 MAYBE SHOT THE -- THE -- THE BIG GUN, THE 7 62 GUN OR
13 SHOT THE 22 GUN

14 THERE WAS TWO GUNS YOU SAY, WAS USED IF YOU'D
15 JUST GIVE HIM A GUNSHOT RESIDUE TEST MAYBE YOU SHOULD
16 HAVE TOOK HIS CLOTHES TO SEE WAS ANY BLOOD IN THEM OR
17 SOMETHING, GLASS IN THEM OR ANYTHING YOU SEEN A T V
18 WAS BUSTED IN THERE

19 THAT WOULD HAVE BEEN NATURAL THAT'S SOMETHING
20 ANY INVESTIGATOR WOULD HAVE DID OR SHOULD HAVE DID
21 THAT'S ALL IT WOULD HAVE TOOK

22 YOU HAD TO BE SAYING, IF THEY HAD HIM THERE FOR
23 FOUR OR FIVE HOURS -- AND THAT WAS ACCORDING TO HIS
24 TESTIMONY

25 THEN WHEN WE SPEAK OF THIS CALL IN THE INCIDENT

STATE VS ALKEBULANYAHH

1 ABOUT -- AS THE PROSECUTOR SPEAK ABOUT MALICE I'M
2 CHARGED WITH MURDER I'M CHARGED WITH MURDER I CAN'T
3 SAY TO YOU, WELL, SOMETHING OTHER THAN I SHOULD BE
4 CHARGED WITH MURDER

5 I'M SAYING THAT MURDER IS -- THEY SAY IS
6 PREMEDITATED IT'S PLANNED IT'S A PLOT IT'S A
7 PLAN I'M CHARGED WITH IT HOW CAN I BE CHARGED WITH
8 THIS, AND ACCUSED OF PLANNING AND PLOTTING TO KILL TWO
9 DEPUTY WHEN -- WHEN MS KIMBERLY BLATE (PHONETIC) GET
10 UP ON THE STAND AND SAID, MR ALKEBULANYAHH DIDN'T EVEN
11 KNOW THE POLICE WAS COMING HERE MR ALKEBULANYAHH
12 DIDN'T EVEN KNOW ANYTHING WAS WRONG

13 THAT SOUNDS LIKE A PERSON THAT'S THINKING OF A
14 IDEA OF -- OF -- OF KILLING TWO POLICE OR HOW TO KILL
15 TWO POLICE OFFICER OR BRING THEM THERE IN HIS HOME
16 WHERE HE LIVE WHERE HE RESIDE? THAT'S -- THAT'S --
17 THAT'S -- THAT'S A INCONCEIVABLE PLAN

18 I COULDN'T IMAGINE ANYONE -- ANYONE SAYING, I'M
19 GOING TO LURE THE POLICE HOUSE (SIC) -- LURE THE POLICE
20 IN MY HOUSE, INTO MY ROOM, AND SHOOT THEM UP -- AND
21 HAVE A SHOOTOUT WITH THEM BECAUSE I WANT TO KILL SOME
22 POLICE THAT'S A INCONCEIVABLE PLAN

23 JUST THINK, WOULD YOU DO THAT? WOULD YOU CONSIDER
24 A PLAN OR CAN YOU IMAGINE A PLAN TO -- AT YOUR HOME, AT
25 YOUR RESIDENCE TO DO SOMETHING LIKE THAT?

STATE VS ALKEBULANYAHH

1 YEAH, IF THAT WAS TRUE, I WOULD HAVE TO BE JUST AS
2 THEY SAID, JUST AS THE NEWS MEDIA TRIED TO PORTRAY ME
3 I WOULD HAVE TO BE MENTAL HEALTH I WOULD HAVE TO BE
4 RETARDED AND NEED TO GO SEE THE PSYCHOLOGIST AND ALL
5 THAT LIKE THEY TRY TO DO, MAKE ME DO

6 ARE YOU GOING TO -- AND ANOTHER THING, HOW ARE YOU
7 GOING TO FORCE A MAN TO MENTAL HEALTH? YOU WANT TO
8 INDUCE DRUGS INTO ME BY FORCE BY COURT ORDER, YOU
9 WANT ME EXAMINED

10 IF I CAN READ AND WRITE AND COMPREHEND AND
11 UNDERSTAND, I DON'T THINK THAT IT'S NO CONCERN ABOUT
12 WHETHER I'M MENTAL HEALTH OR NOT IT'S NOT MY DEFENSE
13 IT WAS A TOTALLY DISRESPECT TOWARDS ME TOTALLY
14 DISRESPECT TO THE FULLEST AND THAT HURT ME YES, IT
15 DID

16 IT HAD -- IT HURT ME TO REALIZE THAT THE -- THE --
17 THAT THE -- THAT THE SYSTEM COULD TAKE ANY INDIVIDUAL
18 THEY WANT TO AND FORCE THEM INTO EXAMINATION BY A
19 MENTAL HEALTH PSYCHOLOGIST AND PSYCHIATRIST, AND THEN
20 THAT PERSON CAN SAY WHETHER YOU MENTAL HEALTH OR NOT

21 AND IT FRIGHTENED ME BECAUSE IF A MAN WOULD JUST
22 -- WOULD HAVE SPOKE UP HERE AND SAID, THIS GUY IS
23 MENTAL HEALTH, THEN I HAD TO BEEN SITTING OVER THERE OR
24 SITTING BACK IN A CELL AND COULDN'T BE HERE TO TELL YOU
25 THE TRUTH

STATE VS ALKEBULANYAHH

1 AND I'D PROBABLY BEEN IN A STRAIGHT JACKET GETTING
2 PILLS PUSHED DOWN MY THROAT OR SOMETHING AND EVERY
3 TIME YOU READ IN THE PAPER, YOU WOULD READ ABOUT, WELL,
4 THEY HAD TO BEAT HIM UP TO RESTRAIN HIM BECAUSE HE'S
5 UNCONTROLLABLE HE'S DANGEROUS THE ALLEGED COP
6 KILLER DID THAT, THAT AND THEY'D PUT THAT TITLE ON
7 HIM TO GO WITH IT AND THAT'S SAD

8 AND IN SUPPORT THAT I WANT TO SHOW YOU THE
9 EVIDENCE TO SUPPORT THAT THIS MS BLATE (PHONETIC) WAS
10 FACED WITH A ODD SITUATION YOU REMEMBER MS CAMPBELL,
11 THE INVESTIGATOR OR THE DEPUTY LADY THAT GOT UP ON THE
12 STAND? SHE SAY, NO, I NEVER SAID KIMBERLY BLATE
13 (PHONETIC) LEFT -- OR THE BABY WAS LEFT IN A HOUSE BY
14 ITSELF THAT'S WHAT SHE SAID, NEVER

15 I TOOK THIS TRANSCRIPT IN WHICH THEY HAD IN COURT
16 AND PRESENTED IT TO HER AND SHE READ FROM THE
17 TRANSCRIPT AND SHE SAID, OH, I GOT THAT INFORMATION
18 FROM SOMEBODY ELSE

19 WHEN THEY TOOK MS KIMBERLY BLATE (PHONETIC) DOWN
20 TO -- IN THAT COURT, TOLD THE JUDGE THAT WHEN THE
21 OFFICERS ARRIVED, THEY FOUND A SIX MONTH OLD CHILD ONLY
22 IN PAMPERS IN THE HOUSE WHERE THE TWO DEPUTIES WAS
23 KILLED THEY DONE WENT DOWN THERE AND SWORE -- YEAH, I
24 SWEAR THIS IS WHAT HAPPENED, THIS IS

25 KIMBERLY BLATE (PHONETIC), SHE DON'T KNOW THAT NOW

STATE VS ALKEBULANYAHH

1 BECAUSE SHE DON'T KNOW -- IN HER MIND SHE DONE TOLD
2 THEM, WELL, I LEFT MY BABY WITH MS BRENDA, IN THE CARE
3 OF MS BRENDA

4 BUT SHE SITTING THERE LISTENING TO THEM, THE
5 DEPUTIES, THE CASE WORKERS, AND THEY'RE SAYING THIS
6 BABY WAS LEFT IN A HOUSE, ABANDONED, ONLY IN A PAMPER
7 WHERE TWO BEAUFORT COUNTY DEPUTIES WAS SLAIN BUT IT
8 WAS A LIE TO JUSTIFY LAW ENFORCEMENT AGENCY TAKING THE
9 BABY

10 AND YOU REMEMBER THE LADY FROM THE DEPARTMENT OF
11 SOCIAL SERVICES GOT UP AND SHE SAID, ONCE THE BABY HAS
12 BEEN TAKEN INTO CHILD AGENCY PROTECTIVE CUSTODY,
13 WHATEVER, SHE SAID, THAT'S A DIFFERENT FIELD -- BRANCH
14 FROM D S S SHE SAY BECAUSE THAT IS DEALING WITH LAW
15 ENFORCEMENT

16 SO THEY HAD TO FILE PAPERWORK TO GET THE CHILD
17 WITH THE DEPARTMENT OF SOCIAL SERVICE BECAUSE THE CHILD
18 PROTECTIVE AGENCY IS DEALING WITH LAW ENFORCEMENT
19 AND LAW ENFORCEMENT AIN'T TRYING TO GIVE UP NO BABY
20 AND THEY GOT TO JUSTIFY WHY THEY TOOK THIS BABY, SO
21 THEY COME UP WITH THIS SCREEN THE BABY WAS LEFT IN A
22 HOUSE CLAD IN ONLY A PAMPER WHERE TWO OFFICERS FOUND
23 AND WHERE TWO DEPUTIES WAS KILLED

24 THE COURT BELIEVES THAT BECAUSE THE COURT BELIEVES
25 ⁹ THAT LAW ENFORCEMENT WOULD HAVE NO REASON TO LIE

STATE VS ALKEBULANYAHH

1 JUST LIKE MR MURDAUGH SAID, THEY WOULDN'T LIE,
2 WOULD THEY? WELL, WHY DID MS CAMPBELL LIE? WHY DID
3 THEY WRITE THE REPORT AND LIE?

4 THE TRANSCRIPT IS IN THERE IT HAPPENED IN THE
5 COURT IT HAPPENED UNDER OATH WOULD THEY? IT AIN'T
6 ME SAYING THIS IT'S THEIR OWN WORDS IT'S THEIR OWN
7 ACTIONS

8 NOW, MS BLATE (PHONETIC) THINKS SHE -- IT'S
9 EVIDENT THAT SHE'S GOING TO LOSE THIS BABY BUT YOU
10 KNOW WHAT?

11 MR ARBELO, HE GOT UP HERE AND I ASKED HIM, WHAT
12 DO YOU DO THAT DAY?

13 I WENT AND SET A PERIMETER I WENT
14 WHAT ELSE DID YOU DO?

15 I WENT AND RODE UP TO THE BROAD RIVER COMMAND
16 CENTER

17 AND WHAT ELSE DID YOU?

18 I WENT AND -- AND TALKED TO MY -- MY -- MY
19 SUPERVISOR

20 FINALLY I HAD TO SAY, DIDN'T YOU GO TO A BRICK
21 HOUSE WHERE MS BRENDA SMITH RILEY WAS AND THE BABY WAS
22 LAYING OVER IN A COMFORTER -- IN A COMFORTER?

23 YEAH

24 IT DIDN'T SOUND LIKE NO BABY WAS ABANDONED IN THE
25 HOUSE WHERE THE DEPUTY WAS IN NO PAMPER, BUT HE DIDN'T

STATE VS ALKEBULANYAHH

1 WANT TO SAY THAT HE DIDN'T WANT TO SAY THAT AND
2 THAT'S WRONG THAT WAS WRONG
3 LAW ENFORCEMENT -- YOU -- YOU LOCK UP A BABY, YOU
4 LOCK UP A SIX MONTH OLD BABY IF YOU'D LOCK UP A SIX
5 MONTH OLD BABY, YOU WOULD DO ANYTHING
6 THIS CHILD AIN'T HAD NOTHING TO DO WITH THIS
7 SITUATION THIS CHILD HAD HIS MOTHER DOWN HERE AT THE
8 COMMAND CENTER, HAD HIS GRANDFATHER, HIS GRAND PARENTS
9 DOWN AT THE COMMAND CENTER
10 AND THEN THE OFFICER GOING TO TELL MS BRENDA
11 SMITH RILEY, YEAH, I GOT TO TAKE THIS BABY BECAUSE THE
12 MOTHER DONE ABANDON IT
13 AND THEN WHEN HE GO WRITE HIS REPORT, HE GO, THE
14 MOTHER ABANDON THE CHILD IN A HOUSE ALONE HE DON'T
15 PUT IT -- HE DON'T SAY WITH -- MS BRENDA SMITH RILEY
16 TOOK THE BABY WITH HER OUT OF THE HOUSE HE DON'T SAY
17 THAT SO WHY WOULD HE LIE?
18 HE SAY, MR ALKEBULANYAHH, ALL HE WANT TO DO IS
19 JUST MAKE YOU ALL BELIEVE THIS AND TELL THIS LIE AND
20 TELL THAT LIE NO I'M NOT GOING TO SAY IT THE
21 EVIDENCE SHOULD SAY IT FOR ITSELF THE TESTIMONY THAT
22 YOU HEARD SHOULD SAY IT FOR YOURSELF
23 CREDIBILITY WHAT BE SAID ABOUT CREDIBILITY?
24 CREDIBILITY DO -- DO -- WILL YOU BELIEVE THAT PERSON
25 OR NOT, WHAT THEY'RE SAYING? YOU LOOK AT THEM FACTS

STATE VS ALKEBULANYAHH

1 ABOUT THEIR CREDIBILITY LOOK AT THE EVIDENCE ABOUT
2 THEIR CREDIBILITY

3 AND, AGAIN, I SAY I'M NOT SAYING NO, ALL THE
4 BEAUFORT COUNTY LAW ENFORCEMENT OFFICIALS ARE CORRUPT
5 AND POLICE ARE BAD THEY'RE A PART OF THIS SOCIETY
6 BECAUSE IF THEY DIDN'T, WE'D LIVE IN ANARCHY THAT'S
7 -- THERE'S NO IF, AND, BUTS ABOUT IT IT WOULD BE
8 UNCIVILIZED TO EVEN THINK ABOUT LIVING IN A SOCIETY
9 WHERE YOU DON'T HAVE POLICE OFFICER AND LAW
10 ENFORCEMENT

11 IT WOULD BE UNCIVILIZED TO EVEN THINK THAT ALL LAW
12 ENFORCEMENT ARE CORRUPT IT DON'T ADD UP NOT WITH A
13 REASONABLE PERSON, A REASONABLE-THINKING PERSON I
14 WOULDN'T WANT TO LIVE IN A SOCIETY -- A SOCIETY WHERE
15 ALL LAW ENFORCEMENTS ARE CORRUPT OR THERE IS NO LAW
16 ENFORCEMENT IN SOCIETY

17 AND MS ALANA TOKAR FROM THE D S S , SHE THE ONE
18 TOLD YOU THAT LAW ENFORCEMENT ARE -- ARE THE -- IS
19 CONNECTED WITH THE BEAUFORT COUNTY LAW ENFORCEMENT
20 DIVISION SHE THE ONE GOT UP HERE AND SAID, NO
21 CAMPBELL -- THIS ORGANIZATION IS TIED IN WITH LAW
22 ENFORCEMENT THEY THE ONE THAT TOOK THE CHILD IT
23 WASN'T THE DEPARTMENT OF SOCIAL SERVICE WE JUST HAD
24 TO COME IN AND TRY TO RETRIEVE THE CHILD BACK OUT OF
25 CUSTODY

STATE VS ALKEBULANYAHH

1 THEY'RE USING THIS CHILD AS A LEVERAGE TO MAKE
2 KIMBERLY BLATE (PHONETIC) WRITE A THOUSAND STATEMENTS
3 AND SAY WHATEVER THEY WANT HER TO SAY IN HER STATEMENT
4 MS SADIE BLATE (PHONETIC) GOT UP ON THIS STAND,
5 THE GRAND MOTHER, AND THE GREAT-GRAND MOTHER OF THE
6 CHILD SHE HAS NO REASON TO LIE SHE SAY, KIMBERLY
7 WAS SICK, SHE WAS SICK, NAUSEA BECAUSE HER BABY HAD
8 BEEN GONE FOR DAYS SAID SHE COULDN'T EAT NOTHING
9 AND SHE SAY THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT
10 WAS COMING TO PICK HER UP EVERY DAY FOR WEEKS AT A
11 TIME, KEEPING HER ALL DAY AND SHE DIDN'T HAVE CUSTODY
12 OF THAT CHILD

13 AND THAT'S WHAT THE DOCTOR -- DR ALBINIAK, THE
14 PSYCHOLOGIST WHEN HE WAS SPEAKING, WHEN HE WAS
15 EXPLAINING TO YOU ABOUT THIS LONG, PROLONG
16 INTERROGATION, AND THE BABY INVOLVED, AND WHAT A MOTHER
17 WOULD HAVE TO DO, ALL THAT PRESSURE

18 THAT'S WHAT HE WAS EXPLAINING, THAT ANYONE, ALL OF
19 US IS SUBJECT TO A CERTAIN AMOUNT OF PRESSURE TO WHERE
20 YOU JUST CHANGE THEN AS HE SAID, YOUR MEMORY -- WHAT
21 SHE REMEMBERED THEN ABOUT NO GUN, THEN HAD A GUN, AND
22 THIS AND THIS, IT WAS MORE ACCURATE THEN THAN ANY TIME
23 BUT WITH THAT BABY BEING GONE AND THEY TAKEN THE
24 CHILD AND THEN EVERY TIME SHE GO INTO COURT THEY
25 SAYING, SHE HASN'T BEEN CHARGED YET IT'S STILL UNDER

STATE VS ALKEBULANYAHH

1 INVESTIGATION THERE'S A POSSIBILITY OF A CHARGE BEING
2 BROUGHT AGAINST HER, YOU WOULD CREATE A FALSE MEMORY
3 AND THAT'S WHAT SHE DID

4 THAT'S WHY IF YOU LOOK AT ALL FOUR OF THE
5 STATEMENTS SHE KEPT SAYING NOW I REMEMBER I DIDN'T
6 REMEMBER THEN WHAT I TOLD YOU IN THE FIRST ONE WASN'T
7 TRUE

8 THIS IS HER OWN WRITING BECAUSE SHE WAS BEING
9 GOADED BY THE INVESTIGATORS INVOLVED IN THIS CASE SHE
10 WAS BEING POINTED, JUST LIKE A COW POINTED IN THIS
11 DIRECTION SAY THIS, SAY THIS, SAY THAT DIDN'T --
12 DIDN'T HE HAD A GUN? WE KNOW HE HAD A GUN YOU DONE
13 SAID HE HAD A GUN

14 WELL, YEAH, YEAH, HE HAD A GUN

15 WASN'T HE IN THE CLOSET? DIDN'T YOU SAY HE WAS IN
16 THE CLOSET?

17 YEAH, HE WAS IN THE CLOSET

18 HOW YOUR MEMORY COULD BE GOING LIKE THAT, THAT'S
19 WHAT THE DOCTOR WAS TRYING TO TELL YOU THAT'S WHAT
20 THE DOCTOR WAS EXPLAINING HE WASN'T BEING BIAS HE
21 WAS TELLING YOU JUST WHAT HAPPENED, THAT THESE THINGS
22 HAPPENED

23 AND IF YOU LOOK AT EXHIBIT 37 THAT WAS THE COURT
24 ORDER, PAGE 2 NOTE 1 ABOUT KIMBERLY BLATE (PHONETIC)
25 POSSIBLY FACING CHARGES MEANING THAT SHE WAS IN --

STATE VS ALKEBULANYAHH

1 UNDER INVESTIGATION AND THAT WAS IN EXHIBIT 37 PAGE
2 2, NOTE 1

3 AND I ONLY ILLUSTRATE FOR YOU TO KNOW THAT SO YOU
4 COULD SEE IT WASN'T LIKE SHE WASN'T GOING TO BE
5 CHARGED, LIKE SHE'S JUST A GOOD, UPSTANDING CITIZEN AND
6 AIN'T NOTHING GOING TO HAPPEN TO HER AND SHE AIN'T GOT
7 NOTHING TO LOSE BY GETTING UP HERE AND TESTIFYING TO
8 THE TRUTH

9 SHE HAD A LOT TO LOSE SHE HAD THE BABY TO LOSE
10 SHE HAD BEING CHARGED WITH TWO COUNTS OF ACCESSORY TO
11 MURDER THAT'S A LOT TO LOSE -- BECAUSE IT'S IN THE
12 COURT ORDER AND THEN SHE WAS STILL UNDER THE
13 INVESTIGATION FOR THE POSSIBILITY OF CHARGES COMING TO
14 HER -- COMING UPON HER

15 AND I KNOW SHE DIDN'T WANT TO FACE THEM CHARGES
16 AND DEFINITELY DIDN'T WANT TO LOSE THE CHILD WITH --
17 THAT'S IN EXHIBIT 37 THAT'S THE ORDER FROM THE JUDGE
18 FROM THE FAMILY COURT, SO IT WON'T BE NO MISTAKE ABOUT
19 IF YOU ASK, WELL, WHY WOULD SHE DO THAT? WHY WOULD SHE
20 LIE? WHY WOULD SHE SAY SO MANY THINGS? IT'S THE
21 LEVERAGE THAT WAS USED BECAUSE THIS WHOLE CASE IS BUILT
22 AROUND WHAT KIMBERLY BLATE (PHONETIC) SAID

23 NOW, YOU REMEMBER THE YOUNG MAN CAME UP AND HE
24 STATED BOBBY RIGBY RUN IN THE HOUSE AND TOLD THEM, LOOK
25 MAN, I'M GOING TO BE ON THE NEWS NOW I'VE BEEN

STATE VS ALKEBULANYAHH

1 INVOLVED IN THIS INCIDENT ON 21 RILEY ROAD RESIDENCE

2 WHY WOULD YOU INDICATE YOURSELF TO BE ON THE NEWS
3 BECAUSE YOU WERE INVOLVED IN -- IN A SHOOTING? HE WAS
4 CONCERNED HE WAS CONCERNED SOMEBODY SEEN HIM

5 WHY DID HE RUN FROM A AREA HE THOUGHT WAS SO
6 HOSTILE AND THEN RETURN BACK AND THEN AS IN HIS OWN
7 WORDS, I -- I DIDN'T WANT NOBODY TO KNOW WHAT I KNOW
8 BECAUSE HE FIGURE SOMEBODY SAW HIM OR HE RUN AND -- AND
9 PUT SOME ITEMS OR THINGS AWAY AND THEN RETURN AND COME
10 BACK TO THE AREA SO HE DON'T BE CAUGHT WITH THEM THAT
11 WAS HIS OWN WORDS AND THAT WAS HIS FRIEND'S WORDS THAT
12 TOLD HIM THAT THAT SAID THE SAME THING

13 HE SAID -- HE TOLD THE DEPUTY -- HE TOLD ONE
14 DEPUTY, HE SAID, I WAS GOING ON -- ON -- ON RILEY ROAD
15 TO SEE A -- TO SEE HENRY

16 HENRY GOT UP TO THE STAND AND SAID HE WASN'T
17 COMING TO SEE ME

18 AND THEN HE TOLD THE DEPUTY, I -- I -- I SEEN
19 HENRY AND HENRY WAS IN A BLUE PICKUP TRUCK

20 HENRY SAID, NOT ME I WAS IN A WHITE VAN WITH MY
21 GRAND PARENTS THAT'S WHAT HE TESTIFIED TO

22 AND DO YOU REMEMBER THE LADY THAT CAME FORTH AND
23 SHE SAID ABOUT THE SHOOTING INSIDE THE HOME? SHE SAID
24 BULLETS WAS FOUND AND A BULLET ENTERED FROM "A" IT
25 WAS LIKE "A" -- "A", "B" AND "C", "D" AND ALL THAT

STATE VS ALKEBULANYAHH

1 WHAT SHE WAS SAYING AND SHE SAY "A" WAS THE FIRST ONE
2 LISTED AND SHE SAY THAT "A" ENTERED THE BACK OF THE
3 HEAD OF MR COURSEN, DEPUTY COURSEN

4 MR MURDAUGH STOOD HERE AND SAY, MA'AM, COME AND
5 SHOW ME HE STOOD UP, AND HE SHOWED THAT SHE SAID
6 ENTERED HERE IN THE BACK OF THE HEAD AND CAME UP
7 THROUGH THE EYE REMEMBER SHE SAID THAT? AND IN HER
8 THING -- IN HER NOTE SHE PUT, ENTERED BACK OF HEAD
9 SHE DIDN'T SAY ENTER NO BACK OF NECK SHE SAY ENTER
10 THE BACK OF THE HEAD

11 THAT MARKER WHICH I ASSUME WOULD BE -- WHICH WAS
12 - THAT MARKER IS "O" AND THEM CASINGS THAT HE --
13 THEM -- THEM -- THEM -- THE BOX AND THINGS THAT HE HAD,
14 THE LITTLE -- THEY ASSEMBLED THERE THEY MAY BE IN THE
15 BIG BOX THAT -- THAT HE PRESENTED AS FRAGMENTS AND SOME
16 OF THEM BULLET SHELLS THAT WAS MARKER NUMBER "O" AND
17 THAT -- AND THE EVIDENCE REPORT OF MS SLED (SIC)
18 BODIE, THAT WAS ITEM NO 105, AND YOU COULD SEE THAT IN
19 EXHIBIT 23 YES, PLEASE REFER TO THAT, EXHIBIT 23,
20 EXHIBIT NO 23 ITEM 105

21 AND IN EXHIBIT 23, 105 MS BODIE SAID THAT BULLET
22 FRAGMENT WAS FOUND UNDER THE HEAD OF MR COURSEN

23 AND THEN THE FIREARM EXPERT, I THINK THAT WAS MR
24 DEFREESE, HE SAID, THAT FRAGMENT DID NOT COME FROM NO
25 RIFLE, NOT 154 HE SAID, THAT COME FROM DEPUTY TATE'S

STATE VS ALKEBULANYAHH

1 GUN

2 NOW, WHAT IS A BULLET FRAGMENT BEING FOUND UNDER
3 THE HEAD OF MR COURSEN? WHAT IS -- IT'S IN THE
4 REPORT? WHAT IS THAT? DO THE DOTS WHAT IS THAT
5 BULLET FRAGMENT DOING UNDER MR COURSEN HEAD?

6 AND THEN ITEM NO 16 IN EXHIBIT 23 A BULLET
7 FRAGMENT HE SAID THAT WAS FOUND ON A JACKET ON THE BED
8 NEAR THE DOORWAY RIGHT THERE WHERE MR COURSEN LAY CAME
9 FROM OFFICER TATE'S WEAPON THAT'S WHAT HIS WORDS
10 WERE HE SAY IT WAS NOT A 154 -- A RIFLE -- RIFLE
11 FRAGMENT, THE BULLET, THE PIECES OF BULLET THAT WAS
12 RIGHT WHERE MR COURSEN WAS

13 NOW YOU'VE GOT TATE'S BULLET FRAGMENT UNDER THE
14 OFFICER HEAD THEN YOU GOT THE FRAGMENT RIGHT NEXT TO
15 HIM ON THE JACKET WHERE HE LAID ON THE BED PUT IT
16 TOGETHER AND YOU REMEMBER WHEN I ASKED THE LADY, I
17 SAID, IF -- IF -- IF THE ONE WAS SHOOTING, HE DIDN'T
18 NECESSARILY BE ERECT BECAUSE SHE SAY IN A 40 DEGREE
19 ANGLE

20 SO IF IT WAS A 40 DEGREE ANGLE AND SHE SAY THE
21 BULLET HIT HERE, THAT MEANT HE HAD TO BE DOING LIKE MR
22 ALKEBULANYAHH SAID, HE WAS SEARCHING MR ALKEBULANYAHH
23 AND BENT THIS WAY BECAUSE IF HE WAS STANDING UP LIKE
24 MR MURDAUGH STOOD UP AND THEN WENT IN A 40 DEGREE
25 ANGLE, THEN A PERSON WOULD HAVE TO TAKE A GUN AND KNEEL

STATE VS ALKEBULANYAHH

1 DOWN AND SHOOT UP SO THE BULLET WOULD COME UP AND OUT
2 THAT WAY AT A 40 DEGREE ANGLE SO THAT DAY HE COULDN'T
3 HAVE BEEN STANDING UP MR COURSEN COULDN'T HAVE BEEN
4 STANDING UP

5 HE HAD TO BE LEANING FOR THAT BULLET TO HIT HERE
6 AT A 40 DEGREE ANGLE IN THE BACK AND THEN COME OUT
7 WHERE IT AFFECTED THE EYE

8 AND SHE SAID A 40 DEGREE ANGLE THE BULLET ENTERED
9 AND YOU CAN'T GET TO A 40 DEGREE ANGLE UNLESS ONE IS
10 STANDING UNDER YOU AND SHOOTING UP SO HE HAD TO BE
11 TILTED, AND THAT'S WHERE HE WAS WHEN HE GOT SHOT

12 - HE WAS TILTED, COMING UP, PATTING ME DOWN AND
13 THAT'S WHY THE BULLET HIT HIM FROM THE 40 DEGREE ANGLE
14 FROM HERE AND THEN COME THAT WAY, OUT THROUGH HIS EYE,
15 BECAUSE IF HE -- IF HE WAS STANDING UP AS MR MURDAUGH
16 STOOD THERE BEFORE THE LADY AND THE BULLET WOULD HAVE
17 ENTERED HIS HEAD, THEN THE BULLET WOULD -- THE BULLET
18 WOULD HAVE HAD TO GO STRAIGHT IT WOULDN'T HAVE COME
19 AT A 40 DEGREE ANGLE IT WOULD HAVE BEEN PARALLEL,
20 STRAIGHT

21 AND I DON'T THINK YOU NEED NO SCIENTIST TO EXPLAIN
22 SIMPLE MATHEMATICS TO THAT BUT THAT'S IN THE
23 EVIDENCE THAT'S IN THE EVIDENCE THAT YOU HAVE BACK
24 THERE AND THEN HE SPEAK OF -- THEY COME WITH THIS
25 THEORY -- THEY GET THE EVIDENCE AND THEY SAY WELL,

STATE VS ALKEBULANYAHH

1 THIS MANY SHOTS, THAT MANY SHOTS, AND HE SHOT THIS MANY
2 SHOTS, AND THIS MADE A HOLE AND THIS JUST SHOW YOU
3 ALL THEM HOLES, AND SHOT -- THEY DON'T HAVE A ANSWER
4 FOR

5 THEY AIN'T ACCOUNTED FOR EVERYTHING BECAUSE YOU
6 AIN'T SUPPOSED TO HEAR ABOUT THAT, BECAUSE MR
7 ALKEBULANYAHH IS PRESENTING EVIDENCE TO YOU ABOUT THAT
8 THE OFFICER WEAPON CARRIES 16 ROUNDS THEY SAY
9 MR COURSEN HAD HIS WEAPON IN HIS HOLSTER, WITH 16
10 ROUNDS

11 THEY SAY MR TATE FIRED 10 ROUNDS BECAUSE THEY
12 FOUND 6 IN THE CHAMBERS YOU GOT FOUR HOLES THAT WENT
13 THROUGH THIS DOOR HERE

14 AND AS I MENTIONED EARLIER IN TESTIMONY, DIDN'T
15 NONE OF THESE HOLES GO INTO THE CLOSET FOUR WENT IN
16 THE COAT AND YOU GOT THESE THREE HERE NEAR THE EXIT
17 DOOR OF THE BEDROOM, THE AREA THAT I INDICATED EARLIER
18 TO YOU WHERE ME AND MR COURSEN WAS WHEN HE WAS SHAKING
19 ME DOWN THAT'S 7 FIRED ROUNDS 4 3, 7

20 MR ALKEBULANYAHH GOT SHOT IN HIS SHOULDER
21 REMEMBER WHEN THE PROSECUTOR ASKED THE MAN ABOUT THE
22 BULLET STILL BEING IN -- IN HIS SHOULDER THAT'S 8

23 WHEN THE BULLET WENT IN MY SHOULDER AND IT WAS
24 STILL IN MY BODY IN MY BACK, THAT'S 8 THEN THE SHOT
25 IN THE HIP WHERE THE LADY ASKED -- I ASKED -- SHE SAID,

STATE VS ALKEBULANYAHH

1 WELL, YOU GOT SHOT IN YOUR HIP WE CONSIDER THAT 9
2 WHERE IS THE TENTH BULLET THAT THEY CALCULATE? HE
3 SHOULD HAVE TOLD YOU WHERE THE TENTH BULLET, WHETHER IT
4 WENT OUT THE CEILING, WENT OUT THE DOOR, OR WENT INTO
5 ANOTHER PERSON, OR WENT INTO THE BODY MAYBE HE DIDN'T
6 CALCULATE THE TENTH BULLET WENT IN THE BACK OF MR
7 COURSEN HEAD THAT'S WHERE THE FRAGMENT'S AT, WHERE
8 THEY FOUND THE FRAGMENTS OF THE BULLET UNDER HIS HEAD
9 AND THE FRAGMENTS ON THE COT NEXT TO HIS BED (SIC)
10 SO HOW ARE YOU GOING TO COME AND YOU'RE GOING TO
11 PUT ALL THESE SCREENS SAYING, THIS HAPPENED AND THIS
12 HAPPENED, AND THE BULLETS WENT HERE, AND THIS MAN WENT
13 THIS PLACE AND THIS PLACE IN THIS AREA, BUT YOU AIN'T
14 GOT ALL THE BULLETS ACCOUNTED FOR AND THAT'S IN THE
15 EVIDENCE AND THAT'S A FACT
16 AND THEN HE SPEAK TO YOU ABOUT -- SAID MR
17 ALKEBULANYAHH COME OUT OF THIS AREA HERE -- COME OUT OF
18 THIS AREA HERE FROM OUT OF THE CLOSET, SHOOT THIS WAY,
19 SHOOT THIS WAY, STEP AROUND HERE IN FRONT OF THIS
20 BATHROOM, AND SHOOT MR TATE DOWN HERE LOGIC REASON
21 MR ALKEBULANYAHH HAS BEEN SHOT IN THE SHOULDER,
22 SHOULDER BONE SPLATTER, BULLET HERE, BULLET DONE WENT
23 IN HIS HIP HE'S BLEEDING EVERYWHERE, SOAKED IN BLOOD
24 WHEN THEY -- AFTER THEY CAPTURE HIM, THEY SAY I
25 WAS SOAKED IN BLOOD AND WATER THAT'S WHAT THEY SAID

STATE VS ALKEBULANYAHH

1 OKAY

2 WHY IS IT THAT IF MR ALKEBULANYAHH IS BLEEDING,
3 DROPPING BLOOD, BEEN INJURED WITH MORE THAN A PIN, A
4 DIAPER PIN, THAT THERE IS NO BLOOD IN THE CLOSET?
5 THERE IS NO BLOOD IN THE CLOSET THERE IS NO BLOOD OF
6 MR ALKEBULANYAHH -- ON IN THE CLOSET THERE IS NO
7 BLOOD OF MR ALKEBULANYAHH ON THE T V THERE IS NO
8 BLOOD OF MR ALKEBULANYAHH ON THE FLOOR THERE IS NO
9 BLOOD OF MR ALKEBULANYAHH ON THE WALL THERE IS NO
10 BLOOD OF MR ALKEBULANYAHH IN THE CEILING THERE IS NO
11 BLOOD OR FOOTPRINTS OF MR ALKEBULANYAHH OVER HERE ON
12 THIS GREEN CURTAIN, STANDING IN FRONT OF THIS DOORWAY
13 OR BLOOD WHERE HE SAY OFFICER TATE WAS SHOT

14 WHERE'S THE BLOOD? WHERE'S THE INJURY? WHERE'S
15 THE BLOOD IN THE CLOSET? WHERE'S THE BLOOD ON THE
16 CLOTHES? WHERE'S THE BLOOD ON THE FLOOR? WHERE'S THE
17 BLOOD ON THE WALL? WHERE'S THE BLOOD ON THE T V ?

18 OH YOU GOT BLOOD

19 WE AIN'T SEEN NO PICTURES OF THAT BLOOD

20 WHAT -- THEY SAY BLOOD WAS ON THE OUTER EDGE OF
21 THE DOOR THAT EXIT THE BEDROOM I DON'T DENY THAT I
22 WAS SHOT IN THE BEDROOM, BUT DON'T THAT FIT THE TRUTH
23 IN WHICH I TOLD YOU, THAT MR COURSEN WAS SHOT IN THE
24 BACK OF HIS HEAD AND THEN I WAS SHOT AND I HAD TO BE
25 NEAR THE DOOR TO SPIN OUT OF THIS DOOR QUICKLY? I HAD

STATE VS ALKEBULANYAHH

1 TO GET OUT OF HERE QUICKLY

2 IF I WAS SHOT ANYWHERE ELSE, BLOOD WOULD HAVE BEEN
3 ON THE DOOR, IN THE CLOSET IF I WAS WALKING AROUND A
4 ROOM SHOOTING A GUN, I'D HAVE DRIPPED BLOOD, STEPPED IN
5 SOME OF MR COURSEN'S BLOOD, STEPPED IN SOME OF MR
6 TATE'S BLOOD, OR STEPPED IN MY OWN BLOOD, OR BLOOD
7 WOULD HAVE GOT ON THE WALL IF I WAS IN THAT ROOM AT
8 LEAST MORE THAN A MINUTE AFTER I WAS SHOT SO IT'S --
9 IT'S THE TRUTH WHAT I TOLD YOU

10 MR COURSEN WAS SHAKING ME DOWN RIGHT HERE IN
11 FRONT OF THIS DOOR AND WHEN HE GOT SHOT IN THE HEAD
12 -- AND IT WAS RELATIVELY EASY THAT HE FELL THIS WAY TO
13 THAT COT THAT WAY BECAUSE I WAS BREAKING -- RUNNING OUT
14 THIS DOOR I WAS -- I WAS GOING OUT THIS DOOR AND MY
15 BLOOD ONLY TOUCHED FROM THIS DOOR -- FROM EXITING THE
16 DOOR, BECAUSE I AIN'T GOING TO NEVER SAY THAT I KNOW
17 THAT BLOOD GOT TO THIS DOOR BY MY -- BY MY PRODUCING
18 IT

19 BUT IF BLOOD WAS IN THAT HOME, IT SHOULD HAVE BEEN
20 FOUND BECAUSE I DID BLEED IN THERE BUT BLOOD ON THE
21 OUTER SKIRTS (SIC) OF THIS DOOR, OUTER SKIRT (SIC)
22 LEADING OUT THE DOOR, YOU FIND -- YOU SAY A DROP OF
23 BLOOD OR A SLIP OF BLOOD ON THE OUTER SKIRTS (SIC)
24 THAT'S -- THAT'S JUST -- THAT'S JUST -- THAT'S JUST THE
25 TRUTH WHAT I'M TELLING YOU PEOPLE

STATE VS ALKEBULANYAHH

1 I WAS SHOT AND I RAN, BECAUSE IF I WAS SHOT IN THE
2 SHOULDER AND SHOT IN THE HIP AND HAD BEEN IN THIS ROOM
3 ANY LONGER THAN I WAS SHOT YOU'D HAVE HAD BLOOD ON THE
4 WALL, YOU'D HAVE HAD BLOOD ON THE FLOOR YOU'D HAVE HAD
5 BLOOD ON THE CEILING YOU MIGHT HAVE HAD BLOOD ON THE
6 GREEN CURTAIN

7 BUT THEN I -- I WOULD HAVE HAD BLOOD UNDER MY FEET
8 FROM STEPPING IN THE OFFICER'S BLOOD AND THAT'S
9 ANOTHER THING, WHY DIDN'T THEY BRING THE SHOES IN HERE
10 AND SHOW YOU THE BOOT -- THE BOOT WITH BLOOD UPON IT?
11 THERE WAS NO BLOOD FOUND UNDER MY BOOTS BECAUSE I
12 DIDN'T STEP IN NOBODY BLOOD IF THESE OFFICERS WERE
13 BEING SHOT AND BLOOD WAS BEING SPLOWN (PHONETIC) ALL
14 OVER THAT ROOM WOULDN'T IT HAVE GOT UNDER MY FEET OR
15 ON MY SHOES?

16 WHEN THEY PULLED BACK ALL THE CLOTHING AND
17 EVIDENCE FROM MR ALKEBULANYAHH MY BLOOD DIDN'T HAVE
18 OFFICER TATE BLOOD ON IT AND I DIDN'T SEE ANYTHING
19 WHERE IT INDICATED THAT MY BOOT HAD ANY OF THE
20 OFFICERS' BLOOD UNDER THE BOTTOM OF THEM AND THEY GOT
21 MY BOOTS

22 JUST LIKE THE SHOE PRINT, THERE'S NO -- THERE'S NO
23 SHOE PRINT OR ANYTHING AROUND THEM ITEMS THEY SAID THEY
24 FOUND OUT IN THAT AREA I WAS HERE I HAD LEFT
25 THERE IS NO BLOOD IN THERE THERE'S NO INDICATION

STATE VS ALKEBULANYAHH

1 IT'S JUST LIKE I HAVE TOLD YOU PEOPLE AND THAT IS THE
2 TRUTH

3 I GOT SHOT AND I FLEED (SIC) AND WENT OUT THIS
4 DOOR AND ONLY TWO PEOPLE I KNOW THAT GOT HIT WAS ME
5 AND MR COURSEN WHEN I WENT OUT THAT DOOR AND MR
6 TATE SHOT MR COURSEN IN THE BACK OF HIS HEAD THAT WAS
7 THE FIRST SHOT NOT THE SHOT TO MY SHOULDER BECAUSE I
8 WAS THIS WAY IT WAS POW, POW

9 AND FROM THERE, WHO KNOWS WHAT HE DID HOW HE WENT
10 OFF AND HOW HE RESPONDED BUT CONSIDER THAT CONSIDER
11 THIS MODEL WHEN YOU'RE LOOKING IN THERE CONSIDER ALL
12 THE EVIDENCE THAT WAS GATHERED CONSIDER ALL THE BLOOD
13 AND EVERYTHING THAT'S SUPPOSED TO HAVE BEEN MIXED UP IN
14 IT CONSIDER THAT

15 AND ANOTHER THING YOU CONSIDER, YOU CONSIDER --
16 YOU -- THEY SAY THEY FOUND 19 OR 20 SOME SHELLS IN
17 HERE THEY FOUND ALL KIND OF CASINGS AND EVERYTHING
18 HERE PLEASE LOOK AND SEE IF MR ALKEBULANYAHH HAD ANY
19 FINGERPRINTS OR ANYTHING ON ANY OF THEM ITEMS, ON ALL
20 THAT AMMUNITION THEY DONE SHOWED YOU, ALL THAT CASINGS
21 AND EVERYTHING WHY WASN'T IT TIED TO MR
22 ALKEBULANYAHH?

23 EITHER NOBODY -- THEY SAY THEY FOUND SOME GLOVES
24 ON ME YOU DIDN'T FIND -- YOU SEE THEY AIN'T HAD NO
25 GUN -- THEY SAY AIN'T NO EVIDENCE OF GUNSHOT RESIDUE

STATE VS ALKEBULANYAHH

1 BEEN ON NO GLOVES THEY AIN'T BEEN NO KIMBERLY BLATE
2 (PHONETIC) OR MR FRANKLIN OR MS CHAPPEL (SIC) OR
3 NOBODY SAID THAT -- THAT -- THAT -- THAT THE PERSON
4 THAT THEY SAW OR ANYTHING HAD GLOVES ON IN THE AREA
5 WHICH WAS CARRYING A GUN

6 SO IF THEY AIN'T SAID THAT, IT WAS -- THAT WAS MR
7 ALKEBULANYAHH, HIS FINGERPRINTS WOULD HAVE BEEN ALL
8 OVER THAT STUFF FINGERPRINTS WOULD HAVE BEEN ALL OVER
9 THAT STUFF, ALL OVER THE AMMO, ALL OVER THE FANNY PACK
10 ALL OVER THE KELL (SIC) -- SHELL CASINGS IT WASN'T

11 HE BRING THIS GUN -- HE PICKS THIS GUN UP RIGHT
12 HERE AND HE PARADE THIS GUN AROUND YOU HE'S PARADES
13 THIS GUN HERE AROUND YOU, HE PARADE IT AROUND YOU BUT
14 THERE'S NOT ONE SINGLE FINGERPRINT OF MR ALKEBULANYAHH
15 WAS ON THIS GUN NOT ONE NOT EVEN A SOCIAL -- A SO --
16 A PARTIAL THUMB PRINT NOT NOTHING NOT ANYTHING

17 AND I'M SURE THEY WENT FROM HEAD TO TOE IN THEIR
18 EXAMINATION OR WHATEVER THEY DECIDE TO DO WITH THAT GUN
19 OR WHATEVER THEY WAS LOOKING FOR BUT IF THEY DIDN'T
20 FIND IT, THEY DIDN'T PRESENT IT TO YOU AND THAT'S
21 SOMETHING EVERY COMMON -- COMMON PERSON WANT TO KNOW --
22 WANT TO KNOW IS THERE ANY FINGERPRINTS ON THE WEAPON?
23 IS THERE ANY GUNSHOT RESIDUE IN HIS HANDS WHERE HE
24 FIRED A WEAPON OR SOMETHING?

25 DO SOMETHING CONNECT ME IN SOME WAY WITH IT

STATE VS ALKEBULANYAHH

1 YOU CAN'T I'M NOT CONCERNED I'VE NEVER BEEN
2 CONCERNED ABOUT THE CASE HE PRESENTED I'M NOT
3 CONCERNED ABOUT WHAT HE SAY AND WHAT THEY SAY ABOUT ME
4 I KNOW WHAT HAPPENED AND I KNOW THAT I HAD NO
5 INVOLVEMENT WITH THE KILLINGS OF THEM TWO DEPUTIES
6 THAT'S WHERE MY CONFIDENCE COME FROM

7 AND IF I'M GOING TO BE DESTROYED, IF HE WOULD LIKE
8 TO SEE ME DESTROYED BECAUSE OF THE TRUTH, THEN I'LL
9 LIVE WITH THAT, BECAUSE IT WON'T BE THE FIRST TIME IN
10 HISTORY THAT INNOCENT PEOPLE HAVE BEEN DESTROYED FROM
11 LIES AND WHAT PEOPLE THOUGHT WAS THE TRUTH BUT I CAN
12 LIVE WITH IT, AND I'M NOT ASKING FOR ANY SYMPATHY FROM
13 ANY OF YOU JURORS

14 THE ONLY THING I'M ASKING FOR, FOR THE REASON THAT
15 YOU BEING HERE, FOR THE REASON YOU UP HERE, TO BE
16 STRONG, TO BE DETERMINED, TO BE FAIR AND IMPARTIAL AS
17 YOU PROMISED AND THAT'S ALL I ASK OF YOU

18 AND I WANT TO MENTION THE STICK I TOOK THE STICK
19 FROM THE LADY AND I SHOWED IT TO HER AND I SAY MS
20 BODIE THEY CALL YOU TO THE DISCOVERY OF THIS STICK I
21 SAY, I DON'T SEE NO BLOOD ON THE SIDE OF THIS STICK I
22 DON'T SEE ON THE SIDE OF THE STICK I SAY, DID YOU
23 SCOOP SOIL AROUND THIS STICK?

24 TO ME, SHE LOOKED AT -- AT -- AT -- TAKE ANOTHER
25 LOOK SHE LOOKED LIKE SHE WAS MUCH -- MUCH SHOCKED

STATE VS ALKEBULANYAHH

1 WHEN I BROUGHT THOSE PICTURES OVER HERE AND TOLD YOU
2 ALL TO LOOK AT THEM AND WALKED THEM BY YOU WALKED --
3 WALKED THE STICK BY YOU -- BY YOU AND THAT'S THAT
4 PICTURE OF -- OF STATE'S EXHIBIT 110 AND 111

5 AND THEN THE LEAVES ALL AROUND THE STICK, DRY
6 LEAVES ALL AROUND THE STICK, NOTHING BUT LEAVES I
7 DIDN'T SEE DIRT, MOSTLY LEAVES

8 NOT ONE LEAF GOT ONE SPECK OF BLOOD BELONGING TO
9 MR ALKEBULANYAHH ON IT THAT IS SOMETHING TO REALLY
10 CONSIDER -- NOT ONE LEAF GOT ONE DROP OF BLOOD ON IT

11 AND YOU SEE A MAN UP IN HERE BLEED ON ONE STICK IN
12 THE-MIDST OF ALL THESE STICKS AND BUSHES, NOT ONE LEAF
13 AND A MAN IS BLEEDING PROFUSIVELY (PHONETIC) THAT'S
14 SOMETHING TO CONSIDER THAT IS SOMETHING VERY
15 SERIOUSLY THAT SHOULD BE CONSIDERED

16 LOOK AT THAT PICTURE AND CONSIDER, SAY A MAN
17 BLEEDING PROFUSIVELY (PHONETIC) ON A STICK ONE STICK
18 ON A GROUND AND IT SO HAPPEN THAT STICK GOT TO BE
19 WHERE? IN A AREA WHERE THEY SAY THEY FOUND THE GUN
20 AIN'T THAT SOMETHING? BUT YOU CAN'T FIND NO BLOOD
21 AROUND THE GUN, NO BLOOD AROUND THE LEAVES, NO BLOOD ON
22 THE GROUND

23 IF MY BLOOD WAS THERE AND I'D BEEN THERE BLEEDING
24 LIKE THAT, MY BLOOD WOULD HAVE BEEN ON MORE THAN THAT
25 STICK MY BLOOD WOULD HAVE BEEN ON MORE THAN THE GUN

STATE VS ALKEBULANYAHH

1 IF I WAS BLEEDING LIKE THAT
2 AND ON TOP OF THAT YOU'D HAVE HAD SHOE PRINTS
3 I'M PRETTY -- I'M PRETTY CONFIDENT IN THAT, LEADING UP
4 TO THAT GUN OR LEADING UP TO THAT STICK, OR LEADING UP
5 TO THAT MAGAZINE
6 BUT YOU AIN'T HAD NO SHOE PRINTS YOU AT LEAST
7 WOULD HAVE SOME BLOOD THE EVIDENCE SHOW THAT
8 EVERYTHING THEY HAVE, THERE'S NO EVIDENCE LEADING UP TO
9 IT, IS THERE? THERE'S NOT MY SHOE PRINTS LEADING UP TO
10 THE MAGAZINE, THE STICK, OR THE RIFLE
11 THERE'S NOT MY BLOOD LEADING UP TO THE SHOE PRINT
12 OR THE RIFLE OR ANY ITEM THAT I DID POSSESS OR HAVE
13 THAT LED THEM UP TO THE ITEM SOMETHING SHOULD LEAD TO
14 THAT ITEM, OR DID IT JUST FALL OUT OF THE SKY?
15 YOU CAN'T -- YOU CAN'T GO FOR THAT THEORY THAT
16 THEORY WON'T WORK IT'S IMPOSSIBLE THAT THEORY WILL
17 WORK IT'S A INSULT TO A REASONABLE PERSON A
18 REASONABLE PERSON INTELLIGENCE A ELEMENTARY SCHOOL
19 KID COULD FIGURE THAT ONE, TWO, THREE, A, B, C OF THAT
20 SCIENCE THERE NO SHOE PRINT, NO BLOOD, AND NOTHING
21 LEADING UP TO THIS OBJECT
22 THIS OBJECT HAD TO EITHER BE CAST FROM A LONG WAY
23 OR IT FELL OUT -- OUT OF A PLANE OR SOMETHING FLYING
24 OVER THAT'S THE ONLY WAY THAT'S THE ONLY WAY
25 THAT'S NOT HARD TO FIGURE OUT

STATE VS ALKEBULANYAHH

1 AND THEN THIS OFFICER GET UP HERE AND HE SAID --
2 MR GREEN -- I DON'T HAVE TO WRITE NO REPORT I DON'T
3 HAVE TO WRITE NO -- NO -- NO INCIDENT REPORT THIS MAN
4 SUPPOSE TO HAVE BEEN INSTRUMENTAL IN MY ARREST

5 IF HE HAD ARREST -- IF HE WERE TO A -- A -- A --
6 ARREST THIS -- THIS YOUNG LADY HERE AND SAY, I ARRESTED
7 HER, AND IF SHE GO TO JAIL AND HE SAID, SHE DID THIS
8 SHE HAD THIS ON HER SHE DID THIS, AND AIN'T WROTE NO
9 REPORT

10 AND THEN THE -- THE -- THE JUDGE THAT RULED ON IT
11 JUST THREW THE BOOK AT HER THAT WOULDN'T BE RIGHT
12 WHAT DID YOU WRITE DOWN WHAT YOU DID WHEN YOU APPROACH
13 HIM? WHY DIDN'T YOU WRITE DOWN NOW WHAT HAPPENED? YOU
14 WAS JUST -- YOU WAS INVOLVED AND YOU WAS THE INITIATOR
15 OF THIS

16 IT SOUND LIKE SOMEBODY TRIED TO COVER UP
17 SOMETHING SOMEBODY GOT TO BE TRYING TO COVER UP
18 SOMETHING WHY? WHY WOULD SOMEBODY TELL THIS MAN NOT
19 TO WRITE THIS REPORT? WHY? IT'S BASIC SPEAKING OF
20 THE FIRST STEP THAT'S BASIC THAT AIN'T RIGHT THAT
21 HE'S GOING TO COME HERE AND GIVE ALL THIS TESTIMONY
22 HE CAN GIVE HIS TESTIMONY AS HE GO

23 THERE'S NOTHING THAT I CAN CROSS EXAMINE HIM ON
24 FROM ANY EVIDENCE OR ANYTHING HE WROTE TO QUESTION
25 WHETHER HE TELLING THE TRUTH OR NOT

STATE VS ALKEBULANYAHH

1 YOU REMEMBER WHAT THIS GUY SAID? AND I SAID,
2 WELL YOU KICK MR ALKEBULANYAHH IN THE FACE
3 HE SAID, IF IT HAPPENED, IT WASN'T MR
4 ALKEBULANYAHH IT WAS TYREE ROBERTS IF IT HAPPENED,
5 IT WAS TYREE ROBERTS? HE AIN'T DENY IT HE SAY IF IT
6 HAPPENED, IT WAS TYREE ROBERTS
7 WHEN I ASKED HIM WHEN HE -- REMEMBER, WHEN HE
8 KICKED ME IN MY FACE
9 HE SAY, NO IF IT HAPPENED, IT WAS TYREE ROBERTS
10 WELL, THAT'S THE SAME PERSON THAT'S WHAT THIS MAN
11 SAID
12 - AND THEN THEY BOOKED ME AND THEY FILLED OUT A
13 REPORT, THE BOOKING REPORT THE MAN SAY, I'M THE ONE
14 THAT BOOKED YOU AND THEY PUT A REPORT, AND THAT'S
15 EXHIBIT 14 THAT'S THE DEFENSE EXHIBIT NO 14, THAT
16 BOOKING REPORT, BECAUSE YOU KNOW WHAT ON THAT BOOKING
17 REPORT? THIS TELLS THE PEOPLE WHAT HAPPENED, WHAT WAS
18 TAKEN FROM A PERSON WHO THIS PERSON IS, WHAT HE LOOK
19 LIKE HAS HE GOT TATTOOS, HIS NICKNAME, A ALIAS AND SO
20 FORTH FROM HIS BOOKING REPORT
21 AND IN HIS BOOKING REPORT, ACROSS THE WAY IT SAY,
22 WEAPON THIS MAN GOT ARMED, "X" WHERE IT GOT WEAPON
23 TYPE, LEAVE IT BLANK IF IT WAS A KNIFE YOU SAY WHY
24 DIDN'T HE JUST PUT A 4-INCH KNIFE OR JUST KNIFE?
25 WHERE HE LEAVE IT -- HE PUT ARMED AND LEAVE IT BLANK

STATE VS ALKEBULANYAHH

1 WHY WOULD HE DO THAT? BECAUSE WAS IT -- IT WAS SO
2 CONFIDENT AND SO SURE THAT IT WAS GOING TO BECOME A
3 TIME WHEN THEY WAS GOING TO MAKE A WEAPON YOU HAVE TO
4 BE VERY CONFIDENT TO DO THAT FOR YOU TO SAY SOMEBODY
5 WAS ARMED WHO WAS NOT ARMED WHEN YOU ARRESTED THEM

6 THE ONLY WAY YOU COULD JUSTIFY THAT IS PLANT A
7 WEAPON THAT'S THE ONLY WAY YOU CAN JUSTIFY THAT
8 LOOK AT THAT REPORT THAT REPORT SAY THAT THAT
9 BOOKING REPORT SAID MR ALKEBULANYAHH WAS ARMED AND IT
10 -- AND IT -- AND IT DIDN'T MARK ANY WEAPON TYPE AT ALL
11 IF IT WAS A GRENADE, IT SHOULD SAY, WELL, HE HAD A
12 GRENADE HE HAD A BOMB, OR WHATEVER, A SWORD, A GUN,
13 WHATEVER

14 SO YOU GOT A REPORT ARMED, WITH NOTHING THAT'S
15 A INSULT TO SOMEONE INTELLIGENCE FOR THEM TO SAY THEY
16 PROFESSIONAL AND AIN'T EVEN CONSIDERING HOW THEY GOING
17 TO PLANT AND PUT EVIDENCE

18 AND, AGAIN, I MUST REFER -- I DON'T SPEAK OF ALL
19 LAW ENFORCEMENT PEOPLE AS BEING CORRUPT AND THEY WRONG
20 IT'S NOT THE THING TO DO

21 I WOULDN'T TEACH MY OWN CHILDREN TO EVEN CONSIDER
22 OR THOUGHT THAT BUT YOU GOT BAD PEOPLE IN EVERYTHING
23 YOU GOT BAD PEOPLE IN EVERYTHING

24 AND IT'S LUDICROUS TO THINK AS MR MURDAUGH SIT
25 HERE AND SAY, THERE IS NO BAD PEOPLE ON THE BEAUFORT

STATE VS ALKEBULANYAHH

1 COUNTY LAW ENFORCEMENT THAT'S A INSULT TO
2 INTELLIGENCE TO BELIEVE THAT, FOR HIM TO SAY THAT
3 THERE'S NO -- THERE'S BAD PEOPLE IN EVERYTHING
4 YOU REMEMBER HE BROUGHT THE THREE WITNESSES UP
5 AFTER I TESTIFIED TO SAY, MR ALKEBULANYAHH SAY HE
6 THROW THE WEAPON IN THE -- IN THE TREE LINE
7 DO YOU REMEMBER MR GREEN? HE TOOK THE STAND AND
8 HE SAY I ASKED MR ALKEBULANYAHH WHERE HE PUT THE
9 WEAPON AT
10 MR ALKEBULANYAHH -- I ASKED HIM MR GREEN, DID
11 YOU TELL THEM I THREW IT RIGHT BEHIND BROAD RIVER --
12 BROAD RIVER ELEMENTARY SCHOOL?
13 HE SAY, YEAH YEAH I TOLD THEM -- YOU TOLD ME
14 -- MR ALKEBULANYAHH TOLD ME HE THREW THE WEAPON BEHIND
15 THE BROAD RIVER ELEMENTARY SCHOOL
16 NOW THEY SAY THEY FOUND THIS WEAPON NEAR OR
17 BEHIND THE BROAD RIVER ELEMENTARY SCHOOL
18 HE SAY I TOLD THEM THAT HE -- THEY FOUND THAT
19 WEAPON, THAT I TOLD HIM OKAY
20 MR BROWN COME UP AND SUPPOSE TO SUPPORT MR GREEN
21 STATEMENT ABOUT WHAT HE SAID WHERE I SUPPOSE TO THROW
22 THE WEAPON
23 HONESTLY, I NEVER SPOKE TO THEM ABOUT ANYTHING
24 OTHER THAN WHEN THE TIME THEY WAS PULLING ME OUT FROM
25 THE BRIDGE WHEN I TOLD THEM I'M HIT

STATE VS ALKEBULANYAHH

1 MR BROWN COME AND TAKE THE STAND NO, NO, HE
2 AIN'T SAY HE THROW IT IN THE BROAD RIVER BRIDGE
3 THAT'S WHAT HE SAY I SAID NO HE SAY HE THREW IT
4 IN A TREE LINE, IN THE TREE LINE THIS IS THE TREE
5 LINE, TREE LINE, TREE LINE, TREE LINE THIS IS THE
6 BROAD RIVER ELEMENTARY SCHOOL OKAY
7 THEN HE BRING THE YOUNG LADY, MS DENHAM AND I
8 SAY, MS DENHAM, MR -- DO YOU RECALL MR GREEN OR
9 ANYONE STATING THAT MR ALKEBULANYAHH SAY HE THREW A
10 GUN BEHIND THE BROAD RIVER ELEMENTARY SCHOOL?
11 SHE SAY, NO THAT'S WHAT SHE SAID SHE SAY, NO
12 SHE-SAY SHE DIDN'T RECALL IT
13 THE COURT WE CAN'T HEAR YOU, MR ALKEBULANYAHH
14 MR ALKEBULANYAHH THANK YOU SIR
15 THE COURT ONE OF THE ---
16 MR ALKEBULANYAHH YES AND SHE SAID NO SHE
17 SAY, I DON'T RECALL MR ALKEBULANYAHH SAID OR TELLING
18 ANYONE HE THREW A GUN BEHIND THE BROAD RIVER ELEMENTARY
19 SCHOOL
20 BUT WHY WOULD THIS MR GREEN GET UP HERE ALL OF A
21 SUDDEN AND THEN -- AND TELL THIS LIE?
22 AND WHY WOULD THIS OFFICER BROWN COME UP HERE AND
23 TRY TO SUPPORT -- AND GIVE SUPPORT TO THAT? I -- IT'S
24 JUST SELF EVIDENT
25 AND THEN YOU REMEMBER THE TWO JAILHOUSE EMPLOYEES,

STATE VS ALKEBULANYAHH

1 GUARDS, THAT CAME UP HERE, A MR WASHINGTON AND A MS
2 GREEN MS GREEN GET UP HERE AND SHE BEEN, WELL, HE
3 DID THIS, MAYBE DID THAT HE WAS -- HE BEEN -- HE BEEN
4 TOLD -- I HEARD HIM SAY THAT HE HAD KILLED TWO
5 POLICEMAN HE WAS GOING TO GET US TOO AND BLOW THE --
6 YOU REMEMBER THAT?

7 AND I ASKED HER, I SAID, MS GREEN WHERE THAT
8 HAPPENED AT?

9 AND SHE SAY, HE WAS -- MR WASHINGTON WAS STANDING
10 IN YOUR CELL THAT'S WHAT SHE SAID MR WASHINGTON
11 WAS STANDING IN YOUR CELL AND I CAME OVER THE INTERCOM
12 AND TOLD HIM TO BACK OUT OF THE CELL AND I LOCKED HIS
13 DOOR -- LOCKED ME IN THE -- IN THE CELL AND TOLD -- AND
14 WASHINGTON WENT ON AND SHE TOLD HIM TO REPORT TO THE
15 SUPERVISOR

16 THEN MR WASHINGTON COME IN AND SIT ON THIS STAND
17 AND SAY, NO, I WOULD NEVER GO IN HIS CELL, ESPECIALLY
18 ALONE AND MR ALKEBULANYAHH WASN'T IN HIS CELL WHEN
19 WE HAD THAT CONVERSATION HIS CELL WAS WAY BACK HERE
20 AND HE WAS UP HERE I WAS UP HERE BY A DOOR, GOING OUT
21 THE DOOR

22 SOME THINGS JUST -- I -- JUST DON'T NEED ARGUMENT
23 SO I DON'T EVEN TAKE THOUGHT TO THEIR MOTIVE FOR WHAT
24 REASON OR REWARD OR WHATEVER THEY MAY BE GIVEN TO COME
25 IN HERE AND SLANDER AND TELL LIES LIKE THAT BUT

STATE VS ALKEBULANYAHH

1 APPARENTLY YOU CAN SEE THAT'S JUST SELF -- OUTRIGHT
2 COLD, CONTRADICTORY OF EACH OTHER THAT'S JUST -- JUST
3 TOO FARFETCHED

4 THEN YOU HAD THE GUYS FROM CHARLESTON COME IN
5 HERE, THE GUY THAT INITIATED IT THAT SAID, MR
6 ALKEBULANYAHH SAY, YOU HEARD HIM, HE SAY HE KILLED --
7 HE WASN'T EVEN HERE BUT IF YOU READ THE REPORT, IF
8 THEY HAVE THE REPORT IN THERE -- I DON'T KNOW IF THEY
9 SUBMIT IT IN THERE

10 YOU'LL SEE THAT THIS GUY NAMED MAJOR MCHALE, HE
11 CONTACTED THEM AND TOLD THEM HIS GUYS HAD INFORMATION
12 AND-HE THE HEAD OF THEM BUT THIS IS THE GUY THAT MADE
13 THIS STATEMENT THIS IS THE GUY THAT WAS HARASSING ME
14 AND THEN WHEN EACH ONE OF THEM GET UP THERE, THEY HAD
15 SOMETHING DIFFERENT TO SAY

16 WELL, HE SAID HE WAS GOING TO GET THE CHAIR, OR HE
17 SAID HE WAS GOING TO GET THE DEATH PENALTY AND THEN
18 MOST OF THEM SAY, I DIDN'T HEAR HIM SAY NO CHAIR AT
19 ALL NO, HE DIDN'T SAY THAT THE OTHER ONE SAY, NO, I
20 DIDN'T HEAR HIM SAY NO CHAIR THAT'S WHAT THEY SAID
21 THERE AIN'T NO IF, AND, BUTS ABOUT IT

22 AND THEN YOU KNOW WHAT THE MOST FARFETCHED THING
23 ABOUT IT WHEN THE GUY GET UP AND SAY, YEAH, I GRABBED
24 HIM AND -- AND WAS GOING TO MAKE HIM TAKE HIS PICTURE
25 AND EVERYTHING WELL, HE DID MORE THAN GRAB ME HE

STATE VS ALKEBULANYAHH

1 SHOVED ME WITH MY INJURED BULLET TO THE WALL AND
2 GRABBED MY FACE AND TRY TO MAKE ME -- TRY TO -- AND I
3 WAS RESISTING

4 I WAS TELLING HIM TO GET HIS HAND OFF OF ME

5 BUT GUESS WHAT? HE GOT UP THERE AND ADMITTED THAT
6 HE PUT HIS HAND ON ME AND GRABBED ME BUT THEN WHAT
7 HAPPENED WHEN THE OTHER OFFICERS COME IN? SOME OF
8 THEM, NO, I NEVER SEEN THEM -- NO OFFICER TOUCH HIM
9 BUT THEY ALL SUPPOSE TO HAVE BEEN IN THIS LITTLE ROOM
10 TOGETHER

11 I -- I SHOULDN'T HAVE TO EXPLAIN THAT THAT'S
12 THEIR TESTIMONY WHY WOULD ONE -- THE ONE SAY, I
13 GRABBED HIM I HAD HIM BUT THEN THE OFFICER COME IN
14 THERE AND SWEAR WHOLILY (PHONETIC), NO, AIN'T NARE
15 (PHONETIC) ONE OF US TOUCH HIM NONE OF US PUT OUR
16 HANDS ON HIM THEIR OWN TESTIMONY CONTRADICT EACH
17 OTHER

18 AND IT'S A SHAME THAT YOU HAVE TO GET JAILHOUSE
19 GUARDS TO COME IN A SITUATION LIKE THIS TO TRY TO
20 SLANDER AND -- AND -- AND -- AND CHARACTER-LEASH
21 (PHONETIC) OR ASSASSINATE A INDIVIDUAL AND THEY
22 EMPLOYEES BACK IN A JAILHOUSE I DON'T KNOW WHAT THEY
23 BE DOING IT FOR, TO GET A PROMOTION OR A SERGEANT RANK
24 OR ANYTHING THAT'S A SHAME

25 THEY MAY BE BITTER, MAD AT A PERSON OR BECAUSE

STATE VS ALKEBULANYAHH

1 THEY WORKING OR ENTWINED BETWEEN THEM INMATES AND SO
2 FORTH AND THEY JUST COME FORTH LIKE THAT AND YOU TRY
3 -- AND ONE WANTS TO USE THEM TO TRY TO GET A MAN LIFE
4 TAKEN AWAY OR HIS LIFE GONE FOR THE REST OF HIS LIFE
5 AND THEN THEY COME IN HERE AND CONTRADICT AND LIE
6 THERE'S NO EXTENT TO WHAT THESE PEOPLE WOULD DO
7 THERE'S NONE

8 (PAUSE)

9 THE COURT ARE -- ARE YOU ABOUT DONE, MR
10 ALKEBULANYAHH?

11 MR ALKEBULANYAHH YES SIR

12 - THE COURT OKAY BECAUSE THEY NEED A BREAK, BUT
13 IF YOU'RE ABOUT DONE, THAT'S OKAY

14 MR ALKEBULANYAHH SIR?

15 THE COURT THE JURY NEEDS A BREAK BUT IF YOU'RE
16 ABOUT DONE ---

17 MR ALKEBULANYAHH NO, I'M NOT ABOUT TO END I
18 WAS GOING TO GO INTO ANOTHER PART YOU CAN GIVE THEM A
19 BREAK

20 THE COURT I CAN GIVE THEM A BREAK?

21 MR ALKEBULANYAHH YES, SIR

22 THE COURT ALL RIGHT YOU MAY RETURN TO YOUR
23 SEAT, MR ALKEBULANYAHH MR ALKEBULANYAHH YOU MAY
24 RETURN TO YOUR SEAT

25 (COMPLIED)

STATE VS ALKEBULANYAHH

1 THE COURT LADIES AND GENTLEMEN, I RECEIVED YOUR
2 NOTE THAT YOU NEEDED A BREAK I REALIZE IT'S BEEN
3 ALMOST -- THAT IT'S ABOUT TIME FOR A BREAK DO NOT
4 DISCUSS THIS CASE IN ANY WAY THANK YOU VERY MUCH

5 (THE JURY EXITS THE COURTROOM AT 11 45 A M)

6 THE COURT JUST OUT OF CURIOSITY, YOU SAID ABOUT
7 HOW MUCH MORE TIME?

8 MR ALKEBULANYAHH YES, SIR

9 THE COURT HOW MUCH MORE TIME DO YOU THINK YOU'LL
10 NEED?

11 MR ALKEBULANYAHH IT SHOULDN'T BE NO EXTENSIVE
12 TIME

13 THE COURT OKAY I DON'T USUALLY LIKE BREAKING
14 UP ARGUMENTS, BUT SINCE YOU DIDN'T HAVE A PROBLEM
15 THEY WERE ACTING LIKE THEY REALLY NEEDED TO GO TO ---

16 MR ALKEBULANYAHH HOW MUCH -- HOW MUCH BREAK
17 TIME DO YOU ---

18 THE COURT JUST 10 MINUTES OR LESS I JUST -- I
19 KNOW THEY NEEDED A -- AS SOON AS WE CAN GET STARTED,
20 THE BETTER BECAUSE I DON'T LIKE TO BREAK UP ANYONE'S
21 ARGUMENT ALL RIGHT SO IF THEY TELL ME THEY'RE
22 READY THAT'S WHEN WE'LL START BACK

23 (A RECESS WAS TAKEN)

24 THE COURT ALL RIGHT BRING THE JURY IN PLEASE

25 (THE JURY RETURNS TO THE COURTROOM AT 11 56 A M)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT LADIES AND GENTLEMEN,
2 PLEASE BE SEATED WE'RE READY TO PROCEED
3 GO AHEAD

4 CLOSING ARGUMENTS CONTINUED BY MR. ALKEBULANYAHH ON
5 BEHALF OF THE DEFENDANT.

6 WHAT I WANTED TO BRIEFLY DO, LADIES AND GENTLEMEN
7 IS REVIEW THE EVIDENCE THAT I WANT YOU JUST TO CONSIDER
8 WHEN YOU DECIDE TO GO BACK WITH YOUR DELIBERATIONS

9 AND THERE'S A FEW NOS THAT I WOULD LIKE YOU ALL TO
10 CONSIDER ABOUT THE FACTS THAT HAS BEEN PRESENTED TO YOU
11 DURING THE COURSE OF THIS TRIAL, THE FACT THAT NO
12 WITNESSES THAT STATE THEY SAW MR ALKEBULANYAHH PULL A
13 TRIGGER, THAT IS A FACT IN THIS CASE NO ONE HAS
14 STATED THAT THEY SAW ME SHOOT MR TATE OR MR COURSEN

15 ANOTHER FACT THERE WAS NO GUNSHOT RESIDUE FOUND
16 ON THE HAND OF ACCUSED THEY TOOK TESTS TO SEE WHETHER
17 OR NOT I FIRED A WEAPON THERE WAS NO GUNSHOT WEAPONS
18 (SIC) FOUND

19 THERE WAS NO 9-1-1 CALL FROM THE ALLEGED VICTIM,
20 KIMBERLY BLATE (PHONETIC) MS BLATE (PHONETIC), AS
21 SHE STATED SHE NEVER CALLED THE 9-1-1 SHE NEVER MADE
22 A CALL ON A COMPLAINT IT WAS NOT HER COMPLAINT IT
23 WAS NOT HER CALL

24 IT WAS ALLEGED THAT THERE WAS A KIDNAPPING IT
25 WAS NO KIDNAPPING MR ALKEBULANYAHH HAS NOT BEEN

STATE VS ALKEBULANYAHH

1 CHARGED WITH ANY KIDNAPPING THERE WAS NO HOSTAGE
2 TAKEN NO ONE HAS SAID THERE WAS HOSTAGE

3 THERE WAS NO DOMESTIC VIOLENCE SO THE REPORT OF
4 RESPONDING TO A DOMESTIC VIOLENCE IS DIFFERENT THAN A
5 REPORTED DOMESTIC VIOLENCE THERE WAS NO DOMESTIC
6 VIOLENCE TAKING PLACE AT THE 21 RILEY ROAD RESIDENCE

7 THERE WAS NO INJURY TO ALLEGED VICTIM, KIMBERLY
8 BLATE (PHONETIC) KIMBERLY BLATE (PHONETIC) HAD NO
9 INJURIES TO INDICATE THAT SHE HAD BEEN A PART OF ANY
10 TYPE OF VIOLENCE OR ATTACK OR ASSAULT THERE WAS NO
11 INJURY NO RECOGNIZED INJURIES THERE'S NO PICTURES
12 THERE'S NO ANYTHING TO SUPPORT THAT SHE HAD ANY
13 INJURIES

14 THERE WAS NO REPORT OR ESTABLISH VICTIM BY EITHER
15 DEPUTY WHO RESPONDED TO THE 9-1-1 CALL AT THE 21 RILEY
16 ROAD RESIDENCE

17 NOW WHEN THE DEPUTIES ARRIVES, THERE WAS NO
18 REPORT THAT THEY HAD ENCOUNTERED A VICTIM THERE WAS
19 NO REPORT THAT THEY HAD ENCOUNTERED A VICTIM

20 THERE WAS NO REPORT TO ESTABLISH A SUSPECT BY
21 EITHER DEPUTY WHO RESPONDED TO THE 9-1-1 CALL AT THE
22 RESIDENCE THERE WAS NEVER A REPORT THAT THERE WAS A
23 SUSPECT THERE WAS NEVER A REPORT OVER RADIO AND
24 CALLED 9-1-1 THAT WE ENCOUNTERED A MR ALKEBULANYAHH,
25 WE ENCOUNTERED A MS BRENDA SMITH RILEY, WE ENCOUNTERED

STATE VS ALKEBULANYAHH

1 A KIMBERLY BLATE (PHONETIC) THERE WAS NEVER ANY
2 REPORT THAT THEY ENCOUNTERED ME, NO IDENTIFICATION BY
3 WITNESS PRIOR TO MASSIVE MEDIA COVERAGE, INCLUDING
4 PHOTOGRAPHS

5 THERE WAS NO PARTICULAR IDENTIFICATION OF MR
6 ALKEBULANYAHH BEFORE THE MEDIA, THE NEWSPAPER AND THE
7 TELEVISION BROADCAST MY FACE OVER THE MEDIA, OVER THE
8 NEWS, IN NEWSPAPER

9 NONE OF THE WITNESS HAD NO PRIOR IDENTIFICATION
10 OTHER THAN THE DAY THEY CAME IN HERE AND ASSUMED TO SEE
11 THE ONE BLACK MAN SITTING OVER THERE AROUND THE WHITE
12 GENTLEMEN

13 THAT'S EASY TO IDENTIFY SOMEONE WITH A IN-COURT
14 IDENTIFICATION IT'S VERY APPARENT THE PROSECUTOR IS
15 SITTING HERE AND THE ONE MAN IS SITTING OVER THERE

16 BUT PRIOR TO THAT ONLY THING THEY HAD FOR
17 IDENTIFICATION WAS THE MEDIA

18 THEN NO ONE TRIED TO GIVE A POSITIVE I D OR
19 IDENTIFICATION ON THE DAY THAT THE EVENT HAPPENED AND
20 I ASK THAT THE JURY CONSIDER THAT WHEN THEY TALK ABOUT
21 IDENTIFICATION THESE PEOPLE COME UP HERE AND THEY SAY
22 THEY IDENTIFY, BECAUSE EVERYTHING THEY IDENTIFY
23 CONTRADICT THE PERSON WHO THEY SAY THEY SAW THAN MR
24 ALKEBULANYAHH, WHICH THE EVIDENCE SHOW WAS A DIFFERENT
25 PERSON, FROM FACIAL, FROM CLOTHING, AND FROM INJURIES,

STATE VS ALKEBULANYAHH

1 ALL THREE ASPECTS FACIAL, CLOTHING, AND INJURIES
2 THEY WAS OPPOSITE OF ALL THE WITNESSES' IDENTIFICATION
3 OF THE MAN THAT THEY SEEN

4 NO WITNESS IDENTIFY A MAN WEARING BLACK COAT OR
5 WITH A BLACK COAT WITH A TELEPHONE, WITH A FEMALE, OR
6 WITH A GUN THERE HAS BEEN NOT ONE PERSON COME UP HERE
7 AND SAY, I SAW A MAN WITH A BLACK COAT, WITH A CELL
8 PHONE OR WITH A FEMALE, OR WITH A GUN

9 AND YOU KNOW WITH THE EVIDENCE THAT YOU'LL BE
10 TAKING BACK WITH YOU, MR ALKEBULANYAHH WAS DRESSED IN
11 A BLACK COAT BUT NOT ONE WITNESS STATED THAT, NOT
12 ONE-

13 NO SUSPECT ARRESTED WEARING A BROWN OR TAN JACKET
14 THAT WAS DESCRIBED BY MULTIPLE WITNESSES NOW, ALL THE
15 WITNESSES IN THIS AREA SAY A MAN WAS WEARING A BROWN OR
16 TAN JACKET MULTIPLE WITNESSES BUT NO ONE WAS
17 ARRESTED NO ONE WAS APPREHENDED AND THIS PERSON
18 WEARING THIS BROWN AND TAN JACKET WAS SEEN WITH A
19 PHONE, WITH A FEMALE, AND WITH A GUN BUT THIS PERSON
20 IS NOT ARRESTED

21 AND THIS -- THIS PERSON DESCRIPTION DON'T FIT MR
22 ALKEBULANYAHH FROM FACIAL, FROM CLOTHING, NOR FROM THE
23 INJURIES THAT HE SUSTAINED

24 NO SUSPECT ARRESTED THAT ANY WITNESS IDENTIFIED
25 WITH A GUN AND LEFT LEG INJURY THERE WAS NOBODY

STATE VS ALKEBULANYAHH

1 ARRESTED, AS ACCORDING TO MR CECIL FRANKLIN HAD
2 STATED, WITH A LEFT LEG INJURY OR A PERSON WEARING A
3 BROWN COAT, OR WITH A GUN WITH A LEFT LEG INJURY

4 AND YOU HEARD THIS MAN CLEARLY UNCONVENTIONALLY
5 (SIC) SAY, THIS MAN HAD BLOOD ON HIS LEFT LEG AND HE
6 WAS DRAGGING IT

7 AND THE EVIDENCE SAY NO BLOOD IS ON MR
8 ALKEBULANYAHH LEG AND HE WAS NOT INJURED IN THE LEFT
9 LEG THAT'S OVERWHELMING EVIDENCE ABOUT THE WITNESSES,
10 WHAT THEY SAW

11 WHEN YOU SAY CREDIBILITY, I WANT YOU TO BELIEVE
12 THEM WITNESS ABOUT WHAT THEY SAW BUT I DON'T WANT YOU
13 TO BELIEVE THEM WHEN THEY SAY -- WHEN THEY IDENTIFIED
14 ME WITH THIS IN-COURT IDENTIFICATION BY ME SITTING OVER
15 AT THAT TABLE BECAUSE THEY SAY THEY SAW WHAT THEY SAW
16 WITH THE IDENTIFICATION OF CLOTHING FACIAL AND
17 INJURIES

18 NO BEARD ON MR ALKEBULANYAHH AT THE TIME OF MR
19 ALKEBULANYAHH ARREST, HE WAS PICKED UP PUT IN A
20 AMBULANCE, HANDCUFFED TO THE AMBULANCE BED, TAKEN TO
21 THE HOSPITAL TO SEE THE DOCTOR, WHICH DR NORCROSS
22 TESTIFIED AND SAY THIS IS THE MAN THAT APPEARED THE
23 WAY HE WAS WHEN I OPERATED ON HIM AND WHEN I RELEASED
24 HIM, I RELEASED HIM TO THE -- THE -- THE CHARLESTON
25 COUNTY POLICE DEPARTMENT WHO JAILED HIM, WHO THEY TOOK

STATE VS ALKEBULANYAHH

1 INTO THE JAILHOUSE AND BOOKED AND TOOK A PICTURE
2 THE DESCRIPTION IS NOT THERE MR ALKEBULANYAHH
3 AIN'T HAD A CHANCE TO GO HOME HE BEEN LOCKED AND
4 CHAINED TO A BED
5 AND THE DOCTOR SAY, THAT WAS MR ALKEBULANYAHH
6 THAT'S HOW HE APPEARED THAT'S THE MAN I OPERATE ON
7 AND THE CHARLESTON COUNTY MAN SAID, THIS IS THE
8 MAN THAT WE GOT OUT OF THE HOSPITAL AND BOOKED AND
9 THIS IS THE WAY HE APPEARED, AND THIS IS THE WAY HE
10 LOOKED
11 NO BEARD ON MR ALKEBULANYAHH NO FOOD -- SORRY
12 NO BLOOD ON THE BOTTOM OF MR ALKEBULANYAHH SHOES
13 THEY HAVE THE SHOES OF MR ALKEBULANYAHH AND THERE'S NO
14 BLOOD WHERE HE TRACKED IN ANY OF THE OFFICERS' BLOOD OR
15 ANYBODY BLOOD, PERIOD IN HIS HOME OR ANYWHERE AND
16 THEY HAVE THE SHOES AND IT WAS MASSIVE BLOOD AND
17 PLENTY OF BLOOD
18 NO BLOOD FOUND IN THE CLOSET WHERE THE ACCUSED WAS
19 SUPPOSEDLY HIDING AND WAS SHOT, NONE NO BLOOD NO
20 BLOOD WAS FOUND ON THE FLOOR, THE WALL, THE CLOTHING
21 THAT WAS IN THE CLOSET WHICH WAS PACKED WITH CLOTHING
22 AND OTHER ITEMS
23 IF YOU TAKE A LOOK AT THAT PICTURE WHICH I SHOWED
24 YOU OF THE CLOSET, IT WAS MASSIVE ITEMS IT WAS
25 MASSIVE CLOTHES THESE CLOTHES BEHIND THIS SCREEN,

STATE VS ALKEBULANYAHH

1 THERE'S NO BLOOD FROM MR ALKEBULANYAHH ON ANY OF THESE
2 CLOTHES THERE'S NO BLOOD ANYWHERE ON ALL THE CLOTHES
3 IN THE FLOOR THERE'S NO BLOOD IN ALL THE CLOTHING
4 BEHIND HIM THERE'S NO BLOOD, PERIOD, OF MR
5 ALKEBULANYAHH IN THERE

6 SO IT IS UNTRUE WHEN THE PROSECUTOR STATE THAT MR
7 ALKEBULANYAHH WAS IN THE CLOSET AND THE DEPUTY SHOT HIM
8 IN THE CLOSET AND HE COME OUT AND HE SHOOT AND HE'S
9 BLEEDING THAT CANNOT BE TRUE THAT CANNOT BE -- THAT
10 CANNOT BE ESTABLISHED IT'S IMPOSSIBLE IT'S
11 IMPOSSIBLE

12 - NO FINGERPRINTS OF ACCUSED FOUND ON CASINGS AT 21
13 RILEY ROAD THE CASINGS OR THE SPENT SHELLS THAT WHEN
14 A GUN IS SHOT AND THEY -- THEY EJECT OUT OF THE GUN
15 THERE HAS BEEN NO EVIDENCE NOTHING PRESENTED THAT MR
16 ALKEBULANYAHH HAD HIS FINGERS ON ANY TYPE OF CASING,
17 ANY BULLET

18 IF YOU'D JUST HAD ONE FINGERPRINT JUST ONE, YOU
19 COULD THINK MR ALKEBULANYAHH TOUCHED THE BULLET HE
20 LOADED IN A GUN, OR HE PUT BULLETS IN A GUN, OR HE
21 HANDLED BULLETS, BUT NOT ONE OUT OF ALL THEM BULLETS
22 AND ALL THEM CASINGS, NO 22 CASINGS -- I'M SORRY NO
23 FINGERPRINTS FOUND ON AMMUNITION, AS I SPOKE EARLIER IN
24 REFERENCE TO ALL THE AMMUNITION THAT THEY'VE PRESENTED
25 AND SHOWN YOU'LL BE LOOKING AT SOMETHING, BUT IT HAS

STATE VS ALKEBULANYAHH

1 NO CONNECTION WITH MR ALKEBULANYAHH, NONE
2 NO 22 -- NO 22 CASINGS REPORTED BY MAJOR BAXLEY
3 AT CRIME SCENE NOT EVIDENCE HE REPORTED 22 CASINGS
4 WAS FOUND ANOTHER TYPE OF WEAPON WAS USED -- I MEAN
5 WAS FIRED, POW, POW, POW, IN THIS HOUSE, OR WITH A
6 RIFLE, 22, 22 CASING IF PEOPLE KNOW WHO FIREARM, I
7 THINK THEY MAKE HANDGUNS AND RIFLES WITH 22 CASINGS
8 BUT WHY THEY -- WITH THE EVIDENCE RIGHT THERE, WHY
9 DID THEY WITH THAT THERE? WHY IS IT? BECAUSE IT
10 CONTRADICTS THEIR THEORY THAT ONE PERSON WAS IN THERE
11 IT CONTRADICTS THEIR THEORY THAT'S WHY IT WASN'T
12 PRESENTED THAT'S WHY THE EVIDENCE IS MISSING IT
13 CONTRADICTS THEIR THEORY
14 NO FINGERPRINTS OF THE ACCUSED FOUND ON ANY ITEM
15 IN OR ON THE FANNY PACK HE MAKE A BIG DEAL ABOUT THIS
16 FANNY PACK AND IF THIS FANNY PACK WAS SO RELEVANT AND
17 SO TRUE WHY DIDN'T IT HAVE A FINGERPRINT OF MINE ON
18 THAT FANNY PACK OR A FINGERPRINT ON ANY ITEM THAT WAS
19 IN THAT FANNY PACK, OR A FINGERPRINT ON ANY SHELL THEY
20 SAY WAS IN THAT FANNY PACK IF THAT FANNY PACK WAS SUCH
21 A BIG DEAL?
22 THERE'S NOTHING TO CONNECT ME WITH THAT FANNY PACK
23 EXCEPT THEY SAY OR HE SAID BUT THERE IS NO EVIDENCE
24 THERE IS NO CONNECTION WITH ME WITH THAT FANNY PACK
25 AND I'M QUITE SURE IF THAT WAS MY FANNY PACK OR I HAD

STATE VS ALKEBULANYAHH

1 THAT FANNY PACK, IT WOULD HAVE HAD MY FINGERPRINTS ON
2 IT, THE SHELLS AND THE MANY DIFFERENT ITEMS THEY SAY
3 THEY DISCOVERED OUT OF IT SOMEWHERE ANYWHERE,
4 SOMETHING

5 NO FINGERPRINTS FOUND ON THE WEAPON AS WE WENT
6 THROUGH THERE WAS NO FINGERPRINTS FOUND ON THE
7 WEAPON

8 MR ALKEBULANYAHH DID NOT POSSESS A WEAPON, AS I
9 SAID, NEVER HANDLED THE WEAPON AT ALL, NEVER HANDLED
10 THE BULLETS, NEVER HANDLED THE CASINGS

11 NO FINGERPRINTS FROM ALLEGED CRIME SCENE THEY
12 DIDN'T PRODUCE NO FINGERPRINTS FROM THE DOOR KNOB TO
13 SEE WAS IT SOMEBODY OTHER THAN THAT MAYBE THEY KNEW
14 THAT THAT DOOR KNOB HAD OTHER FINGERPRINTS ON IT
15 BELONGING TO OTHER PEOPLE BUT THEY CAN'T PRESENT THAT
16 BECAUSE THEY ALREADY DONE BUILT A CASE THAT ONE PERSON
17 DID THIS

18 AND ALL THEY HAD TO DO WAS BRUSH THE DOOR KNOB, DO
19 THE DOOR KNOB, CHECK ALL THE DOOR KNOBS CHECK ALL THE
20 ITEMS TO SEE IF ANYBODY ELSE HANDLED THESE THINGS BUT
21 IF THEY DID THAT, IT WOULD GO AGAINST THEIR THEORY
22 MAYBE THEY DID IT, BUT THEY CAN'T USE IT BECAUSE IT GO
23 AGAINST THEIR THEORY OF POINTING TO MR ALKEBULANYAHH
24 AS BEING THE GUILTY PARTY

25 NO INVESTIGATION INTO OTHER SUSPECTS LEADING -- BY

STATE VS ALKEBULANYAHH

1 LEADING INVESTIGATOR, LIEUTENANT BROMAGE ON JANUARY
2 -- I MEAN, FEBRUARY 6, '02, IN THE SUPPLEMENTAL REPORT
3 OF LIEUTENANT BROMAGE, PAGE 3, ON JANUARY 8, 2002,
4 QUOTE THIS OFFICER DID ADVISE THE COMMAND POST THAT
5 THERE WAS ONLY ONE SUBJECT INVOLVED AND HE WAS IN
6 CUSTODY, ROBERTS, TYREE, UNQUOTE

7 ON JANUARY 8, AFTER THIS MAN TALKED TO KIMBERLY
8 BLATE (PHONETIC) ON JANUARY 8, AFTER SHE DONE TOLD HIM
9 THAT I AIN'T HAD NO GUN, BEFORE THEY -- BEFORE THEY
10 TOOK HIM, HE DONE CLOSED THE CASE HE CLOSED THE CASE

11 THIS OFFICER THEN ADVISED THE COMMAND POST THAT
12 THERE WAS ONLY ONE SUBJECT INVOLVED AND HE WAS IN
13 CUSTODY PAGE 3 JANUARY 8, 2002 NO G S R 'S ON NONE
14 OF THE OTHER PEOPLE THAT THEY BROUGHT IN DON'T --
15 DON'T BOTHER TO LOOK FOR ANY OF THE DUDE WITH THE BROWN
16 JACKET DON'T BOTHER TO LOOK FOR THE GUY WEARING A
17 BEARD WITH A GUN

18 HE SAID NO, WE GOT ONE END OF CASE NO MORE
19 LOOK NO MORE SEARCH NO MORE GUNSHOT RESIDUE TEST
20 NO CLOTHING NOBODY THAT'S IN HIS REPORT AND HE
21 WAS THE LEAD -- THE -- THE LEADING INVESTIGATOR -- AT
22 THAT TIME ACCOMPANYING WAS SLED AGENT -- SLED AGENT
23 AVANT THEY DIDN'T WANT -- THIS SPEAK FOR ITSELF THE
24 PUBLIC SHOULD HAVE HAD -- THEY SHOULD HAVE -- THE MONEY
25 THAT THEY GET AND THE THINGS THAT THEY SUPPOSE TO DO,

STATE VS ALKEBULANYAHH

1 THEY SUPPOSE TO BEEN HAD EVERYBODY AS A SUSPECT
2 THEY SHOULD HAVE BEEN GIVING GUNSHOT RESIDUE
3 TESTS THEY SHOULDN'T HAVE BEEN CALLING OFF THE SEARCH
4 WHEN YOU GOT ALL THIS EVIDENCE WITH THESE PEOPLE
5 SAYING, A MAN WITH A BROWN JACKET, A MAN WITH A BEARD,
6 A MAN SHOT IN THE LEFT LEG RUNNING AROUND AND YOU
7 CALL -- YOU CALL THE SEARCH OFF ONCE YOU APPREHENDED
8 ME A MAN DON'T EVEN FIT NONE OF THE DESCRIPTION? THIS
9 IS WHAT HE DID HE CALLED IT OFF AND IT'S IN THE
10 REPORT WHICH YOU ALL WILL HAVE IN EVIDENCE

11 NO SECURED EVIDENCE OR STATEMENTS FROM WITNESS
12 LIKE ARZELL JOHNSON, EDDIE BROWN, OR BRYAN NAGEL
13 CONCERNING A SUSPECT THESE INDIVIDUAL WERE HERE
14 THEY DIDN'T EVEN SECURE ANY STATEMENTS FROM THEM WHY?

15 YOU KNOW WHY THEY DIDN'T GET NO STATEMENTS FROM
16 THEM? BECAUSE THESE INDIVIDUALS HERE GAVE KNOWLEDGE
17 THAT SOMEBODY ELSE DID THAT THAT'S WHY DIDN'T EVEN
18 -- WE DON'T WANT YOUR STATEMENT AND WE'RE NOT COMING
19 BACK TO INTERVIEW YOU BECAUSE WHAT YOU'RE SAYING,
20 YOU'RE SAYING SOMEBODY ELSE DID THIS AND WE'RE SAYING
21 WE GOT THE MAN THAT DONE THIS, SO IT DON'T FIT OUR
22 THEORY

23 THAT DON'T SOUND LIKE NO -- NO -- NO GOOD POLICE
24 WORK TO ME IT SOUND LIKE A COVER-UP, HIDING THE
25 TRUTH ARZELL JOHNSON EDDIE BROWN AND BRYAN NAGEL

STATE VS ALKEBULANYAHH

1 AND -- AND HE COME IN HERE AND TOLD YOU, NO, THEY
2 DIDN'T GET NO STATEMENT FROM ME I TRIED TO TELL THEM,
3 YOU KNOW, THIS AND THIS AND THAT THAT'S WRONG IT'S
4 WRONG

5 NO G S R NO GUNSHOT RESIDUE EXAMINATION ON
6 SUSPECT BOBBY RIGBY HANDS OR CLOTHING

7 AND THE AMAZING THING ABOUT THIS, THEY HAD THIS
8 MAN DETAINED WITH PEOPLE IMPLEMENTING (SIC) HIM AS
9 BEING IN THE RESIDENCE, SAYING THE TYPE OF WEAPONS THAT
10 WAS INVOLVED IN THE RESIDENCE, SAYING WHERE MR
11 ALKEBULANYAHH BEEN SHOT AT

12 - HE KNOW THIS BEFORE THE HOSPITAL KNOW THIS HE
13 KNOW THIS BEFORE MR ALKEBULANYAHH IS CAPTURED HOW DO
14 YOU KNOW THIS? HOW DO YOU KNOW A PERSON NAME? HOW DO
15 YOU KNOW A MAN'S BEEN SHOT IN THE SHOULDER AND IT
16 AIN'T EVEN IN THE NEWS YET? HE AIN'T EVEN IN THE
17 HOSPITAL YET

18 HOW DO YOU KNOW THIS? AND YOU AIN'T SEEN -- OR
19 YOU AIN'T BEEN THERE? YOU CAN'T HAVE THAT INFORMATION
20 UNLESS YOU'VE BEEN THERE AND HE KNEW THIS AND HE
21 SAID HE STATED THAT AND A WITNESS CAME UP AND SAY HE
22 TOLD THEM HE STATED THAT

23 AND THEN MR -- MR HENRY CAPDEPON CAME UP THERE
24 AND SAY, I DIDN'T TELL HIM THAT THAT SHOULD BE
25 CONSIDERED

STATE VS ALKEBULANYAHH

1 NO G S R EXAMINATION ON HANDS OR CLOTHING OF OTIS
2 IVY -- IVY OR DEVON IVY WHO WERE DETAINED AS SUSPECTS
3 IN THE CASE WHEN THEY WAS TAKING THESE PEOPLE DOWN,
4 THEY WASN'T EVEN DOING A GUNSHOT RESIDUE TEST ON THEM,
5 BOBBY RIGBY, MR IVY, HIS SON

6 MAYBE THEY NOTHING BUT A FORM OF GENERALITY TO TRY
7 TO SOLVE THIS TO MAKE SURE NOBODY INNOCENT GET HURT OR
8 IN -- SOMEBODY INNOCENT, SOMEBODY GET FALSELY ACCUSED
9 LIKE MR ALKEBULANYAHH IS

10 ALL THEY HAD TO DO WAS TAKE A TEST, BUT THEY
11 DIDN'T DO THAT THEY DIDN'T WANT THAT THEY DIDN'T
12 WANT TO DISCOVER NOBODY ELSE BEING INVOLVED IN THIS
13 BECAUSE THEY WANTED IT CLEAN, SIMPLE, NO WORK, NO
14 INVOLVEMENT NO COMPLICATIONS THAT'S WHAT THEY
15 WANTED

16 NO SEARCH FOR EVIDENCE IN THE CLOTHING OF OTIS OR
17 IVY (SIC) -- OR OTIS AND DEVON IVY CLOTHES IF NOTHING
18 ELSE, IF YOU GOT SUSPECTS, YOU WOULD SAY, WELL, LET ME
19 TAKE THEIR CLOTHES AND SEE IF -- IF ANY BLOOD OR ANY
20 GUN POWDER OR RESIDUE OR LEAD IN THE MATERIAL

21 NO THEY DIDN'T DO THAT WHAT -- THEY HAD THESE
22 PEOPLE WHAT DETAINED THEY HAD THEM DETAINED AS
23 SUSPECTS

24 MR IVY, OTIS IVY, TESTIFIED HE SAY, THEY GRABBED
25 ME, AIN'T READ ME NO MIRAND -- NO MIRANDA RIGHTS NOW,

STATE VS ALKEBULANYAHH

1 IN FACT, THEY DIDN'T TELL ME NOTHING, JUST TOLD ME TO
2 GET INTO THE CAR NO REASON WHY ARE YOU GETTING IN
3 THE CAR, WHY ARE WE TAKING THIS MAN OFF? WHY?

4 I'M SURE IF LAW ENFORCEMENTS WERE TO PICK UP ANY
5 ONE OF YOU ALL IN YOUR CAR OR STOP YOU AND TELL YOU,
6 SAY GET IN THE CAR, YOU'D BE LIKE, WHY? AND THEY SAY,
7 JUST GET IN THE POLICE CAR

8 YOU WOULD -- YOU WOULD -- YOU WOULD MAKE A -- MORE
9 THAN LIKELY, MOST -- THE AVERAGE PERSON WOULD MAKE A
10 FUSS OR WANT TO KNOW THESE PEOPLE FRIGHTEN THEY
11 JUST DETAIN PEOPLE WITHOUT EVEN GIVING THEM ANY TYPE OF
12 WHY- AND THIS OLD MAN, HE SAID HE DIDN'T DO THAT, AND
13 HE TOLD THAT HE SAID THAT

14 HE SAID THAT'S THE WAY HE HELD HIM THEY KEPT HIM
15 THERE FOR NUMEROUS HOURS AND THEN JUST DROVE HIM BACK
16 AND DROPPED HIM OFF AND TOLD HIM TO GET ON

17 AND I DON'T THINK THAT'S THE CONDUCT THAT OFFICERS
18 SHOULD ACT, LAW ENFORCEMENT, WHEN THEY'RE TRYING TO
19 TREAT CITIZENS RIGHT, TO -- THEIR -- THEIR CONDUCT AS
20 FAR AS HOW THEY HANDLE PEOPLE AND JUST REGULAR PEOPLE
21 THAT SHOULD BE QUESTIONED ABOUT HOW THEY HANDLE PEOPLE

22 NO PROOF THE TWO DEPUTIES DID NOT INITIATE THIS
23 SHOOTING THERE HAS NOT BEEN NO PROOF, NONE
24 WHATSOEVER THE PROSECUTOR HADN'T EVEN START TO EVEN
25 CONSIDER BRINGING YOU OR TRYING TO SHOW YOU PROOF OR A

STATE VS ALKEBULANYAHH

1 THEORY WHO INITIATED THE SHOOTING BECAUSE HE KNOW WHO
2 INITIATED THE SHOOTING HE KNOW DEPUTY TATE STARTED
3 THIS SHOOTING HE KNOW THIS

4 THAT'S WHY HE DIDN'T BRING THE ARGUMENT TO YOU
5 BECAUSE FOR YOU TO KNOW THAT, THEN THAT PRECLUDE THE
6 CHARGES OF MURDER WOULDN'T BE NO MURDER, NOT THE
7 CHARGE, AND HE KNOW THIS THIS AIN'T SOMETHING HE
8 DON'T KNOW

9 HE DIDN'T EVEN SPEAK TO YOU ABOUT THE INITIATING A
10 SHOOTING, BROUGHT NO EVIDENCE

11 HE DIDN'T EVEN BRING BOBBY RIGBY I CALLED BOBBY
12 RIGBY-HERE, TO BRING HIM IN HERE TO LET YOU ALL KNOW
13 HE'D BEEN INVOLVED IN THIS, AND FOR HIM TO CONFESS THAT
14 HE'D BEEN THERE, BECAUSE THEY DIDN'T WANT HIM IN HERE
15 BECAUSE THEY KNOW HE WAS IN THE RESIDENCE

16 AND THEY KNOW THERE WAS OTHER PEOPLE, ARZELL
17 JOHNSON, ED BROWN, OTHER PEOPLE THEY SAY WAS THERE
18 BUT WHY WOULD HE WANT TO BRING HIM IN HERE AT LEAST TO
19 TELL YOU WHAT BOBBY -- LIKE BOBBY SAID WELL, I WAS IN
20 THE -- IN THE AREA BUT I -- I KNEW IT WAS A A K 47
21 I -- I HEARD THE SOUNDS AND EVERYTHING

22 THAT WOULD HAVE BEEN GOOD ENOUGH FOR THE JUROR TO
23 SAY, OH YOU -- WHAT KIND -- WHAT THEM SOUNDS LIKE?
24 WHAT SHOTS DID YOU HEAR FIRST? DID IT SOUND LIKE A
25 A K 47 OR A PISTOL OR A REVOLVER? YOU KNOW, YOU COULD

STATE VS ALKEBULANYAHH

1 HAVE DETERMINED, SAID MAYBE, YOU KNOW, IF IT WAS A BIG
2 BANG FIRST OR A LITTLE BANG

3 MAYBE THAT WOULD HAVE HELPED TO SOLVE THE THEORY
4 OF WHO INITIATED THE SHOOTING THEY DIDN'T CALL HIM IN
5 HERE THEY DIDN'T WANT HIM IN HERE NO

6 AND I THINK THIS JURY SHOULD ASK THEIRSELF
7 (PHONETIC) WHY THEY CALL ALL THESE PEOPLE IN HERE, TOOK
8 KIMBERLY BLATE'S (PHONETIC) STATEMENTS THEN YOU GOT A
9 PERSON THAT SAY I WAS IN -- ON 21 RILEY ROAD THERE,
10 AND THEY WOULDN'T CALL HIM UP TO THE STAND TO HELP
11 SUPPORT THEIR CASE

12 - WHY? JUST THINK ABOUT IT WHY? AND HE GAVE
13 INTERVIEWS, THE INVESTIGATOR THEY HAD THEIR CHANCE,
14 TALKED TO HIM NO MISTAKE ABOUT IT HE TOLD THEM A
15 A K 47 WAS USED?

16 YEAH

17 YOU SAY A MAN WAS SHOT IN HIS SHOULDER?

18 YEAH YOU KNOW I TOLD MY FRIENDS WHO IT WAS,
19 WHAT WAS INVOLVED HE -- HE SAID THAT ON THE STAND

20 BUT THE PROSECUTOR DIDN'T COME AND TELL THE JURY
21 THAT

22 HE COME AND SAY, WELL, LOOK HERE WE GOT ANOTHER
23 WITNESS WHO HEARD THE SHOTS, WHO HEARD THE SHOTS OF MR
24 ALKEBULANYAHH SHOT THESE GUYS HE HEARD THE SHOT THAT
25 SHOT FROM A A K 47 YOU WOULD NEVER EVEN KNEW A

STATE VS ALKEBULANYAHH

1 PERSON WAS IN THAT AREA IF MR ALKEBULANYAHH DIDN'T
2 CALL HIM

3 YOU WOULD HAVE NEVER HEARD HIS TESTIMONY ABOUT
4 THAT THE A K 47, THAT HE BEING ON 21 RILEY ROAD THAT
5 DAY YOU WOULD NEVER HEARD IT YOU WOULD HAVE NEVER
6 HEARD IT AND THAT AIN'T RIGHT, ESPECIALLY WHEN HE SAY
7 HE WANT TO PRESENT TO YOU THE WHOLE TRUTH I DON'T SEE
8 NOTHING WHOLE ABOUT THAT TRUTH

9 BOTH DEPUTIES TESTED POSITIVE FOR G S R ON BOTH
10 BACK AND FRONT OF THEIR HANDS

11 NOW, YOU HEARD THIS FORENSIC EXPERT COME UP HERE
12 FOR-THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, SAID
13 ON THE BACK AND FRONT OF BOTH HANDS FOR BOTH DEPUTIES
14 TESTED POSITIVE FOR FIRING WEAPONS THAT'S KIND OF
15 STRANGE IF MR COURSEN WEAPON -- IF THEY SAY WASN'T
16 FIRED

17 MAYBE WE NEED TO CONSIDER DID SOMEONE MOVE A
18 WEAPON AND PUT ANOTHER WEAPON THERE FOR MR COURSEN IN
19 HIS HOLSTER WHAT DID DO THAT PUT GUNPOWDER ON THE
20 BACK AND FRONT OF BOTH HANDS HE HAD TO FIRE A WEAPON
21 HE HAD TO

22 ALL THEM OFFICERS SAID HE CAME THERE TO TOUR, TO
23 SEE ANY FELLOW FALLEN COMRADE MAYBE THEY TOOK HIS
24 WEAPON AND PUT ANOTHER WEAPON, A FULL WEAPON THAT HAD
25 NEVER BEEN SHOT INTO HIS -- INTO HIS -- INTO HIS

STATE VS ALKEBULANYAHH

1 HOLSTER AND TOOK THE WEAPON THAT HE SHOT OUT OF THERE
2 MAYBE HE WAS SHOOTING A 22 MAYBE
3 BUT YOU CANNOT SAY THAT MR COURSEN DID NOT FIRE A
4 WEAPON IF HE GOT GUNPOWDER ON BOTH OF HIS HANDS, ON THE
5 BACK AND FRONT THAT'S WHAT THE -- THE EXPERT FROM THE
6 SOUTH CAROLINA LAW ENFORCEMENT DIVISION PUT IT IN THEIR
7 REPORT OR PUT IN THEIR EXAMINATION OF MR COURSEN
8 HANDS THAT'S GOT TO BE CONSIDERED
9 LADIES AND GENTLEMEN, I WANT TO SPEAK TO YOU ABOUT
10 THIS PARTICULAR ASPECT OF THIS PARTICULAR CASE BECAUSE
11 HE'S SPEAKING OF MURDER AND HE'S SPEAKING ABOUT A ACT
12 AND-THE JUDGE ALSO WILL INSTRUCT YOU ABOUT --
13 INSTRUCTION IN REFERENCE TO THIS ACT AND -- AND -- AND
14 THE STATE OF MIND A PERSON WOULD BE IN ORDER TO
15 CONSTITUTE MURDER
16 HE'S TALKING ABOUT A EVIL SOMETHING YOU KNOW
17 MURDER IS A EVIL ACT, TO MURDER, YOU KNOW TO KILL
18 SOMEONE UNLAWFULLY WITH A MALICE, EVIL HEART, TO
19 PREMEDITATE, TO PLAN, TO TRY TO TAKE SOMEBODY'S LIFE
20 FOR NO REASON AT ALL OR FOR MAYBE POSSIBLY MONEY, GAIN
21 OR WHATEVER WHATEVER IT IS IT'S NOT RIGHT
22 BUT I WANT TO SPEAK TO YOU ABOUT THE CONJUNCTION
23 BETWEEN A MENTAL STATE AND THE ACT BECAUSE THAT'S ONE
24 OF THE ELEMENTS OF MURDER THAT'S ONE OF THE THINGS
25 THAT MUST BE SHOWN IN ORDER FOR MURDER TO BE

STATE VS ALKEBULANYAHH

1 ESTABLISHED AND WITHOUT THAT, THE LAW SAYS THERE'S NO
2 MURDER

3 A HOMICIDE IS NOT MURDER UNLESS THE MENTAL STATE
4 EXISTS AT THE TIME OF THE ACT REGARDLESS OF ANY
5 PREVIOUS REQUISITE MENTAL STATE

6 SO A HOMICIDE, SOMEONE BEING KILLED, IS NOT JUST
7 MURDER, NOT AS THE PROSECUTOR WOULD WANT YOU TO BELIEVE
8 BECAUSE SOMEONE DEAD IS MURDER

9 IT'S NOT, BECAUSE A HOMICIDE COULD BE ACCIDENTAL
10 IT COULD BE UNINTENTIONAL IT COULD BE VOLUNTARY, LIKE
11 MANSLAUGHTER OR INVOLUNTARY MANSLAUGHTER IT COULD BE
12 SOMETHING THEY CALL SELF DEFENSE THEM DIFFERENT TYPES
13 OF HOMICIDE SUICIDE, TO JUST -- THAT'S A HOMICIDE
14 THEM THE DIFFERENT TYPE OF HOMICIDES THAT YOU HAVE
15 THEY FALL IN MANY DIFFERENT CATEGORIES

16 THE MENTAL STATE WHEN I SPEAK OF THE MENTAL
17 STATE, THE MENTAL STATE IS WHEN THEY SAY PREREQUISITE,
18 MEANING THAT IF A PERSON WAS SAYING, I'M GOING TO KILL
19 THIS PERSON, BUT THEN ALL OF A SUDDEN A PERSON COME TO
20 HIM AND AT THAT TIME HE WASN'T THINKING OF KILLING THAT
21 PERSON AND HE END UP KILLING THAT PERSON, THEN THAT IS
22 NOT MURDER EVEN THOUGH HE THOUGHT OR SAID HE WAS
23 INTENDING TO DO SOMETHING

24 AND IF THAT PERSON -- WELL, LET'S SAY THAT PERSON
25 GET CAUGHT BY SURPRISE AN EXAMPLE IN WHICH I SO HAPPEN

STATE VS ALKEBULANYAHH

1 TO READ ABOUT IN ONE OF THE SOUTH CAROLINA LAW BOOKS
2 ABOUT A MURDER IT'S ONE OF THE STATUTES

3 IT WAS SAYING THAT IF A PERSON -- WHICH THEY USED
4 "A" AND "B " IF A PERSON HAD INTENTION TO KILL
5 SOMEONE, AND THAT PERSON WAS PLOTTING GETTING READY TO
6 KILL THAT PERSON, BUT ALL OF A SUDDEN -- ALL OF A
7 SUDDEN, THE PERSON THAT HE WANTED -- HE WAS TALKING
8 ABOUT KILLING CAME UPON HIM AND SURPRISED HIM, AND THE
9 PERSON THAT CAME UPON HIM ATTEMPTED TO KILL HIM OR HAD
10 SAW HIM AND ATTEMPTED TO KILL HIM AND THE PERSON THAT
11 WAS THINKING ABOUT WHAT HE WAS GOING TO DO TO THE OTHER
12 PERSON KILLS THE PERSON THAT SURPRISED HIM AND KILLED
13 HIM

14 THEN THAT STATUTE SAID THEN THAT IS NOT MURDER
15 EVEN THOUGH THE FIRST PERSON HAD A PRECONCEIVED NOTION
16 TO DO BODILY HARM TO THE FIRST PERSON, BUT BY HE BEING
17 SUDDENLY APPRISED (SIC) AND ATTACKED, HE KILLED THE
18 OTHER PERSON TO SAVE HIS OWN LIFE

19 AND THE REASON I HAD MENTIONED THAT IS BECAUSE AT
20 THAT TIME WHEN YOU TALK ABOUT THE ACT OF MENTAL STATE,
21 EVEN WHEN THE FIRST PERSON WOULD SAY, I'M GOING TO KILL
22 THIS PERSON, HE WASN'T -- HE DIDN'T KILL THAT PERSON
23 FROM HIS MALICE THOUGHT HE KILLED HIM BECAUSE HE WAS
24 SURPRISED AND THE OTHER PERSON HAD SURPRISED AND
25 ATTEMPT TO KILL NOW HE KILLS HIM TO SAVE HIS OWN

STATE VS ALKEBULANYAHH

1 LIFE

2 AND THE LAW HAD ESTABLISHED THAT BECAUSE HE KILLED
3 HIM TO SAVE HIS OWN LIFE, THAT IT WAS NOT MURDER AND
4 THAT'S WHAT I MEANT BY MENTAL STATE, THE STATE OF MIND
5 A PERSON IN BEFORE SOMETHING HAPPENS

6 THE MERE FACT THAT CIRCUMSTANCES -- THIS IS
7 CIRCUMSTANTIAL EVIDENCE, WHAT HAS BEEN PRESENTED TO YOU
8 FROM THE PROSECUTOR IS BASED ON CIRCUMSTANTIAL
9 EVIDENCE THERE IS NOTHING FACTUAL THERE IS NOTHING
10 SUBSTANTIAL, NOTHING TO CONNECT ME WITH A CRIME OR
11 COMMITTED THIS ACT, NOTHING HE'S JUST SAYING -- HE'S
12 JUST SAYING HE'S JUST PRESENTING THINGS WITH JUST
13 SAYING, BUT THERE'S NO PHYSICAL, NO WITNESSES, NO
14 NOTHING TO -- TO CONNECT ME WITH THIS, SO IT'S
15 CIRCUMSTANTIAL

16 AND THE LAW STATES THAT THE -- THE MERE FACT THAT
17 THE CIRCUMSTANCES ARE STRONGLY SUSPICIOUS -- THE MERE
18 FACT THAT THE CIRCUMSTANCES ARE STRONGLY SUSPICIOUS AND
19 THE DEFENDANT'S GUILT PROBABLE IT IS NOT SUFFICIENT TO
20 SUSTAIN A CONVICTION, MEANING THAT ACCORDING TO MY --
21 OF MY EXPLANATION, AND YOU WILL CHOOSE YOUR OWN AS FAR
22 AS YOU READ WHEN THE JUDGE PRESENT THESE CHARGES TO
23 YOU

24 YOU MAY FEEL A PERSON MAY HAVE DONE SOMETHING, MAY
25 BE SUSPICIOUS, MAY FEEL STRONGLY ABOUT THAT PERSON THAT

STATE VS ALKEBULANYAHH

1 HE MIGHT HAVE DONE THAT THAT IS NOT ENOUGH TO SUSTAIN
2 A CONVICTION

3 BUT THE PROSECUTOR IS ASKING YOU TO FEEL
4 SOMETHING HE'S NOT ASKING YOU TO JUDGE WITH
5 INTELLIGENCE HE'S NOT ASKING YOU TO JUDGE WITH FACTS
6 HE ASKING YOU TO -- TO FEEL LIKE MR ALKEBULANYAHH IS
7 GUILTY, TO FEEL STRONGLY THAT HE IS GUILTY THAT'S
8 WHAT HE'S ASKING

9 BUT MR ALKEBULANYAHH IS ASKING THIS JURY BY YOUR
10 STRENGTH TO JUDGE FROM THE EVIDENCE AND THE FACTS, NOT
11 FROM A FEELING OF STRONG CONVICTION OR A PROBABLE CAUSE
12 OR PROBABLY HE DID THAT, BECAUSE THAT'S NOT GOOD
13 ENOUGH AND IF YOU FEEL THAT WAY, THEN YOU MUST BRING
14 BACK THE -- THE VERDICT OF NOT GUILTY

15 THE PROOF OFFERED BY THE STATE MUST SATISFY EACH
16 OF YOU INDIVIDUALLY BEYOND A REASONABLE DOUBT THAT
17 MEANS WHAT THE PROSECUTOR HAS OFFERED BEFORE YOU IS FOR
18 EACH AND EVERY ONE OF YOU INDIVIDUALLY TO STAND ON YOUR
19 OWN MORAL TURPITUDE TO STAND ON YOUR OWN MORAL
20 STANDING, TO STAND WITHIN YOURSELF INDIVIDUALLY, BY
21 YOURSELF, AND CONSIDER ALL THESE THINGS BY YOURSELF
22 WHEN HE'S OFFERING AS EVIDENCE BEFORE YOU AND CHOOSE BY
23 YOURSELF, DID HE DO THIS BEYOND A REASONABLE DOUBT?

24 DID HE SHOW YOU THIS? DID HE PRESENT FACTS TO YOU
25 WITHOUT NO DOUBT THAT MR ALKEBULANYAHH PULLED THE

STATE VS ALKEBULANYAHH

1 TRIGGER? DID HE PRODUCE FACTS, NO DOUBT, THAT MR
2 ALKEBULANYAHH HAD A MALICE OR EVIL THOUGHT TO KILL
3 THESE OFFICERS?

4 BUT, OF COURSE, THE EVIDENCE SPEAK FOR ITSELF
5 THE PROOF OFFERED BY THE STATE MUST SATISFY EACH OF YOU
6 INDIVIDUAL -- INDIVIDUALLY BEYOND A REASONABLE DOUBT
7 SUSPICION, HOWEVER SMALL, DOES NOT SUFFICE TO SUSTAIN A
8 CONVICTION

9 JUST BEING SUSPICIOUS IS NOT ENOUGH FOR ONE TO
10 FIND A PERSON GUILTY BECAUSE YOU -- A PERSON THAT'S
11 SUSPICIOUS, WELL, I BELIEVE HE -- YOU KNOW, A
12 SUSPICIOUS ACT OR THINGS AROUND HIM SHOULD BE EVIDENCE
13 THAT'S PRESENTED THAT CONSTITUTE THEM FACTS

14 IF THE PROSECUTION RELIES ON CIRCUMSTANTIAL
15 EVIDENCE IT MUST PROVE ALL THE CIRCUMSTANCES USED
16 BEYOND A REASONABLE DOUBT, ALL OF THE CIRCUMSTANCES,
17 ALL OF THAT, THE SHELLS THE GUN, THE -- THE MAP, AND
18 TO POINT OUT ALL THAT MUST CONNECT ALL THEM
19 CIRCUMSTANCES MUST POINT DIRECTLY TO MY GUILT

20 OF COURSE, THEY DON'T FROM THE EVIDENCE THAT WAS
21 PRESENTED TO YOU, FROM THE DESCRIPTION, FROM THE
22 INJURY FROM -- THAT THERE WAS NO FINGERPRINT, NO BLOOD
23 IN THE HOME ALL THAT STUFF DON'T CONNECT THAT SPEAK
24 FOR ITSELF, ALL THE CIRCUMSTANCES, ALL -- ALL THE
25 CIRCUMSTANCES

STATE VS ALKEBULANYAHH

1 IF THE PROSECUTION RELIES ON CIRCUMSTANTIAL
2 EVIDENCE IT MUST PROVE ALL THE CIRCUMSTANCES YOU USE
3 BEYOND A REASONABLE DOUBT

4 THE CIRCUMSTANCES MUST BE COMPLETELY AND PERFECTLY
5 CONSISTENT WITH ONE ANOTHER THAT MEANS ALL THAT STUFF
6 HE SAY ABOUT -- THE WITNESS SAID, HE WENT THIS WAY AND
7 HE HAD THIS ON AND THE PERSON SAY, HE HAD THIS GUN,
8 AND IF THE BLOOD WAS HERE, AND IF WE FIND THE GUN HERE
9 ALL OF THAT MUST BE COMPLETELY AND PERFECTLY CONSISTENT
10 -- COMPLETELY AND PERFECTLY, NOT RAGLY (PHONETIC), NOT
11 LEANING TO ONE SIDE ALL THEM PIECES MUST FIT

12 - BUT THE EVIDENCE THAT WAS PRESENTED SO FAR IS SO
13 OVERWHELMING THAT THAT DON'T FIT, THIS IS A MESSY
14 PUZZLE BECAUSE ITS PIECES ARE NOT FITTING THE
15 DESCRIPTION OF THE PERSON THAT COMMITTED THIS DOES NOT
16 FIT

17 IT DOESN'T FIT ACCORDING TO THE EYEWITNESSES IT
18 DOESN'T FIT ACCORDING TO THE BLOOD IT DOESN'T FIT
19 ACCORDING TO THE GUN IT DOESN'T FIT ACCORDING TO THE
20 GUNSHOT RESIDUE IT DOESN'T FIT ACCORDING TO THE
21 CASINGS THEY FOUND IN THE HOUSE IT DOESN'T THERE'S
22 NO WAY IT'S IMPOSSIBLE FOR IT TO BE PERFECT AND
23 COMPLETE

24 THIS EVIDENCE, CIRCUMSTANTIAL EVIDENCE, THAT MUST
25 BE COMPLETELY AND PERFECTLY CONSISTENT WITH ONE

STATE VS ALKEBULANYAHH

1 ANOTHER, EVERYTHING TO GO RIGHT ALONG WITH ONE ANOTHER
2 -- THEY MUST POINT CONCLUSIVELY TO THE GUILT OF THE
3 DEFENDANT TO THE EXCLUSION OF ALL OTHER REASONABLE
4 THEORIES

5 THE COURT APPROACH THE BENCH PLEASE

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

8 MR ALKEBULANYAHH AND FINALLY, SPEAKING TO YOU
9 ABOUT THE PRESUMPTION OF INNOCENCE I COME BEFORE YOU
10 BECAUSE I -- BY LAW, I SUPPOSE TO BE INNOCENT UNTIL
11 PROVEN GUILTY I SUPPOSE TO BE A INNOCENT MAN I
12 SHOULDN'T BE JUDGED AS BEING GUILTY ALREADY OR ONE
13 ASSUME YOU GUILTY NOW YOU PROVE YOUR INNOCENCE

14 BY LAW, I SHOULD BE ABLE TO WEAR THE ROBE OF
15 INNOCENCE

16 AND I PRAY THAT WHEN YOU ALL GO INTO DELIBERATIONS
17 THAT YOU CONSIDER THAT I AM INNOCENT FIRST AND THEN
18 EVALUATE THE FACTS OR THE EVIDENCE AND IF THEM -- IF
19 THAT FACTS AND THAT -- BECAUSE THE EVIDENCE DOES NOT
20 WEIGH THAT THIS JURY COME BACK WITH A NOT GUILTY
21 VERDICT BECAUSE EACH AND EVERY ONE OF US IS ENTITLED
22 TO THIS DIRECTION

23 THE PRESUMPTION OF INNOCENCE IS LIKE A ROBE OF
24 RIGHTEOUSNESS PLACED UPON THE SHOULDERS OF THE
25 DEFENDANT THIS REMAINS WITH HIM UNTIL THAT

STATE VS ALKEBULANYAHH

1 PRESUMPTIVE ROBE OF RIGHTEOUSNESS HAS BEEN STRIPPED
2 FROM HIM BY EVIDENCE SATISFY -- SATISFYING YOU OF HIS
3 GUILT BEYOND A REASONABLE DOUBT -- BEYOND A REASONABLE
4 DOUBT, MEANING THAT THERE IS NO WAY THAT WHAT EVIDENCE
5 THEY PRESENTED ABOUT MY GUILT IS OVERWHELMING
6 THERE SHOULD BE NO DOUBT IN YOUR MIND THAT IF I
7 WAS GUILTY, IT SHOULD BE OVERWHELMING
8 THAT'S WHAT THE LAW IS AND -- AND -- AND I -- I
9 RESPECT THAT LAW AND I ASK THE JURY TO RESPECT THAT
10 LAW, BECAUSE THE EVIDENCE SHOULD BE OVERWHELMINGLY
11 IT SHOULDN'T LEAVE ROOM OR MARGIN FOR YOU TO SAY,
12 I'M-GOING TO TAKE THIS MAN LIBERTY, HIS FREEDOM, OR HIS
13 LIFE AND THE EVIDENCE WASN'T OVERWHELMING, IT WASN'T
14 BEYOND A REASONABLE DOUBT IT DIDN'T POINT --
15 EVERYTHING DIDN'T POINT DIRECTLY TO HIM AS BEING A
16 MURDERER OR A KILLER
17 BECAUSE THE LAW STATES ALL OF IT MUST POINT TO
18 HIM ALL THE EVIDENCE BECAUSE IT'S CIRCUMSTANTIAL, NOT
19 SOME, BUT ALL OF IT AND IT MUST BE PERFECTLY
20 CONSISTENT AND PERFECT AND THAT IS THE -- THE
21 INSTRUCTIONS THAT THE JUDGE, I ASSUME WILL GIVE YOU IN
22 REFERENCE TO THAT HE'S GOING TO TELL YOU THIS
23 AND I PRAY THAT YOU LISTEN TO HIS INSTRUCTION,
24 BECAUSE THROUGH HIS INSTRUCTION, I'M CONFIDENT THAT
25 YOU, THE JURY WILL FIND MR ALKEBULANYAHH NOT GUILTY

STATE VS ALKEBULANYAHH

1 THROUGH HIS INSTRUCTION OF THE LAW -- THROUGH THE
2 JUDGE'S INSTRUCTION, NOT THROUGH MR ALKEBULANYAHH
3 SAYING OR THROUGH THE PROSECUTOR SAYING

4 I'LL BE COUNTING ON YOUR INTEGRITY TO DO JUSTICE,
5 TO BE FAIR COMPLETELY THIS IS MOST IMPORTANT TO ME,
6 TO ALL CITIZENS, AND TO EVERYONE BECAUSE THERE IS A
7 SAYING, DO UNTO OTHERS AS YOU WOULD HAVE DO UNTO THEM
8 WHAT COMES AROUND MAY -- MAY -- WHAT COMES AROUND GOES
9 AROUND

10 IF SOMEONE WERE TO JUDGE ME UNFAIRLY AND DON'T
11 APPLY THE LAW -- IT MAY BE YOU, YOUR CHILD, YOUR SON,
12 YOUR DAUGHTER YOUR FAMILY, YOUR BOY FRIEND, YOUR
13 HUSBAND AND YOU WOULD WANT THE JURORS WITH THE
14 RESPONSIBILITY AS YOU ALL HAVE TO APPLY THE LAW, TO
15 REAP THE BENEFITS OF THE LAW

16 AND AS THE JUDGE -- I HEARD HIM ASK YOU, WOULD YOU
17 FOLLOW THE LAW AS I PRESCRIBE, AND EACH AND EVERY ONE
18 OF YOU SAID, YES YOU ALL SAID THAT YES

19 AND HE SAID EVEN IF YOU DISAGREE WITH THE LAW, AND
20 YOU SAID YES, I WOULD FOLLOW THE LAW, EVEN IF I
21 DISAGREE WITH THE LAW

22 AND I'M ASKING THAT YOU ALL FOLLOW THE LAW, AND
23 COME BACK WITH A VERDICT OF NOT GUILTY BECAUSE MR
24 ALKEBULANYAHH HAS NOT KILLED NOBODY AND THE
25 PROSECUTOR HAS NOT OFFERED ANY EVIDENCE TO SUPPORT

STATE VS ALKEBULANYAHH

1 CONCLUSIVELY, PERFECTLY, AND WHOLLY THAT MR
2 ALKEBULANYAHH KILLED SOMEBODY

3 AND ALL THE WITNESSES THAT CAME UP HERE AND SAID
4 ABOUT THE PERSON THAT THEY SEEN HAVE TOLD YOU, THE
5 JURORS, THAT IT WAS NOT MR ALKEBULANYAHH IN THAT
6 DESCRIPTION OF THE PERSON THAT THEY SEEN

7 AND NOW THE WITNESSES COME UP AND SUPPORT MR
8 ALKEBULANYAHH, SAY, MR ALKEBULANYAHH LOOKED LIKE THIS
9 HE WAS INJURED LIKE THIS THERE'S NO MISTAKE ABOUT
10 THAT THERE'S NO MISTAKE ABOUT MY IDENTITY WITH THEM
11 ARRESTING ME

12 - THE COURT YOU'LL HAVE TO SUM UP NOW, MR
13 ALKEBULANYAHH

14 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

15 THERE'S NO MISTAKE ABOUT IT MR CARMON THE GUY
16 THAT SEEN ME, SAID HE PULL ME OVER, HE DIDN'T SAY HE
17 RECOGNIZED ME WITH NO BEARD OR ANYTHING HE SAY HE
18 RECOGNIZE A MAN WITH DARK CLOTHES, BLUE AND BLACK ON,
19 AND I JUST SEEN HIS EYES, THE MAN THEY PULLED OUT FROM
20 UNDER -- THAT WAS THERE BY THE JOE FRAZIER ROAD BRIDGE

21 AND THE OTHER WITNESS SAY, WE SEEN A MAN WITH A
22 BEARD, BROWN JACKET, CARRYING A GUN THEN THE EVIDENCE
23 SHOW THAT THE CLOTHING THEY TOOK FROM ME, IT DOESN'T
24 EVEN MATCH THAT

25 THEN THE MAN TALK ABOUT THE INJURY OF THE MAN THEY

STATE VS ALKEBULANYAHH

1 SHOT IN THE LEG AND BLOOD ALL OVER HIS LEG

2 THERE'S SOMEBODY ELSE THERE IT'S VERY APPARENT

3 AND JUST AS I TOLD YOU, AND I TOLD YOU JURORS THE

4 TRUTH AND I PRAY FROM ALL THEM NO'S THAT YOU SEE, THAT

5 YOU COME BACK WITH A NOT GUILTY VERDICT WHICH WOULD --

6 WHICH IS REASONABLE AND LOGICAL BECAUSE THAT'S THE

7 RIGHT THING TO DO

8 THAT WOULD BE THE RIGHT THING TO DO, NOT FOR MR

9 ALKEBULANYAHH'S SAKE, BECAUSE AS THE LAW STATES, I

10 DON'T HAVE TO PROVE MY INNOCENCE BUT I HAVE MADE

11 EVERY EFFORT TO DO SOMETHING THAT I'M NOT REQUIRED OF

12 THE-LAW THAT YOU WILL MAKE THE PROPER DECISION AND THE

13 PROPER JUDGMENT ABOUT ME AND WHAT CAN HAPPEN HERE,

14 BECAUSE I DON'T FEEL LIKE THAT I SHOULD BE SUBJECT TO

15 MY LIBERTY OR MY LIFE BEING INVOLVED OR TAKEN OR

16 DEPRIVED WHILE OTHER PEOPLE WHO'S INVOLVED AND DIRECTLY

17 INVOLVED WITH THIS ENJOYING ALL THE FUTES (PHONETIC) OF

18 LIFE

19 AND I'VE DONE EVERYTHING I CAN TO ASSIST THEM AND

20 EVERYONE ELSE ABOUT THE TRUTH IT'S NOT MY FAULT THAT

21 THEY DID NOT COME TO THE TRUTH OR TO THE END OR

22 APPREHEND THE PEOPLE THEY SUPPOSE TO APPREHEND OR TALK

23 TO THEM ABOUT THE FACTS AND THE TRUTH\OF THIS CASE

24 THE COURT YOU'LL HAVE TO SUM UP, MR

25 ALKEBULANYAHH

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I ASK THE JUROR (SIC) AGAIN, I
2 PRAY FROM THE FACTS THAT WAS PRESENTED TO EACH AND
3 EVERY ONE OF YOU ALL THAT YOU ALL COME TO THE
4 CONCLUSION AND FIND MR ALKEBULANYAHH NOT GUILTY
5 ACCORDING TO THE EVIDENCE THAT HAD BEEN PRESENTED TO
6 YOU AND THE FACTS IN THIS CASE AND GOD BLESS YOU ALL
7 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I
8 UNDERSTAND YOUR LUNCH IS HERE I'LL SEND YOU TO THE
9 JURY ROOM WE'LL RECONVENE IN ONE HOUR THANK YOU
10 VERY MUCH DO NOT DISCUSS THE CASE IN ANY WAY
11 DO NOT DISCUSS THE CASE IN ANY WAY
12 - (THE JURY EXITS THE COURTROOM AT 12 46 P M)
13 (COURT IS IN RECESS FOR LUNCH)
14 THE COURT ARE YOU READY TO PROCEED, STATE?
15 MR MURDAUGH STATE IS
16 THE COURT DEFENSE?
17 MR ALKEBULANYAHH THE DEFENSE IS, SIR
18 THE COURT BRING THE JURY IN PLEASE
19 (THE JURY RETURNS TO THE COURTROOM AT 1 51 P M)
20 THE COURT THANK YOU PLEASE BE SEATED
21 CHARGE OF THE COURT.
22 ALL RIGHT LADIES AND GENTLEMEN, YOU'VE NOW HEARD
23 THE CLOSING STATEMENTS BY EACH SIDE IN THIS CASE AND
24 AT THIS POINT IT'S MY OPPORTUNITY TO INSTRUCT YOU ABOUT
25 THE LAW THAT IS APPLICABLE

STATE VS ALKEBULANYAHH

1 NOW, YOU SHOULD -- IN THIS CASE THE DEFENDANT HAS
2 BEEN CHARGED IN TWO INDICTMENTS WITH COUNTS OF MURDER
3 THERE ARE TWO COUNTS OF MURDER

4 YOU SHOULD DISTINCTLY UNDERSTAND THAT AN
5 INDICTMENT JUST CONTAINS ALLEGATIONS ON THE PART OF THE
6 STATE AND IS IN NO WAY TO BE CONSIDERED AS EVIDENCE

7 NOW, THE ONLY EVIDENCE IN THE CASE IS THE
8 TESTIMONY FROM THE WITNESS STAND AND ANY EXHIBITS OR
9 STIPULATIONS WHICH HAVE BEEN INTRODUCED INTO EVIDENCE
10 DURING THE COURSE OF THE TRIAL

11 PLEASE PAY CLOSE ATTENTION BECAUSE AT TIMES WHEN
12 ASKED IF I CAN PROVIDE A WRITTEN COPY OF ANY LEGAL
13 INSTRUCTIONS TO YOU, WHICH I DO NOT PROVIDE

14 ALSO IF YOU HAVE TAKEN NOTES, YOU SHOULD REMEMBER
15 THAT YOUR NOTES ARE ONLY INTENDED TO AID OR ASSIST YOUR
16 MEMORY THEY SHOULD NOT TAKE PRECEDENCE OVER YOUR OWN
17 INDEPENDENT RECOLLECTION AND MEMORY OF THE EVIDENCE

18 MOREOVER, THOSE JURORS WHO HAVE NOT TAKEN NOTES
19 SHOULD NOT BE INFLUENCED BY THE FACT THAT ANOTHER JUROR
20 HAS TAKEN NOTES SINCE AS I INDICATED, THE NOTES ARE
21 ONLY INTENDED FOR THE NOTE TAKER'S PERSONAL USE IN
22 REFRESHING HIS OR HER MEMORY OR RECOLLECTION OF THE
23 EVIDENCE

24 NOW, TO THE INDICTMENTS THE DEFENDANT HAS PLED
25 NOT GUILTY WHICH PLACES UPON THE STATE THE BURDEN OF

STATE VS ALKEBULANYAHH