

VOLUME ONE OF FOURTEEN

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Orangeburg County

Diane Schafer Goodstein, Circuit Court Judge

RECEIVED

JUN 22 2011

S.C. Supreme Court

BAYAN ALEKSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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1 STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

2 COUNTY OF ORANGEBURG

3
4
5 STATE)

6 -VS-)

7 BAYAN ALEKSEY,)

8 DEFENDANT.)

TRANSCRIPT OF RECORD

98-GS-38-244

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10 V O L U M E I

11
12 AUGUST 24 - SEPTEMBER 1, 1998
ORANGEBURG, SOUTH CAROLINA

13
14 B E F O R E:

15 HONORABLE EDWARD B. COTTINGHAM, JUDGE; AND A JURY.

16
17 A P P E A R A N C E S:

18 WALTER M. BAILEY, JR., SOLICITOR
J. ANGELA GARRICK, ASSIST. SOLICITOR
ATTORNEYS FOR THE STATE

19
20 ISAAC MCDUFFIE STONE, III, ESQUIRE
THOMAS RAY SIMS, ESQUIRE,
ATTORNEYS FOR THE DEFENDANT

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24 L. COCONUT PANTSARI, R.P.R.
CIRCUIT COURT REPORTER

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* JURORS SELECTED, ** FOREMAN, *** ALTERNATES

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ANDREW D. MYERS, JR.

(IN CAMERA)

DIRECT BY SOL. BAILEY 1000

CROSS BY MR. STONE 1005

ANDREW D. MYERS, JR.

DIRECT BY SOL. BAILEY 1008

CROSS BY MR. STONE 1020

REDIRECT BY SOL. BAILEY 1025

DR. JOEL S. SEXTON

DIRECT BY SOL. BAILEY 1026

TIMOTHY MICHAEL LLOYD

DIRECT BY SOL. BAILEY 1051

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JAMES A. WOODS

DIRECT BY SOL. BAILEY 1068

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AUGUST 28, 1998

ROBERT STEVEN CECIL

DIRECT BY SOL. BAILEY 1084

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12	DIRECT BY SOL. BAILEY	1441
13	GEORGE DARNELL	
14	DIRECT BY SOL. BAILEY	1447
15	CROSS BY MR. STONE	1451
16	SUZIE WILSON	
17	DIRECT BY SOL. BAILEY	1453
18	CROSS BY MR. STONE	1456
19	CONNIE MCKAY	
20	DIRECT BY SOL. BAILEY	1458
21	DONALD BRETT BAKER	
22	DIRECT BY SOL. BAILEY	1459
23	HUBERT RICKENBAKER	
24	DIRECT BY SOL. BAILEY	1462
25	CROSS BY MR. STONE	1467

GUILT OR INNOCENCE PHASE

VERNETIA DOZIER

DIRECT BY SOL. BAILEY 1468

AUGUST 29, 1998

DOROTHY FULLER

DIRECT BY SOL. BAILEY 1477

VOIR DIRE BY MR. STONE 1479

CROSS BY MR. STONE 1514

JOSEPH DWAYNE POWELL

DIRECT BY SOL. BAILEY 1535

CROSS BY MR. STONE 1552

GEORGE DARNELL

DIRECT BY SOL. BAILEY 1563

CROSS BY MR. STONE 1586

KENNETH M. MEARS

DIRECT BY SOL. BAILEY 1595

CROSS BY MR. SIMS 1599

REDIRECT BY SOL. BAILEY 1605

SARAH PIVERO

DIRECT BY SOL. BAILEY 1606

CROSS BY MR. SIMS 1612

REDIRECT BY SOL. BAILEY 1621

RECROSS BY MR. SIMS 1623

IRA BYRD PARNELL

DIRECT BY SOL. BAILEY 1625

1	<u>GUILT OR INNOCENCE PHASE</u>	
2	IRA BYRD PARNELL	
3	CROSS BY MR. STONE	1633
4	DONALD BRETT BAKER	
5	DIRECT BY SOL. BAILEY	1634
6	CROSS BY MR. STONE	1650
7	STATE RESTS	1662
8	<u>WITNESSES FOR THE DEFENDANT:</u>	
9	DR. DAVID BACHMAN	
10	DIRECT BY MR. SIMS	1662
11	CROSS BY SOL. BAILEY	1675
12	JEFFREY MORRIS HOLLIFIELD	
13	DIRECT BY MR. STONE	1687
14	CROSS BY SOL. BAILEY	1711
15	REDIRECT BY MR. STONE	1720
16	RECROSS BY SOL. BAILEY	1721
17	REDIRECT BY MR. STONE	1722
18	DEFENSE RESTS	1723
19	CHARGE OF THE COURT	1726
20	CLOSING ARGUMENTS	
21	BY SOL. BAILEY	1744
22	BY MR. SIMS	1774
23	CHARGE OF THE COURT	1791
24	VERDICT OF THE JURY	1804
25	---	

AUGUST 31, 1998

PENALTY PHASE

OPENING STATEMENTS

1		
2		
3	OPENING STATEMENTS	
4	BY SOL. BAILEY	1856
5	BY MR. STONE	1860
6	THERESA MCCANN	
7	DIRECT BY SOL. BAILEY	1864
8	THERESA MCCANN	
9	(IN CAMERA)	
10	DIRECT BY SOL. BAILEY	1881
11	THERESA MCCANN	
12	CROSS BY MR. SIMS	1885
13	JAIME FARRELL	
14	DIRECT BY SOL. BAILEY	1894
15	CROSS BY MR. SIMS	1902
16	SARA PIVERO	
17	DIRECT BY SOL. BAILEY	1904
18	CROSS BY MR. SIMS	1918
19	LUIS CRUZ	
20	(IN CAMERA)	
21	DIRECT BY SOL. BAILEY	1924
22	CROSS BY MR. SIMS	1931
23	LUIS CRUZ	
24	DIRECT BY SOL. BAILEY	1940
25	CROSS BY MR. SIMS	1950

	<u>PENALTY PHASE</u>	
1		
2	MARIE MORAN	
3	DIRECT BY SOL. BAILEY	1953
4	CROSS BY MR. SIMS	1960
5	LISA WATSON	
6	DIRECT BY SOL. BAILEY	1961
7	CROSS BY MR. SIMS	1965
8	MAURICE KEITT	
9	DIRECT BY SOL. BAILEY	1968
10	CROSS BY MR. STONE	1973
11	VERNETIA DOZIER	
12	DIRECT BY SOL. BAILEY	1977
13	CROSS BY MR. STONE	1978
14	REDIRECT BY SOL. BAILEY	1980
15	RECROSS BY MR. STONE	1981
16	DONALD BRETT BAKER	
17	DIRECT BY SOL. BAILEY	1993
18	KENNETH M. MEARS	
19	DIRECT BY SOL. BAILEY	1999
20	LEON ROBINSON	
21	DIRECT BY SOL. BAILEY	2004
22	DAVID DEERING	
23	DIRECT BY SOL. BAILEY	2041
24	---	
25	---	

PENALTY PHASE

SEPTEMBER 1, 1998

DORA LINGARD

DIRECT BY SOL. BAILEY 2029

KEVA NICHOLE RILEY

DIRECT BY SOL. BAILEY 2040

FRANK LINGARD

DIRECT BY SOL. BAILEY 2044

LEATHA RAYSOR

DIRECT BY SOL. BAILEY 2055

STATE RESTS 2064

WITNESSES FOR THE DEFENDANT:

VERA ALEKSEY

DIRECT BY MR. SIMS 2069

DEFENSE RESTS 2095

CLOSING ARGUMENTS

BY SOL. BAILEY 2099

BY MR. STONE 2129

BY DEFENDANT ALEKSEY 2131

BY MR. SIMS 2133

CHARGE OF THE COURT 2145

VERDICT OF THE JURY 2171

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E X H I B I T S			
NO.	DESCRIPTION	ID.	EV.
<u>FOR THE STATE:</u>			
S-1	FAXED PHOTOGRAPH (ALEKSEY)	870	
S-2	FAXED PHOTOGRAPH (ALEKSEY)	870	
S-3	RECORD OF SALE (FIREARM)		918
S-4	FIREARMS TRANSACTION RECORD		918
S-5	NINE MILLIMETER PISTOL		919
S-6	DISPATCH TAPE		940
S-7	MAP		960
S-8	PHOTOGRAPH (MUSTANG)		961
S-9	PHOTOGRAPH (LICENSE TAG)		962
S-10	PHOTOGRAPH (SCENE WITH MARKERS)		967
S-11	PHOTOGRAPH (CAR AND VICTIM)		968
S-12	PHOTOGRAPH (VICTIM)		969
S-13	CHART OF WOUNDS (FRONT AND BACK)		1033
S-14	CHART OF WOUNDS (SIDE VIEW)		1033
S-15	HIGHWAY PATROL JACKET (VICTIM)		1035
S-16	BULLET (NUMBER 4)		1045
S-17	BULLET (NUMBER 3)		1045
S-18	BULLET (NUMBER 2)		1045
S-19	BULLET (NUMBER 1)		1045
S-20	PHOTOGRAPH (BULLET 1)		1046
S-21	PHOTOGRAPH (BULLET 2)		1046
S-22	PHOTOGRAPH (BULLET 3)		1046

E X H I B I T S

	NO.	DESCRIPTION	ID.	EV.
3	<u>FOR THE STATE:</u>			
4	S-43	PHOTOGRAPH (MUSTANG)		1177
5	S-44	PHOTOGRAPH (MUSTANG)		1177
6	S-45	GUN SHOT RESIDUE KIT (ALEKSEY)		1186
7	S-46	BLACK SHIRT IN BAG		1187
8	S-47	GUNSHOT RESIDUE KIT (MUSTANG)		1195
9	S-48	LICENSE PLATE		1196
10	S-49	PHOTOGRAPH (FINGERPRINT)		1200
11	S-50	PHOTOGRAPH (FINGERPRINT)		1200
12	S-51	PHOTOGRAPH (FINGERPRINT)		1200
13	S-52	PHOTOGRAPH (AMMUNITION AND C.D.S)		1205
14	S-53	AMMUNITION BOX		1207
15	S-54	AMMUNITION PLASTIC HOLDER		1207
16	S-55	PHOTOGRAPH (PURSE)		1208
17	S-56	BROWN PURSE		1208
18	S-57	PHOTOGRAPH (HOLSTER)		1209
19	S-58	GUN HOLSTER		1210
20	S-59	BULLETS IN BAGGIE		1211
21	S-60	PHOTOGRAPH (PURSE)		1211
22	S-61	PHOTOGRAPH (KEY CHAIN)		1211
23	S-62	PHOTOGRAPH (FLOORBOARD)		1211
24	S-63	PHOTOGRAPH (PASSENGER SIDE)		1211
25	S-64	GUNSHOT RESIDE KIT (LINGARD)		1216

E X H I B I T S

2	NO.	DESCRIPTION	I.D.	EV.
3	<u>FOR THE STATE:</u>			
4	S-65	LEASE AGREEMENT		1277
5	S-66	CERTIFICATE OF TITLE (VEHICLE)		1278
6	S-67	BLACK JACKET IN BOX		1310
7	S-68	BLACK JACKET IN BAG		1409
8	S-69	PHONE RECORDS (PAY-TEL)		1429
9	S-70	PHONE RECORDS (PAY-TEL)		1429
10	S-71	BLOWUP OF TRACE EVIDENCE REPORT (PAGE 1)		1540
11	S-72	BLOWUP OF TRACK EVIDENCE REPORT (PAGE 2)		1540
12	S-73	RIGHTS FORM		1566
13	S-74	TRANSCRIPT (TAPED STATEMENT OF ALEKSEY)		1578
14	S-75	TAPE (STATEMENT OF ALEKSEY)		1579
15	S-76	MAJOR CASE PRINTS (PEREZ)		1636
16	S-77	MAJOR CASE PRINTS (ALEKSEY)		1636
17	S-78	PHOTOGRAPH (FINGERPRINT ON GUN)		1638
18	S-79	FINGERPRINT CHART COMPARISON		1641
19	S-80	PHOTOGRAPH (FINGERPRINT ON MAGAZINE)		1645
20	S-81	PHOTOGRAPH (FINGERPRINT ON BOX)		1647
21	S-82	PHOTOGRAPH (FINGERPRINT ON BOX)		1647
22	S-83	PHOTOGRAPH (FINGERPRINT ON BOX)		1647
23	S-84	CHECK (MCCANN)		1868
24	S-85	CHECK (MCCANN)		1868
25	S-86	CHECK (TAX CHECK)	1877	1878

E X H I B I T S

	NO.	DESCRIPTION	I.D.	EV.
3	<u>FOR THE STATE:</u>			
4	S-87	COPY OF CHECK		1908
5	S-88	CHECK		1908
6	S-89	CHECK (PIVERO)		1912
7	S-90	PHOTOGRAPH (TERCEL)		1940
8	S-91	PHOTOGRAPH (CAR WITH BULLET HOLE)		1948
9	S-92	ODOMETER DISCLOSURE & PURCHASE AGREEMENT		1959
10	S-93	PHOTOGRAPH (JAIL WINDOW)		1970
11	S-94	PHOTOGRAPH (JAIL WINDOW)		1971
12	S-95	PHOTOGRAPH (OUTSIDE JAIL)		1971
13	S-96	STOOL (FROM JAIL CELL)		1972
14	S-97	PHOTOGRAPH (VICTIM)		1997
15	S-98	PHOTOGRAPH (VICTIM)		1997
16	S-99	TAPE (STATEMENT OF ALEKSEY UNREDACTED)		2000
17	S-100	TRANSCRIPT (TAPED STATEMENT OF ALEKSEY)		2000
18	S-101	EMPLOYEE PERFORMANCE RATING ('96-'97)		2006
19	S-102	EMPLOYEE PERFORMANCE RATING ('95-'96)		2006
20	S-103	EMPLOYEE OF THE MONTH CERTIFICATE		2008
21	S-104	OATH FOR PEACE OFFICERS		2009
22	S-105	S.C. TROOPER MAGAZINE		2018
23	S-106	PHOTOGRAPH (VICTIM AT 14 YEARS)		2031
24	S-107	PHOTOGRAPH (VICTIM AND NIECE)		2033
25	S-108	PHOTOGRAPH (FAMILY)		2035

E X H I B I T S

2	NO.	DESCRIPTION	I.D.	EV.
3	<u>FOR THE STATE:</u>			
4	S-109	PHOTOGRAPH (FAMILY)		2042
5	S-110	PHOTOGRAPH (VICTIM IN ARMY)		2047
6	S-111	PHOTOGRAPH (VICTIM AS M.P.)		2047
7	S-112	PHOTOGRAPH (VICTIM AS M.P.)		2047
8	S-113	PHOTOGRAPH (FAMILY)		2049
9	S-114	PHOTOGRAPH (WEDDING)		2058
10	S-115	PHOTOGRAPH (WEDDING)		2058
11	S-116	PHOTOGRAPH (FAMILY)		2061
12	S-117	PHOTOGRAPH (FAMILY)		2062
13	S-118	VIDEOTAPE		2063
14	<u>FOR THE DEFENDANT:</u>			
15	D-1	HIGHWAY PATROL LOG		945
16	D-2	MAP	947	948
17	D-3	PHOTOGRAPH (LICENSE)	974	974
18	D-4	PHOTOGRAPH (MUSTANG)	974	974
19	D-5	SHIRER'S CERTIFICATES (SIX)		976
20	D-6	AMBULANCE TRIP REPORT		1144
21	D-7	GUNSHOT RESIDUE FORM (ALEKSEY)		1254
22	D-8	COPY OF I.D. CARDS (PEREZ, ET AL)		1313
23	D-9	S.L.E.D. REPORT (TRACE DEPARTMENT)		1522
24	D-10	PHOTOGRAPH (JAIL)		1973
25	D-11	PHOTOGRAPH (JAIL)		1973

E X H I B I T S

NO.	DESCRIPTION	I.D.	EV.
<u>FOR THE DEFENDANT:</u>			
D-12	PHOTOGRAPH (JAIL)		1973
D-13	PHOTOGRAPH (JAIL)		1973
D-14	PHOTOGRAPH (JAIL)		1973
<u>COURT'S EXHIBITS:</u>			
C-1	JUROR SHEET		163
C-2	INDICTMENT AND CONVICTION (RIVERA)		1317
C-3	NOTE FROM JURY		1803
C-4	PHOTOGRAPH (AUTOPSY)		1986
C-5	AFFIRMATION OF DEATH SENTENCE		2182

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Date: 8-27-98

County: Orangeburg

VOIR DIRE

Case No: 98-GS-38-244

Judge: Cottingham

State: State

State/Pl's. Atty: Bailey/Garrick

Defendant: Bayan Aleksey

Defense Atty: Stone/Sims

Reported by: Pantsari

Page 1 of 2

Juror No.	Name	Sex	Race	* Court	Strikes		
					Plaintiff	Defense	Accept
217	Harry Mims	M	W			✓(1)	
28	Rebecca Brewington	F	W		✓(1)		
21	Dennis Bonnette	M	W			✓(2)	
102	Narone Franklin	M	B				✓(1)
69	Jason Cote	M	W				✓(2)
43	Reginald Butler	M	B		✓(2)		
340	Sandra McWaters	F	W				✓(3)
120	Duane Green	M	B				✓(4)
71	Chris Crabb	M	W			✓(3)	
289	Homer Thrailkill	M	W			✓(4)	
112	Tyrone Gillard	M	B				✓(5)
305	Elaine Whetstone	F	W				✓(6)
179	Willie Johnson, Jr.	M	B		✓(3)		
110	Norris Gibson	M	W				✓(7)
255	Debra Sanford	F	W				✓(8)
323	Bonnie Zeigler	F	W				✓(9)
144	Gigi Hayes	F	B				✓(10)
22	Kaye Bonnette	F	W			✓(5)	

In the court column, please indicate who made the motion to strike the jurors "for cause" a "C" for Court, "P" for Plaintiff or "D" for Defense.

Date: 8-27-98

County: Orangeburg

VOIR DIRE

Case No: 98-GS-38-244

Judge: Cottingham

Pl./State: State

State/Pl's. Atty: Bailey/Garrick

Defendant: Bayan Aleksey

Defense Atty: Stone/Sims

Court Reporter: Pantsari

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Juror No.	Name	Sex	Race	*Court	Strikes		
					Plaintiff	Defense	Accept
237	Kedrahn Pelzer	M	B				✓(11)
29	Phyllis Brickle	F	W			✓(6)	
227	Ernest Myers	M	W			✓(7)	
133	Barbara Hanton	F	B				✓(12)
270	Malcolm Simpson	M	B				✓(13)
146	Cole Haywood	M	B		✓(1)		
114	Joanne Glover	F	B			✓(6)	
238	Emily Pindak	F	W				✓(14)
118	Mary Gramling	F	W				

* Court Reporter's Note : There was an error made in the selection of the second alternate in chambers, which was corrected later in open court

*For the court column, please indicate who made the motion to strike the jurors "for cause" with a "C" for Court, "P" for Plaintiff or "D" for Defense.

1 THE COURT: MR. BAILEY, IS THE STATE READY
2 TO PROCEED?

3 SOLICITOR BAILEY: THE STATE IS READY, YOUR
4 HONOR.

5 THE COURT: GENTLEMEN FOR THE DEFENSE?

6 MR. STONE: YES, SIR.

7 THE COURT: LET THE RECORD REFLECT THAT ALL
8 PARTIES ARE PRESENT AND IN COURT. LADIES AND
9 GENTLEMEN, BY WAY OF INTRODUCTION, I AM JUDGE
10 COTTINGHAM FROM BENNETTSVILLE, SOUTH CAROLINA.

11 UNDER OUR SYSTEM OF ROTATION, I HAVE BEEN
12 ASSIGNED HERE FOR THE TRIAL OF THIS CASE. I HAD THE
13 PLEASURE OF BEING IN YOUR COUNTY AND YOUR CIRCUIT TWO
14 YEARS AGO AS THE ADMINISTRATIVE JUDGE AND HAD A GREAT
15 TIME HERE. I LOOK FORWARD TO WORKING WITH ALL OF YOU
16 DURING THESE TWO WEEKS.

17 I WANT TO THANK ALL OF YOU AS POTENTIAL
18 JURORS FOR YOUR PRESENCE HERE TODAY. I WOULD
19 UNDERSTAND THAT YOU ARE HERE AT CONSIDERABLE
20 INCONVENIENCE TO YOUR PERSONAL LIVES, TO YOUR
21 FAMILIES, TO YOUR DAILY PURSUITS.

22 I CONCLUDED, HOWEVER, MANY YEARS AGO THAT
23 OTHER THAN IN TIMES OF WAR, A CITIZEN OF THIS
24 MAGNIFICENT COUNTY WILL NEVER BE REQUIRED TO PERFORM
25 A HIGHER DUTY THAN THAT OF JURORS, PARTICULARLY IN A

1 CRIMINAL CASE.

2 BECAUSE UNDER OUR SYSTEM OF JURISPRUDENCE,
3 WE SAY THAT AN INDIVIDUAL SHALL NOT BE DEPRIVED OF
4 HIS OR HER LIBERTY NOT FOR ONE HOUR, UNTIL AND UNLESS
5 A JURY HAS FOUND THAT PARTY GUILTY BEYOND A
6 REASONABLE DOUBT. THAT CONCEPT PROTECTS YOUR LIBERTY
7 AND WITH EQUAL IMPORTANCE IT PROTECTS MINE.

8 NOW, FROM YOUR NUMBER DURING THE NEXT
9 SEVERAL DAYS, WE WILL SELECT 12 JURORS AND TWO
10 ALTERNATES, TOTALING 14. THE REST OF YOU WILL BE
11 EXCUSED FOR THE REST OF THE TERM. GIVEN THE NATURE
12 OF THESE PROCEEDINGS, IT IS A SLOW PROCESS. WE WILL
13 EXPEDITE IT AS BEST WE CAN, CONSISTENT WITH FAIRNESS
14 TO THE STATE AND TO THE DEFENDANT AND CONSISTENT AT
15 ALL TIMES, OF COURSE, WITH DUE PROCESS.

16 AGAIN I WANT TO THANK YOU FOR YOUR
17 PRESENCE. IF ANY PROBLEMS ARISE, PLEASE LET ONE OF
18 THE BAILIFFS OR THE CLERK OF COURT KNOW. THEY WILL
19 COMMUNICATE WITH ME AND I WILL ADDRESS YOUR CONCERNS
20 AS BEST I CAN.

21 NOW, GIVEN THE CROWDED CONDITIONS HERE, I
22 RESPECTFULLY REQUEST THAT ALL OF YOU MAINTAIN SILENCE
23 AT ALL TIMES. PLEASE DO HAVE NOT CONVERSATIONS WITH
24 YOUR NEIGHBORS OR WHISPERING. BECAUSE OF THE NUMBER
25 INVOLVED HERE, IT WILL BE IMPOSSIBLE FOR US TO HEAR.

1 AS WE BEGIN, RECOGNIZING THAT FOR MANY OF
 2 YOU THIS IS THE FIRST OPPORTUNITY THAT YOU WOULD HAVE
 3 HAD TO SERVE AS JURORS, PARTICULARLY IN A CRIMINAL
 4 CASE, I WOULD LIKE NOW TO INTRODUCE SOME OF THE
 5 PEOPLE THAT WILL BE WORKING WITH YOU AND ME DURING
 6 THE COURSE OF THIS WEEK. I WOULD FIRST ASK THAT YOUR
 7 CLERK OF COURT, MR. DOUGLAS MURDAUGH, STAND AND BE
 8 RECOGNIZED. IS MR. MURDAUGH HERE IN THE COURTROOM?

9 CLERK: HE IS NOT IN THE COURTROOM.

10 THE COURT: YOUR DEPUTY CLERK OF COURT THAT
 11 WILL BE WORKING WITH US IS MRS. MARSHA PHILLIPS. SHE
 12 WILL BE THE ADMINISTRATIVE HEAD HERE HANDLING THE
 13 VAST ADMINISTRATIVE DUTIES. REPRESENTING YOUR
 14 SHERIFF'S OFFICE IS YOUR CHIEF, MR. JACOB THOMAS. IS
 15 CHIEF THOMAS IN THE COURTROOM? THANK YOU, CHIEF.

16 NOW, REPRESENTING THE STATE OF SOUTH
 17 CAROLINA IS THE SOLICITOR. THAT OFFICE ON THE T.V.
 18 IS CALLED THE D.A. OR THE PROSECUTING ATTORNEY. HERE
 19 IN SOUTH CAROLINA WE REFER TO IT AS THE SOLICITOR.

20 MR. WALTER BAILEY IS THE PROSECUTING
 21 ATTORNEY HERE OF THIS COUNTY AND THIS STATE SITTING
 22 TO MY LEFT. REPRESENTING THE DEFENDANT IN THIS CASE
 23 IS FIRST MR. ISAAC MCDUFFIE STONE OF THE BEAUFORT BAR
 24 AND MR. THOMAS SIMS HERE OF THE ORANGEBURG BAR.

25 THERE WILL BE AROUND THE COURTROOM AND AT

1 THE DOORS THE VARIOUS BAILIFFS HERE WHO WILL BE
2 WORKING WITH ME. IF ANY PROBLEMS ARISE, ANY
3 EMERGENCY ARISES, LET ONE OF THESE BAILIFFS KNOW:
4 CARMEN PLATT AND DELAURIE NIVENS. WHERE IS
5 MRS. NIVENS, PLEASE? IS SHE AROUND?

6 CLERK: SHE IS IN THE BACK.

7 THE COURT: AND CONNIE JOHNSON?

8 MRS. JOHNSON. THANK YOU. MRS. MARGARET VAUGHN.
9 THIS IS MRS. VAUGHN. THIS YOUNG LADY TO MY RIGHT AND
10 IMMEDIATELY IN FRONT OF ME IS THE COURT REPORTER.
11 HER JOB IS TO TAKE DOWN EVERYTHING THAT IS SAID HERE,
12 EVERYTHING THAT IS DONE HERE, SO THAT WE WILL ALWAYS
13 HAVE A PERMANENT RECORD OF THAT WHICH WAS
14 ACCOMPLISHED HERE. HER NAME IS MS. PANTSARI.

15 NOW, THIS YOUNG MAN TO MY RIGHT IS MY LAW
16 CLERK, A RECENT GRADUATE OF THE LAW SCHOOL, MR. JOE
17 TIERNEY OF CHARLESTON. MRS. LINDA MCCALL IS MY
18 ADMINISTRATIVE ASSISTANT. SHE HAS BEEN WITH ME MORE
19 YEARS THAN SHE OR I CARE TO DIVULGE. SHE HAS BEEN A
20 DEDICATED ADMINISTRATIVE ASSISTANT TO ME FOR MANY
21 YEARS.

22 REPRESENTING THE SOUTH CAROLINA LAW
23 ENFORCEMENT DIVISION IS LIEUTENANT EDWARDS. WHERE IS
24 LIEUTENANT EDWARDS? AND WITH HIM WOULD BE MR. BOBBY
25 JENKINS AND MR. JIMMY FREEMAN. NOW, LADIES AND

1 GENTLEMEN, THESE ARE THE INDIVIDUALS THAT WILL BE
2 WORKING WITH ALL OF US DURING THIS WEEK.

3 THE FIRST ORDER OF BUSINESS IS FOR THE
4 PURPOSES OF CALLING THE ROLL TO MAKE SURE THAT ALL OF
5 THE PANEL IS HERE. MADAME CLERK, WILL YOU PLEASE
6 HAVE THE JURY RISE AND SWEAR THE JURY.

7 (THE JURY PANEL IS DULY SWORN.)

8 THE COURT: NOW, I REMIND ALL JURORS PLEASE
9 THAT THERE WILL BE VARIOUS QUESTIONS ASKED AND
10 RESPONSES NECESSARY, AND THOSE RESPONSES ARE NOW
11 UNDER OATH. YOU MAY CALL THE ROLL OF THE JURY.

12 (THE ROLL OF THE JURY PANEL IS CALLED.)

13 THE COURT: FIRST, WITH REFERENCE TO THOSE
14 THAT YOU HAVE DESIGNATED NO RESPONSE, I WILL REQUIRE
15 AT AN APPROPRIATE TIME THE AFFIDAVIT OF SOMEBODY FROM
16 THE SHERIFF'S OFFICE AS TO THEIR INABILITY TO SERVE
17 THOSE INDIVIDUALS. I WANT THE RECORD TO BE REplete
18 WITH THAT.

19 NOW, AS TO THOSE WHO WERE SERVED AND HAVE
20 NOT RESPONDED TO THE ROLL CALL, UNLESS THERE IS A
21 GOOD EXCUSE FOR THEM NOT BEING HERE OR UNLESS THEY
22 ARE IN THE OBITUARY PAGE, I AM DIRECTING THE SHERIFF
23 OF THIS COUNTY TO BRING THOSE INDIVIDUALS INTO THIS
24 COURTROOM IMMEDIATELY UNDER MY BENCH WARRANT.
25 EVERYBODY ELSE WAS HERE AND THEY CAN BE HERE, TOO.

1 NOW, LADIES AND GENTLEMEN, AT THE TIME THAT
2 YOU WERE SERVED WITH THE SUBPOENA TO BE HERE, THERE
3 WAS A FORM ATTACHED FOR YOU TO FILL OUT AND RETURN.
4 OUR RECORDS ARE INDICATING THAT MOST OR ALL OF YOU
5 HAVE COMPLIED WITH THAT AND FOR THAT I THANK YOU. IS
6 THERE ANYONE AMONG YOU HERE TODAY WHO HAS NOT
7 RETURNED THAT SIGNED, WHITE TWO-PAGE FORM? IF SO,
8 PLEASE STAND.

9 (JUROR STANDS.)

10 THE COURT: YOUR NAME?

11 JUROR: BRYANT.

12 THE COURT: WE WILL TAKE A QUICK BREAK IN A
13 MINUTE. PLEASE REMAIN IN THE COURTROOM SO THAT WE
14 CAN HAVE YOU FILL THAT OUT. DOES ANY JUROR -- IS
15 THERE ANOTHER ONE? WHERE ARE THE OTHER TWO, PLEASE?
16 COME DOWN, PLEASE, THE TWO, THE TWO OF YOU WHO HAVE
17 NOT RETURNED YOUR FORMS. MARSHA, FIND OUT THEIR
18 SITUATION.

19 CLERK: DO YOU WANT ME TO GO OUT THERE?

20 THE COURT: YES.

21 (PAUSE.)

22 CLERK: DO YOU WANT ME TO SWEAR THEM?

23 THE COURT: SWEAR THEM UNDER VOIR DIRE. WE
24 UNDERSTAND SEVERAL OF YOU HAD SOME DIFFICULTY PARKING
25 THIS MORNING.

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(THE TWO JURORS ARE DULY SWORN.)

THE COURT: DID BOTH OF YOU RETURN THE FORMS THAT WERE SENT WITH YOU AT YOUR SUBPOENA?

(BOTH JURORS INDICATE IN THE AFFIRMATIVE.)

THE COURT: THANK YOU. YOU MAY BE SEATED.

MR. SIMS: WHAT NUMBERS?

CLERK: NUMBER 213 AND 221.

THE COURT: WITH REFERENCE TO THE FORM THAT EACH OF YOU RETURNED AND ATTESTED TO, ALL OF YOU ARE SIGNIFYING TO ME UNDER YOUR OATH THAT THAT INFORMATION PROVIDED WAS ACCURATE AND CORRECT. DO ANY MEMBERS OF THIS JURY PANEL DESIRE TO MODIFY THEIR RESPONSES IN ANY WAY THAT YOU MADE ON THOSE AFFIDAVITS THAT YOU RETURNED TO US?

(THERE WAS NO RESPONSE.)

THE COURT: I AM ASSUMING FROM THAT THAT THOSE AFFIDAVITS ARE CORRECT. NOW, COUNSEL FOR THE STATE AND THE DEFENDANT, I WANT YOU TO MEET WITH ME JUST A FEW MINUTES IN MY CHAMBERS WITH REFERENCE TO THE JURY LIST.

LADIES AND GENTLEMEN, I KNOW YOU HAVE BEEN HERE VERY PATIENTLY SINCE PRIOR TO TEN O'CLOCK. LET'S TAKE A SHORT BREAK. TRY AND BE BACK IN THE COURTROOM WITHIN 15 MINUTES. THANK YOU SO MUCH.

(WHEREUPON THERE WAS A RECESS.)

1 THE COURT: WE ARE MISSING FOUR RETURNS.
2 WOULD YOU PLEASE CALL THEIR NAMES AND HAVE THEM COME
3 FORWARD.

4 CLERK: GEORGE BRYANT.

5 THE COURT: MR. BRYANT, COME FORWARD,
6 PLEASE.

7 CLERK: DEVIN SANFORD.

8 THE COURT: MR. SANFORD? DID HE ANSWER
9 ROLL CALL THIS MORNING?

10 CLERK: YES, SIR.

11 THE COURT: IS THERE ANYBODY OUTSIDE? WE
12 ARE MISSING A MR. SANFORD.

13 CLERK: PATSY WILDER.

14 THE COURT: COME FORWARD, PLEASE.

15 CLERK: MICHAEL ANTHONY.

16 THE COURT: MR. ANTHONY, COME FORWARD,
17 PLEASE.

18 CLERK: WE ARE MISSING MR. SANFORD.

19 THE COURT: HAS ANYBODY SEEN MR. SANFORD?
20 ARE YOU SURE HE ANSWERED THE ROLL?

21 CLERK: HE IS NUMBER 256, YES, SIR.

22 THE COURT: YOU THREE HAVE NOT -- DID YOU
23 SEND IN YOUR WHITE FORM? WE MAY HAVE MISPLACED
24 THESE. WHAT WE WILL DO, PLEASE, IS WHEN WE RECESS
25 FOR LUNCH, PLEASE COME FORWARD SO WE CAN GET ANOTHER

1 ONE IF WE CAN'T LOCATE IT. I APOLOGIZE FOR THE
2 INCONVENIENCE. WHAT ABOUT MR. SANFORD?

3 MR. STONE: HE WAS HERE EARLIER.

4 THE COURT: WILL ONE OF THE BAILIFFS TAKE A
5 LOOK AROUND THE COURTROOM OR DOWNSTAIRS AND FIND
6 MR. SANFORD FOR ME.

7 (THE CLERK APPROACHES THE BENCH.)

8 THE COURT: WE HAVE GOT THAT RESOLVED.
9 TELL THE BAILIFF WE HAVE GOT THAT QUESTION RESOLVED.
10 THANK YOU. MR. SOLICITOR AND COUNSEL FOR THE
11 DEFENSE, I HAVE IN MY HAND STATEMENTS FROM THE
12 SHERIFF'S OFFICE OF HIS INABILITY TO SERVE VARIOUS
13 JURORS THAT WE HAVE DISCUSSED IN CHAMBERS. DO WE NOW
14 AGREE THAT THESE ARE EXCUSED PURSUANT TO THE
15 SHERIFF'S REASONS AS ARE CONTAINED IN THIS STATEMENTS
16 WHICH ARE NOW MADE A PART OF THE RECORD?

17 MR. STONE: YES, SIR.

18 SOLICITOR BAILEY: THE STATE DOES, YOUR
19 HONOR.

20 THE COURT: NOW, THERE HAS BEEN PREVIOUSLY
21 PROVIDED A LIST OF THOSE WHO HAVE BEEN EXCUSED,
22 EITHER BECAUSE OF AGE, MEDICAL REASONS OR OTHER GOOD
23 AND SUFFICIENT EXCUSES. DO WE AGREE THAT THOSE ARE
24 APPROPRIATE? YOU LAWYERS FOR BOTH SIDES HAVE AGREED
25 TO THAT?

1 MR. STONE: YES, SIR.

2 SOLICITOR BAILEY: YES, SIR, YOUR HONOR.

3 THE COURT: DO WE AGREE UPON THE RECORD,
4 THE STATE AND THE DEFENDANT, THAT THE JURY LIST AS IS
5 PRESENTLY CONSTITUTED SHALL BE THE JURY LIST FOR THE
6 TRIAL OF THIS CASE?

7 MR. STONE: YES, SIR.

8 THE COURT: AND YOU ARE WAIVING THE
9 PRESENCE OF THE SEVERAL WHO DID NOT RESPOND?

10 MR. STONE: YES, SIR, WE ARE AND WE HAVE
11 REVIEWED THAT LIST.

12 THE COURT: THE RECORD IS GOING TO REFLECT
13 THAT I HAVE ISSUED A BENCH WARRANT, AND THEY WILL BE
14 BROUGHT INTO COURT. IN FAIRNESS TO ALL THOSE OTHER
15 JURORS WHO HAVE DULY RESPONDED, THEY WILL BE REQUIRED
16 TO RESPOND.

17 MR. STONE: ABSOLUTELY.

18 SOLICITOR BAILEY: YES, SIR.

19 THE COURT: NOW, LADIES AND GENTLEMEN OF
20 THE JURY PANEL, THE CONSTITUTION OF THIS STATE
21 REQUIRES THAT I, AS YOUR PRESIDING JUDGE, POSSESS
22 CERTAIN QUALIFICATIONS IN ORDER TO SERVE. THAT SAME
23 CONSTITUTION MANDATES THAT YOU, TOO, AS POTENTIAL
24 JURORS SHALL POSSESS CERTAIN QUALIFICATIONS.

25 IN THAT REGARD NOW I AM GOING TO ASK OF YOU

1 SEVERAL QUESTIONS, REMEMBERING PLEASE THAT YOU ARE
2 UNDER YOUR OATH TO RESPOND ACCURATELY. IT IS
3 ABSOLUTELY IMPORTANT THAT ALL JURORS WHO SIT IN THE
4 TRIAL OF ANY CASE IN SOUTH CAROLINA BE QUALIFIED TO
5 SERVE.

6 THEREFORE IF YOU DO NOT UNDERSTAND THE
7 QUESTION THAT I ASK OR IF YOU HAVE A QUESTION, DO NOT
8 HESITATE TO STAND. IT IS IMPERATIVE THAT ALL
9 POTENTIAL JURORS BE QUALIFIED TO SERVE.

10 MY FIRST INQUIRY IS AS FOLLOWS: IS THERE
11 ANY MEMBER OF THIS JURY PANEL WHO TODAY DOES NOT
12 RESIDE IN ORANGEBURG COUNTY? YOU MUST LIVE IN THIS
13 COUNTY TODAY AS WE SPEAK. IF ANYBODY DOES NOT LIVE
14 IN ORANGEBURG COUNTY, PLEASE STAND AND COME FORWARD
15 AT THIS TIME.

16 (JURORS STAND.)

17 THE COURT: COME FORWARD, PLEASE. IF THERE
18 IS ANY QUESTION ABOUT IT, I WANT YOU TO COME FORWARD.
19 ANYBODY WHO DOES NOT LIVE IN ORANGEBURG COUNTY, I
20 RESPECTFULLY REQUEST THAT YOU COME FORWARD. THANK
21 YOU.

22 (JURORS COME FORWARD.)

23 THE COURT: YOUR NAME, PLEASE?

24 JUROR: ANGELA CHAVIS.

25 THE COURT: DO YOU KNOW YOUR JUROR NUMBER?

1 CLERK: NUMBER 52.

2 THE COURT: WHAT IS YOUR RESPONSE, PLEASE,
3 MA'AM?

4 JUROR: I RESIDE IN LEXINGTON COUNTY AT
5 THIS TIME.

6 THE COURT: HOW LONG HAVE YOU LIVED IN
7 LEXINGTON?

8 JUROR: FOR ABOUT SEVEN MONTHS.

9 THE COURT: SEVEN MONTHS AND THAT IS YOUR
10 PERMANENT ADDRESS?

11 JUROR: YES, SIR.

12 THE COURT: WHAT IS YOUR PERMIT ADDRESS IN
13 LEXINGTON COUNTY?

14 JUROR: 926 WILLIAMS STREET, WEST COLUMBIA.

15 THE COURT: I WONDER HOW WE GOT -- YOU ARE
16 STILL ON THE VOTING LIST HERE IN ORANGEBURG COUNTY?

17 JUROR: YES, SIR.

18 THE COURT: THIS JUROR SAYS UPON HER OATH
19 THAT SHE IS A RESIDENT OF LEXINGTON COUNTY. I WILL
20 EXCUSE YOU.

21 JUROR: THANK YOU.

22 THE COURT: THANK YOU SO MUCH. YES, SIR,
23 YOUR NAME?

24 JUROR: EDWARD HAYNES.

25 THE COURT: DO YOU KNOW YOUR JUROR NUMBER?

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JUROR: NO, SIR.

THE COURT: HOW DO YOU SPELL YOUR NAME?

JUROR: E-D-W-A-R-D, H-A-Y-N-E-S.

THE COURT: DO YOU HAVE THAT JUROR NUMBER?

MR. STONE: NUMBER 145.

THE COURT: WHAT IS YOUR RESPONSE?

JUROR: I LIVE IN CALHOUN COUNTY.

THE COURT: HOW LONG HAVE YOU LIVED OVER THERE?

JUROR: ABOUT THREE YEARS.

THE COURT: WHAT IS YOUR MAILING ADDRESS OVER THERE?

JUROR: ROUTE 1, BOX 612-U, CAMERON.

THE COURT: AND YOU ARE TELLING ME UPON YOUR OATH THAT YOU ARE TODAY AND HAVE BEEN A PERMANENT RESIDENT OF CALHOUN COUNTY?

JUROR: YES, SIR.

THE COURT: THANK YOU. I WILL EXCUSE YOU BUT I APPRECIATE YOUR PRESENCE HERE THIS MORNING. THANK YOU SO MUCH. YOU ARE EXCUSED FROM FURTHER PARTICIPATION. YOUR NAME, SIR?

JUROR: HARRY JACKSON, 160.

THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

JUROR: I LIVE IN LEXINGTON COUNTY.

THE COURT: WHAT IS YOUR ADDRESS THERE?

1 JUROR: P.O. BOX 823, SWANSEE.

2 THE COURT: HOW LONG HAVE YOU LIVED THERE,
3 SIR?

4 JUROR: BACK ABOUT TWO YEARS.

5 THE COURT: YOU MOVED OVER THERE?

6 JUROR: YES.

7 THE COURT: YOU LIVE OVER THERE?

8 JUROR: YES.

9 THE COURT: YOU HAVE NO RESIDENCE HERE IN
10 ORANGEBURG COUNTY?

11 JUROR: NO.

12 THE COURT: I WILL EXCUSE YOU. THANK YOU.

13 JUROR: THANK YOU.

14 THE COURT: GENTLEMAN FOR THE STATE OR THE
15 DEFENSE, IF YOU NEED TO ASK ANY INQUIRY, YOU ARE AT
16 LIBERTY TO DO SO.

17 MR. STONE: THANK YOU, YOUR HONOR.

18 THE COURT: YOUR NAME, SIR?

19 JUROR: CARL CLIFTON.

20 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

21 JUROR: I LIVE IN LEXINGTON COUNTY.

22 THE COURT: HOW LONG HAVE YOU LIVED THERE?

23 JUROR: ABOUT 17 YEARS.

24 THE COURT: SEVENTEEN YEARS?

25 JUROR: UH-HUH. (INDICATING AFFIRMATIVE

1 RESPONSE.)

2 THE COURT: YOU HAVEN'T BEEN VOTING OVER
3 HERE, HAVE YOU?

4 JUROR: I HAVE BEEN VOTING BUT I HAD IT
5 CHANGED NOW.

6 THE COURT: WHAT IS YOUR PERMANENT ADDRESS
7 OVER THERE, PLEASE?

8 JUROR: P.O. BOX 455, PELION.

9 THE COURT: ANY QUESTION FOR THE STATE OR
10 THE DEFENSE?

11 MR. STONE: NO, SIR. I THINK HE IS NUMBER
12 57; IS THAT CORRECT?

13 JUROR: RIGHT.

14 THE COURT: WE APPRECIATE YOUR PRESENCE
15 HERE. SINCE YOU NOW LIVE IN LEXINGTON, I TELL YOU
16 WHAT I WILL DO. I WILL EXCUSE YOU BUT I WILL PUT
17 YOUR NAME ON THE LIST OVER THERE SO YOU CAN SERVE AND
18 THE REST OF THEM, TOO.

19 JUROR: ALL RIGHT.

20 THE COURT: THANK YOU. ANYONE ELSE WHO
21 TODAY DOES NOT LIVE IN ORANGEBURG COUNTY?

22 (THERE WAS NO RESPONSE.)

23 THE COURT: IT IS NOT LIKELY BUT IS THERE
24 ANYONE AMONG YOU WHO DOES NOT POSSESS ONE OF THE
25 THREE, EITHER A VALID SOUTH CAROLINA DRIVER'S LICENSE

1 OR AN IDENTIFICATION CARD OR A VOTING CERTIFICATE?
2 YOU WOULD HAVE BEEN SUMMONED HERE ON ONE OF THOSE
3 THREE BASES.

4 (JURORS STAND.)

5 THE COURT: COME FORWARD.

6 (JURORS COME FORWARD.)

7 THE COURT: NEITHER ONE OF YOU HAVE A
8 DRIVER'S LICENSE?

9 WOMAN: I DO. HE DOESN'T. I'M HIS MOTHER.

10 THE COURT: I BELIEVE YOU EXPRESSED SOME
11 DIFFICULTY THERE.

12 WOMAN: YES, SIR.

13 THE COURT: I WILL EXCUSE YOU. THANK YOU
14 SO MUCH. WE UNDERSTAND THAT. WHAT WAS THAT NUMBER,
15 PLEASE?

16 CLERK: NUMBER 101.

17 MR. STONE: YES, SIR, THAT'S FINE.

18 THE COURT: I WILL EXCUSE YOU. YES, MA'AM,
19 YOUR NAME, PLEASE?

20 JUROR: KAREN SHANAHAN. I DON'T REMEMBER
21 MY NUMBER. I DON'T HAVE A DRIVER'S LICENSE IN SOUTH
22 CAROLINA. I MOVED HERE FROM MARYLAND. I HAVE
23 PROBLEMS THERE TO TAKE CARE OF BEFORE I GET ONE HERE.

24 THE COURT: DO YOU HAVE AN IDENTIFICATION
25 CARD?

1 JUROR: I LOST MY SOCIAL SECURITY CARD AND
2 I GUESS I REGISTERED TO VOTE BUT THEY NEVER SENT ME A
3 CARD.

4 THE COURT: YOU ARE REGISTERED TO VOTE
5 HERE?

6 JUROR: I GUESS I AM. THAT'S HOW I GOT
7 PICKED.

8 THE COURT: WE WOULD BE GLAD TO KEEP YOU.
9 THANK YOU.

10 MR. STONE: WHAT NUMBER IS SHE?

11 CLERK: NUMBER 351.

12 THE COURT: YES, SIR, YOUR NAME?

13 JUROR: MICHAEL ANTHONY.

14 THE COURT: DO YOU VOTE?

15 JUROR: YES, SIR.

16 THE COURT: THAT QUALIFIES YOU. I JUST
17 WANT TO MAKE SURE IF YOU VOTE OR HAVE GOT AN
18 IDENTIFICATION CARD. YOUR NAME?

19 JUROR: ROBERT HALLINGQUEST.

20 THE COURT: YOU DON'T VOTE?

21 JUROR: NO, SIR.

22 THE COURT: YOU DON'T HAVE A DRIVER'S
23 LICENSE?

24 JUROR: NO, SIR.

25 THE COURT: HAVE YOU GOT A HIGHWAY

1 IDENTIFICATION CARD?

2 JUROR: I JUST GOT A REGULAR IDENTIFICATION
3 CARD.

4 THE COURT: YES, SIR, THAT KEEPS YOU HERE.
5 THANK YOU.

6 MR. STONE: EXCUSE ME. I MISSED THE LAST
7 TWO NUMBERS.

8 THE COURT: THE LAST TWO WHO CAME UP, I'M
9 SORRY, YOUR NAME, SIR?

10 JUROR: ROBERT HALLINGQUEST.

11 CLERK: AND NUMBER 128, MICHAEL ANTHONY,
12 WAS THE OTHER ONE.

13 THE COURT: THEY WERE NOT EXCUSED,
14 MR. DUFFIE.

15 MR. STONE: YES, SIR, I JUST WANTED TO MAKE
16 SURE OF THE NUMBERS.

17 THE COURT: ARE YOU COMFORTABLE WITH THAT,
18 MR. DUFFIE?

19 MR. STONE: YES, SIR.

20 THE COURT: IS THERE ANY MEMBER OF THE JURY
21 PANEL WHO HAS NOT REACHED HIS OR HER 18TH BIRTHDAY?
22 IF SO, PLEASE STAND.

23 (THERE WAS NO RESPONSE.)

24 THE COURT: IS THERE ANY MEMBER OF THIS
25 JURY PANEL WHO IS EMPLOYED WITHIN THE WALLS OF THIS

1 COURTHOUSE, ANYWHERE IN THIS COURTHOUSE? PLEASE
2 STAND.

3 (THERE WAS NO RESPONSE.)

4 THE COURT: IS THERE ANY MEMBER OF THIS
5 JURY PANEL WHO IS A COUNTY OFFICIAL OF THE COUNTY OF
6 ORANGEBURG? PLEASE STAND.

7 (THERE WAS NO RESPONSE.)

8 THE COURT: IS THERE ANY MEMBER OF THIS
9 JURY PANEL WHO HOLDS A LAW ENFORCEMENT COMMISSION
10 WITH OR WITHOUT PAY? PLEASE STAND.

11 (JUROR STANDS.)

12 THE COURT: COME FORWARD.

13 (JUROR COMES FORWARD.)

14 THE COURT: GOOD MORNING. YOUR NAME, SIR?

15 JUROR: GULLEY, PHILLIP, W., 124.

16 THE COURT: AND YOUR RESPONSE?

17 JUROR: I AM A SOUTH CAROLINA HIGHWAY
18 PATROLMAN.

19 THE COURT: YES, SIR, I WILL EXCUSE YOU
20 FROM THIS CASE. ONE MORE PLEASE, COME FORWARD.

21 ANYBODY WHO HOLDS -- THE CONSTITUTION PROVIDES THAT
22 IN A CASE IN OUR COURTS IF YOU HOLD A LAW ENFORCEMENT
23 COMMISSION OF ANY KIND WITH OR WITHOUT PAY, YOU ARE
24 EXCUSED.

25 (JUROR STANDS.)

1 THE COURT: YES, MA'AM.

2 JUROR: I WORK HERE IN THE AFTERNOON.

3 THE COURT: WHERE?

4 JUROR: DOWN IN THE BASEMENT.

5 THE COURT: FOR WHO?

6 JUROR: I'M UNDER PALMETTO CLEANING.

7 THE COURT: PALMETTO WHAT?

8 JUROR: PRO-CLEAN.

9 MR. STONE: IS SHE EMPLOYED IN THE
10 COURTHOUSE OR SHE IS ACTUALLY EMPLOYED OUTSIDE THE
11 COURTHOUSE?

12 THE COURT: YOU DON'T WORK FOR THE COUNTY
13 IN ANY CAPACITY?

14 JUROR: NO.

15 THE COURT: I CAN KEEP HER ON BY AGREEMENT.

16 MR. STONE: YES, SIR.

17 THE COURT: YOU ARE QUALIFIED TO SERVE.

18 YOU ARE NOT EMPLOYED BY THE COUNTY. YOU
19 COME IN HERE ON A TEMPORARY BASIS?

20 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
21 RESPONSE.)

22 THE COURT: YOUR SALARY IS NOT PAID FOR BY
23 THE COUNTY?

24 JUROR: (SHAKES HEAD.) (INDICATING
25 NEGATIVE RESPONSE.)

1 THE COURT: WHO IS YOUR ACTUAL EMPLOYER?

2 JUROR: MR. PETE. I DON'T KNOW HIS LAST
3 NAME, OVER THERE ON BROUGHTON STREET.

4 THE COURT: I ACCEPT THAT AS INFORMATION.
5 YOU ARE QUALIFIED.

6 (JUROR STANDS.)

7 THE COURT: YES, SIR. YOUR NAME, SIR?

8 JUROR: WILLIE HANTON.

9 THE COURT: YES, SIR.

10 JUROR: I USED TO WORK FOR WELLS FARGO
11 SECURITY.

12 THE COURT: YOU DO NOT WORK FOR THEM NOW?

13 JUROR: NO, SIR.

14 THE COURT: YOU DON'T HOLD A LAW
15 ENFORCEMENT COMMISSION, DO YOU?

16 JUROR: I GOT A S.L.E.D. CARD OR SOMETHING.

17 THE COURT: A S.L.E.D. CARD?

18 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
19 RESPONSE), LAW ENFORCEMENT.

20 THE COURT: IS THAT A COMMISSION?

21 JUROR: I DON'T KNOW.

22 THE COURT: WHAT SAYS THE SOLICITOR?

23 SOLICITOR BAILEY: YOUR HONOR, BEAR WITH ME
24 ONE SECOND, PLEASE.

25 THE COURT: WHERE DO YOU WORK NOW?

1 JUROR: I WORK FOR THE CITY OF ORANGEBURG.

2 THE COURT: SIR?

3 JUROR: THE CITY OF ORANGEBURG.

4 THE COURT: DOING WHAT?

5 JUROR: SANITATION DEPARTMENT.

6 THE COURT: SANITATION DEPARTMENT.

7 SOLICITOR BAILEY: YOUR HONOR, I THINK HE
8 IS QUALIFIED.

9 MR. STONE: TO BE HONEST WITH YOU, I DON'T
10 UNDERSTAND WHAT THE S.L.E.D. CARD IS.

11 THE COURT: LET'S SEE YOUR S.L.E.D. CARD.
12 I DON'T INTEND TO INVAD E YOUR PRIVACY HERE, BUT THESE
13 ARE MATTERS WE NEED TO RESOLVE. LOOK AT IT,
14 MR. DUFFIE.

15 SOLICITOR BAILEY: I THINK HE IS A SECURITY
16 GUARD.

17 (PAUSE.)

18 MR. STONE: IT APPEARS, YOUR HONOR -- I
19 WILL SHOW THIS TO YOU. THE FIRST ONE SAYS HE HAS GOT
20 AN AUTHORITY TO ARREST, PARAGRAPH 1. IT FITS IN KIND
21 OF LINE WITH EVERYTHING ELSE AS FAR AS LAW
22 ENFORCEMENT.

23 THE COURT: DO YOU ASK THAT I EXCUSE THE
24 JUROR?

25 MR. STONE: YES, SIR.

1 THE COURT: I WILL EXCUSE THIS JUROR. YOU
2 ARE EXCUSED. THANK YOU SO MUCH. YOUR JUROR NUMBER?

3 CLERK: NUMBER 135.

4 THE COURT: IT'S QUESTIONABLE. I SUSPECT
5 THAT SINCE YOU HAVE THE AUTHORITY TO ARREST, YOU MAY
6 BE CONCLUDED TO HAVE A COMMISSION. ANYWAY BY
7 AGREEMENT OF COUNSEL YOU ARE EXCUSED.

8 JUROR: THANK YOU, SIR.

9 THE COURT: ANYONE ELSE?

10 (THERE WAS NO RESPONSE.)

11 THE COURT: NOW, LADIES AND GENTLEMEN, THE
12 NEXT INQUIRY GIVES US GENERALLY MORE CONCERN THAN ALL
13 THE OTHER QUESTIONS COMBINED. BE VERY CAREFUL NOW
14 THAT YOU LISTEN TO ME.

15 THE STATUTORY LAWS OF THIS STATE PROVIDE
16 THAT IF AN INDIVIDUAL HAS PLED GUILTY OR BEEN
17 CONVICTED OF A CRIME FOR WHICH THEY COULD HAVE BEEN
18 IMPRISONED FOR MORE THAN ONE YEAR, THEY ARE NOT
19 QUALIFIED TO SERVE.

20 LISTEN CAREFULLY PLEASE. I DIDN'T ASK YOU
21 IF YOU WENT TO JAIL FOR MORE THAN ONE YEAR OR COULD
22 HAVE GONE TO JAIL FOR MORE THAN ONE YEAR. THE
23 QUESTION IS COULD YOU HAVE, NOT THAT YOU DID.

24 THE PROBLEMS ARISE IN THE FOLLOWING AREAS.
25 SOMETIMES PEOPLE SAY, "WELL, I DIDN'T GO TO JAIL FOR

1 A YEAR." I DIDN'T ASK YOU THAT. COULD YOU HAVE?
2 SOME PEOPLE SAY, "WELL, JUDGE, IT HAPPENED IN
3 CALIFORNIA OR FEDERAL COURT OR ANOTHER STATE." IT
4 STILL APPLIES.

5 SOME JURORS HAVE SAID, "WELL, JUDGE, IT
6 HAPPENED WHEN I WAS A YOUNG MAN OR WOMAN AND I DIDN'T
7 THINK IT APPLIED." WELL, THE ANSWER IS WHY DIDN'T
8 YOU ASK ME.

9 AS I INDICATED BEFORE, IT IS IMPERATIVE
10 THAT EVERY JUROR SELECTED BE QUALIFIED TO SERVE. ALL
11 OF YOU WHO HAVE -- AND WE ARE HAVING THE SHERIFF
12 CHECK THE RECORDS, TOO. YOU ARE ON YOUR OATH.

13 ALL OF YOU WHO HAVE BEEN CONVICTED OR PLED
14 GUILTY IN A STATE OR FEDERAL COURT OF A CRIME FOR
15 WHICH YOU COULD HAVE BEEN IMPRISONED FOR MORE THAN
16 ONE YEAR, COME FORWARD. IF THERE IS ANY QUESTION
17 ABOUT IT, COME FORWARD.

18 (JURORS STAND.)

19 THE COURT: PLEASE COME FORWARD.

20 (JURORS COME FORWARD.)

21 THE COURT: I CANNOT ACCEPT AN EXCUSE LATER
22 ON IN THE WEEK THAT YOU DIDN'T KNOW WHAT I SAID. I
23 HAVE UNFORTUNATELY HAD TO FIND JURORS IN CONTEMPT OF
24 COURT WHEN I HAD TO SET ASIDE AN ENTIRE PROCEEDING
25 BECAUSE THEY FAILED TO RESPOND TRUTHFULLY.

1 ALL OF YOU ARE UNDER OATH. IF YOU FAIL TO
2 RESPOND, I ACCEPT THE FACT THAT YOU ARE SAYING TO ME
3 UNDER OATH THAT YOU ARE NOT DISQUALIFIED FOR THIS
4 REASON. YOUR NAME, SIR?

5 JUROR: JEFFERY DAVIS.

6 THE COURT: AND YOUR RESPONSE?

7 JUROR: YES, SIR, I HAVE BEEN.

8 THE COURT: SIR?

9 JUROR: YES, SIR.

10 THE COURT: HAVE BEEN WHAT, CONVICTED OF
11 WHAT?

12 JUROR: A CRIME.

13 THE COURT: SIR?

14 JUROR: A CRIME.

15 THE COURT: WHAT KIND WAS IT?

16 JUROR: BURGLARY.

17 THE COURT: BURGLARY. YOU COULD HAVE GONE
18 TO JAIL FOR MORE THAN ONE YEAR. DO YOU KNOW YOUR
19 JUROR NUMBER?

20 JUROR: SEVENTY-EIGHT.

21 THE COURT: YOU WILL BE DISQUALIFIED FROM
22 SERVICE. THANK YOU. HAS EVERYBODY GOT THAT NUMBER?

23 MR. STONE: YES, SIR.

24 THE COURT: GENTLEMEN, AGAIN FOR THE STATE
25 AND DEFENSE, IF ADDITIONAL INQUIRY IS NEEDED, PLEASE

1. LET ME KNOW.

2. MR. STONE: YES, SIR.

3. THE COURT: COME FORWARD, PLEASE, MA'AM.

4. GOOD AFTERNOON. YOUR NAME?

5. JUROR: MARILYN MONROE.

6. THE COURT: AND YOUR RESPONSE?

7. JUROR: I BEEN CONVICTED OF A CRIME OF
8. BURGLARY IN THE STATE OF NEW YORK.

9. THE COURT: THE CRIME OF BURGLARY?

10. JUROR: UH-HUH. (INDICATING AFFIRMATIVE
11. RESPONSE.)

12. THE COURT: THAT WOULD DISQUALIFY YOU.

13. THANK YOU SO MUCH.

14. JUROR: MY NUMBER IS 219.

15. THE COURT: THANK YOU. YES, SIR, YOUR
16. NAME?

17. JUROR: ROBERT DAVIS.

18. THE COURT: YES, SIR.

19. JUROR: DRUG CHARGE.

20. THE COURT: WHAT KIND WAS IT, DISTRIBUTION?

21. JUROR: YES, SIR.

22. THE COURT: DISTRIBUTION OF WHAT?

23. JUROR: CRACK COCAINE.

24. THE COURT: YOU COULD HAVE GONE TO JAIL FOR
25. 15 YEARS. THAT WOULD DISQUALIFY YOU. THANK YOU.

1 JUROR: I'M NUMBER 77.

2 THE COURT: YES, MA'AM.

3 JUROR: KAREN SHANAHAN. I DON'T KNOW IF IT
4 CARRIES IT OR NOT BUT DOMESTIC VIOLENCE.

5 THE COURT: WAS IT IN THE MAGISTRATE'S
6 COURT?

7 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
8 RESPONSE.)

9 THE COURT: IN MAGISTRATE'S COURT.

10 SOLICITOR BAILEY: WHAT IS HER NUMBER? I'M
11 SORRY.

12 CLERK: NUMBER 351.

13 THE COURT: THAT WOULD NOT DISQUALIFY YOU.

14 JUROR: WHAT ABOUT ASSAULT AND BATTERY.

15 THE COURT: WAS IT IN MAGISTRATE'S COURT?

16 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
17 RESPONSE.)

18 THE COURT: IN THIS COURT IT WOULD HAVE
19 DISQUALIFIED YOU BUT NOT THERE. THANK YOU. YES,
20 SIR. GOOD AFTERNOON..

21 JUROR: HOW YOU DOING?

22 THE COURT: YOUR NAME, SIR?

23 JUROR: RICKY HANTON.

24 THE COURT: YOUR RESPONSE, PLEASE?

25 JUROR: POSSESSION OF ILLEGAL SUBSTANCE.

1 THE COURT: SIR?

2 JUROR: POSSESSION OF ILLEGAL SUBSTANCE.

3 THE COURT: POSSESSION OF AN ILLEGAL
4 SUBSTANCE. WHAT WAS IT?

5 JUROR: COCAINE.

6 THE COURT: CRACK OR COCAINE?

7 JUROR: COCAINE.

8 THE COURT: COCAINE WOULD HAVE BEEN FROM
9 ZERO TO TWO YEARS. THAT WOULD DISQUALIFY YOU, SIR.
10 WHAT WAS YOUR NUMBER, PLEASE?

11 JUROR: 134.

12 THE COURT: THANK YOU. YES, SIR, YOUR
13 NAME?

14 JUROR: KENNETH LEWIS.

15 THE COURT: YOUR RESPONSE?

16 JUROR: DISCHARGING A FIREARM.

17 THE COURT: DISCHARGING A FIREARM WOULD NOT
18 DISQUALIFY YOU. WAS IT INTO A DWELLING?

19 JUROR: YES.

20 SOLICITOR BAILEY: CAN WE GET HIS NUMBER?

21 JUROR: 199.

22 THE COURT: DISCHARGING A FIREARM INTO A
23 DWELLING, DOESN'T THAT CARRY FIVE YEARS?

24 MR. STONE: IT DEPENDS ON THE YEAR AND ALSO
25 WHAT HE ACTUALLY PLED TO.

1 THE COURT: ASK THE QUESTIONS YOU NEED TO
2 CLARIFY IT.

3 MR. STONE: DID YOU PLEAD TO THAT OR GET
4 CHARGED WITH THAT?

5 JUROR: I GOT CHARGED WITH IT.

6 MR. STONE: WHAT DID YOU PLEAD TO OR DID
7 YOU PLEAD TO IT?

8 JUROR: I DIDN'T PLEAD AT ALL.

9 THE COURT: OH, YOU WERE JUST CHARGED WITH
10 IT? YOU DIDN'T GET CONVICTED?

11 JUROR: NO.

12 THE COURT: OH, YOU WERE JUST CHARGED WITH
13 IT? YOU DID NOT PLEAD GUILTY TO IT?

14 JUROR: NO.

15 THE COURT: THAT'S FINE THEN. I ONLY WANT
16 TO KNOW IF YOU PLED GUILTY.

17 MR. STONE: I THINK HE IS QUALIFIED. I
18 THOUGHT YOU MADE THAT CLEAR THAT IT NEEDED TO BE A
19 CONVICTION.

20 THE COURT: GOOD AFTERNOON. YOUR NAME,
21 PLEASE?

22 JUROR: WILLIAM RUTLAND.

23 THE COURT: AND YOUR RESPONSE?

24 JUROR: VEHICULAR HOMICIDE.

25 THE COURT: SIR?

1. JUROR: VEHICULAR HOMICIDE.

2. THE COURT: YOU WERE EITHER CHARGED WITH IT
3. OR YOU PLED GUILTY AND WERE CONVICTED?

4. JUROR: RIGHT.

5. THE COURT: WAS THAT IN THIS STATE?

6. JUROR: GERMANY.

7. THE COURT: GERMANY. VEHICULAR HOMICIDE,
8. THAT WOULD DISQUALIFY YOU. DO YOU AGREE WITH THAT
9. FOR THE DEFENSE?

10. MR. STONE: YES, SIR.

11. JUROR: I'M 251.

12. THE COURT: GOOD AFTERNOON. YOUR NAME,
13. PLEASE?

14. JUROR: JABERG.

15. THE COURT: YOUR JUROR NUMBER?

16. JUROR: 337.

17. THE COURT: WHAT IS YOUR RESPONSE?

18. JUROR: I WAS IN PRISON FOR NONSUPPORT.

19. THE COURT: THAT WAS SIX MONTHS?

20. JUROR: I WAS SENTENCED THREE TO NINE
21. YEARS.

22. THE COURT: THREE TO NINE? WHERE WAS THAT?

23. JUROR: OHIO.

24. THE COURT: YES, SIR. WELL, IF YOU WENT --
25. HOW LONG DID YOU SERVE IN PRISON?

1 JUROR: THIRTEEN MONTHS.

2 THE COURT: THAT WOULD DISQUALIFY YOU.

3 MR. STONE: YOU ARE NUMBER 237?

4 JUROR: 337.

5 MR. STONE: THANK YOU, YOUR HONOR.

6 THE COURT: YOU AGREE WITH THAT, GENTLEMAN?

7 MR. STONE: YES, SIR.

8 THE COURT: YES, MA'AM.

9 JUROR: I THINK MY NUMBER IS 162.

10 THE COURT: YOUR NAME?

11 JUROR: SHEILA JACKSON.

12 THE COURT: AND YOUR RESPONSE?

13 JUROR: I GOT CONVICTED OF FOOD STAMP FRAUD
14 AND WENT TO P.T.I. PROGRAM.

15 THE COURT: YOU WENT TO PRETRIAL
16 INTERVENTION?

17 JUROR: I AM IN IT NOW.

18 THE COURT: SO YOU DID NOT PLEAD GUILTY NOR
19 WERE YOU CONVICTED. SHE IS QUALIFIED. DO YOU HAVE
20 ANYTHING?

21 SOLICITOR BAILEY: THAT WAS 162? I'M NOT
22 GETTING THESE NUMBERS.

23 CLERK: 161.

24 MR. STONE: ARE YOU IN THE P.T.I. PROGRAM
25 HERE IN ORANGEBURG?

1 JUROR: STILL AM.

2 THE COURT: P.T.I. WOULD NOT EXCLUDE HER.
3 YOU ARE QUALIFIED.

4 MR. STONE: THANK YOU.

5 THE COURT: GOOD AFTERNOON. YOUR NAME?

6 JUROR: VERNON DASH, NUMBER 75.

7 THE COURT: YOUR RESPONSE, PLEASE?

8 JUROR: I WAS ARRESTED ONE TIME FOR ASSAULT
9 AND BATTERY OF A HIGH AND AGGRAVATED NATURE.

10 THE COURT: ARRESTED. DID YOU PLEAD GUILTY
11 TO IT?

12 JUROR: YES, SIR.

13 THE COURT: ASSAULT AND BATTERY OF A HIGH
14 AND AGGRAVATED NATURE?

15 JUROR: YES, SIR.

16 THE COURT: DID YOU SERVE TIME FOR IT?

17 JUROR: NO, I DIDN'T. MY LAWYER GET ME
18 OUT.

19 THE COURT: YOU WERE ON PROBATION?

20 JUROR: YES, SIR, TWO YEARS.

21 THE COURT: YOU PLED UP HERE IN THIS COURT?

22 JUROR: YES, SIR.

23 THE COURT: THAT WOULD DISQUALIFY YOU.

24 THANK YOU.

25 MR. STONE: YES, SIR.

1 THE COURT: GOOD AFTERNOON.

2 JUROR: MY NUMBER IS 221.

3 THE COURT: YOUR NAME PLEASE?

4 JUROR: LITTLE MOORE.

5 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

6 JUROR: BORROWING A CAR WITHOUT OWNER'S

7 CONSENT.

8 THE COURT: SIR?

9 JUROR: BORROWING A CAR WITHOUT OWNER'S

10 CONSENT.

11 THE COURT: WHAT HAPPENED TO YOU? DID YOU
12 GO TO JAIL FOR IT?

13 JUROR: I GOT FOUND NOT GUILTY.

14 THE COURT: FOUND NOT GUILTY.
15 CONGRATULATIONS. THAT WOULD NOT DISQUALIFY YOU.

16 THAT'S FINE. GOOD AFTERNOON. YOUR NAME, SIR?

17 JUROR: GEORGE STACK.

18 THE COURT: YOUR NUMBER?

19 JUROR: 273.

20 THE COURT: YOUR RESPONSE, PLEASE?

21 JUROR: ACCIDENTAL SHOOTING.

22 THE COURT: SIR?

23 JUROR: ACCIDENTAL SHOOTING.

24 THE COURT: DID YOU PLEAD GUILTY TO IT?

25 JUROR: NO.

1 THE COURT: WHAT; YOU WERE JUST CHARGED
2 WITH IT?

3 JUROR: NO, JUST AN ACCIDENT.

4 THE COURT: WERE YOU EVER CHARGED WITH
5 ANYTHING AS A RESULT OF IT?

6 JUROR: NO.

7 THE COURT: THAT WOULD NOT DISQUALIFY YOU.
8 THANK YOU. I APPRECIATE YOU COMING FORWARD HOWEVER.
9 ANYONE ELSE?

10 (THERE WAS NO RESPONSE.)

11 THE COURT: NOW, LADIES AND GENTLEMEN,
12 PLEASE THINK BACK. I HAVE HAD JURORS SAY TO ME LATER
13 ON AND I HAD TO SET ASIDE A WEEK'S WORK ONE TIME AND
14 FOUND OUT THEY HAD BEEN CONVICTED OF ARMED ROBBERY.
15 IT HAPPENED MANY YEARS AGO.

16 THEY SAID, "WELL, JUDGE, I WAS
17 EMBARRASSED." WELL, IF ANYBODY IS EMBARRASSED COME
18 FORWARD AND I WILL DISCUSS IT WITH YOU PRIVATELY. I
19 HAD TO EMBARRASS THAT JUROR MORE BECAUSE I HAD TO PUT
20 HIM IN JAIL FOR CONTEMPT OF COURT. I WOULD NOT WISH
21 TO DO THAT.

22 SO IF ANYBODY HAS ANY REASON NOW THAT THEY
23 WISH NOT TO PUBLICLY DISCLOSE SOME DISQUALIFYING
24 PROBLEM, PLEASE COME FORWARD AND I WILL DISCUSS IT
25 WITH YOU IN PRIVATE.

1 (THERE WAS NO RESPONSE.)

2 THE COURT: IF DURING THE MORNING HOURS,
3 ANY OF YOU NEED TO COME FORWARD AND TELL ME SOMETHING
4 YOU MAY HAVE FORGOTTEN, PLEASE DO SO BECAUSE TOWARD
5 THE END OF THE WEEK IT WOULD BE TOO LATE.

6 (JUROR STANDS.)

7 THE COURT: COME FORWARD, PLEASE.

8 (JUROR COMES FORWARD.)

9 JUROR: I NEED TO ASK A QUESTION. I WORK
10 FOR THE DEPARTMENT OF TRANSPORTATION IN HOLLY HILL, A
11 MAINTENANCE WORKER. THAT'S WHAT I COME TO SEE.

12 THE COURT: YOU DO WHAT?

13 JUROR: I WORK FOR THE DEPARTMENT OF
14 TRANSPORTATION.

15 THE COURT: SOUTH CAROLINA HIGHWAY
16 DEPARTMENT?

17 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
18 RESPONSE.)

19 THE COURT: JUST HAVE A SEAT. WE WILL DEAL
20 WITH THAT AT THE APPROPRIATE TIME. THANK YOU. YES,
21 MA'AM.

22 JUROR: CARRIE YOU MAN. I NEED TO TALK TO
23 SOMEONE IN PRIVATE.

24 THE COURT: COME FORWARD.

25 (THE FOLLOWING BENCH CONFERENCE WITH THE

1 JUROR WAS REPORTED.)

2 JUROR: I GOT THIS LETTER TO GO TO MENTAL
3 HEALTH IN ORANGEBURG -- I MEAN -- BAMBERG.

4 THE COURT: ARE YOU HAVING SOME PROBLEMS?

5 JUROR: I GOT A PRESCRIPTION FROM THE -- I
6 GOT AN EXCUSE FROM THE DOCTOR.

7 THE COURT: WE WILL BE DEALING WITH THIS
8 LATER BUT COME FORWARD. WE CAN DEAL WITH THIS NOW.
9 THIS IS A MEDICAL EXCUSE.

10 (THE BENCH CONFERENCE WAS CONCLUDED.)

11 THE COURT: I DON'T WANT ANYBODY TO COME
12 FORWARD WITH EXCUSES NOW AT THIS TIME. LET ME DEAL
13 WITH THAT AT AN APPROPRIATE TIME, PLEASE. THE ONLY
14 THING I WANT ANYBODY TO COME FORWARD NOW AT THIS TIME
15 IS DOES ANYBODY HAVE ANY QUESTIONS ABOUT WHETHER OR
16 NOT THEY ARE DISQUALIFIED ON THE BASIS OF A
17 CONVICTION OR PLEA TO A CRIME FOR WHICH THEY COULD
18 HAVE BEEN IMPRISONED FOR MORE THAN ONE YEAR? THAT'S
19 THE ONLY THING I WANT TO DEAL WITH AT THIS TIME. I
20 WILL DEAL WITH ANY EXCUSES AT A LATER MOMENT.

21 (THE CLERK CONFERS WITH THE COURT.)

22 THE COURT: MRS. MILLER, COME FORWARD,
23 PLEASE.

24 CLERK: MRS. KELLER.

25 THE COURT: MRS. KELLER, SHIRLEY KELLER.

1 (ANOTHER JUROR STANDS.)

2 THE COURT: YES, SIR. ARE YOU WAITING TO
3 SEE ME, SIR?

4 JUROR: YES, SIR.

5 THE COURT: COME FORWARD.

6 COURT REPORTER: JUDGE, DO YOU WANT THIS ON
7 THE RECORD?

8 THE COURT: LET ME FIND OUT WHAT IT IS,
9 FIRST.

10 (WHEREUPON THERE WAS A BENCH CONFERENCE
11 WITH THE JUROR OFF THE RECORD.)

12 THE COURT: COME FORWARD, MR. DUFFIE.

13 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF
14 THE RECORD IN THE PRESENCE OF THE JURY PANEL BUT OUT
15 OF THE HEARING OF THE JURY PANEL.)

16 (THE FOLLOWING BENCH CONFERENCE WITH JUROR
17 KELLY WAS REPORTED.)

18 THE COURT: MRS. KELLER, WHERE WERE YOU
19 WHEN WE STARTED?

20 JUROR: I WAS HOME THIS MORNING.

21 THE COURT: CAN I HELP YOU IN SOME WAY?

22 JUROR: I AM ON MEDICATION.

23 THE COURT: I WILL DEAL WITH THAT LATER.

24 JUROR: BUT THIS MORNING I WAS LATE THIS
25 MORNING. I'M SYLVIA KELLY, NOT SHIRLEY KELLER. I

1 WAS LATE THIS MORNING WHEN THE OFFICER CALLED ME AND
2 REMIND TO BE HERE THIS MORNING AND TOLD ME I NEED TO
3 GET DOWN HERE NOW.

4 THE COURT: HOW LONG HAVE YOU BEEN IN THE
5 COURTROOM?

6 JUROR: I JUST WALK UP ABOUT MAYBE -- COULD
7 HAVE BEEN TEN OR FIFTEEN MINUTES AGO.

8 THE COURT: HAVE YOU BEEN HEARING ALL OUR
9 QUESTIONS?

10 JUROR: NO, SIR

11 THE COURT: MA'AM?

12 JUROR: NO, SIR.

13 THE COURT: WHY WERE YOU LATE? SEE, WHAT
14 YOU HAVE DONE IS YOU HAVE INCONVENIENCED ALL 125
15 PEOPLE. WHY CAN'T YOU BE ON TIME?

16 JUROR: WHAT HAPPENED WHEN I RECEIVED MY
17 PAPERS, I SENT IN A STATEMENT FOR DISABILITY TO BE
18 EXCUSED FROM JURY DUTY AND LIKE I WAS EXPLAINING TO
19 HIM, I WAS WAITING TO RECEIVE SOME TYPE OF PAPERS OR
20 RESULTS.

21 THE COURT: WHY DID YOU ASK TO BE EXCUSED?

22 JUROR: I AM ON DISABILITY FROM A CAR
23 ACCIDENT AND AM ON A LOT OF MEDICATION.

24 THE COURT: COME FORWARD, GENTLEMEN. COME
25 FORWARD, PLEASE.

1 (THE ATTORNEYS COME FORWARD.)

2 THE COURT: HAVE YOU GOT A DOCTOR'S EXCUSE?
3 SHE HAS BEEN IN A CAR ACCIDENT AND IS ON MEDICATION
4 AND TRYING TO GET A DOCTOR'S EXCUSE. I THINK WE
5 OUGHT TO EXCUSE HER.

6 SOLICITOR BAILEY: THE STATE AGREES, YOUR
7 HONOR. YOU ARE SYLVIA KELLY, NUMBER 188?

8 JUROR: YES.

9 (THE BENCH CONFERENCE WAS CONCLUDED.)

10 THE COURT: MRS. SHIRLEY KELLER, I THINK WE
11 HAVE CALLED YOU UP HERE IN ERROR. YOU HAVE BEEN HERE
12 ALL MORNING, HAVE YOU NOT?

13 JUROR KELLER: YES, SIR.

14 THE COURT: I APOLOGIZE FOR INTRUDING.
15 PLEASE HAVE A SEAT. THANK YOU.

16 (THE BENCH CONFERENCE WITH JUROR KELLY WAS
17 CONTINUED AS FOLLOWS.)

18 THE COURT: WHAT KIND OF MEDICATION ARE YOU
19 ON?

20 JUROR: NAPROSYN, 500 MILLIGRAMS, FOR
21 ARTHRITIS AND KNEE AND FEET INJURY.

22 MR. STONE: NAPROSYN FOR WHAT?

23 JUROR: A CAR ACCIDENT.

24 MR. STONE: IT'S A MUSCLE RELAXER AND
25 ANTI-INFLAMMATORY?

1 JUROR: FOR MY KNEE AND FOOT.

2 THE COURT: DOES IT AFFECT YOUR ABILITY TO
3 UNDERSTAND WHAT IS GOING ON TODAY?

4 JUROR: A LOT OF TIMES IT DO. I BEEN ON IT
5 TWO YEARS NOW.

6 MR. STONE: TWO YEARS?

7 JUROR: I WAS ON DISABILITY FOR TWO YEARS
8 SINCE '96. I BEEN ON THAT MEDICATION SINCE.

9 MR. STONE: WE WILL LET HER GO.

10 THE COURT: BY AGREEMENT OF COUNSEL, I FIND
11 THAT SHE IS EXCUSED AND I FIND THAT THERE IS GOOD AND
12 SUFFICIENT REASON BASED ON HER MEDICAL EXPLANATION.
13 WE THANK YOU FOR COMING FORWARD. YOU DO HAVE THIS
14 MEDICAL PROBLEM AND I AM IN A POSITION TO EXCUSE YOU,
15 BY AND WITH THE CONSENT OF BOTH ATTORNEYS.

16 JUROR: I APOLOGIZE AGAIN.

17 THE COURT: WE UNDERSTAND. THANK YOU SO
18 MUCH.

19 (THE BENCH CONFERENCE WAS CONCLUDED.)

20 (JURORS STAND.)

21 THE COURT: YES, SIR. COME FORWARD.

22 (JURORS COME FORWARD.)

23 THE COURT: YOUR NAME?

24 JUROR: VINCENT BOWMAN.

25 THE COURT: YOUR JUROR NUMBER?

1 JUROR: NUMBER 26.

2 THE COURT: WHAT IS YOUR RESPONSE?

3 JUROR: SECOND OFFENSE D.U.I.

4 THE COURT: THAT WOULD NOT DISQUALIFY YOU.

5 THANK YOU. I APPRECIATE YOU COMING FORWARD. YOUR

6 NAME, SIR?

7 JUROR: ROBERT HALLINGQUEST.

8 THE COURT: YOUR JUROR NUMBER?

9 JUROR: I DON'T KNOW IT.

10 THE COURT: HAVE YOU GOT HIS JUROR NUMBER?

11 WHAT IS YOUR RESPONSE, SIR?

12 JUROR: I WAS CAUGHT MANUFACTURING OF

13 MARIJUANA.

14 THE COURT: MANUFACTURING OF MARIJUANA?

15 JUROR: RIGHT.

16 THE COURT: DID YOU PLEAD GUILTY OR WERE

17 YOU CHARGED WITH IT OR CONVICTED OF IT?

18 JUROR: I WAS CONVICTED OF IT.

19 THE COURT: WHAT HAPPENED TO YOU?

20 JUROR: I HAD TO GO TO SCHOOL. THEY PUT ME

21 ON THIS PROGRAM. IF I WENT TO SCHOOL THEN I WOULDN'T

22 HAVE WENT TO JAIL.

23 THE COURT: BUT YOU WERE CONVICTED OF

24 MARIJUANA?

25 JUROR: YES, SIR.

1 THE COURT: DO YOU HAVE THAT?

2 SOLICITOR BAILEY: I DON'T HAVE HIS NUMBER,
3 JUDGE.

4 THE COURT: HOW LONG AGO WAS THAT?

5 JUROR: SEVEN OR EIGHT YEARS.

6 THE COURT: WHAT JUROR NUMBER IS IT?

7 CLERK: NUMBER 128.

8 THE COURT: WHAT DO YOU HAVE?

9 MR. STONE: I DON'T HAVE ANYTHING. WAS IT
10 THE P.T.I. PROGRAM?

11 THE COURT: WHERE DID YOU PLEAD GUILTY?

12 JUROR: IN AIKEN.

13 THE COURT: SEVEN YEARS AGO?

14 JUROR: SOMETHING LIKE THAT, SEVEN OR EIGHT
15 YEARS AGO.

16 THE COURT: YOU COULD HAVE GONE TO JAIL FOR
17 FIVE YEARS FOR MANUFACTURING MARIJUANA.

18 JUROR: THE PLANTS WAS DEAD.

19 THE COURT: SIR?

20 JUROR: THE PLANTS WAS DEAD BUT THEY LOCKED
21 ME UP.

22 THE COURT: WHAT DID YOU DO, FAIL TO WATER
23 THEM?

24 JUROR: THEY CAUGHT ME WATERING THEM. I
25 THINK THAT'S WHAT IT WAS.

1 THE COURT: WE HAD A DRY SPELL THAT YEAR.

2 JUROR: THEY PUT ME IN THIS PROGRAM. IF I
3 HADN'T WENT TO THIS PROGRAM, THEN I GO TO JAIL.

4 MR. STONE: WAS THAT THE P.T.I. PROGRAM
5 THAT YOU WENT INTO? WAS IT IN THE SOLICITOR'S
6 OFFICE?

7 THE COURT: YOU THINK HE WAS IN P.T.I.?

8 MR. STONE: THAT'S WHAT I'M TRYING TO
9 FIGURE OUT.

10 THE COURT: HERE IS WHAT I AM GOING TO DO.
11 AT THIS TIME I WILL LEAVE HIM QUALIFIED. CHECK THE
12 RECORDS.

13 SOLICITOR BAILEY: I DON'T SHOW IT, JUDGE.

14 THE COURT: JUST DON'T GROW ANY MARIJUANA
15 THIS WEEK. HAVE A SEAT BACK THERE.

16 MR. STONE: JUDGE, IT MIGHT RAIN WEDNESDAY.

17 THE COURT: PLEASE, LET'S -- THAT WAS A
18 MOMENT OF FRIVOLITY. THIS IS A VERY SERIOUS MATTER
19 NOW. I ASK YOU TO COME TO ORDER. YOUR NAME, SIR?

20 JUROR: REGINALD BUTLER.

21 THE COURT: DO YOU KNOW YOUR JUROR NUMBER?

22 JUROR: 43.

23 THE COURT: WHAT IS YOUR RESPONSE?

24 JUROR: IN '96 I WAS IN THE WRONG PLACE AT
25 THE WRONG TIME, SO THEY MADE A CHARGE OF LOITERING OR

1 TRESPASSING.

2 THE COURT: THAT WAS ALL?

3 JUROR: YES, SIR.

4 THE COURT: LOITERING OR TRESPASSING, THAT
5 WOULD NOT DISQUALIFY YOU BUT I THANK YOU FOR COMING
6 FORWARD AND CALLING IT TO MY ATTENTION.

7 JUROR: YES, SIR.

8 THE COURT: IF THERE IS ANY QUESTION ABOUT
9 IT --

10 SOLICITOR BAILEY: CAN I APPROACH, JUDGE?

11 THE COURT: YES, SIR.

12 (THE SOLICITOR REPORTED THE FOLLOWING TO
13 THE COURT.)

14 SOLICITOR BAILEY: JUROR 76, CORRIE DAVIS,
15 GRAND LARCENY SECOND.

16 THE COURT: JUROR 76, CORRIE DAVIS, PLEASE
17 COME FORWARD.

18 SOLICITOR BAILEY: NUMBER 37, BRYANT IS THE
19 NEXT ONE, COCAINE POSSESSION.

20 THE COURT: WHO IS THAT?

21 SOLICITOR BAILEY: GEORGE BRYANT.

22 THE COURT: GEORGE BRYANT, JUROR 37, COME
23 FORWARD.

24 (JURORS COME FORWARD AND THE FOLLOWING
25 BENCH CONFERENCES WERE REPORTED.)

1 THE COURT: YOUR NAME?

2 JUROR: CORRIE DAVIS.

3 THE COURT: MRS. DAVIS, WE MAY HAVE THE
4 WRONG DAVIS HERE, BUT WE HAVE GOT SOME RECORDS HERE
5 THAT ARE INDICATING THAT A CORRIE DAVIS HAS A
6 CRIMINAL RECORD. IS THAT YOU?

7 JUROR: A CORRIE DAVIS?

8 THE COURT: YES. ARE YOU CORRIE DAVIS?

9 JUROR: YES, SIR.

10 THE COURT: WHAT IS THE CHARGE?

11 SOLICITOR BAILEY: YOUR HONOR, I LAID IT UP
12 THERE.

13 THE COURT: HAVE YOU EVER BEEN CONVICTED OF
14 A DRUG CHARGE?

15 JUROR: NO, SIR.

16 MR. STONE: CORRIE M. DAVIS, GRAND LARCENY,
17 NEW YORK.

18 THE COURT: HOW ABOUT GRAND LARCENY?

19 JUROR: NO.

20 MR. STONE: I RECOGNIZE THIS AS BEING FROM
21 NEW YORK.

22 THE COURT: ARE YOU FROM NEW YORK?

23 JUROR: A LONG TIME AGO.

24 THE COURT: GIVE US YOUR BIRTHDAY, PLEASE.

25 JUROR: AUGUST 17, 1937.

1 MR. STONE: SOCIAL SECURITY NUMBER?

2 JUROR: 251-56-2614.

3 SOLICITOR BAILEY: IT'S THE SAME RECORD.

4 THE COURT: YOU WERE CONVICTED OF GRAND

5 LARCENY IN NEW YORK?

6 JUROR: I DIDN'T GO TO JAIL OR ANYTHING.

7 MR. STONE: I DIDN'T UNDERSTAND THAT.

8 THE COURT: SHE DIDN'T GO TO JAIL. I

9 DIDN'T ASK YOU THAT, BUT WERE YOU CONVICTED?

10 JUROR: YES, SIR.

11 THE COURT: YOU ARE DISQUALIFIED. I AM

12 GLAD WE FOUND THIS. I WANT TO SAY TO YOU THAT I

13 WOULD HAVE HAD TO DEAL WITH YOU IN A VERY SERIOUS

14 MANNER HAD YOU SAT ON THIS JURY.

15 JUROR: OH.

16 (THE FOLLOWING BENCH CONFERENCE WITH THE

17 NEXT JUROR WAS REPORTED.)

18 THE COURT: SIR, THIS IS THE THIRD TIME YOU

19 HAVE BEEN UP HERE. WE FIND OUT THAT YOU GOT A LITTLE

20 CRIMINAL RECORD, TOO.

21 JUROR: JERSEY?

22 THE COURT: SIR?

23 JUROR: NEW JERSEY?

24 THE COURT: WHY DIDN'T YOU TELL ME THAT A

25 WHILE AGO?

1 JUROR: WELL, I FIGURE I WAS BACK IN SOUTH
2 CAROLINA.

3 THE COURT: NO, SIR. YOU KNEW BETTER THAN
4 THAT. YOU DIDN'T WANT TO COME FORWARD. I OUGHT TO
5 PUT YOU IN JAIL. YOU ARE EXCUSED.

6 JUROR: THANK YOU.

7 COURT REPORTER: WHO WAS THAT?

8 MR. STONE: NUMBER 37.

9 (THE BENCH CONFERENCES WERE CONCLUDED.)

10 THE COURT: LADIES AND GENTLEMEN, LET ME
11 SAY THIS TO YOU. THIS IS A VERY SERIOUS MATTER. IF
12 ANY OF YOU HAVE ANY QUESTIONS ABOUT YOUR
13 QUALIFICATIONS, PLEASE COME FORWARD AT THIS TIME.

14 IF YOU ARE EMBARRASSED ABOUT IT, I WOULD
15 UNDERSTAND THAT. I WILL DISCUSS IT WITH YOU IN
16 PRIVATE; BUT IF YOU FAIL TO DISCLOSE IT AND I FIND
17 OUT ABOUT IT ANY TIME AFTER 2:30 THIS AFTERNOON, I
18 WILL PUT YOU IN JAIL. IT'S JUST THAT SIMPLE. SO
19 PLEASE COME FORWARD.

20 (JUROR STANDS.)

21 THE COURT: WE HAVE GOT ONE MORE. COME
22 FORWARD.

23 (JUROR COMES FORWARD.)

24 THE COURT: GOOD AFTERNOON. YOUR NAME,
25 SIR?

1 JUROR: EVERETTE THOMAS.

2 THE COURT: YOUR JUROR NUMBER?

3 JUROR: 286.

4 THE COURT: YOUR RESPONSE PLEASE?

5 JUROR: I WOULD LIKE TO TALK TO YOU IN
6 PRIVATE.

7 THE COURT: SURELY.

8 (THE FOLLOWING BENCH CONFERENCE WITH THE
9 JUROR WAS REPORTED.)

10 JUROR: I CAN'T READ OR WRITE.

11 THE COURT: THAT WILL BE THE NEXT QUESTION.
12 I CAN DO IT NOW. COUNSEL, COME FORWARD.

13 (THE ATTORNEYS COME FORWARD.)

14 THE COURT: HE IS EMBARRASSED. HE CAN'T
15 READ OR WRITE. I WILL EXCUSE HIM.

16 MR. STONE: HOW FAR DID YOU GO IN SCHOOL?

17 JUROR: EIGHTH.

18 THE COURT: WHAT KIND OF WORK DO YOU DO?

19 JUROR: I PICK UP LINEN AT HOLIDAY INN.

20 THE COURT: YOU DON'T READ THE NEWSPAPER?

21 JUROR: NO, SIR.

22 THE COURT: NEVER DID LEARN TO READ?

23 JUROR: NO, SIR.

24 THE COURT: IF HE CAN'T READ OR WRITE, I
25 CAN'T ACCEPT HIM.

1 MR. STONE: CAN YOU UNDERSTAND WHAT IS
2 GOING ON TODAY? DO YOU UNDERSTAND WHAT WE ARE
3 TALKING ABOUT?

4 JUROR: YES, SIR.

5 MR. STONE: DO YOU UNDERSTAND ALL THE
6 QUESTIONS THE JUDGE ASKED YOU?

7 JUROR: A LITTLE BIT.

8 THE COURT: YOU THINK YOU DON'T UNDERSTAND
9 ALL THAT WE ARE SAYING ALL THE TIME?

10 JUDGE: NO, NOT ALL THE TIME.

11 MR. STONE: ALL RIGHT, SIR.

12 THE COURT: BY AGREEMENT HE IS EXCUSED.

13 MR. STONE: WHAT NUMBER?

14 JUROR: 286.

15 (THE BENCH CONFERENCE WAS CONCLUDED.)

16 (JUROR STANDS.)

17 THE COURT: YOUR NUMBER?

18 JUROR: NUMBER 97.

19 THE COURT: YOUR RESPONSE?

20 JUROR: I WORK WITH TWO OF THE VICTIM'S
21 RELATIVES.

22 THE COURT: THIS IS NOT THE APPROPRIATE
23 TIME. I WILL GET TO THAT, PLEASE. THE ONLY THING I
24 AM CONCERNED WITH NOW PLEASE IS WHETHER OR NOT YOU
25 HAVE BEEN CONVICTED OR PLED GUILTY IN A STATE OR

1 FEDERAL COURT. THOSE WHO MAY HAVE SOME OTHER BASES,
2 WE WILL ADDRESS THAT AT AN APPROPRIATE TIME.

3 (JUROR STANDS.)

4 THE COURT: YES, SIR, COME FORWARD.

5 (THE FOLLOWING BENCH CONFERENCE WAS
6 REPORTED.)

7 JUROR: MY PAST CRIMINAL RECORD IS WHEN I
8 WAS A JUVENILE. IT'S PRETTY BAD. I DON'T THINK I
9 FEEL I SHOULD REPRESENT THIS JURY.

10 THE COURT: HOW BAD WAS YOUR RECORD?

11 JUROR: PRETTY BAD.

12 THE COURT: WHAT STATE WAS THIS IN?

13 JUROR: ORANGEBURG.

14 THE COURT: HOW OLD WERE YOU?

15 JUROR: FIFTEEN, 16, STUFF LIKE THAT. I
16 WAS IN COURT MUCH WHEN I WAS YOUNGER.

17 THE COURT: AND YOUR NAME?

18 JUROR: EDDIE MOORE.

19 MR. SIMS: I THINK I REMEMBER HIM.

20 THE COURT: CAN WE EXCUSE HIM?

21 JUROR: I REMEMBER HIM WHEN HE WAS HERE AT
22 THE TIME.

23 MR. STONE: DID HE PROSECUTE YOU?

24 JUROR: YEAH, AND I GOT SOME TIME.

25 MR. STONE: HAVE A NICE DAY.

1 THE COURT: BY AGREEMENT. THANK YOU,
2 MR. DUFFEE.

3 MR. STONE: YES, SIR.

4 THE COURT: ANYONE ELSE, PLEASE? LAST
5 CALL.

6 (THERE WAS NO RESPONSE.)

7 THE COURT: FOR THOSE OF YOU WHO HAVE
8 RESPONDED, I CERTAINLY APPRECIATE IT.

9 MR. STONE: CAN WE APPROACH, PLEASE?

10 THE COURT: YES, SIR.

11 (THE FOLLOWING BENCH CONFERENCE WAS
12 REPORTED.)

13 MR. STONE: WE HAVE GOT JUROR NUMBER 128
14 WHO HAS COME UP BEFORE, HALLINGQUEST. IT LOOKS LIKE
15 HE HAS GOT A BREACH OF TRUST.

16 MR. SIMS: A BREACH OF TRUST CONVICTION.
17 DOESN'T IT SAY BREACH OF TRUST?

18 MR. STONE: IT MIGHT BE A MAGISTRATE
19 OFFENSE. I WOULD RATHER GO AHEAD AND CLEAR IT UP.

20 MR. SIMS: THAT'S THE MANUFACTURER OF
21 MARIJUANA THAT WAS UP HERE WATERING THE DEAD PLANTS.

22 THE COURT: I THOUGHT WE EXCUSED HIM.

23 MR. STONE: NO, SIR.

24 (THE BENCH CONFERENCE WAS CONCLUDED.)

25 THE COURT: JUROR HALLINGQUEST, PLEASE COME

1 BACK.

2 (THE JUROR COMES FORWARD AND THE FOLLOWING
3 BENCH CONFERENCE WAS REPORTED.)

4 THE COURT: IN ADDITION TO YOUR MARIJUANA,
5 WE ARE SHOWING HERE A BREACH OF TRUST. WAS THAT IN
6 THE MAGISTRATE'S COURT OR IN THE BIG COURT?

7 JUROR: MAGISTRATE COURT.

8 MR. STONE: THANK YOU.

9 THE COURT: DO YOU HAVE ANYTHING ELSE?

10 JUROR: (SHAKES HEAD.) (INDICATING
11 NEGATIVE RESPONSE.)

12 THE COURT: YOU THINK WE HAVE GOT IT ALL?

13 JUROR: THAT'S IT.

14 MR. STONE: WE THINK HE IS QUALIFIED.

15 THE COURT: YOU ARE STILL LOOKING FOR THE
16 RAIN?

17 MR. STONE: IT'S COMING WEDNESDAY, JUDGE.

18 THE COURT: THANK YOU.

19 (THE BENCH CONFERENCE WAS CONCLUDED.)

20 THE COURT: STAY WITH US, PLEASE. IS THERE
21 ANYONE AMONG YOU THAT HAS LESS THAN A SIXTH GRADE
22 EDUCATION OR ITS EQUIVALENT? I WANT YOU TO COME
23 FORWARD, PLEASE, AND IF THERE IS ANY MEMBER OF THE
24 JURY PANEL WHO IS UNABLE TO READ, WRITE, SPEAK OR
25 UNDERSTAND THE ENGLISH LANGUAGE, PLEASE COME FORWARD.

1 IS THERE ANYBODY WITH LESS THAN A SIXTH
2 GRADE EDUCATION OR ANYONE UNABLE TO READ, WRITE,
3 SPEAK OR UNDERSTAND THE ENGLISH LANGUAGE? PLEASE
4 COME FORWARD.

5 (JURORS STAND AND COME FORWARD.)

6 THE COURT: RIGHT THERE PLEASE. YOUR NAME?

7 JUROR: LAURIE W. BERRY.

8 THE COURT: YOUR JUROR NUMBER?

9 JUROR: 16.

10 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

11 JUROR: I PASSED TO THE SIXTH GRADE BUT I
12 DIDN'T WENT TO THE SIXTH GRADE. I DIDN'T MAKE IT TO
13 THE SIXTH GRADE.

14 THE COURT: YOU READ AND WRITE, DON'T YOU?

15 JUROR: NOT TOO GOOD.

16 THE COURT: WHAT KIND OF WORK DO YOU DO?

17 JUROR: FARMING.

18 THE COURT: YOU DID NOT COMPLETE THE SIXTH
19 GRADE?

20 JUROR: NO, SIR.

21 THE COURT: AND YOU ARE TELLING ME THAT YOU
22 DO NOT READ OR WRITE TOO WELL?

23 JUROR: THAT'S RIGHT..

24 THE COURT: WHAT TYPE OF WORK HAVE YOU DONE
25 ON THE FARM?

1 JUROR: I'M A SELF-EMPLOYED FARMER.

2 THE COURT: SELF-EMPLOYED?

3 JUROR: YES, SIR.

4 THE COURT: WHO KEEPS YOUR BOOKS AND ALL?

5 JUROR: MY DAUGHTER AND MY WIFE.

6 THE COURT: YOU DON'T KEEP THE RECORDS

7 YOURSELF?

8 JUROR: NO, SIR. THEY HELP ME OUT. I CAN

9 GO THROUGH THINGS BUT THEY HELP ME.

10 THE COURT: ANY QUESTIONS?

11 JUROR: I ASKED FOR AN EXCUSE. I DON'T

12 HAVE NO HELP ON THE FARM.

13 THE COURT: NO, SIR, I DON'T WANT TO GET

14 INTO THAT.

15 MR. STONE: YOU UNDERSTAND WHAT IS GOING ON

16 HERE? HAVE YOU UNDERSTOOD HIS QUESTIONS?

17 JUROR: YES.

18 MR. STONE: HE SEEMS PRETTY INTELLIGENT TO

19 ME, YOUR HONOR.

20 THE COURT: YOU HAVE BEEN YOUR OWN FARMER

21 ALL THESE YEARS?

22 JUROR: NO, ABOUT 20 YEARS.

23 THE COURT: ABOUT 20?

24 JUROR: UH-HUH. (INDICATING AFFIRMATIVE

25 RESPONSE.)

1 THE COURT: YOU RUN YOUR FARM YOURSELF?

2 JUROR: THAT'S RIGHT.

3 THE COURT: HOW MANY ACRES DO YOU RUN?

4 JUROR: ABOUT 500 ACRES.

5 THE COURT: YOU ARE QUALIFIED TO SERVE.

6 THANK YOU. YOUR NAME, PLEASE?

7 JUROR: WITTINELLA PEARSON.

8 THE COURT: WHAT IS YOUR RESPONSE?

9 JUROR: JAMAICAN.

10 THE COURT: WHAT NUMBER?

11 JUROR: I DON'T KNOW OR GOT THE NUMBER.

12 CLERK: NUMBER 236.

13 THE COURT: ARE YOU HAVING SOME DIFFICULTY

14 UNDERSTANDING THESE PROCEEDINGS?

15 JUROR: YES, SIR, A LITTLE BIT.

16 THE COURT: A LITTLE BIT?

17 JUROR: YES, SIR.

18 THE COURT: HOW FAR DID YOU GO IN SCHOOL,

19 SIR?

20 JUROR: I DIDN'T GO TO SCHOOL. I GO TO

21 SCHOOL IN JAMAICA.

22 THE COURT: HOW FAR DID YOU GO THERE?

23 JUROR: FIFTH GRADE.

24 THE COURT: WHAT KIND OF WORK DO YOU DO

25 HERE?

1 JUROR: LANDSCAPING.

2 THE COURT: SIR?

3 JUROR: LAND CARE.

4 THE COURT: YOU DID NOT GO BEYOND THE FIFTH
5 GRADE?

6 JUROR: NO, SIR.

7 THE COURT: YOU ARE TELLING ME YOU HAVE
8 SOME DIFFICULTY WITH OUR LANGUAGE?

9 JUROR: YES, SIR.

10 THE COURT: I WILL EXCUSE THIS JUROR.

11 MR. STONE: YES, SIR.

12 THE COURT: THANK YOU. YOU ARE EXCUSED.

13 JUROR: THANK YOU, SIR.

14 THE COURT: GOOD AFTERNOON. YOUR NAME,
15 PLEASE?

16 JUROR: ELVANIA JOHNSON. YOU GOT IT DOWN
17 AS VIRGINIA JOHNSON.

18 THE COURT: DO YOU YOUR NUMBER?

19 JUROR: NUMBER 178, I BELIEVE IT IS.

20 THE COURT: HOW FAR DID YOU GO IN SCHOOL?

21 JUROR: THEY PASSED ME TO THE NINTH.

22 THE COURT: THEY PASSED YOU?

23 JUROR: YES.

24 THE COURT: JUST PASSED YOU?

25 JUROR: BUT I DON'T KNOW HOW TO READ.

1 THE COURT: YOU DON'T READ AT ALL?

2 JUROR: (SHAKES HEAD.) (INDICATING
3 NEGATIVE RESPONSE.)

4 THE COURT: SHE SAYS SHE CAN'T READ.

5 MR. STONE: HOW DID YOU KNOW YOUR JUROR
6 NUMBER?

7 JUROR: I HAD TO GET SOMEBODY TO SHOW ME.

8 MR. STONE: WHAT DO YOU DO, MRS. JOHNSON?

9 JUROR: I AM ON DISABILITY NOW.

10 MR. STONE: YOU ARE. OKAY. ALL RIGHT,
11 SIR.

12 THE COURT: I AM GOING TO EXCUSE
13 MRS. JOHNSON. THANK YOU. THANK YOU, MA'AM. YOUR
14 NAME, PLEASE, MA'AM?

15 JUROR: ELLEN SHIVERS.

16 THE COURT: DO YOU HAVE YOUR JUROR NUMBER?

17 JUROR: I AIN'T GOT IT.

18 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

19 JUROR: SIR?

20 THE COURT: CAN YOU READ AND WRITE?

21 JUROR: A LITTLE BIT. I STOP IN THE
22 SEVENTH GRADE.

23 THE COURT: SEVENTH GRADE. CAN YOU READ
24 YOUR MORNING NEWSPAPER?

25 JUROR: SOME PART OF IT.

1 THE COURT: WHAT KIND OF WORK DO YOU DO?

2 JUROR: I'M A CUSTODIAN AT ELLOREE HIGH
3 SCHOOL.

4 THE COURT: MA'AM?

5 JUROR: I'M A CUSTODIAN AT ELLOREE HIGH
6 SCHOOL, HEAD CUSTODIAN.

7 THE COURT: HEAD CUSTODIAN. HOW MANY
8 CHILDREN DO YOU HAVE?

9 JUROR: ELEVEN.

10 THE COURT: I SUSPECT ANYBODY WHO RAISED
11 ELEVEN CHILDREN IS QUALIFIED TO SERVE. YES, MA'AM, I
12 WILL KEEP YOU. BASED ON YOUR WORK AND EXPERIENCE AND
13 ALL, YOU WILL BE QUALIFIED TO SERVE IF SELECTED.

14 MR. STONE: YES, SIR.

15 THE COURT: THANK YOU. ANYONE ELSE?

16 (THERE WAS NO RESPONSE.)

17 THE COURT: NOW, LADIES AND GENTLEMEN, IF
18 ANY ONE OF YOU HAVE SOME SERIOUS PHYSICAL PROBLEM
19 WHICH IN YOUR OPINION WOULD PREVENT YOU FROM
20 RENDERING EFFICIENT JURY SERVICE, I WANT YOU TO COME
21 FORWARD.

22 AS AN EXAMPLE, IF ANY OF YOU HAVE A
23 DOCTOR'S EXCUSE, COME FORWARD. IF ANY OF YOU ARE ON
24 HEAVY MEDICATION WHEREBY YOU MIGHT TEND TO BECOME
25 DROWSY, COME FORWARD.

1 IF ANYONE HAS ANY SERIOUS HEARING PROBLEMS,
2 COME FORWARD. IF ANY OF YOU HAVE SUCH KIDNEY
3 PROBLEMS THAT YOU FEEL LIKE THAT YOU COULD NOT SERVE,
4 I WANT YOU TO COME FORWARD.

5 (JURORS STAND AND COME FORWARD.)

6 THE COURT: YOUR NAME, SIR?

7 JUROR: JOHN JOHNSON.

8 THE COURT: MR. JOHNSON, WHAT IS YOUR JUROR
9 NUMBER?

10 JUROR: I DON'T KNOW IT.

11 THE COURT: WHAT WAS YOUR RESPONSE,
12 MR. JOHNSON, TO MY QUESTION REGARDING INFIRMITY?

13 JUROR: I HAVE ARTHRITIS REAL BAD.

14 THE COURT: DO YOU WORK ANYWHERE?

15 JUROR: NO, SIR.

16 THE COURT: IF YOU WERE SELECTED ON THE
17 JURY, YOU WOULD HAVE TO SIT IN THIS JURY BOX FOR AN
18 HOUR, HOUR AND A HALF AT A TIME. DO YOU TELL ME THAT
19 YOUR ARTHRITIS IS SUCH THAT YOU COULD NOT BE ABLE TO
20 DO THAT?

21 JUROR: YES, SIR.

22 THE COURT: YOU HAVE TO STAND AND SO FORTH?

23 JUROR: YES, SIR.

24 THE COURT: ARE YOU UNDER DOCTOR'S CARE AS
25 WE SPEAK?

1 JUROR: YES, SIR.

2 THE COURT: DO YOU HAVE A DOCTOR'S EXCUSE
3 OR DID YOU ASK FOR ONE?

4 JUROR: NO, I DIDN'T.

5 THE COURT: WHAT IS IT, RHEUMATOID
6 ARTHRITIS?

7 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
8 RESPONSE.)

9 THE COURT: YOU ARE ASKING BASED ON THAT
10 THAT I EXCUSE YOU?

11 JUROR: YES, SIR.

12 THE COURT: I WOULD BE GLAD TO HAVE YOU --
13 I WOULD NOT WISH ANYONE TO BE UNCOMFORTABLE. YES,
14 SIR, I WILL EXCUSE YOU.

15 JUROR: THANK YOU.

16 THE COURT: YES, MA'AM.

17 JUROR: ANGELA BISHOP, JUROR NUMBER 18.

18 THE COURT: YES, MA'AM.

19 JUROR: BECAUSE I AM SUFFERING FROM MANIC
20 DEPRESSION.

21 THE COURT: DO YOU HAVE A DOCTOR'S EXCUSE?

22 JUROR: I HAVE THIS AND BI-POLAR DISORDER
23 AND ATTEMPTED SUICIDE SEVERAL TIMES IN THE PAST.

24 THE COURT: LOOK AT THIS, MR. DUFFIE.

25 (PAUSE.)

1 THE COURT: ANY OBJECTION TO EXCUSING HER?

2 MR. STONE: NO, SIR.

3 SOLICITOR BAILEY: NO, SIR.

4 THE COURT: I WILL EXCUSE YOU. THANK YOU
5 SO MUCH. I DO HOPE YOU FEEL BETTER. YOUR NAME,
6 PLEASE?

7 JUROR: IDA NEW.

8 THE COURT: WHAT IS YOUR RESPONSE?

9 JUROR: I AM ON A LOT OF NERVE MEDICATION.

10 THE COURT: WHAT KIND? CAN YOU TELL US?
11 COME FORWARD, PLEASE..

12 JUROR: IT HELPS TO RELAX ME. I GET REALLY
13 NERVOUS. I KIND OF FREAK OUT. I SHAKES A LOT.

14 MR. STONE: WHAT KIND OF MEDICATION?

15 JUROR: PAXIL. I CRY AND SHAKE A LOT AND
16 NERVOUS.

17 MR. STONE: WHAT KIND DO YOU HAVE? DO YOU
18 KNOW WHAT IT'S CALLED?

19 JUROR: I GOT TO TAKE IT EVERY DAY.

20 MR. STONE: IF YOU TAKE IT EVERY DAY, JUST
21 ONCE A DAY, TWICE A DAY?

22 JUROR: IT'S ONCE A DAY. IT'S THE
23 STRONGEST ONE THEY HAVE AND IT'S SUPPOSED TO RELAX
24 ME.

25 MR. STONE: IF YOU ARE ON IT AND TAKE IT

1 ONCE A DAY, DOES IT CONTROL YOU?

2 JUROR: TALK ABOUT AROUND PEOPLE? I START
3 SHAKING.

4 MR. STONE: WE ARE NICE PEOPLE.

5 JUROR: I GET REALLY NERVOUS AND REALLY
6 UPSET AND REALLY NERVOUS REAL QUICK. AND NOT ONLY
7 THAT, I AM TAKING CARE OF MY MOTHER AND AN ELDERLY
8 LADY.

9 THE COURT: IT'S APPARENT TO ME FROM HER
10 PHYSICAL APPEARANCE THAT SHE IS NOT QUALIFIED.

11 MR. STONE: I AGREE. THANK YOU.

12 THE COURT: EXCUSED BY AGREEMENT. THANK
13 YOU.

14 CLERK: THIS IS CARRIE YOUMAN.

15 MR. STONE: YOUR NUMBER?

16 JUROR: I THINK IT'S 322. I'M NOT FOR
17 SURE. I GOT THIS LETTER FROM MENTAL HEALTH THAT I GO
18 TO FROM MY DOCTOR.

19 (HANDS TO COURT.)

20 THE COURT: SHE HAS A DOCTOR'S EXCUSE.
21 YOUR NAME, SIR?

22 JUROR: STEVE FOGLE.

23 THE COURT: YES, MR. FOGLE.

24 JUROR: NUMBER 97. MY HEARING IS REAL BAD.

25 THE COURT: WHERE DO YOU WORK, SIR?

1 JUROR: OKAKNIGHT (PH.) CABLES.

2 THE COURT: WHAT DO YOU DO?

3 JUROR: I'M A MECHANIC, INDUSTRIAL
4 MECHANIC.

5 THE COURT: HOW CAN YOU DO THAT WITH A
6 HEARING -- HAVE YOU GOT A HEARING DOCTOR? HAS A
7 DOCTOR EVER DIAGNOSED YOU AS HEARING DISABLED?

8 JUROR: YES.

9 THE COURT: DO YOU USE A HEARING AID?

10 JUROR: NO.

11 THE COURT: WHY?

12 JUROR: I DON'T LIKE THEM.

13 THE COURT: THAT'S A GOOD REASON.

14 MR. STONE: EXCUSE ME, BUT WAS MRS. YOU MAN
15 EXCUSED?

16 THE COURT: YES, SHE WAS EXCUSED. DO YOU
17 NEED TO ASK HIM ANY QUESTIONS?

18 MR. STONE: I DIDN'T UNDERSTAND. ARE YOU
19 READING LIPS NOW?

20 JUROR: SOMETIMES I DO, NOT RIGHT NOW, NO.

21 THE COURT: CAN YOU HEAR ME NOW?

22 JUROR: YES.

23 MR. STONE: WHEN DO YOU FEEL LIKE YOU CAN'T
24 HEAR?

25 JUROR: BACKGROUND NOISE.

1 THE COURT: WE ARE NOT GOING TO HAVE ANY
2 BACKGROUND NOISE IN THIS COURTROOM.

3 JUROR: I GOT OTHER REASONS, TOO.

4 THE COURT: I WILL NOT DEAL WITH THAT RIGHT
5 NOW. I WILL QUALIFY YOU ON THE HEARING DISABILITY.
6 WE WILL DEAL WITH ANY OTHER REASON AT AN APPROPRIATE
7 TIME. THANK YOU.

8 MR. STONE: YOUR NUMBER, SIR?

9 JUROR: NUMBER 97.

10 THE COURT: I CAN ASSURE YOU THAT THERE IS
11 GOING TO BE QUIET IN THIS COURTROOM. DON'T YOU WORRY
12 ABOUT THAT. THERE WILL BE NO BACKGROUND NOISE,
13 UNLESS IT'S MINE. YOUR NAME, SIR?

14 JUROR: CHAS ENGLISH, NUMBER 90.

15 THE COURT: MR. ENGLISH, WHAT IS YOUR
16 RESPONSE?

17 JUROR: MY DOCTOR SENT A NOTE TO THE CLERK
18 WHEN I SENT MY PAPERS.

19 THE COURT: MISS MARSHA, SEE IF YOU HAVE
20 GOT A DOCTOR'S EXCUSE.

21 (HANDS TO COURT.)

22 THE COURT: LET ME ASK YOU THIS. DO YOU
23 THINK YOU WOULD BE ABLE TO SIT FOR AN HOUR OR TWO
24 HOURS AT A TIME?

25 JUROR: NO, I COULD HANDLE THAT.

1 THE COURT: I DON'T WANT YOU TO BE
2 UNCOMFORTABLE BUT WE WOULD LIKE ALL GOOD CITIZENS TO
3 BE PART OF THE POOL.

4 JUROR: OKAY.

5 THE COURT: I WILL LEAVE HIM ON THE JURY.

6 MR. STONE: THANK YOU, SIR.

7 THE COURT: THANK YOU SO MUCH. YOUR NAME,
8 PLEASE?

9 JUROR: BRENDA BURGESS, NUMBER 41.

10 THE COURT: YOUR RESPONSE?

11 JUROR: I WAS RECENTLY HOSPITALIZED FOR A
12 HEART CONDITION AND I JUST GOT OUT. I HAVE UNSTABLE
13 ANGINA, I HAVE LOWER BACK PROBLEMS AND I'M A
14 DIABETIC. I TAKE EIGHT DIFFERENT MEDICATIONS EVERY
15 MORNING. THEY MAKE ME RATHER DROWSY.

16 MR. STONE: YES, SIR.

17 THE COURT: I WILL EXCUSE YOU.

18 JUROR: THANK YOU.

19 THE COURT: GOOD AFTERNOON. YOUR NAME,
20 PLEASE?

21 JUROR: DAVINA ULMER.

22 THE COURT: WHAT WAS YOUR RESPONSE?

23 JUROR: MY NUMBER IS 297. I AM ON
24 MEDICATION THAT CAN CAUSE ME TO BE DROWSY SITTING
25 WITH THE JURY.

1 THE COURT: COME FORWARD, PLEASE. WHAT
2 KIND OF MEDICATION?

3 JUROR: HIGH BLOOD PRESSURE MEDICINE THAT I
4 TAKE DAILY.

5 THE COURT: WHERE DO YOU WORK?

6 JUROR: I AM STARTING A NEW JOB TODAY.

7 THE COURT: WHERE?

8 JUROR: SOUTH CAROLINA STATE CAMPUS,
9 DEVELOPMENT CENTER.

10 THE COURT: NO, MA'AM, I CAN'T EXCUSE YOU.

11 JUROR:--EVEN IF I AM ON MEDICATION?

12 THE COURT: NO, MA'AM. IF YOU CAN HOLD
13 THAT JOB, YOU CAN CERTAINLY SIT IN THE JURY BOX. I
14 KNOW IT'S INCONVENIENT. IF YOU GET ME A MEDICAL
15 EXCUSE, I WILL CONSIDER THAT BUT I CAN'T EXCUSE
16 ANYBODY ON HIGH BLOOD PRESSURE -- I AM ON HIGH BLOOD
17 PRESSURE MYSELF. IF YOU HAVE GOT A RESPONSIBLE JOB
18 AT SOUTH CAROLINA STATE COLLEGE, I THINK YOU COULD BE
19 A RESPONSIBLE JUROR.

20 JUROR: IS THAT GOING TO LAST A DAY?

21 THE COURT: I WILL DEAL WITH ALL THE OTHER
22 QUESTIONS LATER. LET ME DEAL WITH THEM ONE AT A
23 TIME. I DECLINE TO DO IT ON THE BASIS OF A MEDICAL
24 EXCUSE.. GOOD AFTERNOON.

25 JUROR: MY NAME IS WILLIE MAE WISE.

1 THE COURT: YES, MA'AM.

2 JUROR: I AM DIABETIC AND HAVE A HEART
3 CONDITION. THAT'S MY EXCUSE.

4 THE COURT: I AM GOING TO LEAVE IT TO YOU.
5 DO YOU FEEL LIKE THAT IT WOULD BE UNDULY BURDENSOME
6 TO YOU TO SERVE AS A JUROR?

7 JUROR: WELL, NO, SIR. I AM AGAINST A
8 WHOLE LOT OF THINGS. I DON'T THINK I WOULD BE A GOOD
9 JUROR.

10 THE COURT: DO YOU WANT TO EXCUSE HER?

11 JUROR: AND I'M 65.

12 THE COURT: I CAN EXCUSE YOU ON THAT BASIS.

13 JUROR: THANK YOU.

14 THE COURT: YES, MA'AM.

15 JUROR: MY NAME IS RUTHIE WISE. I AM
16 RECENTLY OUT OF THE HOSPITAL FROM HAVING SURGERY LAST
17 WEEK AND MY DOCTOR ASKED THAT I BE EXCUSED.

18 THE COURT: MAY I HAVE IT, PLEASE.

19 (HANDS TO COURT.)

20 THE COURT: I HATE TO BURDEN YOU AND ALL
21 THE OTHER JURORS BUT OUR PROCEDURE JUST ABSOLUTELY
22 REQUIRES --

23 JUROR: I CAN UNDERSTAND THAT.

24 THE COURT: I HOPE YOU DO. THANK YOU. I
25 APPRECIATE YOU COMING FORWARD.

1 JUROR: THE SURGERY CAME AFTER I AM SENT
2 THE SURVEY IN.

3 THE COURT: ARE YOU DOING ALL RIGHT NOW?

4 JUROR: YES, SIR.

5 THE COURT: SHE HAS A DOCTOR'S EXCUSE.
6 THAT WILL BE MADE PART OF THE RECORD. YOU ARE
7 EXCUSED. THANK YOU FOR COMING FORWARD. I DO HOPE
8 YOU ARE FEELING BETTER. COME FORWARD, PLEASE. YES,
9 MA'AM.

10 JUROR: MY NAME IS DORIS WALKER. I THINK
11 IT'S JUROR NUMBER 300. I'M EIGHT AND A HALF MONTHS
12 PREGNANT. I HAVE A WEAK BLADDER.

13 THE COURT: YES, SIR, I WILL EXCUSE YOU.
14 YOU MAY LEAVE.

15 CLERK: THAT WAS 301.

16 THE COURT: ANYONE ELSE HAVE ANY TYPE OF
17 DOCTOR'S EXCUSES OR PHYSICAL PROBLEMS?

18 (THERE WAS NO RESPONSE.)

19 THE COURT: IN ADDITION TO THE FOREGOING,
20 THERE ARE CERTAIN PEOPLE WHO ARE EXEMPT FROM JURY
21 SERVICE AND THE OPTION AS TO WHETHER OR NOT YOU SHALL
22 SERVE REMAINS WITH YOU.

23 HAS ANY MEMBER OF THIS JURY PANEL SERVED AS
24 A JUROR IN THE COURT OF COMMON PLEAS OR GENERAL
25 SESSIONS DURING THE LAST THREE YEARS AND DESIRES TO

1 BE EXCUSED? PLEASE STAND. HAVE ANY OF YOU SERVED AS
2 A JUROR IN THE LAST THREE YEARS?

3 (JUROR STANDS.)

4 THE COURT: COME FORWARD, PLEASE..

5 JUROR: I DIDN'T SERVE IN ORANGEBURG BUT I
6 SERVED IN BALTIMORE, MARYLAND.

7 THE COURT: SERVED WHERE?

8 JUROR: BALTIMORE, MARYLAND.

9 THE COURT: WHEN WAS THAT?

10 JUROR: IN 1995.

11 THE COURT: HOW DID YOU SERVE UP THERE IF
12 YOU LIVE DOWN HERE?

13 JUROR: I JUST MOVED DOWN HERE.

14 THE COURT: THAT'S OKAY. WE WILL BE GLAD
15 TO HAVE YOU.

16 MR. STONE: WHAT WAS YOUR NUMBER?

17 JUROR: 161.

18 THE COURT: IS THERE ANY MEMBER OVER THE
19 AGE OF 65 WHO WISHES TO BE EXCUSED? NOW, WE FIND
20 THAT INDIVIDUALS 65 AND OVER BASED ON THEIR
21 EXPERIENCES IN LIFE SOMETIMES MAKE THE BEST JURORS.

22 HOWEVER, THE STATUTORY LAWS OF SOUTH
23 CAROLINA SAY THAT IF YOU ARE 65 OR OLDER AND WISH TO
24 BE EXCUSED, I AM REQUIRED TO DO SO RELUCTANTLY. I
25 WOULD BE GLAD TO KEEP YOU NOW. DON'T GET UP IF YOU

1. WANT TO STAY WITH ME.

2. (JURORS STAND AND COME FORWARD.)

3. FIRST JUROR: HE'S 65 AND I'M 71, YOUR
4. HONOR. THAT'S WHY I AM AHEAD OF HIM.

5. THE COURT: I GOT YOU.

6. SECOND JUROR: I'M '66.

7. FIRST JUROR: SORRY. I'M RUTLEDGE CONNOR,
8. J. R. CONNOR. I DON'T REMEMBER MY NUMBER.

9. THE COURT: WE WILL REMEMBER YOU, I'M SURE.
10. LET ME ASK YOU THIS.

11. JUROR CONNOR: YES, SIR.

12. THE COURT: I WANT IT ABUNDANTLY CLEAR NOW
13. THAT EVEN THOUGH YOU ARE OVER 65, WE WILL BE
14. DELIGHTED TO HAVE YOU STAY AND SERVE IF YOU CARE TO.
15. IF YOU ARE EXCUSED IT'S BECAUSE YOU ARE REQUESTING
16. IT.

17. JUROR CONNOR: THANK YOU, SIR. I REQUEST
18. TO BE EXCUSED, PLEASE, SIR.

19. THE COURT: I WILL DO SO. THANK YOU. THE
20. SAME TO YOU, SIR. I WOULD NOT WANT YOU TO THINK THAT
21. WE WOULD NOT WISH TO HAVE YOU BECAUSE OF YOUR AGE.

22. SECOND JUROR: THANK YOU. I WISH TO BE
23. EXCUSED. THE COURT: YOU MAY BE EXCUSED. THANK YOU.

24. COURT REPORTER: I NEED THE JUROR'S NAME,
25. PLEASE.

1 JUROR: STEVE ILLES, 154.

2 THE COURT: THANK YOU, SIR. YOUR NAME,
3 PLEASE, MA'AM?

4 JUROR: VELMA CAIN. I'M 67 AND I REQUEST
5 TO BE EXCUSED.

6 THE COURT: REQUEST GRANTED. THANK YOU.
7 YES, MA'AM.

8 JUROR: I'M DORIS GAY. I'M 67 AND I
9 REQUEST TO BE EXCUSED.

10 THE COURT: DO WE HAVE YOUR JUROR NUMBER?

11 JUROR: I DON'T REMEMBER IT. I'M DORIS
12 GAY.

13 THE COURT: DO YOU HAVE YOUR JURY SUMMONS
14 WITH YOU?

15 MR. STONE: SHE IS 108, YOUR HONOR.

16 THE COURT: YOU ARE ASKING TO BE EXCUSED?

17 JUROR: YES, SIR.

18 THE COURT: I WILL DO SO. THANK YOU. YES,
19 MA'AM.

20 JUROR: NEATHER KELLY. I'M 66.

21 THE COURT: WHAT IS YOUR JUROR NUMBER?

22 JUROR: 187.

23 THE COURT: HOW OLD ARE YOU?

24 JUROR: I WISH TO BE EXCUSED, 66.

25 THE COURT: SIXTY-SIX. I WILL EXCUSE YOU.

1 YOUR NAME, SIR?

2 JUROR: GEORGE C. DYCHES.

3 THE COURT: JUROR NUMBER?

4 JUROR: NUMBER 86.

5 THE COURT: DO YOU REQUEST TO BE EXCUSED?

6 JUROR: YES, SIR.

7 THE COURT: HOW OLD ARE YOU, SIR?

8 JUROR: I'M 72.

9 THE COURT: AS I SAY TO THE OTHERS, YOU, OF
10 COURSE, WOULD BE WELCOME TO STAY AND PARTICIPATE; BUT
11 IF YOU ASK TO BE EXCUSED, I WILL CERTAINLY HONOR THAT
12 REQUEST.

13 JUROR: THANK YOU, JUDGE. HAVE A GOOD DAY.

14 THE COURT: YOU, TOO. NOW, IS THERE ANY
15 MEMBER OF THIS JURY PANEL WHO HAS LEGAL CUSTODY OF A
16 CHILD UNDER THE AGE OF SEVEN AND THERE IS NO ONE
17 EXCEPT YOURSELF TO CARE FOR THAT CHILD AND YOU WISH
18 TO BE EXCUSED?

19 NOW, IF YOU HAVE A CHILD UNDER THE AGE OF
20 SEVEN AND YOU ARE WORKING FULL-TIME, OBVIOUSLY WE ARE
21 GOING TO KEEP YOU HERE WITH US. BUT IF YOU HAVE A
22 YOUNG CHILD AND THERE IS NOBODY TO TAKE CARE OF THAT
23 CHILD EXCEPT YOURSELF, COME FORWARD AND WE WILL
24 CERTAINLY UNDERSTAND THAT.

25 IF YOU ARE A CAREGIVER AND HAVE ELDERLY

1 PARENTS AT HOME AND THERE IS NOBODY BUT YOURSELF, BUT
2 MAKE SURE THAT THERE IS NOBODY ELSE CARING FOR THAT
3 INDIVIDUAL. IF ANYBODY COMES UNDER THAT, PLEASE COME
4 FORWARD AND WE WILL DISCUSS IT.

5 (THERE WAS NO RESPONSE.)

6 THE COURT: THE STATUTORY LAWS OF SOUTH
7 CAROLINA PROVIDE THAT IF YOU ARE A FULL-TIME STUDENT
8 AND DESIRE TO BE EXCUSED, WE WILL CONSIDER THAT.
9 PLEASE COME FORWARD IF YOU ARE A FULL-TIME STUDENT
10 AND REQUEST TO BE EXCUSED.

11 (JUROR STANDS AND COMES FORWARD.)

12 THE COURT: GOOD AFTERNOON. YOUR NAME,
13 PLEASE, MA'AM?

14 JUROR: LOSHEILAH LAWRENCE.

15 THE COURT: WHAT IS YOUR RESPONSE,
16 MS. LAWRENCE?

17 JUROR: I'M A FULL-TIME GRADUATE STUDENT AT
18 THE MEDICAL UNIVERSITY OF SOUTH CAROLINA.

19 THE COURT: FULL-TIME GRADUATE STUDENT?

20 JUROR: YES.

21 THE COURT: AND YOU ASK TO BE EXCUSED? WE
22 WOULD BE DELIGHTED TO HAVE YOU STAY.

23 JUROR: I WOULD LIKE TO BE EXCUSED.

24 THE COURT: YOU MAY DO SO. THANK YOU.

25 MR. SIMS: WHAT IS HER NUMBER?

1 JUROR: 196.

2 THE COURT: ANYBODY EMPLOYED IN ANY
3 CAPACITY -- ONE MORE, PLEASE.

4 (JUROR STANDS AND COMES FORWARD.)

5 THE COURT: YOUR NAME, PLEASE?

6 JUROR: DENISE HICKSON.

7 THE COURT: MAY I HAVE YOUR NUMBER?

8 JUROR: I DON'T KNOW THE NUMBER.

9 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?

10 JUROR: I HAVE A FOUR-YEAR-OLD SON THAT IS
11 AT HOME, AND MY MOTHER SHE HAVE TO TAKE SHOTS LIKE
12 EVERY OTHER DAY.

13 THE COURT: MA'AM?

14 JUROR: I HAVE A FOUR-YEAR-OLD SON AT HOME.
15 MY MOTHER, SHE IS WATCHING HIM TODAY BECAUSE SHE HAVE
16 TO GO AND GET SHOTS EVERY OTHER DAY. SHE GOT A
17 SICKNESS.

18 THE COURT: DO YOU WORK ANYWHERE?

19 JUROR: NO.

20 THE COURT: YOU STAY THERE EVERY OTHER DAY
21 WITH YOUR CHILD?

22 JUROR: YES.

23 THE COURT: DO YOU DO IT OR YOUR MOMMA DOES
24 IT?

25 JUROR: I STAY WITH MY CHILD BECAUSE MY

1 MOTHER IS UNABLE BECAUSE SHE HAVE TO TAKE SHOTS AND
2 SHE BE DRUGGED. THE SHOTS HAVE A DRUG.

3 THE COURT: YOU ARE UNDER YOUR OATH. IF
4 YOU TELL ME THAT, I WILL EXCUSE YOU.

5 JUROR: THANK YOU.

6 CLERK: NUMBER 336.

7 THE COURT: ANY OBJECTION TO THAT EXCUSE?

8 MR. STONE: NO, SIR.

9 THE COURT: IS THERE ANY MEMBER OF THIS
10 JURY PANEL WHO IS A GUARD KEEPER, EMPLOYEE OF OTHER
11 OFFICER EMPLOYED AT THE STATE PENITENTIARY? IF SO,
12 PLEASE STAND.

13 (THERE WAS NO RESPONSE.)

14 THE COURT: NOW, LADIES AND GENTLEMEN,
15 THINKING AS HIGHLY AS I DO OF JURY SERVICE, IT IS MY
16 POLICY NEVER, EVER TO EXCUSE A JUROR. I AM SIMPLY
17 NOT GOING TO DO THAT.

18 AS I INDICATED BEFORE, JURY SERVICE IS THE
19 HIGHEST SERVICE THAT MOST OF US WILL EVER BE CALLED
20 UPON TO PERFORM. HAVING SAID THAT, I WOULD
21 UNDERSTAND THAT THERE MIGHT BE SOME COMPELLING REASON
22 WHY YOU FEEL THAT YOU COULD NOT SERVE THIS WEEK.

23 AS AN EXAMPLE, YOU MAY HAVE HAD A
24 PREPLANNED, PAID VACATION. THERE MAY BE SOME SPECIAL
25 CIRCUMSTANCE EXISTING IN YOUR WORK THAT ORDINARILY

1 WOULD NOT OCCUR.

2 LET ME HASTEN TO ADD THAT EXCUSES FOR WORK
3 ARE NO EXCUSE. ALL OF US HAVE TO WORK. I KNOW IT'S
4 BURDENSOME UPON YOU, BUT I WILL NOT EXCUSE ANYBODY
5 SIMPLY BECAUSE OF REASONS FOR WORK, UNLESS THERE IS
6 SOME UNUSUAL CIRCUMSTANCES.

7 AS I AN EXAMPLE, I WOULD UNDERSTAND ON THE
8 WEEK OF APRIL 15TH WHY AN ACCOUNTANT OR SOMEBODY
9 EMPLOYED IN AN ACCOUNTANT'S OFFICE MIGHT ASK TO BE
10 EXCUSED; BUT GENERALLY WORK IS NO EXCUSE.

11 NOW, IF SOMEBODY HAS GOT A PREPLANNED
12 VACATION, IF SOMEBODY HAS GOT A PREPLANNED MEDICAL
13 APPOINTMENT THAT CANNOT BE CHANGED OR SOMETHING LIKE
14 THAT, I WILL TRY AND CHANGE IT FOR YOU IF I CAN.

15 BUT IF ANYBODY HAS ANY COMPELLING REASON
16 WHY YOU FEEL YOU COULD NOT SERVE THIS WEEK REMEMBER,
17 REMEMBER I WOULD NOT EXCUSE YOU. I WOULD SIMPLY
18 TRANSFER YOU TO ANOTHER TERM OF COURT. IF ANYBODY
19 COMES WITHIN THE CATEGORY OF EXCUSES THAT I JUST
20 MENTIONED, PLEASE COME FORWARD AT THIS TIME.

21 (JURORS STAND AND COME FORWARD.)

22 THE COURT: I WANT YOU ON THE RECORD NOW
23 BECAUSE I WANT ALL THESE JURORS TO KNOW WHAT YOU ARE
24 SAYING AND WHAT I DO.

25 JUROR: YES, SIR.

1 THE COURT: YOUR NAME, SIR?

2 JUROR: HUGH VANFAUSSIEN, NUMBER 298.

3 THE COURT: ALL RIGHT.

4 JUROR: I'M A COMMUNICATIONS SPECIALIST
5 WITH THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY,
6 HIGHWAY PATROL.

7 THE COURT: YES, SIR. YOU ARE WITH THE
8 HIGHWAY PATROL?

9 JUROR: YES, SIR.

10 THE COURT: THAT'S WAS NOT THE QUESTION AT
11 THIS TIME, BUT I AM PREPARED TO EXCUSE THIS JUROR.

12 MR. STONE: NUMBER 298, RIGHT?

13 THE COURT: YOU ARE EMPLOYED WITH THE
14 HIGHWAY PATROL?

15 JUROR: YES, SIR.

16 THE COURT: I WILL EXCUSE YOU. THANK YOU.
17 YES, SIR.

18 JUROR: JUDGE, YOUR HONOR, I HAD A
19 QUESTION. BACK IN '78 AND '79, I WAS A DEPUTY
20 SHERIFF. I WAS SWORN IN BUT I NEVER WENT TO THE
21 ACADEMY.

22 THE COURT: THAT'S FINE.

23 JUROR: THAT'S FINE?

24 THE COURT: YOU DON'T SERVE IN ANY CAPACITY
25 AS AN OFFICER NOW, DO YOU?

1 JUROR: RIGHT.

2 THE COURT: THANK YOU. MAY I HAVE YOUR
3 NAME AND NUMBER, PLEASE.

4 JUROR: MELVIN RANSOM, 240.

5 THE COURT: I DO THANK YOU FOR COMING
6 FORWARD AND CALLING THAT TO MY ATTENTION. THANK YOU.
7 YES, MA'AM.

8 JUROR: GOOD MORNING, YOUR HONOR. I'M
9 JANET GILCHRIST, JUROR 111.

10 THE COURT: YES, MA'AM.

11 JUROR: I'M A NEW ASSISTANT PRINCIPAL AT W.
12 J. KEENAN HIGH SCHOOL. THIS IS THE THIRD DAY OF
13 SCHOOL, AND I REQUEST TO BE TRANSFERRED TO ANOTHER
14 TERM.

15 THE COURT: I THINK UNDER THE NEW RULE A
16 TEACHER MAY BE EXCUSED. YES, MA'AM, I WILL EXCUSE
17 YOU. WE WILL TRANSFER YOU TO A TERM WHEN YOU WILL
18 NOT BE DOING THAT. THANK YOU.

19 JUROR: THANK YOU.

20 THE COURT: THAT NEW STATUTE PERMITS AND
21 REQUIRES THAT.

22 SOLICITOR BAILEY: YES, SIR.

23 THE COURT: YOUR NAME?

24 JUROR: MARY FOGLE.

25 THE COURT: YES, MRS. FOGLE.

1 JUROR: I AM AN ADMINISTRATIVE ASSISTANT AT
2 WILLIAM G. CLARK MIDDLE SCHOOL AND I'M THE TEXTBOOK
3 MANAGER, AND I REQUEST TO BE DISMISSED TO ANOTHER
4 TERM.

5 THE COURT: YOU ARE A TEACHER THERE?

6 JUROR: ADMINISTRATIVE ASSISTANT TO THE
7 PRINCIPAL.

8 THE COURT: WHAT SAYS THE DEFENSE? I'M NOT
9 SURE THAT --

10 JUROR: I ISSUE TEXTBOOKS TO THE STUDENTS.

11 MR. STONE: WHAT WEEK IS THIS?

12 JUROR: THIS IS THE SECOND WEEK.

13 THE COURT: I THINK IN FAIRNESS TO HER
14 THOSE CHILDREN NEED HER. THEY ARE JUST GETTING
15 STARTED IN SCHOOL. I WILL EXCUSE YOU.

16 JUROR: THANK YOU SO MUCH.

17 THE COURT: YES, MA'AM.

18 JUROR: GOOD AFTERNOON. MY NAME IS MARY
19 MOORE. I'M JUROR NUMBER 222.

20 THE COURT: YES, MA'AM.

21 JUROR: AND I'M STORE MANAGER AT THE PAPER
22 FACTORY IN SANTEE, SOUTH CAROLINA. BECAUSE OUR
23 COMPANY IS IN THE PROCESS OF BEING SOLD, WE HAVE TO
24 DO AN EMERGENCY INVENTORY NEXT TUESDAY, THE 1ST. I
25 FEEL LIKE I SHOULD BE THERE AND I AM REQUESTING THAT

1 I BE TRANSFERRED TO ANOTHER TERM.

2 THE COURT: THAT'S NEXT WEEK?

3 JUROR: NEXT TUESDAY, THE 1ST.

4 THE COURT: NO, MA'AM. IT MAY WELL BE, I'M

5 NOT SURE, I CAN'T PROMISE YOU, BUT IT MAY WELL BE

6 THAT WE WILL BE THROUGH WITH THESE PROCEEDINGS BY

7 NEXT TUESDAY. I'M NOT SURE. I CANNOT EXCUSE YOU. I

8 WILL GLAD TO WRITE YOUR BOSS A LETTER AND TELL HIM WE

9 ARE DELIGHTED TO HAVE YOU WITH US.

10 JUROR: I AM THE BOSS.

11 THE COURT: THANK YOU. YES, SIR.

12 JUROR: I'M LAURIE BERRY. I'M BACK.

13 THE COURT: YES, SIR, I REMEMBER YOU, YOU

14 AND ALL YOUR 500 ACRES OF COTTON.

15 JUROR: NO, AIN'T GOT NO COTTON.

16 THE COURT: YES, SIR.

17 JUROR: I ASK TO BE EXCUSED. I'M THE ONLY

18 FELLOW ON MY FARM. I DON'T HAVE NO HELP. I GOT HOGS

19 AND COWS THAT NEED TO BE FEEDED.

20 THE COURT: I WILL LET YOU FEED THEM OR GET

21 SOMEBODY TO FEED THEM FOR YOU. I CAN'T EXCUSE YOU.

22 LISTEN, EVERYBODY WITHIN THE SOUND OF MY VOICE HAS

23 IMPORTANT BUSINESS TO TEND TO AND I APPRECIATE THAT.

24 JUROR: YES, SIR.

25 THE COURT: BUT IF, GOD FORBID, YOU WERE

1 BEING TRIED HERE, YOU WOULD WANT SOME SUBSTANTIAL
2 CITIZENS JUST LIKE YOU TO BE YOUR JUROR.

3 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
4 RESPONSE.)

5 THE COURT: AND IT IS FOR THAT REASON THAT
6 I WILL HAVE TO KEEP YOU HERE. WE WON'T ACTUALLY
7 START THE TRIAL OF THIS CASE, AS I ANTICIPATE IT,
8 UNTIL THURSDAY MORNING. I KNOW I AM INCONVENIENCING
9 YOU. THAT WILL GIVE YOU AMPLE OPPORTUNITY TO MAKE
10 ARRANGEMENTS TO GET SOMEBODY TO FEED YOUR COWS.

11 JUROR: IT'S HARD TO DO.

12 THE COURT: I KNOW BUT YOU CAN DO IT. I
13 HAVE CONFIDENCE IN YOU. I CANNOT EXCUSE YOU. THANK
14 YOU.

15 JUROR: ALL RIGHT.

16 THE COURT: YOU KNOW, YOU ARE A RESPONSIBLE
17 PERSON AS ALL HERE ARE.

18 JUROR: YES, SIR.

19 THE COURT: AND THE ONLY WAY THAT OUR JURY
20 SYSTEM CAN WORK IS FOR GOOD PEOPLE LIKE YOU AND THE
21 REST OF THEM TO COME IN HERE. THANK YOU SO MUCH.
22 WITH THE HURRICANE COMING, YOU WON'T HAVE TO WORRY
23 ABOUT WATERING THEM, I DON'T THINK. YES, MA'AM.

24 JUROR: MARY RAVENELL, JUROR 242.

25 THE COURT: YES, MRS. RAVENELL.

1 JUROR: I TEACH AT AN ELEMENTARY SCHOOL AND
2 YOU SAID ALL TEACHERS COULD BE EXCUSED.

3 THE COURT: IF YOU ASK TO BE. DO YOU WANT
4 TO BE EXCUSED OR DO YOU WANT TO STAY WITH US?

5 JUROR: I THINK MAYBE I BETTER GO BACK.

6 THE COURT: YES, MA'AM. IF YOU ASK TO BE,
7 THE NEW STATUTE REQUIRES THAT. LAST YEAR PRIOR TO
8 THAT PASSAGE, I WOULD HAVE SAID PLEASE STAY WITH US
9 BUT YOU ARE EXCUSED. THANK YOU. YES, MA'AM.

10 JUROR: DAVINA ULMER, 297. I AM ASKING TO
11 BE EXCUSED BECAUSE THIS IS MY FIRST DAY ON THE JOB,
12 WHICH I HAVE TO BE THERE EVERY DAY WORKING WITH
13 LITTLE KIDS.

14 THE COURT: THIS IS YOUR FIRST DAY ON THE
15 JOB? WHAT IS YOUR JOB, PLEASE?

16 JUROR: A TEACHER.

17 THE COURT: YOU ARE A TEACHER WHERE?

18 JUROR: AT SOUTH CAROLINA STATE UNIVERSITY.

19 THE COURT: WHAT COURSE DO YOU TEACH?

20 JUROR: THESE ARE TWO-YEAR-OLD CHILDREN.
21 IT'S LIKE A TEAM MEMBER AND SOMEONE HAS TO BE THERE
22 WORKING WITH THE CHILDREN. I CAME TO COURT SO I HAD
23 TO TELL YOU WHAT HAPPENED.

24 THE COURT: I THINK PROBABLY SHE IS
25 ENTITLED TO BE EXCUSED UNDER THE STATUTE.

1 MR. STONE: YES, SIR.

2 THE COURT: I WILL GRANT THAT.

3 JUROR: THANK YOU VERY MUCH.

4 THE COURT: YES, SIR.

5 JUROR: MACK STILLINGER. I ASKED TO BE
6 EXCUSED BECAUSE I'M A SOLE PROPRIETOR OF A BUSINESS.

7 I HAVE A FAMILY MEMBER THAT IS A LAW OFFICER.

8 THE COURT: YOU HAVE A FAMILY WHAT?

9 JUROR: MEMBER THAT IS A LAW OFFICER.

10 THE COURT: I AM NOT FOLLOWING YOU. NO,
11 SIR, THAT WOULD NOT -- THAT IN AND OF ITSELF WOULD
12 NOT EXCUSE YOU. WHAT KIND OF BUSINESS ARE YOU IN?

13 JUROR: PAINT AND BODY SHOP.

14 THE COURT: I CANNOT EXCUSE YOU ON THAT
15 BASIS, SIR.

16 MR. STONE: WHAT NUMBER IS HE?

17 CLERK: NUMBER 274.

18 THE COURT: YES, SIR.

19 JUROR: PHILIP CORSI, JUROR NUMBER 68.

20 THE COURT: YES, SIR.

21 JUROR: I'M TEACHER AT THE HIGH SCHOOL. WE
22 JUST STARTED OUR TERM. I REQUEST THAT I BE POSTPONED
23 FOR SERVICE.

24 THE COURT: YOU ARE CURRENTLY A TEACHER?

25 JUROR: YES.

1 THE COURT: THAT WILL PERMIT YOU UNDER THE
2 STATUTE TO BE EXCUSED. THANK YOU. ANYONE ELSE?

3 (THERE WAS NO RESPONSE.)

4 THE COURT: I FIND NOW THAT ALL JURORS WHO
5 HAVE NOT BEEN EITHER TRANSFERRED OR EXCUSED ARE
6 QUALIFIED TO SERVE DURING THIS TERM OF COURT. NOW,
7 COUNSEL FOR THE STATE, DO YOU NOW ACCEPT THE PANEL AS
8 QUALIFIED?

9 SOLICITOR BAILEY: YES, SIR.

10 THE COURT: AND COUNSEL FOR THE DEFENSE,
11 THE PANEL AS SUCH?

12 MR. STONE: AS TO THE QUESTIONS SO FAR,
13 YES, SIR.

14 THE COURT: YES, SIR. ARE THERE ANY JURORS
15 OUTSIDE? GENTLEMEN, COME FORWARD, PLEASE.

16 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF
17 THE RECORD IN THE PRESENCE OF THE JURY PANEL BUT OUT
18 OF THE HEARING OF THE JURY PANEL.)

19 THE COURT: LADIES AND GENTLEMEN OF THE
20 JURY PANEL, WE ARE GOING TO BREAK FOR LUNCH AT THIS
21 TIME. I RESPECTFULLY REQUEST THAT ALL OF YOU PLEASE
22 BE BACK IN THE COURTROOM PROMPTLY AT 2:30 SO THAT WE
23 WILL BEGIN THE FURTHER JURY PROCESS. BE BACK AT
24 2:30.

25 (WHEREUPON THERE WAS A LUNCHEON RECESS.)

1 THE COURT: SOLICITOR, CALL YOUR CASE,
2 PLEASE, SIR.

3 SOLICITOR BAILEY: YOUR HONOR, I BELIEVE
4 THE INDICTMENT IS ON YOUR DESK. IF I CAN GET THAT
5 FROM YOU.

6 THE COURT: ALL RIGHT, SIR.

7 SOLICITOR BAILEY: YOUR HONOR, THE STATE
8 CALLS INDICTMENT 98-GS-38-244, THE STATE VERSUS BAYAN
9 ALEKSEY, CHARGED WITH MURDER.

10 THE COURT: GENTLEMEN FOR THE DEFENSE, IS
11 THE DEFENDANT READY FOR TRIAL?

12 MR. STONE: THE DEFENDANT IS READY FOR
13 TRIAL, YOUR HONOR. HE PLEADS NOT GUILTY.

14 THE COURT: HAS ARRAIGNMENT BEEN COMPLETED?

15 SOLICITOR BAILEY: IT HAS, YOUR HONOR.

16 MR. STONE: YES, SIR.

17 THE COURT: LADIES AND GENTLEMEN OF THE
18 JURY, THE STATE OF SOUTH CAROLINA HAS CALLED THE CASE
19 OF THE STATE VERSUS BAYAN ALEKSEY UPON THE CHARGE OF
20 MURDER, TO WHICH CHARGE THE DEFENDANT HAS PLED NOT
21 GUILTY.

22 NOW, THIS INDICTMENT THAT I HOLD IN MY HAND
23 IS MERELY THE FORMAL MANNER THAT THIS INDIVIDUAL IS
24 INDICTED OR ANY INDIVIDUAL IN SOUTH CAROLINA AND
25 COMES TO COURT UPON AN INDICTMENT.

1 I CHARGE YOU NOW THAT THIS INDICTMENT AND
2 THE ALLEGATIONS IT CONTAINS IS IN NO SENSE ANY
3 EVIDENCE WHATSOEVER. THE EVIDENCE IS SIMPLY THE
4 CHARGE OR THE ALLEGATION AS AGAINST THIS DEFENDANT
5 WHO HAS PLED NOT GUILTY TO THIS CHARGE. IT IS IN NO
6 SENSE EVIDENCE. EVIDENCE, IF ANY, COMES FROM THIS
7 WITNESS STAND FROM MATTERS THAT ARE UNDER OATH.

8 NOW, AS I PREVIOUSLY INDICATED TO YOU,
9 THESE TWO GENTLEMEN WHO SIT WITH THE DEFENDANT ARE
10 HIS COURT-APPOINTED ATTORNEYS. GENTLEMEN, WILL YOU
11 NOW INTRODUCE YOURSELVES.

12 MR. STONE: YES, SIR, YOUR HONOR. MY NAME
13 IS DUFFIE STONE AND THIS IS THOMAS SIMS.

14 THE COURT: ALL RIGHT, SIR.

15 MR. STONE: THANK YOU, YOUR HONOR.

16 THE COURT: HAVE THE DEFENDANT STAND,
17 PLEASE.

18 (THE DEFENDANT STANDS.)

19 THE COURT: THE DEFENDANT TO MY RIGHT IS
20 THE DEFENDANT, BAYAN ALEKSEY. YOU MAY BE SEATED,
21 GENTLEMEN.

22 NOW, LADIES AND GENTLEMEN, THE STATE OF
23 SOUTH CAROLINA HAS CALLED THE CASE AS AGAINST THIS
24 DEFENDANT WHO STANDS INDICTED FOR MURDER. TO THESE
25 CHARGES THIS DEFENDANT HAS PLED NOT GUILTY.

1 THIS WILL BE THE ONLY CASE TRIED AT THIS
2 TERM OF COURT; AND THEREFORE FOR THOSE OF YOU WHO ARE
3 NOT SELECTED FOR SERVICE ON THIS PARTICULAR CASE, YOU
4 WILL BE EXCUSED FOR THE BALANCE OF THE TERM.

5 THE SELECTION PROCESS FOR 12 JURORS AND TWO
6 ALTERNATES WILL BEGIN IN JUST A MINUTE, BUT BEFORE WE
7 PROCEED LET ME GIVE YOU A BRIEF DESCRIPTION OF YOUR
8 DUTIES AS JURORS.

9 NOW, WHAT I SAY TO YOU IS NOT INTENDED TO
10 SERVE AS AN -- IT IS INTENDED TO SERVE ONLY AS AN
11 INTRODUCTION TO THE TRIAL OF THIS CASE. THESE
12 REMARKS ARE NO SUBSTITUTE FOR THE DETAILED
13 INSTRUCTIONS OF LAW WHICH I WILL GIVE YOU AT THE
14 CLOSE OF THE CASE AND BEFORE YOU RETIRE TO CONSIDER
15 YOUR VERDICT.

16 THIS IS A CRIMINAL CASE COMMENCED BY THE
17 STATE OF SOUTH CAROLINA, WHICH I SOMETIMES REFER TO
18 AS THE PROSECUTION. THIS CASE, AS I HAVE TOLD YOU,
19 IS BASED ON THIS INDICTMENT WHICH THE SOLICITOR WILL
20 READ TO YOU OR WILL HEREAFTER EXPLAIN TO YOU.

21 AGAIN I TELL YOU THAT YOU SHOULD DISTINCTLY
22 UNDERSTAND THAT THIS INDICTMENT IS SIMPLY A CHARGE
23 AND THAT IT IS NOT IN ANY SENSE EVIDENCE OF THE
24 ALLEGATIONS IT CONTAINS.

25 THIS DEFENDANT HAS PLED NOT GUILTY TO THIS

1 INDICTMENT; THEREFORE, THE STATE OF SOUTH CAROLINA
2 HAS THE BURDEN OF PROVING EACH OF THE ESSENTIAL
3 ELEMENTS OF THE INDICTMENT FOR MURDER BEYOND A
4 REASONABLE DOUBT. THE PURPOSE OF THIS TRIAL IS TO
5 DETERMINE WHETHER OR NOT THE STATE OF SOUTH CAROLINA
6 HAS MET THAT BURDEN.

7 THIS DEFENDANT AND ALL DEFENDANTS ARE
8 PRESUMED IN LAW INNOCENT OF ALL CHARGES CONTAINED IN
9 THE INDICTMENT. THIS PRESUMPTION OF INNOCENCE
10 CONTINUES IN ITS EXISTENCE TO THE BENEFIT OF THIS
11 DEFENDANT THROUGHOUT EVERY STAGE OF THE TRIAL UNTIL
12 THE STATE HAS PROVEN HIS GUILT TO YOUR SATISFACTION
13 BEYOND A REASONABLE DOUBT.

14 THUS IT IS A PERSON CHARGED WITH COMMITTING
15 A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER
16 REQUIRED TO PROVE HIMSELF INNOCENT. THE STATE MUST
17 PROVE HIM GUILTY BEYOND A REASONABLE DOUBT.

18 YOUR PURPOSE AS JURORS IS TO FIND AND
19 DETERMINE THE FACTS IN THIS CASE. UNDER OUR SYSTEM
20 OF CRIMINAL PROCEDURE, YOU AND YOU ALONE ARE THE SOLE
21 AND ONLY JUDGES OF THE FACTS IN THIS CASE. IF AT ANY
22 TIME I SHOULD MAKE ANY COMMENT REGARDING THE FACTS,
23 YOU MUST DISREGARD IT. I AM NOT ENTITLED TO A
24 FACTUAL OPINION AND I HAVE NONE.

25 NOW, LADIES AND GENTLEMEN, IT IS ESPECIALLY

1 IMPORTANT THAT YOU PERFORM YOUR DUTY OF DETERMINING
2 THE FACTS DILIGENTLY AND CONSCIENTIOUSLY. FOR
3 ORDINARILY, THERE IS NO MEANS OF CORRECTING AN
4 ERRONEOUS DETERMINATION OF THE FACTS OF THE CASE.

5 ON THE OTHER HAND AND WITH EQUAL EMPHASIS,
6 I INSTRUCT YOU THAT THE LAW AS GIVEN BY ME
7 CONSTITUTES THE ONLY LAW FOR YOUR GUIDANCE IN THIS
8 CASE; AND I TELL YOU IT IS YOUR DUTY TO ACCEPT AND
9 FOLLOW THE LAW AS I CHARGE IT TO YOU.

10 IT IS YOUR DUTY TO FOLLOW THE LAW AS I GIVE
11 IT TO YOU, EVEN THOUGH YOU OR I FOR THAT MATTER MIGHT
12 DISAGREE WITH WHAT THE LAW IS, REMEMBERING THAT YOU
13 TAKE THE FACTS AS YOU FIND THEM TO BE AND APPLY THE
14 FACTS TO THE LAW OF THE CASE AS I SHALL HEREAFTER
15 GIVE IT TO YOU.

16 LADIES AND GENTLEMEN, YOU ARE TO DETERMINE
17 THE FACTS FROM THE TESTIMONY YOU HEAR IN THIS CASE IN
18 THIS COURTROOM AND FROM SUCH OTHER EVIDENCE AS MAY BE
19 INTRODUCED FOR YOUR CONSIDERATION. IT IS UP TO YOU
20 TO DETERMINE THE INFERENCES WHICH YOU FEEL MAY BE
21 PROPERLY DRAWN FROM THE EVIDENCE IN THE CASE.

22 I WILL FULLY AND MORE COMPLETELY STATE TO
23 THE JURY THE PRINCIPLES OF LAW APPLICABLE TO ALL THE
24 ISSUES IN THIS CASE BEFORE THE CASE IS SUBMITTED TO
25 YOU FOR YOUR DECISION.

1 HOWEVER, THERE ARE CERTAIN PRINCIPLES OF
2 LAW APPLICABLE TO THE FRAMEWORK OF EVERY CASE IN
3 GENERAL SESSIONS COURT; AND NOW I WILL OUTLINE
4 SEVERAL OF THESE BASIC PRINCIPLES TO YOU FOR YOUR
5 GUIDANCE.

6 YOU MUST NOT CONSIDER ANYTHING THAT YOU MAY
7 HAVE READ OR HEARD ABOUT THIS CASE OUTSIDE THIS
8 COURTROOM, WHETHER BEFORE OR DURING THE TRIAL. FROM
9 THIS POINT ON, I INSTRUCT YOU NOT TO READ, LISTEN TO
10 OR VIEW ANY NEWSPAPER, RADIO OR T.V. ACCOUNT OF ANY
11 ISSUE IN THIS CASE.

12 UNTIL THIS CASE IS SUBMITTED TO YOU, YOU
13 MUST NOT DISCUSS IT WITH ANYONE, EVEN WITH YOUR
14 FELLOW JURORS. AFTER IT IS SUBMITTED TO YOU, YOU
15 MUST DISCUSS IT ONLY IN THE JURY ROOM WITH YOUR
16 FELLOW JURORS.

17 LADIES AND GENTLEMEN, IT IS IMPORTANT THAT
18 YOU KEEP AN OPEN MIND AND NOT DECIDE ANY ISSUE IN
19 THIS CASE UNTIL THE ENTIRE CASE HAS BEEN SUBMITTED TO
20 YOU UNDER THE INSTRUCTIONS OF THIS COURT.

21 THIS CASE WILL BE OPENED BY THE SOLICITOR
22 READING OR EXPLAINING TO THE TRIAL JURY THE
23 INDICTMENTS. THE DEFENDANT WILL THEN BE AFFORDED AN
24 OPPORTUNITY THROUGH HIS ATTORNEYS TO MAKE AN OPENING
25 STATEMENT. THE COURT WILL THEN RECEIVE THE EVIDENCE

1 IN THIS CASE.

2 WHEN ALL THE EVIDENCE HAS BEEN RECEIVED BY
3 THIS COURT, COUNSEL FOR THE STATE AND COUNSEL FOR THE
4 DEFENDANT AND THE DEFENDANT HIMSELF, IF HE ELECTS TO
5 DO SO, WILL STATE TO THE JURY THEIR RESPECTIVE
6 POSITIONS. THERE WILL BE SUMMATIONS OR FINAL
7 ARGUMENT, AFTER WHICH THE COURT WILL FULLY STATE TO
8 THE TRIAL JURY THE APPLICABLE LAW IN THIS CASE.

9 I INSTRUCT YOU, LADIES AND GENTLEMEN, THAT
10 YOU CANNOT AND YOU MUST NOT TAKE ANY INFERENCE FROM
11 THESE EXPLANATORY INSTRUCTIONS AS TO WHAT YOUR
12 VERDICT SHOULD BE IN THIS CASE, FOR THE VERDICT IN
13 THE CASE IS TO BE DETERMINED BY THE JURY AND NOT BY
14 THIS COURT.

15 THE ONLY PURPOSE IN GIVING YOU THESE
16 EXPLANATIONS IS TO ACQUAINT YOU WITH THE CHARGES MADE
17 AGAINST THE DEFENDANT AND TO MAKE CLEAR TO YOU THE
18 TRIAL PROCEDURES INCIDENT TO THE TRIAL OF A CAPITAL
19 MURDER CASE.

20 THE FULL AND COMPLETE INSTRUCTIONS OF ALL
21 PRINCIPLES OF LAW APPLICABLE TO THIS CASE WILL BE
22 FULLY STATED TO YOU AT THE APPROPRIATE STAGES OF THIS
23 TRIAL.

24 NOW, LADIES AND GENTLEMEN, WHEN, AS IN THIS
25 CASE, THE STATE SEEKS THE DEATH PENALTY FOR MURDER,

1 THE LAW REQUIRES A BIFURCATED OR TWO-STAGE TRIAL. IN
2 THE FIRST PART OF THE TRIAL, THE JURY WILL DETERMINE
3 THE GUILT OR INNOCENCE OF THIS DEFENDANT HERE ON
4 TRIAL FOR MURDER.

5 IF FOUND NOT GUILTY, WE WOULD GO NO
6 FURTHER. IF -- AND I USE THAT WORD ADVISEDLY -- IF
7 FOUND GUILTY OF MURDER, WE WOULD THEN AND ONLY THEN
8 PROCEED TO THE SECOND PHASE OF THE TRIAL WHICH IS
9 KNOWN AS THE PENALTY PHASE.

10 IN THE PENALTY PHASE, THE QUESTION FOR THE
11 JURY IS: NOW THAT WE HAVE FOUND THIS PERSON GUILTY
12 OF MURDER, WHAT SHOULD HIS PUNISHMENT BE, LIFE
13 IMPRISONMENT OR THE DEATH PENALTY?

14 THE SECOND PROCEEDING IS A TIME IN WHICH
15 THE ATTORNEYS CAN BRING FORTH EVIDENCE OF THE
16 DEFENDANT'S BACKGROUND, CHARACTER, AGE, FAMILY
17 SITUATION, INTELLIGENCE, ET CETERA.

18 THE PURPOSE OF THE SEPARATE PROCEEDING, IF
19 ONE IS HELD, IS TO GIVE THE JURY AS MUCH INFORMATION
20 AS POSSIBLE SO THAT YOU CAN KNOW MORE ABOUT THAT
21 PERSON YOU ARE ABOUT TO SENTENCE, OTHER THAN WHAT MAY
22 HAVE BEEN BROUGHT OUT DURING THE TRIAL TO DETERMINE
23 WHETHER HE WAS GUILTY OR NOT GUILTY.

24 THE ATTORNEYS FOR THE STATE OF SOUTH
25 CAROLINA THROUGH MR. BAILEY WILL BE TRYING TO

1 CONVINCED YOU TO RECOMMEND THE DEATH PENALTY. THE
2 ATTORNEYS FOR THE DEFENDANT WILL BE TRYING TO
3 CONVINCED YOU TO RECOMMEND LIFE IMPRISONMENT.

4 ALTHOUGH I USE THE WORD RECOMMENDATION, YOU
5 SHOULD DISTINCTLY UNDERSTAND THAT WHATEVER YOU
6 RECOMMEND WILL BE THE SENTENCE THAT WILL BE GIVEN TO
7 THE DEFENDANT BY ME.

8 NOW, LADIES AND GENTLEMEN, IN A CASE WHERE,
9 AS THIS ONE, THE STATE SEEKS THE DEATH PENALTY,
10 INDIVIDUAL VOIR DIRE OR QUESTIONING OF THE JURY IS
11 PERMITTED BY OUR SYSTEM BY THE ATTORNEYS FOR THE
12 STATE AND THE ATTORNEYS FOR THE DEFENDANT.

13 THAT IS SO THAT A JURY MAY BE IMPANELED
14 COMPOSED OF MEN AND WOMEN QUALIFIED AND COMPETENT TO
15 JUDGE THE FACTS IN ISSUE WITHOUT BIAS, WITHOUT
16 PREJUDICE AND WITH IMPARTIALITY AND WITH JURORS WHO
17 DO NOT HAVE ANY PRECONCEIVED OPINIONS RELATING TO
18 THIS CASE.

19 NOW, IN ORDER TO ACCOMPLISH THIS PURPOSE, I
20 AM HAVING PANELS OF 12 PEOPLE DRAWN. WE WILL FIRST
21 BEGIN QUESTIONING OF PANEL NUMBER ONE IMMEDIATELY,
22 AND EACH PANEL THEREAFTER SELECTED WILL BE ASKED TO
23 RETURN IN INCREMENTS OF TWO HOURS. HOPEFULLY THIS
24 PROCESS WILL INCONVENIENCE YOU AS LITTLE AS POSSIBLE.

25 ONCE THE PANELS HAVE BEEN DRAWN, THE JURORS

1 WILL BE CALLED INTO THIS COURTROOM INDIVIDUALLY AND
2 QUESTIONED BY THE PARTIES AND THE COURT UNDER THE
3 OATH THAT YOU HAVE PREVIOUSLY TAKEN.

4 AT THE CONCLUSION OF THIS EXAMINATION, THE
5 JUROR WILL BE EXCUSED AND ASKED TO RETURN AT A
6 SPECIFIC TIME FOR FURTHER CONSIDERATION OR THAT JUROR
7 WILL BE EXCUSED FOR THE REMAINDER OF THE TERM.

8 I INSTRUCT YOU NOW THAT YOU MUST NOT IN ANY
9 WAY WHATSOEVER COMMUNICATE OR DISCUSS WITH ANY OF
10 YOUR FELLOW JURORS THE QUESTIONS TO BE ASKED OF YOU
11 OR THE ANSWERS GIVEN BY YOU DURING THIS VOIR DIRE
12 EXAMINATION.

13 WHEN THE TRIAL JURY HAS BEEN SELECTED
14 CONSISTING OF 12 JURORS AND TWO ALTERNATES, IT WILL
15 THEN BE SEQUESTERED; THAT IS, THE TRIAL JURY WILL BE
16 KEPT TOGETHER AS A GROUP AND HOUSED IN A SUITABLE
17 MOTEL AT NIGHT DURING THE TRIAL OF THIS CASE AT THE
18 COUNTY'S EXPENSE.

19 I KNOW THIS SEQUESTRATION OR SEPARATION
20 WILL BE AN INCONVENIENCE TO THE 14 SELECTED, AND I
21 KNOW IT WILL BE A BURDEN TO YOU. IF NOW ANY OF YOU
22 FEEL THAT SEQUESTRATION WILL BE UNDULY BURDENSOME,
23 PLEASE LET THAT FACT BE MADE KNOWN TO ME AT THIS
24 TIME.

25 LET ME BE CLEAR WITH YOU. TWELVE OF YOU

1 AND TWO ALTERNATES WILL BE SELECTED. THE TRIAL OF
2 THIS CASE WILL START THURSDAY MORNING HOPEFULLY.
3 FROM THAT TIME ON THOSE 14 PEOPLE WILL BE SEQUESTERED
4 IN AN APPROPRIATE MOTEL HERE IN ORANGEBURG AND KEPT
5 SEQUESTERED FOR THE LENGTH OF THIS TRIAL.

6 I FULLY ANTICIPATE THAT THIS TRIAL WILL END
7 BY NEXT TUESDAY OR WEDNESDAY. WE ARE NOT GOING TO
8 HAVE ANY THREE- OR FOUR-WEEK TRIAL. I CAN TELL YOU
9 THAT, THIS CASE BY ALL ESTIMATES WILL CONCLUDE
10 SOMETIME NEXT WEEK.

11 NOW, IN JUST A MOMENT I WILL DEAL WITH ANY
12 QUESTIONS OF SEQUESTRATION. I UNDERSTAND THAT
13 SOMETIMES PEOPLE CAN SERVE DURING THE DAYTIME AND
14 THERE ARE INSURMOUNTABLE REASONS WHY THEY NEED TO BE
15 HOME AT NIGHT. I WILL BE DISCUSSING THAT WITH YOU IN
16 JUST A MINUTE.

17 IF YOU ARE SELECTED, I WILL, OF COURSE,
18 PROVIDE TELEPHONE COMMUNICATION WITH YOUR FAMILY AND
19 BUSINESS WHEN THIS COURT IS NOT IN SESSION, ALL OF
20 WHICH WILL BE UNDER THE SUPERVISION OF THE BAILIFFS
21 OF THIS COURT AND OF THE AGENTS OF THE SOUTH CAROLINA
22 LAW ENFORCEMENT DIVISION.

23 NOW, DURING THE PANEL SELECTION THAT I
24 MENTIONED A MOMENT AGO, IT IS IMPORTANT THAT YOU KNOW
25 AND REMEMBER THE JURY NUMBER PANEL TO WHICH YOU HAVE

1 BEEN ASSIGNED SO THAT THERE WILL BE NO
2 MISUNDERSTANDING AS TO WHEN YOU WILL REPORT. I WILL
3 DEAL WITH THAT IN DETAIL IN JUST A MINUTE.

4 NOW, LADIES AND GENTLEMEN, PLEASE BE
5 ASSURED THAT YOUR DUTIES AS A JUROR WILL BE FULLY
6 EXPLAINED TO YOU. ALSO PLEASE UNDERSTAND THAT THE
7 COURT WILL ACCOMMODATE THE JURY IN EVERY POSSIBLE WAY
8 CONSISTENT WITH THE LAWS OF THE STATE.

9 THE PROCESSES WHICH I HAVE EXPLAINED TO YOU
10 REQUIRE CERTAIN TIMES TO ACCOMPLISH. I THANK YOU FOR
11 YOU PATIENCE THUS FAR. I DO ASK, PLEASE, FOR YOUR
12 CONTINUED PATIENCE AND UNDERSTANDING. I EXTEND TO
13 YOU MY DEEPEST APPRECIATION FOR YOUR WILLINGNESS TO
14 SERVE AS JURORS IN THIS CASE.

15 NOW, AT THIS TIME I WOULD ASK ALL OF THOSE
16 JURORS WHO FEEL THAT SEQUESTRATION OR SEPARATION IN A
17 MOTEL BEGINNING ON THURSDAY NIGHT AND LASTING THROUGH
18 NEXT TUESDAY OR WEDNESDAY WOULD BE AN UNDUE BURDEN,
19 IF ANYBODY FEELS THAT THAT WOULD BE UNDULY
20 BURDENSOME, COME FORWARD AND LET ME DISCUSS IT WITH
21 YOU.

22 (JURORS STAND AND COME FORWARD.)

23 THE COURT: LET'S COME TO ORDER PLEASE.

24 GIVE ME YOUR NAME.

25 JUROR: DONNA CLAMP.

1 THE COURT: AND YOUR JUROR NUMBER,
2 MRS. CLAMP?

3 JUROR: NUMBER 55.

4 THE COURT: LET'S COME TO ORDER, PLEASE.
5 WHAT WAS YOUR RESPONSE TO THE SEQUESTRATION? THAT'S
6 THE ONLY THING I WANT TO DEAL WITH AT THIS TIME.

7 JUROR: I AM THE MOTHER OF TWO CHILDREN,
8 AGES SEVEN AND NINE. I HAVE FULL CUSTODY. I'M A
9 SINGLE PARENT AND I DON'T FEEL LIKE I COULD BE AWAY
10 FROM THEM OVERNIGHT.

11 THE COURT: YOUR MOTHER DOESN'T LIVE HERE?

12 JUROR: MY MOTHER AND SISTER LIVE HERE BUT
13 THEY BOTH WORK.

14 THE COURT: THEY BOTH WORK. YOU ARE
15 TELLING ME AT NIGHT THAT YOU HAVE NOBODY TO STAY WITH
16 THEM?

17 JUROR: RIGHT.

18 THE COURT: YES, MA'AM, I WILL EXCUSE YOU
19 ON THAT BASIS. THANK YOU. COME FORWARD, PLEASE.

20 JUROR: BEVERLY FRAZIER, JUROR 103.

21 THE COURT: YES, MA'AM.

22 JUROR: I HAVE A 15-MONTH-OLD BABY AND A
23 24-MONTH-OLD BABY, AND I DON'T HAVE ANYONE TO TAKE
24 CARE OF THEM AT NIGHT BECAUSE BOTH OF THEM ARE VERY
25 SMALL.

1 THE COURT: IT WOULD BE INCONVENIENT TO YOU
2 TO SERVE. I WILL EXCUSE YOU.

3 JUROR: THANK YOU.

4 THE COURT: YES, MA'AM.

5 JUROR: BELINDA CARTER, NUMBER 50.

6 THE COURT: YES, MRS. CARTER.

7 JUROR: I HAVE A SIX YEAR OLD AND HE JUST
8 STARTED FIRST GRADE TODAY. MY HUSBAND WORKS SWING
9 SHIFT. HE WORKS NIGHT AND DAYS 12 HOURS.

10 THE COURT: AND HE JUST STARTED FIRST
11 GRADE?

12 JUROR: YES.

13 THE COURT: I WILL EXCUSE YOU. THANK YOU.
14 NOW, IF YOU FIND ANYBODY TO TAKE CARE OF YOUR
15 PROBLEMS AT NIGHT AND ON THE WEEKEND, PLEASE ATTEMPT
16 TO DO SO. YES, MA'AM.

17 JUROR: BETH RAPTIS, NUMBER 241. I'M A
18 SINGLE PARENT. I HAVE CUSTODY OF MY 11 YEAR OLD AND
19 HE WILL BE AT HOME BY HIMSELF.

20 THE COURT: DOES ANYBODY ELSE LIVE IN THE
21 HOUSEHOLD?

22 JUROR: NO.

23 THE COURT: NOBODY BUT YOU?

24 JUROR: AND WE ARE OUT IN THE COUNTRY.

25 THE COURT: YES, MA'AM, I WILL HAVE TO

1 EXCUSE YOU.

2 JUROR: THANK YOU.

3 THE COURT: YES, MA'AM.

4 JUROR: AMANDA TAYLOR, NUMBER 282. I HAVE
5 A TWO-YEAR-OLD CHILD AND MY HUSBAND WORKS AT NIGHT.
6 HE IS A SUPERVISOR AT OVERNIGHT. HE WORKS FROM 11 TO
7 7:30 IN THE MORNING.

8 THE COURT: AND THERE IS NOBODY TO TAKE
9 CARE OF TWO-YEAR-OLD CHILD BUT YOU?

10 JUROR: THAT'S RIGHT.

11 THE COURT: I WOULD HAVE TO EXCUSE YOU.

12 JUROR: THANK YOU.

13 THE COURT: YES, MA'AM.

14 JUROR: ANGIE JENNINGS, 170.

15 THE COURT: YES, MA'AM.

16 JUROR: I HAVE TWO SMALL CHILDREN, ONE
17 SEVEN AND ONE FIVE. MY HUSBAND WORKS ODD HOURS AND
18 THEY JUST BOTH STARTED SCHOOL, PLUS I AM SUPPOSED TO
19 START SCHOOL NEXT WEEK AT NIGHT.

20 THE COURT: I WILL EXCUSE YOU BECAUSE OF
21 YOUR TWO CHILDREN. YES, MA'AM.

22 JUROR: SHEILA JACKSON, 161.

23 THE COURT: YES, MA'AM.

24 JUROR: I'M A SINGLE PARENT OF TWO KIDS,
25 NINE AND 11; AND I DON'T HAVE NO FAMILY IN

1 ORANGEBURG.

2 THE COURT: YOU KEEP THEM EVERY NIGHT?

3 JUROR: YES, SIR.

4 THE COURT: DO YOU WORK DURING THE DAYTIME?

5 JUROR: I WORK DURING THE DAY.

6 THE COURT: WHO KEEPS THEM IN THE DAY FOR
7 YOU?

8 JUROR: THEY BE IN SCHOOL.

9 THE COURT: AND YOU HAVE NOBODY TO KEEP
10 THEM AT NIGHT?

11 JUROR: HUH-UH. (INDICATING NEGATIVE
12 RESPONSE.)

13 THE COURT: I WILL EXCUSE YOU. YES, MA'AM.

14 JUROR: LILLIE CRAPSE, JUROR NUMBER 72.

15 THE COURT: YES, MA'AM.

16 JUROR: I HAVE THREE CHILDREN. MY HUSBAND
17 WORKS THIRD SHIFT IN BATESBURG, SO I HAVE NO ONE TO
18 BE THERE WITH THEM AT NIGHT AND GET THEM TO SCHOOL.

19 THE COURT: I WILL EXCUSE YOU.

20 JUROR: THANK YOU.

21 THE COURT: YES, MA'AM.

22 JUROR: EMILY PINDAK, NUMBER 238. MY
23 HUSBAND AND I ARE RAISING OUR GRANDDAUGHTER. SHE IS
24 EIGHT YEARS OLD. AND WHILE HE CAN KEEP HER AT NIGHT,
25 I TAKE HER TO SCHOOL AND I PICK HER UP.

1 THE COURT: HE COULD NOT DO THAT IN THE
2 DAYTIME FOR YOU?

3 JUROR: NO, SIR.

4 THE COURT: DOES HE WORK SOMEWHERE?

5 JUROR: YES, SIR.

6 THE COURT: IS THERE ANYBODY THAT YOU COULD
7 GET TO TAKE THEM BACK AND FORTH TO SCHOOL. OBVIOUSLY
8 WE ARE GETTING LOW ON JURORS HERE AND I NEED TO KEEP
9 SOME.

10 JUROR: I WILL TRY. I WILL SEE WHAT I CAN
11 DO.

12 THE COURT: LET ME LEAVE YOU ON THE PANEL
13 AT THIS TIME AND SEE WHAT YOU CAN DO. IT'S OBVIOUS
14 THESE PEOPLE, I UNDERSTAND, CANNOT LIVE UNDER
15 SEQUESTRATION; BUT OUR PANEL IS GETTING LOW HERE. I
16 NEED TO KEEP AS MANY AS I CAN. IF YOU COULD TRY TO
17 WORK IT OUT, I WOULD GREATLY APPRECIATE IT. YES,
18 MA'AM.

19 JUROR: KAYE BONNETTE, 22. MINE IS A
20 LITTLE DIFFERENT. WE HAVE AN EXOTIC PETTING ZOO.

21 THE COURT: A WHAT?

22 JUROR: AN EXOTIC PETTING ZOO. WE HAVE
23 BEARS AND COUGARS AND THERE IS NO ONE THERE DURING
24 THE DAY IN CASE EMERGENCIES COME UP. THERE IS ALWAYS
25 SOMETHING THAT COMES UP. WE DON'T LIKE TO HAVE THEM

1 LEFT ALONE. MY HUSBAND IS A CONTRACTOR.

2 THE COURT: MA'AM, I CAN'T EXCUSE YOU BASED
3 ON WORK. EVERYBODY HAS GOT PROBLEMS.

4 JUROR: IT'S NOT EXACTLY WORK.

5 THE COURT: YOUR HUSBAND WOULD HAVE TO COME
6 HOME AND TAKE CARE OF THEM.

7 JUROR: OKAY.

8 THE COURT: I APOLOGIZE FOR THAT BUT
9 OBVIOUSLY I AM RUNNING LOW ON JURORS.

10 JUROR: I UNDERSTAND.

11 THE COURT: YES, MA'AM.

12 JUROR: MY NAME IS GEORGIA KIMPSON, JUROR
13 189. I HAVE A OLD LADY THAT LIVES WITH ME. SHE IS
14 74 YEARS OLD. SHE IS A MENTAL CLIENT AND I TOOK HER
15 IN MY HOME. SHE IS AT DAY CARE IN THE DAY BUT I HAVE
16 TO BE WITH HER AT NIGHT.

17 THE COURT: EVERY NIGHT?

18 JUROR: YES.

19 THE COURT: I WILL EXCUSE YOU.

20 JUROR: THANK YOU.

21 THE COURT: YES, SIR.

22 JUROR: LAURIE BERRY.

23 THE COURT: YES, SIR.

24 JUROR: NUMBER 16. MY WIFE IS HANDICAPPED
25 AND I HAVE TWO BOYS AT HOME THAT I ADOPTED. THEY ARE

1 INCAPABLE OF TAKING CARE OF THEIR SELF, SO I HAVE TO
2 BE WITH THEM TO HANDLE THINGS.

3 THE COURT: SURELY YOU CAN GET SOMEBODY TO
4 STAY WITH YOUR WIFE, MR. BERRY.

5 JUROR: I CAN'T.

6 THE COURT: HOW MANY CHILDREN HAVE YOU GOT?

7 JUROR: TWO.

8 THE COURT: BOTH OF THEM ARE NOT
9 HANDICAPPED, ARE THEY?

10 JUROR: THEY ADOPTED CHILDREN.

11 THE COURT: THEY ARE WHAT?

12 JUROR: ADOPTED CHILDREN.

13 THE COURT: THEY ARE ADOPTED CHILDREN?

14 JUROR: YES.

15 THE COURT: WHAT AGE ARE THEY?

16 JUROR: ONE NINE AND THE OTHER ONE TWELVE.

17 THE COURT: YOUR WIFE CAN'T CARE FOR THEM?

18 JUROR: NO, SHE IS HANDICAPPED. SHE CAN'T
19 HARDLY GET AROUND TOO GOOD.

20 THE COURT: WELL, WHO IS CARING FOR THEM
21 WHILE YOU ARE FARMING THAT 500 ACRES? WHO CARES FOR
22 THEM?

23 JUROR: MY DAUGHTER BE THERE DURING THE
24 DAYTIME BUT SHE WORK AT NIGHT, AND SHE GOT A DAUGHTER
25 HERSELF. SHE GOT A CHILD HERSELF, THREE YEARS OLD,

1 AND SHE HAVE TO TAKE CARE OF THAT ONE.

2 THE COURT: MR. BERRY, YOU ARE OBVIOUSLY A
3 SUBSTANTIAL CITIZEN OF ORANGEBURG COUNTY AND YOU KNOW
4 THE IMPORTANCE OF JURY SERVICE.

5 JUROR: YES, SIR.

6 THE COURT: IT'S PRETTY OBVIOUS TO ME AND I
7 CAN UNDERSTAND WHY YOU ARE USING EVERYTHING IN THE
8 WORLD TO GET OUT OF JURY SERVICE.

9 JUROR: I AIN'T USING EVERYTHING IN THE
10 WORLD.

11 THE COURT: BUT THAT'S NOT FAIR TO YOUR
12 FELLOW CONSTITUENTS HERE NOW. BUT IF YOU ARE TELLING
13 ME UNDER YOUR OATH, IF YOU WANT TO STAND HERE BEFORE
14 ALL THESE PEOPLE IN ORANGEBURG COUNTY AND TELL ME
15 UNDER YOUR OATH AS A CITIZEN OF THIS COUNTY THAT YOU
16 CAN'T GET ANYBODY TO STAY WITH YOUR WIFE AT NIGHT OR
17 ON THE WEEKENDS --

18 JUROR: AND MY BOYS. THE BOYS ARE MORE
19 IMPORTANT, THEM BOYS, YOU KNOW.

20 THE COURT: WELL, ARE YOU TELLING ME NOW
21 THAT YOU DON'T HAVE ANY SISTERS, BROTHERS OR HELP?

22 JUROR: ALL OF THEM WORK.

23 THE COURT: YOU CAN'T GET ANYBODY TO COME
24 IN?

25 JUROR: IT'S HARD.

1 THE COURT: I KNOW IT'S HARD BUT IT'S NOT
2 DIFFECULT, IS IT? HAVE A SEAT. I AM NOT SO SURE I
3 WILL EXCUSE YOU.

4 JUROR: OKAY.

5 THE COURT: YES, MA'AM.

6 JUROR: ONEATHA GRIMES, JUROR 123. I HAVE
7 A FATHER-IN-LAW STAY WITH ME. HE IS 94 AND HE'S GOT
8 ALZHEIMER'S.

9 THE COURT: YES, I WILL EXCUSE YOU.

10 JUROR: THANK YOU.

11 THE COURT: YES, MA'AM.

12 JUROR: MY NAME IS MARY MCGONIGLE.

13 THE COURT: YES, MA'AM.

14 JUROR: I DON'T KNOW MY NUMBER. MY HUSBAND
15 HAD A HEART OPERATION ON FRIDAY AND HE CAN'T DRIVE OR
16 HE CAN'T DO ANYTHING.

17 THE COURT: YES, MA'AM, I WILL EXCUSE YOU.

18 JUROR: THANK YOU.

19 JUROR: MY NAME GLORIA DRAYTON, JUROR
20 NUMBER 83. I HAVE A 13 YEAR OLD, AN EIGHT YEAR OLD
21 AND I HAVE LEGAL CUSTODY OF A SET OF TWINS. THEY ARE
22 22 MONTHS OLD. MY MOTHER WORKS. SHE HAVE TO BE TO
23 WORK AT 4:30. THEY ARE AT DAY CARE AND THE OTHER
24 CHILDREN ARE IN SCHOOL.

25 THE COURT: WITH ALL OF THAT, YOU BETTER

1. HURRY HOME.

2. JUROR: THANK YOU.

3. THE COURT: YES, I WILL EXCUSE YOU. YES,
4. MA'AM.

5. JUROR: MY NAME IS VIRGINIA SHULER. I'M
6. NUMBER 269. I HAVE A 16 YEAR OLD AND A 12 YEAR OLD
7. AT HOME, BUT I HAVE AN 86-YEAR-OLD GRANDMOTHER THAT I
8. HAVE TO TAKE CARE OF.

9. THE COURT: I WILL EXCUSE YOU.

10. JUROR: YOUR HONOR, I'M MATTIE E. JOHNSON,
11. 177. I HAVE TO DRIVE MY SON TO WORK AND PICK UP MY
12. SON FROM WORK. HE WORK OVER IN SUMTER, SOUTH
13. CAROLINA. HE DON'T HAVE ANY LICENSE. SO MY HUSBAND
14. IS ON VACATION THIS WEEK TO PICK HIM UP.

15. THE COURT: CAN WE GET ANYBODY TO DRIVE
16. YOUR SON? I CAN'T EXCUSE YOU FOR THAT BASIS.

17. JUROR: BUT IF I COULD GET SOMEBODY TO PICK
18. HIM UP, I WOULD LIKE TO SERVE ON THE JURY.

19. THE COURT: I THINK YOU WOULD. I NEED YOU
20. BECAUSE WE ARE RUNNING LOW. JUST TELL YOUR SON HE
21. WILL HAVE TO MAKE OTHER ARRANGEMENTS BECAUSE WE NEED
22. YOU HERE.

23. JUROR: ALL RIGHT.

24. THE COURT: THANK YOU, MA'AM.

25. JUROR: MICHAEL ANTHONY, 326. I BELIEVE MY

1 SISTER WORK IN THE DAYTIME AND STUFF. I KEEP HER
2 LITTLE BOY, MY NEPHEW.

3 THE COURT: NO, SIR. SHE WILL HAVE TO GET
4 SOMEBODY ELSE TO KEEP THOSE CHILDREN THIS WEEK.

5 THANK YOU.

6 MR. STONE: WHAT NUMBER?

7 CLERK: NUMBER 326.

8 THE COURT: YES, MA'AM, YOUR NAME?

9 JUROR: LINDA INGRAM.

10 THE COURT: YES, MRS. INGRAM.

11 JUROR: I'M MAYOR PRO TEM FOR HOLLY HILL.
12 WE ARE GETTING READY TO BE AUDITED. THE MAYOR AND
13 THE CLERK ASKED THAT I BE EXCUSED.

14 THE COURT: WE HAD TO SEND FOR YOU THIS
15 MORNING?

16 JUROR: YES. I WAS TOLD BY SOMEONE IN THE
17 CLERK'S OFFICE THAT THEY WOULD LET ME KNOW IF I HAD
18 TO BE HERE BECAUSE WE HAD PUT IN FOR THE EXEMPTION.

19 THE COURT: YOU HAD. THE AUDIT IS STARTING
20 NOW, WOULD BE STARTING DURING THIS TERM OF COURT?

21 JUROR: WE ARE PREPARING FOR IT NOW. IT
22 STARTS THE 1ST OF SEPTEMBER.

23 THE COURT: YOU ARE IN THE PROCESS OF DOING
24 IT. I UNDERSTAND THE AUDIT WILL START NEXT TUESDAY?

25 JUROR: THE AUDIT WILL START IN SEPTEMBER.

1 WE ARE GETTING OUR PAPERWORK TOGETHER.

2 THE COURT: YOU NEED TO BE PREPARING FOR
3 IT. THAT IS AN EMERGENCY AND A SPECIAL SITUATION. I
4 WILL EXCUSE YOU.

5 JUROR: THANK YOU, SIR.

6 THE COURT: YES, MA'AM, YOUR NAME, PLEASE?

7 JUROR: VICTORIA WRIGHT.

8 THE COURT: JUROR NUMBER?

9 JUROR: 321.

10 THE COURT: WHAT WAS YOUR RESPONSE?

11 JUROR: I GOT FOUR KIDS, ELEVEN, NINE,
12 EIGHT AND SEVEN. THEY ARE ALL IN SCHOOL NOW BUT WHEN
13 THEY GET HOME, NOBODY WILL BE THERE.

14 THE COURT: YOUR HUSBAND CAN'T KEEP THEM?

15 JUROR: I'M SEPARATED.

16 THE COURT: SO YOU ARE THE ONLY ONE AT
17 NIGHTS AND ON THE WEEKENDS WITH THEM?

18 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
19 RESPONSE.)

20 THE COURT: I WILL EXCUSE YOU. GENTLEMEN,
21 COME FORWARD AND LET ME SPEAK TO YOU.

22 COURT REPORTER: DO WE NEED THIS ON THE
23 RECORD?

24 THE COURT: NO.

25 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF

1 THE RECORD IN THE PRESENCE OF THE JURY PANEL BUT OUT
2 OF THE HEARING OF THE JURY PANEL.)

3 THE COURT: MR. BERRY, COME BACK, PLEASE.

4 (WHEREUPON THE FOLLOWING BENCH CONFERENCE
5 WITH THE JUROR WAS REPORTED.)

6 THE COURT: I AM EXCUSING HIM. STAY UNTIL
7 THE END OF THE DAY AND YOU WILL BE EXCUSED.

8 (THE BENCH CONFERENCE WAS CONCLUDED.)

9 THE COURT: LADIES AND GENTLEMEN, WE NOW
10 BEGIN A PROCEDURE KNOWN AS VOIR DIRE. THAT IS
11 DESIGNED TO ASK OF A JUROR CERTAIN QUESTIONS TO
12 ENSURE THAT THE STATE OF SOUTH CAROLINA AND THE
13 DEFENDANT RECEIVE A JURY WITH NO FRIENDS TO REWARD,
14 NO ENEMIES TO PUNISH, A JUROR WHO HAS NO BIASES OR
15 PREJUDICES, A JUROR WHO IS NOT CLOSELY CONNECTED WITH
16 ANYONE INVOLVED.

17 IT IS A PROCESS DESIGNED TO ENSURE THAT THE
18 12 JURORS WILL BASE THEIR VERDICT, GUILTY OR NOT
19 GUILTY, BASED ON THE LAW AND THE EVIDENCE IN THIS
20 COURTROOM AND FROM NO OTHER SOURCE.

21 NOW, I REMIND YOU AGAIN AT THIS TIME THAT
22 YOUR RESPONSES TO THESE INQUIRIES AND THE OTHERS THAT
23 WILL BE DIRECTED ARE UNDER OATH. IF THERE IS ANY
24 QUESTION ABOUT WHAT I AM ASKING YOU, PLEASE STAND SO
25 THAT WE CAN CLARIFY IT.

1 THIS DEFENDANT UPON THIS INDICTMENT THAT I
2 HOLD IN MY HAND WAS INDICTED IN JANUARY OF 1998 BY
3 THE GRAND JURY OF ORANGEBURG COUNTY. WERE ANY
4 MEMBERS OF THIS JURY PANEL ON THE GRAND JURY THAT
5 BOUNDED THIS INDICTMENT? ARE ANY MEMBERS OF THIS
6 PANEL ON THE COUNTY GRAND JURY OF ORANGEBURG COUNTY
7 FOR 1997, 1998? IF SO, PLEASE STAND.

8 (THERE WAS NO RESPONSE.)

9 THE COURT: NOW, GENTLEMEN, WOULD YOU LIKE
10 FOR ME TO MAKE INQUIRY WITH REFERENCE TO YOUR WITNESS
11 LISTS?

12 SOLICITOR BAILEY: YES, SIR, YOUR HONOR.
13 THE STATE'S WITNESS LIST IS UP THERE.

14 THE COURT: I HAVE BEFORE ME A LIST OF
15 POSSIBLE WITNESSES AND I WILL BE GIVING THEIR NAMES.
16 IF YOU ARE RELATED BY BLOOD OR CONNECTED BY MARRIAGE
17 WITH ANY OF THESE POTENTIAL WITNESSES, PLEASE STAND.
18 AND IF YOU HAVE ANY CLOSE PERSONAL CONNECTION WITH
19 ANY OF THESE WITNESSES, PLEASE STAND. THE FIRST
20 WITNESS IS YELENA -- HOW DO YOU PRONOUNCE THAT?

21 SOLICITOR BAILEY: BATKILINA.

22 THE COURT: YELENA BATKILINA, THOMAS J.
23 FRENCH, RONALD MOSELY, DETECTIVE LIN SHIRER OF THE
24 ORANGEBURG COUNTY SHERIFF'S DEPARTMENT. IS ANYBODY
25 RELATED BY BLOOD OR CONNECTED BY MARRIAGE OR ANY

1 CLOSE PERSONAL RELATIONSHIP?

2 (THERE WAS NO RESPONSE.)

3 THE COURT: SERGEANT WILLIAM WATFORD OF THE
4 HOLLY HILL POLICE DEPARTMENT, SERGEANT ANDREW MYERS
5 OF THE HOLLY HILL POLICE DEPARTMENT, CORPORAL TIM
6 LLOYD OF THE SOUTH CAROLINA HIGHWAY PATROL, CORPORAL
7 JIM WOODS OF THE SOUTH CAROLINA HIGHWAY PATROL,
8 TROOPER ROBERT CECIL OF THE SOUTH CAROLINA HIGHWAY
9 PATROL, TROOPER CHARLES FREDERICK OF THE SOUTH
10 CAROLINA HIGHWAY PATROL, DEPUTY RICK KIMBALL OF THE
11 CHARLESTON COUNTY SHERIFF'S DEPARTMENT, DETECTIVE
12 KATHERINE K. GALLUP OF ORANGEBURG COUNTY SHERIFF'S
13 DEPARTMENT. AGAIN, IF ANYONE IS CONNECTED BY BLOOD
14 OR MARRIAGE OR HAVE ANY CLOSE PERSONAL RELATIONSHIP,
15 PLEASE SO SIGNIFY BY STANDING.

16 (THERE WAS NO RESPONSE.)

17 THE COURT: TROOPER ROBERT BERES --

18 (JUROR STANDS.)

19 THE COURT: WHAT IS YOUR CONNECTION?

20 JUROR: I LIVE IN THE SAME TOWN AS MYERS
21 AND HAVE BEEN A FRIEND AND GO TO THE SAME CHURCH.

22 THE COURT: WHAT IS YOUR NAME, SIR?

23 JUROR: THRAILKILL, JUROR 289.

24 THE COURT: Y'ALL ARE FRIENDS THERE AND IN
25 THE SAME CHURCH?

1 JUROR: YES, SIR.

2 THE COURT: I ACCEPT THAT AS INFORMATION.
3 TROOPER STEVE BRELAND OF THE SOUTH CAROLINA HIGHWAY
4 PATROL, TARA CLARK OF THE EMERGENCY SERVICES OF
5 DORCHESTER COUNTY, DR. JOEL SEXTON OF NEWBERRY
6 PATHOLOGIST ASSOCIATES IN NEWBERRY, TROOPER PAUL
7 BROUTHERS, AGENT BRETT BARKER OF SOUTH CAROLINA LAW
8 ENFORCEMENT DIVISION.

9 SOLICITOR BAILEY: IT'S BAKER, YOUR HONOR.

10 THE COURT: BAKER, EXCUSE ME. AGENT KERRI
11 GOODWIN OF S.L.E.D.; LISA A. WATSON; ANGELA CROWL;
12 GLORYVEE PEREZ BLACKWELL; GLORIA MAI PEREZ; CAPTAIN
13 L. C. KNIGHT OF S.L.E.D.; DR. JOHN CHANDLER OF THE
14 MEDICAL UNIVERSITY OF SOUTH CAROLINA; AGENT KENNY
15 MEARS OF S.L.E.D., TROOPER K. V. WELCH OF THE HIGHWAY
16 PATROL; BILLIE ALTHOUSE, REGISTERED NURSE OF THE
17 MEDICAL UNIVERSITY; AGENT GEORGE DARNELL OF S.L.E.D.;
18 AGENT SUSIE WILSON OF S.L.E.D.; CONNIE MCKAY OF
19 S.L.E.D.; AGENT DOROTHY FULLER OF S.L.E.D.; AGENT
20 LIEUTENANT JOSEPH POWELL OF S.L.E.D.; CAPTAIN HUBERT
21 RICKENBAKER, ORANGEBURG/CALHOUN DETENTION CENTER;
22 WANDA FITZGERALD; CHIEF VERNETIA DOZIER OF THE
23 ORANGEBURG/CALHOUN DETENTION CENTER; SARAH -- HOW DO
24 YOU PRONOUNCE THAT, PLEASE?

25 SOLICITOR BAILEY: PIVERO.

1 THE COURT: SARAH PIVERO, JAMES WEINER,
2 AGENT IRA PARNELL OF THE FIREARMS DEPARTMENT OF
3 S.L.E.D., MARK KELLY OF A.T.F., AGENT DAVID BLACK OF
4 S.L.E.D., THERESA MCCANN, JAIME FARRELL, MARIE MORAN,
5 LUIS CRUZ, MAURICE KEITT, LIEUTENANT LEON ROBINSON OF
6 THE HIGHWAY PATROL, CAPTAIN DAVID DEERING OF THE
7 SOUTH CAROLINA HIGHWAY PATROL, DORA LINGARD, NICOLE
8 RILEY, FRANK LINGARD, BARBARA LINGARD, LEATHA RAYSOR.
9 THESE QUESTIONS NOW ARE ASKED -- YES, SIR.

10 SOLICITOR BAILEY: CAN WE APPROACH, YOUR
11 HONOR?

12 THE COURT: YES, SIR.

13 COURT REPORTER: IS THIS ON THE RECORD?

14 SOLICITOR BAILEY: NOT YET. YOUR HONOR,
15 LET ME HAND YOU THE CASE OF STATE VERSUS POWERS, YOUR
16 HONOR.

17 THE COURT: COME FORWARD JUST ONE MOMENT.

18 (THE FOLLOWING BENCH CONFERENCE WAS
19 REPORTED.)

20 MR. STONE: WE ARE TALKING ABOUT THE ISSUE
21 OF WHETHER OR NOT THE DEFENSE HAS TO GIVE THE COURT A
22 LIST OF THEIR WITNESSES. IN THIS CASE IN PARTICULAR,
23 NOT JUST BECAUSE IT'S A DEATH PENALTY, BUT BECAUSE
24 THERE ARE SOME INTERESTING ISSUES OF GUILT AND
25 VARIOUS THINGS THAT WILL COME UP, I THINK IT FORCES

1 US TO GIVE THE PROSECUTION OUR DEFENSE.

2 WE DON'T HAVE -- WELL, ALSO I THINK AT THIS
3 POINT YOU HAVE ALREADY CALLED OUT THE WITNESSES FOR
4 THE STATE. THEY KNOW THERE IS A GAP NOW. IT'S A
5 QUESTION OF IF THE DEFENSE PRESENTS ANY WITNESS OR IF
6 WE DON'T PRESENT ANY, WE WILL HAVE GIVEN THEM A LIST
7 OF WITNESSES WE DIDN'T CALL.

8 I THINK IT'S MY POSITION -- AND I HAVE READ
9 THAT CASE -- BUT I THINK IT'S IN THE COURT'S
10 DISCRETION TO A CERTAIN EXTENT. IT'S NOT SOMETHING
11 THAT IS AUTOMATIC AND IT FORCES US TO GIVE OUR
12 DEFENSE TO THE PROSECUTION, AND I WOULD OBJECT TO
13 DOING IT.

14 THE COURT: I AM SPECIFICALLY NOT REQUIRING
15 THE DEFENSE TO DISCLOSE THEIR DEFENSE. I AM MERELY
16 REQUIRING AT THE OUTSET OF THE TRIAL TO DISCLOSE A
17 LIST OF WITNESSES IN COURT FOR THE PURPOSES OF JURY
18 SELECTION.

19 THE STATE HAS PROVIDED TO ME ITS LIST AND I
20 HAVE VOIR DIRED ON THAT BASIS. IT IS FUNDAMENTALLY
21 FAIR THAT THE DEFENSE PROVIDE A WITNESS LIST FOR THE
22 SAME PURPOSE AND FOR ONLY THAT PURPOSE, WHICH IS JURY
23 SELECTION.

24 MR. STONE: IT WILL TAKE US A FEW MINUTES
25 TO WRITE IT UP. WE DON'T HAVE IT WRITTEN UP. I AM

1 SURE I HAVE NOT TOLD YOU BEFORE, BUT WE HAVE A
2 NUMBER --

3 THE COURT: WE WILL DO THAT LAST. LET ME
4 GO THROUGH THE REST OF THE GENERAL QUESTIONS AND WE
5 WILL TAKE A BREAK TO ALLOW YOU TO DO THAT.

6 MR. STONE: YES, SIR.

7 THE COURT: DOES THAT SUIT YOU?

8 SOLICITOR BAILEY: YES, SIR.

9 (THE BENCH CONFERENCE WAS CONCLUDED.)

10 THE COURT: LADIES AND GENTLEMEN, I AM NOW
11 GOING TO ASK YOU CERTAIN GENERAL VOIR DIRE QUESTIONS.
12 YOU WILL INDIVIDUALLY BE CALLED IN FOR SOME SPECIFIC
13 QUESTIONS.

14 BUT ARE ANY OF YOU RELATED BY BLOOD,
15 CONNECTED BY MARRIAGE OR HAVE ANY CLOSE PERSONAL
16 RELATIONSHIP WITH THE DEFENDANT? HAVE THE DEFENDANT
17 STAND, PLEASE. MR. ALEKSEY, PLEASE STAND.

18 (THE DEFENDANT STANDS.)

19 THE COURT: ARE ANY OF YOU RELATED BY BLOOD
20 OR CONNECTED BY MARRIAGE OR HAVE ANY CLOSE PERSONAL
21 RELATIONSHIP?

22 (THERE WAS NO RESPONSE.)

23 THE COURT: YOU MAY BE SEATED. ARE ANY OF
24 YOU RELATED BY BLOOD OR MARRIAGE TO THE DECEASED,
25 SERGEANT F. L. LINGARD, OR DO ANY OF YOU HAVE ANY

1 CLOSE PERSONAL RELATIONSHIPS WITH HIM OR HIS FAMILY?
2 PLEASE STAND.

3 (THERE WAS NO RESPONSE.)

4 THE COURT: ARE ANY OF YOU EMPLOYED BY THE
5 DEPARTMENT OF PUBLIC SAFETY OR THE SOUTH CAROLINA
6 HIGHWAY DEPARTMENT OR THE HIGHWAY PATROL IN ANY
7 CAPACITY WHATSOEVER?

8 (JURORS STAND.)

9 JUROR: JUDGE, I OPERATE A ROTATION WRECKER
10 SERVICE. I WORK WITH EACH AND EVERY ONE OF THESE
11 PATROLMEN.

12 THE COURT: YES, SIR, BUT YOU ARE NOT
13 EMPLOYED BY THEM?

14 JUROR: I AM NOT EMPLOYED BY THEM, NO SIR.

15 COURT REPORTER: JUDGE, I NEED HIS NAME.

16 THE COURT: YOUR NAME, SIR.

17 JUROR: MACK STILLINGER, 274.

18 THE COURT: YOU JUST RUN A TOWING SERVICE?

19 JUROR: CORRECT.

20 THE COURT: THANK YOU. YES, MA'AM.

21 JUROR: I'M EMPLOYED WITH THE
22 TRANSPORTATION DEPARTMENT IN HOLLY HILL, SOUTH
23 CAROLINA.

24 THE COURT: DEPARTMENT OF TRANSPORTATION.
25 MY INQUIRY WAS WITH REGARD TO THE DEPARTMENT OF

1 PUBLIC SAFETY. THANK YOU. YOU MAY BE SEATED.

2 COURT REPORTER: DO I NEED HER NAME, JUDGE?

3 THE COURT: YOUR NAME?

4 JUROR: SHARON GOODWIN.

5 THE COURT: THE STATE OF SOUTH CAROLINA IN
6 THIS CASE IS REPRESENTED BY SOLICITOR WALTER BAILEY.
7 HAVE ANY OF YOU BEEN REPRESENTED BY THE SOLICITOR'S
8 OFFICE AS A VICTIM? HAVE YOU APPEARED ON HIS BEHALF
9 AS A WITNESS IN ANY CASE WITHIN THE LAST YEAR OR SO?
10 HAVE YOU BEEN A VICTIM WHERE HE HAS REPRESENTED YOU
11 OR BEEN A WITNESS IN A CASE THAT HE HAS TRIED FOR THE
12 STATE?

13 (THERE WAS NO RESPONSE.)

14 THE COURT: THE DEFENDANT FIRST IS
15 REPRESENTED BY MR. MCDUFFIE STONE OF THE BEAUFORT
16 COUNTY BAR. ARE ANY OF YOU CLIENTS OF MR. STONE OR
17 HAVE YOU BEEN IN THE IMMEDIATE PAST?

18 (THERE WAS NO RESPONSE.)

19 THE COURT: YOU MAY BE SEATED, MR. STONE.
20 THANK YOU. MR. SIMS, PLEASE STAND. MR. THOMAS SIMS
21 OF THE ORANGEBURG BAR. ARE ANY OF YOU CLIENTS OF
22 MR. SIMS OR HAVE YOU BEEN IN THE IMMEDIATE PAST? IF
23 SO, PLEASE STAND.

24 (THERE WAS NO RESPONSE.)

25 THE COURT: NOW, LADIES AND GENTLEMEN, I AM

1 GOING TO READ THE INDICTMENT OR THE ALLEGATIONS IN
2 THIS INDICTMENT SO THAT YOU CAN RESPOND TO FURTHER
3 INQUIRIES.

4 REMEMBER WHAT I TOLD YOU EARLIER, THAT THIS
5 INDICTMENT IS SIMPLY THE ALLEGATIONS AS AGAINST THIS
6 DEFENDANT WHICH ARE SPECIFICALLY DENIED, HE HAVING
7 PLED NOT GUILTY.

8 THE STATE UPON THIS INDICTMENT HOWEVER
9 MAKES THE FOLLOWING ALLEGATIONS, THAT IS, THAT BAYAN
10 ALEKSEY ALSO KNOWN AS JUSTIN MATEEKI DID IN
11 ORANGEBURG COUNTY, ON OR ABOUT DECEMBER 31, 1997,
12 FELONIOUSLY, WILLFULLY AND WITH MALICE AFORETHOUGHT
13 KILL ONE SERGEANT F. L. LINGARD BY MEANS OF SHOOTING
14 HIM WITH A PISTOL; AND THAT THE SERGEANT, F. L.
15 LINGARD, DID DIE AS A PROXIMATE RESULT THEREOF, ON OR
16 ABOUT THE 31ST OF DECEMBER, 1997, IN ORANGEBURG
17 COUNTY.

18 TWELVE OF YOU WILL BE SELECTED AS JURORS TO
19 TRY AND DETERMINE THE FACTS IN THIS CASE. AT THE
20 OUTSET I ASK YOU: DO ANY OF YOU HAVE SUCH BIASES,
21 PREJUDICES OR PREFORMED OPINIONS THAT YOU FEEL YOU
22 WOULD NOT BE A FAIR JUROR IF CALLED UPON TO SERVE?
23 IF SO, PLEASE STAND.

24 (JUROR STANDS.)

25 THE COURT: LET ME TAKE YOUR NAME, SIR.

1 JUROR: WILLIAM AYERS.

2 THE COURT: DON'T TELL ME YOUR POSITION,
3 JUST GIVE ME YOUR NAME.

4 JUROR: WILLIAM AYERS.

5 THE COURT: AND YOUR JUROR NUMBER?

6 JUROR: 008.

7 THE COURT: WE WILL ADDRESS THOSE CONCERNS
8 ON INDIVIDUAL VOIR DIRE. YOU UNDERSTAND THAT,
9 MR. MCDUFFIE?

10 MR. STONE: YES, SIR.

11 THE COURT: NOW, DO OF ANY OF KNOW OF ANY
12 REASON WHATEVER WHY YOU CANNOT GIVE BOTH THE STATE OF
13 SOUTH CAROLINA AND THIS DEFENDANT A FAIR AND
14 IMPARTIAL TRIAL? IF SO PLEASE STAND.

15 (THERE WAS NO RESPONSE.)

16 THE COURT: HAVE ANY OF YOU FORMED OR
17 EXPRESSED AN OPINION AS TO THE GUILT OR INNOCENCE OF
18 THIS DEFENDANT? IF SO, PLEASE STAND. DON'T TELL ME
19 WHAT YOUR OPINION IS. PLEASE STAND.

20 (JUROR STANDS.)

21 THE COURT: YOUR NAME?

22 JUROR: BONNIE ANTLEY.

23 THE COURT: PLEASE DON'T TELL ME ANYTHING
24 BUT THE FOLLOWING. YOU HAVE INDICATED THAT YOU MAY
25 HAVE FORMED OR EXPRESSED AN OPINION; IS THAT CORRECT?

1 JUROR: YES, SIR.

2 THE COURT: DO YOU KNOW YOUR NUMBER?

3 JUROR: JUROR NUMBER 6.

4 THE COURT: THANK YOU SO MUCH. HOW MANY OF
5 YOU HAVE DISCUSSED ANY PORTION OF THIS CASE WITH
6 ANYONE? PLEASE STAND.

7 (JURORS STAND.)

8 THE COURT: THAT'S FINE. PLEASE STAND IF
9 THERE IS ANY QUESTION ABOUT IT NOW. THAT'S GOOD.
10 THAT'S WHAT I NEED TO KNOW. PLEASE STAND. ALL OF
11 YOU PLEASE STAND. ALL I WANT IS YOUR NAME. YOUR
12 NAME, SIR?

13 JUROR: SCHRIMPF, JAMES F.

14 THE COURT: JUROR NUMBER?

15 JUROR: 349.

16 THE COURT: THANK YOU. WE WILL MAKE
17 INQUIRY LATER. YOU MAY BE SEATED. YOUR NAME, SIR?

18 JUROR: CHRIS CRABB.

19 THE COURT: JURY NUMBER?

20 JUROR: I'M NOT SURE.

21 CLERK: NUMBER 71.

22 THE COURT: JUROR NUMBER 71. YOU MAY BE
23 SEATED. AT THE BACK YOUR NAME, SIR?

24 JUROR: MIKE ANTHONY. I THINK IT'S 332 OR
25 SOMETHING.

1 THE COURT: YES, MA'AM.

2 JUROR: NUMBER 82.

3 THE COURT: AND YOUR NAME?

4 MR. STONE: I COULDN'T UNDERSTAND THAT.

5 JUROR: LYNNE DRAWDY, NUMBER 82.

6 THE COURT: HAS EVERYBODY GOT THAT?

7 MR. STONE: YES, SIR. THANK YOU.

8 THE COURT: YES, SIR.

9 JUROR: WILLIAM AYERS, 008.

10 THE COURT: EVERYBODY GOT THAT?

11 MR. STONE: YES, SIR.

12 THE COURT: I CAN'T HARDLY SEE YOU BEHIND
13 THE POST. YES, MA'AM.

14 JUROR: MARY GRAMLING, 118.

15 THE COURT: THANK YOU, MA'AM.

16 JUROR: CARL RAWLEIGH, 243.

17 THE COURT: BACK AT THE BACK, PLEASE, YOUR
18 NAME?

19 JUROR: WENDY GRAY, NUMBER 119.

20 THE COURT: THANK YOU. YOUR NAME?

21 JUROR: JUDY BRANTLEY.

22 THE COURT: JUROR NUMBER?

23 JUROR: 12.

24 CLERK: THAT'S NOT THE RIGHT NUMBER.

25 THE COURT: YOU ARE NOT 12. WHAT NUMBER

1 ARE YOU?

2 CLERK: IT'S 27.

3 JUROR: THEY TELL ME YOU ARE JUROR 27.

4 YES, SIR.

5 JUROR: ERNEST MYERS, 227.

6 THE COURT: THANK YOU, SIR.

7 JUROR: STEVE FOGLE, 97.

8 THE COURT: EVERYBODY GOT THOSE ON THE LEFT
9 SIDE?

10 MR. STONE: YES, SIR.

11 THE COURT: YOUR NAME, MA'AM?

12 JUROR: MARY MOORE.

13 THE COURT: JUROR NUMBER?

14 JUROR: 222.

15 THE COURT: THANK YOU SO MUCH. YOU MAY BE
16 SEATED.

17 JUROR: LEON VOID, 300.

18 THE COURT: WAIT A MINUTE. THAT WAS A
19 LITTLE FAST. YOUR NAME?

20 JUROR: LEON VOID.

21 THE COURT: AND YOUR JUROR NUMBER?

22 JUROR: 300.

23 THE COURT: BE SEATED, PLEASE. YES, MA'AM,
24 UP FRONT, PLEASE, MA'AM.

25 JUROR: JOANNE GLOVER. I DON'T KNOW WHAT

1 THE NUMBER IS.

2 THE COURT: LET'S WAIT AND FIND OUT.

3 CLERK: NUMBER 114.

4 THE COURT: JUROR 114. AT THE BACK,
5 PLEASE, MA'AM.

6 JUROR: KAYE BONNETTE, 22.

7 THE COURT: NUMBER 22. YES, SIR.

8 JUROR: HENRY FOSTER BOWMAN, 25.

9 THE COURT: THANK YOU, SIR. YOU MAY BE
10 SEATED.

11 JUROR: MACK STILLINGER, 250.

12 CLERK: IT'S 274.

13 THE COURT: NUMBER 274. AT THE PLEASE,
14 MA'AM, YOUR NAME?

15 JUROR: BONNIE ANTLEY, NUMBER 6.

16 THE COURT: THANK YOU. YES, SIR.

17 JUROR: MELVIN RANSOM, JUROR 240.

18 THE COURT: THANK YOU. UP FRONT.

19 JUROR: KAREN SHANAHAN, 351.

20 THE COURT: THANK YOU.

21 JUROR: THRAILKILL, 289.

22 THE COURT: THANK YOU.

23 JUROR: HARRY MIMS. I'M NOT SURE MY JUROR
24 NUMBER.

25 THE COURT: LET'S CHECK IT.

1 CLERK: 217.

2 THE COURT: NOW, OTHER THAN THOSE WHO HAVE
3 JUST STOOD, HAVE ANY OF THE REST OF YOU READ, VIEWED
4 OR LISTENED TO ANY NEWS ACCOUNTS OF THIS MATTER?
5 THOSE OF WHO HAVE YOU STOOD WILL BE EXAMINED ON THAT
6 QUESTION. ANY OF THE REST OF YOU WHO MAY HAVE READ
7 OR HEARD OR ANYTHING ABOUT THIS CASE WHO HAVE NOT
8 ALREADY STOOD, IF SO, PLEASE STAND NOW.

9 (JURORS STAND.)

10 THE COURT: IF YOU ALREADY STOOD, IF YOU
11 STOOD A MOMENT AGO, YOU MAY BE SEATED AS LONG AS I
12 HAVE YOUR NAME. IS EVERYBODY NEW HERE? I THINK
13 THIS, GENTLEMEN, I THINK IN EACH INSTANCE WE BETTER
14 ASK THAT QUESTION ON INDIVIDUAL VOIR DIRE THERE ARE
15 SO MANY OF THEM.

16 MR. STONE: YES, SIR.

17 THE COURT: YOU MAY BE SEATED. MR. BAILEY,
18 ARE THERE ANY QUESTIONS FOR THE ENTIRE PANEL DESIRED
19 BY THE STATE?

20 SOLICITOR BAILEY: NOTHING OTHER THAN WHAT
21 WE DISCUSSED AT THE BENCH, YOUR HONOR.

22 THE COURT: YES, SIR. HOW ABOUT IT FOR THE
23 DEFENSE?

24 MR. STONE: MAY WE APPROACH?

25 THE COURT: YES, SIR.

1 (THE FOLLOWING BENCH CONFERENCE WAS
2 REPORTED.)

3 MR. STONE: I THINK YOU ASKED IF ANYBODY
4 HAD BEEN REPRESENTED BY MR. BAILEY. I THINK HE HAS
5 GOT TWO OR THREE ASSISTANTS.

6 THE COURT: ARE THEY PART-TIME?

7 SOLICITOR BAILEY: THEY ARE ALL FULL-TIME.

8 MR. STONE: IF THEY ARE GOING TO BE HERE.

9 SOLICITOR BAILEY: I WILL ANNOUNCE THEM.

10 MR. SIMS: OR IF THEY ARE PRACTICING NOW.
11 I KNOW JIMMY WILLIAMS WAS THERE.

12 THE COURT: I'M NOT GOING TO ASK ABOUT
13 JIMMY BECAUSE HE IS A JUDGE. I HAVE ASKED IF ANYONE
14 HAD ANY CONNECTION WITH OR CLOSE FRIENDS OR WERE
15 VICTIMS OR WITNESSES. WELL, I WILL ASK A GENERAL
16 QUESTION.

17 (THE BENCH CONFERENCE WAS CONCLUDED.)

18 THE COURT: ARE ANY OF YOU RELATED BY BLOOD
19 OR CONNECTED BY MARRIAGE WITH ANYONE IN THE
20 SOLICITOR'S OFFICE NOW OR IN THE LAST SIX MONTHS?

21 (THERE WAS NO RESPONSE.)

22 THE COURT: DO ANY OF HAVE YOU ANY CLOSE
23 PERSONAL FRIENDS IN THE SOLICITOR'S OFFICE WITHIN THE
24 LAST SIX MONTHS?

25 (JUROR STANDS.)

1 THE COURT: YES, MA'AM.
2 JUROR: ANGELA TOBIN.
3 THE COURT: WHAT IS YOUR JURY NUMBER?
4 JUROR: I THINK IT'S 191.
5 CLERK: 291.
6 THE COURT: WHAT IS YOUR RESPONSE, PLEASE?
7 JUROR: KNOWING THE CLERKS OVER THERE.
8 THE COURT: YOU ARE CLOSE PERSONAL FRIENDS?
9 JUROR: I TALK WITH THEM ALL THE TIME.
10 THE COURT: WITH ONE IS THAT?
11 JUROR: DARLENE.
12 THE COURT: I ACCEPT THAT AS INFORMATION.
13 THANK YOU.
14 (JUROR STANDS.)
15 THE COURT: YOUR NAME, PLEASE?
16 JUROR: JOANNE GLOVER. I HAVE A RELATIVE,
17 PATSY RHETT, THAT WORKS AT THE SOLICITOR'S OFFICE.
18 THE COURT: WHAT POSITION DOES SHE HOLD?
19 SOLICITOR BAILEY: P.T.I.
20 THE COURT: WHAT IS HER NUMBER, PLEASE?
21 CLERK: 114.
22 THE COURT: MR. SIMS, THAT TAKES CARE OF
23 THE QUESTION YOU WANTED ON VOIR DIRE?
24 MR. SIMS: YES, SIR, IT DOES.
25 THE COURT: ANY OTHER QUESTIONS?

1 MR. STONE: NO, SIR.

2 THE COURT: LET'S GIVE ME THOSE LISTS,
3 PLEASE. HAVE YOU GOT A LIST?

4 MR. STONE: SUBJECT TO MY OBJECTION.

5 (HANDS TO COURT.)

6 THE COURT: I AM GOING TO LIST SOME NAMES
7 THAT MAY OR MAY NOT BE WITNESSES FOR THE STATE OR THE
8 DEFENSE. AGAIN, I SIMPLY NEED TO KNOW IF ANY OF YOU
9 ARE RELATED BY BLOOD OR CONNECTED BY MARRIAGE WITH
10 THESE INDIVIDUALS OR IF YOU HAVE ANY CLOSE PERSONAL
11 RELATIONSHIP WITH THEM.

12 DOTTIE FULLER OF S.L.E.D., JEFF HOLLIFIELD,
13 MARCUS BLACKWELL, TONY BOUVAY (PH.), DONNA WATTS OF
14 THE MEDICAL UNIVERSITY, DR. FRIERSON, DR. ROGER --
15 HOW DO YOU PRONOUNCE THAT?

16 MR. STONE: ROSENGARD.

17 THE COURT: DR. ROSENGARD, VERA ALEKSEY,
18 ROBERT TAYLOR.

19 (THERE WAS NO RESPONSE.)

20 THE COURT: THAT ANSWERS THAT QUESTION.
21 NOW, LADIES AND GENTLEMEN, LET ME EXPLAIN TO YOU
22 AGAIN HOW WE ARE GOING TO PROCEED. YOU USE THE
23 CAPSULE METHOD HERE? ARE YOU WAIVING THE CAPSULES?

24 MR. STONE: YES, SIR, WE WAIVE THAT. WE
25 HAVE GOT TWO OTHER PEOPLE.

1 THE COURT: TWO OTHER WITNESSES, PLEASE,
2 POTENTIAL WITNESSES, DAVID BACKMAN AND JOHN COLLINS.

3 (THERE WAS NO RESPONSE.)

4 MR. STONE: THANK YOU.

5 THE COURT: LADIES AND GENTLEMEN, FROM YOUR
6 NUMBER WE ARE DRAWING PANELS OF 12 EACH. THE PANELS
7 WILL NUMBER APPROXIMATELY ONE THROUGH SIX OR ONE
8 THROUGH SEVEN. AS SOON AS THESE PANELS ARE KNOWN,
9 YOU WILL BE DIVIDED INTO PANELS ONE, TWO, THREE,
10 FOUR, FIVE AND SIX.

11 PLEASE REMEMBER YOUR PANEL NUMBERS. AS AN
12 EXAMPLE, THE FIRST 12 WILL CONSTITUTE PANEL NUMBER
13 ONE. I WILL ASK THAT NUMBER ONE REMAIN HERE THIS
14 AFTERNOON SO THAT WE CAN COMPLETE THE VOIR DIRE
15 PROCEEDING INDIVIDUALLY AS I MENTIONED TO YOU.

16 PANEL NUMBER TWO WILL BE ASKED TO REPORT AT
17 9:30 IN THE MORNING, THAT IS, IF THE HURRICANE HAS
18 LEFT US AND I UNDERSTAND IT IS GOING TO. THEREAFTER
19 EACH PANEL WILL REPORT AT TWO AND A HALF HOUR
20 INTERVALS, FOR INSTANCE -- EXCUSE ME -- TWO HOUR
21 INTERVALS.

22 PANEL NUMBER TWO WILL REPORT AT 9:30 IN THE
23 MORNING, AND I WILL GO OVER THIS WITH YOU AGAIN.
24 PANEL NUMBER THREE WILL REPORT AT 11:30, PANEL NUMBER
25 FOUR AT 2:30 TOMORROW AFTERNOON AND PANEL NUMBER FIVE

1 AT 4:30.

2 THE REASON WE ARE DOING THIS IN PANELS IS
3 SO THAT ALL OF YOU WILL NOT HAVE TO STAY WITH US ALL
4 OF THE REST OF THE AFTERNOON AND ALL DAY TOMORROW. I
5 AM INCONVENIENCING YOU ENOUGH AS IT IS. TO THE
6 EXTENT POSSIBLE WE ARE TRYING TO ALLEVIATE THAT
7 SITUATION.

8 SO WHILE SHE IS DRAWING THE NAMES, WE WILL
9 TAKE ABOUT 15 MINUTES. PLEASE BE BACK IN THE
10 COURTROOM AT FOUR O'CLOCK. I WILL ASSIGN YOU PANEL
11 NUMBERS AND WE WILL GET STARTED. THANK YOU.

12 (WHEREUPON THERE WAS A RECESS.)

13 THE COURT: MADAME COURT REPORTER, PLEASE
14 MARK THE JUROR SHEET OR LETTER FOR THE RECORD BEFORE
15 WE GET STARTED.

16 COURT REPORTER: YES, SIR.

17 (COURT EXHIBIT'S NUMBER 1, JUROR
18 CLASSIFICATION SHEET, IS MARKED FOR PURPOSES OF THE
19 RECORD.)

20 THE COURT: THOSE AMONG YOU WHO HAVE NOW
21 BEEN QUALIFIED AS WE SPEAK HAVE BEEN DIVIDED INTO
22 PANELS FROM ONE THROUGH SEVEN. IT IS EXTREMELY
23 IMPORTANT NOW THAT EACH OF YOU REMEMBER THE PANEL TO
24 WHICH YOU HAVE BEEN ASSIGNED. MARSHA, I WANT TO
25 CALL, PLEASE, PANEL NUMBER ONE AND HAVE THEM COME

1 FORWARD.

2 CLERK: NUMBER 217, HARRY MIMS; NUMBER 28,
3 REBECCA BREWINGTON; NUMBER 21, DENNIS BONNETTE;
4 NUMBER 225, TAMMY MORRIS; 177, MATTIE JOHNSON; 102,
5 NARONE FRANKLIN; NUMBER 69, JASON COTE; 43, REGINALD
6 BUTLER; 254, JULIETTE RYANT; 340, SANDRA MCWATERS;
7 NUMBER 328, WILLIE BLANDING; 347, SABRINA ROBINSON.

8 (THE PANEL COMES FORWARD.)

9 CLERK: THAT'S THE FIRST PANEL.

10 THE COURT: YOU LADIES AND GENTLEMEN WILL
11 CONSTITUTE PANEL NUMBER ONE. AS SOON AS WE HAVE
12 DESIGNATED THE REMAINING PANELS, WE WILL START THE
13 INDIVIDUAL VOIR DIRE OR INDIVIDUAL QUESTIONING.

14 WE WILL CALL YOU IN THE SAME SEQUENCE THAT
15 YOU WERE CALLED A MOMENT AGO, BEGINNING WITH JUROR
16 NUMBER 217, HARRY MIMS, III, 281 AND COMING ON DOWN.
17 SO PLEASE TAKE PANEL NUMBER ONE TO AN APPROPRIATE
18 JURY ROOM. MY LAW CLERK WILL ESCORT MR. MIMS INTO
19 THE OTHER ROOM.

20 (THE PANEL LEAVES THE COURTROOM.)

21 THE COURT: CALL PANEL NUMBER TWO, PLEASE.

22 CLERK: NUMBER 120, DUANE GREEN; 71, CHRIS
23 CRABB; 289, HOMER THRAILKILL; 112, TYRONE GILLARD;
24 305, ELAINE WHETSTONE; 240, MELVIN RANSOM; 183, VON
25 JONES; 246, ALVIN RICKENBAKER; 179, WILLIE JOHNSON,

1 JR.; 326; MICHAEL ANTHONY; NUMBER 243, CARL RAWLEIGH;
2 343, ANDREW RISE.

3 (THE PANEL COMES FORWARD.)

4 CLERK: THAT WILL BE THE SECOND PANEL.

5 THE COURT: LADIES AND GENTLEMEN, YOU ARE
6 THE DESIGNATED PANEL NUMBER TWO. HOPEFULLY WE CAN
7 START THE VOIR DIRE WITH YOU AT 9:30 IN THE MORNING.
8 ALL OF YOU HAVE BEEN SELECTED AS POTENTIAL JURORS.

9 SO IT IS IMPORTANT THAT ALL OF YOU BE HERE,
10 OTHERWISE I HAVE TO SEND THE SHERIFF FOR YOU BECAUSE
11 YOU ARE ALL QUALIFIED TO SERVE IF SELECTED. MADAME
12 BAILIFF, PLEASE SHOW THIS JURY -- CAN YOU SHOW THEM
13 WHERE THEY ARE TO REPORT WITHOUT BOTHERING THE OTHER
14 JURY?

15 BAILIFF: YES, SIR.

16 THE COURT: SHOULD THEY FOLLOW YOU? I WANT
17 YOU TO SHOW THEM WHERE THEY ARE TO REPORT AT 9:30 IN
18 THE MORNING.

19 BAILIFF: ALL RIGHT, SIR.

20 THE COURT: SHOULD THEY FOLLOW YOU?

21 BAILIFF: YES, SIR.

22 THE COURT: PLEASE FOLLOW HER. SHE WILL
23 SHOW YOU WHERE TO BE. BE HERE PROMPTLY AT 9:30. DO
24 NOT DISCUSS ANY PART OF THIS CASE WITH ANYONE AND LET
25 NO ONE DISCUSS IT WITH YOU. THANK YOU. I TELL YOU

1 WHAT, JUST REPORT TO THE COURTROOM IN THE MORNING AT
2 9:30.

3 (THE PANEL LEAVES THE COURTROOM.)

4 THE COURT: CALL NUMBER THREE.

5 CLERK: NUMBER 110, NORRIS GIBSON; 261,
6 VINCENT BOWMAN; 334, JEREMIAH GATES; 255, DEBRA
7 SANFORD; 323, BONNIE ZEIGLER; 349, JAMES SCHRIMPF;
8 115, ROBERT GOODWIN; 144, GIGI HAYES; NUMBER 8,
9 WILLIAM AYERS; 324, SILAS ADAMS; NUMBER 121, FLOSTINE
10 GREEN; 199, KENNETH LEWIS.

11 (THE PANEL COMES FORWARD.)

12 CLERK: THAT'S NUMBER THREE.

13 THE COURT: LADIES AND GENTLEMEN, YOU
14 CONSTITUTE PANEL NUMBER THREE. AGAIN, IT'S
15 EXCEEDINGLY IMPORTANT THAT YOU PLEASE REMEMBER THAT
16 DESIGNATION. IT IS MY HOPE AND INTENT TO GO THROUGH
17 THE INDIVIDUAL EXAMINATION WITH YOU, PANEL NUMBER
18 THREE, AT 11:30.

19 SO I RESPECTFULLY REQUEST THAT YOU REPORT
20 BACK TO THE DOOR OF THIS COURTROOM AT 11:30 IN THE
21 MORNING. MY BAILIFF WILL TELL YOU AT THAT TIME WHERE
22 TO PROCEED. JUST REPORT TO THE DOOR OF THIS
23 COURTROOM AT 11:30, PANEL NUMBER THREE.

24 ANY QUESTIONS? HAS ANYBODY GOT ANY
25 QUESTIONS? IF YOU DO, PLEASE GIVE THEM TO ME BECAUSE

1 IT'S IMPERATIVE THAT ALL OF YOU UNDERSTAND. I LOOK
2 FORWARD TO SEEING YOU AT 11:30 IN THE MORNING.

3 (THE PANEL LEAVES THE COURTROOM.)

4 THE COURT: NUMBER FOUR.

5 CLERK: NUMBER 22, KAYE BONNETTE; 237,
6 KEDRAIN PELZER; 266, ELLEN LEE SHIVERS; 291, PHYLLIS
7 BRICKLE; 227, ERNEST MYERS; 332, LAKISHA DOWLING;
8 128, ROBERT HALLINGQUEST; NUMBER 4, LUTHER ALLEN;
9 NUMBER 168, MORRIS JENKINS; 185, SHIRLEY KELLER; 231,
10 OPAL O'CAIN; 351, KAREN SHANAHAN.

11 (THE PANEL COMES FORWARD.)

12 CLERK: PANEL NUMBER FOUR.

13 THE COURT: LADIES AND GENTLEMEN, YOU ARE
14 DESIGNATED AS PANEL NUMBER FOUR. PLEASE REMEMBER
15 THAT DESIGNATION. I RESPECTFULLY REQUEST THAT YOU
16 REPORT TO THE COURTROOM DOOR AT 2:30 TOMORROW
17 AFTERNOON, AT WHICH TIME WE HOPE THAT WE WILL BE IN A
18 POSITION TO HAVE YOU INDIVIDUALLY QUESTIONED. DOES
19 ANYBODY HAVE ANY QUESTIONS ABOUT THAT? PANEL NUMBER
20 FOUR, 2:30. THANK YOU SO MUCH.

21 (THE PANEL LEAVES THE COURTROOM.)

22 THE COURT: CALL THE NEXT PANEL, PLEASE.

23 CLERK: NUMBER 133, BARBARA HANTON; 270,
24 MALCOLM SIMPSON; 116, SHARON GOODWIN; 308, PATSY
25 WILDER; 291, ANGELA TOBIN; 146, COLE HAYWOOD; 201,

1 LAWRENCE LIVINGSTON; 127, HAROLD HALLEY; 114, JOANNE
2 GLOVER; 274, MACK STILLINGER; 238, EMILY PINDAK; 118,
3 MARY GRAMLING.

4 (THE PANEL COMES FORWARD.)

5 THE COURT: LADIES AND GENTLEMEN, YOU ARE
6 DESIGNATED, PLEASE, AS PANEL NUMBER FIVE. IT IS
7 IMPERATIVE THAT YOU REMEMBER THAT DESIGNATION. WE
8 HOPE THAT WE CAN CONCLUDE THE INDIVIDUAL VOIR DIRE OR
9 QUESTIONING BEGINNING TOMORROW AT 4:30.

10 PLEASE REPORT BACK TO THE DOOR HERE OF THIS
11 COURTROOM AT 4:30 FOR FURTHER INSTRUCTIONS.

12 MR. JENKINS, AT THAT TIME WE WILL BE IN A POSITION TO
13 SAY WHERE WE ARE GOING TO PUT THEM. ANY QUESTIONS?
14 PANEL NUMBER FIVE, 4:30 TOMORROW AFTERNOON.

15 ALL OF YOU HAVE BEEN QUALIFIED THUS FAR.
16 SO IT IS ABSOLUTELY NECESSARY NOW THAT YOU BE HERE
17 AND BE PRESENT AT THAT TIME. WE WILL ATTEMPT TO MOVE
18 YOU ALONG AS BEST WE CAN. THANK YOU SO MUCH FOR YOUR
19 PATIENCE. YOU ARE EXCUSED UNTIL 4:30 TOMORROW
20 AFTERNOON.

21 (THE PANEL LEAVES THE COURTROOM.)

22 CLERK: NUMBER 6, BONNIE ANTLEY; 307,
23 LATOYA WHITE; 27, JUDY BRANTLEY; 259, HARRIETTE
24 SEABROOKS; 90, CHAS ENGLISH; 97, STEPHEN FOGLE; 99,
25 CAROLINE FORD; 273, GEORGE STACK; 162, MARY JAMISON;

1 222, MARY MOORE; 167, MICHELLE JENKINS; 174, FRANK
2 JOHNSON.

3 (THE PANEL COMES FORWARD.)

4 THE COURT: LADIES AND GENTLEMEN, YOU ARE
5 DESIGNATED AS PANEL NUMBER SIX. AGAIN, IT IS
6 IMPERATIVE PLEASE THAT YOU REMEMBER THAT PANEL
7 DESIGNATION OF NUMBER SIX.

8 IT IS OUR INTENTION HOPEFULLY TO BEGIN THE
9 INDIVIDUAL VOIR DIRE AND INDIVIDUAL QUESTIONING OF
10 THIS PANEL AT 9:30 WEDNESDAY MORNING, THE DAY AFTER
11 TOMORROW, AT 9:30 ON WEDNESDAY.

12 PLEASE REPORT AGAIN TO THE DOOR OF THE
13 COURTROOM AND WE WILL ADVISE YOU AS TO WHERE TO GO AT
14 THAT TIME. MR. JENKINS OR SOMEBODY FROM S.L.E.D.
15 WILL BE THERE WITH INSTRUCTIONS.

16 PANEL NUMBER SIX, 9:30, WEDNESDAY. DOES
17 ANYBODY HAVE ANY QUESTIONS? IT'S BEEN A LONG DAY FOR
18 YOU. I DEEPLY APPRECIATE YOUR PRESENCE AND YOUR
19 PATIENCE. I LOOK FORWARD TO SEEING YOU 9:30 ON
20 WEDNESDAY MORNING PANEL NUMBER SIX. YOU ARE EXCUSED.
21 THANK YOU.

22 (THE PANEL LEAVES THE COURTROOM.)

23 THE COURT: LET'S GET THE LAST ONE NOW.

24 CLERK: NUMBER 173, FANNIE JOHNSON; NUMBER
25 7, JEROME ASBERRY; 260, ROBERTA SEE GARS; 84, PAUL

1 DREW; 296, LEVON TYLER; 64, SUSAN COPE; 82, LYNNE
2 DRAWDY; 295, BARBARA TURNER; 130, WILLIE HAMPTON;
3 300, LEON VOID; 16, LAURIE BERRY; NUMBER 10, RONALD
4 BAKER -- I'M SORRY. NUMBER 10 HAS BEEN EXCUSED.

5 THE COURT: Y'ALL AGREE WITH THAT? NUMBER
6 10 ON THE PANEL HAS BEEN EXCUSED?

7 SOLICITOR BAILEY: NUMBER 10 IS BAKER. HE
8 HAD A RECORD.

9 THE COURT: THAT WAS THIS MORNING.

10 CLERK: THAT'S WHY I MISSED IT THEN.

11 MR. STONE: I'M SORRY. WHAT NUMBER ARE WE
12 TALKING ABOUT? YOU SAID NUMBER 10? THAT'S FINE.

13 THE COURT: YES, HE WAS EXCUSED.

14 MR. STONE: YES, SIR.

15 THE COURT: GO AHEAD.

16 CLERK: NUMBER 25, HENRY BOWMAN; 139,
17 SHELLIE HARRISON; 119, WENDY GRAY.

18 (THE PANEL COMES FORWARD.)

19 THE COURT: THERE'S NOW 14 IN THAT PANEL.

20 LADIES AND GENTLEMEN, YOU CONSTITUTE PANEL NUMBER
21 SEVEN. PLEASE REPORT AT 11:30 WEDNESDAY MORNING, THE
22 DAY AFTER TOMORROW.

23 PLEASE WRITE THAT DOWN. YOU ARE PANEL
24 NUMBER SEVEN TO REPORT, NOT TOMORROW, BUT THE DAY
25 AFTER TOMORROW AT 11:30. REPORT TO THE BACK OF THE

1 COURTROOM WHERE MR. JENKINS WILL GIVE YOU FURTHER
2 INSTRUCTIONS.

3 DOES ANYBODY HAVE ANY QUESTIONS? YOU ARE
4 EXCUSED. MR. BERRY, LET ME SEE YOU, PLEASE. YOU ARE
5 EXCUSED UNTIL 11:30 WEDNESDAY PANEL NUMBER SEVEN.
6 JUST WAIT RIGHT THERE, MR. BERRY, FOR ME.

7 (THE PANEL LEAVES THE COURTROOM EXCEPT FOR
8 NUMBER 16, LAURIE BERRY.)

9 THE COURT: THE RECORD WILL REFLECT THAT
10 JUROR BERRY, NUMBER 16, REQUESTED TO BE EXCUSED FOR
11 REASONS OF BUSINESS, FOR HIS WIFE, FOR HIS TWO
12 CHILDREN AND SUNDRY OTHER REASONS. IT WAS AT THAT
13 TIME THAT WE AGREED TO EXCUSE MR. BERRY. MR. BERRY,
14 YOU ARE NOW EXCUSED.

15 JUROR: THANK YOU, SIR.

16 (THE JUROR LEAVES THE COURTROOM.)

17 THE COURT: MR. JENKINS, YOU, OF COURSE,
18 AND S.L.E.D. ARE EXPERIENCED BAILIFFS. MAKE SURE
19 THAT AT NO TIME A JUROR IS IN THE COURTROOM DURING
20 VOIR DIRE.

21 BAILIFF: YES, SIR.

22 THE COURT: WE WILL TRY AND GIVE YOU
23 INSTRUCTIONS AS TO WHERE TO REPORT. WE WILL PROBABLY
24 BE OVERLOADED AT SOME POINT IN TIME BUT WE WILL KEEP
25 YOU ADVISED. WHO IS GOING TO BE THE BAILIFF ON THE

1 MIDDLE DOOR? MR. JENKINS, LET ME PUT YOU IN CHARGE
2 BACK THERE WITH THE DOOR. IT WILL BE YOUR
3 RESPONSIBILITY TO MAKE SURE NO JUROR COMES INTO THIS
4 COURTROOM.

5 BAILIFF: YES, YOUR HONOR.

6 THE COURT: THAT WILL BE TAKEN CARE OF, I
7 KNOW. GENTLEMEN, LET'S GET UPON THE RECORD. WE HAVE
8 ALL AGREED NOW THAT WE WILL USE OR QUALIFY 35 OR
9 PERHAPS 37. WE WILL STRIKE IN THE SAME NUMBER THAT
10 THEY WERE QUALIFIED; IS THAT CORRECT?

11 MR. STONE: YES, SIR.

12 THE COURT: WORK WITH ME ON PAGE NUMBER 7.
13 AT LEAST 30 DAYS PRIOR TO TRIAL, HAS THE DEFENSE
14 COUNSEL BEEN NOTIFIED OF THE INTENTION TO SEEK THE
15 DEATH PENALTY, SOLICITOR?

16 SOLICITOR BAILEY: YES, YOUR HONOR.

17 THE COURT: YOU AGREE WITH THAT, SIR?

18 MR. STONE: YES, SIR.

19 THE COURT: HAS IT BEEN MADE KNOWN TO THE
20 DEFENDANT IN WRITING THE PROSECUTION'S EVIDENCE IN
21 REGARD TO AGGRAVATION OF PUNISHMENT TO BE OFFERED BY
22 THE STATE FOR INTRODUCTION INTO EVIDENCE?

23 MR. STONE: AGGRAVATION, I UNDERSTAND, YOUR
24 HONOR, IS THE KILLING OF A SOUTH CAROLINA LAW
25 ENFORCEMENT OFFICER. I HAVE BEEN NOTIFIED OF THAT,

1 YES, SIR.

2 THE COURT: ANY OTHER AGGRAVATING
3 CIRCUMSTANCES?

4 SOLICITOR BAILEY: NO, SIR, THAT ONE.

5 THE COURT: THAT WILL BE THE SOLE
6 AGGRAVATING CIRCUMSTANCE. HAS A TRUE COPY OF THE
7 WHOLE INDICTMENT BEEN PRESENTED TO THE DEFENDANT AT
8 LEAST 30 DAYS PRIOR TO TRIAL?

9 SOLICITOR BAILEY: YES, SIR.

10 MR. STONE: YES, SIR.

11 THE COURT: NEXT MATTER. WE HAVE CONDUCTED
12 A BLAIR HEARING.

13 MR. STONE: YES, SIR.

14 THE COURT: ANYTHING ELSE NECESSARY IN THAT
15 MATTER?

16 MR. STONE: NO, SIR.

17 THE COURT: LET'S DO THIS NEXT. I KNOW YOU
18 ARE IMMINENTLY QUALIFIED AS CO-COUNSEL, BUT I NEED IT
19 FOR THE RECORD. GIVE ME YOUR NAME, TIME ADMITTED TO
20 THE BAR AND YOUR QUALIFICATIONS.

21 MR. STONE: ISAAC MCDUFFIE STONE, III, IS
22 THE FULL NAME. I WAS ADMITTED TO THE BAR IN
23 NOVEMBER, I BELIEVE, OF 1988. I HAVE BEEN CERTIFIED
24 BY THE SUPREME COURT IN CERTIFICATION FOR DEATH
25 PENALTY CASES AND AS LEAD COUNSEL FOR DEATH PENALTY

1 CASES.

2 I HAVE RECENTLY CONCLUDED THE STATE VERSUS
3 TERRY, WHICH I WORKED WITH THE PUBLIC DEFENDER, BETH
4 FULLWOOD. I HAVE IN EXCESS AT THIS POINT CLOSE TO
5 TEN YEARS OF FELONY TRIAL EXPERIENCE.

6 THE COURT: THE COURT FINDS YOU IMMINENTLY
7 QUALIFIED AND APPRECIATES YOUR SERVICE IN THIS CASE
8 AS COURT-APPOINTED ATTORNEY.

9 MR. STONE: THANK YOU.

10 THE COURT: MR. SIMS, THE SAME THING.

11 MR. SIMS: I WAS APPOINTED, I GUESS, IN
12 1981. IT'S BEEN SO LONG, YOUR HONOR. I WAS ADMITTED
13 TO THE SOUTH CAROLINA BAR, I BELIEVE IT WAS IN JULY
14 OF 1981.

15 I WAS APPOINTED OR WORKED AS A SOLICITOR
16 FOR OVER TEN YEARS IN TERMS OF PRACTICING AND IN
17 TERMS OF THE PROSECUTION OF FELONY CASES. I HAVE
18 BEEN IN PRIVATE PRACTICE SINCE 1993. I DON'T KNOW
19 WHAT ELSE YOU NEED. I HAVE WAY OVER TEN YEARS OF
20 EXPERIENCE IN TERMS OF FELONY PROSECUTIONS AND
21 DEFENSE.

22 THE COURT: MR. SIMS, I HAVE HAD THE
23 PLEASURE OF HAVING YOU IN MY COURT MANY TIMES. I
24 FIND YOU IMMINENTLY QUALIFIED TO SERVE IN THIS
25 CAPACITY. YOU, TOO, HAVE MY APPRECIATION AS

1 COURT-APPOINTED ATTORNEY.

2 MR. SIMS: THANK YOU, YOUR HONOR.

3 THE COURT: ARE THERE ANY OTHER MOTIONS WE
4 NEED TO CONSIDER FOR THE STATE OR THE DEFENSE PRIOR
5 TO BEGINNING?

6 MR. STONE: WE NEED TO COVER A FEW, YOUR
7 HONOR, REAL BRIEFLY. JURORS 156, 188, 193, 207, 216
8 AND 313 WERE ALL SERVED BY THE SHERIFF WITH NOTICE TO
9 BE HERE.

10 THEY DID NOT SHOW UP. I CONSULTED WITH
11 CO-COUNSEL ON THIS. WE HAVE DECIDED TO WAIVE THEIR
12 PRESENCE AS TO ANY QUESTIONS CONCERNING THE JURY AND
13 THAT WAS A QUESTION OF STRATEGY ON OUR PART.

14 THE SECOND THING IS MY UNDERSTANDING IS A
15 NUMBER OF PEOPLE STOOD UP DURING YOUR VOIR DIRE
16 CONCERNING WHETHER OR NOT THEY VIEWED ANY MEDIA
17 COVERAGE OF THIS CASE.

18 MY UNDERSTANDING IS YOU, AS THE TRIAL
19 JUDGE, ARE GOING TO ASK ALL OF THE JURY PANEL THE
20 QUESTION OF WHETHER OR NOT THEY HAVE BEEN EXPOSED TO
21 THE MEDIA. THEREFORE WE DO NOT HAVE ANY MOTION TO
22 MAKE SPECIFIC FINDING AS TO THOSE JURORS AT THIS
23 TIME.

24 THE COURT: MY QUESTION DOES NOT LIMIT YOU
25 IN ANY WAY TO SUCH QUESTIONS YOU THINK ARE PROPER.

1 MR. STONE: THANK YOU, YOUR HONOR.

2 MR. SIMS: THANK YOU.

3 MR. STONE: THE THIRD THING IS WE HAVE
4 PROVIDED A WITNESS LIST UPON REQUEST OF THE STATE AND
5 ACTUALLY OVER OUR OBJECTION FOR THE WITNESSES THAT WE
6 INTEND TO CALL IN THIS CASE.

7 I RECOGNIZE THERE IS A RECENT CASE FROM
8 JUNE 8TH OF THIS YEAR ON THIS, STATE VERSUS POWELL;
9 HOWEVER, I THINK THIS IS MORE APPROPRIATELY STATE
10 VERSUS MILLER WHICH SPECIFICALLY DID NOT ALLOW OR
11 FOUND IT ERROR TO FORCE THE DEFENSE TO GIVE A WITNESS
12 LIST.

13 THE REASON IN THIS CASE, YOUR HONOR, IS WE
14 FEEL LIKE PROVIDING A WITNESS LIST TO THE COURT AND
15 TO THE SOLICITOR'S OFFICE DOES TWO THINGS. ONE, IT
16 TELLS THE JURY WE ARE GOING TO CALL WITNESSES AND WE
17 MAY, IN FACT, NOT CALL WITNESSES. OF COURSE, THE
18 BURDEN HAS IN A WAY SHIFTED TO US.

19 THE SECOND THING IS WE HAVE SPECIFICALLY
20 NOT GIVEN THE SOLICITOR'S OFFICE ANY NAMES OF ANY
21 POTENTIAL EXPERTS WE HAVE, BUT WE HAVE COMPLIED
22 EXACTLY WITH RULE 5.

23 I THINK BY PROVIDING THIS WITNESS LIST, IT
24 UNDOES ALL OF THAT AND BASICALLY VIOLATES RULE 5, AT
25 LEAST FROM OUR POSITION AS TO STRATEGY OF THE CASE.

1 WE THINK THAT THAT GIVES OUR DEFENSE TO THE
2 SOLICITOR'S OFFICE AND WE FEEL THAT THAT IS IMPROPER.

3 THE COURT: DO YOU CARE TO RESPOND?

4 SOLICITOR BAILEY: ONLY TO DISAGREE WITH
5 MR. STONE. I THINK THE STATE VERSUS POWERS CASE IS
6 CLEAR AUTHORITY TO ALLOW THE COURT NOT TO GIVE UP
7 THEIR DEFENSE BUT TO ALLOW THE COURT TO QUALIFY A
8 FAIR AND IMPARTIAL JURY, WHICH IS WHAT YOUR HONOR IS
9 RESPONSIBLE FOR.

10 THE COURT: I WANT THIS RECORD TO
11 ABUNDANTLY REFLECT NOW THAT AT NO TIME DID THE COURT
12 REQUIRE ANY TYPE OF PRETRIAL DISCOVERY OF YOUR
13 WITNESS LIST. I WOULD REQUIRE YOUR WITNESS LIST
14 TODAY SOLELY FOR THE PURPOSE OF JURY SELECTION AND NO
15 OTHER PURPOSE AND CERTAINLY NOT FOR ANY TRIAL
16 STRATEGY.

17 MR. STONE: YES, SIR.

18 THE COURT: ALL RIGHT.

19 MR. STONE: THE FINAL THING, YOUR HONOR,
20 AND I WILL HAVE TO OBJECT I BELIEVE DURING THE VOIR
21 DIRE BY THE SOLICITOR IF WE GET TO THAT POSITION. I
22 HAVE REVIEWED YOUR LETTER THAT YOU SEND TO THE JURORS
23 AND HAVE THEM READ INDICATING WHETHER OR NOT THEY ARE
24 ALWAYS A DEATH PENALTY JUROR, NEVER A DEATH PENALTY
25 JUROR OR WOULD CONSIDER AGGRAVATION AND MITIGATION.

1 IT'S OUR POSITION THAT THAT IS ABUNDANT,
2 THAT IS ABSOLUTELY, EXACTLY HOW MUCH REFERENCE TO THE
3 DEATH PENALTY THESE JURORS SHOULD RECEIVE IN VOIR
4 DIRE. THE DEFENSE IS SPECIFICALLY NOT GOING TO ASK
5 THEM ANY QUESTIONS CONCERNING THEIR FEELING OF THE
6 DEATH PENALTY, ALTHOUGH WE HAVE A STATUTORY RIGHT TO
7 DO SO.

8 WE FEEL LIKE IT IS THE COURT'S DISCRETION
9 TO EVEN ALLOW THE SOLICITOR'S OFFICE TO EVEN VOIR
10 DIRE. OUR POSITION IS THAT BY THE SOLICITOR'S OFFICE
11 ASKING QUESTIONS CONCERNING THE DEATH PENALTY, THAT
12 IS PRESUPPOSING GUILT ON THE PART OF OUR CLIENT,
13 WHICH WE ARE SPECIFICALLY TRYING NOT TO DO BY NOT
14 ASKING THOSE QUESTIONS.

15 WE WOULD AT THIS TIME MOVE FOR THE
16 SOLICITOR'S OFFICE TO BE PRECLUDED FROM ASKING ANY
17 QUESTIONS, NOT AS TO BIAS ON THE PART OF THE JURORS,
18 BUT AS TO BIAS FROM THE STANDPOINT OF THE DEATH
19 PENALTY ALONE.

20 THE COURT: I WOULD RESPECTFULLY OVERRULE
21 THAT MOTION. OUR CASES ARE ABUNDANT AND REplete WITH
22 THE FACT THAT YOU AND THE SOLICITOR ARE ENTITLED TO
23 ASK THOSE QUESTIONS.

24 IN MY INITIAL REMARKS THE JURY WAS FULLY
25 ADVISED THAT THERE MIGHT OR MIGHT NOT BE A TWO-PHASE

1 TRIAL DEPENDING ON THEIR VERDICT IN THE FIRST PHASE.
2 THEY FULLY UNDERSTAND THAT. THE LETTER EXPRESSES
3 THAT. I, TOO, WILL COVER THAT IN OUR VOIR DIRE. SO
4 I THINK THE CASES HOLD THAT HE IS ENTITLED TO ASK
5 THOSE QUESTIONS, AS YOU ARE.

6 MR. STONE: YES, SIR.

7 THE COURT: I RESPECTFULLY OVERRULE THAT.

8 MR. STONE: THANK YOU. I THINK THAT'S THE
9 ONLY MOTIONS WE HAVE AT THIS TIME.

10 THE COURT: THE RECORD WILL REFLECT --
11 ANYTHING FURTHER ON THAT, SOLICITOR?

12 SOLICITOR BAILEY: I JUST WANT TO PUT A
13 COUPLE OF THINGS ON THE RECORD IF I MIGHT, YOUR
14 HONOR.

15 THE COURT: ALL RIGHT, SIR.

16 SOLICITOR BAILEY: ONE WOULD BE THAT I
17 WOULD LIKE THE RECORD TO REFLECT THAT ALL OF THE
18 JURORS, POTENTIAL JURORS, THAT HAVE BEEN DISQUALIFIED
19 OR EXCUSED BY THE COURT SO FAR THAT SOME OF THIS
20 STUFF OCCURRED AS PART OF A BENCH CONFERENCE.

21 I AM NOT SURE HOW MUCH THE COURT REPORTER
22 GOT DOWN. I WOULD LIKE THE RECORD TO REFLECT THAT
23 THE DEFENSE HAS HAD AN OPPORTUNITY TO EXAMINE ALL OF
24 THOSE JURORS PRIOR TO THEIR BEING EXCUSED BY THE
25 COURT.

1 THE COURT: THE RECORD WILL REFLECT ALL
2 EXCUSES ARE BY AND WITH THE CONSENT OF THE STATE AND
3 THE DEFENDANT.

4 SOLICITOR BAILEY: YES, SIR.

5 THE COURT: I WANT THE RECORD TO STATE THAT
6 SOME JURORS WERE OBVIOUSLY EXCUSED FOR REASONS AND
7 THE SOLICITOR AND DEFENSE COUNSEL HAVE REVIEWED THAT.
8 WE ARE IN AGREEMENT THAT THE PANEL THAT WE NOW HAVE
9 IS CORRECT INsofar AS WE STAND IN THIS CASE.

10 MR. STONE: YES, SIR.

11 THE COURT: ALL THOSE WHO HAVE BEEN EXCUSED
12 FOR ONE REASON OR ANOTHER ARE CONSENTED TO BY YOU AND
13 HIM.

14 SOLICITOR BAILEY: YES, SIR.

15 THE COURT: OR THEM.

16 MR. STONE: YES, SIR.

17 SOLICITOR BAILEY: YOUR HONOR, THE OTHER
18 POINT IS THAT THIS WAS PUT ON THE RECORD AT A PRIOR
19 MOTION HEARING, I BELIEVE MAYBE BOTH THE MOTION
20 HEARINGS.

21 I JUST WANT TO AGAIN MAKE SURE THE RECORD
22 IS CLEAR THAT MR. STONE IS A PART-TIME ASSISTANT
23 SOLICITOR IN A DIFFERENT JUDICIAL CIRCUIT.

24 MR. ALEKSEY HAS BEEN MADE OF THAT AND HAS WAIVED ANY
25 POTENTIAL CONFLICT. I WOULD JUST LIKE THAT ON THE

1 RECORD AGAIN AT THIS POINT.

2 THE COURT: STAND UP, MR. ALEKSEY. YOU
3 UNDERSTAND THAT ONE OF YOUR COUNSEL IS WITH THE
4 SOLICITOR -- IS A CONTRACT WITH THE SOLICITOR?

5 MR. STONE: BASICALLY, YOUR HONOR, YES,
6 SIR. THAT'S CORRECT, PART-TIME WITH THE 14TH
7 CIRCUIT.

8 THE COURT: PART-TIME SOLICITOR'S OFFICE IN
9 ANOTHER CIRCUIT. IT HAS NOTHING TO DO WITH THIS
10 CIRCUIT HERE IN ORANGEBURG. DO YOU UNDERSTAND THAT?

11 DEFENDANT ALEKSEY: YES, YOUR HONOR.

12 THE COURT: YOU FULLY UNDERSTOOD HIS
13 POSITION AS PART-TIME WITH THE SOLICITOR'S OFFICE IN
14 BEAUFORT COUNTY?

15 DEFENDANT ALEKSEY: YES, YOUR HONOR.

16 THE COURT: YOU HAVE WAIVED ANY POSSIBLE
17 CONFLICT AND ARE AGREEING THAT HE SHALL BE YOUR
18 COUNSEL IN THIS CASE?

19 DEFENDANT ALEKSEY: YES, YOUR HONOR.

20 THE COURT: IS THAT CORRECT?

21 DEFENDANT ALEKSEY: (NODS HEAD.)

22 (INDICATING AFFIRMATIVE RESPONSE.)

23 THE COURT: YOU MAY BE SEATED.

24 MR. STONE: ONE OTHER THING, YOUR HONOR,
25 TOO, AND WE COVERED THIS AT A PRIOR HEARING AS WELL.

1 I ALSO DO WORK WITH INSURANCE RESERVE FUND WHICH
2 INSURES STATE AGENCIES, WHICH OBVIOUSLY INCLUDES THE
3 DEPARTMENT OF PUBLIC SAFETY. I THINK WE HAVE GONE
4 THROUGH THAT ON THAT RECORD.

5 THE COURT: I THINK THE RECORD IS
6 ABUNDANTLY CLEAR ON THAT.

7 MR. STONE: YES, SIR.

8 THE COURT: NOW, WE HAVE HAD TWO PRETRIAL
9 HEARINGS, ONE IN LEXINGTON AS I RECALL AND ONE IN
10 RICHLAND.

11 SOLICITOR BAILEY: BOTH IN RICHLAND.

12 THE COURT: JURISDICTION WAS WAIVED AND
13 PERMITTED IN RICHLAND COUNTY.

14 MR. STONE: YES, SIR.

15 THE COURT: THOSE RECORDS ARE MADE A PART
16 OF THE RECORD IN THESE PROCEEDINGS.

17 MR. STONE: YES, SIR.

18 THE COURT: ANYTHING FURTHER?

19 MR. STONE: NOT FROM THE DEFENSE AT THIS
20 TIME.

21 SOLICITOR BAILEY: NOT FROM THE STATE.

22 THE COURT: ARE WE READY FOR VOIR DIRE?

23 MR. STONE: YES, SIR.

24 THE COURT: I AM GOING TO HAVE THE
25 POTENTIAL JURORS SIT IN THE FOREMAN'S CHAIR EACH

HARRY MIMS -VOIR DIRE- BY THE COURT

1 TIME. I THINK THAT IS BETTER THAN SITTING HERE.
2 BRING THE JUROR IN. MADAME CLERK, IN EACH INSTANCE I
3 WANT THE JUROR RESWORN.

4 (THE JUROR ENTERS THE COURTROOM.)

5 HARRY MIMS, (WHITE MALE),
6 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 VOIR DIRE EXAMINATION
8 BY THE COURT:

9 Q MR. JUROR, AGAIN, GOOD AFTERNOON. I APOLOGIZE
10 FOR KEEPING YOU WAITING. THIS IS BY NATURE JUST A
11 SLOW PROCESS. MANY JURORS EARLIER IN THE AFTERNOON
12 HAD INDICATED THAT THEY MAY HAVE READ OR HEARD
13 SOMETHING ABOUT THE CASE OR EXPRESSED AN OPINION
14 ABOUT IT IN SOME WAY. CAN YOU TELL US WHAT YOU MAY
15 HAVE READ OR HEARD.

16 A I JUST READ WHAT HAD HAPPENED AND WHAT WAS IN
17 THE PAPER.

18 Q HAVE YOU FORMED OR EXPRESSED ANY KIND OF OPINION
19 ABOUT IT?

20 A JUST THAT -- NOT REALLY.

21 Q LET ME ASK YOU THIS. REGARDLESS OF WHAT YOU MAY
22 HAVE READ OR HEARD, CAN YOU TELL ME UPON YOUR OATH
23 THAT YOU CAN PUT THAT ASIDE AND BASE YOUR VERDICT,
24 WHATEVER IT IS, GUILTY OR NOT GUILTY, ON THE LAW AND
25 EVIDENCE IN THIS COURTROOM?

HARRY MIMS -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q I WANT TO MAKE SURE, YOU KNOW, THAT WHAT YOU
3 READ MAY OR MAY NOT BE APPROPRIATE. IT MAY OR MAY
4 NOT BE THE TRUTH. YOU ARE TELLING ME YOU AT SOME
5 TIME OR ANOTHER READ SOMETHING ABOUT IT?

6 A YES, SIR.

7 Q YOU CAN PUT IT ASIDE AND BASE YOUR VERDICT IN
8 THIS CASE?

9 A YES, SIR.

10 Q NOW, DID YOU HAVE AN OPPORTUNITY TO READ THIS
11 STATEMENT OR LETTER AS TO THE THREE TYPES OF JURORS?

12 A YES, SIR.

13 Q NOW, I AM GOING TO ASK YOU SOME QUESTIONS ABOUT
14 PENALTY. YOU WOULD UNDERSTAND THIS IS A TWO-PHASE
15 CASE.

16 A RIGHT.

17 Q IF IN THE FIRST CASE, WHICH IS GUILT OR
18 INNOCENCE, IF HE IS FOUND NOT GUILTY, WE STOP RIGHT
19 THERE. YOU UNDERSTAND THAT?

20 A YES, SIR.

21 Q NOW, IF, AND ONLY IF, IF WE GET TO THE SECOND
22 PHASE WHICH IS THE SENTENCING PHASE, THERE ARE THREE
23 TYPES OF JURORS AS THAT LETTER INDICATED. THERE IS
24 ONE TYPE OF JUROR WHO SAYS HAVING FOUND SOMEBODY
25 GUILTY OF MURDER, I WILL ALWAYS BE FOR THE DEATH

HARRY MIMS -VOIR DIRE- BY SOL. BAILEY

1 PENALTY. THERE IS A SECOND TYPE OF JUROR WHO SAY
2 EACH THOUGH WE HAVE FOUND THE DEFENDANT GUILTY OF
3 MURDER, I CAN NEVER BE FOR THE DEATH PENALTY.

4 THERE IS A THIRD GROUP WHO SAY WE HAVE FOUND HIM
5 GUILTY OF MURDER, BUT I AM NOW GOING TO LISTEN TO THE
6 AGGRAVATING CIRCUMSTANCES AND THE MITIGATING
7 CIRCUMSTANCES AND THEN I WILL DECIDE. WOULD YOU BE
8 THE FIRST GROUP WHO SAYS ALWAYS, THE SECOND WHO SAYS
9 NEVER OR THE THIRD WHO SAYS IT WILL DEPEND ON WHAT I
10 HEAR SEE AND FEEL? WHICH WOULD BE YOU BE, SIR?

11 A THIRD.

12 Q THIRD. CAN YOU TELL ME WHAT YOUR VIEW OF THE
13 THIRD IS.

14 A I MEAN, I'D JUST LIKE TO HEAR -- I WOULD HAVE TO
15 HEAR ALL THE FACTS AND HEAR FROM BOTH SIDES.

16 Q ALL RIGHT, SIR.

17 THE COURT: YOU MAY EXAMINE.

18 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

19 VOIR DIRE EXAMINATION

20 BY SOLICITOR BAILEY:

21 Q MR. MIMS, I'M WALTER BAILEY. I JUST HAVE A FEW
22 QUESTIONS TO FOLLOW UP ON WHAT JUDGE COTTINGHAM ASKED
23 YOU. DO YOU HAVE ANY RELIGIOUS BELIEFS THAT YOU
24 THINK WOULD IMPACT ON YOUR ABILITY TO SIT AS A JUROR
25 IN A CASE OF THIS TYPE?

HARRY MIMS -VOIR DIRE- BY SOL. BAILEY.

1 A NO, SIR.

2 Q AND YOU UNDERSTAND FROM WHAT JUDGE COTTINGHAM
3 SAID EARLIER THAT IN SOUTH CAROLINA, THE JURY AND NOT
4 THE JUDGE, IF WE GET TO THAT PENALTY PHASE, MAKES THE
5 DECISION ON THE SENTENCE?

6 A RIGHT.

7 Q AND YOU HAVE INDICATED YOU ARE A TYPE THREE
8 JUROR WHERE IF THE CASE WAS BAD ENOUGH, YOU COULD
9 VOTE FOR THE DEATH PENALTY; BUT ON THE OTHER HAND,
10 DEPENDING ON WHAT YOU HEARD, YOU MAY ALSO VOTE FOR
11 LIFE; IS THAT CORRECT?

12 A YES, SIR.

13 Q NOW, IF YOU VOTED FOR THE DEATH PENALTY, THE
14 NEXT PROCEDURE WOULD BE THAT EACH JUROR WOULD BE
15 ASKED TO SIGN THEIR NAME TO A DEATH VERDICT FORM. I
16 AM NOT ASKING WHAT YOU WOULD DO BECAUSE YOU HAVEN'T
17 HEARD ANYTHING YET; BUT IF THE CASE WAS BAD ENOUGH
18 THAT YOU COULD VOTE FOR THE DEATH PENALTY AND THE
19 OTHER 11 JURORS VOTE FOR THAT ALSO, COULD YOU SIGN
20 YOUR NAME TO THAT VERDICT FORM?

21 A YES.

22 Q IF YOU DID THAT, YOU WOULD COME OUT TO OPEN
23 COURT AND THERE IS A PROCESS CALLING POLLING THE
24 JURY. EACH JUROR IS ASKED TO STAND UP AND ANNOUNCE
25 THAT IS THEIR VERDICT. A. COULD YOU DO THAT?

HARRY MIMS -VOIR DIRE- BY MR. STONE

1 A YES, SIR.

2 Q AND YOU HAVE ALREADY SAID THERE IS NOTHING THAT
3 WOULD KEEP YOU FROM BEING SEQUESTERED FOR ROUGHLY A
4 WEEK IN A MOTEL; IS THAT CORRECT?

5 A NO, SIR.

6 Q THANK YOU. THAT'S ALL I HAVE.

7 THE COURT: YOU MAY EXAMINE FOR THE
8 DEFENSE.

9 MR. STONE: THANK YOU. JUST A FEW
10 QUESTIONS.

11 VOIR DIRE EXAMINATION.

12 BY MR. STONE:

13 Q MR. MIMS, I WILL NOT ASK YOU ANYTHING ABOUT THE
14 DEATH PENALTY. I AM MORE INTERESTED IN ANY ISSUES
15 YOU MAY HAVE WITH GUILT OR INNOCENCE. YOU SAID
16 EARLIER THAT YOU HAD HEARD SOME STUFF ABOUT THIS OR
17 READ SOME STUFF. WHAT ARE YOUR SOURCES OF
18 INFORMATION?

19 A THE STATE AND THE TIMES AND DEMOCRAT.

20 Q DID YOU SAY THE STATE AS WELL?

21 A YEAH, THE NEWSPAPER. I DON'T REMEMBER WHICH ONE
22 EXACTLY?

23 Q TELEVISION?

24 A IF I DID I DON'T REMEMBER.

25 Q ON A REGULAR BASIS WHAT ARE YOUR SOURCES OF

HARRY MIMS -VOIR DIRE- BY MR. STONE

1 INFORMATION, THE TIMES AND DEMOCRAT AND THE STATE
2 PRIMARILY?

3 A RIGHT.

4 Q DO YOU HAVE ANY BIASES THAT YOU KNOW TOWARDS OR
5 AGAINST MEN VERSUS WOMEN?

6 A NO.

7 Q DO YOU THINK A WOMAN IS CAPABLE OF A VIOLENT
8 ACT?

9 SOLICITOR BAILEY: JUDGE, I THINK WE ARE
10 GETTING INTO SPECIFICS, AND HE IS TRYING TO STAKE THE
11 JUROR OUT. I WOULD LIKE TO BE HEARD ON THAT.

12 THE COURT: NO, SIR, I SUSTAIN THAT. IF
13 THAT DEVELOPS THE JUROR CAN MAKE HIS INDEPENDENT
14 DETERMINATION OF WHAT HE THINKS. I THINK IT IS
15 IMPROPER AT THIS TIME TO MAKE HIM FORM AN OPINION
16 UNTIL HE HAS HEARD TESTIMONY.

17 MR. STONE: YOUR HONOR, I THINK STATE
18 VERSUS SMART ALLOWS US TO ASK ABOUT SPECIFIC BIASES.
19 IN THIS CASE IT'S VERY IMPORTANT TO THE DEFENSE TO
20 UNDERSTAND IF HE HAS ANY BIASES BECAUSE --

21 THE COURT: I HAVE PERMITTED YOU TO ASK IF
22 HE HAS A BIAS AND I PERMIT THAT. HIS ANSWER IS FOR
23 THE RECORD. YOU WANT TO GO INTO IT A LITTLE FURTHER
24 AND I DECLINE TO DO THAT.

25 MR. STONE: ALL RIGHT, SIR.

HARRY MIMS -VOIR DIRE- BY MR. STONE

1 Q DO YOU BELIEVE THAT FOREIGN NATIONALS SHOULD
2 HAVE THE SAME RIGHTS AS NONFOREIGN NATIONALS?

3 SOLICITOR BAILEY: JUDGE, HE IS GETTING
4 INTO SPECIFIC HYPOTHETICALS.

5 MR. STONE: IT'S NOT A HYPOTHETICAL.

6 THE COURT: NO, SIR, I WILL PERMIT THAT
7 QUESTION.

8 A REPEAT IT.

9 Q DO YOU BELIEVE THAT FOREIGN NATIONALS SHOULD
10 HAVE THE SAME RIGHTS AS PEOPLE THAT WERE BORN HERE IN
11 AMERICA?

12 A YEAH.

13 Q DO YOU HAVE A CAR YOU DRIVE?

14 A YEAH.

15 Q DO YOU HAVE ANY BUMPER STICKERS ON THE CAR?

16 SOLICITOR BAILEY: JUDGE, I OBJECT. THAT
17 IS CLEARLY DEVELOPMENT OF A PERSONALITY PROFILE.

18 THE COURT: YES, SIR, THAT IS GOING TOO
19 FAR.

20 MR. STONE: WE HAVE COVERED ALL OF THIS,
21 YOUR HONOR, IN PRETRIAL AND SPECIFICALLY THIS COURT
22 HAS ALREADY ALLOWED ME TO ASK THOSE QUESTIONS.

23 THE COURT: LET'S HEAR THE QUESTION.

24 MR. STONE: THE QUESTION WAS ONLY WHETHER
25 OR NOT HE HAD BUMPER STICKERS ON HIS CAR.

HARRY MIMS -VOIR DIRE- BY MR. STONE

1 THE COURT: WHAT IS THE NEXT ONE?

2 MR. STONE: THAT WAS IT. THAT'S ALL I
3 ASKED.

4 THE COURT: YES, SIR, I WILL PERMIT THAT
5 ONE QUESTION.

6 MR. STONE: THANK YOU.

7 A DO I HAVE ANY BUMPER STICKERS?

8 Q RIGHT.

9 A YEAH.

10 Q WHAT ARE THEY?

11 A DUCKS UNLIMITED.

12 Q YOU PUT ON YOUR QUESTIONNAIRE THAT YOU WERE A K.
13 A., A MEMBER OF THE K. A. SOCIETY?

14 A RIGHT.

15 Q IS THAT WHEN YOU WERE IN COLLEGE AT CAROLINA OR
16 IS THAT SOMETHING YOU ARE STILL A MEMBER OF NOW?

17 A THAT WAS WHEN I WAS IN COLLEGE. I DON'T KNOW
18 HOW THAT -- I GUESS I WILL ALWAYS BE A MEMBER.

19 MR. STONE: THAT'S ALL I HAVE.

20 SOLICITOR BAILEY: NOTHING FURTHER, YOUR
21 HONOR.

22 THE COURT: HAVE HIM STEP OUT JUST A
23 MOMENT.

24 (THE JUROR LEAVES THE COURTROOM.)

25 THE COURT: WHAT SAYS THE STATE?

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SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

THE COURT: WHAT SAYS THE DEFENSE?

MR. STONE: WE DON'T HAVE ANY REASON TO THINK HE IS NOT QUALIFIED.

THE COURT: BRING THE JUROR IN.

(THE JUROR RETURNS TO THE COURTROOM.)

THE COURT: MR. JUROR, YOU HAVE BEEN FOUND QUALIFIED TO SERVE BY BOTH THE ATTORNEYS FOR THE STATE AND THE ATTORNEYS FOR THE DEFENDANT, IF SELECTED. WE ARE QUALIFYING 35 JURORS, 14 OF WHICH WILL BE SELECTED.

JUROR: YES, SIR.

THE COURT: PLEASE REPORT BACK AT 9:30 THURSDAY MORNING.

JUROR: OKAY, GOOD.

THE COURT: WAIT A MINUTE NOW. BRING WITH YOU SUCH PERSONAL EFFECTS THAT YOU WILL REQUIRE IN THE EVENT THAT YOU ARE ONE OF THE 14 SELECTED TO STAY IN THE MOTEL.

REPORT BACK TO THIS COURTROOM AT 9:30 THURSDAY. DO NOT DISCUSS THIS CASE WITH ANYONE. LET NO ONE DISCUSS IT WITH YOU. DO NOT EVEN DISCUSS THE QUESTIONS AND ANSWERS, NO DISCUSSION WHATSOEVER.

JUROR: ALL RIGHT.

THE COURT: SEE YOU AT 9:30 THURSDAY. YOU

1 MAY BE EXCUSED.

2 (THE JUROR LEAVES THE COURTROOM.)

3 THE COURT: BEFORE WE START BACK, LET'S
4 RESOLVE THIS BUMPER STICKER ISSUE. I DON'T RECALL
5 THIS COMING UP. I DON'T SAY IT DIDN'T.

6 MR. STONE: YES, SIR. I ASKED YOU ABOUT
7 THAT BECAUSE I WANTED TO PUT FOUR QUESTIONS ON THE
8 JURY QUESTIONNAIRE, ALL OF WHICH I MIGHT PUT ON THE
9 RECORD ARE FEDERAL JUROR QUESTIONNAIRE QUESTIONS.
10 NUMBER ONE, WHAT IS YOUR SOURCE OF INFORMATION,
11 MEDIA, THINGS LIKE THAT.

12 THE COURT: THAT'S FINE.

13 MR. STONE: THAT WAS THE FIRST QUESTION I
14 ASKED. NUMBER TWO, IF THE JUROR WOULD BELIEVE A
15 FOREIGN NATIONAL DESERVES THE SAME RIGHTS AS A
16 NATIONAL.

17 THE COURT: I WILL LET YOU ASK THAT
18 QUESTION.

19 SOLICITOR BAILEY: CAN I BE HEARD ON THAT,
20 JUDGE?

21 THE COURT: YES, SIR, JUST A MINUTE. GO
22 AHEAD.

23 MR. STONE: NUMBER THREE WAS IF THE PERSON
24 HAD ANY BUMPER STICKERS ON THEIR CAR IN THE LAST SIX
25 MONTHS OR WHATEVER AND WHAT THOSE BUMPER STICKERS

1 WERE. ALL THREE OF THOSE QUESTIONS HAVE BEEN FOUND
2 PROPER IN FEDERAL COURT.

3 THE COURT: WHERE ARE YOU GOING WITH THE
4 BUMPER STICKERS?

5 MR. STONE: I DROVE FROM BEAUFORT TO
6 ORANGEBURG YESTERDAY AND COUNTED FIVE CARS THAT HAD
7 BUMPER STICKERS THAT SAID, "SUPPORT YOUR LOCAL
8 HIGHWAY PATROL."

9 NOW, I THINK STATE VERSUS SMART, FOR ALL
10 ITS LIMITATIONS, ALLOWS ME TO AT LEAST GO IN TO FIND
11 WHAT SPECIFIC BIASES THERE ARE, HOWEVER HIDDEN THEY
12 MAY BE. IF SOMEBODY PUTS A BUMPER STICKER ON THEIR
13 CAR --

14 THE COURT: IS THAT THE ONLY BUMPER STICKER
15 YOU ARE CONCERNED ABOUT, "SUPPORT YOUR LOCAL HIGHWAY
16 DEPARTMENT"?

17 MR. STONE: NOT NECESSARILY.

18 THE COURT: WHAT OTHER BUMPER STICKERS?

19 MR. STONE: THERE ARE A NUMBER OF THEM.
20 THERE ARE A NUMBER OF BUMPER STICKERS THAT TELL ME
21 ALL KINDS OF THINGS ABOUT --

22 THE COURT: LIKE WHAT?

23 MR. STONE: WELL, FOR INSTANCE, IF HE HAD
24 HAD A K. A. BUMPER STICKER ON HIS CAR, I WAS A K. A.
25 AT WOFFORD. I KNOW EXACTLY THE TYPE OF PEOPLE THAT

1 ARE K. A.S.

2 THE COURT: YOU DON'T LIKE THEM? YOU ARE
3 ONE OF THEM.

4 MR. STONE: IT DEPENDS IF I AM PROSECUTING
5 OR DEFENDING. YOUR HONOR, I AM NOT TRYING --

6 THE COURT: NO, I WILL NOT DO THAT. THAT
7 GETS INTO A JUROR PROFILE. I DON'T THINK YOU ARE NOT
8 ENTITLED TO THAT. YOU ARE ENTITLED TO ANY BIAS OR
9 PREJUDICE.

10 I DON'T MIND YOU ASKING WHAT THE SOURCE OF
11 INFORMATION IS. WHY ARE YOU CONCERNED WITH LETTING
12 THEM SAY THAT A FOREIGNER IS ENTITLED TO THE SAME
13 FAIR TRIAL?

14 SOLICITOR BAILEY: HE IS NOT A FOREIGNER,
15 JUDGE. I'VE GOT A BIRTH CERTIFICATE HERE. HE WAS
16 BORN IN MANHATTAN.

17 MR. STONE: HIS NAME IS BAYAN ALEKSEY. HE
18 IS A DESCENDANT OF A RUSSIAN AND PUERTO RICAN.
19 ALTHOUGH HE MAY VERY WELL NOT BE A FOREIGN NATIONAL,
20 HE ACTS LIKE IT, LOOKS LIKE IT AND SOUNDS LIKE IT.

21 THE COURT: I WILL LET THAT QUESTION. YOU
22 CAN DEAL WITH THAT WITH THE JURY. I WILL ALLOW THAT
23 QUESTION. I THINK THAT IS APPROPRIATE.

24 MR. STONE: I THINK MY ENTIRE VOIR DIRE
25 TOOK MAYBE FOUR MINUTES. I DON'T PLAN ON GOING ANY

1 LONGER THAN THAT; HOWEVER --

2 THE COURT: I AM AGREEING WITH YOU, EXCEPT
3 THIS BUMPER STICKER THING. I THINK THAT THAT CLEARLY
4 IS GOING TO A PROFILE AND THAT'S WHAT YOU WANTED TO
5 DO WHEN YOU TALKED ABOUT YOUR K. A. BROTHER. YOU
6 WANTED TO GET A PROFILE.

7 MR. STONE: I LEARNED THAT OFF OF THE JURY
8 QUESTIONNAIRE. THE BUMPER STICKER THEMSELVES, JUDGE,
9 IF SOMEBODY PUTS A, "SUPPORT YOUR HIGHWAY PATROL"
10 BUMPER STICKER ON THEIR CAR, THAT TELLS ME AN AWFUL
11 LOT AS FAR AS ESPECIALLY THIS CASE ITSELF.

12 IT SOUNDS STRANGE BUT IF YOU THINK ABOUT
13 THE BUMPER STICKERS THAT YOU SEE ON EVERY CAR THESE
14 DAYS, IT TELLS YOU EVERYTHING YOU NEED TO KNOW ABOUT
15 SOME TYPE OF BIAS.

16 THE COURT: WHICH IS CLEARLY JURY PROFILE.

17 MR. STONE: IT'S NOT JURY PROFILE. IT'S
18 SPECIFIC BIASES. IF SOMEBODY SAYS, "I SUPPORT THE
19 HIGHWAY PATROL," ENOUGH TO HAVE IT ON THE BACK OF
20 THEIR CAR, THAT IS A SPECIFIC BIAS THAT I NEED TO
21 KNOW ABOUT BEFORE I PUT THEM ON THE JURY PANEL WITH
22 THE DEATH OF A HIGHWAY PATROL OFFICER.

23 THE COURT: THAT IS, BUT I MEAN --

24 MR. STONE: WELL, I DON'T WANT TO ASK HIM
25 JUST THAT ONE QUESTION, "DO YOU SUPPORT YOUR HIGHWAY

1 PATROL?" I WANT TO MAKE IT A LITTLE MORE BROAD WHERE
2 I AM NOT KIND OF HANGING OUT THERE IN THE WIND.

3 THE COURT: I DON'T SEE HOW THE STATE IS
4 HURT BY LETTING HIM ASKING THE QUESTION. I WILL STOP
5 HIM IF HE GOES TOO FAR. DUCKS UNLIMITED, I DON'T
6 KNOW WHAT THAT IS GOING TO TELL YOU ABOUT SHOOTING
7 DUCKS, BUT I WILL LET YOU DO IT A LITTLE BIT. DON'T
8 GO TOO FAR.

9 MR. STONE: YOUR HONOR, LIKE I SAID, THOSE
10 ARE THE ONLY QUESTIONS I WANT. I WOULD LIKE TO PUT
11 THIS ON THE RECORD.

12 THE COURT: MAKE WE WON'T HAVE ANY BUMPER
13 STICKERS. GO AHEAD.

14 MR. STONE: IN THIS CASE PROBABLY MORE THAN
15 ANY OTHER CASE, THE QUESTION HERE IS WHETHER OR NOT
16 THERE ARE TWO PEOPLE IN THIS CAR, ONE MALE, ONE
17 FEMALE.

18 I THINK I HAVE A RIGHT TO AT LEAST DISCOVER
19 WHETHER OR NOT THE JURORS ARE BIASED TOWARDS A WOMAN
20 WHO CAN COMMIT VIOLENCE. SOME PEOPLE WILL NOT ACCEPT
21 THE FACT THAT WOMEN CAN BE VIOLENT.

22 THE COURT: YOU ARE PROTECTED FOR THE
23 RECORD. I AM NOT GOING TO PERMIT THAT, CLEARLY,
24 PERIOD.

25 MR. STONE: CAN I ASK THE QUESTION WHETHER

1 OR NOT THEY HAVE ANY BIAS TOWARDS OR AGAINST MEN
2 VERSUS WOMEN?

3 THE COURT: I WILL DO THAT. I WILL
4 CERTAINLY DO THAT. BUT BEYOND THAT I AM NOT GOING TO
5 GO BECAUSE THEY WOULD HAVE TO WEIGH AN INDIVIDUAL
6 BIAS, IF ANY, BASED ON THE TESTIMONY..

7 MR. STONE: I WANT IT TO BE REAL CLEAR ON
8 THE RECORD. I AM NOT ASKING WHETHER OR NOT THEY
9 WOULD BELIEVE A WOMAN VERSUS A MAN BECAUSE I KNOW
10 THAT'S NOT IMPROPER.

11 THE COURT: DIDN'T YOU SAY SOMETHING ABOUT
12 DO YOU BELIEVE A WOMAN CAN COMMIT AN ACT OF VIOLENCE?

13 MR. STONE: YES, SIR, BUT THAT'S TWO
14 DIFFERENT THINGS. I AM NOT ASKING THEM TO BELIEVE
15 SOMEBODY'S TESTIMONY VERSUS ANOTHER TESTIMONY. I AM
16 ASKING THEM SPECIFICALLY IF THEY CAN BELIEVE OR IF
17 THEY CAN ACCEPT THAT A WOMAN CAN COMMIT A VIOLENT
18 CRIME.

19 THE COURT: I AM NOT GOING TO DO THAT.
20 BECAUSE IT WOULD DEPEND ON THE APPEARANCE, THEIR
21 DEMEANOR, A LOT OF DIFFERENT THINGS. I WILL NOT ASK
22 THEM TO PREJUDGE THAT ISSUE. I WILL PERMIT THE SAME
23 QUESTION, THE LIMITED QUESTION ON BIAS. DO YOU
24 UNDERSTAND THAT?

25 SOLICITOR BAILEY: I THINK I DO BUT YOU ARE

REBECCA BREWINGTON --VOIR DIRE-- BY THE COURT

1 GOING TO LET HIM ASK WHETHER THEY HAVE ANY BIAS
2 AGAINST WOMAN AND THAT WOULD BE THE END OF IT?

3 THE COURT: THAT IT'S. I AM NOT GOING TO
4 LET HIM GO INTO WHETHER THEY WILL BELIEVE THEM OR NOT
5 BECAUSE THEY HAVEN'T HAD A CHANCE TO LOOK AT THEM TO
6 SEE WHETHER THEY ARE GOING TO BELIEVE THEM.

7 MR. STONE: IT WON'T BE BIASES AGAINST
8 WOMEN. THAT WON'T BE MY QUESTION. I AM CONCERNED
9 ABOUT BIAS AGAINST MEN, NOT WOMEN.

10 THE COURT: IS THAT A K. A. BELIEF?

11 MR. STONE: IT MIGHT BE. I THINK THAT
12 EXISTS, TOO.

13 THE COURT: BRING THE JUROR IN.

14 (THE NEXT JUROR ENTERS THE COURTROOM.)

15 REBECCA BREWINGTON, (WHITE
16 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
17 FOLLOWS:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q MRS. BREWINGTON, I NOTE THAT YOU FINISHED EDISTO
21 HIGH SCHOOL; IS THAT CORRECT?

22 A WELL, I WENT TO HIGH SCHOOL THERE. I GOT MY
23 DIPLOMA THROUGH THE AMERICAN SCHOOL OF
24 CORRESPONDENCE.

25 Q THAT'S FINE. NOW, LET ME ASK YOU THIS. MANY OR

REBECCA BREWINGTON -VOIR DIRE- BY THE COURT.

1 SOME OF THE JURORS EARLIER IN THE DAY INDICATED THAT
2 THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THIS CASE
3 OR KNOW SOMETHING ABOUT IT. WERE YOU ONE OF THOSE
4 WHO RESPONDED IN THE AFFIRMATIVE?

5 A YES.

6 Q CAN YOU TELL ME WHAT YOU MAY HAVE READ OR HEARD.

7 A I WOULD JUST, YOU KNOW, HEAR IT ON THE NEWS
8 ABOUT THE SHOOTING AND THE TRIAL WAS COMING UP AND
9 THE JURY SELECTION; BUT I JUST GLANCED THROUGH IT. I
10 DIDN'T PAY A WHOLE LOT OF ATTENTION.

11 Q I JUST WANT TO MAKE SURE THAT WHATEVER YOU MAY
12 HAVE READ OR HEARD, AND I UNDERSTAND THAT ALL OF US
13 READ THE NEWSPAPER GENERALLY; BUT WHATEVER YOU MAY
14 HAVE READ OR HEARD, YOU CAN SET THAT ASIDE?

15 A OH, YES, SIR.

16 Q AND BASE YOUR VERDICT, WHATEVER IT IS, ON THE
17 LAW AND EVIDENCE IN THIS COURTROOM. CAN YOU ASSURE
18 ALL OF US THAT YOU CAN DO THAT?

19 A YES.

20 Q NOW, LET ME ASK YOU THIS. YOU HAD AN
21 OPPORTUNITY TO READ THE STATEMENT REGARDING THE THREE
22 TYPES OF JURORS?

23 A YES, SIR.

24 Q NOW, THERE ARE NO RIGHT OR WRONG ANSWERS. THERE
25 ARE JUST SIMPLY THREE TYPES. WE WOULD NOT EVER GET

REBECCA BREWINGTON -VOIR DIRE- BY SOL. BAILEY

1 TO THIS QUESTION UNLESS AND UNTIL THE JURY FOUND HIM
2 GUILTY. IF THEY FIND HIM NOT GUILTY, WE DON'T EVEN
3 GET TO THAT. THERE IS A TYPE OF JUROR WHO SAY HAVING
4 FOUND AN INDIVIDUAL GUILTY OF MURDER, I WOULD ALWAYS
5 VOTE TO IMPOSE A SENTENCE OF DEATH. THERE IS A
6 SECOND GROUP WHO SAY EVEN THOUGH WE FOUND HIM GUILTY
7 OF MURDER, I CAN NEVER IMPOSE A SENTENCE OF DEATH.

8 THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
9 FOUND HIM GUILTY OF MURDER. I WILL NOW CONSIDER THE
10 MITIGATING CIRCUMSTANCES AND THE AGGRAVATING
11 CIRCUMSTANCES, AND THEN I WILL MAKE A DECISION. I
12 CAN BE FOR DEATH OR I COULD BE FOR LIFE IMPRISONMENT
13 DEPENDING ON WHAT I FEEL AND BELIEVE. WOULD YOU BE
14 THE FIRST, SECOND OR THIRD?

15 A THE THIRD.

16 Q THANK YOU.

17 THE COURT: SOLICITOR.

18 VOIR DIRE EXAMINATION

19 BY SOLICITOR BAILEY:

20 Q MRS. BREWINGTON, I NOTE FROM YOUR QUESTIONNAIRE
21 THAT YOU HAVE A SON WHO IS 29 YEARS OLD?

22 A YES.

23 Q THAT'S, I THINK, THE SAME AGE AS THE DEFENDANT.

24 A I DIDN'T KNOW THE DEFENDANT'S AGE.

25 Q WOULD THE FACT THAT YOU HAVE GOT A SON THE SAME

REBECCA BREWINGTON -VOIR DIRE-- BY SOL. BAILEY

1 AGE AS THE DEFENDANT CAUSE YOU ANY PROBLEMS IN
2 SITTING AS A JUROR IN A CASE OF THIS TYPE?

3 A NO, I HADN'T EVEN THOUGHT ABOUT THAT.

4 Q DO YOU HAVE ANY RELIGIOUS BELIEFS IN REGARD TO
5 THE DEATH PENALTY THAT YOU THINK MIGHT HAVE ANY
6 INFLUENCE ON YOU. --

7 A NO.

8 Q -- IF YOU SAT AS A JUROR?

9 MR. STONE: I OBJECT, YOUR HONOR, TO THIS
10 QUESTION.

11 THE COURT: WHAT WAS THAT QUESTION?

12 SOLICITOR BAILEY: IF SHE HAD ANY RELIGIOUS
13 BELIEFS THAT WOULD IMPACT HER DECISION.

14 THE COURT: I WILL PERMIT THAT QUESTION.

15 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

16 MR. STONE: JUST ON THE RECORD, YOUR HONOR,
17 I OBJECT NOT ONLY FOR MY PRIOR REASON OF ASSUMING
18 THAT WE WILL GET AS FAR AS THE DEATH PENALTY; BUT THE
19 SECOND IS THE RELIGIOUS QUESTION IS THE SAME TYPE OF
20 STAKING OUT THAT WE TALKED ABOUT EARLIER. I THINK
21 THAT IS IMPROPER.

22 THE COURT: NO, SIR, I WILL PERMIT THAT
23 QUESTION.

24 Q MRS. BREWINGTON, YOU UNDERSTAND FROM WHAT JUDGE
25 COTTINGHAM TOLD US ALL EARLIER THAT IN SOUTH CAROLINA

REBECCA BREWINGTON -VOIR DIRE- BY SOL. BAILEY

1 IF WE GET TO THIS PENALTY PHASE IN THE TRIAL, THE
2 JURY NOT THE JUDGE MAKES A DECISION ON LIFE IN PRISON
3 OR THE DEATH PENALTY?

4 A YES.

5 Q YOU HAVE INDICATED THAT IF YOU WERE ON A JURY IN
6 A CASE OF THIS TYPE, IF THE CASE WAS BAD ENOUGH, YOU
7 COULD VOTE FOR THE DEATH PENALTY; IS THAT CORRECT?

8 A I WOULD HAVE TO KNOW ALL THE FACTS. I AM NOT
9 FOR -- WELL, I AM FOR THE DEATH PENALTY IN CASES BUT
10 I HAVE TO KNOW THE FACTS.

11 Q RIGHT. YOU HAVE INDICATED YOU WOULD WANT TO
12 WAIT AND HEAR ALL THOSE FACTS?

13 A OH, YEAH.

14 Q BEFORE YOU MADE UP YOUR MIND?

15 A YES.

16 Q I AM NOT ASKING YOU WHAT FACTS YOU WOULD BE
17 LOOKING AT BECAUSE YOU HAVEN'T HEARD THE CASE YET;
18 BUT IF THE FACTS WERE BAD ENOUGH, YOU HAVE INDICATED
19 YOU COULD VOTE FOR THE DEATH PENALTY; IS THAT
20 CORRECT?

21 A I SAID I BELIEVED IN IT. I DON'T KNOW IF I CAN
22 VOTE FOR IT, AS MYSELF.

23 Q ALL RIGHT. YOU UNDERSTAND THAT IF THE JURY
24 VOTES FOR THE DEATH PENALTY THAT PERSON IS GOING TO
25 BE EXECUTED?

REBECCA BREWINGTON -VOIR DIRE- BY SOL. BAILEY

1 A YES.

2 Q DO YOU UNDERSTAND THAT?

3 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
4 RESPONSE.)

5 Q AGAIN, I AM NOT ASKING YOU WHAT YOU WOULD DO IN
6 THIS CASE BECAUSE YOU HAVEN'T HEARD THE FACTS.

7 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

8 Q BUT IF THE FACTS WERE BAD ENOUGH, COULD YOU VOTE
9 FOR THE DEATH PENALTY KNOWING THAT PERSON IS ACTUALLY
10 GOING TO BE EXECUTED?

11 A I DON'T KNOW.

12 Q IF YOU DID HEAR THE FACTS AND VOTED FOR THE
13 DEATH PENALTY, COULD YOU SIGN YOUR NAME TO A DEATH
14 VERDICT FORM WHICH WOULD RESULT IN THAT DEFENDANT
15 BEING EXECUTED?

16 A I DON'T KNOW.

17 Q COULD YOU COME OUT HERE IN OPEN COURT AND
18 ANNOUNCE THAT AS BEING YOUR VERDICT IF IT WAS YOUR
19 VERDICT FOR THE DEATH PENALTY?

20 A YES.

21 Q WHEN YOUR NAME WAS CALLED?

22 A YEAH.

23 Q I KNOW THIS IS ALL NEW TO YOU, MRS. BREWINGTON.

24 I AM NOT TRYING TO BEAT IT TO DEATH. WHAT I AM

25 TRYING TO DO IS JUST TRY TO GET A FEEL FOR WHETHER OR

REBECCA BREWINGTON -VOIR DIRE- BY SOL. BAILEY

1 NOT YOU COULD ACTUALLY IMPOSE THE DEATH PENALTY.
2 WHEN I HAVE ASKED THOSE QUESTIONS, YOU SAID YOU
3 DIDN'T KNOW.

4 ARE YOU SAYING YOU DON'T KNOW BECAUSE YOU
5 HAVEN'T HEARD THE FACTS YET OR ARE YOU SAYING, "I
6 DON'T KNOW BECAUSE NO MATTER HOW BAD THE FACT ARE, I
7 DON'T KNOW WHETHER I COULD DO IT OR NOT"?

8 A WELL, I HAVE NEVER BEEN IN THE POSITION TO MAKE
9 THIS CALL, YOU KNOW. I AM FOR THE DEATH PENALTY IF
10 IT'S WARRANTED, BUT I WOULD HAVE TO REALLY KNOW IN MY
11 HEART THAT I THAT WOULD BE MAKING THE RIGHT DECISION.

12 Q RIGHT.

13 A IF I HAD A DOUBT I COULDN'T.

14 Q THE SECOND QUESTION OR THE QUESTION I ASKED
15 ABOUT SIGNING THE DEATH VERDICT FORM WOULD PRESUPPOSE
16 THAT YOU ALREADY VOTED FOR THE DEATH PENALTY AND THE
17 OTHER 11 JURORS HAD VOTED FOR THE DEATH PENALTY ALSO.

18 WHEN I ASKED YOU THAT QUESTION, I THINK YOU
19 STILL SAID THAT YOU DIDN'T KNOW IF YOU COULD SIGN.
20 IF THE CASE WAS BAD ENOUGH TO CAUSE YOU TO VOTE FOR
21 THE DEATH PENALTY, IS THERE ANYTHING THAT WOULD KEEP
22 YOU FROM SIGNING THAT DEATH VERDICT FORM KNOWING THAT
23 PERSON IS GOING TO BE EXECUTED BECAUSE YOU SIGNED
24 THAT PAPER?

25 A NOT IF I FELT IN MY HEART I WAS MAKING THE RIGHT

REBECCA BREWINGTON -VOIR DIRE- BY MR. STONE

1 DECISION.

2 Q THE JUDGE HAS ALREADY ASKED YOU BUT WOULD BEING
3 SEQUESTERED FOR ROUGHLY A WEEK IN A MOTEL CAUSE YOU
4 ANY UNDUE HARDSHIP?

5 A NO.

6 Q THANK YOU. THAT'S ALL I HAVE.

7 VOIR DIRE EXAMINATION

8 BY MR. STONE:

9 Q MRS. BREWINGTON, MY NAME IS DUFFIE STONE. YOU
10 UNDERSTAND, ALTHOUGH THE SOLICITOR ASKED YOU A NUMBER
11 OF QUESTIONS ABOUT THE DEATH PENALTY, THAT'S STILL A
12 BIG IF. YOU UNDERSTAND THAT?

13 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
14 RESPONSE.)

15 Q THE FIRST DETERMINATION THAT YOU HAVE TO MAKE
16 AND POTENTIALLY THE ONLY DETERMINATION YOU WOULD HAVE
17 TO MAKE IS WHETHER OR NOT MR. ALEKSEY OVER HERE IS
18 GUILTY. YOU UNDERSTAND THAT IS SEPARATE AND APART?
19 DO YOU UNDERSTAND THAT?

20 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

21 Q HE ASKED YOU AND I BELIEVE THE JUDGE TALKED TO
22 YOU A LITTLE BIT THAT YOU HAVE HEARD ABOUT THIS CASE
23 OR READ THINGS, WHATEVER. WHAT IS YOUR SOURCE OF
24 INFORMATION? DO YOU WATCH TELEVISION NEWS?

25 A WELL, YOU KNOW, THE NEWS WOULD BE ON OR I GET

REBECCA BREWINGTON -VOIR DIRE- BY MR. STONE

1 THE TIMES AND DEMOCRAT DAILY.

2 Q AND YOU HAVE KEPT UP WITH IT THROUGH THAT?

3 A NOT TOO MUCH REALLY. I GLANCE AT IT BUT I JUST
4 GLANCE AT THE PAPER ANYWAY. I DON'T DO ANY IN-DEPTH
5 READING. I HAVEN'T PAID A WHOLE LOT OF ATTENTION TO
6 WHAT WAS GOING ON.

7 Q DO YOU FEEL LIKE MR. ALEKSEY, BAYAN ALEKSEY, AND
8 YOU WILL LEARN THIS IS A DESCENDANT FROM A RUSSIAN
9 AND PUERTO RICAN FAMILY. DO YOU FEEL LIKE FOREIGN
10 NATIONALS SHOULD HAVE THE SAME RIGHTS IN AMERICA AS
11 PEOPLE THAT WERE BORN HERE?

12 A YES.

13 Q DO YOU DRIVE?

14 A YES.

15 Q DO YOU HAVE A CAR?

16 A YES.

17 Q DO YOU HAVE ANY BUMPER STICKERS ON THAT CAR?

18 A NO.

19 Q ONE OTHER QUESTION. DO YOU HAVE ANY FEELING ONE
20 WAY OR THE OTHER TOWARDS WOMEN AND MEN AS FAR AS
21 POTENTIAL FOR VIOLENCE? DO YOU HAVE ANY BIAS TOWARDS
22 THAT THAT YOU KNOW OF?

23 SOLICITOR BAILEY: OBJECTION.

24 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
25 RESPONSE.)

REBECCA BREWINGTON -VOIR DIRE- BY MR. STONE

1 Q NO?

2 A NO. THANK YOU, MA'AM. I APPRECIATE IT.

3 MR. STONE: THANK YOU, YOUR HONOR.

4 THE COURT: HAVE HER STEP OUT FOR JUST A
5 MINUTE, PLEASE.

6 (THE JUROR LEAVES THE COURTROOM.)

7 THE COURT: WHAT SAYS THE STATE?

8 SOLICITOR BAILEY: CAN I HAVE A MINUTE,
9 JUDGE?

10 THE COURT: YES.

11 (PAUSE.)

12 SOLICITOR BAILEY: JUDGE, I THINK SHE IS
13 QUALIFIED. I WOULD LIKE THE RECORD TO NOTE THAT SHE
14 DID HESITATE A GOOD BIT ON WHETHER OR NOT SHE COULD
15 ACTUALLY SIGN THE FORM, BUT IN ALL HONESTY I THINK
16 SHE IS QUALIFIED.

17 THE COURT: WHAT SAYS THE DEFENSE?

18 MR. STONE: I THINK SHE IS QUALIFIED.

19 THE COURT: SHE IS QUALIFIED. BRING THE
20 JUROR IN.

21 (THE JUROR RETURNS TO THE COURTROOM.)

22 THE COURT: MRS. BREWINGTON, YOU HAVE BEEN
23 FOUND QUALIFIED TO SERVE IF SELECTED BY BOTH THE
24 STATE AND THE DEFENSE. WE ARE QUALIFYING 35 JURORS,
25 FROM WHICH 14 WILL BE SELECTED ON THURSDAY MORNING AT

1 9:30.

2 PLEASE COME BACK TO THIS COURTROOM AT 9:30
3 ON THURSDAY MORNING, BRINGING WITH YOU SUCH PERSONAL
4 EFFECTS AS YOU WILL REQUIRE FOR STAYING IN THE MOTEL
5 IF AND WHEN YOU ARE SELECTED. DO YOU HAVE ANY
6 QUESTION ABOUT THAT?

7 JUROR: NO, SIR.

8 THE COURT: AT 9:30 THURSDAY. NOW, DO NOT
9 DISCUSS THIS CASE WITH ANYONE AND PERMIT NO ONE TO
10 DISCUSS IT WITH YOU. DO NOT DISCUSS THE QUESTIONS
11 AND ANSWERS GIVEN, OKAY?

12 JUROR: YES, SIR.

13 THE COURT: YOU ARE EXCUSED. REPORT BACK
14 AT 9:30 THURSDAY MORNING. THANK YOU.

15 (THE JUROR LEAVES THE COURTROOM.)

16 THE COURT: COUNSEL, WE AGREED THAT I WOULD
17 LET YOU ASK ONE QUESTION ABOUT BIAS BUT YOU WENT INTO
18 VIOLENCE. I AM NOT GOING TO GO INTO THAT BECAUSE THE
19 JUROR CAN'T POSSIBLY ANSWER THAT QUESTION UNTIL THEY
20 HAVE OBSERVED THE DemeanOR AND APPEARANCE OF THE
21 WITNESS. SO THAT IS STAKING THEM OUT.

22 MR. STONE: I AM TRYING MY BEST TO FIGURE
23 OUT A WAY TO ASK THAT QUESTION, YOUR HONOR. I THINK
24 IT IS IMPORTANT FOR ME TO ASK IT. I DON'T EVEN KNOW
25 WHO THE SOLICITOR IS CALLING AS HIS WITNESSES.

1 THE COURT: BUT YOU CAN'T EXPECT THE JUROR
2 TO ANSWER THAT QUESTION AS TO HOW THEY FEEL ABOUT
3 VIOLENCE OF A PARTICULAR PERSON UNTIL THEY AT LEAST
4 HAVE HAD AN OPPORTUNITY TO OBSERVE THEM.

5 MR. STONE: I AM NOT ASKING ABOUT A
6 PARTICULAR PERSON. I AM ASKING ABOUT A PARTICULAR
7 GENDER. THE GENDER IS THE ISSUE HERE.

8 THE COURT: NO, SIR, I DECLINE TO DO THAT.
9 I WILL LET YOU ASK THE NARROW QUESTION THAT I TOLD
10 YOU, BUT WE ARE NOT GOING INTO -- FOR THE RECORD TELL
11 ME EXACTLY WHAT YOU WANT TO ASK SO THERE WILL BE NO
12 QUESTION ABOUT IT.

13 MR. STONE: MY QUESTION, YOUR HONOR, IS
14 WHETHER OR NOT A JUROR WOULD HAVE ANY BIAS CONCERNING
15 MEN AND WOMEN AND IN PARTICULAR WHETHER OR NOT THEY
16 WOULD FEEL THAT ONE SEX WOULD BE MORE VIOLENT OR MORE
17 PRONE TO VIOLENCE THAN OTHER OR ANOTHER WAY TO ASK
18 IT, WHICH I ALSO OFFERED, IS WHETHER OR NOT A WOMAN
19 WOULD BE INCAPABLE OF VIOLENCE, WHICH IS REALLY THE
20 ONLY QUESTION I NEEDED TO ASK. I DON'T CARE EVEN
21 ASKING SPECIFICALLY ABOUT BIAS. MY ONLY QUESTION IS
22 IS A WOMEN INCAPABLE OF VIOLENCE. IF THEY SAY NO,
23 THAT'S FINE.

24 SOLICITOR BAILEY: JUDGE, THAT GOES RIGHT
25 TO THE HEART OF THE CASE. THAT'S THEIR DEFENSE.

1. THEY ARE SAYING THIS WOMAN DID IT.

2. MR. STONE: EXACTLY, WHICH IS WHY I NEED TO
3. KNOW THAT IF THEY ARE SOMEONE AS A JUROR THAT CANNOT
4. IMAGE HOW A WOMAN COULD COMMIT VIOLENCE, THAT IS A
5. SPECIFIC BIAS THAT I NEED TO KNOW ABOUT BEFORE
6. PUTTING THAT JUROR ON THE JURY. THAT'S EXACTLY WHAT
7. STATE VERSUS SMART ALLOWS.

8. SOLICITOR BAILEY: IT'S EXACTLY WHAT IT
9. DOESN'T ALLOW, JUDGE. HE IS TRYING TO STAKE THEM OUT
10. IN THE SPECIFICS OF THIS PARTICULAR CASE.

11. THE COURT: I AM GOING TO DECLINE TO DO
12. THAT. I WILL FOLLOW STATE VERSUS POWERS. WE ARE
13. TALKING ABOUT BUYS OR PREJUDICE WITH REGARD TO THIS
14. DEFENDANT ARISING OUT OF ISSUES IN THIS CASE. YOU
15. ARE PROTECTED FOR THE RECORD. I AM NOT GOING TO
16. PERMIT THAT.

17. MR. STONE: I CAN ASK ABOUT BIASES AS TO
18. GENDER BASICALLY?

19. THE COURT: YES, SIR. I WILL DO THAT AND I
20. THINK THAT IS APPROPRIATE, BUT BEYOND THAT IT MAY BE
21. CONSIDERED TO BE A STAKING OUT POSITION. GENTLEMEN,
22. NOTE THIS NEXT JUROR'S COMMENT ABOUT HIS BUSINESS.

23. (THE JUROR ENTERS THE COURTROOM.)

24. DENNIS M. BONNETTE, (WHITE
25. MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DENNIS BONNETTE -VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q HOW DO YOU PRONOUNCE -- IS FT MARVIN BONNETTE?

4 A MARVIN BONNETTE, YES, SIR.

5 Q WE NOTE THAT WE ARE INCONVENIENCING YOU AND WE
6 APOLOGIZE FOR THAT.

7 A IT'S ALL RIGHT.

8 Q IN YOUR RETURN I NOTED THAT YOU ARE THE
9 OWNER/OPERATOR OF YOUR OWN BUSINESS?

10 A YES, SIR.

11 Q WE UNDERSTAND THAT IT'S A DISADVANTAGE TO YOU TO
12 BE HERE BUT THIS IS A PART OF YOUR CIVIC DUTY.

13 A YES, SIR.

14 Q IF SELECTED YOU CAN SERVE, CAN YOU NOT?

15 A YES, SIR.

16 Q LET ME ASK YOU THIS. NUMEROUS OR SOME
17 INDIVIDUALS HAVE AT LEAST INDICATED EARLIER TODAY
18 THAT THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THIS
19 CASE. WOULD YOU HAVE BEEN ONE OF THOSE WHO STOOD?

20 A YES, SIR.

21 Q CAN YOU TELL ME WHAT YOU READ OR HEARD?

22 A I JUST REMEMBER VAGUELY IT HAPPENED. I SAW A
23 NEWSPAPER ABOUT TWO DAYS AFTER IT HAPPENED AND JUST
24 READING, YOU KNOW, THAT A STATE TROOPER GOT KILLED.
25 THEY HAD A GUY FROM, I THINK, NEW JERSEY AND A GIRL

DENNIS BONNETTE -VOIR DIRE- BY THE COURT

1 AND A CHILD THAT WERE POSSIBLY RESPONSIBLE FOR IT,
2 YOU KNOW.

3 Q LET ME ASK YOU THIS. IF YOU WERE SELECTED AS A
4 JUROR, CAN YOU PUT ASIDE WHAT YOU MAY HAVE READ OR
5 HEARD AND BASE YOUR VERDICT ON THE LAW AND EVIDENCE
6 IN THIS COURTROOM?

7 A YES, SIR.

8 Q I WANT TO MAKE SURE. YOU KNOW, SOMETIMES YOU
9 HEAR ANYTHING ON THE STREET AND YOU HEAR THINGS IN
10 THE PAPER AND IT'S JUST SIMPLY NOT CORRECT.

11 A OH, YEAH.

12 Q I WANT TO MAKE SURE THAT UPON YOUR OATH YOU ARE
13 TELLING ME, "JUDGE, IF I AM SELECTED AS ONE OF THE
14 JURORS, I WILL BASE MY VERDICT ON THE LAW AND THE
15 EVIDENCE HEARD IN THIS COURTROOM." CAN YOU PROMISE
16 ME THAT?

17 A YES, SIR. YES, SIR.

18 Q IN THE ROOM A WHILE AGO I SUPPLIED A DOCUMENT
19 THAT INDICATES THERE ARE THREE TYPES OF JURORS. YOU
20 UNDERSTAND THAT?

21 A YES, SIR.

22 Q THERE ARE NO RIGHT OR WRONG ANSWERS TO THIS.
23 THERE IS A TYPE OF JUROR WHO SAYS ONCE WE HAVE FOUND
24 HIM GUILTY OF MURDER, I WILL ALWAYS BE FOR THE DEATH
25 PENALTY. THE SECOND GROUP SAYS EVEN THOUGH WE FIND

DENNIS BONNETTE -VOIR DIRE- BY SOL. BAILEY

1 HIM GUILTY OF MURDER, I WILL NEVER BE FOR THE DEATH
2 PENALTY.

3 THERE IS A THIRD GROUP WHO SAY WE FOUND HIM
4 GUILTY OF MURDER, BUT I AM GOING TO CONSIDER THE
5 AGGRAVATING CIRCUMSTANCES AND I AM GOING TO CONSIDER
6 THE MITIGATING CIRCUMSTANCES. I WILL CONSIDER ALL
7 THE EVIDENCE. THEN I WILL DECIDE. I CAN BE FOR THE
8 DEATH PENALTY. I CAN ALSO BE FOR LIFE. WHICH WOULD
9 YOU BE, ONE, TWO OR THREE?

10 A THE THIRD ONE.

11 Q THE THIRD ONE.

12 THE COURT: MR. BAILEY.

13 SOLICITOR BAILEY: THANK YOU.

14 VOIR DIRE EXAMINATION

15 BY SOLICITOR BAILEY:

16 Q MR. BONNETTE, I'M WALTER BAILEY. I HAVE GOT A
17 FEW QUESTIONS I WANT TO ASK YOU TO FOLLOW UP ON WHAT
18 JUDGE COTTINGHAM ASKED YOU. YOU INDICATED IN YOUR
19 QUESTIONNAIRE THAT YOU HAD SOME PRIOR JURY SERVICE?

20 A I WAS ON A CIVIL COURT CASE ABOUT PROBABLY TEN
21 OR FIFTEEN YEARS AGO.

22 Q OKAY.

23 A I DIDN'T REGISTER TO VOTE THAT YEAR. I WAS
24 CALLED BUT I DIDN'T HAVE TO SERVE AS A JUROR. SO
25 THEY DISMISSED ME.

DENNIS BONNETTE -VOIR DIRE- BY SOL. BAILEY

1 Q ON YOUR QUESTIONNAIRE YOU HAVE GOT CRIMINAL JURY
2 ALSO; IS THAT RIGHT?

3 A NO, SIR, JUST CIVIL.

4 Q ALL RIGHT. AS YOU KNOW WE ARE PROJECTING THIS
5 TRIAL MAY LAST FOUR OR FIVE DAYS ANYWAY WHERE YOU
6 WOULD BE IN A MOTEL. YOU INDICATED IN THE
7 QUESTIONNAIRE THAT YOU HAD SOME WORK-RELATED
8 PROBLEMS. IS THAT GOING TO DISTRACT YOU OR ARE YOU
9 GOING TO BE THINKING ABOUT WORK INSTEAD OF THE TRIAL?

10 A I ALWAYS THINK ABOUT MY WORK; BUT IF IT'S
11 SOMETHING THAT I HAVE GOT TO DO, I WILL HAVE TO DO IT
12 IF Y'ALL PICK ME.

13 Q IN REGARD TO THE QUESTIONS ABOUT THE DEATH
14 PENALTY -- AND YOU UNDERSTAND WE WOULDN'T BE EVEN
15 GETTING INTO THESE QUESTIONS UNLESS THE DEFENDANT IS
16 FOUND GUILTY OF MURDER IN THE FIRST PHASE?

17 A CORRECT.

18 Q SO WHAT I WILL ASK YOU WOULD KIND OF JUST ASSUME
19 THAT HAPPENED AND WE GOT INTO THE SECOND PHASE OF THE
20 TRIAL. IF THE CASE WAS BAD ENOUGH, YOU HAVE
21 INDICATED YOU COULD VOTE FOR THE DEATH PENALTY, BUT
22 YOU WANT TO HEAR ALL THE FACTS AND CIRCUMSTANCES
23 FIRST.

24 A YES, SIR.

25 Q IS THAT RIGHT?

DENNIS BONNETTE -VOIR DIRE- BY SOL. BAILEY

1 A YES, SIR.

2 Q YOU UNDERSTAND THAT IN SOUTH CAROLINA THE JURY
3 NOT THE JUDGE DECIDES THE PENALTY?

4 A CORRECT.

5 Q IF WE GET TO THAT POINT. YOU UNDERSTAND IF THE
6 JURY VOTES FOR THE DEATH PENALTY, THAT PERSON IS
7 GOING TO BE EXECUTED BASED ON THE JURY'S VERDICT?

8 A OH, YEAH.

9 Q IF YOU VOTED FOR THE DEATH PENALTY AND THE OTHER
10 JURORS VOTED FOR IT ALSO, COULD YOU SIGN YOUR NAME TO
11 THE DEATH VERDICT FORM, A PIECE OF PAPER WHERE ALL
12 THE JURORS WOULD SIGN THEIR NAMES TO IT?

13 A I COULDN'T ANSWER THAT RIGHT NOW I DON'T THINK.

14 Q I MIGHT HAVE ASKED THAT QUESTION THE WRONG WAY.
15 I AM NOT ASKING YOU IF YOU WOULD VOTE FOR THE DEATH
16 PENALTY. I AM ASKING YOU IF THE CASE WAS BAD ENOUGH
17 AND YOU DID VOTE FOR IT, WOULD THERE BE ANYTHING TO
18 PREVENT YOU FROM THEN GOING AHEAD AND SIGNING THE
19 PAPER?

20 A IF HE WAS FOUND GUILTY?

21 Q YES, SIR.

22 A NO, SIR.

23 Q NO, SIR, THERE WOULDN'T BE ANYTHING THAT WOULD
24 PREVENT YOU?

25 A THAT WOULD KEEP ME FROM SIGNING IT IF IT WAS

DENNIS BONNETTE -VOIR DIRE- BY MR. STONE

1 MITIGATING (SIC) EVIDENCE TO PROVE IT WAS BAD ENOUGH.

2 YEAH, I COULD IT.

3 Q YOU UNDERSTAND WE ARE TALKING ABOUT GUILTY.

4 THAT IS THE FIRST PART OF THE TRIAL.

5 A CORRECT.

6 Q IN THE SECOND PART OF THE TRIAL, WE ARE TALKING

7 ABOUT AGGRAVATING AND MITIGATING CIRCUMSTANCES TO

8 DECIDE THE PENALTY.

9 A RIGHT.

10 Q IF YOU DID THE FIRST TWO THINGS, VOTED FOR THE

11 DEATH PENALTY AND YOU SIGNED THE FORM, COULD YOU COME

12 OUT INTO COURT AND ANNOUNCE THAT WHEN YOUR NAME IS

13 CALLED?

14 A YES, SIR.

15 Q MR. BONNETTE, I BELIEVE THAT'S ALL I HAVE.

16 THANK YOU.

17 THE COURT: MR. DUFFIE.

18 MR. STONE: THANK YOU, JUDGE.

19 VOIR DIRE EXAMINATION

20 BY MR. STONE:

21 Q MR. BONNETTE, IS IT BONNETTE (PHONETIC) OR

22 BONNETTE (PHONETIC)?

23 A BONNETTE, LIKE BLUE BONNETTE.

24 Q I WILL LEAVE THAT ALONE. MR. BONNETTE, I AM

25 DUFFIE STONE. LET ME ASK YOU A FEW QUESTIONS. IN

DENNIS BONNETTE -VOIR DIRE- BY MR. STONE

1 THE SAME VEIN THE SOLICITOR ASKED YOU ABOUT WHETHER
2 OR NOT YOU COULD COME BACK WITH A DEATH PENALTY, IF
3 THE CASE ITSELF, THE PROOF OF THE CASE WAS NOT STRONG
4 ENOUGH, WOULD YOU HAVE A PROBLEM COMING BACK WITH A
5 NOT GUILTY VERDICT?

6 A IF YOU PROVED HIM TO BE -- REPEAT THAT AGAIN
7 NOW.

8 Q THAT'S FINE. WELL, KEEPING IN MIND THAT
9 MR. ALEKSEY, THE DEFENDANT, DOESN'T HAVE TO PROVE
10 ANYTHING. DO YOU UNDERSTAND THAT?

11 A RIGHT.

12 Q THE SOLICITOR HAS TO PROVE HIS CASE BEYOND A
13 REASONABLE DOUBT. THE JUDGE WILL GET INTO THAT.
14 WOULD YOU HAVE ANY PROBLEM GOING BACK IN YOUR JURY
15 ROOM AND COMING BACK WITH A VERDICT OF NOT GUILTY?

16 A NO, NOT IF HE DIDN'T PROVE THAT HE WAS GUILTY.

17 Q YOU MENTIONED EARLIER, I THINK -- DIDN'T YOU
18 MENTION THAT YOU READ ABOUT IT?

19 A READ ABOUT IT AND, YOU KNOW, TALK AROUND
20 ORANGEBURG KIND OF SPREADS KIND OF QUICK.

21 Q WHAT SOURCES OF INFORMATION? YOU HAVE GOT
22 FRIENDS AROUND ORANGEBURG OBVIOUSLY?

23 A CORRECT.

24 Q WHAT NEWSPAPERS DO YOU READ?

25 A THE TIMES AND DEMOCRAT IS REALLY THE ONLY ONE.

DENNIS BONNETTE -VOIR DIRE- BY MR. STONE.

1 I LOOK AT, SOMETIME ON SUNDAY THE STATE NEWSPAPER
2 AND W.I.S. T.V. NEWS, 19, YOU KNOW, JUST STUFF LIKE
3 THAT.

4 Q DO YOU HAVE ANY BUMPER STICKERS ON YOUR CAR?

5 A YES, I DO.

6 Q WHAT ARE THEY?

7 A CAROLINA GAMECOCKS.

8 MR. STONE: THAT'S ALL I HAVE, YOUR HONOR.

9 SOLICITOR BAILEY: NOTHING FURTHER, YOUR
10 HONOR.

11 THE COURT: PLEASE STEP OUT JUST A MINUTE.

12 (THE JUROR LEAVES THE COURTROOM.)

13 THE COURT: WHAT SAYS THE STATE?

14 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

15 THE COURT: DEFENSE?

16 MR. STONE: QUALIFIED, YOUR HONOR.

17 THE COURT: THANK YOU.

18 (THE JUROR RETURNS TO THE COURTROOM.)

19 THE COURT: MR. BLUE BONNETTE.

20 JUROR: YES, SIR.

21 THE COURT: YOU HAVE BEEN FOUND QUALIFIED
22 TO SERVE IF SELECTED BY BOTH COUNSEL FOR THE STATE
23 AND FOR THE DEFENSE. ON THURSDAY MORNING AT 9:30
24 FROM THE 35 QUALIFIED, AMONG WHICH YOU ARE, WE ARE
25 GOING TO SELECT 14.

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PLEASE REPORT BACK TO THIS COURTROOM AT
9:30 THURSDAY MORNING, BRINGING WITH YOU SUCH
PERSONAL EFFECTS AS YOU WILL NEED IN THE EVENT YOU
NEED TO STAY IN THE MOTEL AND ARE SELECTED. DO YOU
UNDERSTAND THAT?

JUROR: YES, SIR.

THE COURT: DO NOT DISCUSS THIS CASE WITH
ANYONE. PERMIT NO ONE TO DISCUSS IT WITH YOU. UNDER
NO CIRCUMSTANCES DISCUSS THE QUESTIONS AND ANSWERS,
ALL RIGHT?

JUROR: NINE-THIRTY THURSDAY.

THE COURT: IN THIS COURTROOM. THANK YOU
SO MUCH. AT THAT TIME WE WILL SELECT 14 FROM YOU 35.
YOU MAY WELL BE ONE OF THEM.

JUROR: THANK YOU, YOUR HONOR.

(THE JUROR LEAVES THE COURTROOM.)

THE COURT: GENTLEMEN FOR THE STATE AND THE
DEFENSE, MR. DUFFIE, IF AT ANY TIME YOU NEED TO STOP
AND CALL SOMETHING TO MY ATTENTION BEFORE WE START
THE NEXT ONE, DON'T HESITATE TO DO SO.

MR. STONE: DON'T WORRY. THANK YOU.

(THE NEXT JUROR ENTERS THE COURTROOM.)

TAMMY MORRIS, (WHITE
FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
FOLLOWS:

TAMMY MORRIS -VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q. GOOD AFTERNOON.

4 A HELLO.

5 Q WE WOULD LIKE TO ASK YOU A FEW QUESTIONS AND
6 THEN THE ATTORNEYS WILL LOVE TO ASK YOU A FEW IF THEY
7 CAN. I THANK YOU FOR RETURNING THIS RETURN. I NOTE
8 THAT YOU ARE A CERTIFIED NURSING ASSISTANT?

9 A YES, SIR.

10 Q AND YOU ARE EMPLOYED AT THE COUNTY COMMISSION ON
11 ALCOHOL AND DRUG ABUSE?

12 A YES, SIR.

13 Q LET ME ASK YOU THIS. AS YOU ARE WELL AWARE,
14 THIS CASE INVOLVES THE ALLEGATIONS OF THE MURDER OF A
15 HIGHWAY PATROLMAN ON DECEMBER 31, 1997. THIS
16 DEFENDANT HAS BEEN INDICTED FOR THAT EVENT, TO WHICH
17 HE HAS PLED NOT GUILTY. NOW, IN YOUR RETURN THERE IS
18 THE FOLLOWING QUESTION, NUMBER 16. "HAS ANY MEMBER
19 OF YOUR FAMILY EVER WORKED FOR ANY LAW ENFORCEMENT
20 AGENCY?" AND IN YOUR REPLY YOU SAY YES. "WHERE?"
21 THE ANSWER IS, "THE SOUTH CAROLINA HIGHWAY PATROL."

22 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

23 Q WHO WAS THAT, PLEASE?

24 A HIS NAME IS GILL OWENS.

25 Q YES.

TAMMY MORRIS -VOIR DIRE- BY THE COURT

1 A HE IS IN BEAUFORT COUNTY.

2 Q HE IS EMPLOYED WHERE?

3 A BEAUFORT COUNTY.

4 Q AS A HIGHWAY PATROL?

5 A YES, SIR.

6 Q HE IS JUST A FRIEND OF YOURS?

7 A HE IS MY COUSIN.

8 Q YOUR COUSIN. WHAT COUSIN?

9 A FIRST COUSIN.

10 Q WELL NOW, YOU UNDERSTAND THAT THE ALLEGATIONS
11 HERE INVOLVES THE DEATH OF A HIGHWAY PATROLMAN?

12 A YES, SIR.

13 Q COUNSEL FOR THE STATE AND THE DEFENDANT DESIRE A
14 JURY WITH NO BIASES OR PREJUDICES, NO FRIENDS TO
15 REWARD, ENEMIES TO PUNISH, A JUROR WHO CAN SAY,
16 "JUDGE, IF I AM SELECTED, I WILL BASE MY VERDICT ON
17 THE LAW AND THE EVIDENCE IN THIS COURTROOM AND FROM
18 NO OTHER SOURCE." DO YOU UNDERSTAND THAT?

19 A YES, SIR.

20 Q KNOWING THAT YOU HAVE A COUSIN EMPLOYED BY THE
21 HIGHWAY PATROL, CAN YOU LAY THAT ASIDE AND BASE YOUR
22 VERDICT ON THE LAW AND EVIDENCE IN THIS CASE OR WOULD
23 THAT AFFECT YOU TO WHERE YOU MIGHT NOT COULD BE A
24 FAIR AND IMPARTIAL JUROR? GIVE ME YOUR HEARTFELT
25 ANSWER.

TAMMY MORRIS -VOIR DIRE- BY THE COURT

1 A TRUTHFULLY?

2 Q YES, MA'AM.

3 A IT PROBABLY AFFECTS IT.

4 Q I WILL ASK YOU TO STEP OUTSIDE JUST FOR A
5 MINUTE.

6 (THE JUROR LEAVES THE COURTROOM.)

7 THE COURT: YES, SIR.

8 SOLICITOR BAILEY: I WASN'T GOING TO TRY,
9 JUDGE.

10 THE COURT: THANK YOU. YOU AGREE THAT SHE
11 SHOULD BE EXCUSED?

12 MR. STONE: DESPITE THE FACT HER COUSIN
13 DATES MY PARALEGAL, YES, SIR, I'M AFRAID SO.

14 THE COURT: THANK YOU, GENTLEMEN.

15 (THE JUROR RETURNS TO THE COURTROOM.)

16 THE COURT: MRS. MORRIS, THE COURT EXTENDS
17 TO YOU MY DEEPEST APPRECIATION FOR YOUR CANDID
18 ANSWER. ALL THE LAWYERS ON BOTH SIDES IN ANOTHER
19 CASE WHERE YOU WEREN'T SO INTIMATELY CONNECTED WOULD
20 BE DELIGHTED TO HAVE YOU AS A JUROR. BUT IN FAIRNESS
21 TO YOU WE HAVE AGREED TO EXCUSE YOU FROM FURTHER
22 PARTICIPATION.

23 JUROR: THANK YOU VERY MUCH.

24 (THE JUROR LEAVES THE COURTROOM.)

25 THE COURT: LET THE RECORD REFLECT THAT ALL

1 COUNSEL AGREE TO THAT. BRING THE JUROR IN.

2 BAILIFF: SHE IS NOT READY YET.

3 THE COURT: COCONUT, WHEN YOU NEED TO TAKE
4 A BREAK, JUST HOLLER AT ME.

5 COURT REPORTER: THANK YOU, JUDGE.

6 THE COURT: GENTLEMEN FOR THE STATE AND THE
7 DEFENSE, ANY TIME YOU NEED TO TAKE A BREAK, LET ME
8 KNOW. I REALLY WANT TO WORK THROUGH THIS PANEL
9 TONIGHT IF WE CAN.

10 MR. STONE: YOUR HONOR, CAN WE HAVE JUST A
11 FEW MINUTES?

12 THE COURT: YES, SIR.

13 (THE JUROR ENTERS THE COURTROOM.)

14 THE COURT: MRS. JOHNSON, I THANK YOU FOR
15 YOUR PATIENCE. THE LAWYERS HAD TO STEP OUT. THEY
16 WILL BE BACK IN JUST A MOMENT. WE ARE GOING TO BE
17 ASKING YOU SOME QUESTIONS.

18 JUROR: OKAY.

19 THE COURT: I TELL YOU AS WE ASK YOU THESE
20 QUESTIONS, NOBODY WOULD EVER INVADE YOUR PRIVACY. I
21 WANT YOU TO KNOW THAT AND I WANT YOU TO KNOW THERE
22 ARE NO RIGHT OR WRONG ANSWERS. IF YOU WILL BEAR WITH
23 US JUST A MOMENT.

24 (PAUSE.)

25 THE COURT: LET THE RECORD REFLECT THAT ALL

MATTIE JOHNSON -VOIR DIRE- BY THE COURT

1 PARTIES ARE AGAIN PRESENT.

2 MATTIE JOHNSON, (BLACK
3 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q MRS. JOHNSON, I NOTE FROM YOUR RETURN THAT YOU
8 ARE EMPLOYED AT THE MOTOR LODGE?

9 A I AM STILL EMPLOYED AT THE MOTOR LODGE.

10 Q YOU MAY BE SEATED, PLEASE. YOU ARE MARRIED TO
11 SAMUEL JOHNSON WHO IS EMPLOYED AT THE ALBEMARLE
12 CORPORATION?

13 A YES, SIR.

14 Q WHERE IS ALBEMARLE CORPORATION?

15 A IT'S OVER ON CANNON ROAD HERE IN ORANGEBURG.

16 Q EARLIER IN THE DAY WHEN ASKED, SOME OF THE
17 JURORS STOOD UP AND INDICATED THAT THEY MAY HAVE READ
18 OR HEARD SOMETHING ABOUT THE CASE THAT WE ARE GETTING
19 READY TO TRY. WOULD YOU HAVE READ OR HEARD ANYTHING
20 ABOUT THIS?

21 A NO, I DON'T HARDLY GET TO STUDY THE PAPER TOO
22 MUCH.

23 Q YOU HAVE HEARD NOTHING ABOUT THIS AT ALL?

24 A NOTHING, NO.

25 Q MRS. JOHNSON, LET ME ASK YOU THIS. DO YOU

MATTIE JOHNSON -VOIR DIRE- BY THE COURT

1 UNDERSTAND THAT THIS IS A TWO-PART TRIAL?

2 A RIGHT.

3 Q THE FIRST PART WOULD DEAL WITH THE INNOCENCE OR
4 GUILT OF THIS DEFENDANT. IF HE IS FOUND NOT GUILTY,
5 WE STOP RIGHT THERE. DO YOU UNDERSTAND THAT?

6 A RIGHT.

7 Q NOW, IF -- AND I USE THAT WORD ADVISEDLY -- IF
8 AND IN THE EVENT HE IS FOUND GUILTY BY ALL THE
9 MEMBERS OF THE JURY, WE THEN AND ONLY THEN GO TO THE
10 SECOND PART OF THE CASE, WHICH IS THE SENTENCING
11 PHASE. DO YOU UNDERSTAND THAT?

12 A YES.

13 Q NOW, IN THE SENTENCING PHASE YOU WOULD
14 UNDERSTAND IF WE GET THERE, THE JURY WOULD HAVE
15 ALREADY FOUND HIM GUILTY. DO YOU UNDERSTAND THAT?

16 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
17 RESPONSE.)

18 Q SO AT THE SECOND PART OF THE TRIAL, THE ONLY
19 QUESTION IS THIS: WE THE JURY HAVING UNANIMOUSLY
20 FOUND THE DEFENDANT GUILTY OF MURDER, WHAT SHALL THE
21 SENTENCE BE? SHALL IT BE LIFE IMPRISONMENT OR SHALL
22 IT BE DEATH BY LETHAL INJECTION OR ELECTROCUTION?
23 THAT'S THE TWO THINGS, LIFE IMPRISONMENT OR DEATH.
24 DO YOU UNDERSTAND THAT?

25 A RIGHT.

MATTIE JOHNSON -VOIR DIRE- BY THE COURT

1 Q NOW, I GAVE YOU A DOCUMENT A MOMENT AGO THAT YOU
2 READ; DID YOU NOT?

3 A YES.

4 Q THAT DOCUMENT EXPRESSES THREE TYPES OF JURORS.
5 THERE IS A FIRST TYPE OF JUROR THAT SAYS HAVING FOUND
6 THE DEFENDANT GUILTY OF MURDER, I WILL ALWAYS BE FOR
7 THE DEATH PENALTY. THERE IS A SECOND GROUP OF PEOPLE
8 WHO SAY EVEN THOUGH WE FOUND HIM GUILTY OF MURDER, I
9 CAN NEVER BE FOR THE DEATH PENALTY, EITHER FOR
10 RELIGIOUS REASONS OR PERSONAL REASONS OR WHATEVER.

11 THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
12 FOUND THE DEFENDANT GUILTY OF MURDER. I WILL NOW
13 CONSIDER AND LISTEN TO ALL OTHER FACTS IN THE CASE.
14 THEN I CAN DECIDE WHETHER OR NOT I SHALL IMPOSE?
15 THE DEATH PENALTY OR LIFE IN PRISON. WOULD YOU BE
16 THE FIRST WHO SAYS ALWAYS, THE SECOND WHO SAYS
17 NEVER OR THE THIRD GROUP WHO YOU SAY I WILL
18 CONSIDER AND THEN I CAN DECIDE? I CAN DO EITHER
19 ONE DEPENDING ON HOW I FEEL. WOULD YOU BE FIRST,
20 SECOND OR THIRD?

21 A I WOULD BE SECOND.

22 Q WHAT IS YOUR VIEW OF THE SECOND, PLEASE?

23 A LIFE IN PRISON.

24 Q LIFE IN PRISON. I WILL LET YOU EXAMINE HER.

25 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

MATTIE JOHNSON -VOIR DIRE- BY SOL. BAILEY.

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MRS. JOHNSON, I WANT TO ASK YOU A FEW QUESTIONS.
4 THERE ARE NO WRONG ANSWERS. WE JUST WANT TO KNOW
5 EXACTLY HOW YOU FEEL. YOU HAVE EXPRESSED TO THE
6 JUDGE THAT YOU ARE THE TYPE TWO JUROR, THAT FOR
7 WHATEVER PERSONAL RELIGIOUS BELIEFS, DOES NOT BELIEVE
8 IN THE DEATH PENALTY AND THEREFORE COULD NEVER VOTE
9 FOR IT; IS THAT CORRECT?

10 A CORRECT.

11 Q MRS. JOHNSON, ARE THOSE RELIGIOUS BELIEFS THAT
12 YOU HAVE? I NOTICE YOU ATTEND THE BAPTIST CHURCH AND
13 YOU ATTEND THE SENIOR CHOIR AND SOME CHURCH
14 ACTIVITIES.

15 A RIGHT.

16 Q WOULD THAT BE THE BASIS OF YOUR BELIEF?

17 A RIGHT.

18 Q IS THAT THE WAY YOU HAVE FELT FOR SOME TIME?

19 A ALL MY LIFE GROWING UP.

20 Q AND FOR THAT REASON YOU COULD NEVER VOTE TO
21 SENTENCE SOMEONE TO DEATH, NO MATTER HOW BAD THE
22 CRIME WAS?

23 A NO.

24 Q YOU COULD NEVER SIGN YOUR NAME ON A DEATH
25 VERDICT FORM THAT WOULD RESULT IN SOMEBODY ACTUALLY

MATTIE JOHNSON -VOIR DIRE- BY MR. SIMS

1 BEING EXECUTED, COULD YOU?

2 A NO.

3 Q AND YOU ARE SURE OF THAT?

4 A POSITIVE.

5 Q THANK YOU, MRS. JOHNSON. THAT'S ALL I HAVE.

6 THE COURT: YOU MAY EXAMINE.

7 VOIR DIRE EXAMINATION

8 BY MR. SIMS:

9 Q HOW DO YOU DO, MRS. JOHNSON? I'M THOMAS SIMS.
10 HOW ARE YOU?

11 A FINE.

12 Q YOU WERE ASKED A FEW MOMENTS AGO, FIRST OF ALL,
13 ABOUT THE SOURCES OF THE MEDIA OR THE SOURCE OF
14 INFORMATION IN WHICH YOU HEARD ABOUT THIS CASE. YOU
15 MENTIONED THAT YOU DON'T HAVE TIME TO LOOK AT THE
16 NEWSPAPER, BUT DID YOU LOOK AT THE TELEVISION OR
17 ANYTHING? DID YOU HEAR ANYTHING ON THE TELEVISION?

18 A VERY LITTLE T.V. DO I WATCH.

19 Q I SEE, TOO, THAT YOU DO GO TO THE BAPTIST
20 CHURCH; IS THAT CORRECT?

21 A RIGHT.

22 Q YOU SING IN THE CHOIR?

23 A RIGHT.

24 Q I BELIEVE YOU SAID THAT YOU WERE THE TYPE TWO
25 JUROR, WHICH THE JUDGE TALKED ABOUT WHO WAS A PERSON

MATTIE JOHNSON -VOIR DIRE- BY MR. SIMS

1 WHO WOULD ALWAYS VOTE FOR LIFE IMPRISONMENT. IS
2 THERE IN YOUR MIND, AFTER HAVING LISTENED TO ALL OF
3 THE EVIDENCE IN A CASE, IS THERE IN YOUR MIND, IS
4 THERE A SITUATION IN WHICH YOU COULD VOTE FOR THE
5 DEATH PENALTY IF YOU LISTENED TO ALL THE FACTS?

6 A NO.

7 Q IF YOU HEARD OR IF YOU HEARD ANY FACTS -- LET ME
8 ASK YOU THIS WAY. ARE THERE ANY FACTS IN YOUR MIND
9 THAT WOULD EVER WARRANT A DEATH SENTENCE?

10 A NO.

11 Q THIS IS A BELIEF THAT YOU HAVE HAD ALL OF YOUR
12 LIFE?

13 A YES.

14 MR. SIMS: THAT'S ALL I HAVE, YOUR HONOR.

15 THE COURT: HAVE HER STEP OUTSIDE PLEASE.

16 (THE JUROR LEAVES THE COURTROOM.)

17 SOLICITOR BAILEY: YOUR HONOR, MOVE TO
18 STRIKE HER FOR NOT BEING QUALIFIED.

19 THE COURT: NOT QUALIFIED. WHAT DO YOU
20 SAY? SHE IS OBVIOUSLY NOT QUALIFIED.

21 MR. SIMS: YOUR HONOR, YES.

22 THE COURT: BRING THE JUROR IN PLEASE.

23 (THE JUROR RETURNS TO THE COURTROOM.)

24 THE COURT: MADAME JUROR, WE THANK YOU FOR
25 YOUR PRESENCE HERE TODAY AND WE THANK YOU FOR YOUR

NARONE FRANKLIN -VOIR DIRE- BY THE COURT.

1 CANDID ANSWERS. I APOLOGIZE FOR THE INCONVENIENCE
2 THAT YOU HAVE HAD. YOUR PRESENCE HERE IS JUST A SIGN
3 OF GOOD CITIZENSHIP. WE APPRECIATE IT. YOU ARE
4 EXCUSED FROM FURTHER PARTICIPATION.

5 JUROR: ALL RIGHT. THANK YOU.

6 THE COURT: WE WILL TAKE A 15-MINUTE BREAK
7 AND THEN RETURN. THANK YOU.

8 (WHEREUPON THERE WAS A RECESS.)

9 THE COURT: READY TO RESUME?

10 MR. SIMS: YES, SIR.

11 THE COURT: BRING THE JUROR IN PLEASE.

12 (THE JUROR ENTERS THE COURTROOM.)

13 NARONE FRANKLIN, (BLACK
14 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q MR. FRANKLIN?

18 A YES, SIR.

19 Q I WOULD LIKE TO ASK YOU IF I MAY A FEW
20 QUESTIONS, AS DO THE ATTORNEYS HERE. I NOTE THAT YOU
21 FINISHED EDISTO HIGH SCHOOL; IS THAT CORRECT?

22 A YES, SIR.

23 Q AND YOU ARE EMPLOYED AS A PRODUCTION TECHNICIAN
24 AT COOPER INDUSTRIES, I BELIEVE?

25 A YES, SIR.

NARONE FRANKLIN -VOIR DIRE- BY THE COURT

1 Q ARE YOU MARRIED?

2 A NO, SIR.

3 Q SEVERAL OF THE JURY PANEL EARLIER IN THE EVENING
4 WHEN ASKED STOOD UP AND SAID THEY MAY HAVE READ OR
5 HEARD SOMETHING ABOUT THIS CASE. WERE YOU ONE OF
6 THOSE WHO HAPPENED TO STAND?

7 A NO, SIR.

8 Q HAVE YOU READ OR HEARD ANYTHING ABOUT THIS CASE?

9 A NO, SIR.

10 Q DID YOU SEE ANYTHING ON T.V.?

11 A NO, SIR.

12 Q YOU DON'T KNOW A THING --

13 A DURING THE COURSE OF TIME, I WAS OUT OF TOWN.

14 Q SIR?

15 A DURING THE CASE WHEN EVERYTHING WENT DOWN, I WAS
16 OUT OF TOWN DURING THAT TIME.

17 Q YOU WERE OUT OF TOWN AND WHEN DID YOU RETURN TO
18 TOWN?

19 A I THINK IT WAS LATE FEBRUARY.

20 Q LATE FEBRUARY. HOW IS IT YOU KNOW IT WENT DOWN
21 WHEN YOU WERE OUT OF TOWN?

22 A YOU HEAR PEOPLE TALKING ABOUT IT AROUND TOWN.

23 Q THAT'S WHAT I KNOW.

24 A OH, YEAH.

25 Q YOU HAVE TALKED TO SOMEBODY ABOUT THE CASE?

NARONE FRANKLIN -VOIR DIRE- BY THE COURT

1 A NOT ME MYSELF, NOT PERSONALLY.

2 Q PARDON ME?

3 A NOT PERSONALLY, NO.

4 Q HAS SOMEBODY TALKED TO YOU?

5 A YEAH.

6 Q THIS IS WHAT ALL OF US WANT TO KNOW. CAN YOU
7 SET ASIDE WHAT YOU MAY HAVE HEARD IN SOME
8 CONVERSATIONS AND BASE YOUR VERDICT, WHATEVER IT IS,
9 ON THE LAW AND EVIDENCE IN THIS COURTROOM?

10 A YES, SIR.

11 Q I WANT TO MAKE SURE YOU HAVE NOT FORMED OR
12 EXPRESSED AN OPINION AS TO THE GUILT OR INNOCENCE OF
13 ANYBODY.

14 A NO, SIR.

15 Q CAN YOU TELL US THAT IF SELECTED YOU WILL BASE
16 YOUR VERDICT, EITHER NOT GUILTY OR GUILTY, BASED ON
17 WHAT IS IN THIS COURTROOM AND NOT SOME CONVERSATIONS
18 THAT YOU HAVE HAD?

19 A YES, SIR.

20 Q YOU SAY THAT YOU WERE OUT OF TOWN IN DECEMBER
21 31, 1997?

22 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
23 RESPONSE.)

24 Q WHERE WERE YOU, SIR?

25 A NEW YORK.

NARONE FRANKLIN -VOIR DIRE- BY THE COURT

1 Q WHEN DID YOU RETURN HERE?

2 A LATE FEBRUARY.

3 Q LATE FEBRUARY. WERE YOU EMPLOYED WHEN YOU LEFT
4 TO GO TO NEW YORK? WHEN DID YOU LEAVE TO GO TO NEW
5 YORK?

6 A I LEFT IN DECEMBER. IT WAS A COUPLE DAYS AFTER
7 CHRISTMAS.

8 Q ON A VACATION?

9 A YEAH, ON VACATION. I HAD A DEATH IN MY FAMILY.

10 Q SIR?

11 A I HAD A DEATH IN MY FAMILY.

12 Q I SEE. LET ME ASK YOU THIS. I HANDED YOU A
13 DOCUMENT WHICH YOU MUST HAVE READ IN THE JURY ROOM A
14 WHILE AGO.

15 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

16 Q THERE ARE NO RIGHT OR WRONG ANSWERS HERE. THAT
17 DOCUMENT EXPRESSIONS THE OPINIONS OF JURORS WHEN
18 CONFRONTED WITH THE PUNISHMENT IN A CASE. THERE ARE
19 THREE TYPES OF JURORS. ARE YOU FAMILIAR WITH THE
20 THREE TYPES?

21 A YES, SIR.

22 Q THERE IS A TYPE WHO SAY ONCE WE HAVE FOUND
23 SOMEONE GUILTY OF MURDER, I WILL ALWAYS BE FOR THE
24 DEATH PENALTY. THE SECOND GROUP SAYS EVEN THOUGH WE
25 HAVE FOUND HIM GUILTY OF MURDER, I CAN NEVER BE FOR

NARONE FRANKLIN -VOIR DIRE- BY SOL. BAILEY

1 THE DEATH PENALTY, MAYBE FOR PERSONAL REASONS OR
2 RELIGIOUS REASONS, WHATEVER.

3 THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
4 FOUND THIS INDIVIDUAL GUILTY OF MURDER. I WILL NOW
5 CONSIDER ALL OF THE EVIDENCE AND THEN DECIDE WHETHER
6 DEATH OR LIFE IMPRISONMENT IS APPROPRIATE. WOULD YOU
7 BE THE FIRST WHO SAYS ALWAYS, THE SECOND WHO SAYS
8 NEVER OR THE THIRD WHO SAY IT WILL DEPEND ON WHAT THE
9 REST OF THE TESTIMONY IS? WHICH WOULD YOU BE?

10 A THE THIRD.

11 Q THE THIRD?

12 A YES, SIR.

13 Q WHAT IS YOUR VIEW OF THE THIRD, PLEASE?

14 A AFTER YOU HEAR THE FACTS IN THE CASE, THEN YOU
15 MAKE YOUR DECISION.

16 Q THANK YOU SO MUCH.

17 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

18 VOIR DIRE EXAMINATION

19 BY SOLICITOR BAILEY:

20 Q MR. FRANKLIN, I'M WALTER BAILEY. I WILL ASK YOU
21 A FEW MORE QUESTIONS. I WILL TRY TO BE AS SHORT AS I
22 CAN. IS THE DEATH PENALTY SOMETHING YOU HAVE EVER
23 THOUGHT ABOUT BEFORE YOU CAME TO COURT HERE TODAY AND
24 FOUND OUT YOU MIGHT BE ON THIS JURY?

25 A NO, SIR.

NARONE FRANKLIN -VOIR DIRE- BY SOL. BAILEY

1 Q BUT NOW THAT YOU HAVE HAD A CHANCE TO READ OVER
2 THAT PAGE THE JUDGE GAVE YOU, DO YOU THINK YOU HAVE
3 HAD ENOUGH TIME TO THINK ABOUT YOUR THOUGHTS ON THE
4 DEATH PENALTY?

5 A YES, SIR.

6 Q AND YOU THINK OUT OF THOSE THREE TYPES OF JURORS
7 THAT IF WE GOT INTO THE SECOND PHASE, WHICH WOULD
8 MEAN THAT THE DEFENDANT WAS FOUND GUILTY IN THE FIRST
9 PART OF THE TRIAL, THAT YOU WOULD WANT TO HEAR ALL
10 THE FACTS AND CIRCUMSTANCES BEFORE YOU MADE YOUR MIND
11 UP?

12 A YES, SIR.

13 Q IF THE CASE WAS BAD ENOUGH, YOU COULD VOTE FOR
14 THE DEATH PENALTY?

15 A YES, SIR.

16 Q AND YOU UNDERSTAND THAT WHATEVER THE JURY
17 DECIDES THAT THE SENTENCE OUGHT TO BE IN SOUTH
18 CAROLINA WILL BE THE SENTENCE OF THE COURT AND WILL
19 BE CARRIED OUT. THE JUDGE DOESN'T DECIDE THAT. THE
20 JURY DECIDES THAT.

21 A YES, SIR.

22 Q IF YOU WERE ON A JURY IN A DEATH PENALTY CASE
23 AND THE CASE WAS BAD ENOUGH AND YOU VOTED FOR THE
24 DEATH PENALTY, COULD YOU THEN SIGN YOUR NAME TO A
25 PAPER, A DEATH VERDICT FORM, ALONG WITH THE OTHER 11

NARONE FRANKLIN -VOIR DIRE- BY MR. SIMS

1 JURORS THAT WOULD RESULT IN THAT PERSON BEING
2 EXECUTED?

3 A YES, SIR.

4 Q COULD YOU COME OUT INTO COURT AND ANNOUNCE THAT
5 DECISION WHEN YOUR NAME WAS CALLED?

6 A YES, SIR.

7 Q MR. FRANKLIN, I THINK THE JUDGE ALREADY TOLD YOU
8 THIS. THE JURY WOULD BE PUT IN A MOTEL FOR ROUGHLY A
9 WEEK. WOULD YOU HAVE ANY MAJOR PROBLEMS DOING THAT?

10 A NO, SIR.

11 Q I BELIEVE THAT'S ALL I HAVE GOT. THANK YOU VERY
12 MUCH.

13 THE COURT: GENTLEMAN FOR THE DEFENSE.

14 VOIR DIRE EXAMINATION

15 BY MR. SIMS:

16 Q HI, MR. FRANKLIN. I'M THOMAS SIMS. HOW ARE
17 YOU?

18 A FINE.

19 Q LET ME ASK YOU. IF AFTER YOU HAD THE
20 OPPORTUNITY AND YOU SAT IN THE WHOLE TRIAL AND IF THE
21 EVIDENCE WAS NOT SUFFICIENT AS FAR AS YOU WERE
22 CONCERNED, COULD YOU RETURN A VERDICT OF NOT GUILTY?

23 A IF IT WASN'T CLEAR TO ME -- SAY THAT AGAIN NOW.

24 Q IF AFTER LISTENING TO ALL THE EVIDENCE, YOU FELT
25 THAT THE EVIDENCE WAS NOT SUFFICIENT TO WARRANT A

NARONE FRANKLIN -VOIR DIRE- BY MR. SIMS

1 GUILTY VERDICT, COULD YOU COME BACK WITH A VERDICT OF
2 NOT GUILTY?

3 A YES, SIR.

4 Q AND LET ME ASK YOU. I BELIEVE YOU SAID THAT YOU
5 HAD BASICALLY TALKED TO PEOPLE OR PEOPLE AROUND TOWN
6 HAD TALKED TO YOU ABOUT THIS CASE?

7 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
8 RESPONSE.)

9 Q SO YOU WERE HERE INITIALLY AND YOU CAME BACK IN
10 THE LATE PART OF FEBRUARY; IS THAT CORRECT?

11 A RIGHT.

12 Q AND YOU DID NOT LOOK AT ANY NEWS REPORTS?

13 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
14 RESPONSE.)

15 Q AND IN THE LAST WEEK OR SO, YOU HAVE NOT READ
16 THE PAPER OR LOOKED AT ANY OF THE NEWS REPORTS?

17 A I BEEN WORKING AT NIGHT SO I DON'T HAVE TIME TO
18 WATCH T.V.

19 Q YOU WORK AT NIGHT?

20 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

21 Q AND DO YOU OWN A CAR?

22 A YES, SIR.

23 Q DO YOU HAVE BUMPER STICKERS ON YOUR CAR?

24 A NO, SIR.

25 Q NO BUMPER STICKERS?

NARONE FRANKLIN -VOIR DIRE- BY MR. SIMS

1 A NO, SIR.

2 MR. SIMS: ONE MOMENT, YOUR HONOR.

3 (PAUSE.)

4 MR. SIMS: YOUR HONOR, MAY WE APPROACH ONE
5 MOMENT, PLEASE?

6 THE COURT: YES, SIR.

7 (THE FOLLOWING BENCH CONFERENCE WAS
8 REPORTED.)

9 MR. SIMS: WE HAVE BEEN GRAPPLING WITH THAT
10 QUESTION ABOUT THE FEMALE AND MALE, AND I THINK WE
11 HAVE COME UP WITH A QUESTION IN TERMS OF: DO YOU
12 THINK FEMALES ARE THE WEAKER SEX? BECAUSE WE ARE
13 TRYING TO DRAFT HOW WE WILL ASK THAT QUESTION.

14 THE COURT: WHY DON'T YOU ASK IF HE HAS ANY
15 PARTICULAR BIASES AS AGAINST MALE OR FEMALE.

16 MR. SIMS: I WILL ASK THAT THEN.

17 (THE BENCH CONFERENCE WAS CONCLUDED.)

18 Q ONE LAST QUESTION. DO YOU HAVE ANY BIASES AS
19 OPPOSED TO MALE VERSUS FEMALE?

20 A NO, SIR.

21 THE COURT: DOES THAT CONCLUDE YOUR
22 EXAMINATION?

23 MR. SIMS: YES, SIR.

24 THE COURT: ANYTHING IN REPLY?

25 SOLICITOR BAILEY: NO, SIR, NOTHING ELSE.

1 THE COURT: HAVE HIM STEP OUT JUST A
2 MOMENT.

3 (THE JUROR LEAVES THE COURTROOM.)

4 THE COURT: WHAT SAYS THE STATE?

5 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

6 MR. SIMS: HE IS QUALIFIED.

7 THE COURT: YES, SIR.

8 (THE JUROR RETURNS TO THE COURTROOM.)

9 THE COURT: MR. JUROR, YOU HAVE BEEN FOUND
10 QUALIFIED TO SERVE IF SELECTED BY BOTH THE STATE AND
11 THE DEFENSE. WE ARE IN THE PROCESS OF QUALIFYING 35
12 JURORS, AMONG WHICH YOU ARE, AND FROM THAT NUMBER WE
13 ARE GOING TO SELECT 12 AND TWO ALTERNATES ON THURSDAY
14 MORNING AT 9:30.

15 PLEASE REPORT BACK TO THIS COURTROOM AT
16 9:30 THURSDAY MORNING, BRINGING YOU WITH SUCH
17 PERSONAL EFFECTS AS YOU WOULD NEED IF YOU ARE
18 SELECTED SO THAT YOU COULD STAY IN THE MOTEL. DO YOU
19 UNDERSTAND THAT?

20 JUROR: YES, SIR.

21 THE COURT: DO NOT DISCUSS THIS CASE WITH
22 ANYONE. LET NO ONE DISCUSS IT WITH YOU. DO NOT
23 DISCUSS THE QUESTIONS AND ANSWERS ASKED HERE. WOULD
24 YOU DO THAT FOR ME?

25 JUROR: OKAY.

JASON COTE -VOIR DIRE- BY THE COURT

1 THE COURT: ANY QUESTION ABOUT WHAT I AM
2 TELLING YOU?

3 JUROR: NO, SIR.

4 THE COURT: NINE-THIRTY THURSDAY MORNING.
5 BRING WITH YOU YOUR BAGS. THANK YOU, SIR.

6 (THE JUROR LEAVES THE COURTROOM.)

7 (THE NEXT JUROR ENTERS THE COURTROOM.)

8 JASON COTE, (WHITE MALE),
9 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q MR. COTE, GOOD AFTERNOON.

13 A GOOD AFTERNOON.

14 Q MR. COTE, WE WOULD LIKE TO ASK OF YOU SEVERAL
15 QUESTIONS IF WE CAN. I NOTE THAT YOU GRADUATED FROM
16 CLEMSON UNIVERSITY.

17 A YES, SIR.

18 Q AND THEN SAW THE ERROR OF YOUR WAYS AND
19 GRADUATED FROM THE UNIVERSITY OF SOUTH CAROLINA.

20 A I HAVE HEARD THAT. I HAVE HEARD THE OTHER WAY
21 AROUND, TOO.

22 Q LET ME ASK YOU. SEVERAL JURORS EARLIER TODAY
23 INDICATED THEY MAY HAVE READ OR HEARD OR DISCUSSED
24 SOMETHING ABOUT THIS CASE. WERE YOU ONE OF THOSE WHO
25 STOOD?

JASON COTE -VOIR DIRE- BY THE COURT

1 A NO, SIR, I WAS NOT.

2 Q SIR?

3 A NO, SIR.

4 Q HAVE YOU -- DO YOU KNOW ANYTHING ABOUT THIS CASE
5 AT ALL? YOU MAY HAVE SEEN IT ON T.V. OR SOMETHING.

6 A THE ONLY THING I HAVE HEARD ABOUT THIS CASE IS
7 WHAT I HEARD THIS MORNING WHEN SOME OF MY CO-WORKERS
8 SAID, "WELL, YOU MUST BE DOING THAT MURDER CASE." I
9 WAS LIKE, "WHAT MURDER CASE?" I HAVE BEING DOING A
10 LOT OF STUDYING FOR THE C.P.A. EXAM. I HAVE REALLY
11 NOT WATCHED A WHOLE LOT OF T.V.

12 Q SO YOU ARE TELLING ME THAT YOU HAVE NOT FORMED
13 OR EXPRESSED AN OPINION AS TO THE INNOCENCE OR GUILT
14 OF ANYBODY?

15 A I DON'T BELIEVE I HAVE.

16 Q THE REASON FOR THAT IS IF YOU ARE SELECTED AS
17 ONE OF THE 12 JURORS, WE WANT TO MAKE SURE THAT YOUR
18 VERDICT IS BASED ON THE LAW AND THE EVIDENCE HEARD IN
19 THIS COURTROOM AND FROM NO OTHER SOURCE. NOW, IN A
20 CASE OF THIS KIND, IT IS A BIFURCATED OR TWO-PHASE
21 CASE. THE FIRST CASE DEALS WITH THE GUILT OR
22 INNOCENCE OF THIS DEFENDANT. IF HE IS FOUND NOT
23 GUILTY WE STOP RIGHT THERE.

24 IF -- AND I USE THAT WORD ADVISEDLY -- IF HE IS
25 FOUND GUILTY, WE THEN GO TO THE SECOND PHASE WHERE

JASON COTE --VOIR DIRE-- BY THE COURT

1 THE SOLE QUESTION IS: WHAT SHALL THE PUNISHMENT BE,
2 DEATH OR LIFE IMPRISONMENT? DID YOU HAVE AN
3 OPPORTUNITY TO READ THE DOCUMENT BACK THERE A MOMENT
4 AGO?

5 A YES, SIR, I DID.

6 Q DO YOU UNDERSTAND -- AND THERE ARE NO RIGHT OR
7 WRONG ANSWERS -- DO YOU UNDERSTAND THE THREE TYPES OF
8 JURORS?

9 A YES, SIR.

10 Q WHICH TYPE WOULD YOU BE?

11 A I WOULD SAY I WOULD BE NUMBER THREE.

12 Q THREE. WHAT IS YOUR VIEW OF NUMBER THREE,
13 PLEASE?

14 A NUMBER THREE IS THE KIND OF JUROR THAT COULD SIT
15 THROUGH A CASE AND FIND SOMEONE GUILTY OF MURDER, AND
16 THEN THE SECOND PHASE WOULD BE A TOTALLY DIFFERENT
17 CASE TO THEM. PRETTY MUCH. THERE IS A WHOLE LOT OF
18 DIFFERENT MOTIVES TO THE JUROR TO DETERMINE WHAT THE
19 CURRENT PUNISHMENT SHOULD BE. I THINK A LOT OF CASES
20 HAVE DIFFERENT CIRCUMSTANCES THAT HAVE -- THAT
21 REQUIRE DIFFERENT VERDICTS AS FAR AS PUNISHMENT
22 GOES.

23 Q THAT'S FINE. THANK YOU SO MUCH.

24 THE COURT: SOLICITOR.

25 SOLICITOR BAILEY: THANK YOU.

JASON COTE -VOIR DIRE- BY SOL. BAILEY

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MR. COTE, I WANT TO ASK YOU A VERY FEW QUESTIONS
4 TO FOLLOW UP ON WHAT THE JUDGE ASKED YOU. DO YOU
5 UNDERSTAND THAT THE WAY THE LAW WORKS IN SOUTH
6 CAROLINA IF WE GET TO THAT SECOND PART OF THE TRIAL,
7 THE PENALTY PHASE, WHATEVER THE JURY'S DECISION IS ON
8 THE VERDICT, EITHER LIFE WITHOUT PAROLE OR THE DEATH
9 PENALTY, WILL BE THE SENTENCE OF THE COURT? IN OTHER
10 WORDS, THE JURY NOT THE JUDGE MAKES THAT DECISION.

11 A YES, SIR.

12 Q HAVE YOU EVER HAD OCCASION TO THINK ABOUT THE
13 DEATH PENALTY IN GENERAL TERMS BEFORE TODAY TO ANY
14 GREAT EXTENT?

15 A I HAVE MY OWN OPINION ON IT. SOMETIMES I FEEL
16 IT'S AN APPROPRIATE PUNISHMENT. SOMETIMES -- I DON'T
17 THINK I HAVE EVER REALLY SEEN A STORY ABOUT AN
18 EXECUTION WHERE IT WAS REALLY NOT NECESSARY
19 PUNISHMENT SOMETIMES. I DON'T THINK I HAVE SEEN
20 THAT. THERE IS A LOT OF CASES THAT I FEEL IT'S JUST
21 NOT APPROPRIATE AND THEY FIND THAT IT'S NOT
22 APPROPRIATE.

23 Q YOU HAVE INDICATED THAT EVEN THOUGH YOU ARE
24 DEALING WITH SOMEBODY THAT HAS BEEN CONVICTED OF
25 MURDER OR YOU WOULDN'T BE THAT PHASE, YOU WOULD STILL

JASON COTE -VOIR DIRE- BY SOL. BAILEY

1 WANT TO LISTEN TO ALL THE FACTS AND CIRCUMSTANCES AND
2 EVIDENCE?

3 A I FEEL I WOULD.

4 Q AND ADDITIONAL INSTRUCTIONS AND THEN YOU COULD
5 VOTE EITHER WAY, FOR LIFE WITHOUT PAROLE OR THE DEATH
6 PENALTY, DEPENDING ON WHAT YOU HEARD?

7 A YES, SIR.

8 Q IF THE CASE WAS BAD ENOUGH AND YOU VOTED FOR THE
9 DEATH PENALTY, COULD YOU SIGN YOUR NAME ALONG WITH
10 THE OTHER 11 JURORS TO A DEATH VERDICT FORM THAT
11 WOULD RESULT IN THAT EXECUTION TAKING PLACE?

12 A I BELIEVE I COULD, YES, SIR.

13 Q YOU QUALIFIED THAT A LITTLE BIT BY SAYING, "I
14 BELIEVE I COULD." WE ARE PRESUPPOSING THAT THE
15 PERSON IS FOUND GUILTY, THE VOTE HAS BEEN TAKEN AND
16 THEN THE NEXT THING IN THE SEQUENCE WOULD BE THE
17 SIGNING OF THE FORM. THERE IS NOTHING ABOUT SIGNING
18 YOUR NAME THAT WOULD CAUSE YOU ANY PROBLEMS?

19 A NO, SIR.

20 Q THE NEXT THING THAT WOULD HAPPEN IN THAT
21 SEQUENCE WOULD BE THAT THE JURY WOULD COME IN HERE
22 AND THEY WOULD ANNOUNCE THAT VERDICT. THERE IS A
23 PROCESS CALLED POLLING THE JURY WHERE EACH JUROR IS
24 ASKED TO STAND UP AND WHEN THEIR NAME IS CALLED,
25 ANNOUNCE THAT THAT IS THEIR VERDICT. COULD YOU DO

JASON COTE -VOIR DIRE- BY MR. SIMS

1 THAT?

2 A YES, SIR.

3 Q IS THERE ANYTHING ABOUT YOUR BEING SEQUESTERED,
4 KEPT IN A MOTEL FOR ROUGHLY A WEEK, HOPEFULLY NO MORE
5 THAN THAT, THAT WOULD CAUSE YOU ANY UNDUE
6 DIFFICULTIES?

7 A I AM PRETTY MUCH BY MYSELF, NO ATTACHMENTS.

8 Q I THINK THAT'S ALL I HAVE GOT. THANK YOU VERY
9 MUCH.

10 A THANK YOU, SIR.

11 THE COURT: GENTLEMEN FOR THE DEFENSE.

12 VOIR DIRE EXAMINATION

13 BY MR. SIMS:

14 Q MR. COTE, HOW ARE YOU DOING? I'M THOMAS SIMS.
15 I MAY NOT HAVE HEARD WHAT YOU SAID. DID YOU SAY IN
16 RESPONSE TO A QUESTION BY THE SOLICITOR THAT THERE
17 ARE SITUATIONS THAT YOU HAVE HEARD OF WHERE YOU
18 DIDN'T THINK THE DEATH PENALTY WAS WARRANTED?

19 A RIGHT.

20 Q LET ME ASK YOU THIS. IF YOU, AFTER HAVING SAT
21 THERE AND LISTENED TO THE ENTIRE TRIAL, IF YOU FELT
22 THE EVIDENCE WAS NOT SUFFICIENT, COULD YOU ALSO GO
23 BACK INTO YOUR JURY ROOM AND BRING BACK A VERDICT OF
24 NOT GUILTY?

25 A WELL, I'D LIKE TO SAY THAT I HAVE KIND OF GOT A

JASON COTE -VOIR DIRE- BY MR. SIMS

1 PRETTY GOOD HEAD OF MY SHOULDERS. I FEEL LIKE
2 LOOKING AT WHAT THE STATE CONSIDERS A MURDER OFFENSE,
3 I COULD LOOK THROUGH THE EVIDENCE AND DETERMINE IN MY
4 MIND WHETHER IT'S -- WHETHER A MURDER HAS ACTUALLY
5 TAKEN PLACE, WHETHER IT'S AN ACTUAL VERDICT OF MURDER
6 IF THAT MAKES SENSE.

7 Q IN OTHER WORDS, YOU WOULD LISTEN TO THE EVIDENCE
8 TO MAKE A DETERMINATION OF WHETHER OR NOT I GUESS THE
9 PERSON CHARGED WAS GUILTY OF MURDER?

10 A RIGHT.

11 Q AND LET ME ASK YOU. DO YOU BELIEVE THAT FOREIGN
12 NATIONALS SHOULD ENJOY THE SAME RIGHTS AS AMERICAN
13 CITIZENS? WHEN THEY ARE CHARGED WITH A CRIME, THEY
14 HAVE THE SAME RIGHTS?

15 A A FOREIGN NATIONAL?

16 Q A FOREIGNER, ANY FOREIGNER. WELL, LET ME PUT IT
17 -- JUST A FOREIGNER.

18 A IF THEY COMMIT THE OFFENSE ON AMERICAN SOIL, I
19 THINK THEY DESERVE EVERY RIGHT AS AN AMERICAN AS FAR
20 AS THEY DESERVE THE TRIAL BY A JURY OF THEIR PEERS IN
21 A FAIR ENVIRONMENT DEFINITELY.

22 Q LET ME ASK YOU. DO YOU HAVE ANY BIAS AS RELATES
23 TO MEN VERSUS WOMEN?

24 A I WOULD SAY THAT I DON'T. I DON'T SEE WHY I
25 WOULD HAVE ANY.

JASON COTE -VOIR DIRE- BY MR. SIMS

1 Q DO YOU OWN A CAR?

2 A YES.

3 Q DO YOU HAVE ANY BUMPER STICKERS ON YOUR CAR?

4 A IT'S BRAND NEW. I DON'T HAVE ANY.

5 Q IT'S BRAND NEW?

6 A I GOT IT IN MARCH.

7 MR. SIMS: THANK YOU, YOUR HONOR.

8 SOLICITOR BAILEY: NOTHING FURTHER, YOUR
9 HONOR.

10 THE COURT: STEP OUTSIDE JUST A MINUTE.

11 (THE JUROR LEAVES THE COURTROOM.)

12 THE COURT: WHAT SAYS THE STATE?

13 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

14 THE COURT: WHAT SAYS THE DEFENSE?

15 MR. SIMS: HE IS QUALIFIED, YOUR HONOR.

16 THE COURT: BRING THE JUROR IN.

17 (THE JUROR RETURNS TO THE COURTROOM.)

18 THE COURT: MR. JUROR, YOU HAVE BEEN FOUND
19 QUALIFIED TO SERVE BY COUNSEL FOR THE STATE AND THE
20 DEFENDANT IF SELECTED. WE ARE IN THE PROCESS OF
21 QUALIFYING 35 PEOPLE WHO WILL REPORT BACK HERE AT
22 9:30 THURSDAY MORNING. FROM THAT NUMBER THERE WILL
23 BE 14 SELECTED. YOU MAY OR MAY NOT BE ONE OF THEM,
24 BUT YOU ARE QUALIFIED TO SERVE.

25 PLEASE REPORT BACK TO THIS COURTROOM AT

REGINALD BUTLER -VOIR DIRE- BY THE COURT

1 9:30 THURSDAY, BRINGING WITH YOU YOUR PERSONAL
2 EFFECTS IN THE EVENT THAT YOU ARE ONE OF THE JURORS
3 THAT WOULD NEED TO BE SEQUESTERED. DO YOU UNDERSTAND
4 THAT?

5 JUROR: YES, SIR.

6 THE COURT: DO NOT DISCUSS THIS CASE WITH
7 ANYONE. PERMIT NO ONE TO DISCUSS IT WITH YOU. UNDER
8 NO CIRCUMSTANCES DISCUSS THE QUESTIONS AND ANSWERS
9 HERE.

10 JUROR: OKAY.

11 THE COURT: SEE YOU AT 9:30 THURSDAY
12 MORNING. THANK YOU SO MUCH.

13 (THE JUROR LEAVES THE COURTROOM.)

14 (THE NEXT JUROR ENTERS THE COURTROOM.)

15 REGINALD BUTLER, (BLACK
16 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:
17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 Q MR. BUTLER, IT HAS BEEN A LONG AFTERNOON FOR
20 YOU. WE APPRECIATE YOUR PATIENCE.

21 A YES, SIR.

22 Q WE ARE GOING TO BE ASKING OF YOU SEVERAL
23 QUESTIONS, AS THE ATTORNEYS HERE WILL ALSO BE ASKING
24 YOU. I NOTE THAT YOU HAVE A HIGH SCHOOL DIPLOMA AND
25 THAT YOU ALSO WENT TO BENEDICT COLLEGE; IS THAT

REGINALD BUTLER -VOIR DIRE- BY THE COURT

1 RIGHT?

2 A YES, SIR.

3 Q AND YOU WORK AT MAYER INDUSTRIES AS AN
4 EXPEDITER, IS THAT YOUR JOB?

5 A YES, SIR.

6 Q ARE YOU MARRIED?

7 A NO, SIR.

8 Q SEVERAL JURORS EARLIER IN THE DAY UPON INQUIRY
9 INDICATED THAT THEY MAY HAVE READ, HEARD OR EXPRESSED
10 SOME INTEREST IN THIS CASE. WOULD YOU HAVE READ OR
11 HEARD ANYTHING ABOUT IT, MAYBE ON T.V. OR IN THE
12 NEWSPAPER?

13 A YES, I HAVE.

14 Q HAVE YOU DISCUSSED IT WITH ANYBODY?

15 A OTHER THAN THE PEOPLE THAT ARE HERE TODAY?

16 Q YES, SIR.

17 A NO, SIR, NOT THAT I RECOLLECT.

18 Q WHO DID YOU DISCUSS IT WITH TODAY?

19 A I AM REALLY NOT FAMILIAR WITH EVERYONE IN THE
20 COURTROOM BUT JUST PEOPLE THAT I AFFILIATED WITH
21 TODAY, JUST OUTSIDE LIKE AT RECESS.

22 Q LET ME ASK YOU THIS. EVEN THOUGH YOU MAY HAVE
23 DISCUSSED THIS CASE OR MAY HAVE READ SOMETHING ABOUT
24 IT, CAN YOU PUT THAT ASIDE AND BASE YOUR VERDICT ON
25 THE LAW AND THE EVIDENCE IN THIS CASE HEARD IN THIS

REGINALD BUTLER -VOIR DIRE- BY THE COURT

1 COURTROOM?

2 A YES, SIR, I COULD.

3 Q PARDON ME?

4 A YES, SIR.

5 Q THE FACT THAT YOU MAY HAVE READ OR HEARD
6 SOMETHING IS NOT THE COMPELLING ISSUE. THE ISSUE IS
7 CAN YOU SET THAT ASIDE AND BASE YOUR VERDICT ON WHAT
8 YOU HEAR HERE IN THIS COURTROOM UNDER OATH?

9 A YES, SIR, I COULD.

10 Q CAN YOU TELL ME WHAT THE NATURE OF YOUR
11 DISCUSSION WAS TODAY WITH PEOPLE AROUND THE
12 COURTHOUSE. CAN YOU TELL ME WHAT THAT WAS.

13 A THE OUTCOME OF THIS TRIAL MOSTLY.

14 Q SIR?

15 A MORE LIKE THE OUTCOME OF THE PERSON THAT YOU ARE
16 TRYING. THAT WAS MORE OF THE TALK, NOT ABOUT SO MUCH
17 AS JUST THE TRIAL, JUST THE OUTCOME.

18 Q LET ME ASK YOU THIS. DID YOU HAVE A CHANCE?
19 TO READ THE DOCUMENT ABOUT THE THREE TYPES OF
20 JURORS?

21 A YES, SIR, I DID.

22 Q YOU UNDERSTAND THE FIRST TYPE, SECOND TYPE AND
23 THIRD TYPE? WOULD YOU LIKE FOR ME TO EXPLAIN THEM TO
24 YOU?

25 A PLEASE.

REGINALD BUTLER -VOIR DIRE- BY THE COURT

1 Q THIS IS A TWO-PART TRIAL. THE FIRST PART?
2 DEALS WITH THE GUILT OR INNOCENCE. IF THE JURY
3 DETERMINES THE STATE HAS NOT PROVED HIM GUILTY
4 BEYOND A REASONABLE DOUBT, THE VERDICT IS NOT
5 GUILTY AND WE STOP RIGHT THERE. YOU UNDERSTAND
6 THAT?

7 A RIGHT.

8 Q NOW IF -- AND I USE THAT ADVISEDLY -- IF THE
9 JURY DETERMINES THE DEFENDANT IS GUILTY OF MURDER,
10 THEN WE GO TO A SECOND PHASE CALLED THE SENTENCING
11 PHASE, AT WHICH TIME ADDITIONAL TESTIMONY IN
12 AGGRAVATION AND MITIGATION WILL BE CONSIDERED. IN
13 THE SECOND PHASE THERE IS ONLY ONE QUESTION. WE FIND
14 HIM GUILTY OF MURDER. SHALL THE PUNISHMENT BE DEATH
15 OR LIFE IMPRISONMENT?

16 WHEN CONFRONTED WITH THAT ISSUE, JURORS BREAK
17 INTO THREE GROUPS. ONE GROUP WHO SAYS WE FIND HIM
18 GUILTY OF MURDER. I WILL ALWAYS BE FOR THE DEATH
19 PENALTY. THE SECOND GROUP SAYS EVEN THOUGH WE FOUND
20 HIM GUILTY OF MURDER, I CAN NEVER IMPOSE A SENTENCE
21 OF DEATH.

22 THERE IS A THIRD GROUP WHO SAY I AM GOING TO
23 LISTEN TO THE ADDITIONAL TESTIMONY. I AM GOING TO
24 CONSIDER ALL THE OTHER FACTS IN THE CASE AND THEN
25 I WILL DECIDE. THAT THIRD GROUP SAYS IF I THINK

REGINALD BUTLER -VOIR DIRE- BY THE COURT

1 IT'S APPROPRIATE, I CAN IMPOSE A SENTENCE OF
2 DEATH.

3 EQUALLY IMPORTANT THAT THIRD GROUP SAYS I CAN
4 ALSO IMPOSE LIFE IMPRISONMENT DEPENDING ON HOW I FEEL
5 ABOUT IT. WOULD YOU BE THE FIRST THAT SAYS ALWAYS,
6 THE SECOND THAT SAYS NEVER OR THE THIRD THAT SAYS IT
7 WOULD DEPEND? WHICH WOULD YOU BE? THERE IS NO RIGHT
8 OR WRONG ANSWERS.

9 A YOUR HONOR, I HAVE TO SAY THAT PERSONALLY I
10 DON'T HAVE AN ANSWER FOR THAT ONE RIGHT NOW. I AM
11 STUCK BETWEEN SECOND AND THIRD, BUT I REALLY DON'T
12 HAVE -- THE DEATH PENALTY TO ME IS KIND OF A CRUEL
13 WAY OF --- IT'S JUST CRUEL BUT IF NEEDED. I AM JUST
14 STUCK BETWEEN THOSE TWO.

15 Q I CAN UNDERSTAND THAT. IT'S A DIFFICULT, VERY
16 DIFFICULT DECISION.

17 A I WISH I HAD A DIRECT ANSWER FOR YOU BUT I DON'T
18 HAVE ONE.

19 Q LET ME ASK YOU THIS YOU. ARE YOU WILLING TO
20 CONSIDER THE PENALTY OF DEATH DEPENDING ON THE FACTS
21 IN THE CASE?

22 A YES, SIR.

23 THE COURT: I AM GOING TO LET YOU EXAMINE,
24 SOLICITOR.

25 SOLICITOR BAILEY: THANK YOU.

REGINALD BUTLER -VOIR DIRE- BY SOL. BAILEY

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MR. BUTLER, BEFORE TODAY HAVE YOU EVER GIVEN ANY
4 THOUGHT TO THE DEATH PENALTY?

5 A NO, SIR.

6 Q DO YOU THINK YOU HAD ENOUGH TIME TODAY TO REALLY
7 SIT DOWN AND REFLECT ON IT AND DECIDE WHAT YOUR VIEWS
8 REALLY ARE?

9 A WELL, IN THAT I REALLY JUST REALLY THOUGHT ABOUT
10 IT SERIOUSLY TODAY, IT'S KIND OF A HARD DECISION FOR
11 ME, YOU KNOW. I REALLY -- IT'S A HARSH THING.

12 Q THERE ARE NO WRONG ANSWERS. WE JUST WANT TO
13 KNOW HOW YOU REALLY FEEL, OKAY? YOU UNDERSTAND THAT
14 FROM WHAT THE JUDGE TOLD US EARLIER THAT IN SOUTH
15 CAROLINA IF WE GET TO THAT SECOND PART OF THE TRIAL,
16 THAT WILL MEAN THE DEFENDANT WAS FOUND GUILTY OF
17 MURDER IN THE FIRST PART OF THE TRIAL. THE JURY HAS
18 GOT TWO CHOICES, LIFE WITHOUT PAROLE OR THE DEATH
19 PENALTY.

20 A I UNDERSTAND THAT.

21 Q WHATEVER THE JURY DECIDES THE PUNISHMENT OUGHT
22 TO BE WILL BE THE SENTENCE OF THE COURT AND THAT
23 SENTENCE WILL BE CARRIED OUT.

24 A YES, SIR.

25 Q AND NOBODY IS GOING TO ASK YOU WHAT YOU WOULD DO

REGINALD BUTLER. -VOIR DIRE- BY SOL. BAILEY.

1 IN THIS CASE BECAUSE YOU HAVEN'T HEARD THE FACTS YET.

2 A YES, SIR.

3 Q WHAT WE JUST WANT TO KNOW IS WHETHER OR NOT
4 BEING TOTALLY HONEST WITH US. --

5 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

6 Q -- IF THE CASE WAS BAD ENOUGH, COULD YOU VOTE
7 FOR THE DEATH PENALTY KNOWING THAT BECAUSE OF THAT
8 VOTE AND THE OTHER 11 VOTES, IF THEY VOTED THE SAME
9 WAY, THAT PERSON IS ACTUALLY GOING TO BE PUT TO DEATH
10 ON YOUR VOTE? CAN YOU DO IT?

11 A NOT HAVING A GOOD FEELING ABOUT IT, I PROBABLY
12 COULD. I WOULD PROBABLY BE THINKING ABOUT WHAT I
13 JUST SAID OR VOTED ON EVEN WHEN I WASN'T HERE
14 ANYMORE, BUT I COULD PROBABLY VOTE ONE WAY OR
15 ANOTHER.

16 Q YOU QUALIFIED THAT A LITTLE BIT BY SAYING YOU
17 PROBABLY COULD VOTE FOR ONE WAY OR THE OTHER. WE ARE
18 NOT ASKING WHAT YOU WOULD VOTE IF YOU WERE ON THIS
19 JURY BECAUSE YOU HAVEN'T HEARD THE FACTS.

20 A RIGHT.

21 Q BUT WHAT WE ARE JUST TRYING TO FIND OUT IS IF
22 THE CASE AND IF THE FACTS WERE BAD ENOUGH, CAN YOU
23 VOTE FOR THE DEATH PENALTY KNOWING IT'S GOING TO
24 RESULT IN THAT PERSON BEING EXECUTED?

25 A I DON'T THINK I COULD, NO.

REGINALD BUTLER -VOIR DIRE- BY SOL. BAILEY

1 Q IF A JURY DOES VOTE FOR THE DEATH PENALTY, NOT
2 TALKING ABOUT THIS JURY BUT JUST IN GENERAL, THEN
3 EACH MEMBER OF THAT JURY HAS TO SIGN THEIR NAME TO A
4 DEATH VERDICT FORM. COULD YOU EVER SIGN YOUR NAME TO
5 A PIECE OF PAPER KNOWING THAT SOMEBODY WAS GOING TO
6 BE EXECUTED?

7 A THAT WOULD BE A VERY HARD THING FOR ME TO DO.
8 IT WOULD.

9 Q BUT IF THE CASE WAS 'BAD ENOUGH', COULD YOU DO IT
10 IN ALL HONESTY?

11 A YES, SIR. I REALLY THINK I COULD IF IT WAS BAD
12 ENOUGH AND IF I BELIEVE THOROUGHLY THAT IT WAS BAD
13 ENOUGH, I THINK I COULD.

14 Q I WANT TO BACK UP A LITTLE BIT.

15 A BUT AGAIN IT WOULD PROBABLY BE ON MY MIND WHAT I
16 JUST DID EVEN THOUGH I KNOW IT WAS MY DECISION
17 BECAUSE I'D PROBABLY THINK WHETHER IT WAS NOT THE
18 RIGHT THING BUT THE BEST THING.

19 Q I WANT TO BACK UP A LITTLE BIT BECAUSE WHEN I
20 ASKED YOU ABOUT VOTING FOR THE PENALTY WHICH WOULD
21 COME BEFORE THE SIGNING OF THE PAPER, YOU SAID YOU
22 DIDN'T THINK YOU COULD VOTE FOR THE DEATH PENALTY.
23 IS THAT STILL THE WAY YOU FEEL?

24 A THAT'S A HARD THING TO ANSWER. AGAIN, BEING
25 THAT SINCE TODAY IS MY FIRST TIME I EVER REALLY HAD

REGINALD BUTLER -VOIR DIRE- BY MR. SIMS

1 TO CONCENTRATE STRICTLY ON THAT, I DON'T KNOW. I
2 SAID ONE WAY BUT I REALLY, REALLY WHEN I THINK ABOUT
3 IT AND TRY TO LIVE WITH WHAT I'M GOING TO SAY, I
4 DON'T KNOW. I DON'T KNOW IF I COULD OR NOT. I COULD
5 TRY. I COULD TRY. THAT'S JUST HONESTLY SPEAKING.

6 Q YOU ARE HOW OLD, TWENTY-NINE?

7 A TWENTY-SEVEN.

8 Q YOU ARE ABOUT THE SAME AGE ROUGHLY AS THE
9 DEFENDANT HERE. WOULD THAT CAUSE YOU ANY PROBLEMS IN
10 SITTING IN JUDGMENT OF SOMEBODY WHO IS YOUR AGE?

11 A NO, SIR.

12 Q THAT'S ALL I HAVE AT THIS TIME, MR. BUTLER. I
13 MAY HAVE SOME OTHER QUESTIONS A LITTLE BIT LATER ON.
14 THAT'S ALL I HAVE GOT RIGHT NOW. THANK YOU VERY
15 MUCH.

16 THE COURT: ALL RIGHT, SIR.

17 VOIR DIRE EXAMINATION

18 BY MR. SIMS:

19 Q JUST A FEW QUESTIONS FOR YOU. HOW ARE YOU DOING
20 TODAY?

21 A I'M OKAY. HOW ARE YOU?

22 Q MR. BUTLER, LET ME ASK YOU JUST A COUPLE OF
23 QUESTIONS HERE. I BELIEVE IN YOUR RESPONSE WHAT YOU
24 ACTUALLY ARE SAYING IS THAT YOU WOULD HAVE TO SIT
25 DOWN AND LISTEN TO ALL OF THE EVIDENCE IN ANY CASE;

REGINALD BUTLER -VOIR DIRE- BY MR. SIMS

1 IS THAT CORRECT?

2 A I WOULD.

3 Q AND YOU WOULD HAVE TO, AFTER LISTENING TO THE
4 EVIDENCE, IF YOU DETERMINE THAT A PERSON WAS GUILTY,
5 YOU WOULD THEN HAVE TO LISTEN TO THE FACTORS
6 SURROUNDING THAT BEFORE YOU COULD MAKE A
7 DETERMINATION AS TO WHETHER OR NOT A PERSON SHOULD BE
8 PUT TO DEATH?

9 A EXACTLY, I WOULD HAVE TO.

10 Q SO WHAT YOU ARE BASICALLY SAYING IS THAT YOU
11 COULD VOTE FOR IT AFTER SERIOUS DELIBERATION AND THAT
12 MEANS LISTENING TO ALL THE EVIDENCE AND THEN MAKING
13 YOUR DECISION BASED UPON WHAT YOU HEARD IN THE
14 COURTROOM, RIGHT?

15 A RIGHT.

16 Q AND THEN AFTER THAT YOU WOULD HAVE TO HEAR THE
17 FACTORS SURROUNDING THAT IN ORDER FOR YOU TO MAKE A
18 DECISION THAT A PERSON SHOULD BE PUT TO DEATH. THEN
19 EVEN THOUGH YOU MAY NOT LIKE YOUR DECISION, YOU COULD
20 DO IT BUT YOU WOULD ALWAYS LOOK AT YOURSELF ABOUT IT
21 OR THINK ABOUT IT?

22 A THAT WOULD MORE THAN LIKELY BE MY LAST OPTION.

23 Q OKAY. BUT YOU COULD DO IT?

24 A YES, SIR.

25 Q AND ONCE YOU DID THAT AFTER YOU MADE YOUR

REGINALD BUTLER -VOIR DIRE- BY SOL. BAILEY

1 DECISION, YOU COULD SIGN YOUR NAME BECAUSE THAT'S
2 SOMETHING YOU HAD TO COME TO, THAT'S A DECISION YOU
3 HAD MADE; ISN'T THAT RIGHT?

4 A YES, SIR.

5 MR. SIMS: THAT'S ALL I HAVE, YOUR HONOR.

6 VOIR DIRE EXAMINATION

7 BY SOLICITOR BAILEY:

8 Q JUST A FEW MORE, MR. BUTLER. AGAIN, I AM NOT
9 TRYING TO BEAT THIS THING TO DEATH. THIS IS THE ONLY
10 CHANCE WE HAVE TO TALK TO YOU ABOUT YOUR FEELINGS AND
11 THERE ARE NO RIGHT OR WRONG ANSWERS. AGAIN, I AM NOT
12 TRYING TO --

13 MR. SIMS: YOUR HONOR, I THINK WE ARE GOING
14 BACK AND FORTH, BACK AND FORTH.

15 THE COURT: NO, SIR, HE IS ENTITLED TO DO
16 THAT. YOU DIDN'T NEED TO ASK ANY QUESTIONS BUT IT
17 WAS YOUR CHOICE AND YOU TOOK THE CHANCE. GO AHEAD.

18 Q I AM JUST TRYING TO GET A FEEL WITHOUT ASKING
19 YOU WHAT YOU WOULD DO IN THIS CASE BECAUSE YOU
20 HAVEN'T HEARD THE FACTS.

21 A RIGHT.

22 Q TO FIND OUT IF YOU HAVE TWO CHOICES, LIFE
23 WITHOUT PAROLE OR THE DEATH PENALTY --

24 A THAT WOULD BE MY FIRST.

25 Q WHAT WOULD BE YOUR FIRST?

REGINALD BUTLER -VOIR DIRE- BY SOL. BAILEY

1 A LIFE WITHOUT PAROLE. STRONGLY THAT WOULD BE MY
2 FIRST.

3 Q KNOWING THAT THE OPTION FOR THE DEATH PENALTY
4 WOULD BE LIFE WITHOUT PAROLE, CAN YOU THINK OF A
5 FACTUAL SITUATION SO BAD THAT IT WOULD CAUSE YOU TO
6 VOTE FOR THE DEATH PENALTY KNOWING THAT PERSON WOULD
7 BE EXECUTED BASED ON YOUR VOTE?

8 A I CAN'T -- RIGHT THIS MOMENT I CAN'T THINK OF
9 ONE. I'M SURE THERE PROBABLY COULD. A LOT OF PEOPLE
10 -- I HAVE HEARD OF A LOT OF PEOPLE FROM NEWSPAPERS
11 BEING INJECTED OR HOWEVER THEY CARRY THAT OUT --

12 COURT REPORTER: I'M SORRY. CAN YOU SPEAK
13 UP JUST A LITTLE BIT. I'M HAVING TROUBLE HEARING
14 YOU.

15 A I HAVE READ IN PAPERS OF PEOPLE THAT HAVE BEEN
16 -- WELL, HOWEVER THEY CARRY OUT IT LETHAL INJECTION
17 OR WHATEVER, I HAVE HEARD THAT IN THE PAPER, READ IT
18 AND I JUST SHAKE MY HEAD ABOUT IT BECAUSE TO ME
19 THAT'S LIKE A LIFE FOR A LIFE. SO THAT WOULD BE MY
20 LAST OPTION.

21 Q IF YOU HAD THE UNRESTRICTED CHOICE IN A CASE
22 LIKE THIS WHERE YOU COULD VOTE FOR LIFE WITHOUT
23 PAROLE FOR ANY REASON OR NO REASON AT ALL, AS AN ACT
24 OF MERCY, WOULD THAT ALWAYS BE YOUR DECISION?

25 A YEAH, MORE THAN LIKELY. YES.

1 SOLICITOR BAILEY: THANK YOU. THAT'S ALL I
2 HAVE.

3 THE COURT: YOU CAN STEP OUTSIDE.

4 (THE JUROR LEAVES THE COURTROOM.)

5 THE COURT: WHAT SAYS THE STATE?

6 SOLICITOR BAILEY: JUDGE, TAKING ALL OFF
7 HIS ANSWERS IN THEIR ENTIRETY, IT'S CLEAR HE HAS
8 STRUGGLED WITH THIS THING; BUT I THINK HE CLEARLY
9 PUTS HIMSELF IN THE NUMBER TWO CAMP. HE COULD NEVER
10 IMPOSE THE DEATH PENALTY.

11 THE COURT: IT'S A CLOSE QUESTION BUT HE
12 SAID INITIALLY PRIOR TO ANY CROSS EXAMINATION HE SAID
13 HE COULD DO IT. CLEARLY HE SAID HE COULD DO IT. AT
14 THAT TIME I WAS READY TO RULE HIM QUALIFIED. COUNSEL
15 FOR THE DEFENSE NEARLY GOT HIM DISQUALIFIED, BUT I AM
16 GOING TO FIND HIM QUALIFIED TO SERVE. IT'S A CLOSE
17 QUESTION. YOU CAN USE A STRIKE, UNLESS YOU HAVE ANY
18 OBJECTION. WHAT SAYS THE DEFENSE?

19 MR. SIMS: QUALIFIED, YOUR HONOR.

20 THE COURT: I THOUGHT YOU MIGHT SAY THAT.
21 IT'S CLOSE BUT I WILL GIVE YOU THE BENEFIT OF THE
22 DOUBT.

23 (THE JUROR RETURNS TO THE COURTROOM.)

24 THE COURT: WE ARE QUALIFYING 35 JURORS
25 FROM WHICH 14 WILL BE SELECTED AT 9:30 ON THURSDAY

1 MORNING.

2 JUROR: YES, SIR.

3 THE COURT: YOU HAVE BEEN FOUND QUALIFIED
4 TO SERVE IF SELECTED. PLEASE BE BACK HERE IN THE
5 COURTROOM AT 9:30 THURSDAY MORNING WITH YOUR BAGS SO
6 THAT YOU WILL HAVE PERSONAL EFFECTS TO STAY IN THE
7 MOTEL IF SELECTED. DO YOU UNDERSTAND THAT?

8 JUROR: YES, SIR, I UNDERSTAND.

9 THE COURT: LISTEN TO ME VERY CAREFULLY
10 PLEASE. YOU MUST NOT DISCUSS THIS CASE WITH ANYONE.
11 PERMIT NO ONE TO DISCUSS IT WITH YOU. DO NOT UNDER
12 ANY CIRCUMSTANCES DISCUSS THE QUESTIONS AND ANSWERS,
13 OKAY?

14 JUROR: YES, SIR.

15 THE COURT: YOU ARE EXCUSED. SEE YOU AT
16 9:30 THURSDAY MORNING.

17 JUROR: SO I CAN RETURN BACK TO WORK UNTIL
18 THAT DAY?

19 THE COURT: YES, SIR. PLEASE BE HERE
20 THURSDAY MORNING WITH YOUR BAGS.

21 JUROR: YES, SIR.

22 (THE JUROR LEAVES THE COURTROOM.)

23 THE COURT: WAIT A MINUTE. THAT LAST JUROR
24 OBVIOUSLY STRUGGLED WITH THIS QUESTION, AS MOST
25 PEOPLE WOULD WHEN FOR THE FIRST TIME THEY ARE

1 CONFRONTED WITH IT. I THINK HE WAS TOTALLY HONEST IN
2 HIS ANSWERS. HE SAID HE WOULD STRUGGLE WITH IT. HE
3 HAD NEVER CONFRONTED IT FOR TWO DAYS BEFORE, BUT ON
4 THREE OR FOUR DIFFERENT OCCASIONS SAID THAT IT WOULD
5 BE DIFFICULT BUT HE COULD DO IT.

6 AFTER SOME CROSS EXAMINATION WHICH
7 PERMITTED SOME FURTHER REDIRECT, HE BEGAN TO
8 EQUIVOCATE SOME; BUT IN MY VIEW THERE WAS ENOUGH THAT
9 IF I EXCUSED HIM, THE SUPREME COURT WOULD FIND THAT
10 ERROR. I WILL FIND HIM QUALIFIED AND LET YOU STRIKE
11 HIM IF YOU CARE TO. IT'S A CLOSE QUESTION BUT IT'S
12 SO CLOSE I WAS AFRAID NOT TO. BRING THE NEXT JUROR
13 IN.

14 (THE JUROR ENTERS THE COURTROOM.)

15 JULIETTE RYANT, (BLACK
16 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
17 FOLLOWS:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q GOOD AFTERNOON.

21 A GOOD AFTERNOON.

22 Q I WOULD LIKE TO ASK YOU A FEW QUESTIONS IF I
23 MAY. I NOTE THAT BY VOCATION YOU RUN A BEAUTY SCHOOL
24 AND YOU ARE A HIGH SCHOOL GRADUATE. IN YOUR RETURN
25 YOU INDICATE THAT YOU ARE A MEMBER OF THE BAPTIST

1 WOMEN'S CHAPEL; IS THAT CORRECT?

2 A WARREN CHAPEL.

3 Q MA'AM?

4 A THE WARREN CHAPEL.

5 Q WHERE IS THAT, PLEASE?

6 A ON 301.

7 Q MA'AM?

8 A 301.

9 Q SOME OF THE JURORS EARLIER IN THE DAY INDICATED
10 THAT THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THE
11 CASE OR SAW IT ON T.V. OR DISCUSSED IT WITH SOME
12 PEOPLE. CAN YOU TELL US WHAT YOU KNOW ABOUT THIS
13 CASE?

14 A I DON'T LOOK AT THE NEWS TOO MUCH AND I DON'T
15 BUY THE NEWSPAPERS. I DON'T KNOW MUCH ABOUT THE
16 CASE.

17 Q DO YOU RECALL READING -- YOU MAY HAVE READ
18 SOMETHING ABOUT IT WHEN IT OCCURRED. DO YOU
19 REMEMBER?

20 A YEAH.

21 Q LET ME ASK YOU THIS. IF YOU ARE SELECTED AS ONE
22 OF THE JURORS, CAN YOU PROMISE ME THAT WHATEVER YOUR
23 VERDICT IS, EITHER GUILTY OR NOT GUILTY, WILL BE
24 BASED ON THE LAW AND THE EVIDENCE IN THIS COURTROOM
25 AND NOT BASED ON WHAT YOU MAY HAVE HEARD OR READ?

1 CAN YOU PROMISE ME THAT?

2 A YES, I CAN.

3 Q DID YOU HAVE A CHANCE TO READ THE STATEMENT
4 ABOUT THE THREE TYPES OF JURORS BACK THERE?

5 A YES, I DID.

6 Q DO YOU UNDERSTAND THE THREE TYPES?

7 A YES.

8 Q WHICH TYPE WOULD YOU BE, FIRST, SECOND OR?
9 THIRD?

10 A THIRD.

11 Q THIRD. THE THIRD GROUP IS THE GROUP WHO SAY
12 HAVING CONVICTED SOMEONE OF MURDER, I WILL THEN
13 CONSIDER THE APPROPRIATE SENTENCE. IF I THINK IT'S
14 APPROPRIATE, I CAN IMPOSE DEATH BUT I ALSO CAN GIVE
15 LIFE IMPRISONMENT. DO YOU UNDERSTAND THAT?

16 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
17 RESPONSE.)

18 Q AND IS THAT YOUR VIEW?

19 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
20 RESPONSE.)

21 Q YOU UNDERSTAND THERE ARE NO RIGHT OR WRONG
22 ANSWERS. THERE ARE JUST THREE DIFFERENT GROUPS OF
23 JUROR.

24 A YES.

25 THE COURT: MR. BAILEY.

JULIETTE RYANT -VOIR DIRE- BY SOL. BAILEY

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MRS. RYANT, HAVE YOU EVER HAD ANY REASON TO
4 REALLY THINK ABOUT THE DEATH PENALTY BEFORE TODAY?

5 A NO, I HAD NO REASON.

6 Q DO YOU HAVE ANY RELIGIOUS BELIEFS ABOUT THE
7 DEATH PENALTY ONE WAY OR THE OTHER WITHIN YOUR
8 ABILITY TO MAKE THAT CHOICE?

9 A NO.

10 Q DO YOU UNDERSTAND THAT WE WOULDN'T EVEN BE
11 GETTING INTO THIS DEATH PENALTY SITUATION UNLESS AND
12 UNTIL THE DEFENDANT IS FOUND GUILTY OF MURDER IN THE
13 FIRST PART OF THE TRIAL?

14 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
15 RESPONSE.)

16 Q IF WE GET TO THE SECOND PART, THAT WILL MEAN THE
17 PERSON IS CONVICTED OF MURDER AND THE JURY THEN
18 DECIDES THE PUNISHMENT, NOT THE JUDGE.

19 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
20 RESPONSE.)

21 Q WHATEVER THE JURY DECIDES IS GOING TO HAPPEN
22 WILL HAPPEN. IF THE JURY VOTES FOR LIFE WITHOUT
23 PAROLE, THAT'S THE SENTENCE OF THE COURT. IF THE
24 JURY VOTES FOR THE DEATH PENALTY, THAT PERSON IS
25 GOING TO BE EXECUTED. IF YOU WERE ON A JURY IN A

JULIETTE RYANT -VOIR DIRE- BY SOL. BAILEY

1 CASE LIKE THIS AND THE CASE WAS BAD ENOUGH, COULD YOU
2 VOTE FOR THE DEATH PENALTY KNOWING THAT SENTENCE IS
3 GOING TO BE CARRIED OUT?

4 A REPEAT THAT.

5 Q I AM NOT ASKING YOU WHAT YOU WOULD DO BECAUSE
6 YOU HAVEN'T HEARD THE FACTS.

7 A RIGHT.

8 Q BUT IF THE FACTS WERE BAD ENOUGH, COULD YOU VOTE
9 FOR IT KNOWING THAT YOUR VOTE WOULD CAUSE THAT PERSON
10 TO BE EXECUTED AT SOME POINT AFTER THAT?

11 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
12 RESPONSE.)

13 Q YOU COULD NOT DO THAT?

14 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
15 RESPONSE.)

16 Q SO IN LOOKING AT THE THREE TYPES OF JURORS, THE
17 NUMBER ONE TYPE JUROR THAT WOULD ALWAYS VOTE FOR THE
18 DEATH PENALTY, THE NUMBER TWO TYPE OF JUROR THAT
19 WOULD NEVER VOTE FOR THE DEATH PENALTY AND THE NUMBER
20 THREE TYPE JUROR THAT COULD VOTE FOR EITHER ONE, ARE
21 YOU NOW SAYING THAT YOU ARE A NUMBER TWO JUROR THAT
22 COULDN'T VOTE FOR THE DEATH PENALTY?

23 A I THINK NUMBER TWO, YEAH.

24 THE COURT: I CAN'T UNDERSTAND. SPEAK A
25 LITTLE LOUDER, PLEASE.

JULIETTE RYANT -VOIR DIRE- BY THE COURT

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THE WITNESS: OKAY.

THE COURT: WHAT ARE YOU SAYING?

THE WITNESS: I GOT THEM MIXED UP RIGHT NOW.

VOIR DIRE EXAMINATION
BY THE COURT:

Q THAT DOESN'T GET IT DONE. LET ME SAY THIS TO YOU. THERE ARE NO RIGHT OR WRONG ANSWERS.

A RIGHT.

Q SOME PEOPLE SAY -- FIRST LET ME SAY THIS TO YOU. THERE WILL BE FIRST A TRIAL TO DETERMINE THE GUILT OR INNOCENCE OF THIS DEFENDANT. DO YOU UNDERSTAND THAT?

A YEAH.

Q THE TESTIMONY WILL BE TAKEN AND THE JURY WILL BE ASKED TO WRITE A VERDICT.

A YEAH.

Q EITHER NOT GUILTY OR GUILTY. DO YOU UNDERSTAND THAT?

A YEAH.

Q NOW, IF THE JURY BRINGS IN A VERDICT OF NOT GUILTY, WE STOP RIGHT THERE. DO YOU UNDERSTAND THAT?

A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)

Q DO YOU?

A (WITNESS NODS.) (INDICATING AFFIRMATIVE

1 RESPONSE.)

2 Q DO YOU UNDERSTAND NOT GUILTY?

3 A YEAH.

4 Q IF THE JURY CONCLUDES HE IS GUILTY, WE THEN GO
5 TO THE SECOND PART OF THE TRIAL. DO YOU UNDERSTAND
6 THAT SO FAR?

7 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

8 Q NOW, IN THE SECOND PART -- YOU HAVE ALREADY
9 FOUND HIM GUILTY OF MURDER -- SO THE SECOND PART IS
10 THE SENTENCING PHASE. THIS IS THE QUESTION BEFORE
11 THE JURY. WE FOUND HIM GUILTY OF MURDER, WHAT WILL
12 THE SENTENCE BE? WILL IT BE DEATH BY LETHAL
13 INJECTION OR ELECTROCUTION OR WILL THE SENTENCE BE
14 LIFE IN PRISON? THERE'S ONE OR THE OTHER. THAT'S
15 THE ONLY THING YOU HAVE GOT TO DEAL WITH, SEE?

16 A OKAY.

17 Q NOW, IN DEALING WITH THAT ISSUE, JURORS BREAK
18 INTO THREE GROUPS. THERE IS A GROUP THAT SAYS SINCE
19 WE HAVE FOUND HIM GUILTY OF MURDER, I WILL ALWAYS BE
20 FOR THE DEATH PENALTY. THERE IS A SECOND GROUP WHO
21 SAY, FOR RELIGIOUS REASONS OR PERSONAL REASONS OR
22 WHATEVER, EVEN THOUGH WE HAVE FOUND HIM GUILTY OF
23 MURDER, I CAN NEVER IMPOSE A SENTENCE OF DEATH, EVER.

24 THERE IS A THIRD GROUP WHO SAY WE HAVE FOUND HIM
25 GUILTY OF MURDER. I WILL NOW DECIDE WHETHER HE

JULIETTE RYANT -VOIR DIRE- BY THE COURT

1 SHOULD BE SENTENCED TO LIFE IMPRISONMENT OR DEATH.
 2 THE THIRD GROUP SAYS I WILL LISTEN TO SOME MORE
 3 TESTIMONY AND THEN I WILL DECIDE. THAT FIRST GROUP
 4 SAYS HAVING FOUND HIM GUILTY OF MURDER, I WILL ALWAYS
 5 BE FOR THE DEATH PENALTY.

6 THE SECOND GROUP SAYS EVEN THOUGH WE HAVE FOUND
 7 HIM GUILTY OF MURDER, I CAN NEVER BE FOR THE DEATH
 8 PENALTY, PERIOD. THE THIRD GROUP SAYS I CAN
 9 DEPENDING ON HOW I FEEL. NOW, WOULD YOU BE FIRST WHO
 10 SAYS ALWAYS, SECOND WHO SAYS NEVER OR THE THIRD WHO
 11 SAYS IT WILL DEPEND? WHICH WOULD YOU BE?

12 A THE THIRD.

13 Q THE THIRD. THE THIRD GROUP SAYS I AM WILLING TO
 14 LISTEN TO ALL THE FACTS AND IF I THINK IT
 15 APPROPRIATE, I CAN IMPOSE A SENTENCE OF DEATH. IS
 16 THAT YOUR GROUP?

17 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
 18 RESPONSE.)

19 Q MA'AM?

20 A YES.

21 Q NOW, LET ME TELL YOU OUR PROCEDURE. I AM NOT IN
 22 ANY WAY SUGGESTING TO YOU WHAT YOUR VERDICT WOULD BE
 23 IN THE FIRST PHASE OR THE SECOND PHASE. DO YOU
 24 UNDERSTAND?

25 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

1 Q UNDER OUR RULES IF IN THAT JURY ROOM, 12 JURORS,
2 INCLUDING YOURSELF, DETERMINE THAT DEATH IS THE
3 APPROPRIATE SENTENCE, THEY HAVE TO COME OUT IN THIS
4 COURTROOM AND SAY SO. DO YOU UNDERSTAND THAT?

5 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

6 Q PARDON ME?

7 A YES.

8 Q IN ADDITION TO THAT, OUR RULES REQUIRE THAT IF
9 12 JURORS IN THAT JURY ROOM CONCLUDE UNANIMOUSLY THAT
10 DEATH IS THE APPROPRIATE SENTENCE, ALL 12 JURORS HAVE
11 TO SIGN THEIR NAME TO THAT VERDICT. DO YOU
12 UNDERSTAND THAT?

13 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

14 Q WOULD YOU BE WILLING TO DO THAT IF ALL 12?
15 OF YOU DECIDED THAT DEATH WAS THE APPROPRIATE
16 SENTENCE?

17 A YES.

18 Q MA'AM?

19 A YES.

20 Q REMEMBER THERE ARE NO RIGHT OR WRONG ANSWERS
21 HERE. THERE IS JUST THREE DIFFERENT GROUPS.

22 THE COURT: SOLICITOR.

23 VOIR DIRE EXAMINATION

24 BY SOLICITOR BAILEY:

25 Q MRS. RYANT, IF YOU ARE ON A JURY IN A DEATH

JULIETTE RYANT -VOIR DIRE- BY MR. STONE

1 PENALTY CASE AND YOU GO THROUGH THE FIRST PHASE AND
2 THE PERSON IS FOUND GUILTY OF MURDER BEYOND A
3 REASONABLE DOUBT AND YOU GET INTO THE SECOND PHASE OF
4 THE TRIAL WHERE THE JURY HAS TWO CHOICES, LIFE
5 WITHOUT PAROLE OR THE DEATH PENALTY, IF THE JUDGE
6 INSTRUCTED THE JURY THAT THEY COULD FIND A LIFE
7 SENTENCE FOR ANY REASON OR NO REASON AT ALL, AS AN
8 ACT OF MERCY, WOULD THAT ALWAYS BE YOUR DECISION?

9 A YES.

10 Q IF YOU ARE FACED WITH THAT CHOICE, IT WOULD
11 ALWAYS BE LIFE?

12 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
13 RESPONSE.)

14 SOLICITOR BAILEY: THAT'S ALL I HAVE AT
15 THIS TIME, YOUR HONOR.

16 VOIR DIRE EXAMINATION

17 BY MR. STONE:

18 Q MRS. RYANT, MY NAME IS DUFFIE STONE. YOU TALKED
19 TO THE JUDGE EARLIER AND HE ASKED YOU A COUPLE OF
20 TIMES IF YOU WOULD BE SOMEBODY THAT AFTER THE GUILT
21 PHASE WAS OVER AND WE ARE TALKING ABOUT THE PENALTY
22 PHASE, YOU COULD PAY ATTENTION TO BOTH AGGRAVATING
23 CIRCUMSTANCES AND MITIGATING CIRCUMSTANCES; AND IF
24 THE APPROPRIATE SENTENCE WAS DEATH, YOU COULD COME
25 BACK WITH A VERDICT OF DEATH. OR IF YOU DID NOT

JULIETTE RYANT -VOIR DIRE- BY MR. STONE

1 THINK IT WAS APPROPRIATE, THAT YOU COULD COME BACK
2 WITH A VERDICT OF LIFE. IS THAT WHAT I UNDERSTOOD TO
3 TELL THE JUDGE?

4 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

5 Q I'M SORRY?

6 A YES.

7 Q IS THAT HOW YOU FEEL ABOUT IT?

8 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

9 Q BUT YOU UNDERSTAND THAT WE ARE NOT THERE YET.
10 YOU UNDERSTAND THIS IS A PRETTY IMPORTANT CASE, BUT
11 THE SOLICITOR'S OFFICE STILL HAS TO PROVE THEIR CASE
12 HERE. DO YOU UNDERSTAND THAT?

13 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
14 RESPONSE.)

15 Q WOULD YOU HAVE ANY PROBLEM, DESPITE THE FACT
16 THIS IS ABOUT A MURDER, ABOUT A DEATH, DO YOU THINK
17 YOU AS A JUROR COULD COME BACK IF YOU THOUGHT IT WAS
18 APPROPRIATE AND FIND MR. ALEKSEY NOT GUILTY?

19 A CAN I COME BACK? WHAT YOU MEAN COME BACK?

20 Q COULD YOU COME BACK WITH A VERDICT WITH THE REST
21 OF THE JURY OF NOT GUILTY IF YOU THOUGHT THAT WAS
22 APPROPRIATE?

23 A YES.

24 MR. STONE: NOTHING ELSE, YOUR HONOR.

25 THANK YOU.

JULIETTE RYANT--VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q MRS. RYANT, I NEED TO ASK YOU SOME MORE
4 QUESTIONS AND I WANT YOUR HEARTFELT OPINION. YOU ARE
5 SAYING ONE THING AT ONE TIME PRETTY CONVINCINGLY AND
6 THEN ANOTHER TIME YOU SAY SOMETHING ELSE. ALL I NEED
7 TO KNOW IS THIS AND JUST GIVE ME YOUR HONEST ANSWER.
8 SOME PEOPLE SAY THAT EVEN IF SOMEBODY HAS BEEN
9 CONVICTED OF MURDER, THEY WILL NEVER IMPOSE THE DEATH
10 PENALTY. THEY DO THAT FOR PERSONAL REASONS OR
11 RELIGIOUS BELIEFS.

12 OTHER PEOPLE EQUALLY IMPORTANT SAY IF I
13 THINK IT'S APPROPRIATE I CAN DO IT. NOW TELL ME
14 TRUTHFULLY. CAN YOU IMPOSE A SENTENCE OF DEATH IF
15 YOU THINK IT'S RIGHT OR ARE YOU GOING TO ALWAYS BE
16 FOR LIFE IMPRISONMENT? TELL ME WHICH IT IS.

17 A I GUESS LIFE.

18 Q MA'AM?

19 A LIFE IMPRISONMENT.

20 Q YOU WOULD NEVER BE FOR THE DEATH PENALTY?

21 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
22 RESPONSE.)

23 Q MA'AM?

24 A NO.

25 THE COURT: DO YOU WANT TO ASK ANY FURTHER

1 QUESTIONS?

2 MR. STONE: NO, SIR.

3 THE COURT: YOU CAN STEP OUT FOR JUST A
4 MOMENT.

5 (THE JUROR LEAVES THE COURTROOM.)

6 THE COURT: WHAT SAYS THE STATE?

7 SOLICITOR BAILEY: NOT QUALIFIED.

8 THE COURT: WHAT SAYS THE DEFENSE?

9 MR. STONE: SHE HAS ANSWERED THE QUESTION
10 TWO DIFFERENT WAYS. OBVIOUSLY I THINK IT'S SOMETHING
11 THAT SHE HAS HAD A GOOD BIT OF DIFFICULTY WITH. SHE
12 HAS IN FACT TOLD YOU TWICE AT LEAST THAT SHE COULD
13 COME BACK WITH A VERDICT IF SHE THOUGHT IT WAS
14 APPROPRIATE OF DEATH.

15 THE COURT: THE LAST TIME SHE SAID CLEARLY
16 THAT SHE COULDN'T.

17 MR. STONE: YES, SIR.

18 THE COURT: IT'S CLEAR TO ME THAT SHE COULD
19 NEVER DO THAT. THE RECORD WILL REFLECT THAT. I FIND
20 HER DISQUALIFIED. BRING THE JUROR IN.

21 (THE JUROR RETURNS TO THE COURTROOM.)

22 THE COURT: MRS. RYANT, I KNOW THIS HAS
23 BEEN VERY DIFFICULT FOR YOU. I THANK YOU FOR YOUR
24 PARTICIPATION AND YOUR ATTENDANCE HERE TODAY. I AM
25 IN A POSITION NOW TO EXCUSE YOU FOR THE REST OF THE

1 DAY AND FOR THE WEEK.

2 I HOPE WE HAVEN'T INTRUDED ON YOUR PRIVACY
3 TOO MUCH. YOU ARE EXCUSED. MA'AM, PLEASE DO NOT
4 DISCUSS THIS CASE WITH ANYONE. UNDER NO
5 CIRCUMSTANCES DISCUSS WITH ANYBODY YOUR QUESTIONS OR
6 YOUR ANSWERS. THAT WOULD BE IMPROPER. DO YOU
7 UNDERSTAND THAT?

8 JUROR: UH-HUH. (INDICATING AFFIRMATIVE
9 RESPONSE.)

10 THE COURT: ARE YOU ALL RIGHT NOW?

11 JUROR: I GOT A HEADACHE.

12 THE COURT: I BET WE GAVE YOU ONE.

13 (THE JUROR LEAVES THE COURTROOM.)

14 THE COURT: MR. BAILEY, AND GENTLEMEN FOR
15 THE DEFENSE, AT THIS TIME WE HAVE QUALIFIED SIX. IS
16 THAT YOUR UNDERSTANDING?

17 SOLICITOR BAILEY: YES, SIR.

18 THE COURT: HOW ABOUT IT FOR THE DEFENSE;
19 IS THAT RIGHT?

20 MR. STONE: SIX.

21 THE COURT: BRING THE NEXT ONE IN.

22 (THE JUROR ENTERS THE COURTROOM.)

23 SANDRA MCWATERS, (WHITE
24 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
25 FOLLOWS:

SANDRA MCWATERS -VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q THANK YOU, MA'AM. I WANT TO ASK YOU SOME
4 QUESTIONS. I KNOW YOU ARE GETTING TIRED OF WAITING
5 BACK THERE. I APOLOGIZE FOR THAT. OUR PROCESS IS
6 JUST A SLOW PROCESS. I NOTE THAT YOU ARE A HOUSEWIFE
7 AND THAT YOUR HUSBAND IS RETIRED; IS THAT CORRECT?

8 A YES.

9 Q WHERE DID YOUR HUSBAND RETIRE FROM, PLEASE,
10 MA'AM?

11 A THE ORANGEBURG COUNTY COURTHOUSE.

12 Q MA'AM?

13 A WELL, THE ORANGEBURG COUNTY ADMINISTRATIVE
14 BUILDING IN THE TAX ASSESSOR'S OFFICE.

15 Q IS THAT WHERE HE WORKED, IN THE TAX ASSESSOR'S
16 OFFICE?

17 A YES, SIR.

18 Q AND YOU HAVE BEEN A HOUSEWIFE?

19 A YES, SIR.

20 Q LET ME ASK YOU THIS. SEVERAL JURORS EARLIER IN
21 THE DAY INDICATED -- THEY STOOD UP AND INDICATED THEY
22 MAY HAVE READ OR HEARD SOMETHING ABOUT THIS CASE.

23 WERE YOU ONE OF THOSE WHO STOOD UP?

24 A YES, SIR.

25 Q CAN YOU TELL US, PLEASE, WHAT YOU MAY HAVE READ

SANDRA MCWATERS -VOIR DIRE- BY THE COURT

1 OR HEARD.

2 A I HAVEN'T READ ANYTHING AND THE FIRST I HEARD
3 ABOUT IT, IT WAS IN THE NEWS ON W.I.S. T.V. THEY HAD
4 JUST MENTIONED THEY WERE GETTING READY TO FIND THE
5 JURORS AND THE TRIAL WOULD BE THIS WEEK. THAT'S ALL
6 I HEARD.

7 Q HAVE YOU EXPRESSED ANY OPINION AS TO THE GUILT
8 OR INNOCENCE OF ANYBODY?

9 A NO, SIR.

10 Q YOU HAVE MADE NO INDEPENDENT FINDINGS. CAN YOU
11 TELL ME THAT IF YOU ARE SELECTED, YOU WILL BASE YOUR
12 VERDICT ON THE LAW AND EVIDENCE IN THIS COURTROOM AND
13 FROM NO OTHER PLACE?

14 A YES.

15 Q LET ME ASK YOU THIS. DID YOU HAVE AN
16 OPPORTUNITY TO READ THE DOCUMENT BACK THERE ABOUT THE
17 THREE TYPES OF JURORS?

18 A YES.

19 Q DO YOU UNDERSTAND THAT THIS COULD BE A TWO-PHASE
20 OR A TWO-PART TRIAL? DO YOU UNDERSTAND THAT?

21 A I UNDERSTAND.

22 Q THE FIRST PART DEALS WITH THE GUILT OR
23 INNOCENCE. IF HE IS FOUND NOT GUILTY, WE STOP THERE.
24 IF -- AND I USE THAT WORD ADVISEDLY -- IF HE IS FOUND
25 GUILTY, WE THEN BUT ONLY THEN GO TO THE SECOND PHASE

SANDRA MCWATERS -VOIR DIRE- BY THE COURT

1 WHICH IS THE SENTENCING PHASE.

2 IN THAT PHASE THE ONLY QUESTION FOR THE JURY IS:
3 WE THE JURY HAVING UNANIMOUSLY FOUND HIM GUILTY OF
4 MURDER, WHAT SHALL THE PUNISHMENT BE? SHALL IT BE
5 LIFE IMPRISONMENT OR DEATH BY LETHAL INJECTION OR
6 ELECTROCUTION? THAT'S THE ONLY TWO IF YOU GET TO THE
7 SECOND PHASE.

8 IN CONSIDERING THAT ISSUE, THERE ARE THREE TYPES
9 OF JURORS. THERE IS A TYPE OF JUROR WHO SAYS HAVING
10 CONVICTED HIM OF MURDER, I WILL ALWAYS BE FOR THE
11 DEATH PENALTY. THERE IS A SECOND GROUP WHO SAY EVEN
12 THOUGH WE HAVE FOUND HIM GUILTY OF MURDER, I CAN
13 NEVER BE FOR THE DEATH PENALTY, BE IT PERSONAL OR
14 RELIGIOUS REASONS OR WHATEVER.

15 THERE IS A THIRD GROUP WHO SAY WE HAVE FOUND HIM
16 GUILTY OF MURDER. NOW I AM GOING TO CONSIDER THE
17 OTHER CIRCUMSTANCES, AGGRAVATING AND MITIGATING; AND
18 THEN I WILL DECIDE WHAT IS THE APPROPRIATE
19 PUNISHMENT. WOULD YOU BE THE FIRST WHO SAYS ALWAYS,
20 THE SECOND WHO SAYS NEVER OR THE THIRD WHO SAYS IT
21 WILL DEPEND ON THE FURTHER FACTS THAT I FIND?

22 A THE THIRD.

23 Q MA'AM?

24 A THE THIRD.

25 Q YOU WOULD BE THE THIRD.

SANDRA MCWATERS -VOIR DIRE- BY SOL. BAILEY

1 THE COURT: SOLICITOR, YOU MAY INQUIRE.

2 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

3 VOIR DIRE EXAMINATION

4 BY SOLICITOR BAILEY:

5 Q MRS. MCWATERS, IS THE DEATH PENALTY SOMETHING

6 YOU HAVE HAD OCCASION TO THINK ABOUT BEFORE TODAY?

7 A COULD YOU BE A LITTLE BIT MORE SPECIFIC.

8 Q HAVE YOU EVER THOUGHT ABOUT THE DEATH PENALTY,

9 JUST IN GENERAL TERMS, BEFORE TODAY?

10 A I REALLY DON'T UNDERSTAND WHAT YOU MEAN THOUGHT

11 ABOUT IT.

12 Q HAVE YOU EVER JUST IN CONVERSATION WITH FRIENDS

13 OR NEIGHBORS OR AT CHURCH DISCUSSED THE DEATH PENALTY

14 AND FORMULATED ANY OPINION ON WHETHER IT WAS GOOD OR

15 BAD OR WHATEVER?

16 A NO, I HAVEN'T.

17 Q AND DO YOU THINK YOU HAVE HAD ENOUGH TIME TODAY

18 TO DECIDE BETWEEN THOSE THREE TYPES JURORS? YOU ARE

19 THE NUMBER THREE TYPE JUROR?

20 A YES.

21 Q IF WE GET TO THAT PENALTY PHASE, YOU WOULD KEEP

22 AN OPEN MIND AND LISTEN TO ALL THE FACTS AND

23 CIRCUMSTANCES?

24 A (WITNESS NODS.) (INDICATING AFFIRMATIVE

25 RESPONSE.)

SANDRA MCWATERS -VOIR DIRE- BY SOL. BAILEY

1 Q AND THEN YOU WOULD BE ABLE TO VOTE ONE WAY OR
2 THE OTHER, EITHER FOR LIFE WITHOUT PAROLE OR THE
3 DEATH PENALTY?

4 A YES.

5 Q YOU UNDERSTAND THAT THE WAY THE LAW WORKS IN
6 SOUTH CAROLINA IS THE JUDGE DOESN'T DECIDE THE
7 SENTENCE IF WE GET TO THAT POINT. THE JURY DECIDES
8 THAT AND WHATEVER THE JURY DECIDES WILL HAPPEN. IF
9 THE JURY VOTES FOR LIFE WITHOUT PAROLE, THAT WILL BE
10 THE SENTENCE. IF THEY VOTE FOR THE DEATH PENALTY,
11 THAT PERSON WILL BE EXECUTED.

12 A YES.

13 Q MY QUESTION IS SIMPLY IF THE CASE IS BAD ENOUGH,
14 COULD YOU VOTE FOR THE DEATH PENALTY?

15 A IF IT'S STATED IN SOUTH CAROLINA AND ACCORDING
16 TO WHAT I HAVE READ, YES, IN THE THREE DESCRIPTIONS
17 OF THREE JURORS.

18 Q AND THE NEXT THING THAT WOULD HAPPEN IF
19 EVERYBODY VOTED FOR THE DEATH PENALTY, ALL 12 JURORS,
20 THEN EACH JUROR WOULD BE ASKED TO SIGN THEIR NAME TO
21 A VERDICT FORM. IF THAT WAS YOUR VOTE FOR THE DEATH
22 PENALTY, COULD YOU THEN SIGN YOUR NAME TO A VERDICT
23 FORM KNOWING THAT SENTENCE WILL BE CARRIED OUT AT
24 SOME POINT IN TIME?

25 A YES, I COULD BUT THERE AGAIN I HAVE TO HEAR THE

SANDRA MCWATERS -VOIR DIRE- BY SOL. BAILEY

1 COMPLETE FACTS --

2 Q RIGHT.

3 A -- OF THE CASE BEFORE I WOULD MAKE THAT
4 DECISION.

5 Q OKAY. WE ARE ASSUMING YOU HAVE HEARD THE FACTS
6 AND SAID THE FACTS WERE BAD ENOUGH THAT YOU COULD
7 VOTE FOR IT. COULD YOU THEN SIGN THE FORM?

8 A I COULD ONLY DO IT IF I HEARD THE FACTS OF THE
9 CASE AND THEY WERE PRESENTED THE WAY -- IN A PROPER
10 MANNER AND IT WAS THE EVIDENCE.

11 Q AND THE FINAL THING THAT WOULD HAVE TO HAPPEN IF
12 THE JURY VOTED FOR THE DEATH PENALTY IS THERE IS A
13 PROCEDURE CALLED POLLING THE JURY, WHERE ONCE THAT
14 VERDICT IS ANNOUNCED, THEN THE CLERK WOULD CALL EACH
15 JUROR'S NAME INDIVIDUALLY AND THEY WOULD BE ASKED TO
16 STAND AND AFFIRM THAT THAT WAS THEIR VERDICT. COULD
17 YOU DO THAT IF IT WAS YOUR VERDICT?

18 A YES.

19 Q MRS. MCWATERS, IS THERE ANYTHING, OTHER THAN THE
20 INCONVENIENCE THAT ANYBODY WOULD BE FACED WITH, ABOUT
21 SPENDING ROUGHLY FIVE OR SIX DAYS IN A MOTEL
22 SEQUESTERED? WOULD THAT CAUSE YOU ANY UNDUE
23 HARDSHIP?

24 A NO.

25 Q THANK YOU. THAT'S ALL I HAVE. DON'T GO YET.

SANDRA MCWATERS -VOIR DIRE- BY MR. STONE

1 BECAUSE THEY MAY HAVE SOME QUESTIONS FOR YOU.

2 VOIR DIRE EXAMINATION

3 BY MR. STONE:

4 Q I WILL HAVE A FEW AND YOU CAN SCOOT ON BACK IF
5 YOU NEED TO. MRS. MCWATERS, I'M DUFFIE STONE. I
6 REPRESENT MR. ALEKSEY WHO IS SITTING OVER HERE. I
7 THINK YOU PROBABLY FIGURED THAT OUT BY NOW ANYWAY.
8 WHILE THE SOLICITOR HAS ASKED YOU A LOT OF QUESTION
9 ABOUT THE DEATH PENALTY, I AM NOT TOO CONCERNED WITH
10 THAT. WHAT I WANT TO ASK YOU ABOUT IS GUILT AND
11 INNOCENCE.

12 WHEN THE SOLICITOR PRESENTS HIS CASE, HE ASKED
13 YOU IF YOU THOUGHT IT WAS APPROPRIATE IF YOU COULD
14 COME BACK WITH A DEATH SENTENCE. IF IT WAS
15 APPROPRIATE, IF THE SOLICITOR DID NOT PROVE TO YOU
16 THAT MR. ALEKSEY WAS THE KILLER IN THIS CASE, COULD
17 YOU EQUALLY COME BACK WITH A VERDICT OF NOT GUILTY?

18 A I'D HAVE TO MAKE MYSELF CLEAR.

19 Q SURE.

20 A OKAY?

21 Q YES, MA'AM.

22 A I'D HAVE TO SEE ALL THE -- I HAVE TO HEAR ALL
23 THE FACTS IN THE CASE THAT ARE PRESENTED TO THE
24 JURORS AND ALSO TO MYSELF BEFORE I COULD GIVE A
25 VERDICT OF GUILTY OR INNOCENT. NOW, THAT'S WHERE I

SANDRA MCWATERS -VOIR DIRE- BY MR. STONE

1 STAND. I HAVE TO SEE ALL OF THE EVIDENCE AND I HAVE
2 TO HEAR ALL OF THE FACTS ON BOTH SIDES, THE SIDE OF
3 THE SOLICITOR AND THE SIDE OF THE DEFENDANT BEFORE I
4 WILL REACH A VERDICT.

5 Q THAT'S FAIR. I THINK THE JUDGE MAY OR MAY NOT
6 HAVE SAID THIS TO YOU, BUT THERE ARE NO RIGHT OR
7 WRONG ANSWERS. WE ARE JUST TRYING TO GET SOME IDEA
8 ABOUT YOUR FEELINGS TOWARDS THIS.

9 THE JUDGE IS GOING TO TELL YOU THAT THE
10 DEFENDANT, MR ALEKSEY, DOESN'T HAVE TO SHOW YOU
11 ANYTHING. IN FACT THE STATE HAS TO PROVE THEIR CASE
12 BEYOND A REASONABLE DOUBT, AND THE DEFENSE CAN SIT
13 OVER THERE AND NOT DO A THING. WE DON'T HAVE TO EVEN
14 ASK ANY QUESTIONS.

15 IF THAT WERE THE SITUATION, COULD YOU STILL HOLD
16 THE SOLICITOR'S OFFICE TO ITS BURDEN? IF, IN FACT,
17 HE DOES NOT SHOW THIS PERSON IS GUILTY, COULD YOU
18 STILL OR WOULD YOU BE EXPECTING TO HEAR SOMETHING
19 FROM THE DEFENSE?

20 A IN THE CASE WHERE THE SOLICITOR HAS TO PROVE
21 THAT THE DEFENDANT IS GUILTY WITHOUT A SHADOW OF
22 DOUBT, I WOULD HAVE TO -- I DON'T KNOW HOW TO EXPLAIN
23 THIS, BUT I WOULD HAVE TO -- I WOULD HAVE TO CONSIDER
24 THAT HE MUST HAVE PROVEN THE CASE TO THE FULLEST, AND
25 I WOULD HAVE TO GO WITH GUILTY IN THAT RESPECT.

SANDRA MCWATERS -VOIR DIRE- BY MR. STONE

1 Q I MAY NOT HAVE FOLLOWED YOU.

2 A I REALLY, YOU KNOW, DON'T UNDERSTAND WHAT YOU
3 WANT, WHAT YOU ARE TRYING TO SAY.

4 Q THIS IS THE QUESTION. LIKE I SAID, THERE ARE
5 NOT ANY RIGHT OR WRONG ANSWERS. WHAT I AM TRYING TO
6 FIGURE OUT IS WOULD YOU FEEL LIKE IF THE SOLICITOR
7 FINISHED HIS CASE THAT THE DEFENSE WOULD HAVE TO SHOW
8 YOU SOMETHING?

9 A YES. I WOULD THINK, IN MY OPINION, I WOULD
10 THINK I SHOULD HEAR FACTS ON BOTH SIDES, ON THE SIDE
11 OF THE SOLICITOR, ALSO THE SIDE OF THE DEFENDANT
12 BECAUSE I JUST CAN'T SEE WHY YOU WOULD TAKE A MAN'S
13 LIFE, YOU KNOW, IF YOU DIDN'T HEAR ALL THE FACTS.

14 Q THAT'S FAIR. THANK YOU.

15 A I MEAN, IT'S KIND OF HARD FOR ME BECAUSE THIS IS
16 MY FIRST TIME AND I'M AM HOUSEWIFE.

17 Q FIRST TIME ON THE JURY?

18 A RIGHT, AND THE FIRST TIME IN THIS TYPE OF CASE,
19 YOU KNOW, WHICH IS NOT A NORMAL CASE. IT'S A MAN'S
20 LIFE.

21 Q IT'S KIND OF A TOUGH CASE TO LAND ON YOUR FIRST
22 TRIAL.

23 A YES, IT IS. I REALLY DON'T KNOW EXACTLY WHAT TO
24 SAY OR HOW TO EXPRESS WHAT I AM FEELING, BUT THE ONLY
25 THING I CAN SAY IS I WOULD LIKE TO HEAR ALL THE FACTS

SANDRA MCWATERS -VOIR DIRE- BY THE COURT.

1 ON BOTH SIDES BEFORE I MADE A DECISION OF GUILTY OR
2 NOT GUILTY. THIS MAN'S LIFE IS IN MY HANDS AS WELL
3 AS THE OTHER JURORS.

4 MR. STONE: THANK YOU, MA'AM. I APPRECIATE
5 YOUR HONESTY.

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 Q MADAME JUROR, LET ME EXPLAIN TO YOU THIS. IN
9 THE FIRST PHASE, I WOULD CHARGE YOU AS A MATTER OF
10 LAW THAT THIS DEFENDANT AND ALL DEFENDANTS COME INTO
11 THIS COURTROOM UNDER THE CLOAK OF INNOCENCE. THEY
12 DON'T HAVE TO PROVE A THING. THE STATE OF SOUTH
13 CAROLINA HAS TO PROVE THEM GUILTY BEYOND A REASONABLE
14 DOUBT.

15 HE DOESN'T HAVE TO SAY ANYTHING. HE DOESN'T
16 HAVE TO OFFER ANY TESTIMONY. THIS IS IN THE FIRST
17 PHASE. CAN YOU FOLLOW THAT LAW AND GIVE HIM HIS
18 PRESUMPTION OF INNOCENCE AND PUT THE STATE TO THE
19 BURDEN OF PROVING HIM GUILTY IF THEY CAN BEYOND A
20 REASONABLE DOUBT?

21 A YES, I THINK I COULD.

22 Q I WOULD CHARGE YOU, TOO, THAT IF HE FAILED TO
23 TESTIFY, YOU MUST NOT CONSIDER THAT IN ANY WAY
24 WHATSOEVER AS TO HIS GUILT. THE FACT THAT A
25 DEFENDANT DOES NOT TESTIFY CANNOT EVEN BE DISCUSSED

SANDRA MCWATERS -VOIR DIRE- BY THE COURT

1 IN THE JURY ROOM. WILL YOU ACCEPT THAT PROPOSITION
2 OF LAW?

3 A YES.

4 THE COURT: ANYTHING FURTHER?

5 SOLICITOR BAILEY: NO QUESTIONS, YOUR
6 HONOR.

7 MR. STONE: NOTHING ELSE.

8 THE COURT: YOU CAN STEP OUT FOR A MINUTE.

9 (THE JUROR LEAVES THE COURTROOM.)

10 THE COURT: SOLICITOR?

11 SOLICITOR BAILEY: JUDGE, I THINK SHE IS
12 QUALIFIED.

13 THE COURT: YES, SIR.

14 MR. STONE: YOUR HONOR, I WILL BE HONEST
15 WITH YOU. I THINK HER HONEST RESPONSE TO THAT
16 QUESTION WAS THE ANSWERS SHE GAVE TO ME, WHICH IS SHE
17 WOULD EXPECT TO HEAR SOMETHING FROM THE DEFENSE.

18 THE COURT: NO, SIR. YOU HAD HER CONFUSED
19 AS TO THE FIRST AND SECOND PHASE. SHE KEPT SAYING,
20 "IF SOMEBODY'S LIFE IS AT STAKE, I WOULD WANT TO HEAR
21 THE FACTS OF BOTH SIDES."

22 IT'S CLEAR TO ME IN RESPONSE TO YOUR
23 QUESTIONING, SHE WAS TALKING ABOUT THE SECOND PHASE
24 BECAUSE SHE SPECIFICALLY SAID, "WHERE HIS LIFE IS
25 INVOLVED, I WANT TO HEAR ALL THE FACTS." I THINK SHE

1 IS QUALIFIED TO SERVE. BRING HER BACK. SHE HAS TOLD
2 ME SHE COULD FOLLOW THE LAW.

3 (THE JUROR RETURNS TO THE COURTROOM.)

4 THE COURT: MADAME JUROR, YOU HAVE BEEN
5 FOUND QUALIFIED TO SERVE IF SELECTED BY THE ATTORNEYS
6 FOR THE STATE AND THE DEFENDANT. WE ARE IN THE
7 PROCESS OF QUALIFYING 35 JURORS, AMONG WHICH YOU ARE.

8 ON THURSDAY MORNING AT 9:30 FROM THAT
9 NUMBER WE ARE SELECTING 12 JURORS AND TWO ALTERNATES.
10 YOU MAY OR MAY NOT BE ONE OF THEM, BUT YOU ARE FOUND
11 QUALIFIED TO SERVE.

12 PLEASE REPORT BACK TO THIS COURTROOM AT
13 9:30 THURSDAY MORNING, BRINGING WITH YOU SUCH
14 PERSONAL EFFECTS AS YOU WILL NEED IN THE EVENT THAT
15 YOU ARE SELECTED BECAUSE YOU WILL BE SEQUESTERED IN A
16 MOTEL. DO YOU HAVE ANY QUESTIONS?

17 JUROR: NO, SIR.

18 THE COURT: CAN YOU BE BACK AT 9:30
19 THURSDAY MORNING?

20 JUROR: YES, SIR.

21 THE COURT: WITH YOUR BAGS?

22 JUROR: YES, SIR.

23 THE COURT: DON'T DISCUSS THIS CASE WITH
24 ANYONE. LET NO ONE DISCUSS IT WITH YOU. UNDER NO
25 CIRCUMSTANCES DISCUSS THE QUESTIONS OR ANSWERS GIVEN,

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 OKAY?

2 JUROR: OKAY.

3 THE COURT: SEE YOU AT 9:30. THANK YOU.

4 (THE JUROR LEAVES THE COURTROOM.)

5 MR. STONE: WE ARE ALL MISSING A

6 QUESTIONNAIRE ON THIS JUROR.

7 THE COURT: THIS WITNESS OR THIS JUROR HAD
8 NOT FILLED OUT THE FORM, ONLY FILLED OUT THE DATE AND
9 DIDN'T FILL OUT MUCH OF IT. I WILL PERMIT A LITTLE
10 WIDER LATITUDE IN EXAMINATION HERE.

11 MR. STONE: YES, SIR.

12 THE COURT: BRING THE JUROR IN.

13 (THE JUROR ENTERS THE COURTROOM.)

14 WILLIE BLANDING, (BLACK
15 MALE), BEING FIRST DULY SWORN, TESTIFIED AS
16 FOLLOWS:

17 VOIR DIRE EXAMINATION

18 BY THE COURT:

19 Q PLEASE HAVE A SEAT. LET ME ASK OF YOU SEVERAL
20 QUESTIONS, PLEASE. WHAT IS YOUR FULL NAME?

21 A WILLIE BLANDING.

22 Q WHO?

23 A WILLIE BLANDING.

24 Q I NOTE THAT YOU, EVEN THOUGH REQUESTED SO, WHY
25 DIDN'T YOU FILL OUT THIS FORM WHEN YOU GOT YOUR

WILLIE BLANDING -VOIR DIRE- BY THE COURT

- 1 SUBPOENA? WHY DID YOU WAIT UNTIL TODAY? YOU WERE
2 REQUESTED TO SEND IT IN BEFORE. WHY?
- 3 A. I PUT ONE UP HERE.
- 4 Q PARDON ME?
- 5 A I FILL OUT ONE.
- 6 Q WHEN?
- 7 A THE FELLOW BRING IT TO ME LAST THURSDAY.
- 8 Q LAST THURSDAY?
- 9 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 10 Q LET ME ASK YOU THIS. I WILL HAVE TO ASK YOU A
11 LITTLE MORE QUESTIONS THAN ORDINARILY BECAUSE I DON'T
12 HAVE THE ONE YOU SENT IN BEFORE. WHERE DID YOU GO TO
13 SCHOOL, PLEASE?
- 14 A ELLOREE.
- 15 Q AND YOU WENT THROUGH WHICH GRADE?
- 16 A SEVENTH.
- 17 Q WHAT KIND OF WORK DO YOU DO, PLEASE?
- 18 A I DRIVE A TRACTOR.
- 19 Q SIR?
- 20 A DRIVE A TRACTOR AND FARM WORK.
- 21 Q YOU DO FARM WORK. WHO DO YOU WORK WITH?
- 22 A WILLSHIRE FARMS.
- 23 Q YOU LIVE ON THE FARM THERE?
- 24 A YES, SIR.
- 25 Q IN QUESTIONING THIS MORNING SEVERAL JURORS

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 INDICATED THAT THEY HAD SEEN SOMETHING ON T.V. OR
2 READ SOMETHING IN THE NEWSPAPERS ABOUT THIS TRIAL.
3 WERE YOU ONE OF THOSE WHO STOOD UP?

4 A YEAH, I DID.

5 Q SIR?

6 A YES, SIR.

7 Q WHAT DID YOU READ?

8 A HUH?

9 Q WHAT DID YOU READ?

10 A I READ -- I AIN'T READ IT ALL. I READ SOME OF
11 IT.

12 Q CAN YOU READ?

13 A YEAH, I CAN READ A LITTLE BIT.

14 Q YOU WATCH T.V., DON'T YOU?

15 A YEAH.

16 Q DID YOU HEAR ANYTHING ON T.V.?

17 A NO, I AIN'T HEAR NOTHING.

18 Q YOU DON'T KNOW ANYTHING ABOUT THIS CASE?

19 A NO.

20 Q COULD YOU UNDERSTAND THAT DOCUMENT THAT I LEFT
21 IN THE JURY ROOM A WHILE AGO ABOUT THE THREE KIND OF
22 JURORS?

23 A MOST OF IT. I'M KIND OF NERVOUS NOW.

24 Q SIR?

25 A I AM KIND OF NERVOUS NOW.

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 Q I UNDERSTAND. I WISH I COULD DO SOMETHING FOR
2 YOUR NERVOUSNESS. THIS IS STRANGE TO YOU AND IF I
3 WERE WORKING IN YOUR PLACE ON YOUR FARM, I'D PROBABLY
4 BE NERVOUS, TOO. SO TO THE EXTENT THAT YOU CAN, KIND
5 OF RELAX. NOBODY WILL EMBARRASS YOU IN ANY WAY.
6 NOTHING IS GOING TO HAPPEN TO YOU. DO YOU UNDERSTAND
7 THAT?

8 A YES, SIR.

9 Q BUT UNDER OUR PROCEDURES WE ARE JUST REQUIRED TO
10 ASK OF YOU SEVERAL QUESTIONS. NOBODY WOULD EVER DO
11 ANYTHING TO EMBARRASS YOU. YOU KNOW THAT?

12 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
13 RESPONSE.)

14 Q LET ME ASK YOU THIS. IF YOU ARE SELECTED AS A
15 JUROR, DO YOU UNDERSTAND THAT THE FIRST THING YOU
16 WOULD HAVE TO DETERMINE IS WHETHER OR NOT HE IS NOT
17 GUILTY OR GUILTY? DO YOU UNDERSTAND THAT?

18 A YES, SIR, I DO.

19 Q YOU UNDERSTAND THE CONCEPT OF GUILTY OR NOT
20 GUILTY? IF YOU DON'T, PLEASE TELL ME SO.

21 A NO, NOT TOO WELL.

22 Q YOU DO NOT?

23 A NO, SIR.

24 THE COURT: LET HIM GO TO THE JURY ROOM FOR
25 JUST A MINUTE.

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 (THE JUROR LEAVES THE COURTROOM.)

2 THE COURT: GENTLEMEN, DO YOU WISH ME TO
3 PURSUE THIS THING FURTHER? IT'S OBVIOUS TO ME THAT
4 HE IS BARELY MINIMALLY EDUCATED. I DON'T THINK HE
5 EVEN UNDERSTANDS THE CONCEPT.

6 SOLICITOR BAILEY: I THINK UNDER STATE
7 VERSUS GASKINS YOU HAVE GOT A RIGHT TO STRIKE A JUROR
8 IF YOU FEEL LIKE HE IS NOT MENTALLY COMPETENT TO HEAR
9 THE CASE.

10 THE COURT: WELL, HE DOESN'T EVEN
11 UNDERSTAND THE CONCEPT OF GUILT OR INNOCENCE.

12 MR. SIMS: I AM NOT SURE THAT IT'S
13 ACTUALLY BEEN EXPLAINED TO HIM. I DON'T THINK
14 IT'S A MENTAL SITUATION. THIS IS A SITUATION OF
15 EDUCATION. I THINK SOME MORE INQUIRY MAY NEED TO BE
16 MADE IN TERMS OF WHAT HE UNDERSTANDS ABOUT HOW THIS
17 SYSTEM WORKS.

18 THE COURT: WE WILL GO FORWARD BUT I WANT A
19 JURY HERE THAT IS FAIR TO THE STATE OF SOUTH CAROLINA
20 AND FAIR TO THE DEFENDANT. I WANT A JURY THAT CAN
21 UNDERSTAND THE RUDIMENTARY IMPLICATIONS OF THE LAW
22 AND THE FACTS. THIS INDIVIDUAL IS TRYING TO ANSWER
23 TRUTHFULLY. BRING HIM BACK. WE WILL MAKE FURTHER
24 INQUIRY.

25 (THE JUROR RETURNS TO THE COURTROOM.)

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q MR. JUROR, I WOULD LIKE TO ASK SEVERAL OTHER
4 QUESTIONS IF I MAY. I LEFT A SHEET OF PAPER BACK
5 THERE THAT EXPLAINS THREE TYPES OF JURORS. DID YOU
6 UNDERSTAND THAT?

7 A NO, NOT MOST OF IT.

8 Q YOU COULD NOT UNDERSTAND IT?

9 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
10 RESPONSE.)

11 Q HAVE YOU EVER SERVED ON A JURY BEFORE?

12 A NO.

13 Q NEVER HAVE. ARE YOU MARRIED?

14 A I WAS. MY WIFE PASSED AWAY ABOUT A YEAR AGO.

15 Q YOU HAVE WORKED ON THE FARM ALL OF YOUR LIFE?

16 A YES, SIR.

17 Q DO YOU READ THE MORNING NEWSPAPER?

18 A NO, SIR, I DON'T READ THE NEWSPAPER.

19 Q SIR?

20 A I DON'T GET THE MORNING NEWSPAPER.

21 Q DO YOU HAVE TELEVISION IN YOUR HOME?

22 A YES, SIR.

23 Q CAN YOU WRITE?

24 A I CAN WRITE.

25 Q HAVE YOU EVER SERVED ON A JURY BEFORE?

WILLIE BLANDING -VOIR DIRE- BY THE COURT

1 A NO, SIR.

2 Q NEVER HAVE. DO YOU UNDERSTAND WHY YOU ARE HERE
3 TODAY? DO YOU UNDERSTAND WHY YOU ARE HERE TODAY?

4 A NOT THAT MUCH.

5 Q SIR?

6 A NO.

7 Q YOU DO NOT?

8 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
9 RESPONSE.)

10 THE COURT: SOLICITOR, I WILL LET YOU MAKE
11 INQUIRY AND THEN GENTLEMEN FOR THE DEFENSE.

12 (ATTORNEYS CONFER.)

13 SOLICITOR BAILEY: NO QUESTIONS, YOUR
14 HONOR.

15 THE COURT: HOW ABOUT IT FOR THE DEFENSE?

16 MR. SIMS: NONE, YOUR HONOR.

17 THE COURT: LET HIM STEP BACK OUT.

18 (THE JUROR LEAVES THE COURTROOM.)

19 THE COURT: WHAT SAYS THE STATE?

20 SOLICITOR BAILEY: YOUR HONOR, HE HAS
21 OBVIOUSLY GOT A MENTAL PROBLEM.

22 MR. SIMS: YOUR HONOR, WE AGREE.

23 THE COURT: THANK YOU, GENTLEMEN. BRING
24 HIM BACK.

25 (THE JUROR RETURNS TO THE COURTROOM.)

SABRINA ROBINSON -VOIR DIRE- BY THE COURT

1 THE COURT: MR. JUROR, WE THANK YOU FOR
2 YOUR ATTENDANCE HERE TODAY AND YOUR PRESENCE. I
3 GUARANTEE YOU THAT YOU NEED TO BE ON THE FARM WITH
4 THE RAIN COMING, DON'T YOU?

5 JUROR: YEAH.

6 THE COURT: I AM GOING TO EXCUSE YOU FROM
7 FURTHER PARTICIPATION. YOU WILL NOT HAVE TO COME
8 BACK. I THANK YOU FOR YOUR PATIENCE AND ATTENDANCE
9 HERE TODAY. THANK YOU SO MUCH. YOU ARE EXCUSED.

10 (THE JUROR LEAVES THE COURTROOM.)

11 THE COURT: GENTLEMEN, THIS IS THE LAST ONE
12 FOR THE EVENING.

13 MR. SIMS: YES, SIR.

14 (THE JUROR ENTERS THE COURTROOM.)

15 SABRINA ROBINSON, (BLACK
16 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
17 FOLLOWS:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q YOU ARE THE LAST JUROR THIS AFTERNOON. WE LEFT
21 YOU BACK THERE BY YOURSELF. I WANT TO THANK YOU FOR
22 YOUR PRESENCE HERE TODAY. YOU KINDLY RETURNED THIS
23 FORM TO US?

24 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

25 Q YOU WILL HAVE TO TALK A LITTLE LOUDER.

SABRINA ROBINSON -VOIR DIRE- BY THE COURT

1 A YEAH.

2 Q THANK YOU SO MUCH. THIS YOUNG LADY HAS TO TAKE
3 DOWN WHAT YOU SAY AND SO FORTH. I NOTE THAT YOU
4 FINISHED HOLLY HILL HIGH SCHOOL?

5 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

6 Q IS THAT CORRECT?

7 A YEAH.

8 Q CAN YOU HEAR ME OKAY?

9 A YES, SIR.

10 Q YOU PUT DOWN THAT YOU WERE AT SOME TRADE SCHOOL.
11 WHICH TRADE SCHOOL WAS THAT, PLEASE?

12 A I WAS DOING COOKING. I FORGOT.

13 Q PARDON ME?

14 A I WAS IN COOKING, CLEANING, TRAINING, BRICK
15 MASON.

16 Q YOU WORK AT THE COMFORT INN IN SANTEE?

17 A YES.

18 Q WHAT KIND OF WORK DO YOU DO THERE, PLEASE?

19 A I'M A DESK CLERK.

20 Q YOU ARE A DESK CLERK?

21 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

22 Q SEVERAL JURORS EARLIER IN THE DAY STOOD UP WHEN
23 I ASKED THEM HAD THEY READ OR HEARD OR SEEN ANYTHING
24 ABOUT THIS CASE. WERE YOU ONE OF THOSE WHO MAYBE
25 STOOD UP?

SABRINA ROBINSON -VOIR DIRE- BY THE COURT

1 A NO, SIR.

2 Q DO YOU KNOW ANYTHING ABOUT THIS CASE AT ALL?

3 A I READ A FEW ABOUT IT.

4 Q WHAT?

5 A I READ ABOUT IT.

6 Q YOU READ ABOUT IT. HOW LONG AGO WAS THAT,
7 PLEASE?

8 A A FEW MINUTES AGO.

9 Q CAN YOU TELL ME WHAT YOU READ?

10 A I READ THAT THE DEFENDANT WAS GUILTY OF
11 MURDERING A POLICE OFFICER, A HIGHWAY PATROLMAN.

12 Q LET ME ASK YOU THIS.

13 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

14 Q IF YOU WERE ONE OF THE 12 JURORS, DO YOU THINK
15 YOU COULD PUT THAT ASIDE, WHAT YOU HAVE ALREADY HEARD
16 OR READ, OR DO YOU THINK IT WOULD BE ON YOUR MIND?

17 A YEAH, I CAN PUT THAT ASIDE.

18 Q CAN YOU BASE YOUR VERDICT ON THE LAW AND THE
19 EVIDENCE IN THIS COURTROOM TODAY?

20 A YES, SIR.

21 Q ON WHAT YOU HEAR?

22 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
23 RESPONSE.)

24 Q DID YOU HAVE A CHANCE TO READ THAT DOCUMENT OR
25 PIECE OF PAPER I LEFT BACK THERE IN THE JURY ROOM?

SABRINA ROBINSON -VOIR DIRE-- BY THE COURT

1 A YES, SIR.

2 Q DO YOU UNDERSTAND THAT THERE ARE THREE TYPES OF
3 JURORS?

4 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
5 YES, SIR.

6 Q YOU DO. LET ME GO THROUGH THAT WITH YOU. FIRST
7 THERE WOULD BE A TRIAL TO DETERMINE HIS GUILT OR
8 INNOCENCE. IF THE JURY FOUND HIM NOT GUILTY, WE
9 WOULD STOP RIGHT THERE AND LEAVE. DO YOU UNDERSTAND
10 THAT?

11 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
12 RESPONSE.) YEAH.

13 Q DO YOU?

14 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
15 RESPONSE.)

16 Q IF YOU HAVE ANY QUESTIONS ABOUT WHAT I AM ASKING
17 YOU, PLEASE LET ME KNOW.

18 A OKAY.

19 Q NOW, IF THE JURY FOUND HIM GUILTY -- AND I USE
20 THAT WORD IF -- IF YOU FIND HIM GUILTY, WE THEN GO TO
21 THE SECOND PART OF THE TRIAL. DO YOU UNDERSTAND THAT
22 SO FAR?

23 A YES, SIR.

24 Q AT THAT TRIAL THE QUESTION FOR THE JURY IS AS
25 FOLLOWS: WE THE JURY HAVE FOUND THE DEFENDANT GUILTY

SABRINA ROBINSON -VOIR DIRE- BY THE COURT

1 OF MURDER. NOW OUR DECISION IS WHAT SHALL THE
2 PUNISHMENT BE? SHALL WE GIVE HIM LIFE IMPRISONMENT
3 OR SHALL WE GIVE HIM THE PENALTY OF DEATH? IT'S ONE
4 OR THE OTHER IN THE SECOND PHASE. DO YOU UNDERSTAND
5 THAT?

6 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
7 YES, SIR.

8 Q JURORS WHEN CONFRONTED WITH THIS DECISION FALL
9 INTO THREE GROUPS AS THAT LETTER INDICATES. YOU
10 FOLLOW ME SO FAR?

11 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

12 Q THERE IS A FIRST GROUP OF JURORS WHO SAY HAVING
13 FOUND HIM GUILTY OF MURDER, I WILL ALWAYS BE FOR THE
14 DEATH PENALTY. THERE IS A SECOND GROUP EQUALLY
15 IMPORTANT WHO SAY YES, WE HAVE FOUND HIM GUILTY OF
16 MURDER; BUT I WILL ALWAYS BE FOR LIFE IMPRISONMENT.
17 I CAN NEVER BE FOR DEATH.

18 THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
19 FOUND HIM GUILTY OF MURDER. I AM GOING TO HEAR SOME
20 ADDITIONAL TESTIMONY AND EVIDENCE AND THEN I WILL
21 DECIDE. I CAN IMPOSE A SENTENCE OF DEATH IF I THINK
22 IT'S THE RIGHT THING TO DO; BUT EVEN THOUGH WE FOUND
23 HIM GUILTY OF MURDER, I CAN ALSO IMPOSE LIFE
24 IMPRISONMENT.

25 WOULD YOU BE THE GROUP THAT SAYS I WILL ALWAYS

SABRINA ROBINSON --VOIR DIRE-- BY SOL. BAILEY

1 BE FOR THE DEATH PENALTY, THE SECOND GROUP WHO SAY I
2 CAN NEVER PUT A MAN TO DEATH, THE THIRD GROUP WHO SAY
3 I CAN DO EITHER ONE, DEPENDING. WHICH WOULD YOU BE,
4 FIRST, SECOND OR THIRD?

5 A SECOND.

6 Q THE SECOND ONE. YOUR VIEW OF THE SECOND IS
7 WHAT?

8 A NOT DEATH PENALTY, LIFE IN PRISON.

9 Q I UNDERSTAND THAT. IS THAT A RELIGIOUS BELIEF
10 OR A PERSONAL BELIEF OR BOTH?

11 A NO, THAT'S MY DECISION.

12 Q THAT'S ONE YOU HAVE HAD AND REGARDLESS YOU WOULD
13 ALWAYS BE FOR THE PENALTY OF LIFE IMPRISONMENT?

14 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

15 Q REMEMBER THERE ARE NO RIGHT OR WRONG ANSWERS.

16 THE COURT: YOU MAY INQUIRE, SOLICITOR.

17 VOIR DIRE EXAMINATION

18 BY SOLICITOR BAILEY:

19 Q MRS. ROBINSON, LIKE THE JUDGE SAID, THERE ARE NO
20 RIGHT OR WRONG ANSWERS. I JUST WANT TO MAKE SURE WE
21 ALL UNDERSTAND EXACTLY HOW YOU FEEL. EVERYBODY
22 RESPECTS YOUR OPINION WHATEVER IT MIGHT BE.

23 YOU HAVE INDICATED TO JUDGE COTTINGHAM THAT NO
24 MATTER HOW BAD THE CASE WAS THAT IF YOU HAD THE
25 CHOICE BETWEEN LIFE WITHOUT PAROLE AND THE DEATH

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1 PENALTY, YOU WOULD ALWAYS VOTE FOR LIFE WITHOUT
2 PAROLE?

3 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
4 RESPONSE.)

5 Q YOU HAVE TO ANSWER OUT LOUD SO SHE CAN GET IT
6 DOWN.

7 A OH, YES, SIR.

8 Q YOU COULD NEVER SIGN YOUR NAME TO A PAPER THAT
9 RESULTS IN SOMEBODY BEING EXECUTED; IS THAT RIGHT?

10 A NO.

11 Q AND YOU ARE SURE OF THAT, RIGHT?

12 A YES, SIR.

13 Q HAVE YOU FELT THAT WAY FOR SOME PERIOD OF TIME?
14 HAS THAT BEEN THE WAY YOU HAVE THOUGHT ABOUT IT OR IS
15 IT JUST TODAY?

16 A TODAY.

17 Q BUT ARE PRETTY FIXED IN YOUR OPINION?

18 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

19 Q THAT'S YOU?

20 A YES, SIR.

21 Q NUMBER TWO JUROR. THANK YOU.

22 THE COURT: YOU MAY EXAMINE.

23 VOIR DIRE EXAMINATION

24 BY MR. SIMS:

25 Q MRS. ROBINSON, IN RESPONSE TO THE JUDGE'S

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1 QUESTION YOU INDICATE YOU HAD READ SOMETHING A FEW
2 MOMENTS AGO?

3 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

4 Q WHAT DID YOU READ?

5 A I READ THAT SECOND PARAGRAPH I THINK IS MY
6 DECISION, WHICH I DON'T FEEL THAT HE SHOULD GET THE
7 DEATH PENALTY.

8 Q NO, YOU SAID YOU READ SOMETHING A FEW MOMENTS
9 AGO ABOUT THAT HE WAS GUILTY OF KILLING A POLICE
10 OFFICER?

11 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

12 Q AND YOU SAID YOU HAD READ THAT A FEW MOMENTS
13 AGO. WHERE DID YOU READ THAT?

14 A I DIDN'T READ THAT. I HEAR THAT.

15 Q YOU HEARD THAT?

16 A YEAH, I HEAR THAT.

17 Q WHERE DID YOU HEAR THAT?

18 A I WAS HEARING FROM -- HE WAS STATING THAT -- THE
19 JUDGE WAS STATING IT AND THEN THE OTHER FOLKS STATED
20 IT.

21 Q THE JUDGE STATED IT?

22 A WE DON'T KNOW THAT IT'S TRUE OR NOT THAT HE
23 KILLED SOMEONE. THAT'S WHAT I SAID I FIGURED THAT
24 IT'S NOT, YOU KNOW, NO DEATH PENALTY BUT LIFE IN
25 PRISON.

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1 Q I GUESS I AM TRYING TO UNDERSTAND. THE PERSONS
2 YOU SAID YOU HEARD IT FROM, DID I HEAR YOU RIGHT WHEN
3 YOU SAID YOU HEARD THE JUDGE SAY THAT?

4 A HE STATED IT.

5 Q HE STATED IT?

6 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

7 Q IN HIS INITIAL COMMENTS TO YOU? THAT'S WHAT YOU
8 ARE TALKING ABOUT?

9 A YES, SIR.

10 Q LET ME ASK YOU THIS. THEN YOU SAID YOU HAD
11 HEARD OTHER PEOPLE TALK ABOUT IT?

12 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

13 Q LET ME ASK YOU THIS. THE JUDGE HAS KIND OF
14 EXPLAINED TO YOU --

15 A YEAH, YOU CAN'T GO BY HEARSAY.

16 Q RIGHT, YOU CAN'T GO BY HEARSAY. HE HAS ALSO
17 EXPLAINED TO YOU THAT THIS IS WHAT WE CALL A TWO-PART
18 TRIAL.

19 A YEAH.

20 Q THE FIRST PART OF THAT TRIAL DEALS WITH THE
21 GUILT OR THE INNOCENCE OF THE DEFENDANT.

22 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

23 Q AND IF YOU HEARD THE CASE, ALL OF THE FACTS --
24 YOU HAVEN'T HEARD ANYTHING ABOUT THIS CASE YET.

25 A NO.

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1 Q BUT IF YOU HEARD THE FACTS OF THIS CASE, YOU
2 WOULD HAVE TO MAKE A DECISION AT THAT TIME. THERE
3 ARE TWO DECISIONS. ONE IS IF THE STATE HAS PRESENTED
4 ENOUGH EVIDENCE, COULD YOU FIND THE PERSON GUILTY?

5 IF YOU FELT THAT THEY HAD PRODUCED ENOUGH
6 EVIDENCE TO SATISFY YOU THAT THAT PERSON WAS GUILTY
7 BEYOND A REASONABLE DOUBT, COULD YOU COME BACK WITH A
8 VERDICT -- AND THIS HAS NOTHING TO DO WITH THE SECOND
9 PART OF THE CASE -- COULD YOU FIND THAT PERSON
10 GUILTY?

11 A NO, NOT REALLY.

12 Q THERE IS NEVER A SITUATION WHEN YOU ARE IN A
13 COURTROOM AND YOU HEAR A CASE AND YOU ARE A JUROR IN
14 A CASE, THERE IS NEVER A SITUATION WHERE YOU COULD
15 FIND A PERSON GUILTY?

16 A YEAH.

17 Q THERE IS A SITUATION?

18 A YEAH.

19 Q THERE IS A SITUATION WHEN YOU COULD FIND A
20 PERSON GUILTY?

21 A FROM MY SITUATION I PROBABLY NEED TO HEAR MORE
22 ABOUT IT.

23 Q THAT'S WHAT WE'RE ASKING. WE ARE NOT ASKING YOU
24 ABOUT THIS CASE. WE ARE JUST ASKING YOU IF YOU COULD
25 SIT IN A COURTROOM, SIT OVER THERE IN THAT JURY BOX,

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1 LISTEN TO THE EVIDENCE IN A CASE AND MAKE A DECISION
2 WHETHER A PERSON WAS GUILTY OR INNOCENT.

3 A YES, SIR, I CAN DO THAT.

4 Q IF YOU FELT THAT THE STATE PRESENTED ENOUGH
5 EVIDENCE, YOU COULD FIND THAT PERSON GUILTY?

6 A YES, SIR.

7 Q IF YOU FOUND THAT THE STATE DID NOT PRESENT
8 ENOUGH EVIDENCE, THEN YOU COULD FIND THAT PERSON NOT
9 GUILTY?

10 A YES, SIR.

11 Q NOW, NOT IN THIS CASE BUT IN A CASE WHERE THERE
12 IS A SECOND PART, IF YOU FIND THE PERSON GUILTY,
13 COULD YOU SIT THERE, LISTEN TO THE EVIDENCE, ALL OF
14 THE EVIDENCE THAT WOULD COME IN -- IT'S ALMOST LIKE
15 ANOTHER MINI-TRIAL -- COULD YOU SIT THERE, LISTEN TO
16 ALL OF THAT EVIDENCE AND MAKE A DETERMINATION OF
17 WHETHER OR NOT THE DEATH PENALTY WOULD BE THE KIND?
18 OF SENTENCE THAT YOU WOULD WANT TO HAVE IN THIS
19 CASE AND THAT WOULD BE BASED UPON THE EVIDENCE YOU
20 HEARD?

21 A (NO RESPONSE.)

22 Q LET ME REPHRASE THAT. IS THIS EVER A SITUATION
23 IN YOUR MIND, AFTER LISTENING TO THE EVIDENCE AND
24 LISTENING TO THE CASE, IS THERE EVER A SITUATION IN
25 YOUR MIND WHERE YOU COULD SAY THAT A PERSON -- THAT A

SABRINA ROBINSON -VOIR DIRE- BY MR. SIMS

1. DEATH PENALTY IS NECESSARY IN THAT CASE?

2. A NO, SIR.

3. Q NO SITUATION YOU COULD THINK OF THAT YOU WOULD
4. EVER VOTE FOR THE DEATH PENALTY?

5. A NO, SIR.

6. MR. SIMS: THANK YOU.

7. THE COURT: HAVE THE JUROR STEP OUT.

8. (THE JUROR LEAVES THE COURTROOM.)

9. SOLICITOR BAILEY: NOT QUALIFIED, DESPITE
10. MR. SIMS' HERCULEAN EFFORTS.

11. THE COURT: DO YOU AGREE?

12. MR. SIMS: YES, SIR.

13. THE COURT: BRING THE JUROR BACK IN.

14. (THE JUROR RETURNS TO THE COURTROOM.)

15. THE COURT: I WANT TO THANK YOU, AS DO THE
16. ATTORNEYS FOR THE STATE AND THE DEFENDANT FOR YOUR
17. PRESENCE HERE TODAY. WE APOLOGIZE FOR -- WE KNOW WE
18. HAVE INCONVENIENCED YOU AND THE OTHER JURORS. I WANT
19. TO THANK YOU. THIS IS JUST A EXAMPLE OF GOOD
20. CITIZENSHIP. YOU ARE EXCUSED FOR THE REST OF THE
21. TRIAL.

22. JUROR: THANK YOU.

23. THE COURT: THANK YOU SO MUCH.

24. (THE JUROR LEAVES THE COURTROOM.)

25. THE COURT: ANYTHING FURTHER FROM THE STATE

1 AT THIS TIME?

2 SOLICITOR BAILEY: NO, SIR.

3 THE COURT: ANYTHING FROM THE DEFENSE?

4 MR. SIMS: NO, SIR.

5 THE COURT: WE ARE IN RECESS UNTIL 9:30 IN
6 THE MORNING.

7 MR. STONE: YOUR HONOR, MAY I PUT ONE THING
8 ON THE RECORD?

9 THE COURT: YES, SIR.

10 MR. STONE: WE HAVE HAD TWO JURORS, AND I
11 THINK THIS IS SOMETHING YOU COULD PROBABLY CURE
12 TOMORROW, THAT IS THE SECOND JUROR THAT HAS SAID THAT
13 SHE HAS READ SOMETHING OR HEARD SOMETHING BACK THERE.

14 I DON'T KNOW EXACTLY WHAT SHE WAS TALKING
15 ABOUT. I THINK MR. BUTLER ALSO CAME UP AND SAID
16 THEY WERE TALKING ABOUT THE OUTCOME OF IT BACK
17 THERE.

18 OUT OF AN ABUNDANCE OF CAUTION, I WOULD ASK
19 YOU TOMORROW TO ADD TO YOUR VOIR DIRE TO MAKE SURE
20 THAT THEY ARE NOT DISCUSSING THIS CASE BACK THERE,
21 WHEREVER BACK THERE IS.

22 THE SECOND THING IS THAT THE DEFENDANT IS
23 PRESUMED NOT GUILTY, ALTHOUGH IT SEEMS THERE IS SOME
24 KIND OF MESSAGE THAT IS BEING SENT AND TO BE HONEST
25 WITH YOU, I DON'T KNOW WHERE THEY GOT IT.

1 THE COURT: THIS LAST WITNESS WAS TOTALLY
2 CONFUSED. SHE SAID SHE HEARD THE JUDGE SAY HE WAS
3 GUILTY. SHE HAS NOT HEARD ME SAY THAT.

4 MR. STONE: I AGREE WITH YOU. I DON'T
5 THINK I HEARD YOU SAY THAT EITHER. I WOULD HAVE SAID
6 SOMETHING ABOUT IT.

7 THE COURT: I WILL DEAL WITH IT.

8 MR. STONE: THANK YOU, YOUR HONOR. THAT'S
9 IT.

10 (WHEREUPON THE PROCEEDINGS WERE CONCLUDED
11 FOR AUGUST 24, 1998, AT 7:30 P.M.)

12 (THE FOLLOWING PROCEEDINGS WERE REPORTED ON
13 AUGUST 25, 1998.)

14 THE COURT: PLEASE BRING THE PANEL THAT IS
15 BACK THERE IN THE COURTROOM, PLEASE.

16 (THE JURY PANEL ENTERS THE COURTROOM.)

17 THE COURT: LET ME KNOW, PLEASE, WHEN THE
18 OTHER JUROR GETS HERE. WE WILL BEGIN SHORTLY THE
19 INDIVIDUAL VOIR DIRE BY THE NUMBERS IN WHICH YOU WERE
20 SELECTED.

21 JUROR NUMBER SEVEN IN YOUR PANEL IS NOT
22 HERE, AND WE CAN GO AHEAD AND START THIS PROCEDURE
23 BECAUSE NUMBER ONE IS HERE. BUT THIS IS AN EXAMPLE
24 AGAIN WHY IT'S SO NECESSARY TO BE PROMPT AND ON
25 TIME.

1 THAT JUROR WOULD NOT NECESSARILY
2 INCONVENIENCE ME, BUT HE WOULD INCONVENIENCE ALL OF
3 HIS FELLOWS JURORS. I AM SURE HE HAS SOME EXCUSE
4 THIS MORNING. I CERTAINLY HOPE SO, PROBABLY
5 INABILITY TO FIND A PARKING PLACE. DURING THESE
6 PROCEEDINGS IT IS NECESSARY FOR THE GOOD OF ALL THAT
7 WE BE PROMPT AND ON TIME.

8 AS I INDICATED ON YESTERDAY, WE ARE IN THE
9 PROCESS OF QUALIFYING 35 JURORS, SEVEN OF WHOM WERE
10 QUALIFIED ON YESTERDAY. THOSE 35 WILL BE ASKED TO
11 REPORT BACK HERE, THOSE 35 QUALIFIED, AT 9:30
12 THURSDAY MORNING, BRINGING WITH THEM SUCH PERSONAL
13 EFFECTS AS THEY WOULD REQUIRE FOR A STAY IN THE MOTEL
14 IN THE EVENT THEY ARE SELECTED.

15 EVEN THOUGH YOU MAY BE QUALIFIED, IT
16 DOESN'T NECESSARILY MEAN YOU WILL OR WILL NOT BE
17 SELECTED. FROM THAT 35 WE WILL SELECT 12 JURORS AND
18 TWO ALTERNATES.

19 I HAVE EVERY EXPECTATION OF BRINGING YOU IN
20 THURSDAY MORNING AND STARTING THE TRIAL OF THIS CASE.
21 WE CERTAINLY ANTICIPATE THAT THIS CASE WILL BE
22 CONCLUDED THE FIRST PART OF NEXT WEEK. I WOULD NOT
23 ANTICIPATE ANY LONGER THAN THAT.

24 NOW, AS WE BEGIN THIS PROCESS THIS MORNING,
25 I WANT TO THANK YOU AGAIN FOR YOUR PATIENCE AND

1 UNDERSTANDING YESTERDAY. I EMPHASIZE TO YOU AGAIN
2 THAT WE ALL UNDERSTAND THAT WE ARE INCONVENIENCING
3 YOU. WE ARE TAKING YOU FROM YOUR FAMILIES, YOUR
4 DAILY PURSUITS AND BUSINESS.

5 THIS IS A SERIOUS PROCEEDING. UNDER OUR
6 SYSTEM OF JURISPRUDENCE, WE BRING IN 12 GOOD PEOPLE
7 LITERALLY OFF THE STREETS JUST LIKE YOU. WE ASK THAT
8 YOU SIT IN THE JURY BOX. WE ASK THAT YOU WEIGH AND
9 CONSIDER AND JUDGE THE CREDIBILITY AND BELIEVABILITY
10 OF THE WITNESSES. WE ASK 12 PEOPLE LIKE YOU TO
11 LISTEN TO THE FACTS AND YOU TELL US WHERE THE TRUTH
12 LIES. THAT'S OUR SYSTEM.

13 NOW, IT IS IMPORTANT THAT YOU REMEMBER
14 THESE CONTINUING ADMONITIONS. YOU MUST NOT DISCUSS
15 THIS CASE WITH ANYONE. PERMIT NO ONE TO DISCUSS IT
16 WITH YOU. UNDER NO CIRCUMSTANCES ARE YOU TO DISCUSS
17 IT NOW OR LATER WITH YOUR FELLOW JURORS UNTIL I HAVE
18 GIVEN YOU THE CASE FOR YOUR CONSIDERATION AT THE END
19 OF THE TRIAL.

20 YOU WILL BE ASKED SEVERAL QUESTIONS THIS
21 MORNING INDIVIDUALLY AS WE CALL YOU IN. YOU MUST NOT
22 DISCUSS THE QUESTIONS THAT WERE ASKED YOU NOR THE
23 ANSWERS GIVEN. IF ANYONE WANTS TO TALK TO YOU ABOUT
24 IT, TELL THEM THAT THE JUDGE HAS TOLD YOU THAT YOU
25 MUST NOT DISCUSS IT.

1 IF ANYONE PERSISTS YOU TAKE THEIR NAME AND
2 REPORT THAT FACT TO ME. YOU ARE NOT PERMITTED TO
3 DISCUSS ANY ISSUE IN THIS CASE WITH ANYBODY,
4 INCLUDING FELLOW JURORS, UNTIL AND UNLESS AT SUCH
5 TIME AS I SAY TO YOU: YOU HAVE NOW HEARD THE
6 TESTIMONY, I HAVE GIVEN YOU THE LAW, YOU HEARD FINAL
7 SUMMATION AND YOU MAY NOW BEGIN YOUR DELIBERATIONS.

8 IT IS AT THAT TIME AND THAT TIME ONLY THAT
9 YOU WILL DISCUSS THE ISSUES IN THIS CASE AMONG
10 YOURSELVES. NOW, IF YOU WILL PLEASE, I AM SURE THEY
11 WILL MAKE YOU COMFORTABLE. PROVIDE THEM SUCH
12 REFRESHMENTS AS THEY NEED BACK THERE, PLEASE, WHILE
13 WE ARE WAITING.

14 WE WILL START THIS PROCESS AND I HOPE TO
15 MET THE PROCESS WITH THIS GROUP WITHIN THE NEXT TWO
16 HOURS. WE WILL MAKE EVERY EFFORT TO DO THAT. PLEASE
17 RETURN TO YOUR JURY ROOM. LET ME KNOW WHEN THE OTHER
18 JUROR GETS HERE.

19 (THE PANEL LEAVES THE COURTROOM.)

20 THE COURT: SHERIFF, IF THAT JUROR IS NOT
21 HERE BY TEN O'CLOCK, I WANT YOU TO CALL AND FIND OUT.
22 I TELL YOU, GO AHEAD AND CALL HIS HOME NOW AND SEE
23 WHERE HE IS.

24 MR. SIMS: IT'S NUMBER SIX ACTUALLY, MELVIN
25 RANSOM.

1 THE COURT: IS THE FIRST JUROR READING THE
2 LETTER?

3 MR. SIMS: HERE HE IS, MR. RANSOM.

4 THE COURT: COME IN.

5 JUROR: YES.

6 THE COURT: WERE YOU HAVING TROUBLE FINDING
7 A PARKING PLACE?

8 JUROR: YES, I DID.

9 THE COURT: I FELT LIKE YOU DID. I JUST
10 DISCUSSED SOME ISSUES WITH THE JURY PANEL. WE ARE
11 BEGINNING THE VOIR DIRE INDIVIDUAL PROCEEDING.

12 JUROR: YES, SIR.

13 THE COURT: I ADMONISHED THEM ALL, AS I DO
14 YOU, TOO, PLEASE DON'T DISCUSS THIS CASE WITH ANYONE.
15 LET NO ONE DISCUSS IT WITH YOU. DO NOT EVEN DISCUSS
16 IT WITH YOUR FELLOW JURORS. YOU MUST NOT EVER
17 DISCUSS THIS CASE UNTIL I HAVE GIVEN YOU THE CASE FOR
18 YOUR DELIBERATION. DO YOU UNDERSTAND?

19 JUROR: YES, SIR.

20 THE COURT: DON'T EVEN HAVE A WORD BACK
21 THERE. NOW, AT SOME POINT IN TIME THIS MORNING
22 HOPEFULLY WITHIN THE NEXT HOUR OR TWO, YOU WILL BE
23 CALLED OUT AND ASKED CERTAIN INDIVIDUAL QUESTIONS
24 UNDER OUR VOIR DIRE PROCEEDING. PLEASE DO NOT
25 DISCUSS THE QUESTIONS THAT WERE ASKED OR THE ANSWERS

1 GIVEN. DO YOU UNDERSTAND THAT?

2 JUROR: YES, SIR.

3 THE COURT: IF ANYBODY WANTS TO TALK TO YOU
4 ABOUT ANY ISSUE IN THE CASE, STOP THEM AND TELL THEM
5 YOU ARE A JUROR. IF THEY PERSIST YOU TAKE THEIR NAME
6 AND REPORT THAT BACK TO ME.

7 JUROR: YES, SIR.

8 THE COURT: I UNDERSTAND BUT PLEASE TRY AND
9 BE ON TIME TOMORROW.

10 JUROR: YES, SIR.

11 THE COURT: THANK YOU, SIR.

12 (THE JUROR LEAVES THE COURTROOM.)

13 THE COURT: PLEASE LET FIRST THE RECORD
14 REFLECT THAT ALL PARTIES ARE PRESENT, INCLUDING THE
15 DEFENDANT. SOLICITOR BAILEY, ANYTHING AT THIS TIME
16 BEFORE WE PROCEED?

17 SOLICITOR BAILEY: NO, SIR.

18 THE COURT: GENTLEMEN FOR THE DEFENSE?

19 MR. STONE: NO, SIR.

20 THE COURT: WAIT JUST A MOMENT. WE WILL
21 LET HIM READ THE LETTER AND WE SHALL BEGIN.

22 (PAUSE.)

23 (THE JUROR ENTERS THE COURTROOM.)

24 DUANE GREEN, (BLACK MALE),

25 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DUANE GREEN -VOIR DIRE- BY THE COURT

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q MR. GREEN?

4 A YES, SIR.

5 Q GOOD MORNING.

6 A GOOD MORNING.

7 Q MR. GREEN, FIRST LET ME SAY TO YOU THAT WE WOULD
8 ALL UNDERSTAND THAT THESE ARE UNUSUAL PROCEEDINGS FOR
9 YOU. IF I WERE SITTING IN YOUR PLACE AND DIDN'T KNOW
10 WHAT WAS GOING ON, I WOULD BE SOMEWHAT NERVOUS. YOU
11 MAY OR MAY NOT BE; BUT IF YOU ARE, WE CERTAINLY
12 UNDERSTAND THAT. YOU UNDERSTAND?

13 A RIGHT.

14 Q IN THIS CASE, AS I TOLD YOU YESTERDAY, THERE IS
15 A TWO-PART TRIAL. THIS DEFENDANT STANDS INDICTED FOR
16 MURDER, TO WHICH CHARGE HE HAS PLED NOT GUILTY. DO
17 YOU UNDERSTAND THAT?

18 A YES, SIR.

19 Q THE STATE MUST PROVE HIM GUILTY, IF AT ALL, BY
20 EVIDENCE BEYOND A REASONABLE DOUBT. WE WILL FIRST
21 HAVE A TRIAL TO DETERMINE WHETHER OR NOT THE STATE
22 HAS PROVEN TO 12 JURORS HIS GUILT BEYOND A REASONABLE
23 DOUBT. IF THE JURY CONCLUDES THAT THE STATE HAS NOT
24 MET THAT BURDEN, THEY WOULD FIND HIM NOT GUILTY. DO
25 YOU UNDERSTAND THAT?

DUANE GREEN -VOIR DIRE- BY THE COURT :

1 A YES, SIR.

2 Q I AM NOT SUGGESTING WHAT THE VERDICT IS OR IS
3 NOT. I AM JUST TELLING YOU THE PROCEDURE:

4 A RIGHT.

5 Q NOW, IF THE JURY, AFTER LISTENING TO ALL THE
6 TESTIMONY, CONCLUDES THAT THE STATE HAS PROVEN HIM
7 GUILTY BEYOND A REASONABLE DOUBT, THE JURY WOULD SAY
8 SO BY THEIR VERDICT AND SAY WE FIND HIM GUILTY. DO
9 YOU UNDERSTAND THAT?

10 A YES, SIR.

11 Q I AM NOT SUGGESTING THAT'S WHAT YOU ARE DOING.
12 I AM JUST TELLING YOU THE PROCEDURE. NOW, IF THE
13 JURY -- AND I USE THAT WORD IF -- IF THE JURY FINDS
14 HIM GUILTY BEYOND A REASONABLE DOUBT, WE WOULD THEN
15 GO TO PART TWO OF THE TRIAL. WE WOULD ONLY GO THERE
16 IF THEY FIND HIM GUILTY. NOW, IN PART TWO THE ONLY
17 QUESTION IS THE PUNISHMENT. DO YOU UNDERSTAND THAT
18 SO FAR?

19 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
20 RESPONSE.)

21 Q IN PART TWO THE JURY SAYS TO THEMSELVES, WE
22 FOUND HIM GUILTY OF MURDER, WHAT SHALL THE PUNISHMENT
23 BE? THE JURY DECIDES THE PUNISHMENT. DO YOU
24 UNDERSTAND THAT?

25 A YES, SIR.

DUANE GREEN -VOIR DIRE- BY THE COURT

1 Q THERE ARE TWO POSSIBLE PUNISHMENTS AND ONLY TWO.
2 THE JURY CAN GIVE HIM LIFE IN PRISON FOR THE MURDER
3 OR THE JURY CAN IMPOSE THE SENTENCE OF DEATH BY
4 ELECTROCUTION OR LETHAL INJECTION, EITHER LIFE OR
5 DEATH. DO YOU UNDERSTAND THAT?

6 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
7 RESPONSE.)

8 Q THAT QUESTION IS SOLELY FOR THE JURY TO
9 DETERMINE. THEY ARE THE ONLY ONES THAT CAN SAY WHAT
10 THE PUNISHMENT WILL BE. DO YOU UNDERSTAND THAT?

11 A YES, SIR.

12 Q NOW, IN THE SECOND TRIAL, IF THERE BE ONE, THE
13 JURY WILL HEAR ADDITIONAL EVIDENCE AS TO HIS
14 CHARACTER, AS TO HIS BACKGROUND. THEY WILL HEAR
15 ADDITIONAL EVIDENCE AS TO THE FACTS OF THE CASE.
16 THEY MAY HEAR TESTIMONY FROM THE VICTIMS THEMSELVES.
17 THERE WILL BE OTHER FACTS. NOW, DID YOU HAVE A
18 CHANCE TO READ THAT LETTER I PUT BACK THERE A WHILE
19 AGO?

20 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

21 Q DO YOU UNDERSTAND THAT THAT LETTER TALKS ABOUT
22 THREE TYPES OF JURORS. I UNDERSTAND THAT MOST PEOPLE
23 NEVER HAVE BEEN CONFRONTED WITH A PROBLEM LIKE THIS
24 AND I UNDERSTAND THAT.

25 JURORS THOUGH WHEN CONFRONTED IN THE PART TWO

DUANE GREEN -VOIR DIRE- BY THE COURT

1 PART OF THE TRIAL WITH WHETHER TO IMPOSE LIFE
2 IMPRISONMENT FOR MURDER OR DEATH FALL INTO THREE
3 SPATE GROUPS; AND ALL OF THEM ARE CORRECT. THERE ARE
4 NO RIGHT OR WRONG ANSWERS. IT'S JUST HOW PEOPLE
5 FEEL. DO YOU UNDERSTAND THAT?

6 A YES, SIR.

7 Q THERE IS A FIRST GROUP WHO SAY HAVING FOUND
8 SOMEONE GUILTY OF MURDER WITH MALICE AFORETHOUGHT, I
9 WILL ALWAYS BE FOR THE PENALTY OF DEATH. THERE IS A
10 SECOND GROUP WHO SAY WE FOUND HIM GUILTY OF MURDER
11 BUT I CAN NEVER IMPOSE A PENALTY OF DEATH ON ANOTHER
12 HUMAN BEING. SOME PEOPLE TAKE THAT POSITION VERY
13 PROPERLY BECAUSE OF PERSONAL OR RELIGIOUS
14 CONVICTIONS.

15 THERE THEN IS A THIRD GROUP EQUALLY IMPORTANT
16 AND EQUALLY CORRECT WHO SAY WE FOUND THIS PERSON
17 GUILTY OF MURDER. I AM NOW GOING TO LISTEN TO SOME
18 ADDITIONAL TESTIMONY. I AM GOING TO CONSIDER ALL OF
19 THE FACTS.

20 DEPENDING ON HOW I FEEL, I CAN GIVE HIM LIFE
21 IMPRISONMENT THOUGH HE BE CONVICTED OF MURDER.
22 EQUALLY IMPORTANT I CAN GIVE HIM THE PENALTY OF DEATH
23 IF I DECIDE THAT IS APPROPRIATE. DO YOU UNDERSTAND
24 THE THREE GROUPS?

25 A YES, SIR.

DUANE GREEN -VOIR DIRE- BY SOL. BAILEY

1 Q THE FIRST GROUP SAYS I WILL ALWAYS GIVE THE
2 DEATH PENALTY, THE SECOND GROUP SAYS I WILL NEVER DO
3 IT AND THE THIRD GROUP SAYS I CAN OR CANNOT DEPENDING
4 ON THE FACTS. WHICH WOULD YOU BE, FIRST, SECOND OR
5 THIRD?

6 A THE THIRD.

7 Q THE THIRD?

8 A YES, SIR.

9 Q THE THIRD SAYS YOU ARE WILLING TO LISTEN ALL THE
10 OTHER FACTS IN THE CASE AND THEN DECIDE WHAT THE
11 APPROPRIATE PUNISHMENT, DEATH OR LIFE; IS THAT RIGHT?

12 A YES, SIR.

13 Q THANK YOU.

14 SOLICITOR BAILEY: THANK YOU. YOUR HONOR.

15 VOIR DIRE EXAMINATION

16 BY SOLICITOR BAILEY:

17 Q MR. GREEN, A COUPLE OF QUESTIONS TO FOLLOW UP ON
18 WHAT JUDGE COTTINGHAM ASKED YOU. YOU UNDERSTAND FROM
19 WHAT THE JUDGE TOLD YOU THAT IF WE GET TO THAT SECOND
20 PART OF THE TRIAL, THAT WOULD MEAN THAT THE DEFENDANT
21 HAS ALREADY BEEN FOUND GUILTY OF MURDER.

22 THE JURY HAS THOSE TWO CHOICES AND WHATEVER THE
23 JURY DECIDES THE PUNISHMENT IS WILL BE THE SENTENCE
24 OF THE COURT AND THAT SENTENCE WILL BE CARRIED OUT.
25 IN OTHER WORDS, THE JURY NOT THE JUDGE MAKES THAT

DUANE GREEN -VOIR DIRE- BY SOL. BAILEY

1 DECISION.

2 IF THE JURY DECIDES ON LIFE, THE JUDGE WOULD
3 SENTENCE HIM TO LIFE WITHOUT PAROLE. IF THE JURY
4 DECIDES ON THE DEATH PENALTY, THEN THAT PERSON WOULD
5 BE EXECUTED.

6 YOU HAVE INDICATED THAT DEPENDING ON WHAT YOU
7 HEARD IF WE GET TO THAT SECOND PART OF THE TRIAL, YOU
8 WOULD LISTEN TO ALL THE EVIDENCE AND LISTEN TO THE
9 JUDGE'S INSTRUCTIONS AND THAT YOU COULD VOTE EITHER
10 FOR LIFE WITHOUT PAROLE OR THE DEATH PENALTY
11 DEPENDING ON WHAT YOU HEARD; IS THAT CORRECT?

12 A CORRECT.

13 Q NOW, ASSUMING THAT ALL OF THE JURORS VOTE FOR
14 THE DEATH PENALTY AFTER HEARING ALL THE FACTS, THE
15 NEXT THING THEY WOULD HAVE TO DO IN ORDER FOR THAT
16 SENTENCE TO BE PUT INTO EFFECT IS TO SIGN THEIR NAMES
17 ONTO A DEATH VERDICT FORM.

18 IF YOU VOTED FOR THE DEATH PENALTY, AND THE
19 OTHER 11 JURORS ALSO VOTED FOR IT, COULD YOU SIGN
20 YOUR NAME TO THAT PAPER KNOWING IT WOULD RESULT IN
21 THAT EXECUTION AT SOME POINT?

22 A I DON'T UNDERSTAND THE QUESTION. SAY IT AGAIN.

23 Q LET ME BACK UP. MAYBE I DIDN'T ASK IT TOO WELL.
24 I WILL TRY AGAIN. IF THE JURY VOTES FOR THE DEATH
25 PENALTY, THE NEXT THING THAT HAPPENS IS THERE WOULD

DUANE GREEN -VOIR DIRE-- BY SOL. BAILEY

1 BE A PIECE OF PAPER, A VERDICT FORM, AND EACH MEMBER
2 OF THE JURY WOULD BE ASKED TO SIGN THEIR NAME ON THAT
3 VERDICT FORM.

4 AS A RESULT OF THAT FORM BEING SIGNED, THE DEATH
5 PENALTY WOULD BE IMPOSED ON THAT DEFENDANT. IF YOU
6 VOTED FOR THE DEATH PENALTY, COULD YOU THEN SIGN YOUR
7 NAME TO THAT PAPER KNOWING IT WOULD RESULT IN THAT
8 EXECUTION TAKING PLACE AT SOME POINT?

9 A YES.

10 Q THE LAST THING THE JURY WOULD BE INVOLVED IN IS
11 IF THEY VOTE FOR THE DEATH PENALTY AND THEY SIGN THE
12 PAPER, THEY COME OUT INTO OPEN COURT AND THE FOREMAN
13 WOULD ANNOUNCE THE VERDICT.

14 THE CLERK CALLS EACH PERSON'S NAME ONE AT A TIME
15 AND ASKS THEM IF THAT IS YOUR VERDICT AND THEY TO
16 HAVE TO ANSWER OUT LOUD. WOULD THAT BE A PROBLEM FOR
17 YOU?

18 A NO.

19 Q NOW, AS YOU KNOW IN A CASE LIKE THIS, THE JURY
20 IS PUT IN A MOTEL UNTIL THE TRIAL IS OVER. IT MIGHT
21 BE FOUR OR FIVE DAYS. IS THERE ANYTHING THAT WOULD
22 KEEP YOU FROM, OTHER THAN JUST THE INCONVENIENCE THAT
23 EVERYBODY WOULD HAVE TO GO THROUGH, IS THERE
24 EVERYTHING THAT WOULD PREVENT YOU FROM BEING IN A
25 MOTEL FOR A FEW DAYS?

DUANE GREEN -VOIR DIRE- BY MR. SIMS

1 A NO.

2 Q MR. GREEN, I THINK THAT'S ALL I HAVE GOT. THANK
3 YOU VERY MUCH.

4 VOIR DIRE EXAMINATION

5 BY MR. SIMS:

6 Q MR. GREEN, HI. I'M THOMAS SIMS. I JUST HAVE A
7 FEW QUESTIONS FOR YOU. IN CASES SUCH AS THIS, THERE
8 IS SOMETIMES MEDIA EXPOSURE, NEWSPAPER OR TELEVISION.
9 HAVE YOU HEARD OR READ ANYTHING ABOUT THIS CASE?

10 A NOT TOO MUCH.

11 Q NOT TOO MUCH. WHEN YOU SAY NOT TOO MUCH, HAVE
12 YOU NOT READ ANYTHING OR HAVE YOU READ SOME?

13 A I HAVEN'T READ ANY BUT I HAVE HEARD.

14 Q YOU HAVE HEARD ABOUT THIS CASE?

15 A YEAH. IT WAS A WHILE BACK --

16 Q WHAT WAS THAT SOURCE?

17 THE COURT: LET HIM ANSWER.

18 Q I'M SORRY. I DIDN'T MEAN TO INTERRUPT YOU.

19 A I JUST, YOU KNOW, HOW PEOPLE TALK BUT I DON'T
20 KNOW IT. LIKE, YOU KNOW, HOW PEOPLE GOSSIP LIKE
21 THAT. THEY GOSSIP AND STUFF LIKE THAT. YOU KNOW,
22 HOW PEOPLE TALK. SOMEBODY GOT KILLED OR SOMETHING
23 LIKE THAT.

24 Q SO BASICALLY JUST FROM PEOPLE TALKING; IS THAT
25 CORRECT?

DUANE GREEN -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q LET ME ASK YOU. DO YOU HAVE ANY BIAS AGAINST
3 MEN AS OPPOSED TO WOMEN, ANY KIND OF BIASES WITH MEN
4 VERSUS WOMEN?

5 A NO.

6 MR. SIMS: THAT'S ALL I HAVE.

7 VOIR DIRE EXAMINATION

8 BY THE COURT:

9 Q ONE THING. EVEN THOUGH YOU MAY HAVE READ OR
10 HEARD OR TALKED ABOUT SOME PORTION OF THE CASE, IT IS
11 IMPORTANT THAT YOUR VERDICT, WHATEVER IT IS, EITHER
12 NOT GUILTY OR GUILTY, BE BASED ON THE TESTIMONY AND
13 LAW IN THIS COURTROOM. YOU MUST DISREGARD WHAT YOU
14 MAY HAVE HEARD AND BASE YOUR VERDICT ON WHAT YOU HEAR
15 IN THIS COURTROOM. CAN YOU PROMISE ME YOU CAN DO
16 THAT?

17 A YES, SIR.

18 THE COURT: ANY OTHER QUESTIONS ANYWHERE?

19 SOLICITOR BAILEY: NO, SIR.

20 THE COURT: YOU CAN STEP OUTSIDE.

21 (THE JUROR LEAVES THE COURTROOM.)

22 THE COURT: WHAT SAYS THE STATE?

23 SOLICITOR BAILEY: QUALIFIED.

24 MR. SIMS: QUALIFIED, YOUR HONOR.

25 (THE JUROR RETURNS TO THE COURTROOM.)

CHRIS CRABB -VOIR DIRE- BY THE COURT

1 THE COURT: MR. JUROR, YOU HAVE BEEN FOUND
2 QUALIFIED TO SERVE BY THE ATTORNEYS FOR THE STATE AND
3 THE DEFENDANT. FROM THAT 35, AS I INDICATED, ON
4 THURSDAY MORNING AT 9:30, WE ARE GOING TO SELECT 14
5 PEOPLE. SO I WANT YOU TO COME BACK HERE TO THIS
6 COURTROOM THE DAY AFTER TOMORROW. PLEASE DON'T
7 FORGET.

8 BRING WITH YOU SUCH PERSONAL EFFECTS AS YOU
9 WOULD REQUIRE FOR STAYING IN THE MOTEL. YOU MAY OR
10 MAY NOT BE SELECTED BUT YOU ARE QUALIFIED TO SERVE.
11 I WILL SEE YOU NOW AS ONE OF THE 35 AT 9:30 THURSDAY
12 MORNING. ANY QUESTIONS?

13 JUROR: NO, SIR.

14 THE COURT: THANK YOU SO MUCH. I
15 APPRECIATE IT.

16 (THE JUROR LEAVES THE COURTROOM.)

17 (THE NEXT JUROR ENTERS THE COURTROOM.)

18 CHRIS CRABB, (WHITE MALE),
19 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q MR. CRABB, GOOD MORNING.

23 A GOOD MORNING.

24 Q I NOTE HERE THAT YOU ARE AN ELECTRICIAN,
25 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL WIRING?

CHRIS CRABB -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q AND YOUR OCCUPATION BEFORE PRESENT EMPLOYMENT
3 WAS A STUDENT; IS THAT CORRECT?

4 A YES, SIR.

5 Q YOU WERE A STUDENT WHERE, PLEASE?

6 A A HIGH SCHOOL STUDENT.

7 Q WHEN DID YOU FINISH HIGH SCHOOL?

8 A 1994.

9 Q AND ARE YOU SELF EMPLOYED?

10 A I WORK FOR MY FATHER WHO IS SELF-EMPLOYED.

11 Q I SEE. YOU WORK IN YOUR FATHER'S BUSINESS?

12 A YES, SIR.

13 Q AS AN ELECTRICIAN WE WOULD APPRECIATE THE FACT
14 THAT WE HAVE INCONVENIENCED YOU AND YOUR FATHER AND
15 HOPE YOU UNDERSTAND THAT.

16 A YES, SIR.

17 Q THIS IS JUST A CALLING THAT IS NECESSARY FOR
18 GOOD CITIZENS.

19 A YES, SIR.

20 Q SEVERAL JURORS ON YESTERDAY INDICATED THAT THEY
21 MAY HAVE READ OR HEARD OR DISCUSSED SOMETHING ABOUT
22 THIS CASE. WERE YOU ONE OF THOSE WHO STOOD OR NOT?

23 A WELL, WHEN I GOT THE JURY SUMMONS, WHEN THE
24 PAPER CAME OUT SUNDAY, I DIDN'T ACTUALLY READ THE
25 ARTICLE. I SKIPPED AROUND BUT I SAW -- I DIDN'T READ

CHRIS CRABB -VOIR DIRE- BY THE COURT

1 THE ARTICLE BUT MY PARENTS CAME IN AND SAID, "THAT
2 MUST BE THE TRIAL YOU ARE GOING TO GO ON." THAT'S
3 PRETTY MUCH THE EXTENT.

4 Q WELL, LET ME ASK YOU THIS. REGARDLESS OF WHAT
5 YOU MAY HAVE READ OR HEARD, UNDER OUR SYSTEM OF
6 JURISPRUDENCE, WHATEVER YOUR VERDICT IS, BE IT NOT
7 GUILTY OR GUILTY, MUST BE BASED ON THE LAW AND THE
8 EVIDENCE HEARD IN THIS COURTROOM. CAN YOU TELL ME
9 YOU CAN DO THAT?

10 A YEAH, I THINK SO.

11 Q I WANT TO MAKE SURE THAT YOUR VERDICT WILL BE
12 BASED NOT ON WHAT YOUR PARENTS MAY HAVE SAID, NOT
13 WHAT YOU MAY HAVE HEARD OR READ, BUT WHAT YOU HEAR IN
14 THIS COURTROOM.

15 A YES, SIR.

16 Q CAN YOU TELL ME THAT?

17 A YEAH, I THINK I COULD.

18 Q NOW, YOU HAD AN OPPORTUNITY TO READ THE DOCUMENT
19 A MOMENT AGO ABOUT THE THREE TYPES OF JURORS?

20 A YES, SIR.

21 Q YOU WOULD UNDERSTAND THAT THERE IS A TWO-PART
22 TRIAL HERE. IF IN THE FIRST PART HE IS FOUND NOT
23 GUILTY, WE STOP RIGHT THERE. NOW, IF -- AND I SAY
24 THAT ADVISEDLY -- IF WE GET TO THE SECOND PART, THE
25 JURY THEN MUST DETERMINE WHAT THE PUNISHMENT WILL BE.

CHRIS CRABB -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q THE JURY MAKES THE DETERMINATION, NOT THE JUDGE.
3 IF YOU ARE IN A SECOND TRIAL, THE ONLY QUESTION IS
4 WHAT SHALL THE PUNISHMENT BE FOR MURDER, LIFE
5 IMPRISONMENT OR DEATH BY LETHAL INJECTION OR
6 ELECTROCUTION. DO YOU UNDERSTAND THAT?

7 A YES, SIR.

8 Q JURORS FALL INTO THREE CATEGORIES, ALL OF WHICH
9 ARE CORRECT. THERE ARE NO RIGHT OR WRONG ANSWERS.
10 SOME JURORS SAY IF WE CONVICT HIM OF MURDER WITH
11 MALICE AFORETHOUGHT, I WOULD ALWAYS BE FOR THE DEATH
12 PENALTY. THERE IS A SECOND GROUP WHO SAY FOR VARIOUS
13 REASONS, INCLUDING RELIGIOUS REASONS, I CAN NEVER BE
14 FOR THE DEATH PENALTY REGARDLESS OF WHAT HE DID.

15 THERE IS A THIRD GROUP WHO SAY I WILL HEAR SOME
16 ADDITIONAL TESTIMONY. I WILL CONSIDER ALL OF THE
17 FACTS. THEN I WILL DECIDE. DEPENDING ON HOW I FEEL
18 AS TO WHAT THE FACTS ARE, I CAN BE FOR LIFE IN PRISON
19 OR I COULD BE FOR THE DEATH PENALTY. I WILL HAVE TO
20 WAIT AND SEE. WOULD YOU BE ONE, TWO OR THREE?

21 A PROBABLY THREE.

22 Q PROBABLY THREE. LET ME EXPLAIN THIS TO YOU.
23 IF -- AND I USE THAT WORD ADVISEDLY -- IF THE JURY
24 BACK THERE UNANIMOUSLY, ALL OF THEM, CONCLUDE THAT
25 THE PENALTY OF DEATH IS APPROPRIATE, WE WOULD CALL

CHRIS CRABB -VOIR DIRE- BY SOL. BAILEY

1 THEM OUT. EACH ONE WOULD BE POLLED AND I WOULD SAY,
2 "IS THAT YOUR VERDICT AND STILL YOUR VERDICT," IN
3 OPEN COURT. DO YOU UNDERSTAND THAT?

4 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
5 RESPONSE.)

6 Q AND IF THE JURY IMPOSES THE PENALTY OF DEATH,
7 THERE IS A FORM WHERE EACH JUROR WOULD HAVE TO SIGN
8 THAT FORM. DO YOU UNDERSTAND THAT?

9 A YES, SIR.

10 Q CAN YOU DO THOSE THINGS IF YOU AND THE JURY
11 UNANIMOUSLY CONCLUDED THAT THE DEATH PENALTY WAS
12 CORRECT?

13 A YES, SIR.

14 THE COURT: MR. BAILEY.

15 SOLICITOR BAILEY: THANK YOU.

16 VOIR DIRE EXAMINATION

17 BY SOLICITOR BAILEY:

18 Q MR. CRABB, I'M WALTER BAILEY. I WANT TO ASK YOU
19 A VERY FEW QUESTIONS TO FOLLOW UP ON WHAT JUDGE
20 COTTINGHAM ASKED YOU ABOUT. WHEN HE WENT OVER THE
21 THREE KIND OF JURORS, YOUR RESPONSE WAS YOU WERE
22 POSSIBLY THE NUMBER THREE TYPE JUROR. IS THAT WHAT
23 YOU SAID?

24 A I WOULD BE NUMBER THREE.

25 Q I WANTED TO CLEAR THAT UP. YOU UNDERSTAND THAT

CHRIS CRABB -VOIR DIRE- BY SOL. BAILEY

1 IN SOUTH CAROLINA THE JURY NOT THE JUDGE DECIDES WHAT
2 THE PENALTY WILL BE IF WE GET TO THAT POINT?

3 A YES, SIR.

4 Q THAT PENALTY WILL BE CARRIED OUT. IF THE JURY
5 VOTES FOR LIFE, THE JUDGE WOULD IMPOSE A SENTENCE OF
6 LIFE WITHOUT PAROLE. IF THE JURY VOTES FOR DEATH,
7 THAT PERSON WOULD BE EXECUTED.

8 A YES, SIR.

9 Q AND YOU HAVE INDICATED THAT IF THE CASE IS BAD
10 ENOUGH, YOU COULD VOTE FOR THE DEATH PENALTY; IS THAT
11 CORRECT?

12 A YES, SIR.

13 Q YOU COULD SIGN YOUR NAME TO THE VERDICT FORM
14 KNOWING THAT SENTENCE WOULD BE CARRIED OUT?

15 A YES, SIR.

16 Q COULD YOU ALSO COME INTO COURT, IF THAT WAS YOUR
17 DECISION, AND ANNOUNCE YOUR NAME? WHEN YOUR NAME IS
18 CALLED OUT, CAN YOU ANNOUNCE YOUR DECISION OUT LOUD?

19 A YES, SIR.

20 Q AS YOU KNOW, THE JURY WILL BE KEPT IN A MOTEL
21 FOR FOUR OR FIVE DAYS UNTIL THIS TRIAL IS OVER.

22 OTHER THAN THE HARDSHIP THAT ANYBODY WOULD UNDERGO
23 BEING KIND OF LOCKED UP IN A MOTEL, IS THERE ANYTHING
24 PARTICULAR THAT WOULD CAUSE YOU ANY PROBLEMS BEING IN
25 A MOTEL FOR A FEW DAYS?

CHRIS CRABB -VOIR DIRE- BY MR. SIMS

1 A I CAN'T FORESEE ANY.

2 Q DO YOU KNOW OF ANY REASON WHY YOU WOULD HAVE ANY
3 PROBLEM BEING FAIR TO BOTH SIDES IN THIS CASE AT EACH
4 STAGE OF THE TRIAL?

5 A NO, SIR.

6 Q MR. CRABB, THAT'S ALL I HAVE GOT. THANK YOU
7 VERY MUCH.

8 THE COURT: GENTLEMEN FOR THE DEFENSE.

9 VOIR DIRE EXAMINATION

10 BY MR. SIMS:

11 Q MR. CRABB, MY NAME IS THOMAS SIMS. GOOD
12 MORNING.

13 A GOOD MORNING.

14 Q I BELIEVE ON YESTERDAY WHEN THE JUDGE ASKED IF
15 ANYONE HAD ANY PRIOR KNOWLEDGE OF THIS MATTER, YOU
16 WERE ONE OF THOSE THAT STOOD UP?

17 A YES, SIR.

18 Q WHAT WAS THE SOURCE OF YOUR PRIOR KNOWLEDGE OF
19 THIS MATTER?

20 A LIKE I SAID EARLIER, THROUGH THE PAPERS MOSTLY;
21 AND I HEARD THAT LIKE SUNDAY AND THAT'S PRETTY MUCH
22 WHAT I HEARD.

23 Q WHICH PAPERS ARE YOU TALKING ABOUT?

24 A THE TIMES AND DEMOCRAT. I BELIEVE IT WAS THE
25 SUNDAY ONE WHERE I FOUND OUT THAT THIS WAS COMING TO

CHRIS CRABB -VOIR DIRE-- BY MR. SIMS

1 TRIAL. THAT'S PRETTY MUCH THE EXTENT.

2 Q HAVE YOU TALKED WITH YOUR FAMILY MEMBERS?

3 A THAT DAY I DID, SUNDAY. I TALKED WITH THEM A
4 LITTLE BIT ABOUT IT, ABOUT THAT WAS GOING TO BE THE
5 TRIAL AND ALL THAT. THEY WERE KIND OF LIKE, "WELL,
6 IT'S GOING TO BE A MURDER TRIAL." I WAS LIKE, " I
7 GUESS SO," BUT THAT'S PRETTY MUCH THE EXTENT I TALKED
8 TO THEM ABOUT IT.

9 Q DID YOU ALL DISCUSS MORE THAN JUST A MURDER
10 TRIAL AND THE OPINIONS ABOUT THIS CASE AS IT RELATES
11 TO GUILT OR INNOCENCE?

12 A NOT REALLY. LIKE CONVERSATION, LITTLE TIDBITS
13 MAYBE, BUT NOT REALLY. WE DIDN'T HAVE LIKE A
14 CONVERSATION ABOUT IT, KIND OF LITTLE TIDBITS.

15 Q I GUESS WHAT I AM ASKING YOU IS WHETHER OR NOT
16 ANYONE EXPRESSED ANY OPINIONS ABOUT THE GUILT OR
17 INNOCENCE OF THE DEFENDANT?

18 A NOT REALLY. I WOULDN'T SAY NOT REALLY THEY
19 EXPRESSED ANY.

20 Q WHEN YOU SAY NOT REALLY --

21 A THEY SAID IT BUT THEY WEREN'T REALLY -- I MEAN,
22 I BELIEVE THEY SAID THIS WAS THE TRIAL FOR THE GUY
23 WHO HAD, YOU KNOW, BEEN INVOLVED IN THAT SHOOTING. I
24 SAID, "WELL, ALLEGEDLY INVOLVED IN THE SHOOTING," BUT
25 THAT'S ABOUT THE EXTENT IT WENT.

CHRIS CRABB -VOIR DIRE- BY MR. SIMS

1 Q LET ME ASK YOU A QUESTION. THE JUDGE HAS GIVEN
2 YOU A SCENARIO IN WHICH IF A JUROR DECIDES THAT THERE
3 IS SUFFICIENT EVIDENCE THAT HE SHOULD BE FOUND
4 GUILTY, THEN HE EXPLAINED TO YOU THE SECOND PHASE.

5 MY QUESTION TO YOU IS IF AFTER LISTENING TO THE
6 EVIDENCE THAT HAS BEEN PRODUCED BY THE STATE YOU
7 FOUND THAT THERE WAS NOT SUFFICIENT EVIDENCE FOR A
8 GUILTY VERDICT, COULD YOU GO BACK IN YOUR JURY ROOM
9 AND COME OUT WITH A VERDICT OF NOT GUILTY?

10 A I THINK SO, YES.

11 Q LET ME ASK YOU THIS. DO YOU BELIEVE THAT
12 FOREIGN NATIONALS SHOULD HAVE THE SAME RIGHTS AS
13 AMERICAN CITIZENS?

14 A IF THEY ARE AMERICAN CITIZENS, THEY SHOULD HAVE
15 THE SAME RIGHTS; BUT -- YEAH, FOREIGN NATIONALS, TOO,
16 IF THEY ARE IN THE COUNTRY, I MEAN STAYING IN THE
17 COUNTRY. I DON'T THINK YOU SHOULD SUSPEND IT, NO
18 MORE THAN THEY WOULD SUSPEND IT FOR OUR CITIZENS.

19 Q MORE THAN THEY SHOULD SUSPEND IT FOR OUR
20 CITIZENS. ARE YOU SAYING THAT IF THEIR COUNTRY
21 SUSPENDS THEN FOR OUR CITIZENS, THEN WE SHOULD DO THE
22 SAME THING FOR THEM HERE?

23 A OH, NO, NO. I MEAN WE WOULDN'T EXPECT ANYONE TO
24 HOLD OUR CITIZENS TO A DIFFERENT STANDARD OF LAW, SO
25 WE SHOULDN'T.

CHRIS CRABB --VOIR DIRE-- BY MR. SIMS

1 Q LET ME ASK YOU. DO YOU HAVE ANY BIAS AS RELATES
2 TO MEN VERSUS WOMEN?

3 A NO.

4 Q DO YOU DRIVE A CAR?

5 A YES, SIR.

6 Q DO YOU HAVE ANY BUMPER STICKERS ON YOUR CAR?

7 A I AM INTO CIVIL WAR REENACTMENT SO I HAVE A FEW
8 LIKE SOUTHERN BUMPER STICKERS, BUT OTHER THAN THAT
9 THAT'S PRETTY MUCH IT.

10 Q WHEN YOU SAY SOUTHERN BUMPER STICKERS,
11 SPECIFICALLY WHAT DO YOU MEAN?

12 A LIKE WITH THE CONFEDERATE FLAG AND STUFF LIKE
13 THAT THAT GO ALONG WITH THE THEME OF CIVIL WAR
14 REENACTMENT WITH THE CONFEDERATE FLAG AND PRETTY MUCH
15 STUFF LIKE THAT.

16 MR. SIMS: THAT'S ALL I HAVE, YOUR HONOR.

17 THE COURT: YOU MAY STEP OUTSIDE FOR A
18 MINUTE.

19 (THE JUROR LEAVES THE COURTROOM.)

20 THE COURT: YES, SIR.

21 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

22 THE COURT: YES, SIR.

23 MR. SIMS: QUALIFIED, YOUR HONOR.

24 THE COURT: LET ME SUGGEST THIS. ON THE
25 QUESTION WHEN YOU SAY SHOULD FOREIGNERS HAVE THE SAME

1 RIGHTS AS AMERICANS, SHOULD YOU CONFINE THAT IN
2 COURT OF LAW? THERE IS A LOT OF OTHER CONCERNS THAT
3 I WONDER IF THAT QUESTION IS TOO BROAD.

4 MR. SIMS: WELL, YOUR HONOR, I THINK --

5 THE COURT: FOR INSTANCE SOME PEOPLE THINK
6 THAT FOREIGNERS IN HERE ARE NOT NATURALIZED CITIZENS
7 AND MIGHT NOT BE ENTITLED TO MEDICAL BENEFITS AND
8 ALL. WE ARE TALKING ABOUT JUSTICE IN A COURT OF LAW.

9 MR. SIMS: I CAN UNDERSTAND WHAT THE COURT
10 IS SAYING.

11 THE COURT: I WILL LET YOU HAVE A WIDE
12 ARGUMENT BUT YOU ARE CONFUSING SOME OF THE PEOPLE
13 BECAUSE THERE IS A THOUSAND DIFFERENT ISSUES OUT
14 THERE CONCERNING AMERICANS AND FOREIGNERS.

15 SOLICITOR BAILEY: JUDGE, MY PROBLEM WITH
16 THAT IS HE IS NOT A FOREIGNER. HE WAS BORN IN THIS
17 COUNTRY.

18 THE COURT: I KNOW. I WILL CONTINUE TO LET
19 LIMITED INQUIRY. I WONDER IF YOU OUGHT TO CONSIDER
20 LIMITING THAT INQUIRY BECAUSE WHEN YOU SAY THE SAME
21 RIGHTS, YOU ARE TALKING ABOUT A PLETHORA OF THINGS.
22 WE ARE CONCERNED WITH THE RIGHTS OF EVERYBODY TO HAVE
23 A FAIR TRIAL IN THIS COURTROOM. I WILL LET YOU
24 CONTINUE TO DO IT.

25 (THE JUROR RETURNS TO THE COURTROOM.)

1 THE COURT: MR. JUROR, AS I INDICATED
2 EARLIER, WE ARE QUALIFYING 35 JURORS, FROM WHICH 14
3 WILL BE SELECTED ON THURSDAY MORNING AT 9:30. YOU
4 ARE ONE OF THE QUALIFIED JURORS, FOUND SO BY THE
5 ATTORNEYS FOR THE STATE AND THE DEFENDANT.

6 PLEASE BE BACK HERE THURSDAY MORNING AT
7 9:30 WITH YOUR PERSONAL EFFECTS THAT YOU WOULD
8 REQUIRE IN THE EVENT YOU WILL BE SELECTED AND NEED TO
9 STAY IN A MOTEL. DO YOU HAVE ANY QUESTIONS?

10 JUROR: YES, SIR. YESTERDAY WHEN YOU WERE
11 DOING THE WITNESS LIST.

12 THE COURT: YES, SIR.

13 JUROR: I BELIEVE THERE WAS SOMEONE ON
14 THERE, ANGELA CRABB OR SOMETHING. I THINK THAT'S
15 WHAT THE NAME WAS. IF IT WAS ANGELA CRABB, I WAS
16 JUST MAKING SURE IT WASN'T ANGELA CRABB.

17 SOLICITOR BAILEY: IT WAS CROWL AND SHE IS
18 FROM DELAWARE.

19 JUROR: OH, OKAY. I WAS MAKING SURE
20 BECAUSE I HAD AN RELATIVE NAMED ANGELA CRABB.

21 THE COURT: THANK YOU SO MUCH. THAT'S THE
22 SIGN OF A GOOD JUROR. SEE YOU AT 9:30 ON THURSDAY.

23 (THE JUROR LEAVES THE COURTROOM.)

24 THE COURT: NEXT.

25 (THE JUROR ENTERS THE COURTROOM.)

HOMER THRAILKILL -VOIR DIRE- BY THE COURT

1 HOMER THRAILKILL, (WHITE
2 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 VOIR DIRE EXAMINATION

4 BY THE COURT:

5 Q GOOD MORNING, MR. THRAILKILL.

6 A GOOD MORNING, SIR.

7 Q WE WOULD LIKE TO ASK YOU SEVERAL QUESTIONS. BE
8 ASSURED AT NO TIME WOULD WE EVER INVADE YOUR PRIVACY.
9 FIRST ON YESTERDAY YOU STOOD AND INDICATED THAT YOU
10 MIGHT KNOW ONE OF THE POTENTIAL WITNESSES FOR ONE
11 SIDE OR THE OTHER. WAS THAT YOU?

12 A YES, SIR.

13 Q WHICH WITNESS WAS THAT?

14 A OFFICER MYERS.

15 Q SIR?

16 A OFFICER ANDY MYERS FROM HOLLY HILL.

17 Q YES, SIR. WHAT IS YOUR RELATIONSHIP WITH THAT
18 WITNESS?

19 A HE IS JUST A FRIEND AND WE BELONG TO THE SAME
20 CHURCH AND ATTEND CHURCH TOGETHER.

21 Q THAT'S FINE.

22 THE COURT: I WILL LET YOU INQUIRE.

23 Q LET ME ASK YOU THIS... YOU UNDERSTAND, I'M SURE,
24 FROM READING THAT LETTER BACK THERE THAT THIS THERE
25 MIGHT A TWO-PART TRIAL. DO YOU UNDERSTAND THAT?

HOMER THRAILKILL --VOIR DIRE-- BY THE COURT

1 A I UNDERSTAND.

2 Q THE FIRST PART DEALS WITH THE GUILT OR
3 INNOCENCE. IF HE IS FOUND NOT GUILTY, OBVIOUSLY WE
4 STOP RIGHT THERE. YOU UNDERSTAND THAT?

5 A I UNDERSTAND THAT.

6 Q NOW, IF -- AND I USE THAT WORD ADVISEDLY -- IF
7 HE IS FOUND GUILTY, THEN THE JURY HEARS ADDITIONAL
8 TESTIMONY AND MAKES A DECISION FOR THEMSELVES AS TO
9 WHETHER OR NOT FOR THAT MURDER HE SHOULD BE GIVEN
10 LIFE IMPRISONMENT OR DEATH. DO YOU UNDERSTAND THAT?

11 A I UNDERSTAND.

12 Q MOST PEOPLE IN THEIR LIFETIME DON'T EVER HAVE
13 THE OPPORTUNITY OR NECESSITY FOR CONSIDERING THAT
14 IMPORTANT ISSUE; BUT WHEN THEY DO, THEY BREAK INTO
15 THREE GROUPS. THERE IS ONE GROUP WHO SAYS HAVING
16 CONVICTED SOMEBODY OF MURDER WITH MALICE
17 AFORETHOUGHT, I WOULD ALWAYS BE FOR THE DEATH
18 PENALTY. THERE IS A SECOND GROUP WHO SAY I COULD
19 NEVER BE FOR THE DEATH PENALTY REGARDLESS.

20 THERE IS A THIRD GROUP WHO SAY WE HAVE FOUND HIM
21 GUILTY OF MURDER. I AM NOW GOING TO CONSIDER ALL THE
22 FACTS IN THE CASE AND THEN I WILL DECIDE. THAT JUROR
23 SAYS IF I THINK IT'S APPROPRIATE, I CAN GIVE HIM LIFE
24 IMPRISONMENT THOUGH HE HAS BEEN CONVICTED OF MURDER.
25 THAT JUROR SAYS IF I THINK IT'S APPROPRIATE, I CAN

HOMER THRAILKILL -VOIR DIRE- BY THE COURT

1 GIVE HIM DEATH. WOULD YOU BE FIRST, SECOND OR THIRD?

2 A NUMBER THREE.

3 Q NUMBER THREE. LET ME SAY THIS TO YOU. IF --
4 AND THIS IS ADVISEDLY -- IF A JURY UNANIMOUSLY
5 CONCLUDES THAT DEATH IS THE APPROPRIATE SENTENCE, OUR
6 SYSTEM REQUIRES THAT THAT JURY STAND AND SAY, "THAT
7 IS MY VERDICT AND IT IS STILL MY VERDICT." COULD YOU
8 DO THAT?

9 A I HAVE NO PROBLEM WITH THAT.

10 Q OUR SYSTEM ALSO REQUIRES IF THE VERDICT IS
11 UNANIMOUS THAT YOU SIGN A VERDICT FORM. CAN YOU DO
12 THAT?

13 A I CAN DO THAT.

14 THE COURT: SOLICITOR.

15 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

16 THE COURT: JUST ONE MINUTE.

17 Q JUST ONE OTHER QUESTION. SEVERAL JURORS
18 YESTERDAY INDICATED THAT THEY MAY HAVE READ OR HEARD
19 SOMETHING ABOUT THIS CASE. WERE YOU ONE OF THOSE WHO
20 STOOD?

21 A I DIDN'T STAND BUT I HAVE READ ABOUT IT.

22 Q LET ME SAY THIS TO YOU. THE REASON I INQUIRE IS
23 THIS. WHATEVER YOUR VERDICT IS, NOT GUILTY OR GUILTY
24 AND I MAKE NO SUGGESTION AS TO WHAT IT IS, IT MUST BE
25 BASED ON THE LAW AND THE EVIDENCE HEARD IN THIS

HOMER THRAILKILL -VOIR DIRE- BY SOL. BAILEY

1 COURTROOM. CAN YOU PUT ASIDE WHAT YOU MAY HAVE READ
2 OR HEARD AND BASE YOUR VERDICT ON WHAT YOU HEAR IN
3 THIS COURTROOM?

4 A I CAN TRY, JUDGE, BUT THAT'S A BIG JOB.

5 Q WHY DO YOU SAY THAT?

6 A BECAUSE YOU ALREADY HAVE PRECONCEIVED IDEAS NOT
7 KNOWING YOU WERE EVER GOING TO BE A JUROR. I HAVE
8 THOSE THOUGHTS AND IDEAS. IT DOESN'T NECESSARILY
9 MEAN ANYTHING BUT I JUST CAN'T FORGET ABOUT THEM.

10 Q I UNDERSTAND THAT BUT I NEED TO KNOW IF WHAT YOU
11 HAVE HEARD IS TOTALLY DIFFERENT FROM WHAT MAY BE
12 ELICITED DURING THIS TRIAL, CAN YOU TELL ME THAT YOU
13 WILL BASE YOUR VERDICT ON WHAT IS IN THIS TRIAL AND
14 NOT WHAT YOU HAVE HEARD?

15 A I WOULD HAVE TO BASE IT ON THE FACTS AS
16 PRESENTED HERE.

17 Q THAT'S ALL I NEED TO KNOW.

18 THE COURT: YES, SIR.

19 VOIR DIRE EXAMINATION

20 BY SOLICITOR BAILEY:

21 Q ONE OTHER THING, MR. THRAILKILL. YOU HAD
22 INDICATED THAT YOU HAD SOME ACQUAINTANCE WITH
23 SERGEANT ANDY MYERS FROM HOLLY HILL?

24 A THAT'S CORRECT.

25 Q WHO MAY BE A WITNESS IN THIS CASE. AS THE JUDGE

HOMER THRAILKILL -VOIR DIRE- BY MR. SIMS

1 SAID AND YOU JUST ANSWERED, YOUR SWORN DUTY AS A
2 JUROR IF YOU SIT IN THIS CASE WOULD BE TO MAKE A
3 DECISION BASED STRICTLY ON THE SWORN TESTIMONY AND
4 THE EXHIBITS IN THE CASE. WOULD THE FACT THAT YOU
5 KNOW ONE OF THE POTENTIAL WITNESSES INFLUENCE YOUR
6 ABILITY TO MAKE A DECISION STRICTLY ON THE SWORN
7 TESTIMONY?

8 A I DON'T THINK SO.

9 Q AS YOU KNOW, THE JURY WILL BE PUT A MOTEL FOR
10 FOUR OR FIVE DAYS UNTIL THE TRIAL IS OVER, PROBABLY
11 THE FIRST OF NEXT WEEK. WOULD THAT CAUSE YOU ANY
12 UNDUE HARDSHIP?

13 A IT WOULD BE A BIG INCONVENIENCE, NOT A HARDSHIP,
14 BUT DEFINITELY WOULD BE AN INCONVENIENCE.

15 Q ANYTHING OUT OF THE ORDINARY? WOULD IT KEEP YOU
16 FROM BEING ABLE TO CONCENTRATE ON THE FACTS OF THIS
17 CASE?

18 A NO, SIR.

19 Q THAT'S ALL I HAVE, MR. THRAILKILL. THANK YOU
20 VERY MUCH.

21 THE COURT: YOU MAY EXAMINE, GENTLEMEN.

22 VOIR DIRE EXAMINATION

23 BY MR. SIMS:

24 Q MR. THRAILKILL, HOW ARE YOU DOING? I'M THOMAS
25 SIMS. LET ME ASK YOU A QUESTION. YOU HAVE INDICATED

HOMER THRAILKILL -VOIR DIRE- BY MR. SIMS

1 THAT YOU KNOW SERGEANT MYERS OF THE HOLLY HILL POLICE
2 DEPARTMENT; IS THAT CORRECT?

3 A THAT'S CORRECT.

4 Q YOU ALL GO TO THE SAME CHURCH?

5 A THAT'S CORRECT.

6 Q AND HOW LONG HAVE YOU ALL BEEN GOING TO THAT
7 CHURCH TOGETHER?

8 A PROBABLY HE MOVED HIS LETTER FOUR OR FIVE YEARS
9 AGO TO THAT PARTICULAR CHURCH, BUT I HAVE KNOWN HIM
10 FOR THE LAST 25 YEARS, I GUESS.

11 Q DURING THE TIME THAT YOU HAVE BEEN AT THE CHURCH
12 AND YOU KNOWN HIM FOR OVER 25 YEARS AND SPECIFICALLY
13 HAVE YOU HEARD HIM TALK OR SAY ANYTHING ABOUT THIS
14 CASE?

15 A JUST IN GENERAL TERMS AT THE COFFEE STOP. HE
16 COMES IN FOR COFFEE. IT'S A SMALL TOWN, ONE
17 RESTAURANT. EVERYBODY GOES THERE AND DRINKS COFFEE
18 EARLY IN THE MORNING.

19 Q YOU HAVE HEARD HIM GENERALLY DISCUSS THIS CASE?

20 A WELL, YOU KNOW, I DON'T KNOW WHAT YOU ARE
21 LEADING TO. IT WASN'T IN SPECIFIC TERMS. IT WAS JUST
22 GENERAL TALK AFTER READING IN THE PAPER AND TALKING
23 ABOUT IT.

24 Q WELL, I GUESS WHAT I AM ASKING YOU IS HE HAS
25 TALKED ABOUT THIS CASE IN YOUR PRESENCE IN THE COFFEE

HOMER THRALLKILL -VOIR DIRE- BY MR. SIMS

1 SHOP?

2 A YES.

3 Q AND YOU HAVE HEARD HIM?

4 A YES.

5 Q YOU TOLD THE JUDGE THAT YOU HAD SOME
6 PRECONCEIVED IDEAS AND YOU WOULD LISTEN TO THE
7 EVIDENCE; IS THAT CORRECT?

8 A THAT'S CORRECT.

9 Q BUT WOULD IT ALSO MAKE A DIFFERENCE IN TERMS OF
10 YOUR PRECONCEIVED IDEAS TO WHO YOU HEARD FROM AS
11 RELATES TO THIS CASE?

12 A NOT A PERSON FROM THE MEDIA IS WHERE I HAVE MY
13 KNOWLEDGE OF THIS CASE, NOT A PERSON.

14 Q THE FACT THAT ANDY MYERS IS INVOLVED AND YOU
15 HAVE HEARD HIM TALK ABOUT THIS CASE AND HAVE A
16 GENERAL OPINION ABOUT THIS CASE, THAT WOULD NOT SHAPE
17 YOUR PRECONCEIVED IDEAS?

18 A NO.

19 Q LET ME ASK YOU. IF YOU WERE SITTING ON THE JURY
20 AND THE EVIDENCE WAS NOT SUFFICIENT TO BRING BACK A
21 VERDICT OF GUILTY, COULD YOU GO BACK INTO THE JURY
22 ROOM AND COME BACK WITH A VERDICT OF NOT GUILTY?

23 A SURE.

24 Q AND YOUR SOURCES REGARDING THIS CASE HAVE BEEN
25 BASICALLY ANDY MYERS, YOU HAVE HEARD HIM GENERALLY

HOMER THRAILKILL -VOIR DIRE- BY MR. SIMS

1 TALK ABOUT IT AND THE NEWS MEDIA?

2 A THAT'S CORRECT.

3 Q LET ME ASK YOU THIS QUESTION. DO YOU FEEL THAT
4 FOREIGN NATIONALS SHOULD HAVE THE SAME RIGHTS AS
5 UNITED STATES CITIZENS?

6 A I'M ASSUMING HE IS A CITIZEN, ISN'T HE?

7 Q WE CAN'T GET INTO THAT BUT I AM ASKING YOU THIS
8 QUESTION.

9 A YES, I HAVE NO PROBLEM. HE IS A HUMAN BEING
10 LIKE EVERYBODY ELSE. I WOULDN'T BE PREJUDICED ONE
11 WAY OR THE OTHER.

12 Q DO YOU HAVE A CAR?

13 A DO I?

14 Q YES.

15 A YES.

16 Q DO YOU HAVE ANY BUMPER STICKERS ON YOUR CAR?

17 A NO.

18 MR. SIMS: THAT'S ALL I HAVE, YOUR HONOR.

19 SOLICITOR BAILEY: NOTHING ELSE.

20 THE COURT: HAVE HIM STEP OUTSIDE.

21 (THE JUROR LEAVES THE COURTROOM.)

22 THE COURT: WHAT SAYS THE STATE?

23 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

24 THE COURT: YES, SIR.

25 MR. SIMS: YOUR HONOR, IN THIS SITUATION WE

1 HAVE AN INDIVIDUAL WHO KNOWS ONE OF THE WITNESSES WHO
2 HAS BEEN INVOLVED IN THIS MATTER. FURTHER THAT JUROR
3 HAS INDICATED TO THE COURT THAT HE HAS HEARD THIS
4 WITNESS TALK ABOUT THIS IN THE COFFEE SHOPS.

5 THE COURT: HE DIDN'T SAY SPECIFIC FACTS.
6 HE SAID GENERALLY THAT SOME INCIDENT OCCURRED. HE
7 SAID HE GOT HIS FACTS FROM THE PRESS.

8 MR. SIMS: HE SAID HE GOT HIS FACTS FROM
9 THE PRESS, BUT HE ALSO SAID THAT IN THAT SMALL TOWN
10 THEY HAVE HAD COFFEE TOGETHER AND HE HAS HEARD HIM
11 GENERALLY DISCUSS THIS CASE, YOUR HONOR.

12 WE FEEL THAT IN LIGHT OF THE MAGNITUDE OF
13 THIS CASE, THE PROBABILITY -- HE STATED AND STARTED
14 HIS CONVERSATION OFF WITH THE FACT THAT HE HAS SOME
15 PRECONCEIVED IDEAS AS RELATES TO THIS CASE, AND IT
16 WOULD BE DIFFICULT FOR HIM TO SET ASIDE THOSE
17 PRECONCEIVED IDEAS.

18 THEN THAT PERSON COMING INTO THE COURTROOM
19 TESTIFYING, A PERSON HE HAS KNOWN FOR 25 YEARS OR
20 MORE AND THEY GO TO THE SAME CHURCH, I THINK THAT
21 THAT IS HIGHLY --

22 THE COURT: LET ME ASK. WHAT IS THIS
23 WITNESS GOING TO SPECIFICALLY TESTIFY TO? HE IS NOT
24 A FACT WITNESS, IS HE?

25 SOLICITOR BAILEY: HE IS A FACT WITNESS,

1 YOUR HONOR. HE IS ONE OF THE TWO HOLLY HILL POLICE
 2 OFFICERS WHO STOPPED THE MUSTANG IN HOLLY HILL
 3 ROUGHLY EIGHT MINUTES AFTER THE SHOOTING, AND
 4 MR. ALEKSEY IS BEHIND THE WHEEL.

5 THE COURT: I CONCLUDE HE IS QUALIFIED.
 6 YOU CAN USE A STRIKE IF YOU THINK OTHERWISE. HE
 7 SPECIFICALLY SAID HE WOULD BE NOT BE INFLUENCED BY
 8 THAT. HE TOLD YOU AND ME THAT HE WOULD SET ASIDE HIS
 9 KNOWLEDGE OF THIS THING.

10 I WAS SPECIFICALLY INTERESTED IN THE FACT
 11 THAT HIS GENERAL KNOWLEDGE COMES FROM THE PRESS AND
 12 NOT FROM A DIRECT CONTACT WITH THIS WITNESS. HE IS
 13 QUALIFIED.

14 MR. SIMS: I UNDERSTAND. WILL YOU NOTE OUR
 15 OBJECTION?

16 THE COURT: YES, SIR, I WILL DO THAT. I
 17 OVERRULE THAT MOTION RESPECTFULLY. BRING THE JUROR
 18 IN.

19 (THE JUROR RETURNS TO THE COURTROOM.)

20 THE COURT: MR. JUROR, YOU HAVE BEEN FOUND
 21 QUALIFIED TO SERVE BY BOTH THE ATTORNEYS FOR THE
 22 STATE AND THE ATTORNEYS FOR THE DEFENSE. WE ARE
 23 QUALIFYING, AS I TOLD YOU EARLIER, 35 JURORS, AND YOU
 24 ARE AMONG THEM.

25 PLEASE REPORT TO THIS COURTROOM THURSDAY

1 MORNING AT 9:30, BRINGING WITH YOU SUCH PERSONAL
2 EFFECTS AS YOU WILL REQUIRE IN THE EVENT THAT YOU ARE
3 SELECTED FOR STAYING IN THE MOTEL. WE WILL BE
4 SELECTING 12 JURORS AND TWO ALTERNATES FROM THAT 35.
5 YOU MAY OR MAY NOT BE SELECTED BUT YOU ARE QUALIFIED.
6 ANY QUESTIONS?

7 JUROR: NO QUESTIONS, YOUR HONOR.

8 THE COURT: COME BACK AT 9:30 THURSDAY.

9 THANK YOU SO MUCH.

10 JUROR: ONE QUESTION.

11 THE COURT: YES, SIR.

12 JUROR: HOW LONG DO WE NEED, FOUR OR FIVE
13 DAYS WORTH OF CLOTHES?

14 THE COURT: THAT'S ABOUT RIGHT. THANK YOU
15 SO MUCH.

16 JUROR: THANK YOU.

17 (THE JUROR LEAVES THE COURTROOM.)

18 THE COURT: GENTLEMEN, YOU NOTICE NOW THAT
19 I TOLD EVERYBODY AGAIN THIS MORNING NOT TO DISCUSS
20 IT, THIS, THAT AND THE OTHER. I DON'T SEE ANY REASON
21 OF GOING OVER IT AGAIN. I JUST GOT THROUGH TELLING
22 THEM ABOUT AN HOUR AGO.

23 MR. SIMS: YES, SIR.

24 (THE NEXT JUROR ENTERS THE COURTROOM.)

25 TRYONE GILLARD, (BLACK

TRYONE GILLARD -VOIR DIRE- BY THE COURT

1 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

2 VOIR DERE EXAMINATION

3 BY THE COURT:

4 Q MR. JUROR, GOOD MORNING.

5 A GOOD MORNING.

6 Q I UNDERSTAND THAT THIS IS AN UNUSUAL POSITION
7 FOR YOU AND YOU MIGHT TEND TO BE NERVOUS, AS I WOULD
8 IF I WERE SITTING OVER THERE. WE UNDERSTAND THAT BUT
9 I WANT YOU TO BE ASSURED HERE THAT NOBODY WOULD ASK
10 YOU ANYTHING THAT WOULD INVADE YOUR PRIVACY. DO YOU
11 UNDERSTAND THAT?

12 A YES, SIR.

13 Q OUR PROCEDURE JUST SIMPLY REQUIRES THAT I ASK
14 YOU A FEW QUESTIONS, AS THE ATTORNEYS FOR BOTH SIDES
15 WILL BE ASKING YOU SOME QUESTIONS. YESTERDAY SEVERAL
16 JURORS WHEN ASKED STOOD UP AND SAID THEY MAY HAVE
17 HEARD OR DISCUSSED SOMETHING ABOUT THIS CASE. DO YOU
18 KNOW ANYTHING ABOUT THE CASE? HAVE YOU READ ANYTHING
19 ABOUT IT? HAS ANYBODY DISCUSSED IT WITH YOU?

20 A WELL, I SEEN IT IN THE PAPERS.

21 Q SIR?

22 A I SEEN IT IN THE NEWSPAPERS.

23 Q HOW LONG AGO WAS THAT, PLEASE?

24 A SUNDAY.

25 Q SIR?

TRYONE GILLARD -VOIR DIRE- BY THE COURT

1 A SUNDAY.

2 Q I NEED TO KNOW THIS. UNDER OUR SYSTEM OF LAW,
3 YOUR VERDICT, BE IT NOT GUILTY OR GUILTY, MUST BE
4 BASED ON WHAT YOU HAVE HEARD IN THIS COURTROOM AND
5 NOT WHAT YOU MAY HAVE READ IN THE PAPER. DO YOU
6 UNDERSTAND THAT?

7 A YES, SIR.

8 Q IF YOU ARE A JUROR, CAN YOU PROMISE ME THAT YOUR
9 VERDICT WILL BE BASED ON THE TESTIMONY IN THIS
10 COURTROOM?

11 A YES, SIR.

12 Q I DON'T WANT YOU TO BE INFLUENCED EITHER WAY BY
13 WHAT YOU MAY HAVE READ OR HEARD SOMEWHERE ELSE. DO
14 YOU UNDERSTAND THAT?

15 A YES, SIR.

16 Q CAN YOU PROMISE ME THAT?

17 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
18 RESPONSE.)

19 Q NOW, I TOLD YOU YESTERDAY THAT THIS DEFENDANT
20 STANDS INDICTED FOR MURDER, TO WHICH CHARGE HE HAS
21 PLED NOT GUILTY. WE ARE FIRST GOING TO IMPANEL A
22 JURY OF 12 PEOPLE WHO WILL CONSIDER THE GUILT OR
23 INNOCENCE OF THIS DEFENDANT. DO YOU UNDERSTAND THAT?

24 A YES, SIR.

25 Q IF THE DEFENDANT IS FOUND NOT GUILTY, WE STOP.

TRYONE GILLARD -VOIR DIRE- BY THE COURT

1 RIGHT THERE AND QUIT. YOU UNDERSTAND THAT?

2 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
3 RESPONSE.)

4 Q IF -- AND I USE THAT ADVISEDLY -- IF HE IS FOUND
5 GUILTY, WE THEN GO AND ONLY THEN TO THE SECOND PHASE.
6 NOW, IN THE SECOND PHASE, IT IS THE JURY'S JOB TO
7 DETERMINE THE PUNISHMENT, NOT MINE. IT'S THE JURY.
8 DO YOU UNDERSTAND THAT?

9 A YES, SIR.

10 Q IF YOU GO TO THE SECOND PHASE, THE ONLY QUESTION
11 FOR THE JURY IS THIS. WE HAVE FOUND HIM GUILTY OF
12 MURDER, WHAT WILL BE THE PUNISHMENT BE? SHALL IT BE
13 LIFE IMPRISONMENT OR THE IMPOSITION OF DEATH? THAT'S
14 THE DECISION FOR THE JURY.

15 WHEN CONFRONTED WITH THIS ISSUE, AND MOST PEOPLE
16 ARE NEVER CONTINUED WITH IT; BUT WHEN THEY ARE AS
17 JURORS, THEY BREAK DOWN INTO THREE GROUPS. THERE IS
18 NO RIGHT OR WRONG ANSWER.

19 ONE GROUP SAYS IF I CONVICT SOMEBODY OF MURDER
20 WITH MALICE AFORETHOUGHT, I WILL ALWAYS BE FOR THE
21 DEATH PENALTY. THERE IS A SECOND GROUP WHO SAY, FOR
22 RELIGIOUS OR PERSONAL REASONS, I CAN NEVER IMPOSE A
23 SENTENCE OF DEATH ON ANOTHER HUMAN BEING.

24 THERE IS A THIRD GROUP WHO SAY I AM GOING TO
25 LISTEN TO ALL THE OTHER FACTS IN THE CASE, AND THEN I

TYRONE GILLARD -VOIR DIRE- BY SOL. BAILEY

1 WILL DECIDE. THAT GROUP SAYS DEPENDING ON HOW I
2 FEEL, I CAN GIVE THE DEATH PENALTY OR I COULD GIVE
3 LIFE IN PRISON. WOULD YOU BE FIRST, SECOND OR THIRD?

4 A THIRD.

5 Q. THIRD. THANK YOU SO MUCH. YOU UNDERSTAND IN
6 THIS THERE ARE NO RIGHT OR WRONG ANSWERS. YOU
7 UNDERSTAND THAT, DON'T YOU?

8 A YES, SIR.

9 SOLICITOR BAILEY: THANK YOU.

10 VOIR DIRE EXAMINATION

11 BY SOLICITOR BAILEY:

12 Q MR. GILLARD, I WANT TO ASK YOU A FEW MORE
13 QUESTIONS TO FOLLOW UP ON WHAT THE JUDGE ASKED YOU.
14 WHEN YOU ANSWERED YOU WERE THE THIRD TYPE JUROR, YOU
15 KIND OF HESITATED A LITTLE BIT. WERE YOU JUST TRYING
16 TO MAKE SURE OF YOUR ANSWER OF WAS THERE SOME DOUBT
17 WHETHER YOU ARE THE THIRD TYPE?

18 A JUST MAKING SURE.

19 Q YOU UNDERSTAND THAT THE WAY THE LAW WORKS IN
20 SOUTH CAROLINA IF WE GET TO THAT PENALTY PHASE, THE
21 JURY HAS TWO CHOICES; AND WHATEVER THE JURY DECIDES
22 THE SENTENCE OUGHT TO BE WILL BE THE SENTENCE OF THE
23 COURT. IN OTHER WORDS, THE JURY NOT THE JUDGE MAKES
24 THAT DECISION.

25 SO IF THE JURY AFTER HEARING ALL THE FACTS

TYRONE GILLARD -VOIR DIRE- BY SOL. BAILEY

1 DECIDES ON A LIFE SENTENCE, JUDGE COTTINGHAM WOULD
2 SENTENCE THAT DEFENDANT TO LIFE WITHOUT PAROLE. ON
3 THE OTHER HAND, IF THEY DECIDED THE DEATH PENALTY,
4 THE JUDGE WOULD SENTENCE HIM TO DEATH AND HE WOULD BE
5 EXECUTED. ARE YOU SAYING THAT AS A TYPE THREE JUROR
6 IF THE CASE IS BAD ENOUGH, YOU CAN VOTE FOR THE DEATH
7 PENALTY?

8 A YES, SIR.

9 Q KNOWING THAT SENTENCE WILL BE CARRIED OUT?

10 A YES, SIR.

11 Q AND THE NEXT THING THAT WOULD HAPPEN IN THAT
12 SEQUENCE OF EVENTS IS THAT EACH JUROR THAT VOTED FOR
13 THE DEATH PENALTY -- IT WOULD HAVE TO BE UNANIMOUS --
14 WOULD SIGN THEIR NAMES TO A DEATH VERDICT FORM THAT
15 WOULD RESULT IN THAT EXECUTION TAKING PLACE. COULD
16 YOU SIGN YOUR NAME IF YOU HAD ALREADY VOTED FOR IT?

17 A YES, SIR.

18 Q AND THE LAST THING YOU WOULD NEED TO DO WOULD BE
19 TO COME OUT INTO OPEN COURT AND WHEN THE CLERK CALLS
20 YOUR NAME, YOU WOULD HAVE TO SAY THAT'S YOUR VERDICT.
21 WOULD THAT BE A PROBLEM WITH YOU?

22 A NO, SIR.

23 Q MR. GILLARD, THE LAST THING IS THE JURY WILL BE
24 IN A MOTEL AT NIGHT FOR ABOUT FOUR OR FIVE DAYS. IS
25 THAT GOING TO BE ANY KIND OF AN UNDUE HARDSHIP ON

TYRONE GILLARD -VOIR DIRE- BY MR. STONE

1 YOU?

2 A NO, SIR.

3 Q IT'S A HARDSHIP ON EVERYBODY BUT ANYTHING
4 PARTICULAR WITH YOU?

5 A NO, SIR.

6 Q THANK YOU. THAT'S ALL I HAVE.

7 VOIR DIRE EXAMINATION

8 BY MR. STONE:

9 Q MR. GILLARD, I'M DUFFIE STONE. I REALIZE THIS
10 IS A PRETTY INTIMIDATING SURROUNDING, I GUESS. HAVE
11 YOU EVER SERVED ON JURY DUTY BEFORE?

12 A NO, SIR.

13 Q THE FACT THAT THE SOLICITOR'S OFFICE IS ASKING
14 FOR THE DEATH PENALTY IN THIS CASE AND THE FACT THAT
15 A POLICE OFFICER HAS BEEN KILLED MAKES IT OBVIOUSLY A
16 SERIOUS OFFENSE.

17 WHAT I WANT TO ASK YOU ABOUT IS DO YOU REALIZE
18 AND DO YOU HAVE ANY FEELINGS TOWARD THIS ONE WAY OR
19 THE OTHER THAT THE DEFENDANT IS STILL PRESUMED
20 INNOCENT AND THAT, IN FACT, JUST BECAUSE THE
21 SOLICITOR IS ASKING FOR THE DEATH PENALTY DOESN'T
22 MEAN WE ARE EVER GOING TO TALK ABOUT THE DEATH
23 PENALTY? DO YOU UNDERSTAND THAT?

24 A YES, SIR.

25 Q THE SOLICITOR ASKED YOU IF THE CASE WAS BAD

TYRONE GILLARD -VOIR DIRE- BY MR. STONE

1 ENOUGH IF YOU COULD COME BACK WITH A SENTENCE OF
2 DEATH. IF THE SOLICITOR'S OFFICE DOESN'T PROVE THEIR
3 CASE, COULD YOU ALSO COME BACK, EVEN IN A SERIOUS
4 CASE LIKE THIS, WITH A VERDICT OF NOT GUILTY?

5 A YES, SIR.

6 Q DOES THAT GIVE YOU ANY PROBLEM?

7 A NO, SIR.

8 Q YOU SAID YOU READ SOMETHING ABOUT THIS IN THE
9 NEWSPAPER?

10 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
11 RESPONSE.)

12 Q IS THAT RIGHT?

13 A I DIDN'T ACTUALLY READ IT. I JUST SEEN IT IN
14 THE PAPER.

15 Q DID ANYBODY TALK ABOUT THIS CASE? HAVE YOU
16 TALKED TO ANYBODY ABOUT IT?

17 A I HAVEN'T TALKED TO ANYBODY ABOUT IT.

18 Q YOU LIVE IN HOLLY HILL, RIGHT?

19 A YES, SIR.

20 Q HAVE YOU HEARD ANYTHING AROUND TOWN ABOUT IT?

21 A REALLY I DON'T HANG OUT IN TOWN.

22 Q THAT'S FINE. DO YOU HAVE ANY FEELING ONE WAY OR
23 THE OTHER ABOUT WOMEN OR MEN? DO YOU HAVE ANY BIAS
24 OR ANY PROBLEMS ONE WAY OR THE OTHER WITH MEN AND
25 WOMEN?

TYRONE GILLARD -VOIR DIRE- BY MR. STONE

1 A NO, SIR.

2 Q THANK YOU. I APPRECIATE IT.

3 THE COURT: YOU CAN STEP OUTSIDE FOR A
4 MINUTE.

5 (THE JUROR LEAVES THE COURTROOM.)

6 THE COURT: WHAT SAYS THE STATE?

7 SOLICITOR BAILEY: QUALIFIED.

8 THE COURT: WHAT SAYS THE DEFENSE?

9 MR. STONE: QUALIFIED.

10 (THE JUROR RETURNS TO THE COURTROOM.)

11 THE COURT: MR. JUROR, THE ATTORNEYS FOR
12 THE STATE AND THE DEFENDANT AND THIS COURT HAVE FOUND
13 YOU QUALIFIED TO SERVE IF SELECTED. AS I TOLD YOU,
14 WE ARE QUALIFYING 35, FROM WHICH 14 WILL BE SELECTED
15 THURSDAY MORNING AT 9:30.

16 PLEASE REPORT BACK TO THIS COURTROOM AT
17 9:30, BRINGING WITH YOU CERTAIN PERSONAL EFFECTS AS
18 YOU WOULD REQUIRE FOR STAYING IN THE MOTEL IN THE
19 EVENT THAT YOU ARE SELECTED. ANY QUESTIONS ABOUT
20 THAT?

21 JUROR: NO, SIR.

22 THE COURT: SEE YOU AT 9:30. BRING YOUR
23 BAGS. THANK YOU.

24 (THE JUROR LEAVES THE COURTROOM.)

25 THE COURT: ANYBODY NEED TO TAKE A BREAK?

ELAINE WHETSTONE -VOIR DIRE- BY THE COURT

1 MR. STONE: WE'RE FINE.

2 (THE JUROR ENTERS THE COURTROOM.)

3 ELAINE WHETSTONE, (WHITE
4 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
5 FOLLOWS:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 Q GOOD MORNING, MRS. WHETSTONE.

9 A GOOD MORNING, SIR.

10 Q SORRY TO KEEP YOU INCONVENIENCED HERE BUT WE ARE
11 MOVING ALONG AS RAPIDLY AS POSSIBLE. MRS. WHETSTONE,
12 ON YESTERDAY SEVERAL JURORS INDICATED THAT THEY MAY
13 HAVE READ OR HEARD SOMETHING ABOUT THE CASE. WERE
14 YOU ONE OF THOSE WHO STOOD?

15 A YES, SIR.

16 Q CAN YOU TELL ME WHAT YOU MAY HAVE READ OR HEARD.

17 A JUST WHAT WAS IN THE PAPER.

18 Q IS THAT SUNDAY'S PAPER?

19 A NO, SIR, I WAS OUT OF TOWN ON THE WEEKEND.

20 Q LET ME SAY THIS TO YOU. UNDER OUR SYSTEM OF
21 JURISPRUDENCE, A JUROR'S VERDICT, NOT GUILTY OR
22 GUILTY, MUST BE BASED ON WHAT THEY HEAR UNDER OATH IN
23 THIS COURTROOM. CAN YOU PUT ASIDE WHATEVER YOU MAY
24 HAVE KNOWN ABOUT THE CASE AND BASE YOUR VERDICT ON
25 WHAT OCCURS IN THIS COURTROOM?

ELAINE WHETSTONE -VOIR DIRE- BY THE COURT.

1 A YES, SIR.

2 Q THERE IS NO QUESTION ABOUT THAT, IS THERE?

3 A NO QUESTION.

4 Q NOW, LET ME ASK YOU THIS. DID YOU HAVE AN
5 OPPORTUNITY TO READ THE DOCUMENT ABOUT THE THREE
6 TYPES OF JURORS?

7 A I DID.

8 Q DO YOU UNDERSTAND THE THREE TYPES?

9 A I DO.

10 Q YOU UNDERSTAND THERE ARE NO RIGHT OR WRONG
11 ANSWERS. THERE'S JUST THREE GROUPS.

12 A RIGHT.

13 Q YOU UNDERSTAND THAT IF THE JURY FINDS HIM NOT
14 GUILTY IN THE FIRST PHASE, WE STOP RIGHT THERE. YOU
15 AREN'T EVEN CONFRONTED WITH THE ISSUE.

16 A RIGHT.

17 Q BUT IF YOU GET TO THE SECOND PHASE, THEN THE
18 ONLY QUESTION FOR THE JURY IS LIFE IMPRISONMENT OR
19 DEATH BY LETHAL INJECTION OR ELECTROCUTION. WHATEVER
20 THE JURY DECIDES WILL BE THE JUDGMENT OF THE COURT.
21 WOULD YOU BE IN GROUP ONE, TWO OR THREE?

22 A I WOULD BE IN GROUP THREE.

23 Q IN GROUP THREE?

24 A YES.

25 Q GROUP THREE SAYS THAT I WILL LISTEN TO ALL THE

ELAINE WHETSTONE -VOIR DIRE- BY SOL. BAILEY

1 FACTS AND THEN I WILL DECIDE WHETHER LIFE
2 IMPRISONMENT OR DEATH IS APPROPRIATE. I COULD DO
3 EITHER ONE.

4 A RIGHT.

5 Q LET ME SAY THIS TO YOU. PROCEDURALLY, IF -- AND
6 I USE THAT ADVISEDLY -- IF A JURY IN THE JURY ROOM
7 UNANIMOUSLY DECIDES THAT DEATH WAS THE APPROPRIATE
8 PUNISHMENT, UNDER OUR SYSTEM WE BRING THE JURY OUT.
9 EACH ONE STANDS AND I ASK, "IS THAT YOUR VERDICT AND
10 IS IT STILL YOUR VERDICT?" CAN YOU DO THAT?

11 A YES, SIR.

12 Q IF THE JURY UNANIMOUSLY DECIDES THAT DEATH IS
13 THE APPROPRIATE PUNISHMENT IN ADDITION TO SAYING THAT
14 IN OPEN COURT, EVERY JUROR, ALL 12 OF THEM, HAS TO
15 SIGN A FORM AFFIRMING THAT THAT IS THEIR JUDGMENT.
16 CAN YOU DO THAT?

17 A YES, I CAN.

18 Q ALL RIGHT. THANK YOU.

19 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

20 VOIR DIRE EXAMINATION

21 BY SOLICITOR BAILEY:

22 Q MRS. WHETSTONE, JUST VERY BRIEFLY AND I DON'T
23 WANT TO REPEAT EVERYTHING THE JUDGE SAID. YOU
24 UNDERSTAND THAT THE DECISION IS THE JURY'S DECISION
25 IF WE GET INTO THE PENALTY PHASE OF THE TRIAL. IF

1 THE JURY VOTES FOR LIFE, THE JUDGE WOULD IMPOSE LIFE
2 WITHOUT PAROLE. IF THE JURY VOTES FOR DEATH, THAT
3 PERSON WILL BE EXECUTED.

4 A YES, SIR.

5 Q DEPENDING ON WHAT YOU HEAR, YOU HAVE INDICATED
6 YOU ARE THE TYPE THREE JUROR. DEPENDING ON THE
7 INSTRUCTIONS THE JUDGE GIVES YOU AND THE FACTS THAT
8 YOU WOULD HEAR, YOU COULD VOTE FOR EITHER ONE; IS
9 THAT CORRECT?

10 A YES, I CAN.

11 Q THE JUDGE HAS ALSO TOLD THE JURORS THAT THEY
12 WILL BE KEPT IN A MOTEL AT NIGHT UNTIL THE TRIAL IS
13 OVER, WHICH WILL BE ROUGHLY FOUR OR FIVE DAYS. WOULD
14 THAT CREATE AN UNDUE HARDSHIP FOR YOU?

15 A NO, IT WOULDN'T.

16 Q THE LAST QUESTION IS I NOTICE ON YOUR
17 QUESTIONNAIRE THAT YOU HAVE GOT A SON WHO IS 30?

18 A RIGHT.

19 Q THAT IS ROUGHLY THE AGE OF THE DEFENDANT IN THIS
20 CASE. WOULD THAT CAUSE YOU ANY UNDUE PROBLEMS?

21 A NO, SIR.

22 Q MRS. WHETSTONE, THAT'S ALL I HAVE GOT. THANK
23 YOU VERY MUCH.

24 THE COURT: YES, SIR.

25 MR. STONE: THANK YOU.

ELAINE WHETSONE --VOIR DIRE-- BY MR. STONE

1 VOIR DIRE EXAMINATION

2 BY MR. STONE:

3 Q MRS. WHETSONE, I'M DUFFIE STONE. ARE YOU ANY
4 RELATION TO JUDGE WHETSTONE, ANY RELATION THERE?

5 A NO.

6 Q I THOUGHT I WOULD ASK TO MAKE SURE. YOU ARE
7 FROM BARNWELL ORIGINALLY?

8 A I WAS BORN IN BARNWELL COUNTY.

9 Q AND YOU LIVE HERE IN ORANGEBURG?

10 A I HAVE BEEN LIVING IN ORANGEBURG COUNTY FOR 31
11 YEARS.

12 Q HAVE YOU HEARD -- AND I THINK THE JUDGE ASKED
13 YOU -- HAVE YOU HEARD ANYTHING ABOUT THIS CASE?

14 A IT HAS BEEN IN THE PAPER AND ON THE NEWS, YES,
15 SIR.

16 Q AND ON THE NEWS AS WELL, SO THAT IS TELEVISION?

17 A RIGHT.

18 Q IS THAT GENERALLY WHERE YOU GET YOUR INFORMATION
19 FROM, THE NEWS AND THE PAPER AND THE TELEVISION?

20 A RIGHT.

21 Q THE SOLICITOR ASKED YOU A LITTLE BIT ABOUT THE
22 DEATH PENALTY. OBVIOUSLY THIS IS A SERIOUS CASE AND
23 WE ARE HERE ABOUT THE MURDER OF A POLICE OFFICER. DO
24 YOU UNDERSTAND THAT?

25 A I DO.

ELAINE WHETSONE -VOIR DIRE- BY MR. STONE

1 Q THE FACT THAT WE ARE HERE ON THAT AND THE FACT
2 THAT THE SOLICITOR HAS ASKED FOR THE DEATH PENALTY IN
3 THIS CASE, DOES THAT GIVE YOU ANY FEELING TOWARD THE
4 GUILT OR INNOCENCE OF MR. ALEKSEY?

5 A NOT AT THIS TIME, NO, IT DOESN'T.

6 Q AND THE FACT THAT HE IS ASKING FOR THE DEATH
7 PENALTY, THAT BEING THE SOLICITOR, COULD YOU STILL
8 COME BACK IF THE SOLICITOR DOESN'T PROVE HIS CASE
9 WITH A NOT GUILTY VERDICT? WOULD THAT CAUSE YOU ANY
10 PROBLEM?

11 A IT WOULD NOT, NO.

12 Q LET ME ASK YOU THIS IF I CAN. I DON'T KNOW IF I
13 CAN COME UP WITH THIS QUESTION OR NOT. DO YOU HAVE
14 ANY BIAS TOWARDS OR AGAINST MEN VERSUS WOMEN? DOES
15 THAT MAKE ANY SENSE TO YOU?

16 USUALLY IT DOESN'T MAKE ANY SENSE TO ME. I AM
17 HAVING A HARD TIME WITH IT. LET ME PUT IT TO YOU
18 THIS WAY. DO YOU HOLD MEN OR WOMEN AT A DIFFERENT
19 STANDARD?

20 A NO, I DO NOT.

21 Q THANK YOU.

22 MR. STONE: THANK YOU, YOUR HONOR.

23 (THE JUROR LEAVES THE COURTROOM.)

24 THE COURT: WHAT SAYS THE STATE?

25 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

MELVIN RANSOM -VOIR DIRE- BY THE COURT

1 THE COURT: WHAT SAYS THE DEFENSE?

2 MR. STONE: QUALIFIED.

3 THE COURT: BRING HER BACK.

4 (THE JUROR RETURNS TO THE COURTROOM.)

5 THE COURT: MADAME JUROR, BOTH THE STATE
6 AND THE DEFENDANT HAVE FOUND YOU QUALIFIED TO SERVE
7 IF SELECTED. YOU ARE ONE OF THE 35 THAT HAVE BEEN
8 NOW QUALIFIED.

9 I WOULD RESPECTFULLY REQUEST THAT YOU
10 REPORT BACK TO THIS COURTROOM AT 9:30 THURSDAY
11 MORNING, BRINGING WITH YOU SUCH PERSONAL EFFECTS AS
12 YOU WOULD REQUIRE FOR A STAY IN A MOTEL IN THE EVENT
13 THAT YOU ARE ONE OF THE 14 SELECTED. DO YOU HAVE ANY
14 QUESTIONS?

15 JUROR: NO, SIR.

16 THE COURT: PLEASE BE BACK AT 9:30 THURSDAY
17 MORNING. THANK YOU SO MUCH.

18 (THE JUROR LEAVES THE COURTROOM.)

19 (THE NEXT JUROR ENTERS THE COURTROOM.)

20 MELVIN RANSOM, (BLACK MALE),
21 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 Q MR. RANSOM, GOOD MORNING AGAIN.

25 A GOOD MORNING TO YOU.

MELVIN RANSOM -VOIR DIRE- BY THE COURT

1 Q I RECALL YESTERDAY YOU TELLING ME YOU WERE IN
2 THE NATIONAL GUARD OR RESERVES?

3 A YES, SIR.

4 Q AND Y'ALL WERE ON STANDBY. IT APPEARS THAT WE
5 ARE GOING TO MISS THAT HURRICANE. I CERTAINLY HOPE
6 SO.

7 A THAT'S THE WAY IT APPEARS. I HOPE SO.

8 Q I HAVE GOT YOUR RETURN HERE. YOU WERE A
9 GRADUATE OF CLAFLIN COLLEGE. WHERE DO YOU WORK, SIR?

10 A I WORK WITH THE DEPARTMENT OF MENTAL HEALTH IN
11 COLUMBIA.

12 Q IN COLUMBIA?

13 A YES.

14 Q BUT YOU ARE A FULL-TIME RESIDENT HERE OF
15 ORANGEBURG COUNTY?

16 A YES, SIR.

17 Q WHAT IS YOUR SPECIFIC JOB WITH THE DEPARTMENT OF
18 MENTAL HEALTH?

19 A I AM A CLIENT CASE COORDINATOR WITH THE
20 DEPARTMENT OF MENTAL HEALTH.

21 Q LET ME ASK YOU THIS. YESTERDAY SEVERAL JURORS
22 STOOD WHEN I ASKED THEM IF THEY HAD READ OR HEARD
23 SOMETHING ABOUT THIS CASE. WOULD YOU HAVE BEEN ONE
24 OF THOSE WHO STOOD UP?

25 A YES, SIR.

MELVIN RANSOM -VOIR DIRE- BY THE COURT

1 Q LET ME ASK YOU WHY I MAKE THAT INQUIRY.
2 BASICALLY IN SMALL TOWNS SUCH AS THIS WHEN SOME
3 INCIDENT OCCURS, IT'S IN THE PAPER AND ON T.V. AND WE
4 DISCUSS IT SOMETIMES IN THE COFFEE SHOPS OR WHEREVER.
5 BUT UNDER OUR SYSTEM OF JURISPRUDENCE, WE WANT TO
6 MAKE SURE THAT A JUROR'S VERDICT, EITHER NOT GUILTY
7 OR GUILTY, BE BASED ON THE SWORN TESTIMONY IN THIS
8 COURTROOM AND NOT BASED ON WHAT THEY MAY HAVE READ OR
9 HEARD ON THE OUTSIDE. DO YOU UNDERSTAND THAT?

10 A YES, SIR.

11 Q I NEED TO KNOW THIS. IF YOU ARE SELECTED AS A
12 JUROR, CAN YOU PROMISE ME THAT YOUR VERDICT, WHATEVER
13 IT IS, WOULD BE BASED ON THE TESTIMONY AND THE SWORN
14 TESTIMONY IN THIS COURTROOM AND NOT WHAT YOU MAY HAVE
15 READ OR HEARD? CAN YOU DO THAT?

16 A YES, SIR.

17 Q YOU UNDERSTAND THAT THIS IS A TWO-PART TRIAL.
18 THE FIRST PART DEALS WITH THE GUILT OR INNOCENCE.
19 THIS DEFENDANT HAS PLED NOT GUILTY. THE STATE HAS
20 THE BURDEN OF PROVING HIM GUILTY BEYOND A REASONABLE
21 DOUBT. IF THE STATE DOESN'T DO THAT, THE JURY WOULD
22 FIND HIM NOT GUILTY AND WE WOULD STOP THERE. DO YOU
23 UNDERSTAND THAT?

24 A YES, SIR.

25 Q NOW, IF -- AND I USE THAT ADVISEDLY -- IF THE

MELVIN RANSOM -VOIR DIRE- BY THE COURT

1 STATE FINDS HIM GUILTY, THE JURY IS THEN CONFRONTED
2 WITH THE DECISION: WHAT SHALL THE SENTENCE BE? THE
3 JURY MAKES THE SENTENCE, NOT THE JUDGE. THE JURY IS
4 CONFRONTED WITH TWO ISSUES. HAVING FOUND HIM GUILTY
5 OF MURDER, SHALL WE IMPOSE A SENTENCED OF LIFE
6 IMPRISONMENT OR DEATH?

7 THAT DOCUMENT THAT I LEFT BACK THERE DESCRIBES
8 THREE DIFFERENT TYPES OF JURORS. THERE ARE NO RIGHT
9 OR WRONG ANSWERS. IT'S JUST THREE DIFFERENT GROUPS.
10 YOU ARE FAMILIAR WITH THE THREE GROUPS?

11 A YES, SIR.

12 Q WOULD YOU SAY YOU ARE THE FIRST, SECOND OR THIRD
13 GROUP?

14 A FIRST.

15 Q FIRST. WHAT IS YOUR OPINION ON THE FIRST GROUP?

16 A MY FIRST OPINION IS IF YOU TAKE A LIFE, THEN
17 YOUR LIFE SHOULD BE TAKEN, TOO.

18 Q THAT'S AN OPINION YOU HAVE HELD FOR SOME TIME?

19 A YES, SIR.

20 Q YOU WOULD NOT BE PERSUADED BY ANY MITIGATING
21 CIRCUMSTANCES?

22 A NO, SIR.

23 Q THAT'S JUST YOUR HEARTFELT BELIEF?

24 A YES, SIR.

25 THE COURT: SOLICITOR.

MELVIN RANSOM --VOIR DIRE-- BY SOL. BAILEY

1 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

2 VOIR DIRE EXAMINATION

3 BY SOLICITOR BAILEY:

4 Q MR. RANSOM, I WANT TO ASK YOU JUST A COUPLE OF
5 QUESTIONS IN REGARD TO THE ANSWERS YOU GAVE THE JUDGE
6 ABOUT THE THREE TYPES OF JURORS.

7 A YES, SIR.

8 Q WE ALL APPRECIATE YOUR HONESTY. LIKE THE JUDGE
9 SAID, THERE ARE NO RIGHT OR WRONG ANSWERS. YOU
10 UNDERSTAND THE FIRST PHASE OF THE TRIAL IS LIKE ANY
11 OTHER TRIAL WHERE THE JURY IS TO JUST THERE TO
12 DETERMINE GUILT OR INNOCENCE?

13 A RIGHT.

14 Q IF YOU ARE SELECTED ON THE JURY, JUST TALKING
15 ABOUT THE FIRST PHASE OF THE TRIAL WHERE THE STATE IS
16 REQUIRED TO PROVE A PERSON GUILTY OF AN OFFENSE, IN
17 THIS CASE MURDER BEYOND A REASONABLE DOUBT, THE JURY
18 IS ALSO INSTRUCTED TO TAKE THE LAW FROM THE JUDGE AT
19 THE END OF THAT CASE. COULD YOU DO THAT?

20 A YES, SIR.

21 Q COULD YOU GO INTO THAT PHASE WITH AN OPEN MIND?

22 A YES, SIR.

23 Q AND REQUIRE THE STATE TO FULFILL THAT BURDEN OF
24 PROOF?

25 A YES.

MELVIN RANSOM -VOIR DIRE- BY SOL. BAILEY

1 Q WOULD YOU LISTEN TO THE JUDGE IN HIS
2 INSTRUCTIONS?

3 A YES, SIR.

4 Q IF THE STATE COULD NOT PROVE FOR WHATEVER REASON
5 TO YOUR SATISFACTION GUILT BEYOND A REASONABLE DOUBT,
6 COULD YOU VOTE NOT GUILTY?

7 A I WOULD HAVE TO LOOK AT THE CIRCUMSTANCES AGAIN.

8 Q IF THE STATE COULD NOT PROVE THE CASE BEYOND A
9 REASONABLE DOUBT, COULD YOU VOTE FOR NOT GUILTY?

10 A YES, SIR.

11 Q NOW, ASSUMING THAT THE STATE COULD PROVE THEIR
12 CASE BEYOND A REASONABLE DOUBT AND YOU GO INTO THE
13 PENALTY PHASE, THE JURY IS FACED WITH TWO CHOICES,
14 LIFE WITHOUT PAROLE OR THE DEATH PENALTY.

15 IN THAT STAGE OF THE TRIAL AT THE END OF ALL THE
16 EVIDENCE, THE JUDGE WOULD ALSO GIVE INSTRUCTIONS THAT
17 WOULD RELATE TO THAT PHASE OF THE TRIAL. COULD YOU
18 LISTEN ATTENTIVELY TO BOTH SIDES AND ALSO LISTEN TO
19 THE JUDGE'S INSTRUCTIONS BEFORE DECIDING ON LIFE OR
20 DEATH OR WOULD YOU HAVE YOUR MIND ALREADY MADE UP TO
21 VOTE FOR DEATH NO MATTER WHAT YOU HEARD?

22 A TO BE VERY HONEST WITH YOU, I WOULD HAVE MY MIND
23 MADE UP.

24 Q THANK YOU.

25 SOLICITOR BAILEY: YOUR HONOR, THAT'S ALL I

1 HAVE.

2 THE COURT: YOU MAY EXAMINE.

3 MR. STONE: NO QUESTIONS.

4 THE COURT: YOU CAN STEP OUTSIDE.

5 (THE JUROR LEAVES THE COURTROOM.)

6 SOLICITOR BAILEY: CONCEDE HE IS NOT
7 QUALIFIED, JUDGE.

8 MR. STONE: NOT QUALIFIED.

9 THE COURT: BRING HIM BACK.

10 (THE JUROR RETURNS TO THE COURTROOM.)

11 THE COURT: MR. JUROR, I TRULY HOPE THAT
12 YOU ARE NOT CALLED UPON AS A RESULT OF THIS PENDING
13 HURRICANE. WE ARE GOING TO EXCUSE YOU FROM FURTHER
14 PARTICIPATION, AND I THANK YOU FOR YOUR PRESENCE HERE
15 TODAY.

16 JUROR: THANK YOU, SIR.

17 (THE JUROR LEAVES THE COURTROOM.)

18 THE COURT: LET'S TAKE A BREAK RIGHT NOW.
19 LET'S TAKE A SHORT BREAK.

20 (WHEREUPON THERE WAS A RECESS.)

21 THE COURT: LET THE RECORD REFLECT THAT ALL
22 PARTIES ARE PRESENT, INCLUDING THE DEFENDANT. BRING
23 THE JUROR IN.

24 (THE JUROR ENTERS THE COURTROOM.)

25 VON JONES, (BLACK MALE),

VON JONES -VOIR DIRE- BY THE COURT

1 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

2 VOIR DIRE EXAMINATION

3 BY THE COURT:

4 Q MR. JONES -- IS IT JONES?

5 A YES, SIR.

6 Q GOOD MORNING. I HAVE YOUR FORM HERE BEFORE ME.

7 IT DOES NOT -- WHERE DID YOU GO TO SCHOOL?

8 A BLACKVILLE.

9 Q SIR?

10 A BLACKVILLE.

11 Q AND HOW FAR DID YOU GO, PLEASE?

12 A I WENT TO THE THIRD.

13 Q THE THIRD GRADE?

14 A YES, SIR.

15 Q I TAKE IT THEN YOU DON'T READ OR WRITE?

16 A A LITTLE BIT, NOT MUCH.

17 Q BUT YOU WENT JUST TO THE THIRD GRADE. I ASKED

18 EVERYBODY YESTERDAY ABOUT THAT. WHY DIDN'T YOU

19 RESPOND THEN? WHY DIDN'T YOU COME FORWARD?

20 A (NO RESPONSE.)

21 THE COURT: IF HE HAS HAD A THIRD GRADE

22 EDUCATION, I AM GOING TO EXCUSE THIS JUROR.

23 MR. STONE: YES, SIR.

24 THE COURT: THANK YOU SO MUCH, EXCUSED BY

25 CONSENT. YOU MAY LEAVE. THANK YOU.

ALVIN RICKENBAKER --VOIR DIRE-- BY THE COURT

1 (THE JUROR LEAVES THE COURTROOM.)

2 THE COURT: GENTLEMEN, I WAS LOOKING AT
3 THIS NEXT RETURN. I BELIEVE WE ARE GOING TO HAVE THE
4 SAME PROBLEM.

5 MR. STONE: WITH THE NEXT ONE?

6 SOLICITOR BAILEY: HE SAYS HE NEVER MARRIED
7 BUT HIS WIFE HAS GOT 11 YEARS OF EDUCATION.

8 THE COURT: I NOTICE THOUGH HE DOESN'T SAY
9 ANYTHING ABOUT JUNIOR OR HIGH SCHOOL. HE HAS
10 INDICATED TO MY LAW CLERK THAT HE CAN'T READ AT ALL.
11 BRING THAT JUROR OUT AND I WILL DISCUSS IT WITH HIM.

12 (THE JUROR ENTERS THE COURTROOM.)

13 ALVIN RICKENBAKER, (BLACK
14 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:
15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q THIS IS MR. ALVIN RICKENBAKER?

18 A YES, SIR.

19 Q MR. RICKENBAKER, WE WANT TO ASK YOU A FEW
20 QUESTIONS. IT'S NOT DESIGNED TO EMBARRASS ANYBODY IN
21 ANY WAY. YOU UNDERSTAND THAT, DO YOU NOT?

22 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

23 Q I HAVE YOUR RETURN HERE AND YOU DO NOT SHOW THAT
24 YOU WENT TO EITHER JUNIOR HIGH -- HOW FAR DID YOU GO
25 IN SCHOOL?

ALVIN RICKENBAKER -VOIR DIRE- BY THE COURT

1 A ELEVENTH GRADE.

2 Q ELEVENTH GRADE?

3 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

4 Q YOU INDICATED TO MY LAW CLERK BACK THERE A WHILE
5 AGO THAT YOU COULDN'T READ OR WRITE; IS THAT TRUE?

6 A YEAH.

7 Q YOU DO NOT READ OR WRITE?

8 A NO. I CAN READ A LITTLE BIT AND I CAN WRITE.

9 Q SIR?

10 A I CAN READ A LITTLE BIT BUT SOME WORDS I CAN'T
11 READ BUT I CAN WRITE.

12 Q READ JUST A LITTLE BIT. STEP IN THE JURY ROOM
13 JUST A MOMENT, PLEASE.

14 (THE JUROR LEAVES THE COURTROOM.)

15 THE COURT: GENTLEMEN, CAN WE AGREE THAT HE
16 IS NOT QUALIFIED?

17 MR. STONE: THE PROBLEM I HAVE GOT WITH IT
18 IS WE HAVE GOT A LOT OF JURORS THAT MAY NOT HAVE --
19 WE HAVE A NUMBER OF JURORS WHO DO NOT HAVE A
20 TREMENDOUS FORMAL EDUCATION.

21 THIS GUY HAS GONE THROUGH THE ELEVENTH
22 GRADE. I DON'T KNOW IF HE FILLED OUT THIS FORM OR
23 NOT; BUT IF HE DID, HE OBVIOUSLY CAN READ AND WRITE
24 TO SOME EXTENT.

25 THE COURT: I WILL LOOK AT IT VERY

ALVIN RICKENBAKER -VOIR DIRE- BY THE COURT

1 CAREFULLY. I AM NOT GOING TO HAVE A JUROR WHO
2 DOESN'T KNOW WHERE HE IS. THE YOUNG MAN IS TRYING
3 THE BEST HE CAN, BUT HE SAID HE CAN'T READ AND WRITES
4 ONLY A LITTLE BIT.

5 MR. STONE: WE HAVE CONSENTED TO A NUMBER
6 OF THOSE BUT I WANT TO MAKE SURE THAT WE ARE NOT JUST
7 EXCUSING PEOPLE BECAUSE OF A FORMAL EDUCATION.

8 THE COURT: I UNDERSTAND. BRING HIM OUT.

9 SOLICITOR BAILEY: I DON'T THINK HE TOOK
10 THE OATH.

11 THE COURT: YES, HE DID. YES, HE DID. I
12 WILL SIT HERE AND OBSERVE THIS VERY CAREFULLY.

13 (THE JUROR RETURNS TO THE COURTROOM.)

14 VOIR DIRE EXAMINATION

15 BY THE COURT

16 Q MR. JUROR, LET ME ASK YOU THIS. WHERE DO YOU
17 WORK, SIR?

18 A I WORK AT A CAR LOT.

19 Q DOING WHAT?

20 A WORK ON CARS.

21 Q YOU WORK FOR WHO NOW?

22 A I WORK FOR BERNIE MARTIN.

23 Q AND WHAT KIND OF WORK DO YOU DO?

24 A I DO MECHANIC WORK.

25 Q YOU DO MECHANIC'S WORK?

ALVIN RICKENBAKER -VOIR DIRE- BY THE COURT

- 1 A YES, SIR.
- 2 Q HAVE YOU ALWAYS JUST DONE MECHANIC'S WORK?
- 3 A I DONE FARMING STUFF.
- 4 Q SIR?
- 5 A I DONE A LOT OF FARMING STUFF.
- 6 Q OTHER THAN FARMING AND MECHANIC'S WORK, YOU HAVE
- 7 NEVER DONE ANY OTHER KIND OF WORK?
- 8 A I BEEN IN LOG WOOD.
- 9 Q IN THE WHERE?
- 10 A LOG WOOD.
- 11 Q ARE YOU MARRIED?
- 12 A NO, SIR.
- 13 Q NEVER BEEN MARRIED?
- 14 A NO.
- 15 Q LET ME ASK YOU THIS. HOW OLD ARE YOU, PLEASE?
- 16 A FORTY-THREE.
- 17 Q YESTERDAY I EXPLAINED WHAT WAS GOING ON. DO YOU
- 18 UNDERSTAND WHAT WE ARE DOING HERE? IF YOU DON'T SAY
- 19 SO.
- 20 A HUH-UH. (INDICATING NEGATIVE RESPONSE.)
- 21 Q SIR?
- 22 A NO, SIR.
- 23 Q YOU DO NOT UNDERSTAND IT?
- 24 A NO, SIR.
- 25 Q DID YOU UNDERSTAND WHAT I SAID YESTERDAY? DO

ALVIN RICKENBAKER -VOIR DIRE- BY MR. STONE

1 YOU UNDERSTAND ABOUT THE TWO-PART TRIAL OR ANYTHING
2 LIKE THAT?

3 A NO, SIR.

4 Q YOU DO NOT?

5 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
6 RESPONSE.)

7 THE COURT: I WILL LET YOU EXAMINE HIM.

8 SOLICITOR BAILEY: I HAVE NO QUESTIONS.

9 THE COURT: DO YOU CARE TO EXAMINE HIM?

10 MR. STONE: JUST A FEW QUESTIONS, JUDGE.

11 VOIR DIRE EXAMINATION

12 BY MR. STONE:

13 Q HOW OLD ARE YOU AGAIN?

14 A FORTY-THREE.

15 Q AND YOU WENT TO THE ELEVENTH GRADE; IS THAT
16 RIGHT?

17 A I GO TO THE ELEVENTH.

18 Q DO YOU UNDERSTAND THIS IS A TRIAL? DO YOU
19 UNDERSTAND WHAT A TRIAL IS?

20 A YEAH.

21 Q PARDON ME?

22 A YEAH, I THINK SO.

23 Q WHAT IS YOUR IDEA ABOUT WHAT IS GOING ON TODAY?

24 A A JURY TRIAL.

25 Q I'M SORRY?

ALVIN RICKENBAKER -VOIR DIRE- BY MR. STONE

1 A I SAID A JURY TRIAL.

2 THE COURT: LET THE RECORD REFLECT THAT HE
3 HESITATED SIGNIFICANTLY.

4 MR. STONE: THANK YOU, MR. RICKENBAKER.

5 THE COURT: THANK YOU, SIR.

6 (THE JUROR LEAVES THE COURTROOM.)

7 THE COURT: WHAT SAYS THE DEFENSE?

8 MR. STONE: HE IS NOT QUALIFIED, YOUR
9 HONOR. I AGREE.

10 THE COURT: NO, SIR, HE IS NOT OBVIOUSLY.

11 MR. STONE: I APPRECIATE THAT, YOUR HONOR.
12 I JUST WANT TO MAKE SURE WE HAVE COVERED THE BASES ON
13 THAT.

14 THE COURT: YOU ARE ENTITLED TO THAT. I
15 HAVE NO PROBLEM WITH THAT. BRING HIM BACK OUT
16 PLEASE.

17 (THE JUROR RETURNS TO THE COURTROOM.)

18 THE COURT: MR. RICKENBAKER, WE THANK YOU
19 FOR YOUR COMING TO COURT. I APPRECIATE YOUR ANSWERS.
20 I AM GOING TO EXCUSE YOU FOR THE REST OF THE TRIAL.
21 THANK YOU SO MUCH.

22 JUROR: ALL RIGHT.

23 THE COURT: I DO APPRECIATE YOU COMING TO
24 COURT.

25 JUROR: OKAY. I'LL SEE YOU THEN.

WILLIE JOHNSON -VOIR DIRE- BY THE COURT

1 (THE JUROR LEAVES THE COURTROOM.)

2 (THE NEXT JUROR ENTERS THE COURTROOM.)

3 WILLIE JOHNSON, JR., (BLACK
4 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q MR. JOHNSON, GOOD MORNING.

8 A GOOD MORNING.

9 Q HOW ARE YOU DOING?

10 A JUST FINE.

11 Q MR. JOHNSON, I HAVE YOUR STATEMENT THAT YOU SENT
12 IN TO ME AND I CERTAINLY APPRECIATE IT. IT INDICATES
13 THAT YOU FINISHED EDISTO HIGH SCHOOL; IS THAT
14 CORRECT?

15 A YES, SIR.

16 Q AND YOU WENT TO ORANGEBURG TECH?

17 A YES, SIR.

18 Q WHAT KIND OF TRADE DID YOU LEARN THERE, PLEASE?

19 A I DIDN'T COMPLETE IT BUT I WAS AN TAKING AIR
20 CONDITIONING AND HEATING AND REFRIGERATION COURSE.

21 Q WHERE ARE YOU EMPLOYED NOW? THIS INDICATES THAT
22 YOU ARE EMPLOYED AS A CARPENTER?

23 A JOHNSON CONSTRUCTION COMPANY, YES, SIR.

24 Q JOHNSON CONSTRUCTION. YOU WERE MARRIED BUT ARE
25 SEPARATED?

WILLIE JOHNSON -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q YESTERDAY UPON INQUIRY SEVERAL JURORS STOOD AND
3 INDICATED THAT THEY MAY HAVE READ OR HEARD ABOUT THE
4 CASE WE ARE GETTING READY TO TRY. WERE YOU ONE OF
5 THOSE WHO STOOD UP?

6 A YES, SIR.

7 Q IS THIS SOMETHING YOU READ IN THE PAPER?

8 A WELL, IF YOU WATCH TELEVISION AND YOU READ THE
9 NEWSPAPER, YOU WILL SEE IT IN THERE, BOTH OF THEM.

10 Q LET ME SAY THIS TO YOU. OBVIOUSLY IN A SMALL
11 TOWN WE READ AND SEE THINGS AND HEAR IT ON T.V. AND
12 THIS, THAT AND THE OTHER.

13 BUT UNDER OUR SYSTEM OF LAW AND JURISPRUDENCE,
14 WE SAY THAT A TRIAL MUST BE CONDUCTED AND A DECISION
15 MADE ON THE TESTIMONY HEARD UNDER OATH IN THIS
16 COURTROOM. DO YOU UNDERSTAND THAT?

17 A YES, SIR.

18 Q A JUROR SHOULD NEVER REACH A DECISION BASED ON
19 SOME OUTSIDE CONVERSATION OR WHAT THEY READ OR HEARD.

20 A RIGHT.

21 Q EVEN THOUGH YOU MAY HAVE READ SOMETHING ABOUT
22 THIS CASE, IF YOU ARE SELECTED, CAN YOU TELL ME THAT
23 YOUR VERDICT WILL BE BASED ON WHAT YOU HEAR IN THIS
24 COURTROOM? CAN YOU SET ASIDE WHAT YOU MAY HAVE READ
25 OR HEARD?

WILLIE JOHNSON -VOIR DIRE- BY THE COURT

1 A OH, DEFINITELY, YES.

2 Q THIS DEFENDANT IS CHARGED WITH MURDER. HE HAS
3 PLED NOT GUILTY. THE STATE HAS THE BURDEN OF PROVING
4 HIM GUILTY BEYOND A REASONABLE DOUBT. IN MAKING THAT
5 DECISION, ALL OF US WANT TO MAKE SURE THAT YOUR
6 DECISION, WHATEVER IT IS, IS NOT BASED ON WHAT YOU
7 READ OR HEARD SOMEWHERE BUT BASED ON WHAT YOU HEAR
8 AND READ UNDER OATH IN THIS COURTROOM.

9 A RIGHT.

10 Q CAN YOU PROMISE ME THAT?

11 A I PROMISE YOU THAT.

12 Q NOW, DO YOU UNDERSTAND THAT THERE IS A TWO-PART
13 TRIAL? DO YOU UNDERSTAND THAT?

14 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
15 RESPONSE.)

16 Q THE FIRST PART IS WHETHER HE IS NOT GUILTY OR
17 GUILTY. IF YOU FIND HIM NOT GUILTY, WE STOP RIGHT
18 THERE AND THAT ENDS EVERYTHING. IF THE JURY FINDS
19 HIM GUILTY OF MURDER, WE THEN GO TO THE SECOND PHASE
20 WHERE THE JURY DECIDES THE PUNISHMENT. DO YOU
21 UNDERSTAND THAT?

22 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
23 RESPONSE.)

24 Q I DON'T DECIDE THAT. THE JURY DECIDES IT. IF
25 YOU GOT TO THE SECOND PHASE, AND I DON'T SUGGEST YOU

WILLIE JOHNSON -VOIR DIRE- BY THE COURT

1 WILL GET THERE BUT IF YOU DO, THE ONLY QUESTION THEN
2 FOR THE JURY IS: SHALL WE GIVE A SENTENCE OF LIFE
3 IMPRISONMENT OR DEATH? DO YOU UNDERSTAND THAT, ONE
4 OR THE OTHER?

5 A YES, SIR.

6 Q JURORS WHEN CONFRONTED WITH THAT DECISION, AND
7 IT IS AN ENORMOUS DECISION, FALL INTO THREE GROUPS.
8 DID YOU HAVE A CHANCE TO READ THE LETTER BACK THERE?

9 A YES, SIR.

10 Q DO YOU UNDERSTAND THE THREE GROUPS?

11 A YES, SIR.

12 Q LET ME REFRESH YOUR MEMORY OF THEM. THEN I WANT
13 YOU TO TELL ME WHICH GROUP YOU THINK YOU ARE IN.
14 THERE ARE NO RIGHT OR WRONG ANSWERS. THERE IS A
15 FIRST GROUP WHO SAY HAVING FOUND SOMEONE GUILTY OF
16 MURDER, I WILL ALWAYS BE FOR THE DEATH PENALTY.
17 THERE IS A SECOND GROUP WHO SAY EVEN THOUGH WE HAVE
18 FOUND HIM GUILTY OF MURDER, I CAN NEVER BE FOR THE
19 DEATH PENALTY, EITHER FOR PERSONAL OR RELIGIOUS
20 REASONS.

21 THERE IS A THIRD GROUP WHO SAY WE FIND HIM
22 GUILTY OF MURDER. I NOW AM GOING TO LISTEN AND
23 CONSIDER ALL THE OTHER FACTS IN THE CASE AND I CAN
24 DECIDE. I CAN GIVE HIM A SENTENCE OF LIFE BUT
25 EQUALLY IMPORTANT I CAN ALSO GIVE HIM A SENTENCE OF

WILLIE JOHNSON -VOIR DIRE- BY SOL. BAILEY

1. DEATH.

2. WOULD YOU BE THE FIRST WHO SAYS ALWAYS, THE
3. SECOND WHO SAYS NEVER OR THE THIRD WHO SAYS WELL, I
4. WILL LISTEN TO ALL THE OTHER FACTS IN THE CASE AND
5. THEN DECIDE? WHICH WOULD YOU BE?

6. A WELL, I WOULD HAVE TO WAIT AND WEIGH THE
7. EVIDENCE, YOU KNOW, TO FIND OUT AND LISTEN TO THE
8. WHOLE STORY OR WHATEVER. I WOULD HAVE TO FALL INTO
9. THE THIRD CATEGORY.

10. Q YOU ARE SAYING THERE, YES, I CAN GIVE HIM LIFE
11. IMPRISONMENT OR DEATH DEPENDING ON HOW I FEEL?

12. A DEPENDING ON WHAT THE TESTIMONY IN THE COURT,
13. WHAT COMES OUT IN COURT.

14. Q THAT'S FINE.

15. SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

16. VOIR DIRE EXAMINATION

17. BY SOLICITOR BAILEY:

18. Q MR. JOHNSON, I'M WALTER BAILEY. I HAVE A COUPLE
19. OF QUESTIONS. YOU UNDERSTAND FROM WHAT JUDGE
20. COTTINGHAM SAID THAT THE JURY DECIDES IF WE GET TO
21. THAT POINT BETWEEN LIFE WITHOUT PAROLE OR THE DEATH
22. PENALTY AND WHATEVER THE JURY SAYS THE SENTENCE OUGHT
23. TO BE WILL BE THE SENTENCE OF THE COURT AND IT WILL
24. BE CARRIED OUT.

25. IN OTHER WORDS, IF THE JURY SAYS LIFE WITHOUT

WILLIE JOHNSON -VOIR DIRE- BY SOL. BAILEY

1 PAROLE, JUDGE COTTINGHAM WILL SENTENCE HIM TO LIFE
2 WITHOUT PAROLE. ON THE OTHER HAND, IF THE JURY VOTES
3 FOR THE DEATH PENALTY, THAT PERSON WILL BE EXECUTED.
4 YOU HAVE INDICATED THAT YOU WOULD WANT TO WAIT AND
5 HEAR ALL THE FACTS?

6 A TRUE.

7 Q AND HEAR THE JUDGE TELL WHAT YOU THE LAW IS?

8 A TRUE.

9 Q IF THE CASE WAS BAD ENOUGH, COULD YOU VOTE FOR
10 THE DEATH PENALTY?

11 A IF IT WAS BAD ENOUGH, I WOULD HAVE TO. JUST
12 LIKE I SAY, I WOULD HAVE TO SIT IN HERE AND HEAR BOTH
13 SIDES OF THE STORY BEFORE I WOULD MAKE A DECISION OF
14 ANYTHING.

15 Q I AM NOT ASKING YOU TO PREDICT OR TELL ME WHAT
16 YOU WOULD DO IN THIS CASE BECAUSE YOU HAVEN'T HEARD
17 THOSE FACTS.

18 A RIGHT.

19 Q IF THE FACTS ARE BAD ENOUGH, CAN YOU VOTE FOR
20 THE DEATH PENALTY?

21 A IF THEY WERE IN, IT WOULD HAVE TO BE A DECISION
22 I MAKE ON MY OWN AFTER I HEAR EVERYTHING.

23 Q AND IF THE FACTS WERE BAD ENOUGH TO JUSTIFY THE
24 DEATH PENALTY IN YOUR MIND AND YOU VOTED FOR IT,
25 COULD YOU SIGN YOUR NAME ONTO A DEATH VERDICT FORM

WILLIE JOHNSON -VOIR DIRE- BY SOL. BAILEY

1 THAT WOULD RESULT IN THAT PERSON BEING EXECUTED AT
2 SOME POINT IN THE FUTURE?

3 A JUST LIKE I SAY, I HAVE TO HEAR THE STORY, YOU
4 KNOW.

5 Q WE ARE ASSUMING THAT YOU HAD HEARD THE TESTIMONY
6 AND YOU DID VOTE FOR IT. THE NEXT THING THAT HAPPENS
7 IS TO SIGN THE PAPER. YOU SAID YOU COULD DO THAT?

8 A WELL, IF IT WOULD COME TO THAT. IF I BELIEVE
9 WITHIN MYSELF THAT THAT IS WHAT WOULD BE NECESSARY,
10 THEN I WOULD HAVE TO DO IT LIKE THAT.

11 Q THE LAST THING THAT THE JURY WOULD BE INVOLVED
12 IN IF THEY VOTE FOR THE DEATH PENALTY AND THEY SIGN
13 THE VERDICT FORM, THEN EACH JUROR OR THE JURY WOULD
14 COME INTO THE COURTROOM AND EACH JUROR'S NAME WOULD
15 BE CALLED ONE AT A TIME. YOU WOULD BE ASKED IF THAT
16 WAS YOUR VERDICT. COULD YOU ANSWER OUT LOUD IF THAT
17 WAS YOUR VERDICT?

18 A IF IT WAS MY VERDICT, WHATEVER MY VERDICT WOULD
19 BE. LIKE I SAY, IF I CAN SAY IT ON PAPER, I CAN SAY
20 IT ALOUD.

21 Q THE JUDGE HAS TOLD Y'ALL EARLIER THAT BECAUSE OF
22 THE CASE THIS IS, THE JURY WILL BE KEPT IN A MOTEL
23 FOR FOUR OR FIVE DAYS UNTIL THE TRIAL IS OVER.

24 THAT'S A HARDSHIP ON EVERYBODY BUT WOULD IT BE ANY
25 KIND OF UNUSUAL HARDSHIP ON YOU?

WILLIE JOHNSON -VOIR DIRE- BY MR. STONE

1 A UNUSUAL? WELL, IT WOULD BE SOMETHING THAT I
2 HAVE NEVER DONE BEFORE AS FAR AS BEING -- YOU KNOW,
3 STAYING BUT IF IT HAVE TO BE DONE LIKE THAT, THAT'S
4 WHAT I WOULD HAVE TO DO.

5 Q MR. JOHNSON, THAT'S ALL I HAVE GOT. THANK YOU
6 VERY MUCH.

7 THE COURT: YOU MAY EXAMINE..

8 VOIR DIRE EXAMINATION
9 BY MR. STONE:

10 Q MR. JOHNSON, I'M DUFFIE STONE. I REPRESENT
11 BAYAN ALEKSEY OVER HERE.

12 A YES.

13 Q YOU UNDERSTAND, SIR, THAT ALTHOUGH THE SOLICITOR
14 ASKED YOU A LOT OF QUESTIONS ABOUT THE DEATH PENALTY,
15 WE MAY NOT GET TO THAT POINT. DO YOU UNDERSTAND
16 THAT?

17 A TRUE, TRUE.

18 Q DO YOU HAVE ANY PROBLEM -- YOU UNDERSTAND THAT
19 THIS CASE IS ABOUT THE DEATH OF A POLICE OFFICER?

20 A YES.

21 Q DESPITE ALL OF THAT, IF THE SOLICITOR DOESN'T
22 PROVE TO YOU THIS CASE BEYOND A REASONABLE DOUBT,
23 COULD YOU COME BACK WITH A NOT GUILTY VERDICT?

24 A IF HE DIDN'T PROVE IT. JUST LIKE I SAY, I WOULD
25 HAVE TO HEAR WHATEVER SIDE, BOTH SIDES, YOU KNOW.

WILLIE JOHNSON -VOIR DIRE- BY MR. STONE

1 Q YES, SIR.

2 A AND DECIDE WITHIN MYSELF WHETHER THE DEATH
3 PENALTY OR NOT THE DEATH PENALTY. I DIDN'T COME INTO
4 THIS COURTROOM WITH AN IDEA, SEE, THAT I WILL SERVE
5 THIS MAN A DEATH PENALTY BECAUSE I DON'T KNOW. I AM
6 HERE TO LISTEN AND TO DETERMINE FOR MYSELF.

7 Q YOU UNDERSTAND THAT WE MAY NOT EVEN GET TO THE
8 DETERMINATION OF WHETHER OR NOT YOU -- IT'S A
9 TWO-PART TRIAL. DO YOU UNDERSTAND THAT?

10 A TRUE, RIGHT.

11 Q DO YOU ALSO UNDERSTAND AND I THINK THE JUDGE IS
12 GOING TO TELL YOU THIS, BUT MR. ALEKSEY HERE SITS
13 HERE INNOCENT NOW AND DOESN'T HAVE TO PRESENT ANY
14 EVIDENCE.

15 A BECAUSE HE HAS TO BE PROVEN GUILTY.

16 Q THANK YOU, MR. JOHNSON. I HAVE NO QUESTIONS.
17 THANK YOU.

18 THE COURT: HAVE HIM STEP OUT.

19 (THE JUROR LEAVES THE COURTROOM.)

20 THE COURT: YES, SIR, SOLICITOR.

21 SOLICITOR BAILEY: QUALIFIED.

22 MR. STONE: QUALIFIED.

23 THE COURT: BRING HIM BACK.

24 (THE JUROR RETURNS TO THE COURTROOM.)

25 THE COURT: MR. JOHNSON.

1 JUROR: YES, SIR.

2 THE COURT: YOU HAVE BEEN FOUND QUALIFIED
3 BY BOTH THE STATE AND THE DEFENDANT, MEANING THAT YOU
4 ARE ONE OF THE 35 QUALIFIED JURORS. ON THURSDAY
5 MORNING AT 9:30 FROM YOUR NUMBER WE ARE GOING TO
6 SELECT 12 JURORS AND TWO ALTERNATES. YOU MAY OR MAY
7 NOT BE SELECTED BUT YOU ARE QUALIFIED TO SERVE.

8 JUROR: YES, SIR.

9 THE COURT: REPORT BACK TO THIS COURTROOM
10 WITHOUT FAIL AT 9:30 THURSDAY MORNING, BRINGING WITH
11 YOU SUCH PERSONAL EFFECTS AS YOU WOULD REQUIRE FOR
12 STAYING IN THE MOTEL IF YOU ARE SELECTED. ANY
13 QUESTIONS?

14 JUROR: NO QUESTIONS.

15 THE COURT: SEE YOU AT 9:30 THURSDAY
16 MORNING.

17 (THE JUROR LEAVES THE COURTROOM.)

18 THE COURT: BRING THE NEXT PANEL IN,
19 PLEASE.

20 (THE JURY PANEL ENTERS THE COURTROOM.)

21 THE COURT: LADIES AND GENTLEMEN, GOOD
22 MORNING. IT LOOKS LIKE WE ARE GOING TO MISS THE
23 HURRICANE. IT SEEMS LIKE IT IN THE LATEST REPORTS.
24 WE ARE IN THE PROCESS OF CONTINUING TO QUALIFY 35
25 JURORS, ALL OF WHOM WILL REPORT HERE AT 9:30 THURSDAY

1 MORNING SO THAT FROM THOSE 35 WE CAN SELECT 12 JURORS
2 AND TWO ALTERNATES.

3 AT THIS TIME WE HAVE QUALIFIED 13, SO WE
4 ARE MOVING ALONG RAPIDLY. WE HAVE NOT YET CONCLUDED
5 ALL OF THE OTHER PANEL, BUT I WILL PUT YOU IN THERE
6 WITH THAT PANEL. I CALLED YOU UP HERE TO ADMONISH
7 YOU AGAIN, REMEMBERING THESE THINGS.

8 YOU MUST NOT DISCUSS THIS CASE WITH ANYONE.
9 YOU MUST NOT PERMIT ANYONE TO DISCUSS IT WITH YOU.
10 YOU MUST NOT DISCUSS IT AMONG YOURSELVES AT ANY TIME
11 UNTIL I HAVE GIVEN YOU THE CASE FOR YOUR
12 DELIBERATION.

13 DURING THE COURSE OF THIS VOIR DIRE
14 PROCEEDING, YOU WILL BE ASKED CERTAIN QUESTIONS, NONE
15 OF WHICH WILL INTRUDE ON YOUR PRIVACY. I ASSURE YOU
16 OF THAT. BUT YOU MUST NOT DISCUSS THE QUESTIONS THAT
17 WERE ASKED YOU NOR MUST YOU DISCUSS THE ANSWERS THAT
18 YOU GAVE. IT'S TOTALLY IMPROPER.

19 NOW, IF ANYBODY -- IT'S NOT LIKELY -- BUT
20 IF ANYBODY PERSISTS IN ASKING YOU WHAT IS GOING ON OR
21 WHAT THEY ARE ASKING YOU, TELL THEM YOU ARE A JUROR.
22 IF THEY PERSIST IN TRYING TO INQUIRE OF YOU, TAKE
23 THEIR NAME AND REPORT THAT BACK TO ME.

24 YOU JUST MUST NOT DISCUSS THIS CASE PERIOD
25 UNTIL I TELL YOU: LADIES AND GENTLEMEN, YOU HAVE

MICHAEL ANTHONY -VOIR DIRE- BY THE COURT

1 HEARD THE TESTIMONY, YOU HAVE HEARD THE EVIDENCE, YOU
2 HEARD THE LAW, GIVE US A VERDICT.

3 NOW, I WILL LET YOU JOIN THE OTHER PANEL.
4 WE WILL TAKE YOU IN THE MANNER IN WHICH YOU WERE
5 SELECTED. WE WILL FINISH PANEL NUMBER TWO AND THEN
6 WE WILL START WITH YOU AND HOPEFULLY FINISH YOU
7 SOMETIME AROUND LUNCH TIME. WE WILL MAKE THAT
8 EFFORT. IF YOU NEED ANYTHING, LET ME KNOW.

9 (THE PANEL LEAVES THE COURTROOM.)

10 THE COURT: BRING THE JUROR IN. HE
11 INDICATED THAT IT WAS NOT CONVENIENT FOR HIM TO BE
12 SEQUESTERED AND WE WANT TO DISCUSS THAT.

13 (THE JUROR ENTERS THE COURTROOM.)

14 MICHAEL ANTHONY, (BLACK
15 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:
16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 Q GOOD MORNING, MR. ANTHONY.

19 A GOOD MORNING.

20 Q MR. ANTHONY, THE JURORS WHO ARE SELECTED IN THE
21 TRIAL OF THIS CASE -- WE ARE GOING TO BE SELECTING 12
22 JURORS AND TWO ALTERNATES ON THURSDAY MORNING -- THAT
23 JURY WILL BE SEQUESTERED, MEANING THEY WILL HAVE TO
24 STAY IN THE MOTEL BEGINNING THURSDAY NIGHT AND
25 THROUGH THE WEEKEND AND PROBABLY THROUGH TUESDAY

MICHAEL ANTHONY -VOIR DIRE- BY THE COURT

1 NIGHT.

2 WE WOULD ANTICIPATE FINISHING THIS CASE TUESDAY
3 OR WEDNESDAY. I KNOW THAT SEQUESTRATION IN A MOTEL
4 IS DIFFICULT FOR A LOT OF PEOPLE. YESTERDAY YOU
5 INDICATED THAT IT WOULD POSE AN UNDUE HARDSHIP FOR
6 YOU. CAN YOU EXPLAIN THAT TO ME, PLEASE.

7 A YEAH. BECAUSE MY SISTER, SHE GO TO WORK AT TWO
8 O'CLOCK. I USUALLY TAKE CARE OF HER LITTLE BOY AFTER
9 I GET OFF FROM WORK AND STUFF. THAT'S THE ONLY WAY I
10 STAY THERE.

11 Q HAVE YOU TALKED TO YOUR SISTER SINCE WE TALKED
12 YESTERDAY ABOUT GETTING SOMEBODY?

13 A YEAH. HE JUST START KINDERGARTEN YESTERDAY,
14 TOO, AND STUFF LIKE THAT, WITH THE BUSES AND STUFF.

15 Q SIR?

16 A HE JUST START KINDERGARTEN YESTERDAY, TOO. IT
17 WAS A MIXUP WITH THE BUSES. WE GOT IT STRAIGHTENED
18 OUT AND STUFF.

19 Q SO THAT PROBLEM IS RESOLVED? IF YOU ARE
20 SELECTED --

21 A YES, SIR.

22 Q -- YOUR SISTER IS GOING TO MAKE ARRANGEMENTS
23 FOR SOMEBODY TO TAKE CARE OF THE LITTLE BOY?

24 A YES, SIR.

25 Q WE WOULD NOT WANT TO DEPRIVE YOU OF TAKING CARE

MICHAEL ANTHONY -VOIR DIRE- BY THE COURT

1 OF YOUR NEPHEW. YOU UNDERSTAND THAT?

2 A YES, SIR.

3 Q YOU ARE SAYING TO ME NOW THOUGH IF SELECTED YOU
4 CAN HANDLE IT?

5 A YEAH.

6 Q I KNOW IT'S INCONVENIENT. IT WILL BE
7 INCONVENIENT FOR EVERYBODY. I JUST WANTED TO MAKE
8 SURE IT WASN'T AN UNDUE HARDSHIP.

9 A OKAY.

10 Q YOU KINDLY RETURNED THIS STATEMENT TO US AND YOU
11 HAVE INDICATED THAT YOU FINISHED HIGH SCHOOL.

12 A YES.

13 Q AND THAT YOU WENT TO AN ELECTRICAL TRADE SCHOOL?

14 A YEAH.

15 Q YOU WORK FOR, WHAT IS THAT, SMITH ELECTRICAL
16 COMPANY?

17 A YES, SIR.

18 Q YOU ARE AN ELECTRICIAN OR ELECTRICIAN'S HELPER?

19 A I AM AN ELECTRICIAN HELPER.

20 Q ARE YOU MARRIED?

21 A NO, SIR.

22 Q SIR?

23 A NO, SIR.

24 Q YOU NEVER HAVE BEEN MARRIED?

25 A NO, SIR.

MICHAEL ANTHONY -VOIR DIRE- BY THE COURT.

1 Q YOU ALSO ATTEND THE CEDAR --

2 A CEDAR GROVE.

3 Q -- BAPTIST CHURCH?

4 A YES.

5 Q ARE YOU MEMBER OF THE CHOIR THERE OR ANYTHING?

6 A NO, SIR.

7 Q YESTERDAY SEVERAL JURORS STOOD AND INDICATED

8 THAT THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THIS

9 CASE. WERE YOU ONE OF THOSE WHO STOOD UP?

10 A OH, YES, SIR.

11 Q YOU WERE ONE OF THEM?

12 A YEAH.

13 Q CAN YOU TELL ME WHAT YOU KNOW ABOUT THIS CASE?

14 A ON THE NIGHT WHEN IT HAPPENED AND STUFF LIKE

15 THAT, YOU KNOW, AND THEN I HAD KNOWN THE DECEASED

16 BECAUSE HE USED TO WORK IN BARNWELL COUNTY AND STUFF

17 LIKE THAT. I HAD KNOWN HIM BEFORE HE CAME TO WORK

18 HERE IN ORANGEBURG, YOU KNOW, JUST BY FRIENDS AND

19 STUFF LIKE THAT. THEN WE TALK ABOUT IT AND STUFF.

20 Q YOU HAVE TALKED ABOUT IT WITH FRIENDS AND ALL?

21 A YEAH.

22 Q HAVE YOU MADE ANY REFERENCES TO WHO YOU THINK

23 MIGHT BE GUILTY OF THIS THING? HAVE YOU MADE UP YOUR

24 OWN MIND WHO YOU THINK IS GUILTY?

25 A YEAH.

MICHAEL ANTHONY -VOIR DIRE- BY SOL. BAILEY

1 Q YOU HAVE ALREADY MADE UP YOUR MIND?

2 A YEAH.

3 Q LET ME ASK YOU THIS. WE ARE GOING TO BE TAKING
4 TESTIMONY IN THE TRIAL OF THIS CASE. DO YOU THINK
5 YOU ARE SO STRONG IN YOUR OPINION THAT YOU COULDN'T
6 CHANGE YOUR MIND BASED ON THE TESTIMONY IN THE CASE?
7 JUST TELL ME THE TRUTH.

8 A NO. I MEAN, I HEARD ABOUT IT THE FIRST NIGHT
9 AND STUFF LIKE THAT, YOU KNOW, WHEN IT HAPPENED AND
10 STUFF LIKE THAT. I HAD FOLLOWED IT A COUPLE MORE
11 DAYS, YOU KNOW, AFTER THAT.

12 Q YOU ARE PRETTY WELL SATISFIED --

13 A YEAH.

14 Q YOU ARE PRETTY WELL SATISFIED?

15 A YEAH.

16 THE COURT: DO YOU WANT TO EXPLORE THAT
17 ISSUE?

18 SOLICITOR BAILEY: YES, SIR.

19 VOIR DIRE EXAMINATION

20 BY SOLICITOR BAILEY:

21 Q MR. ANTHONY, I'M WALTER BAILEY. I WANT TO BE
22 SURE BECAUSE I DON'T KNOW WHETHER I CAUGHT YOUR LAST
23 ANSWER OR NOT. YOU SAID THAT YOU HEARD SOMETHING
24 ABOUT IT OR READ ABOUT IT IN THE PAPER AND ALL?

25 A THE PAPER AND STUFF LIKE THAT AND I SEEN IT ON

MICHAEL ANTHONY -VOIR DIRE- BY SOL. BAILEY

1 THE NEWS AND STUFF.

2 Q DID YOU FORM ANY KIND OF OPINION AFTER YOU HEARD
3 THAT?

4 A YES, SIR.

5 Q HAVE YOU EVER READ SOMETHING IN THE NEWSPAPER OR
6 SEEN SOMETHING ON TELEVISION AND LATER FOUND OUT THAT
7 WHAT YOU READ OR SAW WASN'T CORRECT?

8 A YES, SIR.

9 Q YOU UNDERSTAND THAT IF YOU ARE ON A TRIAL JURY,
10 YOU HAVE GOT TO NOT NECESSARILY FORGET ABOUT IT, YOU
11 DON'T FORGET SOMETHING YOU HAVE READ OR HEARD
12 NECESSARILY; BUT YOU SET THAT ASIDE.

13 A YEAH.

14 Q AND BASE A DECISION ON THE SWORN TESTIMONY OF
15 THE WITNESSES ON THE STAND. COULD YOU DO THAT IF YOU
16 WERE IN CASE LIKE THIS?

17 A YOU KNOW, I MEAN -- YEAH, WELL.

18 Q I REALIZE YOU HAVEN'T ANSWERED THESE KIND OF
19 QUESTIONS BEFORE, AND THERE ARE NO RIGHT OR WRONG
20 ANSWERS. WHAT WE WANT TO FIND OUT IT IS WHETHER OR
21 NOT, DESPITE THE FACT YOU HAVE READ OR HEARD
22 SOMETHING ABOUT THIS CASE, COULD YOU BASE A DECISION,
23 FIRST OF ALL, ON THE GUILT OR INNOCENCE ON THAT?

24 A MY MIND ALREADY MADE UP, YOU KNOW. I MEAN...

25 THE COURT: I WILL LET YOU STEP OUT JUST A

CARL RAWLEIGH -VOIR DIRE- BY THE COURT

1 MOMENT. THANK YOU.

2 (THE JUROR LEAVES THE COURTROOM.)

3 SOLICITOR BAILEY: I TRIED.

4 MR. STONE: HE IS NOT QUALIFIED.

5 THE COURT: NO, SIR.

6 MR. STONE: THANK YOU.

7 (THE JUROR RETURNS TO THE COURTROOM.)

8 THE COURT: MR. JUROR, ALL OF US THANK YOU
9 FOR YOUR PRESENCE HERE. I AM GOING TO EXCUSE YOU FOR
10 THE REST OF THE TRIAL. THANK YOU SO MUCH.

11 JUROR: THANK YOU.

12 (THE JUROR LEAVES THE COURTROOM.)

13 (THE NEXT JUROR ENTERS THE COURTROOM.)

14 CARL RAWLEIGH, (WHITE MALE),
15 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 Q GOOD MORNING.

19 A MORNING.

20 Q YOUR NAME WAS WHAT, PLEASE?

21 A CARL RAWLEIGH.

22 Q CARL, I APPRECIATE YOUR PATIENCE WITH US TODAY.

23 CARL, YOU INDICATED ON THIS DOCUMENT HERE THAT YOU
24 FINISHED HIGH SCHOOL; IS THAT CORRECT?

25 A RIGHT.

CARL RAWLEIGH -VOIR DIRE- BY THE COURT

1 Q AND YOU WERE BORN IN NEW YORK; IS THAT RIGHT?

2 A THAT'S RIGHT.

3 Q HOW LONG HAVE YOU LIVED HERE IN ORANGEBURG
4 COUNTY?

5 A IT'S BEEN 27 YEARS.

6 Q TWENTY-SEVEN YEARS. YOU ARE AN AUTOMOTIVE
7 TECHNICIAN. WHO DO YOU WORK FOR, PLEASE?

8 A JOHN'S CAR SHOP.

9 Q IS THAT IN ORANGEBURG?

10 A YES.

11 Q YESTERDAY NUMEROUS JURORS STOOD UP AND INDICATED
12 TO ME THAT THEY MAY HAVE READ OR HEARD SOMETHING
13 ABOUT THIS CASE WE ARE GETTING READY TO TRY. WERE
14 YOU ONE OF THOSE WHO STOOD UP?

15 A YES, I WAS.

16 Q TELL ME WHAT YOU MAY HAVE READ OR HEARD ABOUT
17 THIS CASE.

18 A I READ TWO ARTICLES IN THE NEWSPAPER.

19 Q LET ME ASK YOU THIS. UNDER OUR SYSTEM OF
20 JURISPRUDENCE, A JURY IS REQUIRED TO BASE THEIR
21 VERDICT OF NOT GUILTY OR GUILTY BASED ON THE
22 TESTIMONY HEARD IN THE COURTROOM UNDER OATH. DO YOU
23 UNDERSTAND THAT?

24 A YES, SIR.

25 Q IF YOU WERE SELECTED AS A JUROR, CAN YOU PROMISE

CARL RAWLEIGH -VOIR DIRE- BY SOL. BAILEY

1 ME YOU CAN PUT WHAT YOU READ ASIDE AND BASE YOUR
2 VERDICT ON WHAT YOU HEAR IN THIS COURTROOM OR DO YOU
3 THINK YOU HAVE ALREADY MADE UP YOUR MIND?

4 A I KIND OF ALREADY GOT SOMETHING IN MY HEAD AFTER
5 WHAT I READ.

6 Q SIR?

7 A AFTER WHAT I READ I ALREADY GOT SOMETHING IN MY
8 MIND.

9 Q AND YOU DON'T THINK YOU CAN GET IT OUT OF YOUR
10 MIND?

11 A I DON'T KNOW.

12 Q WE ARE GOING TO ASKING YOU SOME QUESTIONS ABOUT
13 THAT.

14 THE COURT: LET'S EXPLORE THAT QUESTION
15 FIRST AND THEN WE WILL SEE WHERE WE ARE.

16 VOIR DIRE EXAMINATION

17 BY SOLICITOR BAILEY:

18 Q MR. RAWLEIGH, I'M WALTER BAILEY. I WANT TO ASK
19 YOU A COUPLE OF QUESTIONS ABOUT WHAT YOU READ IN THE
20 PAPER OR WHATEVER. HAVE YOU EVER READ SOMETHING IN
21 THE NEWSPAPER THAT YOU HAD SOME PERSONAL KNOWLEDGE
22 ABOUT AND IT OCCURRED TO YOU THAT THE PAPER WAS
23 WRONG?

24 A NOT REALLY.

25 Q HAVE YOU EVER SEEN SOMETHING ON TELEVISION ON

CARL RAWLEIGH -VOIR DIRE- BY SOL. BAILEY

1 THE NEWS AND LATER FOUND OUT THE STORY WASN'T QUITE
2 THE WAY IT WAS PRESENTED ON THE T.V. NEWS?

3 A NOT THAT I RECALL.

4 Q YOU UNDERSTAND THAT A TRIAL JURY HAS TO MAKE A
5 DECISION, FIRST OF ALL, ON GUILT OR INNOCENCE BASED
6 ON THE SWORN TESTIMONY AND INSTRUCTIONS FROM THE
7 JUDGE.

8 THEY WOULD HAVE TO NOT NECESSARILY FORGET ABOUT
9 ANYTHING THEY MIGHT HAVE HEARD OUTSIDE THE COURTROOM,
10 BUT KIND OF PUT IT ASIDE. IT'S IN YOUR MIND BUT
11 COULD YOU SET IT ASIDE AND BASE A DECISION ON GUILT
12 OR INNOCENCE ON THE SWORN TESTIMONY IF YOU ARE ON THE
13 JURY IN THIS CASE?

14 A I CAN'T SAY WHETHER I CAN OR NOT. I DON'T KNOW.

15 Q HOW ABOUT GO AHEAD AND TELL US WHAT IS ON YOUR
16 MIND NOW. YOU SAID YOU HAD SOMETHING ON YOUR MIND.

17 A WHAT'S ON MY MIND?

18 Q YES.

19 A I JUST GOT AN IDEA OF GUILTY.

20 Q YOU DON'T THINK YOU COULD SET THAT ASIDE AND
21 KIND OF START OVER WITH THE TESTIMONY?

22 A LIKE I SAY, I DON'T KNOW IF I CAN OR NOT.

23 Q THANK YOU.

24 THE COURT: DO YOU CARE TO CROSS EXAMINE?

25 MR. STONE: YES, SIR.

CARL RAWLEIGH -VOIR DIRE- BY MR. STONE

1 VOIR DIRE EXAMINATION

2 BY MR. STONE:

3 Q MR. RAWLEIGH, JUST A FEW QUESTIONS. I DON'T
4 WANT TO BELABOR THIS. I WANT YOU TO UNDERSTAND THAT
5 THERE IS NOT A RIGHT OR WRONG ANSWER. WE JUST NEED
6 THE TRUTH. WHAT THE SOLICITOR ASKED YOU WERE ALL
7 GOOD QUESTIONS BUT HERE IS THE SITUATION.

8 YOU HAVE GOT TO BE ABLE TO SIT IN A JURY BOX AND
9 TAKE THE EVIDENCE SOLELY JUST FROM WHAT YOU HEAR HERE
10 AND NOTHING ELSE THAT YOU HAVE HEARD ABOUT IT OUTSIDE
11 OF THIS COURTROOM, ONLY WHAT YOU HEAR FROM THIS
12 WITNESS STAND.

13 THE ONLY QUESTION THAT WE NEED TO REALLY ASK YOU
14 AT THIS POINT IS CAN YOU GET RID OF ALL THAT STUFF
15 YOU KNOW AND JUST LISTEN TO WHAT HAPPENS ON THIS
16 WITNESS STAND OR ARE YOU STILL GOING TO HAVE SOME
17 FEELING ABOUT IN THIS YOUR MIND WHEN YOU START THIS
18 TRIAL?

19 A LIKE I SAY --

20 Q IF YOU CAN'T ANSWER THAT, THAT'S FINE.

21 A I DON'T KNOW IF I CAN OR NOT.

22 Q THANK YOU. I APPRECIATE IT.

23 THE COURT: YOU CAN STEP OUTSIDE.

24 (THE JUROR LEAVES THE COURTROOM.)

25 THE COURT: YES, SIR.

ANDREW RICE -VOIR DIRE- BY THE COURT

1 SOLICITOR BAILEY: JUDGE, I CONCEDE HE
2 NEVER WAS ABLE TO SAY HE COULDN'T PUT IT OUT OF HIS
3 MIND.. HE IS NOT QUALIFIED.

4 MR. STONE: DISQUALIFIED.

5 THE COURT: I WILL DISQUALIFY HIM. LET THE
6 RECORD REFLECT ALSO THAT THE DEFENSE ALSO FINDS HIM
7 DISQUALIFIED.

8 (THE JUROR RETURNS TO THE COURTROOM.)

9 THE COURT: MR. JUROR, I EXPRESS YOU TO MY
10 APPRECIATION FOR YOUR ATTENDANCE HERE. YOU ARE
11 EXCUSED FOR THE REST OF THE TRIAL. THANK YOU SO
12 MUCH.

13 JUROR: THANK YOU.

14 (THE JUROR LEAVES THE COURTROOM.)

15 SOLICITOR BAILEY: YOUR HONOR, THIS NEXT
16 ONE HAS ASKED TO BE EXCUSED.

17 THE COURT: WE WILL EXPLORE THAT.

18 (THE NEXT JUROR ENTERS THE COURTROOM.)

19 ANDREW RICE, (WHITE MALE),
20 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 Q GOOD MORNING.

24 A GOOD MORNING, SIR.

25 Q MR. RICE, I NOTE THAT YOU ARE A TRUCK DRIVER.

ANDREW RICE -VOIR DIRE- BY THE COURT

1 DID YOU NOT ASK TO BE EXCUSED?

2 A I DID TO START WITH, YES, SIR.

3 Q BUT YOU HAVE GOT THAT PROBLEM RESOLVED NOW?

4 A BEG YOUR PARDON?

5 Q IT'S ALL RIGHT FOR YOU TO SERVE IF SELECTED NOW?

6 A I WOULD HAVE TROUBLE VOTING FOR THE DEATH

7 PENALTY.

8 Q SIR?

9 A I WOULD HAVE TROUBLE WITH MY CONSCIENCE VOTING
10 FOR THE DEATH PENALTY.

11 Q LET'S DISCUSS THAT. YOU HAD AN OPPORTUNITY TO
12 READ THE LETTER A WHILE AGO?

13 A YES, SIR.

14 Q AND WE ALL APPRECIATE THE CANDOR AND HONESTY OF
15 YOUR RESPONSE. LET ME SAY THIS TO YOU. THERE ARE NO
16 RIGHT OR WRONG ANSWERS, YOU UNDERSTAND. ALL OF IT IS
17 JUST HEARTFELT BELIEFS.

18 THERE IS A GROUP THAT SAYS ONCE WE HAVE FOUND A
19 PERSON GUILTY OF MURDER, I CAN NEVER BE FOR THE DEATH
20 PENALTY. EXCUSE ME. THERE IS THE FIRST GROUP WHO
21 SAYS I WILL ALWAYS BE FOR THE DEATH PENALTY, PERIOD,
22 ONCE WE FOUND SOMEBODY GUILTY OF MURDER.

23 THERE IS A SECOND GROUP, WHO FOR PERSONAL OR
24 RELIGIOUS REASONS, SAY THAT EVEN THOUGH WE HAVE FOUND
25 HIM GUILTY OF MURDER, I CAN NEVER BE FOR THE DEATH

ANDREW RICE--VOIR DIRE-- BY THE COURT

1 PENALTY. I JUST AM NOT GOING TO DO THAT..

2 THERE IS A THIRD GROUP WHO SAY I WILL LISTEN TO
3 ALL THE FACTS AND THEN IF I THINK IT'S APPROPRIATE, I
4 CAN GIVE THE DEATH PENALTY OR I CAN GIVE LIFE IN
5 PRISON.

6 THE FIRST GROUP SAYS I WILL ALWAYS BE FOR THE
7 DEATH PENALTY. THE SECOND GROUP SAYS I AM NOT GOING
8 TO DO THAT. THE THIRD GROUP SAYS I WILL LISTEN TO
9 ALL THE FACTS. WOULD YOU BE ONE, TWO OR THREE?

10 A I WOULD PROBABLY FALL UNDER NUMBER TWO.

11 Q CERTAINLY THERE ARE NO RIGHT OR WRONG ANSWERS.

12 THE COURT: SOLICITOR, I WILL LET YOU
13 EXAMINE.

14 SOLICITOR BAILEY: THANK YOU.

15 Q LET ME ASK YOU THIS FIRST BEFORE HE ASKS YOU
16 SOME QUESTIONS. SOME JURORS STOOD UP YESTERDAY
17 TELLING ME THEY MAY HAVE READ OR HEARD SOMETHING
18 ABOUT THIS CASE. WERE YOU ONE OF THOSE WHO MAY HAVE
19 STOOD UP?

20 A I HAVE READ THE PAPERS, YES, SIR.

21 Q LET ME ASK YOU THIS. IF YOU WERE SELECTED AS A
22 JUROR, CAN YOU PUT THAT ASIDE AND BASE YOUR VERDICT
23 ON WHAT YOU HEAR IN THIS COURTROOM?

24 A YES, SIR, I WOULD HAVE NO PROBLEM WITH THAT.

25 THE COURT: ALL RIGHT, SOLICITOR.

ANDREW RICE -VOIR DIRE- BY SOL. BAILEY

1 SOLICITOR BAILEY: THANK YOU.

2 VOIR DIRE EXAMINATION

3 BY SOLICITOR BAILEY:

4 Q MR. RICE, LIKE THE JUDGE SAID, THERE ARE NO
5 RIGHT OR WRONG ANSWERS. THE ONLY WRONG ANSWER WOULD
6 BE IF YOU WOULD JUST TELL SOMEBODY SOMETHING BECAUSE
7 THAT'S WHAT YOU THINK THEY WANT TO HEAR.

8 I WANT TO ASK YOU A LITTLE BIT ABOUT YOUR
9 BELIEFS ON CAPITAL PUNISHMENT. I NOTICED WHEN YOU
10 FILL OUT THE LITTLE JUROR QUESTIONNAIRE CARD, YOU
11 SAID, "I DO NOT BELIEVE IN CAPITAL PUNISHMENT."

12 A I DON'T.

13 Q IS THAT A RELIGIOUS BELIEF?

14 A THAT'S MY PERSONAL BELIEF. IT WOULD MAKE ME
15 FEEL LIKE I WAS JUST AS GUILTY REALLY, LIKE I TRIED
16 TO EXPLAIN TO MRS. MARSHA PHILLIPS WHEN I TURNED THAT
17 PAPER IN. IT WOULD MAKE ME FEEL LIKE I WAS JUST AS
18 GUILTY IF I VOTED FOR THE DEATH PENALTY AS WHO I WAS
19 VOTING ON.

20 Q SO YOU WOULD EQUATE A DEATH SENTENCE WITH THE
21 SAME THING AS MURDER?

22 A I WOULD HAVE TROUBLE SLEEPING AT NIGHT IF I
23 VOTED FOR THE DEATH PENALTY.

24 Q MR. RICE, IS THAT SOMETHING YOU HAVE THOUGHT
25 ABOUT BEFORE YESTERDAY WHEN YOU FOUND OUT --

ANDREW RICE -VOIR DIRE- BY SOL. BAILEY

1 A A LONG TIME. IT'S BEEN MY BELIEF ON THAT ALL MY
2 LIFE.

3 Q AND THAT IS A STRONGLY-HELD BELIEF?

4 A YES.

5 Q AND YOU THINK THAT BELIEF WOULD PREVENT YOU FROM
6 FAIRLY CONSIDERING BOTH PUNISHMENTS, LIFE IN PRISON
7 OR THE DEATH PENALTY?

8 A CAPITAL PUNISHMENT, YES, SIR.

9 SOLICITOR BAILEY: THAT'S ALL I HAVE AT
10 THIS TIME.

11 THE COURT: YOU MAY EXAMINE.

12 MR. SIMS: NO QUESTIONS.

13 THE COURT: LET THE RECORD REFLECT THE
14 DEFENSE HAS NO QUESTIONS.

15 (THE JUROR LEAVES THE COURTROOM.)

16 SOLICITOR BAILEY: NOT QUALIFIED.

17 MR. SIMS: WE CONCEDE.

18 THE COURT: THANK YOU, GENTLEMEN. WE SAVED
19 SOME TIME.

20 (THE JUROR RETURNS TO THE COURTROOM.)

21 THE COURT: MR. JUROR, WE ALL EXPRESS TO
22 YOU OUR APPRECIATION FOR YOUR ATTENDANCE HERE TODAY.
23 I AM GOING TO EXCUSE YOU FOR THE DAY AND THE REST OF
24 THE TRIAL. THANK YOU SO MUCH.

25 JUROR: THANK YOU. DO I HAVE TO COME BACK?

NORRIS GIBSON -VOIR DIRE- BY THE COURT

1 THE COURT: NO, SIR. YOU ARE EXCUSED WITH
2 OUR THANKS.

3 (THE JUROR LEAVES THE COURTROOM.)

4 THE COURT: GENTLEMEN, I CONGRATULATE YOU.
5 WE ARE PRETTY MUCH ON COURSE NOW. WE ARE ONLY 15
6 MINUTES LATE ON THE THIRD PANEL. IT'S THE FIRST TIME
7 I HAVE EVER PROGRESSED THAT WAY. WE ALWAYS USUALLY
8 RUN BEHIND. HAD WE NOT TAKEN SUCH A LONG BREAK, WE
9 WOULD HAVE BEEN ON COURSE. THAT'S FINE.

10 MR. STONE: IF WE DON'T HAVE ANY OTHER
11 POLITICIANS COMING IN, WE WILL WHIP THIS A LITTLE
12 QUICKER.

13 THE COURT: I THINK SO. BRING THE NEXT
14 JUROR IN PLEASE.

15 (THE JUROR ENTERS THE COURTROOM.)

16 NORRIS GIBSON, (WHITE MALE),
17 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q MR. GIBSON, GOOD MORNING.

21 A GOOD MORNING.

22 Q YOU ARE THE FIRST JUROR ON PANEL NUMBER THREE.

23 I NOTE THAT YOU HAVE A HIGH SCHOOL EDUCATION; THAT

24 YOU HAVE BEEN EMPLOYED WITH THE SAME GROUP FOR 21

25 YEARS?

NORRIS GIBSON -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q AND THAT YOU WORK AS A MAINTENANCE MECHANIC FOR
3 ALBEMARLE CORPORATION; IS THAT CORRECT?

4 A YES, SIR.

5 Q YOU ARE MARRIED. HOW MANY CHILDREN DO YOU HAVE,
6 SIR?

7 A TWO.

8 Q TWO, ONE GIRL 22 YEARS OLD AND A YOUNG SON 17?

9 A YES, SIR.

10 Q IS THE YOUNG SON IN HIGH SCHOOL AT THIS TIME?

11 A YES, SIR.

12 Q PLAYING FOOTBALL, I SUSPECT?

13 A NO, HE IS A SENIOR. HE IS NOT PLAYING FOOTBALL.

14 Q SEVERAL JURORS YESTERDAY INDICATED WHEN STANDING
15 THAT THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THE
16 CASE WE ARE GETTING READY TO TRY. WOULD YOU HAVE
17 BEEN ONE OF THOSE WHO STOOD UP?

18 A YES, SIR. I HAVE READ THE NEWSPAPER ARTICLES
19 AND STUFF.

20 Q THAT'S FINE. LET ME SAY THIS TO YOU. THERE IS
21 NOTHING WRONG WITH A PROSPECTIVE JUROR HAVING READ OR
22 HEARD SOMETHING ABOUT THE CASE. WE JUST WANT TO MAKE
23 SURE THAT DURING THE TRIAL OF THE CASE, THAT JUROR'S
24 DECISION AS TO NOT GUILTY OR GUILTY IS BASED ON THE
25 LAW AND THE EVIDENCE HEARD IN THE COURTROOM AND NOT

NORRIS GIBSON -VOIR DIRE- BY THE COURT

1 WHAT HE MAY HAVE READ OR HEARD IN THE NEWSPAPER.

2 IF YOU WERE SELECTED, CAN YOU PROMISE US THAT
3 YOUR DECISION, WHATEVER IT IS, WILL BE BASED ON THE
4 LAW AND THE EVIDENCE IN THIS COURT AND NOT FROM SOME
5 OTHER THIRD SOURCE OUTSIDE?

6 A YES, SIR.

7 Q YOU HAVE HAD AN OPPORTUNITY TO READ THE LETTER
8 DESCRIBING THREE TYPES OF JURORS. I AM GOING TO ASK
9 YOU ABOUT YOUR OPINIONS ABOUT THAT; BUT UNDERSTANDING
10 THAT IF IN THE FIRST PHASE HE IS FOUND NOT GUILTY, WE
11 DON'T EVEN GET THERE. YOU UNDERSTAND THAT?

12 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
13 RESPONSE.)

14 Q ONCE YOU ARE IN THE SECOND PHASE, THE ONLY
15 QUESTION FOR THE JURY IS PUNISHMENT. THERE'S TWO
16 TYPES OF PUNISHMENT, EITHER LIFE IMPRISONMENT OR
17 DEATH BY ELECTROCUTION OR LETHAL INJECTION.
18 CONFRONTED WITH THAT AWESOME DECISION, JURORS FALL
19 INTO THREE GROUPS AS THAT LETTER INDICATES.

20 THERE IS A GROUP THAT SAYS IF WE CONVICT HIM OF
21 MURDER, I WILL BE FOR THE DEATH PENALTY ALWAYS.

22 THERE IS A GROUP WHO SAY REGARDLESS OF THAT I CAN
23 NEVER BE FOR THE DEATH PENALTY.

24 THERE IS A THIRD GROUP WHO SAY, NO, I AM GOING
25 TO CONSIDER ALL THE FACTS AND EVIDENCE. THEN I WILL

NORRIS GIBSON -VOIR DIRE- BY SOL. BAILEY

1 DECIDE WHETHER I WANT TO BE FOR LIFE OR DEATH. WOULD
2 YOU BE THE FIRST, SECOND OR THIRD?

3 A I WOULD SAY THE THIRD GROUP.

4 Q THE THIRD GROUP. THANK YOU. UNDERSTANDING THAT
5 THERE'S NO RIGHT OR WRONG ANSWERS. IT'S JUST
6 PEOPLE'S HEARTFELT BELIEFS ON THIS ISSUE.

7 THE COURT: YES, SIR.

8 SOLICITOR BAILEY: THANK YOU.

9 VOIR DIRE EXAMINATION

10 BY SOLICITOR BAILEY:

11 Q MR. GIBSON, I'M WALTER BAILEY. I HAVE A COUPLE
12 OF QUESTIONS. IS THE DEATH PENALTY SOMETHING YOU
13 HAVE THOUGHT ABOUT OR DISCUSSED WITH FAMILY OR
14 FRIENDS OR ANYTHING BEFORE YESTERDAY WHEN YOU FOUND
15 OUT YOU MIGHT BE ON THIS JURY?

16 A NO, SIR, NOT REALLY.

17 Q WHEN THE JUDGE ASKED YOU WHAT TYPE JUROR YOU
18 WERE, YOU SAID, "I WILL SAY THE THIRD ONE." ARE YOU
19 PRETTY CERTAIN THAT IS THE CATEGORY YOU WOULD FALL
20 IN?

21 A YES, SIR.

22 Q YOU UNDERSTAND THAT THE WAY THE SYSTEM WORKS IN
23 SOUTH CAROLINA IF WE GET TO THE SECOND PHASE, IT WILL
24 MEAN THE DEFENDANT -- YOU ARE DEALING WITH A
25 CONVICTED MURDERER.

NORRIS GIBSON -VOIR DIRE- BY SOL. BAILEY

1 A YES, SIR.

2 Q AND THE JURY AND NOT THE JUDGE DETERMINES THE
3 PUNISHMENT.

4 A YES, SIR.

5 Q AND WHATEVER THE JURY DECIDES THE PUNISHMENT
6 SHOULD BE WILL BE THE SENTENCE OF THE COURT AND IT
7 WILL BE CARRIED OUT. IN OTHER WORDS, IF THE JURY
8 VOTES FOR LIFE, JUDGE COTTINGHAM WILL SENTENCE THAT
9 PERSON TO LIFE WITHOUT PAROLE AND HE WILL SERVE THAT
10 SENTENCE.

11 A YES.

12 Q IF THE JURY SAYS DEATH PENALTY, THAT PERSON IS
13 ACTUALLY GOING TO BE EXECUTED.

14 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
15 RESPONSE.)

16 Q I WILL NOT ASK YOU TO PREDICT WHAT YOU WOULD DO
17 IN THIS CASE BECAUSE YOU HAVEN'T HEARD ANY OF THE
18 FACTS. MY QUESTION IS IF THE CASE IS BAD ENOUGH, CAN
19 YOU VOTE FOR THE DEATH PENALTY KNOWING THAT SENTENCE
20 IS GOING TO BE CARRIED OUT?

21 A YES, SIR.

22 Q IF THE OTHER 11 JURORS FELT THE SAME WAY, COULD
23 YOU SIGN YOUR NAME TO A DEATH VERDICT FORM KNOWING
24 THAT WOULD RESULT IN THAT PERSON BEING EXECUTED AT
25 SOME POINT IN TIME?

NORRIS GIBSON -VOIR DIRE- BY MR. SIMS

1 A YES, SIR.

2 Q AND COULD YOU STAND UP IN OPEN COURT WHEN YOUR
3 NAME IS CALLED AND ANNOUNCE THAT AS BEING YOUR
4 VERDICT IF IT WAS YOUR VERDICT?

5 A YES, SIR.

6 Q THE JURY IS GOING TO BE PUT IN A MOTEL EVERY
7 NIGHT UNTIL THE TRIAL IS OVER, WHICH WILL PROBABLY
8 MAYBE BE FOUR OR FIVE DAYS STARTING THURSDAY. WOULD
9 THAT CAUSE YOU ANY UNUSUAL HARDSHIP BESIDE
10 INCONVENIENCE?

11 A I DON'T GUESS SO.

12 Q MR. GIBSON, THAT'S ALL I'VE GOT. THANK YOU VERY
13 MUCH.

14 THE COURT: YOU MAY EXAMINE.

15 VOIR DIRE EXAMINATION

16 BY MR. SIMS:

17 Q GOOD MORNING, MR. GIBSON. I'M THOMAS SIMS. I
18 REPRESENT BAYAN ALEKSEY. LET ME ASK YOU A QUESTION.
19 YOU INDICATED THAT YOU HAD READ SOMETHING ABOUT THIS
20 CASE?

21 A YES, SIR, I HAVE READ THE NEWSPAPER ARTICLES.

22 Q DID YOU ALSO HAVE AN OPPORTUNITY TO HEAR OR SEE
23 ANYTHING ON THE TELEVISION?

24 A YES, SIR, I HAVE SEEN THE T.V. REPORTS ALSO.

25 Q AND IN LISTENING TO THEM AND READING THEM IN THE

NORRIS GIBSON -VOIR DIRE- BY MR. SIMS

1 PAPER, YOU HAVE FORMULATED NO OPINION ABOUT THIS
2 CASE?

3 A NO, SIR.

4 Q LET ME ASK YOU. DO YOU BELIEVE THAT WOMEN
5 SHOULD BE HELD TO THE SAME STANDARD AS MEN?

6 A IF THEY COMMIT THE CRIME, YES, SIR.

7 Q AND DO YOU OWN A CAR?

8 A YES, SIR.

9 Q WHAT KIND OF BUMPER STICKERS DO YOU HAVE, IF YOU
10 HAVE ANY?

11 A I DON'T HAVE ANY.

12 Q ONE OTHER QUESTION. DO YOU BELIEVE THAT FOREIGN
13 NATIONALS SHOULD BE GIVEN THE SAME RIGHTS AS UNITED
14 STATES CITIZENS?

15 A YES, SIR.

16 MR. SIMS: THAT'S ALL, YOUR HONOR.

17 (THE JUROR LEAVES THE COURTROOM.)

18 SOLICITOR BAILEY: QUALIFIED.

19 MR. STONE: QUALIFIED.

20 (THE JUROR RETURNS TO THE COURTROOM.)

21 THE COURT: MR. GIBSON, BOTH THE STATE AND
22 THE DEFENDANT HAVE FOUND YOU QUALIFIED TO SERVE IF
23 SELECTED. SO YOU ARE ONE OF THE 35 WHO WILL BE
24 REQUESTED TO COME BACK THURSDAY MORNING AT 9:30, FROM
25 WHICH WE WILL BE SELECTING 14.

VINCENT BOWMAN -VOIR DIRE- BY THE COURT

1 AGE?

2 A RIGHT.

3 Q THAT'S INTERESTING. YESTERDAY SEVERAL JURORS
4 INDICATED THAT THEY MAY HAVE READ OR HEARD SOMETHING
5 ABOUT THIS CASE. WOULD YOU HAVE BEEN ONE OF THOSE
6 WHO STOOD UP WHEN THAT QUESTION WAS ASKED?

7 A YES, SIR.

8 Q CAN YOU TELL ME, DID YOU READ SOMETHING IN THE
9 PAPER OR T.V. OR WHAT?

10 A IT WAS IN THE PAPER AT THE SHOP, AND WE WERE
11 TALKING ABOUT IT AT THE SHOP.

12 Q LET ME ASK YOU THIS. UNDER OUR SYSTEM OF
13 JURISPRUDENCE, WE ASK THE JURY TO MAKE THEIR DECISION
14 BASED ON THE SWORN TESTIMONY HEARD IN THE TRIAL OF
15 THE CASE FROM THE WITNESS STAND. WE WANT TO MAKE
16 SURE THAT A JUROR DOES NOT BASE HIS OR HER JUDGMENT
17 ON WHAT THEY MAY HAVE READ OR DISCUSSED OUTSIDE THE
18 COURTROOM.

19 IF YOU WERE SELECTED AS A JUROR, CAN YOU SET
20 ASIDE WHAT YOU MAY HAVE READ OR HEARD IN THE SHOP AND
21 BASE YOUR VERDICT ON THE EVIDENCE IN THIS COURTROOM
22 OR DO YOU THINK YOU HAVE GOT A FIXED OPINION?

23 A YES, SIR, I BELIEVE I COULD.

24 Q YOU MEAN THAT YOU COULD PUT THAT ASIDE AND
25 LISTEN TO THE TESTIMONY IN THE TRIAL OF THIS

VINCENT BOWMAN -VOIR DIRE- BY THE COURT

1 CASE?

2 A YES, SIR.

3 Q ALL RIGHT, SIR. YOU UNDERSTAND THAT THIS WELL
4 MAY BE A TWO-PART TRIAL?

5 A RIGHT.

6 Q YOU UNDERSTAND THAT. THE FIRST PART DEALS WITH
7 THE GUILT OR INNOCENCE. THIS DEFENDANT HAS PLED NOT
8 GUILTY. THE STATE MUST PROVE HIM GUILTY BEYOND A
9 REASONABLE DOUBT. IF THEY DON'T DO THAT, THE JURY
10 WILL FIND HIM NOT GUILTY AND WE STOP RIGHT THERE.
11 YOU UNDERSTAND THAT?

12 A RIGHT.

13 Q IF -- AND I USE THAT WORD ADVISEDLY -- IF THE
14 JURY FINDS THIS DEFENDANT GUILTY OF MURDER BEYOND A
15 REASONABLE DOUBT, WE THEN GO AND ONLY THEN TO THE
16 SECOND PHASE.

17 UNDER OUR SYSTEM DURING THE SECOND PHASE, IT IS
18 THE JURY WHO DETERMINES THE APPROPRIATE SENTENCE.
19 THERE ARE TWO POSSIBLE SENTENCES. ONE IS LIFE
20 IMPRISONMENT. THE OTHER IS THE DEATH BY LETHAL
21 INJECTION OR ELECTROCUTION.

22 MOST PEOPLE IN THEIR LIFETIMES ARE NEVER
23 CONFRONTED WITH THIS DECISION, BUT JURORS GENERALLY
24 WHEN CONFRONTED WITH WHAT IS THE APPROPRIATE DECISION
25 FALL INTO THREE GROUPS. I GAVE YOU A DOCUMENT BACK

VINCENT BOWMAN -VOIR DIRE- BY THE COURT

1 THERE THAT EXPLAINS THE THREE GROUPS. DID YOU HAVE A
2 CHANCE TO READ THAT DOCUMENT?

3 A YES, SIR.

4 Q DO YOU UNDERSTAND THE THREE GROUPS?

5 A YES, SIR.

6 Q THERE ARE NO RIGHT OR WRONG ANSWERS. WHICH
7 GROUP WOULD YOU BE IN FIRST, SECOND OR THIRD?

8 A I WOULD SAY THE FIRST.

9 Q THE FIRST. WHAT IS YOUR VIEW OF THE FIRST,
10 PLEASE?

11 A THAT IF HE IS FOUND GUILTY FOR THE CRIME OF
12 MURDER, YOU KNOW, HE SHOULD GET THE MAXIMUM PENALTY
13 FOR IT.

14 Q IS THAT A VIEW THAT YOU HAVE HELD FOR SOME TIME?

15 A YEAH, I HAVE.

16 Q MAY I -- DO I CHARACTERIZE YOU AS YOU ARE A
17 PROPONENT OF THE DEATH PENALTY WHERE MURDER HAS
18 BEEN CONVICTED? I DON'T WANT TO PUT WORDS IN YOUR
19 MOUTH.

20 A I FEEL THAT WAY.

21 Q YOU UNDERSTAND THERE ARE NO RIGHT OR WRONG
22 ANSWERS?

23 A RIGHT.

24 THE COURT: YES, SIR.

25 SOLICITOR BAILEY: THANK YOU.

VINCENT BOWMAN -VOIR DIRE- BY SOL. BAILEY

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MR. BOWMAN, I WILL BE VERY BRIEF. I JUST WANT
4 TO MAKE SURE I UNDERSTAND HOW FIRM YOU ARE IN YOUR
5 BELIEFS ABOUT THE DEATH PENALTY. YOU UNDERSTAND WE
6 WOULDN'T EVEN BE TALKING ABOUT THE DEATH PENALTY
7 UNLESS THE PERSON IS FOUND GUILTY OF MURDER IN THE
8 FIRST PART OF THE TRIAL?

9 A RIGHT.

10 Q THAT'S CALLED THE GUILT PHASE. IF YOU WERE
11 SITTING AS A JUROR IN THE GUILT PHASE, WOULD YOU WANT
12 TO LISTEN TO ALL THE TESTIMONY AND LISTEN TO THE
13 JUDGE'S INSTRUCTIONS BEFORE YOU MADE UP YOUR MIND AS
14 TO WHETHER OR NOT THE STATE HAD PROVEN THEIR CASE TO
15 YOUR SATISFACTION?

16 A YES, SIR.

17 Q NOW, ASSUMING THAT THE DEFENDANT IS FOUND NOT
18 GUILTY, OF COURSE, THAT IS THE END OF IT. IF HE IS
19 FOUND GUILTY, THEN WE GO INTO THE SECOND PHASE AND WE
20 ARE DEALING WITH PUNISHMENT, LIFE IN PRISON OR THE
21 DEATH PENALTY.

22 A RIGHT.

23 Q IF YOU ARE IN THE SECOND STAGE, OF COURSE, THAT
24 MEANS THAT YOU ARE DEALING WITH A CONVICTED MURDERER.
25 NOW, WOULD YOU CONTINUE TO LISTEN TO ALL OF THE

VINCENT BOWMAN --VOIR DIRE- BY SOL. BAILEY

1 EVIDENCE THAT CAME OUT IN THAT SECOND PART OF THE
2 TRIAL AND LISTEN TO WHAT THE JUDGE TOLD YOU THE LAW
3 WAS AT THE END OF THAT CASE BEFORE MAKING THAT CHOICE
4 OR WOULD YOU HAVE YOUR MADE UP GOING IN THAT NO
5 MATTER WHAT HAPPENED THAT YOU WERE GOING TO VOTE FOR
6 THE DEATH PENALTY?

7 A IF I FEEL LIKE HE WAS ALREADY FOUND GUILTY OF A
8 MURDER CHARGE, I'D TAKE THE DEATH PENALTY.

9 Q IN EVERY CASE?

10 A I WOULD FEEL THAT WAY, YES.

11 Q THANK YOU. THAT'S ALL I HAVE.

12 THE COURT: YOU MAY EXAMINE FROM THE
13 DEFENSE.

14 MR. STONE: NO QUESTIONS, YOUR HONOR.

15 THE COURT: HAVE HIM STEP IN THE JURY ROOM.

16 (THE JUROR LEAVES THE COURTROOM.)

17 THE COURT: YES, SIR, MR. BAILEY.

18 SOLICITOR BAILEY: NOT QUALIFIED.

19 MR. STONE: NOT QUALIFIED.

20 THE COURT: YES, SIR. IT WAS OBVIOUS EARLY
21 ON THAT HE COULD NOT CONSIDER BOTH SIDES OF THE
22 ISSUE.

23 (THE JUROR RETURNS TO THE COURTROOM.)

24 THE COURT: MR. BOWMAN, THE STATE OF SOUTH
25 CAROLINA AND DEFENSE COUNSEL APPRECIATE YOUR PRESENCE

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 HERE TODAY. I APOLOGIZE FOR THE INCONVENIENCE. I AM
2 IN A POSITION NOW TO DISCHARGE YOU FOR THE REST OF
3 THE DAY AND FOR THE TERM. YOU WOULD NOT HAVE TO COME
4 BACK. THANK YOU SO MUCH.

5 JUROR: THANK YOU.

6 (THE JUROR LEAVES THE COURTROOM.)

7 (THE NEXT JUROR ENTERS THE COURTROOM.)

8 JEREMIAH GATES, (WHITE
9 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q MR. GATES, GOOD MORNING.

13 A HOW ARE YOU DOING, SIR?

14 Q WE WOULD LIKE TO ASK YOU SEVERAL QUESTIONS,
15 PLEASE. I NOTE BY YOUR RETURN HERE THAT YOU ARE 27
16 YEARS OF AGE?

17 A TWENTY-SIX, SIR.

18 Q TWENTY-SIX?

19 A YES, SIR.

20 Q YOU ARE ASSISTANT MANAGER AND SUPERVISOR -- IS
21 THAT ACCON (PH.) FASTNERS?

22 A ARCON.

23 Q WHERE IS THAT, PLEASE?

24 A IT'S RIGHT BESIDE DECKALAM (PH.), RIGHT BESIDE
25 THE PEPSICO PLANT.

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 Q YOU ARE MARRIED. DO YOU HAVE ANY CHILDREN?

2 A NOT YET, SIR.

3 Q YOUR WIFE IS IN COLLEGE?

4 A I DON'T HAVE NO KIDS YET.

5 Q YOU ARE JUST MARRIED. WHERE DOES YOUR WIFE
6 WORK, PLEASE?

7 A SHE WORKS FOR TERMINIX CORPORATION.

8 Q ACCOUNTS RECEIVABLE MANAGER?

9 A YES, SIR.

10 Q YESTERDAY SOME OF THE JURORS INDICATED THAT THEY
11 MAY HAVE READ OR HEARD SOMETHING ABOUT THIS CASE.
12 WOULD YOU HAVE BEEN ONE OF THOSE WHO STOOD?

13 A NO, SIR.

14 Q YOU DON'T KNOW ANYTHING ABOUT IT?

15 A VERY LITTLE.

16 Q HAVE YOU READ ANYTHING?

17 A NO, I VERY RARELY READ THE PAPER, SIR, OR VERY
18 RARELY LOOK AT T.V.

19 Q REALLY? WHAT DO YOU DO WITH YOUR LEISURE TIME?

20 A I HUNT AND FISH.

21 Q HUNT AND FISH?

22 A YES, SIR.

23 Q THAT'S NOT ALL BAD.

24 A OUT THERE YOU HAVE NO PHONES, NO PAGERS, NO T.V.

25 Q I UNDERSTAND. I JUST WANT TO MAKE SURE THAT

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 WHATEVER YOUR VERDICT WOULD BE IN THIS CASE WOULD BE
2 BASED ON THE TESTIMONY HEARD, SWORN TESTIMONY FROM
3 THE LIPS OF THE WITNESSES FROM THIS WITNESS STAND.

4 CAN YOU PROMISE ME THAT?

5 A YES, SIR. ONE THING I HAVE A PROBLEM WITH IS I
6 AM A LITTLE NERVOUS ABOUT MAKING A DECISION THAT BIG
7 IN MY LIFE.

8 Q WHAT DECISION ARE YOU TALKING ABOUT?

9 A EITHER THE DEATH PENALTY OR LIFE IN PRISON.

10 Q I CAN UNDERSTAND THAT. LET ME TALK TO YOU A
11 LITTLE BIT ABOUT THAT.

12 A YES, SIR.

13 Q YOU ARE NOT DIFFERENT FROM ANYBODY ELSE. MOST
14 PEOPLE IN THIS WORLD WILL NEVER BE FACED WITH THAT
15 DECISION.

16 A YES, SIR.

17 Q AND WE WOULD EXPECT SOME SOUL SEARCHING BY
18 ANYBODY, CERTAINLY BY ME AND I EXPECT YOU AND
19 EVERYBODY IN THIS COURTHOUSE WHEN CONFRONTED WITH IT.
20 FIRST LET ME SAY TO YOU THAT THIS DEFENDANT STANDS
21 PRESUMED INNOCENT.

22 A YES, SIR.

23 Q HE DOESN'T HAVE TO PROVE A THING.

24 A YES, SIR.

25 Q HE STANDS INDICTED FOR MURDER, AN AWESOME

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 CHARGE, TO WHICH CHARGE HE HAS PLED NOT GUILTY.

2 A YES, SIR.

3 Q THE STATE OF SOUTH CAROLINA HAS TO PROVE HIM
4 GUILTY, IF THEY CAN, BY EVIDENCE TO YOUR SATISFACTION
5 BEYOND A REASONABLE DOUBT.

6 A YES, SIR.

7 Q IF THEY DON'T DO THAT, HE IS ENTITLED TO A
8 VERDICT OF NOT GUILTY AND TO WALK OUT OF THIS
9 COURTROOM. DO YOU UNDERSTAND THAT?

10 A YES, SIR.

11 Q CAN YOU DO THAT IF THEY DON'T FIND HIM GUILTY?

12 A LIKE I SAY, IT WILL BE VERY HARD.

13 Q I AM TALKING ABOUT THE FIRST PHASE NOW. LET'S
14 TALK ABOUT THE GUILT OR INNOCENCE. I AM ASKING YOU
15 THIS. IF THEY CAN'T PROVE HIM GUILTY, ARE YOU
16 WILLING TO FIND HIM NOT GUILTY?

17 A YES, SIR.

18 Q SIR?

19 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
20 RESPONSE.)

21 Q YOU UNDERSTAND HE IS PRESUMED INNOCENT?

22 A YES, SIR, PRESUMED INNOCENT.

23 Q SO UNDER THE FIRST PHASE THE ONLY QUESTION FOR
24 YOU IS: IS HE GUILTY OR NOT? IF YOU FIND HIM NOT
25 GUILTY, HE WALKS OUT THE DOOR.

-JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q NOW, IF HE IS FOUND GUILTY, WE THEN GO TO THE
3 SECOND PHASE, WHICH IS THE PENALTY STAGE. IN THE
4 PENALTY STAGE THE QUESTION FOR THE JURY IS THIS: WE
5 THE JURY HAVE FOUND HIM GUILTY OF MURDER. WHAT SHALL
6 THE PUNISHMENT BE?

7 THERE ARE TWO CHOICES AND THE JURY WILL
8 DETERMINE IT, NOT ME. THE JURY MAY IF THEY CHOOSE
9 GIVE HIM LIFE IMPRISONMENT FOR ANY REASON BASED ON
10 AGGRAVATING CIRCUMSTANCES OR FOR ANY REASON AT ALL,
11 SIMPLY AS AN ACT OF MERCY. DO YOU UNDERSTAND?

12 A YES, SIR.

13 Q THAT JURY IF THEY FIND AGGRAVATING CIRCUMSTANCES
14 MAY ALSO IMPOSE A SENTENCE OF DEATH, WHICH IN THIS
15 STATE IS BY ELECTROCUTION OR LETHAL INJECTION. IT'S
16 FOR THE JURY TO DETERMINE BASED ON THE FACTS IN THE
17 CASE. DO YOU FOLLOW ME SO FAR?

18 A YES, SIR.

19 Q NOW, JURORS WHEN CONFRONTED WITH THIS AWESOME
20 ISSUE, AND IT IS, FALL INTO THREE GROUPS. THERE ARE
21 NO RIGHT OR WRONG ANSWERS. IT'S OUR HEARTFELT
22 OPINIONS. I MAY OR MAY NOT BE IN THE SAME GROUP THAT
23 YOU ARE IN. THE FIRST GROUP SAYS WE HAVE FOUND HIM
24 GUILTY OF MURDER AND I WILL ALWAYS BE FOR THE PENALTY
25 OF DEATH, PERIOD.

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 THERE IS A SECOND GROUP WHO SAY EVEN THOUGH WE
2 FIND HIM GUILTY OF MURDER, I CAN NEVER TAKE THE LIFE
3 OF ANOTHER HUMAN BEING. THAT MAY BE FOR PERSONAL
4 REASONS OR RELIGIOUS BELIEFS, WHATEVER, BUT IT'S AN
5 APPROPRIATE POSITION.

6 A YES, SIR.

7 Q AND THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
8 FOUND HIM GUILTY OF MURDER, I AM NOW GOING TO LISTEN
9 TO SOME ADDITIONAL FACTS. I AM GOING TO CONSIDER
10 AGGRAVATING CIRCUMSTANCES WHICH WOULD TEND TO MAKE
11 THE CRIME WORSE OR MORE HEINOUS. I AM ALSO GOING TO
12 CONSIDER MITIGATING CIRCUMSTANCES WHICH MIGHT TEND TO
13 LESSEN THE ENORMITY OF THE CRIME.

14 THAT JUROR SAYS AFTER CONSIDERING ALL THE
15 TESTIMONY AND THESE ISSUES, I CAN GIVE LIFE
16 IMPRISONMENT OR IF I THINK IT APPROPRIATE, I CAN GIVE
17 THE PENALTY OF DEATH.

18 NOW LET ME ASK YOU THIS. YOU TELL ME. THE
19 FIRST GROUP SAYS I WILL ALWAYS BE FOR THE DEATH
20 PENALTY. THE SECOND GROUP SAYS I CAN'T DO THAT,
21 NEVER. THE THIRD GROUP SAYS IT WILL DEPEND ON WHAT I
22 LEARN ABOUT THE FACTS. WOULD YOU BE FIRST, SECOND OR
23 THIRD?

24 A HOW ABOUT IF I SAID NONE?

25 Q SIR?

JEREMIAH GATES -VOIR DIRE- BY THE COURT

1 A HOW ABOUT IF I SAID NONE?

2 Q SAID WHAT?

3 A NONE.

4 Q WHAT DO YOU MEAN NONE? ARE YOU FIRST, SECOND OR
5 THIRD?

6 A SECOND.

7 Q SECOND. THE SECOND IS A JUROR WHO SAYS FOR
8 WHATEVER REASON SATISFACTORY TO THEM, THEY COULD NOT
9 IMPOSE THE DEATH PENALTY...

10 A YES, SIR.

11 Q IS THAT YOUR VIEW?

12 A YES, SIR.

13 Q LET ME ASK YOU THIS. PLEASE UNDERSTAND THAT
14 NOBODY IS INVADING YOUR PRIVACY.

15 A YES, SIR.

16 Q PLEASE UNDERSTAND THAT. IS THIS A VIEW THAT YOU
17 HAVE HELD FOR A LONG TIME OR IS IT ONE THAT YOU HAVE
18 COME TO UNDERSTAND RECENTLY OR WHAT?

19 A I WAS RAISED WHERE I ALWAYS BELIEVE THAT GOD WAS
20 THE ONLY ONE THAT COULD TAKE SOMEBODY'S LIFE.

21 Q I UNDERSTAND.

22 A THAT'S ALL IT HAS BEEN.

23 Q LET ME TELL YOU. I CERTAINLY RESPECT THAT
24 OPINION.

25 A THANK YOU, SIR.

1 THE COURT: YOU MAY EXAMINE.

2 SOLICITOR BAILEY: YOUR HONOR, INDULGE ME A
3 SECOND.

4 THE COURT: YES, SIR.

5 (ATTORNEYS CONFER.)

6 SOLICITOR BAILEY: NO QUESTIONS, YOUR
7 HONOR.

8 THE COURT: THE STATE SAYS NO QUESTION. I
9 TENDER THE WITNESS TO THE DEFENSE. ANY QUESTIONS?

10 MR. STONE: NO QUESTIONS.

11 THE COURT: PLEASE STEP OUTSIDE.

12 (THE JUROR LEAVES THE COURTROOM.)

13 THE COURT: YES, SIR.

14 SOLICITOR BAILEY: NOT QUALIFIED.

15 MR. STONE: WE AGREE, YOUR HONOR.

16 THE COURT: THANK YOU, GENTLEMEN. NO NEED
17 TO BEAT THAT ONE TO DEATH.

18 (THE JUROR RETURNS TO THE COURTROOM.)

19 THE COURT: MR. JUROR, THE ATTORNEYS FOR
20 THE STATE AND THE DEFENSE AND I AS PRESIDING JUDGE
21 THANK YOU FOR YOUR HEARTFELT OPINIONS WITH REGARD TO
22 THIS MATTER. WE APOLOGIZE FOR HAVING TO INTRUDE ON
23 YOUR PRIVACY WITH REGARD TO THIS AWESOME ISSUE.

24 JUROR: IT'S ALL RIGHT, SIR.

25 THE COURT: I THANK YOU FOR YOUR CANDID

DEBRA SANFORD -VOIR DIRE- BY THE COURT

1 REPLY. BE ASSURED THAT ALL OF US HAVE DIFFERENT
2 VIEWS AND ALL THE ANSWERS ARE ABSOLUTELY RIGHT.

3 JUROR: YES, SIR.

4 THE COURT: I AM IN A POSITION HOWEVER TO
5 EXCUSE YOU FROM FURTHER PARTICIPATION. YOU WILL NOT
6 NOW HAVE TO RETURN.

7 JUROR: THANK YOU, SIR.

8 THE COURT: THANK YOU SO MUCH.

9 (THE JUROR LEAVES THE COURTROOM.)

10 THE COURT: I LOOKED AT THIS RETURN AND I
11 NEARLY EXCUSED THIS JUROR. I AM INCLINED TO THINK I
12 REALLY SHOULD DO IT NOW BASED ON THE FACT THAT WE
13 OBVIOUSLY WILL HAVE ENOUGH JURORS. WHAT DO YOU
14 THINK? SHE IS ONE THAT --

15 MR. STONE: THE PETTING ZOO LADY?

16 THE COURT: NO, THIS IS NOT THE ONE. SHE
17 HAS GOT A DAUGHTER STARTING COLLEGE IN AUGUST. I
18 WILL MAKE THAT INQUIRY FIRST. BRING HER OUT, PLEASE.

19 DEBRA SANFORD, (WHITE
20 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 Q GOOD MORNING, MRS. SANFORD.

25 A GOOD MORNING.

DEBRA SANFORD -VOIR DIRE- BY THE COURT

1 Q MRS. SANFORD, IN YOUR RETURN I NOTE THAT YOU ARE
2 THE OWNER OF A GIFT SHOP AND IT'S GOING TO BE SOME
3 BURDEN TO YOU. YOUR DAUGHTER IS GETTING READY TO
4 START COLLEGE IN CHARLESTON. WE UNDERSTAND THAT IT'S
5 SOME BURDEN. UNDER OUR SYSTEM EVERYBODY HAS TO
6 SERVE: TRUCK DRIVERS, LAWYERS, STOCKBROKERS,
7 ENGINEERS. HAVE YOU RESOLVED YOUR SITUATION?

8 A I HAVE.

9 Q WHERE IF SELECTED YOU CAN SERVE?

10 A YES, SIR.

11 Q WE WOULD NOT -- NO ONE WOULD WANT TO UNDULY
12 BURDEN YOU, BUT YOU THINK YOU HAVE GOT THAT RESOLVED?

13 A YES, SIR.

14 Q THAT'S WONDERFUL. YESTERDAY SOME OF THE JURORS
15 INDICATED THAT THEY MAY HAVE READ OR HEARD SOMETHING
16 ABOUT THIS CASE. WOULD YOU HAVE BEEN ONE OF THOSE?

17 A NO, SIR.

18 Q YOU HAVE NOT READ OR --

19 A I READ IN JANUARY AND SAW THE COVERAGE; BUT
20 OTHER THAN THAT, I WAS IN CHARLESTON.

21 Q YOU HAVE NOT DISCUSSED IT?

22 A NO.

23 Q LET ME ASK YOU THIS. IF YOU WERE SELECTED ON
24 THE JURY, CAN YOU PROMISE ME THAT YOUR VERDICT,
25 WHATEVER IT IS, WOULD BE BASED ON THE LAW AND

DEBRA SANFORD -VOIR DIRE- BY SOL. BAILEY

1 EVIDENCE HEARD IN THIS COURTROOM? I WANT YOU TO
2 DISMISS WHAT YOU MAY HAVE READ OR HEARD. CAN YOU
3 PROMISE ME THAT?

4 A YES, SIR.

5 Q A MOMENT AGO I LEFT A DOCUMENT IN THERE WITH YOU
6 THAT GIVES THREE TYPES OF JURORS. DID YOU READ THAT?

7 A I DID.

8 Q YOU WOULD UNDERSTAND THAT THERE IS A TWO-PHASE
9 TRIAL. THE FIRST IS THE GUILT OR INNOCENCE. IF HE
10 IS FOUND NOT GUILTY, WE STOP THERE. IF -- AND I USE
11 THAT WORD ADVISEDLY -- IF WE GO TO THE SECOND PHASE,
12 THEN THE QUESTION AND THE ONLY QUESTION FOR THE JURY
13 IS SHALL THE SENTENCE BE LIFE IMPRISONMENT OR DEATH.
14 WHEN CONFRONTED WITH THIS ISSUE, THERE ARE THREE
15 GROUPS. WOULD YOU BE THE FIRST, SECOND OR THIRD?

16 A I WOULD BE THE THIRD.

17 Q YOU WOULD BE THE THIRD?

18 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
19 RESPONSE.)

20 Q THANK YOU, MA'AM.

21 THE COURT: SOLICITOR, YOU MAY EXAMINE.

22 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

23 VOIR DIRE EXAMINATION

24 BY SOLICITOR BAILEY:

25 Q MRS. SANFORD, I'M WALTER BAILEY. I WANT TO ASK

DEBRA SANFORD -VOIR DIRE- BY SOL. BAILEY

1 YOU JUST A FEW MORE QUESTIONS. YOU UNDERSTAND FROM
 2 WHAT JUDGE COTTINGHAM HAS INSTRUCTED YOU JUST NOW AND
 3 ALSO YESTERDAY, THAT THE JUDGE DOES NOT MAKE THE
 4 DECISION IN SOUTH CAROLINA ON THE PENALTY. IF WE GET
 5 TO THAT STAGE, THE JURY MAKES THAT DECISION.

6 WHATEVER THE JURY'S DECISION IS WILL BE CARRIED OUT.

7 SO IF THE JURY AFTER HEARING THE FACTS AND THE
 8 LAW FROM THE JUDGE VOTES FOR THE DEATH PENALTY, JUDGE
 9 COTTINGHAM WILL SENTENCE THAT PERSON TO THE DEATH
 10 SENTENCE AND THAT SENTENCE WILL BE CARRIED OUT. IF
 11 THEY VOTE FOR LIFE, HE WILL SENTENCE THAT PERSON TO
 12 LIFE WITHOUT PAROLE.

13 I AM NOT ASKING YOU TO PREDICT WHAT YOU WOULD DO
 14 IN THIS CASE IF YOU WERE ON THE JURY BECAUSE YOU
 15 HAVEN'T HEARD ANY OF THE FACTS. MY QUESTION IS IF
 16 THE FACTS WERE BAD ENOUGH, CAN YOU VOTE FOR THE DEATH
 17 PENALTY KNOWING THAT SENTENCE WILL BE CARRIED OUT?

18 A IF THEY WERE BAD ENOUGH, I COULD.

19 Q AND COULD YOU THEN IF THE OTHER 11 JURORS FELT
 20 THE SAME WAY YOU DID AND THEY UNANIMOUSLY VOTED FOR
 21 THE DEATH PENALTY, COULD YOU SIGN YOUR NAME TO A
 22 DEATH VERDICT FORM THAT WOULD RESULT IN AN EXECUTION
 23 TAKING PLACE?

24 A I COULD.

25 Q COULD YOU ANNOUNCE, WHEN YOUR NAME IS CALLED IN

DEBRA SANFORD -VOIR DIRE- BY MR. SIMS

1 OPEN COURT, ANNOUNCE THAT AS BEING YOUR VERDICT IF IT
2 WAS?

3 A YES.

4 Q I WILL GO BACK AGAIN TO THE ANSWER IN YOUR
5 QUESTIONNAIRE ABOUT YOUR WORK PROBLEMS. YOU HAVE
6 TOLD THE JUDGE THAT YOU THINK THOSE ARE RESOLVED; IS
7 THAT CORRECT?

8 A THEY ARE.

9 Q SO IF YOU WERE SEQUESTERED IN A MOTEL FOR
10 ROUGHLY FOUR OR FIVE DAYS, THAT WOULDN'T CAUSE YOU
11 ANY UNDUE HARDSHIP?

12 A NO, IT WOULD NOT.

13 Q THANK YOU, VERY MUCH. THAT'S ALL I HAVE.

14 VOIR DIRE EXAMINATION

15 BY MR. SIMS:

16 Q MRS. SANFORD, I'M THOMAS SIMS. I REPRESENT
17 BAYAN. LET ME ASK YOU A QUESTION. YOU INDICATED
18 THAT THERE HAD BEEN SOME NEWS ARTICLES THAT YOU HAD
19 READ AND T.V. COVERAGE; IS THAT CORRECT?

20 A THAT IS CORRECT.

21 Q AND I BELIEVE YOU INDICATED THAT WAS BACK IN
22 JANUARY. YOU HAVE NOT HEARD OR READ ANY ARTICLES
23 SINCE THAT TIME, HAVE YOU?

24 A I HAVE NOT.

25 Q AND LET ME ASK YOU. DID YOU FORMULATE ANY

DEBRA SANFORD -VOIR DIRE- BY MR. SIMS

1 OPINION AT THAT TIME?

2 A NO, I HAVE NOT.

3 Q AND YOU HAVE NOT READ ANY OTHER COVERAGE OR SEEN
4 ANY OTHER COVERAGE SINCE THAT TIME; IS THAT CORRECT?

5 A I HAVE NOT.

6 Q DO YOU BELIEVE THAT FOREIGN NATIONALS SHOULD
7 RECEIVE THE SAME KIND OF TREATMENT IN THIS COUNTRY AS
8 AMERICAN CITIZENS?

9 A SURE, I DO.

10 Q AND DO YOU BELIEVE THAT WOMEN SHOULD BE HELD TO
11 THE SAME STANDARD AS MEN?

12 A EXACTLY, I DO.

13 Q DO YOU OWN A CAR?

14 A I DO.

15 Q DO YOU HAVE ANY BUMPER STICKERS ON IT?

16 A NO.

17 Q THANK YOU.

18 MR. SIMS: THAT'S ALL.

19 THE COURT: STEP OUTSIDE.

20 (THE JUROR LEAVES THE COURTROOM.)

21 SOLICITOR BAILEY: QUALIFIED.

22 THE COURT: FOR THE DEFENSE?

23 MR. SIMS: QUALIFIED, YOUR HONOR.

24 (THE JUROR RETURNS TO THE COURTROOM.)

25 THE COURT: MRS. SANFORD, YOU HAVE BEEN

1 FOUND QUALIFIED AS ONE OF THE 35 BY BOTH THE STATE
2 AND THE DEFENDANT. AT 9:30 THURSDAY MORNING FROM
3 YOUR NUMBER WE ARE GOING TO SELECT 12 JURORS AND TWO
4 ALTERNATES.

5 SO IT IS THAT I RESPECTFULLY REQUEST THAT
6 YOU REPORT BACK HERE AT 9:30 THURSDAY MORNING,
7 BRINGING WITH YOU SUCH PERSONAL EFFECTS AS YOU WOULD
8 REQUIRE IN THE EVENT YOU ARE ONE OF THE 14. ANY
9 QUESTIONS ABOUT THAT?

10 JUROR: NO.

11 THE COURT: PLEASE BE BACK AT 9:30
12 THURSDAY. THANK YOU.

13 (THE JUROR LEAVES THE COURTROOM.)

14 THE COURT: BEFORE YOU BRING HER OUT, ON
15 THIS NEXT ONE, BONNIE ZEIGLER, I NOTE THAT SHE SAYS,
16 "I TEACH MUSIC TO SIX AND SEVENTH GRADE AND DIRECT A
17 HIGH SCHOOL CHORUS." IS THE NEW LAW REGARDING EXCUSE
18 OF TEACHERS MANDATORY OR IS IT ONE THEY HAVE TO TAKE
19 FOR THEMSELVES?

20 MR. STONE: I WILL BE HONEST. I DON'T KNOW
21 RIGHT OFF THE TOP OF MY HEAD.

22 SOLICITOR BAILEY: I THINK IT'S THEIR
23 OPTION, JUDGE.

24 THE COURT: MY VIEW IS IT IS OPTIONAL.

25 MR. SIMS: YES, SIR.

BONNIE ZEIGLER -VOIR DIRE- BY THE COURT

1 THE COURT: SHE MAY BE A MUSIC TEACHER NOT
2 IN THE SCHOOL SYSTEM. I THINK MAYBE WE NEED TO
3 EXPLORE THAT.

4 MR. STONE: YES, SIR.

5 (THE JUROR ENTERS THE COURTROOM.)

6 BONNIE ZEIGLER, (WHITE
7 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
8 FOLLOWS:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 Q MRS. BONNIE ZEIGLER, GOOD MORNING.

12 A GOOD MORNING.

13 Q MRS. ZEIGLER, IN YOUR RETURN I NOTE THAT YOU HAD
14 TWO YEARS AT ANDERSON JUNIOR COLLEGE AND YOU TEACH
15 MUSIC TO SIX AND SEVENTH GRADERS; IS THAT CORRECT?

16 ARE YOU A TEACHER THERE OR YOU JUST DO IT SEPARATELY?

17 A I AM A TEACHER THERE.

18 Q ARE YOU CURRENTLY TEACHING MUSIC OR IS IT TOO
19 EARLY IN THE SEASON?

20 A I AM CURRENTLY TEACHING.

21 Q DOES THAT POSE YOU ANY PROBLEM NOW IF YOU ARE
22 SELECTED ON THIS JURY?

23 A NO, SIR.

24 Q YOU ARE WILLING TO SERVE?

25 A YES, SIR.

BONNIE ZEIGLER -VOIR DIRE- BY THE COURT

1 Q NOW, YOU ALSO ARE THE MUSIC DIRECTOR FOR THE
2 CAMERON BAPTIST CHURCH?

3 A YES, SIR.

4 Q THAT CAMERON BAPTIST CHURCH, I ASSUME, IS IN
5 CAMERON?

6 A YES, SIR.

7 Q OKAY. SEVERAL JURORS YESTERDAY INDICATED THAT
8 THEY MAY HAVE READ OR HEARD SOMETHING ABOUT THIS
9 CASE. WOULD YOU HAVE BEEN ONE THAT MAY HAVE READ OR
10 HEARD SOMETHING ABOUT IT?

11 A YES, SIR, IN THE NEWSPAPER.

12 Q DID YOU SEE ANYTHING ON T.V.?

13 A NO, SIR.

14 Q LET ME ASK YOU THIS. UNDER OUR SYSTEM OF
15 JURISPRUDENCE, AN INDIVIDUAL'S VERDICT, JURY'S
16 INDIVIDUAL VERDICT OF EITHER NOT GUILTY OR GUILTY,
17 MUST BE BASED ON THE LAW AND THE SWORN TESTIMONY
18 HEARD IN THIS COURTROOM IN THE TRIAL AND NOT WHAT YOU
19 MAY HAVE READ OR HEARD. DO YOU UNDERSTAND THAT?

20 A YES, SIR.

21 Q IF YOU WERE SELECTED AS A JUROR, CAN YOU PROMISE
22 ME THAT YOUR VERDICT, WHATEVER IT IS, IS BASED ON
23 TESTIMONY IN THIS COURTROOM?

24 A YES, SIR.

25 Q I WOULD NOT WANT ANY VERDICT AND IT WOULD BE

BONNIE ZEIGLER -VOIR DIRE- BY THE COURT

1 IMPROPER FOR ANY VERDICT TO BE BASED ON SOME
2 INFORMATION THEY MAY HAVE HEARD OR READ IN THE
3 NEWSPAPER. DO YOU UNDERSTAND THAT?

4 A YES, SIR.

5 Q DID YOU HAVE AN OPPORTUNITY TO READ THE DOCUMENT
6 ABOUT THE THREE TYPES OF JURORS?

7 A YES, SIR.

8 Q DO YOU UNDERSTAND THAT WE WOULDN'T EVEN GET TO
9 THAT DECISION IF IN THE FIRST PHASE HE WAS FOUND NOT
10 GUILTY? YOU UNDERSTAND THAT?

11 A YES, SIR.

12 Q IF HOWEVER HE IS FOUND GUILTY, THEN THE JURY IS
13 CONFRONTED WITH THE QUESTION OF PUNISHMENT. THERE'S
14 ONLY TWO CHOICES. ONE IS LIFE IMPRISONMENT. THE
15 OTHER IS DEATH BY LETHAL INJECTION OR ELECTROCUTION.
16 JURORS FALL INTO THREE GROUPS. THERE ARE NO RIGHT OR
17 WRONG ANSWERS. ALL OF THEM ARE RIGHT. IT'S JUST OUR
18 HEARTFELT OPINIONS. WOULD YOU BE GROUP ONE, TWO OR
19 THREE?

20 A THREE.

21 Q WHAT IS YOUR VIEW OF THE THIRD GROUP, PLEASE,
22 MA'AM?

23 A THAT I WOULD DECIDE IF HE WAS GUILTY IF HE WOULD
24 HAVE THE DEATH SENTENCE OR LIFE IMPRISONMENT.

25 Q YOU ARE SAYING THAT YOU ARE WILLING TO LISTEN TO

BONNIE ZEIBLER -VOIR DIRE- BY SOL. BAILEY

1 THE AGGRAVATING CIRCUMSTANCES AND MITIGATING
2 CIRCUMSTANCES AND THAT YOU COULD DO EITHER ONE
3 DEPENDING ON ALL OF THE TESTIMONY AND FACTS?

4 A YES, SIR.

5 Q THANK YOU SO MUCH.

6 VOIR DIRE EXAMINATION

7 BY SOLICITOR BAILEY:

8 Q MRS. ZEIGLER, I'M WALTER BAILEY. I HAVE JUST A
9 COUPLE OF QUESTIONS JUST TO FOLLOW UP ON JUDGE
10 COTTINGHAM'S QUESTIONS. YOU UNDERSTAND IN SOUTH
11 CAROLINA, UNLIKE MAYBE SOME OTHER STATES, THE JURY
12 AND NOT THE JUDGE MAKES THE DECISION OF PENALTY?

13 A YES, SIR.

14 Q WHATEVER THAT JURY DECIDES THE SENTENCE OUGHT TO
15 BE WILL BE THE SENTENCE OF THE COURT. IN OTHER
16 WORDS, IF THE JURY VOTES FOR LIFE IMPRISONMENT, JUDGE
17 COTTINGHAM WILL SENTENCE THAT PERSON TO LIFE WITHOUT
18 PAROLE AND THEY WILL SERVE THAT SENTENCE. IF THE
19 JURY UNANIMOUSLY VOTES FOR THE DEATH PENALTY, THAT
20 PERSON WILL BE EXECUTED.

21 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
22 RESPONSE.)

23 Q I WILL NOT ASK YOU TO PREDICT WHAT YOU WOULD DO
24 IN THIS CASE BECAUSE YOU HAVEN'T HEARD THE FACTS AND
25 YOU HAVE INDICATED YOU WOULD WANT TO HEAR THOSE FACTS

BONNIE ZEIBLER -VOIR DIRE- BY SOL. BAILEY

1 BEFORE YOU MAKE A DECISION. MY QUESTION IS IF THE
2 FACTS WERE BAD ENOUGH, COULD YOU VOTE FOR THE DEATH
3 PENALTY KNOWING THAT SENTENCE IS ACTUALLY GOING TO BE
4 CARRIED OUT?

5 A YES, I COULD.

6 Q IF THE OTHER 11 JURORS VOTED THE SAME WAY YOU
7 DID AND THERE WAS A UNANIMOUS VOTE FOR THE DEATH
8 PENALTY, COULD YOU SIGN YOUR NAME ALONG WITH THE
9 OTHER JURORS ON A DEATH VERDICT FORM THAT WOULD
10 RESULT IN THAT EXECUTION TAKING PLACE?

11 A YES, I COULD.

12 Q THE NEXT THING IN THAT SEQUENCE WOULD BE THAT
13 EACH JUROR WOULD BE CALLED UPON TO STAND AND ANNOUNCE
14 THAT DECISION TO AFFIRM THEIR DECISION IN OPEN COURT.
15 COULD YOU DO THAT?

16 A YES, I COULD.

17 Q THE JURY WILL BE KEPT IN A MOTEL FOR PROBABLY
18 FOUR OR FIVE DAYS AT NIGHT WHEN THIS TRIAL IS GOING
19 ON. WOULD THAT CAUSE YOU ANY UNDUE HARDSHIP OVER
20 AND ABOVE THE INCONVENIENCE IT WOULD CAUSE TO
21 ANYBODY?

22 A I DON'T THINK SO.

23 Q MRS. ZEIGLER, THAT'S ALL I HAVE. THANK VERY
24 MUCH.

25 THE COURT: YOU MAY EXAMINE, GENTLEMEN.

BONNIE ZEIGLER -VOIR DIRE- BY MR. SIMS

1 VOIR DIRE EXAMINATION.

2 BY MR. SIMS:

3 Q GOOD AFTERNOON, MRS. ZEIGLER. I'M THOMAS SIMS.
4 I REPRESENT BAYAN. LET ME ASK YOU. I BELIEVE YOU
5 INDICATED INITIALLY THAT YOU HAD READ THE ARTICLES OR
6 READ SOME ARTICLES. WHEN WAS THAT?

7 A WHEN IT FIRST CAME OUT IN THE PAPER. I READ THE
8 NEWSPAPER EVERY DAY, SORT OF SKIM IT. I DON'T READ
9 IT WORD FOR WORD.

10 Q DID YOU PAY MORE PARTICULAR ATTENTION TO THIS
11 PARTICULAR CASE OR JUST SKIMMED IT?

12 A YES, I DID BECAUSE IT WAS BIG HEADLINES.

13 Q AND DID YOU FORMULATE ANY OPINION AFTER READING
14 THAT?

15 A NO, NOT REALLY.

16 Q SO YOU HAVE NOT LOOKED AT ANY OF THE SUBSEQUENT
17 NEWS OR TELEVISION ARTICLES ABOUT THAT?

18 A WE HAVE SATELLITE T.V., SO WE DON'T GET LOCAL
19 NEWS.

20 Q LET ME ASK YOU. DO YOU FEEL THAT WOMEN SHOULD
21 BE HELD TO THE SAME STANDARD AS MEN?

22 A ABSOLUTELY.

23 Q AND JUST A COUPLE OF OTHER QUESTIONS. WHAT
24 ABOUT FOREIGN NATIONALS, DO YOU BELIEVE THEY SHOULD
25 RECEIVE THE SAME RIGHTS AS AMERICAN CITIZENS?

BONNIE ZEIGLER -VOIR DIRE- BY MR. SIMS

1 A YES.

2 Q DO YOU HAVE A CAR?

3 A YES, I DO.

4 Q DO YOU HAVE ANY BUMPER STICKERS ON IT?

5 A NO, YOUR HONOR.

6 Q YOU DON'T HAVE BUMPER STICKERS ON IT?

7 A NO, I DON'T.

8 Q THANK YOU.

9 THE COURT: ANY FURTHER INQUIRY FROM THE
10 STATE?

11 SOLICITOR BAILEY: NO, SIR.

12 THE COURT: HAVE HER STEP OUT JUST A
13 MINUTE.

14 (THE JUROR LEAVES THE COURTROOM.)

15 THE COURT: FOR THE STATE?

16 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

17 THE COURT: FOR THE DEFENSE?

18 MR. SIMS: QUALIFIED, YOUR HONOR.

19 (THE JUROR RETURNS TO THE COURTROOM.)

20 THE COURT: MADAME JUROR, WE ARE IN THE
21 PROCESS OF QUALIFYING 35 JURORS. BOTH THE STATE AND
22 THE DEFENSE HAVE FOUND YOU QUALIFIED TO SERVE IF
23 SELECTED.

24 SO I RESPECTFULLY REQUEST THAT YOU RETURN
25 TO THIS COURTROOM AT 9:30 THURSDAY MORNING, BRINGING

JAMES SCHRIMPF -VOIR DIRE- BY THE COURT

1 WITH YOU SUCH PERSONAL EFFECTS AS YOU WOULD REQUIRE
2 IN THE EVENT THAT YOU ARE ONE OF THE 14. DO YOU HAVE
3 ANY QUESTIONS?

4 JUROR: NO, SIR.

5 THE COURT: I LOOK FORWARD TO SEEING YOU AT
6 9:30 THURSDAY MORNING.

7 (THE JUROR LEAVES THE COURTROOM.)

8 (THE NEXT JUROR ENTERS THE COURTROOM.)

9 JAMES SCHRIMPF, (WHITE
10 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 Q GOOD AFTERNOON.

14 A GOOD AFTERNOON.

15 Q MAY I INQUIRE HOW DO YOU PRONOUNCE YOUR NAME,
16 SIR?

17 A SCHRIMPF.

18 Q MR. SCHRIMPF?

19 A YES, SIR.

20 Q MR. SCHRIMPF, I NOTE THAT YOU ARE A GRADUATE OF
21 CLEMSON UNIVERSITY?

22 A YES, SIR.

23 Q WE HAD A JUROR YESTERDAY WHO FIRST ATTENDED
24 CLEMSON AND THEN SAW THE ERROR OF HIS WAY AND WENT TO
25 THE UNIVERSITY OF SOUTH CAROLINA.

JAMES SCHRIMPF -VOIR DIRE- BY THE COURT

1 A I'M SORRY ABOUT THAT.

2 Q WE ARE DELIGHTED TO HAVE YOU HERE IN THIS
3 COURTROOM. MR. SCHRIMPF, YOU ARE EMPLOYED AS AN
4 AGENT IN THE INSURANCE INDUSTRY; IS THAT CORRECT?

5 A YES, SIR.

6 Q YESTERDAY UPON INQUIRY SOME OF THE POTENTIAL
7 JURORS INDICATED THEY MAY HAVE READ OR HEARD
8 SOMETHING ABOUT THIS CASE. WOULD YOU HAVE BEEN ONE
9 OF THOSE?

10 A I DISCUSSED IT. I GUESS EVERYONE READ ABOUT IT
11 BUT I HAVE DISCUSSED IT, YES, SIR.

12 Q LET ME ASK YOU THIS. UNDER OUR SYSTEM OF
13 JURISPRUDENCE, A JUROR WHO WOULD BE SWORN TO FIND THE
14 TRUTH IN THIS CASE MUST BASE THEIR VERDICT ON THE LAW
15 AND THE EVIDENCE HEARD IN THIS COURTROOM UNDER OATH.
16 DO YOU UNDERSTAND THAT?

17 A YES, SIR, I DO.

18 Q IF YOU WERE SELECTED AS A JUROR, CAN YOU PROMISE
19 ME THAT YOU WOULD PUT ASIDE ANY PRECONCEIVED NOTION
20 THAT YOU HAVE HELD BASED ON WHAT YOU READ OR HEARD
21 AND BASE YOUR VERDICT ON THE LAW AND EVIDENCE HEARD
22 IN THIS COURTROOM?

23 A YES, SIR, I COULD.

24 Q YOU UNDERSTAND THAT WE WOULD NOT WANT A VERDICT
25 BASED ON SOME TESTIMONY SOMEBODY HAD IN THE

JAMES SCHRIMPF -VOIR DIRE- BY THE COURT

1 NEWSPAPER?

2 A I UNDERSTAND.

3 Q I PUT A DOCUMENT IN THE JURY ROOM A MOMENT AGO
4 THAT YOU HAD AN OPPORTUNITY TO READ. THAT DOCUMENT
5 DEALS WITH THE SECOND PHASE OF THE CASE IF WE GET
6 THERE. WE MAY NOT GET THERE.

7 THERE'S TWO PHASES. THERE IS THE GUILT OR
8 INNOCENCE PHASE AND THEN THERE IS THE PENALTY PHASE
9 IF THE JURY IN THE FIRST PHASE FINDS HIM GUILTY. DO
10 YOU UNDERSTAND THAT?

11 A YES, SIR.

12 Q WOULD YOU BE IN THE FIRST, SECOND OR THIRD
13 GROUP? THERE ARE NO RIGHT OR WRONG ANSWERS.

14 A I WOULD PROBABLY BE IN THE GROUP THAT WAS FOR
15 CAPITAL PUNISHMENT REGARDLESS.

16 Q THERE IS A GROUP WHO SAY ONCE WE HAVE FOUND
17 SOMEONE GUILTY OF MURDER, I WOULD ALWAYS BE FOR THE
18 DEATH PENALTY.

19 A YES, SIR.

20 Q THERE IS A SECOND GROUP WHO YOU SAY EVEN THOUGH
21 WE FOUND HIM GUILTY OF MURDER, I COULD NEVER BE FOR
22 THE DEATH PENALTY. THERE IS A THIRD GROUP WHO SAY WE
23 FIND HIM GUILTY OF MURDER. I AM NOW GOING TO
24 CONSIDER ALL THE EVIDENCE, BOTH AGGRAVATING AND
25 MITIGATING. THEN I WILL DECIDE. WOULD YOU SAY YOU

JAMES SCHRIMPF -VOIR DIRE- BY THE COURT

1 ARE FIRST, SECOND OR THIRD?

2 A I'M SORRY, YOUR HONOR...

3 Q LET ME SAY THIS TO YOU.

4 A OKAY.

5 Q MOST PEOPLE IN OUR LIFETIME ARE NEVER CONFRONTED
6 WITH THIS SITUATION.

7 A YES, SIR.

8 Q IT'S AN AWESOME DECISION. I WOULD UNDERSTAND
9 YOUR HESITANCY, BUT AS I SAY THERE ARE NO RIGHT OR
10 WRONG ANSWERS. SOME JURORS SAY I AM JUST GOING TO
11 IMPOSE THE DEATH PENALTY IF MURDER IS COMMITTED.
12 SOME JURORS SAY I HAVE RELIGIOUS BELIEFS AND PERSONAL
13 BELIEFS AND I AM JUST NOT GOING TO TAKE THE LIFE OF
14 ANOTHER HUMAN BEING.

15 THERE IS THE THIRD GROUP WHO SAY I AM GOING TO
16 CONSIDER ALL THE FACTS FOR THE DEATH PENALTY, I AM
17 CONSIDER TO ALL THE FACTS AGAINST THE DEATH PENALTY
18 AND THEN I AM GOING TO DECIDE WHAT I THINK IS
19 APPROPRIATE. I COULD DO EITHER ONE DEPENDING ON
20 WHAT I FEEL IS APPROPRIATE. DO YOU UNDERSTAND
21 THAT?

22 A YES, SIR.

23 THE COURT: I WILL LET YOU EXAMINE ON THIS
24 ISSUE.

25 SOLICITOR BAILEY: YES, SIR.

JAMES SCHRIMPF -VOIR DIRE- BY SOL. BAILEY.

1 VOIR DIRE EXAMINATION

2 BY SOLICITOR BAILEY:

3 Q MR. SCHRIMPF, I'M WALTER BAILEY. I WANT TO ASK
4 YOU A FEW QUESTIONS. FIRST OF ALL, I WANT TO ASK YOU
5 ABOUT THE GUILT PHASE AND THEN I WILL ASK YOU ABOUT
6 THE PENALTY PHASE.

7 THE GUILT PHASE IN A CASE LIKE THIS IS LIKE ANY
8 OTHER CRIMINAL TRIAL WHERE THE ONLY ISSUE IS WHETHER
9 OR NOT THE STATE CAN PROVE THE DEFENDANT GUILTY
10 BEYOND A REASONABLE DOUBT. THE STATE HAS THE BURDEN
11 OF PROOF IN THAT CASE.

12 IF YOU WERE SITTING AS A JUROR IN THE GUILT
13 PHASE, WOULD YOU GO INTO THAT CASE WITH AN OPEN MIND
14 AND LISTEN TO ALL THE TESTIMONY AND LISTEN TO WHAT
15 THE JUDGE TOLD YOU THE LAW WAS BEFORE YOU DECIDED
16 WHETHER OR NOT THAT DEFENDANT HAD BEEN PROVEN GUILTY
17 OF MURDER?

18 A YES, SIR.

19 Q AND IN THE CASE WHERE THE STATE IS SEEKING THE
20 DEATH PENALTY, WE THEN GO INTO THE SECOND PHASE,
21 ASSUMING THE PERSON IS FOUND GUILTY IN THE FIRST
22 PHASE. WE WOULD NEVER BE IN THAT PENALTY PHASE
23 UNLESS WE ARE DEALING WITH A CONVICTED MURDERER FROM
24 THE FIRST PHASE.

25 IF YOU WERE ON A JURY IN A CAPITAL CASE AND YOU

JAMES SCHRIMPF -VOIR DIRE- BY SOL. BAILEY

1 MAKE IT THROUGH THE FIRST STAGE AND THE PERSON IS
2 FOUND GUILTY BEYOND A REASONABLE DOUBT OF MURDER,
3 WOULD YOU ENTER THAT SECOND PHASE WITH YOUR MIND MADE
4 UP THAT NO MATTER WHAT I HEAR IN THIS CASE, I WILL
5 BRING BACK A DEATH PENALTY BECAUSE THIS PERSON IS A
6 MURDERER?

7 OR WOULD YOU CONTINUE TO LISTEN TO THE TESTIMONY
8 AND THEN LISTEN TO WHAT THE JUDGE TOLD YOU THE LAW
9 WAS THAT APPLIED TO THAT PENALTY PHASE BEFORE YOU
10 MADE UP YOUR MIND? WHICH ONE WOULD YOU DO?

11 A IF THE LAW REQUIRED THE DEATH PENALTY AND THE
12 PERSON WAS FOUND GUILTY AND WAS WITHIN HER OR HIS
13 FACILITIES, NOT NECESSARILY MAYBE PREMEDITATED, BUT
14 KNEW WHAT THEY WERE DOING, THEN I WOULD BE FOR THE
15 DEATH PENALTY.

16 Q IN EVERY CASE?

17 A YES, SIR.

18 Q THANK YOU, SIR. THAT'S ALL I HAVE.

19 MR. STONE: NO QUESTIONS, YOUR HONOR.

20 (THE JUROR LEAVES THE COURTROOM.)

21 THE COURT: WHAT SAYS THE STATE?

22 SOLICITOR BAILEY: THERE WENT MY FOREMAN,
23 JUDGE.

24 MR. STONE: HE IS NOT QUALIFIED.

25 THE COURT: YES, SIR.

ROBERT GOODWIN -VOIR DIRE- BY THE COURT

1 (THE JUROR RETURNS TO THE COURTROOM.)

2 THE COURT: MR. SCHRIMPF, WE DEEPLY
3 APPRECIATE YOUR PRESENCE HERE TODAY. I APOLOGIZE FOR
4 THE INCONVENIENCE. I AM IN A POSITION NOW TO EXCUSE
5 YOU FOR THE REST OF THE WEEK. THANK YOU SO MUCH.

6 JUROR: YES, SIR.

7 (THE JUROR LEAVES THE COURTROOM.)

8 THE COURT: MADAME REPORTER, DO YOU WANT TO
9 TAKE A BREAK?

10 COURT REPORTER: YES, SIR, PLEASE.

11 THE COURT: LET'S TAKE A VERY SHORT BREAK
12 NOW. THERE ARE NO POLITICIANS HERE NOW.

13 (WHEREUPON THERE WAS A RECESS.)

14 THE COURT: ALL RIGHT. BRING OUR NEXT
15 JUROR, PLEASE.

16 (THE JUROR ENTERS THE COURTROOM.)

17 ROBERT GOODWIN, (BLACK
18 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q MR. GOODWIN, GOOD MORNING.

22 A GOOD MORNING.

23 Q WE WOULD LIKE TO ASK YOU SOME QUESTIONS IF WE
24 MAY, PLEASE. I NOTE FROM YOUR RETURN THAT YOU ARE 56
25 YEARS OF AGE?

ROBERT GOODWIN -VOIR DIRE- BY THE COURT

1 A THAT'S RIGHT.

2 Q YOU FINISHED ROBERTS HIGH SCHOOL?

3 A AS FAR AS THE NINTH GRADE.

4 Q SIR?

5 A NINTH GRADE.

6 Q LET ME ASK YOU. I HATE TO IMPOSE ON YOUR
7 PRIVACY BUT I NEED TO DO THIS. DO YOU READ AND
8 WRITE?

9 A YES, I CAN.

10 Q SIR?

11 A YES, SIR.

12 Q YOU DO READ AND WRITE. DO YOU READ THE MORNING
13 PAPER AND SO FORTH?

14 A NO, I DON'T READ THE PAPER.

15 Q WHY IS THAT?

16 A SIR?

17 Q WHY IS IT YOU DON'T READ THE PAPER?

18 A I JUST DON'T.

19 Q BUT YOU COULD READ IT?

20 A YES.

21 Q LET ME ASK YOU THIS. WHERE DO YOU WORK?

22 A RIGHT NOW I'M WORKING FOR MORGAN CHAPMAN.

23 Q DOING WHAT?

24 A FARMING.

25 Q HAVE YOU ALWAYS WORKED AS A FARMER?

ROBERT GOODWIN -VOIR DIRE- BY THE COURT

1 A NO, SIR, I WORK AS A TRUCK DRIVER ONCE.

2 Q WORKED WHERE?

3 A TRUCK DRIVING.

4 Q WHO DID YOU WORK TRUCK DRIVING FOR?

5 A T. J. WILLIAMS.

6 Q WHERE DID YOU DRIVE THAT TRUCK?

7 A CHARLESTON, FLORIDA.

8 Q YOU HAVE A TRUCK DRIVER'S LICENSE?

9 A YES, SIR.

10 Q YESTERDAY I ASKED SEVERAL JURORS HAD THEY READ
11 OR HEARD ANYTHING ABOUT THIS CASE. WERE YOU ONE OF
12 THOSE WHO MAY HAVE STOOD UP AND SAID YOU READ OR
13 HEARD SOMETHING ABOUT IT?

14 A NO, SIR.

15 Q YOU DON'T KNOW A THING IN THE WORLD ABOUT THIS
16 CASE?

17 A NO, SIR, NOT WITH THAT.

18 Q SIR?

19 A NO, SIR.

20 Q YOU NEVER SAW ANYTHING ON T.V. ABOUT IT?

21 A WHAT, ABOUT A CASE?

22 Q ABOUT THIS CASE.

23 A NO, SIR, I NEVER DID.

24 Q SIR?

25 A NO, SIR.

ROBERT GOODWIN --VOIR DIRE-- BY THE COURT

1 Q DO YOU UNDERSTAND THE PROCEEDINGS THAT WE ARE
2 TALKING ABOUT HERE TODAY?

3 A YES, SIR, I THINK I DO.

4 Q TELL ME WHAT YOUR VIEW OF THESE PROCEEDINGS IS,
5 PLEASE.

6 A I READ NUMBER THREE BACK THERE A WHILE AGO.

7 Q YES, SIR.

8 A AND I THINK YOU SHOULD UNDERSTAND IT IF YOU
9 ACCUSE SOMEBODY OF DOING SOMETHING. THAT IS WHAT I
10 THINK.

11 Q LET'S TALK ABOUT IT FIRST. DO YOU UNDERSTAND
12 THAT THIS IS A POSSIBLE TWO-PART TRIAL?

13 A YES, SIR.

14 Q IN THE FIRST PART HE IS PRESUMED INNOCENT. HE
15 PLED NOT GUILTY. THE STATE HAS GOT TO PROVE HIM
16 GUILTY IF THEY CAN. YOU UNDERSTAND THAT?

17 A YES, SIR.

18 Q IF THE STATE CAN'T PROVE HIM GUILTY, WE STOP
19 RIGHT THERE.

20 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

21 Q NOW, IF THEY HAVE FOUND HIM GUILTY, WE THEN GO
22 TO THE PUNISHMENT STAGE. DO YOU UNDERSTAND THAT?

23 A YES, SIR.

24 Q WHEN CONFRONTED WITH THIS ISSUE, THERE ARE THREE
25 TYPES OF JURORS. DO YOU UNDERSTAND THE THREE TYPES?

ROBERT GOODWIN -VOIR DIRE- BY THE COURT

- 1 A YES, SIR, I SEE THE THREE TYPES.
- 2 Q SIR?
- 3 A I SEE THE THREE TYPES.
- 4 Q WHICH TYPE WOULD YOU BE?
- 5 A I WOULD SAY NUMBER THREE.
- 6 Q WHAT IS YOUR VIEW OF NUMBER THREE?
- 7 A I FEEL YOU WOULDN'T UNDERSTAND IT UNTIL YOU HEAR
- 8 THE FACTS OF IT.
- 9 Q LET ME ASK YOU THIS. NUMBER THREE JUROR SAYS WE
- 10 FOUND HIM GUILTY OF MURDER. I AM NOW GOING TO GET
- 11 ALL THE FACTS AND I CAN DECIDE. I CAN IMPOSE A
- 12 SENTENCE OF LIFE BUT I ALSO CAN IMPOSE A SENTENCE OF
- 13 DEATH. CAN YOU, IF YOU THINK IT'S APPROPRIATE, CAN
- 14 YOU IMPOSE A SENTENCE OF DEATH ON ANOTHER INDIVIDUAL?
- 15 A NO, SIR.
- 16 Q SIR?
- 17 A NO, SIR, I WOULDN'T.
- 18 Q YOU WOULD NOT?
- 19 A NO.
- 20 Q IS THAT A RECENT BELIEF OR A HEARTFELT BELIEF?
- 21 A THAT'S WHAT I BELIEVE. I BELIEVE NOBODY SHOULD
- 22 TAKE A LIFE. I DON'T THINK SO.
- 23 Q YOU DON'T THINK ANYBODY CAN TAKE A LIFE?
- 24 A I KNOW THEY CAN BUT I THINK THEY SHOULDN'T.
- 25 Q THEY SHOULDN'T?

ROBERT GOODWIN -VOIR DIRE- BY SOL. BAILEY

1 A YES, SIR.

2 Q THAT'S YOUR VIEW?

3 A YES, SIR, THAT'S MY VIEW.

4 Q YOU UNDERSTAND THAT THERE ARE NO RIGHT OR WRONG
5 ANSWERS HERE. WE ARE ALL ENTITLED TO HOW WE FEEL
6 ABOUT IT.

7 A RIGHT.

8 THE COURT: YES, SIR.

9 SOLICITOR BAILEY: INDULGE ME A SECOND,
10 PLEASE.

11 (ATTORNEYS CONFER.)

12 VOIR DIRE EXAMINATION

13 BY SOLICITOR BAILEY:

14 Q MR. GOODWIN, HOW ARE YOU DOING? I'M WALTER
15 BAILEY.

16 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

17 Q I NEED TO ASK YOU A FEW MORE QUESTIONS TO MAKE
18 SURE I UNDERSTAND WHAT YOUR THOUGHTS ARE ON THE DEATH
19 PENALTY. LIKE THE JUDGE SAYS, THERE ARE NO RIGHT OR
20 WRONG ANSWERS. ANY ANSWER IF YOU GIVE US IF IT'S AN
21 HONEST ANSWER IS RIGHT.

22 YOU UNDERSTAND THAT THE WAY IT WORKS IF WE GET
23 TO THAT PENALTY PHASE, IT WILL MEAN THE DEFENDANT HAS
24 BEEN FOUND GUILTY OF MURDER BEYOND A REASONABLE DOUBT
25 IN THE FIRST PART OF THE TRIAL. DO YOU UNDERSTAND

ROBERT GOODWIN -VOIR DIRE- BY SOL. BAILEY

1 THAT?

2 A YES, SIR.

3 Q YOU UNDERSTAND THAT IN SOUTH CAROLINA THE JUDGE
4 DOESN'T DECIDE WHAT A MURDERER GETS AS FAR AS
5 PUNISHMENT. IF THE STATE IS SEEKING THE DEATH
6 PENALTY, THE JURY MAKES THAT DECISION.

7 WHATEVER THE JURY DECIDES THE PENALTY OUGHT TO
8 BE, WHATEVER THEY VOTED FOR, IT'S GOING TO HAPPEN.
9 SO IF THE JURY VOTES FOR LIFE IMPRISONMENT, THE JUDGE
10 WOULD GIVE THAT PERSON LIFE WITHOUT PAROLE.

11 IF THE JURY VOTES FOR THE DEATH PENALTY, THEN
12 THAT PERSON IS GOING TO BE ORDERED TO BE EXECUTED AND
13 HE WILL BE EXECUTED. NOW, COULD YOU EVER VOTE TO
14 SEND SOMEONE TO THEIR DEATH?

15 A NO, I COULDN'T.

16 Q AS A JUROR?

17 A I DON'T THINK SO.

18 Q IS THAT A RELIGIOUS BELIEF THAT YOU HAVE GOT?

19 A I JUST HAD THAT FEELING ABOUT THAT, YOU KNOW.

20 Q IS THAT SOMETHING YOU HAVE EVER THOUGHT ABOUT
21 BEFORE YESTERDAY WHEN YOU FOUND OUT YOU MIGHT BE ON
22 THIS JURY?

23 A I DON'T LIKE TO SEE NOBODY GET KILLED. YOU KNOW
24 WHAT I MEAN?

25 Q I UNDERSTAND THAT. ARE THOSE THOUGHTS THOUGHTS

ROBERT GOODWIN --VOIR DIRE-- BY MR. STONE

1 YOU HAVE HAD FOR A LONG TIME?

2 A YEAH.

3 Q AND ARE THOSE DEEPLY FELT THOUGHTS?

4 A YES.

5 Q THEY ARE STRONG?

6 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
7 RESPONSE.)

8 Q AND YOU COULD NEVER SIGN YOUR NAME TO A PIECE OF
9 PAPER THAT WOULD RESULT IN SOMEBODY GETTING EXECUTED,
10 COULD YOU?

11 A I DON'T THINK SO.

12 Q ALL RIGHT. AND I UNDERSTAND THAT NOBODY IS
13 ASKING YOU TO PREDICT WHAT YOU WOULD DO IN THIS CASE
14 BECAUSE YOU HAVEN'T HEARD THE FACTS.

15 A RIGHT.

16 Q IF YOU HAD YOUR CHOICE BETWEEN LIFE WITHOUT
17 PAROLE AND THE DEATH PENALTY, WOULD YOU ALWAYS PICK
18 LIFE?

19 A I WOULD.

20 Q THANK YOU, SIR.

21 THE COURT: YOU MAY EXAMINE.

22 VOIR DIRE EXAMINATION

23 BY MR. STONE:

24 Q MR. GOODWIN, AM I HEARING YOU RIGHT BECAUSE I
25 WANT TO MAKE SURE THAT I AM NOT TRYING TO CHANGE YOUR

ROBERT GOODWIN -VOIR DIRE- BY MR. STONE

1 WORDS. I WANT TO MAKE SURE I UNDERSTAND. YOU SAID
2 -- WELL, LET ME REPHRASE THAT.

3 YOU WOULD KEEP AN OPEN MIND, I KNOW, WHEN IT
4 CAME TO THE GUILT PHASE IN ORDER TO DETERMINE
5 SOMEBODY GUILTY OR NOT GUILTY; WOULDN'T YOU? WOULD
6 YOU KEEP AN OPEN MIND AND LISTEN TO EVERYTHING?

7 A YES.

8 Q AFTER YOU HAVE FOUND OR IF THE JURY ITSELF HAD
9 FOUND THAT THIS FELLOW OVER HERE IS GUILTY AND HE IS
10 A MURDERER, COULD YOU STILL KEEP AN OPEN MIND? COULD
11 YOU STILL LISTEN TO STUFF COMING EITHER FROM THE
12 SOLICITOR'S OFFICER AS WELL AS THE DEFENSE?

13 A I DON'T THINK SOMEBODY SHOULD TAKE ANOTHER LIFE.

14 Q RIGHT, SIR. BUT IF YOU ARE SITTING ON A JURY
15 AND YOU HAVE ALREADY DETERMINED THAT AND YOU HAVE
16 GONE TO THIS SECOND PHASE, AT THIS SECOND PHASE YOU
17 AS THE JURY HAVE TO SIT THERE AND LISTEN TO EVIDENCE
18 FROM THE SOLICITOR'S OFFICE AND EVIDENCE FROM THE
19 DEFENSE COUNSEL.

20 SOME OF IT WILL BE GOOD AND SOME OF IT WILL BE
21 BAD. COULD YOU LISTEN TO THAT INFORMATION AND THEN
22 DETERMINE WHETHER OR NOT YOU SHOULD GIVE SOMEBODY
23 LIFE IN PRISON OR THE DEATH PENALTY OR WOULD YOU
24 AUTOMATICALLY SAY, "I'M NOT LISTENING TO ANYTHING.
25 I'M NEVER GOING TO GIVE ANYBODY DEATH, PERIOD"?

GIGI HAYES -VOIR DIRE- BY THE COURT

1 A I WOULD SAY -- I STILL SAY LIFE IN PRISON.

2 Q COULD YOU EVER GIVE THE DEATH PENALTY?

3 A NO, I COULDN'T DO THAT.

4 Q THANK YOU.

5 MR. STONE: THANK YOU, YOUR HONOR.

6 (THE JUROR LEAVES THE COURTROOM.)

7 SOLICITOR BAILEY: NOT QUALIFIED.

8 MR. STONE: I THOUGHT I HAD HIM.

9 THE COURT: NO, SIR, YOU DIDN'T, NEVER DID.

10 MR. STONE: IT CAME CLOSE THERE FOR A
11 SECOND.

12 THE COURT: MAYBE IN HORSESHOES.

13 (THE JUROR RETURNS TO THE COURTROOM.)

14 THE COURT: MR. GOODWIN, I THANK YOU FOR
15 YOUR PRESENCE HERE TODAY. I AM NOW GOING TO EXCUSE
16 YOU FROM THE REST OF THE TRIAL. THANK YOU SO MUCH.

17 JUROR: OKAY. THANK YOU.

18 (THE JUROR LEAVES THE COURTROOM.)

19 (THE NEXT JUROR ENTERS THE COURTROOM.)

20 GIGI HAYES, (BLACK FEMALE),
21 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 Q YOUR NAME IS MRS. SCHOFIELD HAYES?

25 A YES, GIGI.

GIGI HAYES -VOIR DIRE- BY THE COURT

1 Q MA'AM?

2 A GIGI SCHOFIELD HAYES.

3 Q YOU ARE ADDRESSED AS MRS. SCHOFIELD HAYES; IS
4 THAT CORRECT?

5 A YES, BUT YOU CAN CALL ME GIGI.

6 Q I CAN CALL YOU GIGI. THANK YOU, GIGI.
7 MRS. GIGI SCHOFIELD HAYES, MAY I ASK YOU A FEW
8 QUESTIONS?

9 A YES, YOU MAY.

10 Q I NOTE THAT YOU ARE EMPLOYED AT THE FAMILY
11 HEALTH CENTER AS AN ASSISTANT TO THE MEDICAL
12 DIRECTOR; IS THAT TRUE?

13 A CORRECT.

14 Q IN YOUR RETURN THAT YOU KINDLY FORWARDED TO US,
15 YOUR HUSBAND IS OR WAS EMPLOYED AS A MILITARY
16 POLICEMAN IN THE UNITED STATES MARINE CORPS?

17 A CORRECT.

18 Q PARDON ME?

19 A CORRECT.

20 Q HE CURRENTLY IS?

21 A NO.

22 Q HE WAS?

23 A WAS.

24 Q IS HE STILL IN THE MILITARY?

25 A NO, HE IS NOT.

GIGI HAYES -VOIR DIRE- BY THE COURT

1 Q HE IS NOT IN THE MILITARY AS WE SPEAK.
2 YESTERDAY. SEVERAL JURORS INDICATED THAT THEY MAY HAVE
3 READ OR HEARD SOMETHING ABOUT THIS CASE. WOULD YOU
4 HAVE READ OR HEARD SOMETHING ABOUT IT OR SEEN IT ON
5 T.V. OR ANYTHING?

6 A ALL OF THE ABOVE.

7 Q MA'AM?

8 A YES.

9 Q WHAT I NEED TO KNOW IS THIS. IT IS IMPORTANT
10 THAT A JURY BASE THEIR VERDICT OF NOT GUILTY OR
11 GUILTY BASED SOLELY AND ONLY ON THE SWORN TESTIMONY
12 TAKEN IN THE TRIAL OF THIS CASE IN THIS COURTROOM.

13 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

14 Q NOW, HAVE YOU FORMED OR EXPRESSED AN OPINION
15 SUCH THAT YOU CANNOT BASE IT ON THE LAW AND THE
16 EVIDENCE IN THIS COURTROOM OR CAN YOU SET YOUR
17 OPINIONS ASIDE AND MAKE YOUR DECISION IN THIS
18 COURTROOM?

19 A I CAN MAKE MY DECISION IN THIS COURTROOM. I
20 HAVE NOT FORMED ANY OPINION.

21 Q YOU HAVE NOT FORMED ANY OPINION?

22 A NO.

23 Q THAT'S FINE. I THANK YOU FOR YOUR ANSWER. NOW,
24 DID YOU HAVE A CHANCE TO READ THE LETTER ABOUT THE
25 THREE TYPES OF JURORS?

GIGI HAYES -VOIR DIRE- BY SOL. BAILEY

1 A YES, I DID.

2 Q WHICH TYPE WOULD YOU BE IF WE SHOULD -- WE MAY
3 NOT GET TO THE SECOND PHASE. WE MAY. IF WE GET TO
4 THE SECOND PHASE WHERE THE JURY DETERMINES THE
5 APPROPRIATE PUNISHMENT, NOT THE JUDGE BUT THE JURY,
6 WOULD YOU BE FIRST, SECOND OR THIRD?

7 A NUMBER THREE.

8 Q NUMBER THREE. WHAT IS YOUR VIEW OF NUMBER
9 THREE, PLEASE?

10 A UNDECIDED UNTIL I KNOW WHAT IS GOING ON.

11 Q THANK YOU SO MUCH.

12 THE COURT: YOU MAY EXAMINE.

13 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

14 VOIR DIRE EXAMINATION

15 BY SOLICITOR BAILEY:

16 Q MRS. HAYES, I'M WALTER BAILEY. I WANT TO ASK
17 YOU A FEW MORE QUESTIONS, JUST TO KIND OF FOLLOW UP
18 ON WHAT JUDGE COTTINGHAM ASKED YOU. LIKE HE SAID,
19 THERE ARE NO RIGHT OR WRONG ANSWERS.

20 YOU UNDERSTAND THAT THE WAY THE SYSTEM WORKS IN
21 SOUTH CAROLINA IF WE GET INTO THE PENALTY PHASE OF
22 THE TRIAL, THAT WILL MEAN THE DEFENDANT -- YOU ARE
23 DEALING WITH A CONVICTED MURDERER OR YOU WOULDN'T BE
24 IN THAT PENALTY PHASE.

25 A EXACTLY.

GIGI HAYES -VOIR DIRE- BY SOL. BAILEY

1 Q AND YOU UNDERSTAND IN SOUTH CAROLINA THE JUDGE
2 DOESN'T DECIDE WHAT THE PENALTY IS WHEN THE STATE
3 SEEKS THE DEATH PENALTY. THE JURY MAKES THAT
4 DECISION AND THE JUDGE JUST PASSES THE SENTENCE BASED
5 ON THEIR DECISION. SO IF THE JURY AFTER HEARING ALL
6 THE FACTS VOTES FOR THE DEATH PENALTY, THAT PERSON
7 WILL BE EXECUTED.

8 A EXACTLY.

9 Q ON THE OTHER HAND, IF THE JURY VOTES FOR A LIFE
10 SENTENCE, THE JUDGE WOULD IMPOSE A LIFE WITHOUT
11 PAROLE SENTENCE.

12 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
13 RESPONSE.)

14 Q ARE YOU SAYING -- AND I AM NOT ASKING YOU TO
15 PREDICT WHAT YOU WOULD DO IN THIS CASE BECAUSE YOU
16 HAVEN'T HEARD THE FACTS; BUT IF THE FACTS ARE BAD
17 ENOUGH, CAN YOU VOTE FOR THE DEATH PENALTY KNOWING
18 THAT SENTENCE IS ACTUALLY GOING TO BE CARRIED OUT?

19 A COULD I VOTE FOR THE DEATH PENALTY IF IT WAS
20 GOING TO BE ACTUALLY CARRIED OUT?

21 Q YES, MA'AM.

22 A YES, I COULD.

23 Q AND IF THE OTHER 11 JURORS VOTED FOR IT, IF IT
24 WAS A UNANIMOUS VOTE FOR THE DEATH PENALTY, COULD YOU
25 SIGN YOUR NAME TO A PIECE OF PAPER, A DEATH VERDICT

GIGI HAYES -VOIR DIRE- BY MR. STONE

1 FORM, THAT WOULD RESULT IN THAT PERSON BEING EXECUTED
2 AT SOME POINT?

3 A AS LONG AS I KNOW THAT WHAT I AM DECIDING IS THE
4 TRUTH AND CORRECT, YES.

5 Q AND THE LAST THING THAT WOULD HAPPEN AS FAR AS
6 THE JURY IS CONCERNED WOULD BE THAT THE JURY WOULD
7 COME OUT AND ANNOUNCE THAT DECISION. EACH JUROR'S
8 NAME IS CALLED OUT BY THE CLERK OF COURT ONE AT A
9 TIME, AND THEY WOULD AFFIRM THAT VERDICT. THEY WOULD
10 SAY, "THAT IS MY VERDICT." COULD YOU DO THAT?

11 A YES.

12 Q THE JURY WILL BE KEPT IN A MOTEL FOR FOUR OR
13 FIVE DAYS AT NIGHT WHILE THE TRIAL IS GOING ON.
14 THAT'S A HARDSHIP ON EVERYBODY. WOULD IT CAUSE YOU
15 ANY KIND OF UNUSUAL HARDSHIP OR DIFFICULTY?

16 A NOT AT ALL.

17 Q CAN YOU THINK OF ANY REASON THAT WOULD PREVENT
18 YOU FROM SERVING AS A FAIR AND IMPARTIAL JUROR TO
19 BOTH SIDES, THE STATE OF SOUTH CAROLINA AND THE
20 DEFENDANT?

21 A NO.

22 Q THANK YOU. THAT'S ALL I HAVE.

23 VOIR DIRE EXAMINATION

24 BY MR. STONE:

25 Q MRS. SCHOFIELD HAYES, MY NAME IS DUFFIE STONE.

GIGI HAYES -VOIR DIRE- BY MR. STONE

1 I THINK I WAS INTRODUCED EARLIER. I REPRESENT
2 MR. ALEKSEY, BAYAN ALEKSEY. YOUR HUSBAND USED TO BE
3 A MILITARY POLICE OFFICER; IS THAT RIGHT?

4 A RIGHT.

5 Q YOU UNDERSTAND THAT THIS CASE IS ABOUT THE DEATH
6 OF A POLICE OFFICER?

7 A YES, I DO.

8 Q WOULD THAT CAUSE YOU ANY PROBLEMS?

9 A NO.

10 Q YOU COULD STILL SIT ON THIS JURY AND MAKE A
11 DETERMINATION ONE WAY OR THE OTHER?

12 A YES, I CAN.

13 Q THERE HAS BEEN A LOT OF TALK ABOUT THE DEATH
14 PENALTY. DOES THAT MAKE YOU FEEL LIKE MR. ALEKSEY IS
15 AUTOMATICALLY GUILTY?

16 A NO.

17 Q THAT WE ARE JUST MOVING ON TO THE DEATH PHASE?

18 A NO.

19 Q THE SOLICITOR ASKED YOU IF THE SITUATION WAS BAD
20 ENOUGH IF YOU COULD COME BACK WITH A DEATH SENTENCE.
21 YOU INDICATED THAT YOU COULD. IF THE SOLICITOR'S
22 OFFICE FAILS TO PROVE THEIR CASE, COULD YOU ALSO COME
23 BACK WITH A NOT GUILTY VERDICT?

24 A DEFINITELY.

25 Q THIS IS DESPITE THE FACT THIS IS OBVIOUSLY A

GIGI HAYES -VOIR DIRE- BY MR. STONE

1 PRETTY IMPORTANT CASE?

2 A VERY IMPORTANT BUT, NO.

3 Q NOW, YOU SAID AND I THINK THE JUDGE ASKED YOU
4 THAT YOU HAVE READ ABOUT THIS, SEEN THIS. WHAT ARE
5 YOUR SOURCES OF INFORMATION?

6 A NEWS MEDIA AND TELEVISION.

7 Q AND HAVE YOU SEEN IT ON BOTH OF THOSE?

8 A YEAH, IN THE PAPER AND TELEVISION.

9 Q AND DESPITE ALL THAT, YOU COULD STILL PUT THAT
10 OUT OF YOUR MIND AND MAKE A DECISION ON WHAT YOU HEAR
11 IN THE COURTROOM?

12 A ACTUALLY, YOU KNOW, I HAVE ONLY READ IT JUST FOR
13 INFORMATION AND THAT'S ALL.

14 Q HAVEN'T REALLY TAKEN MUCH IN?

15 A NO, NOT REALLY.

16 Q THAT'S FINE. DO YOU HOLD WOMEN TO THE SAME
17 STANDARD THAT YOU HOLD MEN?

18 A I DO.

19 Q I DON'T HAVE ANY OTHER QUESTIONS. THANK YOU,
20 MA'AM.

21 THE COURT: HAVE HER STEP OUTSIDE, PLEASE.

22 (THE JUROR LEAVES THE COURTROOM.)

23 THE COURT: YES, SIR.

24 SOLICITOR BAILEY: QUALIFIED, YOUR HONOR.

25 THE COURT: YES, SIR.

1 MR. STONE: QUALIFIED.

2 (THE JUROR RETURNS TO THE COURTROOM.)

3 THE COURT: MRS. GIGI?

4 JUROR: YES, SIR.

5 THE COURT: YOU HAVE BEEN FOUND QUALIFIED
6 BY THE ATTORNEYS FOR THE STATE AND FOR THE DEFENDANT.
7 SO YOU ARE ONE OF THE 35 QUALIFIED JURORS, FROM WHICH
8 14 WILL BE SELECTED AT 9:30 THURSDAY MORNING.

9 JUROR: YES, SIR.

10 THE COURT: PLEASE RETURN TO THIS COURTROOM
11 PROMPTLY AT 9:30 THURSDAY.

12 JUROR: OKAY.

13 THE COURT: BRINGING WITH YOU SUCH PERSONAL
14 EFFECTS AS YOU WOULD NEED IN THE EVENT THAT YOU ARE
15 SELECTED FOR STAYING IN THE MOTEL.

16 JUROR: OKAY, SURE.

17 THE COURT: SEE YOU AT 9:30.

18 (THE JUROR LEAVES THE COURTROOM.)

19 THE COURT: BEFORE WE BRING THE NEXT ONE
20 OUT, GENTLEMEN, LET ME HAVE YOUR ATTENTION. IN THE
21 INITIAL VOIR DIRE ON YESTERDAY, MY NOTES ARE
22 REFLECTING THAT THIS JUROR STOOD UP AND SAID HE HAD
23 FORMED AN OPINION. I AM GOING TO EXPLORE THAT FIRST.

24 MR. STONE: YES, SIR.

25 THE COURT: BRING THAT JUROR IN IF HE IS

WILLIAM AYERS -VOIR DIRE- BY THE COURT

1 READY.

2 (THE JUROR ENTERS THE COURTROOM.)

3 WILLIAM AYERS, (WHITE MALE),
4 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q YOU ARE WILLIAM D. AYERS?

8 A YES, SIR.

9 Q GOOD MORNING, MR. AYERS. I NOTE THAT YOU
10 MENTIONED GRADE SCHOOL AND YOU PUT N.A. WHAT DOES
11 THAT MEAN?

12 A WELL, THEY TOLD ME FROM GRADE SCHOOL DOWN. I
13 DIDN'T KNOW IF YOU NEEDED THE NAME OF THE OLD SCHOOL
14 OR NOT. IT'S HARLEYVILLE ELEMENTARY SCHOOL.

15 Q YOU OBVIOUSLY FINISHED GRADE SCHOOL, JUNIOR HIGH
16 AND HIGH SCHOOL. HOW ABOUT COLLEGE?

17 A NO, SIR.

18 Q YOU ARE EMPLOYED AS A CHEMICAL OPERATOR?

19 A YES, SIR.

20 Q THAT IS AT THE ALBEMARLE CORPORATION. LET ME
21 ASK YOU THIS, SIR. YESTERDAY IN MY INITIAL
22 EXAMINATION YOU STOOD AND INDICATED THAT YOU HAD
23 FORMED AN OPINION AS TO THIS CASE; IS THAT CORRECT?

24 A I THINK THE QUESTION WAS WHETHER I WAS BIASED
25 AND WHETHER I HAD FORMED SOME KIND OF AN OPINION. I

WILLIAM AYERS -VOIR DIRE- BY THE COURT

1 FEEL LIKE I MAY BE BIASED.

2 Q CAN YOU TELL ME WHY, SIR?

3 A BECAUSE MY SON IS A POLICEMAN IN ANOTHER STATE
4 AND I WAS NOT ASKED YESTERDAY WHETHER -- YOU KNOW,
5 THE ONLY THING I HEARD IN HERE YESTERDAY WAS TWO
6 QUESTIONS.

7 ONE WAS WHETHER I WAS EMPLOYED BY ANYBODY IN LAW
8 ENFORCEMENT AND WHETHER ANYBODY IN MY FAMILY WAS
9 EMPLOYED BY LAW ENFORCEMENT IN THE STATE. THE
10 QUESTION TO THAT WAS NO -- THE ANSWER TO THOSE TWO
11 QUESTIONS WAS NO.

12 Q THE REASON FOR THAT IS WE DIDN'T WANT TO
13 PREJUDICE THE JURY. GENERALLY WE SAVE THESE
14 QUESTIONS FOR ONE-ON-ONE SUCH AS THIS.

15 A YES, SIR.

16 Q I APPRECIATE YOUR CANDOR. YOUR SON IS A
17 POLICEMAN WHERE?

18 A IN THE STATE OF NEVADA, CITY OF HENDERSON.

19 Q I SEE.

20 A HE IS ON HIS SECOND DAY OF PATROL.

21 Q I GOT YOU. HOW OLD IS YOUR SON?

22 A TWENTY-SEVEN.

23 Q LET ME ASK YOU THIS. OBVIOUSLY THIS CASE
24 INVOLVES THE ALLEGATION OF THE SHOOTING AND MURDER OF
25 ONE SERGEANT LINGARD. DO YOU UNDERSTAND THAT?

WILLIAM AYERS -VOIR DIRE- BY THE COURT

1 A YES, SIR, I DO.

2 Q THIS DEFENDANT WHO HAS PLED NOT GUILTY IS
3 CHARGED WITH THAT OFFENSE. I CAN APPRECIATE AND
4 UNDERSTAND THE BIASES THAT YOU MIGHT HAVE WITH A SON
5 WHO IS EMPLOYED IN LAW ENFORCEMENT GIVEN THE
6 ALLEGATIONS IN THIS CASE.

7 I ASK YOU UPON YOUR OATH DO YOU FEEL, AND YOU
8 TELL ME HONESTLY, CAN YOU SET ASIDE THAT BIAS AND
9 GIVE THIS DEFENDANT A FAIR TRIAL OR DO YOU THINK THAT
10 THAT IS SUCH A BIAS THAT IT MIGHT IMPEDE YOUR ABILITY
11 TO GIVE HIM A FAIR TRIAL?

12 A SIR, I MUST SAY AT THIS TIME THAT I AM NOT EVEN
13 COMFORTABLE WITH MY SON BEING A POLICEMAN. HE IS
14 JUST A ROOKIE. THAT HAS PUT ME UNDER A LOT OF STRESS
15 RIGHT NOW. I JUST DON'T THINK I COULD HANDLE THE
16 STRESS OF THE TRIAL.

17 Q I COULD UNDERSTAND THAT. PLEASE STEP OUTSIDE A
18 MOMENT.

19 (THE JUROR LEAVES THE COURTROOM.)

20 SOLICITOR BAILEY: NO OBJECTION TO HIM
21 BEING EXCUSED.

22 MR. STONE: HE IS NOT QUALIFIED.

23 THE COURT: YES, SIR, HE WAS HONEST ABOUT
24 IT. BRING HIM IN.

25 (THE JUROR RETURNS TO THE COURTROOM.)

SILAS ADAMS -VOIR DIRE- BY THE COURT

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THE COURT: MR. AYERS, THIS COURT AND THE ATTORNEYS FOR THE STATE AND THE DEFENDANT APPRECIATE THE CANDOR OF YOUR ANSWERS. WE CAN ALL UNDERSTAND THEM.

ALL OF US HAVE SONS AND FATHERS AND GRANDCHILDREN. I APPRECIATE YOUR CANDOR AND I APPRECIATE YOUR CONCERNS. WE ARE IN A POSITION TO EXCUSE YOU FOR THE REST OF THIS TRIAL.

JUROR: THANK YOU.

THE COURT: GOOD LUCK TO YOUR SON.

JUROR: THANK YOU.

(THE JUROR LEAVES THE COURTROOM.)

THE COURT: GENTLEMEN, I AM TOLD THAT WE HAVE SOME DIFFICULTY HERE WITH THE READING. WE WILL ADDRESS THAT ISSUE FIRST.

MR. STONE: I'M SORRY?

THE COURT: I AM TOLD THAT THIS INDIVIDUAL HAS INDICATED THAT HE HAS HAD EXTREME DIFFICULTY READING IN THERE. SO WE WILL ADDRESS THAT ISSUE.

(THE JUROR ENTERS THE COURTROOM.)

SILAS ADAMS, (BLACK MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

VOIR DIRE EXAMINATION

BY THE COURT:

Q GOOD MORNING, MR. ADAMS.

SILAS ADAMS -VOIR DIRE- BY THE COURT

1 A GOOD MORNING.

2 Q PLEASE BE SEATED. MR. ADAMS, I NOTE THAT YOU
3 WERE BORN IN 1936 AND YOU INDICATE THAT YOU ARE
4 RETIRED?

5 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
6 RESPONSE.)

7 Q SIR?

8 A YES, SIR.

9 Q THIS LADY HAS TO TAKE DOWN YOUR ANSWERS HERE,
10 THIS LADY WHO SITS IN FRONT OF ME. I CAN'T GET THE
11 NOD OF YOUR HEAD IN THE RECORD. YOU ARE RETIRED FROM
12 WHAT, PLEASE?

13 A C. T. TRANSIT IN STANFORD, CONNECTICUT.

14 Q WHAT KIND OF WORK DID YOU DO THERE?

15 A I WAS AN OPERATOR. I WAS A DRIVER.

16 Q A DRIVER FOR WHAT?

17 A BUS.

18 Q BUS?

19 A A BUS DRIVER.

20 Q IS THAT IN THE CITY OR INTERSTATE OR INTRASTATE?

21 A IT WAS IN TOWN, IN THE CITY OF STANFORD,
22 CONNECTICUT. I DROVE THERE FOR 30 YEARS.

23 Q YOU DROVE A BUS IN THE TOWN OF STANFORD. THAT'S
24 FINE. HOW LONG HAVE YOU BEEN DOWN HERE, SIR?

25 A APPROXIMATELY A YEAR.

SILAS ADAMS -VOIR DIRE- BY THE COURT

1 Q YOU FINISHED THE EIGHTH GRADE THERE AND THEN YOU
2 FINISHED HIGH SCHOOL?

3 A NO.

4 Q YOU DED NOT FINISH HIGH SCHOOL?

5 A NO.

6 Q LET ME ASK YOU THIS. I PUT A LETTER BACK THERE
7 EXPLAINING THREE TYPES OF JURORS. DID YOU GET A
8 CHANCE TO READ THAT LETTER?

9 A I COULD UNDERSTAND SOME OF IT BUT NOT ALL OF IT.

10 Q YOU WERE HAVING SOME DIFFICULTY WITH THAT?

11 A YEAH.

12 Q I WOULD NOT WISH TO EMBARRASS YOU IN ANY WAY
13 WHATSOEVER. I CERTAINLY WOULD NOT DO THAT. DO YOU
14 READ AND WRITE WELL OR NOT?

15 A NO.

16 Q YOU DO NOT?

17 A NO.

18 Q DO YOU UNDERSTAND THE NATURE OF THESE
19 PROCEEDINGS HERE THAT WE ARE GOING THROUGH?

20 A YEAH.

21 Q SIR?

22 A YES.

23 Q LET ME GO THROUGH IT FOR YOU, BUT YOU DON'T
24 READ? YOU CAN'T READ THE MORNING NEWSPAPER?

25 A A LITTLE, YEAH.

SILAS ADAMS--VOIR DIRE--BY THE COURT

1 Q LET ME ASK YOU THIS... I UNDERSTAND A LOT OF
2 PEOPLE IN OUR AGE GROUP DIDN'T HAVE THE OPPORTUNITY
3 THAT PEOPLE HAVE TODAY AND WE UNDERSTAND THAT. BUT
4 IF YOU DROVE A MUNICIPAL BUS FOR THE TOWN OF
5 STANFORD, HOW DID YOU DO IT NOT BEING ABLE TO READ?

6 A IT WASN'T THAT MUCH PAPERWORK TO IT. AFTER YOU
7 LEARNED THE STREETS AND WHERE TO GO, IT WAS MOSTLY --
8 THE ONLY TIME YOU WOULD HAVE TO DO ANY READING OR
9 WHATEVER IS WHEN YOU HAVE AN ACCIDENT AND YOU HAVE TO
10 MAKE OUT ON ACCIDENT REPORT.

11 Q THEN IT GOT A LITTLE TOUGH THEN. LET ME GO
12 THROUGH THIS WITH YOU. IF YOU DON'T UNDERSTAND ANY
13 OF IT, WOULD YOU PLEASE TELL ME SO?

14 A YES, SIR.

15 Q THIS DEFENDANT WHO SITS AT THAT TABLE IN THE
16 WHITE SHIRT IS CHARGED WITH THE OFFENSE OF THE MURDER
17 OF A HIGHWAY PATROLMAN. DO YOU UNDERSTAND THAT?

18 A YEAH.

19 Q TO THIS CHARGE HE HAS PLED NOT GUILTY. DO YOU
20 UNDERSTAND THAT?

21 A YES, SIR.

22 Q WE ARE GOING TO SELECT A JURY TO FIRST DETERMINE
23 HIS GUILT OR INNOCENCE. DO YOU UNDERSTAND THAT?

24 A YES, SIR.

25 Q IF HE IS FOUND NOT GUILTY BY THE JURY, WE STOP

SILAS ADAMS -VOIR DIRE- BY THE COURT :

1 RIGHT THERE. DO YOU UNDERSTAND THAT?

2 A YES, SIR.

3 Q NOW, IF -- AND I USE THAT WORD ADVISEDLY -- IF
4 HE IS FOUND GUILTY OF THE MURDER OF THE HIGHWAY
5 PATROLMAN, THEN THE JURY, NOT THE JUDGE, BUT THE JURY
6 WILL DECIDE IN THE SECOND PHASE WHAT IS THE
7 APPROPRIATE PUNISHMENT. DO YOU UNDERSTAND THAT?

8 A YES, SIR.

9 Q THERE ARE ONLY TWO DECISIONS FOR THE JURY TO
10 THEN MAKE. ONE DECISION IS LIFE IMPRISONMENT. THE
11 OTHER DECISION IS DEATH BY ELECTROCUTION OR LETHAL
12 INJECTION, ONE OF THE TWO.

13 A YES.

14 Q WHEN JURORS ARE CONFRONTED WITH THIS ENORMOUS
15 DECISION, THEY FALL INTO ONE OF THREE CATEGORIES AND
16 THERE'S NO RIGHT OR WRONG ANSWERS. THERE IS A GROUP
17 OF JURORS WHO SAY ONCE WE HAVE FOUND HIM GUILTY OF
18 MURDER WITH MALICE AFORETHOUGHT, DEATH IS THE
19 APPROPRIATE PUNISHMENT ALWAYS.

20 THERE IS A SECOND GROUP WHO SAY IF WE HAVE FOUND
21 HIM GUILTY OF MURDER, I WILL NOT TAKE THE LIFE OF
22 ANOTHER HUMAN BEING. SOMETIMES IT'S FOR RELIGIOUS
23 REASONS. SOMETIME IT'S FOR PERSONAL REASONS.

24 THERE IS A THIRD GROUP WHO SAY WE HAVE FOUND HIM
25 GUILTY OF MURDER. I AM NOW GOING TO LISTEN TO ALL

SILAS ADAMS -VOIR DIRE- BY THE COURT

1 THE EVIDENCE AND THEN I WILL DECIDE WHETHER OR NOT
2 LIFE IMPRISONMENT OR DEATH IS THE APPROPRIATE
3 PUNISHMENT. DO YOU UNDERSTAND THE THREE GROUPS?

4 A YES, SIR.

5 Q THE FIRST GROUP SAYS CONVICTED OF MURDER, I WILL
6 ALWAYS BE FOR THE DEATH PENALTY. THE SECOND GROUP
7 SAYS I CAN NEVER PUT ANOTHER HUMAN BEING TO DEATH.
8 THE THIRD GROUP WHO SAYS IT WILL DEPEND ON THE FACTS.
9 WILL YOU BE FIRST, SECOND OR THIRD?

10 A FOR ME I DON'T KNOW. I GUESS IT WOULD BE THIRD.

11 Q YOU GUESS IT WOULD BE THIRD. LET ME ASK YOU
12 THIS. YESTERDAY IN TALKING TO THE JURORS, SOME OF
13 THEM INDICATED THAT THEY MAY HAVE READ OR HEARD
14 SOMETHING ABOUT THIS CASE. WOULD YOU HAVE READ OR
15 HEARD ANYTHING ABOUT IT?

16 A NO, I HAVEN'T.

17 Q NEVER SAW IT ON T.V.?

18 A NO, I HAVEN'T.

19 Q NEVER READ IT IN THE PAPER?

20 A NO, I HAVEN'T.

21 Q NEVER HAD IT DISCUSSED WITH YOU?

22 A NO.

23 Q WHERE DO YOU LIVE, SIR?

24 A ON DANTZLER.

25 Q SIR?

SILAS ADAMS -VOIR DIRE- BY SOL: BAILEY

1 A ON DANTLZER STREET.

2 Q DO YOU READ THE MORNING PAPER?

3 A I DON'T GET IT NO MORE.

4 Q DO YOU WATCH TELEVISION?

5 A SOMETIMES.

6 Q SOMETIMES.

7 THE COURT: YES, SIR.

8 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

9 VOIR DIRE EXAMINATION

10 BY SOLICITOR BAILEY:

11 Q MR. ADAMS, I'M WALTER BAILEY. I WANT TO ASK YOU

12 A FEW MORE QUESTIONS. WHEN I FINISH ONE OF THE

13 DEFENSE LAWYERS MAY WANT TO ASK YOU A FEW QUESTIONS.

14 A OKAY.

15 Q I NOTICE FROM YOUR QUESTIONNAIRE THAT YOU AND

16 YOUR WIFE HAVE 14 CHILDREN?

17 A HUH?

18 Q YOU HAVE 14 CHILDREN?

19 A FOURTEEN CHILDREN?

20 Q THAT'S WHAT I READ ON THE QUESTIONNAIRE IF I

21 READ IT CORRECTLY. HOW MANY CHILDREN DO Y'ALL HAVE?

22 A HOW MANY DO I HAVE?

23 Q YES, SIR.

24 A TEN.

25 Q A COUPLE OF THOSE CHILDREN, I THINK, ARE BOYS 28

SILAS ADAMS -VOIR DIRE- BY SOL. BAILEY

1 AND 30?

2 A TWENTY-EIGHT AND 30?

3 Q YES, SIR. THAT'S WHAT YOU HAD ON YOUR
4 QUESTIONNAIRE.

5 A I REALLY DON'T KNOW WHAT THEIR AGES ARE.

6 Q DID YOU FILL THE QUESTIONNAIRE OUT YOURSELF OR
7 DID YOUR WIFE FILL THAT OUT?

8 A MY WIFE HAD FILLED IT OUT.

9 Q YOU ARE NOT SURE HOW OLD YOUR BOYS ARE?

10 A NO, SIR, I'M NOT.

11 THE COURT: LET STEP HIM OUT JUST A MOMENT.

12 (THE JUROR LEAVES THE COURTROOM.)

13 THE COURT: GENTLEMEN, CAN'T WE AGREE --

14 MR. STONE: YES, SIR.

15 THE COURT: -- THAT HE IS NOT QUALIFIED TO
16 SERVE?

17 MR. STONE: YES, SIR.

18 THE COURT: BRING HIM BACK. THANK YOU.

19 BRING HIM BACK. BY AGREEMENT THIS JUROR'S
20 EDUCATIONAL LEVEL, HE IS NOT QUALIFIED TO SERVE.

21 (THE JUROR RETURNS TO THE COURTROOM.)

22 THE COURT: MR. ADAMS, WE EXPRESS TO YOU
23 OUR APPRECIATION FOR YOUR ATTENDANCE HERE TODAY. I
24 AM NOW GOING TO EXCUSE YOU FOR THE REST OF THE TRIAL.
25 YOU WILL NOT HAVE TO RETURN. THANK YOU SO MUCH.

FLOSTINE GREEN -VOIR DIRE- BY THE COURT

1 JUROR: OKAY. THANK YOU.

2 (THE JUROR LEAVES THE COURTROOM.)

3 THE COURT: MADAME COURT REPORTER, THE
4 JUROR IS EXCUSED BY MUTUAL CONSENT OF THE STATE AND
5 THE DEFENDANT.

6 (THE NEXT JUROR ENTERS THE COURTROOM.)

7 FLOSTINE GREEN, (BLACK
8 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
9 FOLLOWS:

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q MRS. GREEN, GOOD AFTERNOON. HOW ARE YOU DOING?

13 A ALL RIGHT.

14 Q I WILL ASK THAT YOU PLEASE SPEAK UP.

15 A YES, SIR.

16 Q SO THAT THIS LADY HERE CAN TAKE DOWN WHAT YOU
17 ARE SAYING TO ME BY WAY OF ANSWER. DO YOU UNDERSTAND
18 THAT?

19 A YES, SIR.

20 Q I UNDERSTAND THAT THIS WILL BE AN UNUSUAL
21 CIRCUMSTANCE FOR YOU AND IF YOU ARE LIKE ME, YOU
22 PROBABLY WOULD TEND TO BE NERVOUS; BUT PLEASE RELAX
23 AS BEST YOU CAN.

24 A YES, SIR.

25 Q WE WANT TO ASK YOU JUST A FEW NONINTRUSIVE

FLOSTINE GREEN -VOIR DIRE- BY THE COURT

1 QUESTIONS IF WE MAY. YOU KINDLY SENT IN THIS RETURN
2 AND I NOTE THAT YOU HAVE BEEN EMPLOYED BY THE SAME
3 PERSON FOR 27 YEARS?

4 A YES, SIR.

5 Q WHO IS THAT, PLEASE?

6 A MRS. GEORGE HILL.

7 Q MRS. GEORGE HILL?

8 A YES, SIR.

9 Q WHAT IS YOUR JOB DESCRIPTION WITH MRS. GEORGE
10 HILL?

11 A HOUSEKEEPING.

12 Q YOU HAVE BEEN HER HOUSEKEEPER FOR ALL THESE
13 YEARS?

14 A YES, SIR.

15 Q I NOTE THAT YOUR HUSBAND IS RETIRED NOW?

16 A YES, SIR.

17 Q AND WHERE WAS HE EMPLOYED DURING THESE YEARS?

18 A S. X. RAILROAD.

19 Q I PUT A LETTER ON YOUR DESK FOR YOU TO READ A
20 WHILE AGO. DID YOU GET A CHANCE TO READ THE THREE
21 TYPES OF JURORS?

22 A YES, SIR.

23 Q LET ME ASK YOU BEFORE WE GET INTO THAT. HAVE
24 YOU READ OR HEARD ANYTHING ABOUT THIS CASE, SEEN IT
25 ON T.V.?

FLOSTINE GREEN, -VOIR DIRE- BY THE COURT.

1 A I SAW A GLIMPSE OF IT ON TELEVISION.

2 Q MA'AM?

3 A I SAW A GLIMPSE OF IT ON TELEVISION.

4 Q WHAT I NEED TO KNOW IS IF YOU WERE SELECTED AS A
5 JUROR TO DETERMINE THE GUILT OR INNOCENCE OF THIS
6 DEFENDANT, CAN YOU BASE YOUR VERDICT ON WHAT YOU HEAR
7 IN THIS COURTROOM AND FORGET WHAT YOU READ IN THE
8 NEWSPAPER OR DO YOU THINK YOU HAVE ALREADY FORMED AN
9 OPINION?

10 A NO, SIR, I HAVEN'T FORMED AN OPINION.

11 Q YOU ARE WILLING TO LISTEN TO THE TESTIMONY IN
12 THIS CASE?

13 A YES, SIR.

14 Q NOW, DO YOU UNDERSTAND THAT THIS COULD POSSIBLY
15 BE A TWO-PART TRIAL?

16 A YES, SIR.

17 Q THE FIRST PART DEALS WITH HIS INNOCENCE OR
18 GUILT. IF THE JURY DETERMINES HE IS INNOCENT OR THE
19 STATE HAS NOT PROVED HIM GUILTY, WE STOP RIGHT THERE.

20 A YES, SIR.

21 Q NOW, IF -- AND I USE THAT WORD IF -- IF THE
22 JURY, ALL 12 OF YOU, UNANIMOUSLY FIND HIM GUILTY OF
23 MURDER, WE THEN AND ONLY THEN GO TO THE SECOND PHASE,
24 WHICH IS CALLED THE SENTENCING PHASE. DO YOU
25 UNDERSTAND THAT?

FLOSTINE GREEN -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q NOW, IN THE SENTENCING PHASE THERE IS ONLY ONE
3 QUESTION AND THAT IS THIS: WE THE JURY, HAVING FOUND
4 HIM GUILTY OF MURDER, WHAT SHALL THE PUNISHMENT BE?
5 THE JURY MUST THEN DECIDE WHETHER OR NOT HE SHALL BE
6 GIVEN LIFE IMPRISONMENT OR DEATH. IT IS THE JURY'S
7 DECISION AND NOT THE JUDGE'S. DO YOU UNDERSTAND
8 THAT?

9 A YES, SIR.

10 Q MOST PEOPLE IN OUR LIFETIMES ARE NOT CONFRONTED
11 WITH THIS AWESOME RESPONSIBILITY; BUT IF THEY ARE,
12 THEY FALL INTO THREE GROUPS. THERE ARE NO RIGHT OR
13 WRONG ANSWERS. IT'S JUST OUR HEARTFELT OPINION.

14 ONE GROUP SAYS THAT HAVING CONVICTED HIM OF
15 MURDER WITH MALICE AFORETHOUGHT, I WILL ALWAYS BE FOR
16 THE PUNISHMENT OF DEATH. THERE IS A SECOND GROUP WHO
17 SAY EVEN THOUGH WE HAVE FOUND HIM GUILTY OF MURDER, I
18 CAN NEVER TAKE THE LIFE OF ANOTHER HUMAN BEING.

19 THEN THERE IS A THIRD GROUP WHO SAY WE HAVE
20 FOUND HIM GUILTY OF MURDER. I AM NOW GOING TO LISTEN
21 AND CONSIDER ALL THE FACTS IN THE CASE; AND DEPENDING
22 UPON WHAT I FEEL, I CAN GIVE HIM LIFE IMPRISONMENT
23 BUT I CAN ALSO GIVE HIM THE SENTENCE OF DEATH.

24 THE FIRST GROUP SAYS ALWAYS DEATH, THE SECOND
25 SAYS NEVER AND THE THIRD SAYS IT WILL DEPEND ON ALL

FLOSTINE GREEN -VOIR DIRE- BY THE COURT

1 THE FACTS IN THE CASE. WOULD YOU BE THE FIRST,
2 SECOND OR THIRD? CAN YOU TELL US?

3 A REPEAT THAT ONE MORE TIME. I WANT TO BE SURE I
4 AM HEARING YOU RIGHT.

5 Q YES, MA'AM, SURE. YOU WOULD UNDERSTAND THAT YOU
6 NEVER GET TO THIS ISSUE UNLESS YOU FOUND HIM GUILTY?

7 A YES, SIR.

8 Q NOW, IN THE SECOND PHASE HE IS ALREADY FOUND
9 GUILTY AND YOU ARE CONFRONTED WITH THE PUNISHMENT.
10 YOU AND THE 11 OTHER JURORS MUST DECIDE AND THERE IS
11 ONLY ONE THING TO DO. YOU HAVE EITHER GOT TO GIVE
12 LIFE IN PRISON OR DEATH. DO YOU UNDERSTAND THAT?

13 A YES, SIR.

14 Q AT THAT TIME YOU WILL HAVE HEARD ALL THE FACTS
15 IN THIS CASE AND THERE WILL BE ADDITIONAL TESTIMONY.
16 THE STATE WILL PUT UP ADDITIONAL TESTIMONY TRYING TO
17 CONVINCEN YOU THAT DEATH IS THE APPROPRIATE SENTENCE.

18 THE DEFENDANT WILL EQUALLY IMPORTANT PUT UP
19 ADDITIONAL TESTIMONY IN WHAT THEY CALL MITIGATION TO
20 TRY AND CONVINCEN YOU THAT THOUGH YOU HAVE CONVICTED
21 HIM OF MURDER, LIFE IS THE APPROPRIATE SENTENCE. DO
22 YOU UNDERSTAND THAT?

23 A YES, SIR.

24 Q THE STATE WANTS TO PUT HIM IN THE ELECTRIC
25 CHAIR. THE DEFENDANT WANTS TO SAVE HIS LIFE. NOW,

FLOSTINE GREEN -VOIR DIRE- BY THE COURT

1 IN CONSIDERING THIS AWESOME CHALLENGE, JURORS FALL
2 INTO ONE OF THREE GROUPS. I NEED TO ASK YOU WHICH
3 GROUP YOU THINK YOU ARE IN.

4 OF COURSE, I KNOW YOU HAVEN'T HEARD ANY OF THE
5 FACTS YET, YOU SEE. BUT THERE IS A GROUP WHO SAY
6 REGARDLESS OF WHAT I HEAR, IF WE FOUND HIM GUILTY OF
7 MURDER, I THINK THAT DEATH IS THE APPROPRIATE
8 PUNISHMENT. THAT'S ONE GROUP.

9 THERE IS A SECOND GROUP WHO SAY EITHER FOR
10 PERSONAL OR RELIGIOUS REASONS OR ANY OTHER REASONS,
11 SIMPLY AS AN ACT OF MERCY, I CAN NEVER PUT ANYBODY TO
12 DEATH REGARDLESS OF WHAT THEY DID. THERE IS A THIRD
13 GROUP WHO SAY I CAN DO EITHER ONE DEPENDING ON THE
14 FACTS. WOULD YOU BE FIRST, SECOND OR THIRD?

15 A I WOULD SAY SECOND.

16 Q YOU WOULD BE SECOND?

17 A YES, SIR.

18 Q THE SECOND GROUP SAYS -- AND THERE ARE NO RIGHT
19 OR WRONG ANSWERS. THE SECOND GROUP SIMPLY SAYS I DO
20 NOT FEEL THAT I COULD TAKE THE LIFE OF ANOTHER HUMAN
21 BEING. IS THAT YOUR CATEGORY?

22 A THAT'S MY CATEGORY.

23 Q PLEASE BE SURE THAT WE ARE NOT INTRUDING ON YOUR
24 PRIVACY. YOU UNDERSTAND THAT?

25 A I UNDERSTAND.

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Q THESE ARE CERTAIN QUESTIONS WE NEED TO KNOW.

THE COURT: YOU MAY EXAMINE.

SOLICITOR BAILEY: INDULGE ME A SECOND.

(ATTORNEYS CONFER.)

SOLICITOR BAILEY: NO QUESTIONS, YOUR HONOR.

MR. STONE: NO, SIR.

THE COURT: PLEASE STEP OUT JUST A MINUTE.

(THE JUROR LEAVES THE COURTROOM.)

THE COURT: LET THE RECORD REFLECT THAT THE STATE AND DEFENSE COUNSEL WERE AFFORDED AN OPPORTUNITY OF EXAMINATION, BOTH HAVING DECLINED TO DO SO. WHAT SAYS THE STATE?

SOLICITOR BAILEY: NOT QUALIFIED.

THE COURT: WHAT SAYS THE DEFENSE?

MR. STONE: WE WOULD AGREE.

THE COURT: THANK YOU. BRING HER BACK IN.

(THE JUROR RETURNS TO THE COURTROOM.)

THE COURT: MRS. GREEN, WE ALL THANK YOU FOR YOUR PRESENCE HERE TODAY. WE ARE NOW GOING TO EXCUSE YOU FOR THE DAY AND FOR THE WEEK. YOU WILL NOT HAVE TO RETURN. WE DEEPLY APPRECIATE YOUR PRESENCE.

JUROR: THANK YOU.

THE COURT: THANK YOU SO MUCH.

KENNETH LEWIS -VOIR DIRE- BY THE COURT

1 (THE JUROR LEAVES THE COURTROOM.)

2 THE COURT: WE WILL BREAK FOR LUNCH

3 IMMEDIATELY AFTER THIS ONE.

4 MR. STONE: YES, SIR.

5 (THE JUROR ENTERS THE COURTROOM.)

6 KENNETH LEWIS, (BLACK MALE),

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 Q MR. LEWIS, I BET YOU WERE GETTING LONESOME BACK

11 THERE. YOU WERE THE LAST ONE BACK THERE, WERE YOU

12 NOT?

13 A YES, SIR.

14 Q I WANT TO ASK YOU A FEW QUESTIONS IF WE CAN, MR.

15 LEWIS. YOU FINISHED JUNIOR HIGH AND HIGH SCHOOL IN,

16 WHAT, NEWARK, NEW JERSEY?

17 A YES, SIR.

18 Q AND YOU CAME DOWN HERE TO CHARLESTON AND YOU

19 ATTENDED TRIDENT TECH?

20 A YES.

21 Q HOW LONG HAVE YOU BEEN DOWN HERE, PLEASE?

22 A APPROXIMATELY THREE YEARS.

23 Q I WILL ASK YOU TO TALK A LITTLE LOUDER SO MY

24 COURT REPORTER CAN HEAR YOUR RESPONSES. WHERE IS IT

25 YOU WORK, PLEASE?

KENNETH LEWIS -VOIR DIRE- BY THE COURT

1 A FOOD LION WAREHOUSE IN ELLOREE.

2 Q IN ELLOREE. WHAT ARE YOUR DUTIES THERE?

3 A I'M A SELECTOR.

4 Q MEANING WHAT?

5 A I PULL GROCERIES FOR FOOD LION STORES.

6 Q HOW LONG HAVE YOU BEEN WORKING FOR FOOD LION?

7 A FIVE YEARS.

8 Q YOU ARE A CAREER EMPLOYEE WITH FOOD LION?

9 A YES, SIR.

10 Q SOME OF THE JURORS YESTERDAY INDICATED THAT THEY
11 MAY HAVE READ OR HEARD SOMETHING ABOUT THIS CASE WE
12 ARE GETTING READY TO TRY. HAVE YOU READ OR HEARD
13 ANYTHING ABOUT IT?

14 A I REALLY DIDN'T KEEP UP WITH IT BECAUSE I'M FROM
15 SANTEE. DURING THE TIME THIS INCIDENT HAPPENED, I
16 WAS IN SANTEE THAT NIGHT. IT WAS JUST THE TALK OF
17 THE TOWN FOR AT LEAST A GOOD WEEK, TWO WEEKS.

18 Q I UNDERSTAND THAT. I COME FROM A SMALL TOWN,
19 TOO. WHEN SOMETHING HAPPENS IN A SMALL TOWN, WE ALL
20 TALK ABOUT IT AT THE COFFEE SHOPS, DISCUSS IT, IT'S
21 IN THE LOCAL PAPER, THIS, THAT AND THE OTHER.

22 A YES...

23 Q I NEED TO KNOW THOUGH IF YOU WERE SELECTED AS A
24 JUROR IN THIS CASE, CAN YOU PROMISE ME THAT WHATEVER
25 YOUR VERDICT IS IT WILL BE BASED ON WHAT YOU HEAR IN

KENNETH LEWIS -VOIR DIRE- BY THE COURT

1 THIS COURTROOM AND NOT WHAT YOU READ OR HEARD OR DO
2 YOU FEEL LIKE YOU HAVE ALREADY FORMED AN OPINION
3 ABOUT THIS THING?

4 A YES, I ALREADY FEEL THAT I FORM AN OPINION.

5 Q SIR?

6 A I FEEL THAT I ALREADY HAVE FORM AN OPINION.

7 Q YOU HAVE ALREADY FORMED AN OPINION?

8 A YES.

9 Q DO YOU THINK THAT THAT IS THE SORT OF OPINION
10 THAT YOU WOULD KEEP REGARDLESS OF WHAT YOU HEARD?

11 A YES, I FEEL I WOULD BE UNFAIR TO THE COURT.

12 THE COURT: DO YOU CARE TO EXAMINE?

13 SOLICITOR BAILEY: NO, SIR.

14 MR. STONE: NO, SIR.

15 THE COURT: YOU CAN STEP OUT.

16 (THE JUROR LEAVES THE COURTROOM.)

17 SOLICITOR BAILEY: NOT QUALIFIED.

18 MR. STONE: NO, SIR, HE IS NOT QUALIFIED.

19 THE COURT: LET THE RECORD REFLECT BOTH
20 PARTIES WERE EXTENDED AN INVITATION TO CROSS EXAMINE
21 THIS POTENTIAL JUROR.

22 (THE JUROR RETURNS TO THE COURTROOM.)

23 THE COURT: MR. JUROR, WE ALL EXPRESS TO
24 YOU OUR DEEPEST APPRECIATION FOR YOUR ATTENDANCE HERE
25 AND THANK YOU FOR YOUR CANDID AND TRUTHFUL ANSWERS.

1 I AM NOW GOING TO EXCUSE YOU FOR THE REST OF THE
2 WEEK. YOU DO NOT HAVE TO RETURN.

3 JUROR: THANK YOU.

4 (THE JUROR LEAVES THE COURTROOM.)

5 THE COURT: WE WILL BE IN RECESS UNTIL
6 2:30.

7 (WHEREUPON THERE WAS A LUNCHEON RECESS.)

8 THE COURT: BRING THE PANEL IN, PLEASE.

9 (THE JURY PANEL ENTERS THE COURTROOM.)

10 THE COURT: LADIES AND GENTLEMEN, WE WILL
11 START THE INDIVIDUAL VOIR DIRE PROCESS MOMENTARILY,
12 AT WHICH TIME EACH ONE OF YOU WILL BE CALLED OUT AND
13 WE WILL ASK OF YOU CERTAIN QUESTIONS. BE ASSURED
14 THAT NOBODY WOULD EVER INVADE YOUR PRIVACY IN ANY WAY
15 WHATSOEVER, BUT THIS IS A PROCESS THAT WE USE IN
16 CASES OF THIS KIND.

17 THE REASON I WANTED TO TALK TO YOU JOINTLY
18 AT THIS TIME IS TO MAKE SURE THAT ALL OF YOU
19 UNDERSTAND THAT YOU MUST NOT DISCUSS THIS CASE WITH
20 ANYONE. YOU MUST NOT PERMIT ANYONE UNDER ANY
21 CIRCUMSTANCES TO DISCUSS IT WITH YOU. YOU MUST NOT
22 EVEN DISCUSS IT AMONG YOURSELVES UNTIL THE CASE HAS
23 BEEN COMPLETED AND I HAVE GIVEN IT TO YOU FOR YOUR
24 DELIBERATION.

25 IN ADDITION TO THAT, WE WILL BE HAVING

1 INDIVIDUAL QUESTIONING, AS I HAVE TOLD YOU. YOU MUST
2 NOT DISCUSS THE QUESTIONS THAT WERE ASKED OF YOU WITH
3 ANYONE, INCLUDING FELLOW JURORS. YOU MUST NOT EVEN
4 DISCUSS THE ANSWERS.

5 SO WHAT I'M SAYING TO YOU IS YOU ARE ALL
6 SWORN AND UNDER YOUR OATH AS JURORS. DON'T DISCUSS
7 ANY ASPECT OF THIS CASE WITH ANYBODY, INCLUDING
8 FELLOW JURORS. PERMIT NO ONE TO DISCUSS IT WITH YOU.

9 IF ANYONE SHOULD ATTEMPT TO DO SO, TELL
10 THEM THAT YOU ARE POTENTIAL JURORS. IF THEY INSIST
11 ON ATTEMPTING TO DISCUSS SOME ISSUE OF THIS CASE WITH
12 YOU, PLEASE TAKE THEIR NAMES AND REPORT THAT BACK TO
13 ME IMMEDIATELY.

14 NOW, WE ARE GOING TO START THE PROCESS
15 SHORTLY. AS I INDICATED EARLIER, WE ARE QUALIFYING
16 35 JURORS. THOSE 35 QUALIFIED JURORS WILL BE
17 REQUESTED TO RETURN TO THIS COURTROOM AT 9:30
18 THURSDAY MORNING, BRINGING WITH THEM SUCH PERSONAL
19 EFFECTS THAT THEY WOULD REQUIRE FOR STAY IN A MOTEL
20 IN THE EVENT THAT ARE SELECTED.

21 FROM THAT 35 WE WILL SELECT ON THURSDAY
22 MORNING VERY PROMPTLY 12 JURORS AND TWO ALTERNATES.
23 THAT PROCESS WILL LAST LESS THAN 30 MINUTES, AN HOUR
24 AT THE MOST.

25 WE INTEND TO START THE TRIAL OF THIS CASE

KAYE BONNETTE -VOIR DIRE- BY THE COURT

1 THURSDAY MORNING. SO I AM GOING TO LET YOU GO TO THE
2 JURY ROOM. WE WILL NOW CALL YOU OUT IN THE ORDER
3 THAT YOU APPEAR ON YOUR PANEL. THANK YOU SO MUCH.

4 (THE JURY PANEL LEAVES THE COURTROOM.)

5 THE COURT: GENTLEMEN, THE FIRST JUROR IS
6 THE LADY THAT HAD THE PETTING ZOO.

7 MR. STONE: IS THAT WHO THAT IS?

8 THE COURT: LET'S SEE WHAT ARRANGEMENTS SHE
9 HAS MADE.

10 (THE JUROR ENTERS THE COURTROOM.)

11 KAYE BONNETTE, (WHITE
12 FEMALE), BEING FIRST DULY SWORN, TESTIFIED AS
13 FOLLOWS:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q MRS. BONNETTE, AS A THRESHOLD MATTER, ON
17 YESTERDAY YOU INDICATED THAT I BELIEVE YOU AND YOUR
18 HUSBAND KEPT SOME EXOTIC ANIMALS AND THAT IT WOULD BE
19 UNDULY BURDENSOME FOR YOU TO SERVE, PARTICULARLY BY
20 WAY OF SEQUESTRATION.

21 I DIDN'T WANT TO GO INTO DETAILS WITH YOUR
22 CONCERNS IN THE PRESENCE OF THE WHOLE JURY, BUT I AM
23 WONDERING NOW IS THAT STILL YOUR POSITION OR HAVE YOU
24 BEEN ABLE TO WORK IT OUT?

25 A WELL, IT WOULD BE BURDENSOME BUT IT WOULD BE

KAYE BONNETTE -VOIR DIRE- BY THE COURT

1 POSSIBLE.

2 Q AND I APPRECIATE THAT. IF YOU THINK IT WILL BE
3 POSSIBLE, I WOULD LIKE TO GO AHEAD AND CONSIDER
4 QUALIFYING YOU. YOU MAY OR MAY NOT BE SELECTED. I
5 DO WANT YOU TO KNOW THAT WE DO HAVE CONCERNS FOR OUR
6 JURORS.

7 A THANKS.

8 Q YOU THINK IT WOULD BE POSSIBLE NOW IF SELECTED
9 FOR YOU TO SERVE?

10 A YES.

11 Q LET ME ASK YOU THIS, MRS. BONNETTE. YESTERDAY I
12 INQUIRED OF THE JURY AS TO WHO MAY HAVE READ OR HEARD
13 SOMETHING ABOUT THIS. MOST OF THEM STOOD UP. WERE
14 YOU ONE OF THOSE WHO KNEW SOMETHING ABOUT THIS?

15 A YES.

16 Q CAN YOU TELL US SOMETHING -- IS IT SOMETHING YOU
17 READ OR HEARD OR NEWSPAPER OR WHAT?

18 A I READ THE NEWSPAPER BACK IN JANUARY OR DECEMBER
19 WHEN IT HAPPENED.

20 Q YOU WOULD UNDERSTAND THAT THIS IS A TWO-PHASE
21 TRIAL. ONE IS THE GUILT OR INNOCENCE. WE WOULD WANT
22 ALL JURORS TO BASE THEIR VERDICT, WHATEVER IT IS, ON
23 THE LAW AND EVIDENCE HEARD IN THIS COURTROOM.

24 CAN YOU PROMISE ME YOU CAN SET ASIDE WHAT YOU
25 MAY HAVE READ LAST JANUARY AND BASE YOUR VERDICT,

KAYE BONNETTE -VOIR DIRE- BY THE COURT

1 WHATEVER IT IS, ON THE LAW AND THE EVIDENCE IN THIS
2 COURTROOM IN THIS TRIAL?

3 A YES.

4 Q NOW, MOST PEOPLE ARE NEVER CONFRONTED WITH A
5 SITUATION WHERE THEY HAVE GOT TO CONSIDER THE
6 IMPOSITION OF THE PENALTY OF DEATH OR LIFE
7 IMPRISONMENT; BUT AS I TOLD YOU YESTERDAY, THIS IS A
8 POSSIBLE TWO-PHASE TRIAL.

9 THE FIRST PHASE DEALS SOLELY WITH THE GUILT OR
10 INNOCENCE OF THIS DEFENDANT ON TRIAL FOR MURDER. IF
11 THE JURY FINDS THAT HE IS NOT GUILTY OR CONCLUDES
12 THAT THE STATE HAS NOT PROVEN HIM GUILTY BEYOND A
13 REASONABLE DOUBT, WE STOP THERE. DO YOU UNDERSTAND
14 THAT?

15 A YES.

16 Q NOW, IF -- AND I USE THAT WORD ADVISEDLY -- IF
17 THE JURY DETERMINES BEYOND A REASONABLE DOUBT THAT HE
18 IS GUILTY, YOU THEN GO TO THE SECOND STAGE, WHICH IS
19 THE PUNISHMENT STAGE.

20 NOW, AT THE PUNISHMENT STAGE THE JURY DECIDES
21 SHALL HE BE GIVEN LIFE IMPRISONMENT OR THE PENALTY OF
22 DEATH? WHATEVER THE JURY DECIDES, I WILL IMPOSE. IT
23 IS THE JURY'S DECISION HOWEVER. YOU READ THE LETTER
24 TALKING ABOUT THREE TYPES OF JURORS?

25 A (WITNESS NODS.) (INDICATING AFFIRMATIVE)

KAYE BONNETTE -VOIR DIRE- BY THE COURT

1 RESPONSE.)

2 Q THERE ARE THREE TYPES OF JURORS WHEN CONFRONTED
3 WITH THIS SITUATION. THERE IS A GROUP WHO SAY HAVING
4 CONVICTED THIS INDIVIDUAL OF MURDER, I WILL ALWAYS
5 IMPOSE A PENALTY OF DEATH. THERE IS ANOTHER GROUP
6 EQUALLY CORRECT WHO SAY EVEN THOUGH WE FIND HIM
7 GUILTY OF MURDER, I CAN NEVER TAKE THE LIFE OF OTHER
8 HUMAN BEING.

9 THERE IS A THIRD GROUP WHO SAY I AM GOING TO
10 CONSIDER ALL OF THE FACTS IN THE CASE AND THEN I CAN
11 DECIDE THE APPROPRIATE PUNISHMENT. I CAN IMPOSE A
12 SENTENCE OF LIFE THOUGH WE HAVE CONVICTED HIM OF
13 MURDER. THAT JUROR ALSO SAYS I CAN ALSO IMPOSE A
14 SENTENCE OF DEATH DEPENDING UPON THE FACTS OF THE
15 CASE. WOULD YOU BE THE FIRST, SECOND OR THIRD GROUP,
16 PLEASE?

17 A I WOULD HAVE TO SAY THE THIRD.

18 Q THE THIRD GROUP. CAN YOU TELL ME YOUR VIEW OF
19 THE THIRD GROUP?

20 A WELL, I AM IN FAVOR OF THE DEATH PENALTY BUT I
21 WOULD THINK THERE WOULD BE EXTENUATING CIRCUMSTANCES
22 WHERE MAYBE LIFE WOULD BE BETTER. I CAN'T SAY
23 EXACTLY WHAT THEY WOULD BE.

24 Q I WOULDN'T DARE ASK YOU BECAUSE YOU HAVEN'T
25 HEARD THE FACTS. THANK YOU, MA'AM.

KAYE BONNETTE-VOIR DIRE- BY SOL. BAILEY

1 THE COURT: YOU MAY EXAMINE.

2 VOIR DIRE EXAMINATION

3 BY SOLICITOR BAILEY:

4 Q MRS. BONNETTE, I'M WALTER BAILEY. I WANT TO ASK
5 A FEW QUESTIONS TO FOLLOW UP ON WHAT JUDGE COTTINGHAM
6 ASKED YOU. THE JUDGE EXPLAINED TO YOU JUST NOW AND
7 ALSO AS A GROUP EARLIER THAT IN SOUTH CAROLINA THE
8 JURY AND NOT THE JUDGE MAKES THE DECISION ON LIFE
9 WITHOUT PAROLE OR THE DEATH PENALTY, AND THAT
10 SENTENCE WILL BE CARRIED OUT.

11 YOU HAVE INDICATED YOU ARE THE THIRD TYPE JUROR
12 THAT DEPENDING ON THE FACTS AND CIRCUMSTANCES COULD
13 VOTE FOR LIFE WITHOUT PAROLE OR IF THE CASE WAS BAD
14 ENOUGH COULD VOTE FOR THE DEATH PENALTY; IS THAT
15 CORRECT?

16 A YES.

17 Q IF THE JURY UNANIMOUSLY VOTES FOR THE DEATH
18 PENALTY, THE NEXT THING THAT HAPPENS IS EACH JUROR
19 WOULD NEED TO SIGN THEIR NAME TO A VERDICT FORM THAT
20 WOULD RESULT IN THAT PERSON BEING EXECUTED AT SOME
21 POINT AFTER THAT. COULD YOU SIGN YOUR NAME TO THAT
22 PAPER IF THAT WAS YOUR DECISION?

23 A YES.

24 Q COULD YOU STAND UP IN OPEN COURT WHEN YOUR NAME
25 WAS ANNOUNCED IF THAT WAS YOUR DECISION AND AFFIRM

KAYE BONNETTE -VOIR DIRE- BY MR. SIMS

1 THAT OUT LOUD?

2 A YES, I COULD.

3 Q AND THE SITUATION IN REGARD TO YOUR ANIMALS, DO
4 YOU THINK THAT IS UNDER CONTROL ENOUGH WHERE IT
5 WOULDN'T CAUSE YOU UNDUE CONCERN IF YOU WERE
6 SEQUESTERED FOR FOUR OR FIVE DAYS?

7 A I THINK SO.

8 Q MRS. BONNETTE, THAT'S ALL I HAVE GOT. THANK YOU
9 VERY MUCH.

10 VOIR DIRE EXAMINATION

11 BY MR. SIMS:

12 Q GOOD AFTERNOON, MRS. BONNETTE. I'M THOMAS SIMS.
13 I REPRESENT BAYAN HERE. LET ME ASK YOU A QUESTION.
14 YOU HAD INDICATED INITIALLY THAT YOU HAD HEARD ABOUT
15 THIS MATTER, AND I BELIEVE YOU SAID IT WAS BASED UPON
16 THE NEWSPAPER REPORTS?

17 A RIGHT.

18 Q DID YOU ALSO HAVE THE OPPORTUNITY TO LOOK AT THE
19 TELEVISION REPORTS OR ANY TELEVISION REPORTS?

20 A I PROBABLY HAVE SEEN SOME REPORTS ON TELEVISION,
21 BUT I PROBABLY DIDN'T PAY THAT MUCH ATTENTION TO
22 THEM. I DON'T SIT DOWN TOO MUCH AND WATCH T.V.

23 Q I GUESS WITH ALL THOSE ANIMALS.

24 A RIGHT..

25 Q I GUESS YOU HAVE NOT HAD AN OPPORTUNITY OR DID

KAYE BONNETTE -VOIR DIRE- BY MR. SIMS

1 NOT DISCUSS IT WITH ANYONE. YOUR MAJOR SOURCE WAS
2 THEN THE TELEVISION AND THE NEWSPAPER ARTICLES; IS
3 THAT CORRECT?

4 A RIGHT.

5 Q LET ME ASK YOU. DO YOU THINK THAT FOREIGN
6 NATIONALS ENJOY THE SAME RIGHTS AS AMERICAN CITIZENS?

7 A THEY ARE NOT AMERICAN CITIZENS YOU'RE SAYING?
8 THEY ARE JUST OVER HERE?

9 Q YES.

10 A YEAH, I WOULD THINK SO.

11 Q WOULD YOU HOLD WOMEN TO THE SAME STANDARD THAT
12 YOU WOULD HOLD A MAN TO?

13 A YES, I WOULD.

14 Q DO YOU OWN A CAR?

15 A YES, I DO.

16 Q DO YOU HAVE ANY BUMPER STICKERS ON YOUR CAR?

17 A NO, I DON'T.

18 MR. SIMS: THAT'S ALL I HAVE, YOUR HONOR.

19 THE COURT: I ASK YOU TO STEP OUT JUST A
20 MOMENT, PLEASE.

21 (THE JUROR LEAVES THE COURTROOM.)

22 THE COURT: WHAT SAYS THE STATE?

23 SOLICITOR BAILEY: QUALIFIED.

24 MR. SIMS: QUALIFIED, YOUR HONOR.

25 THE COURT: BRING THE JUROR BACK.

1 (THE JUROR RETURNS TO THE COURTROOM.)

2 THE COURT: MRS. BONNETTE, YOU HAVE BEEN
3 FOUND TO BE QUALIFIED AS ONE OF THE 35 POTENTIAL
4 JURORS BY THE ATTORNEYS FOR THE STATE AND THE
5 DEFENDANT.

6 PLEASE REPORT BACK HERE AT 9:30 THURSDAY
7 MORNING, BRINGING YOU WITH CERTAIN PERSONAL EFFECTS
8 AS YOU WOULD REQUIRE FOR A STAY IN THE MOTEL IN THE
9 EVENT YOU ARE SELECTED. WE WILL BE SELECTING 14 FROM
10 THE 35.

11 JUROR: FOR HOW MANY DAYS SHOULD I BRING
12 STUFF?

13 THE COURT: I WOULD ANTICIPATE THROUGH
14 TUESDAY OR WEDNESDAY.

15 JUROR: I DON'T HAVE TO COME BACK TOMORROW?

16 THE COURT: NO, MA'AM, THURSDAY MORNING.

17 JUROR: I HAVE A FUNERAL TO GO TO.

18 THE COURT: WE WOULD ANTICIPATE CERTAINLY
19 NO LATER THAN WEDNESDAY, HOPEFULLY TUESDAY. DOES
20 THAT ANSWER YOUR QUESTION?

21 JUROR: YES, SIR.

22 THE COURT: THANK YOU. I WILL SEE YOU AT
23 9:30 THURSDAY MORNING.

24 (THE JUROR LEAVES THE COURTROOM.)

25 (THE NEXT JUROR ENTERS THE COURTROOM.)

KEDRAIN PELZER -VOIR DIRE- BY THE COURT

1 KEDRAIN PELZER, (BLACK
2 MALE), BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 VOIR DIRE EXAMINATION

4 BY THE COURT:

5 Q GOOD AFTERNOON, MR. PELZER.

6 A GOOD AFTERNOON.

7 Q I WOULD LIKE TO ASK YOU SOME QUESTIONS IF I MAY.
8 THIS REPLY THAT YOU SENT IN INDICATES THAT YOU ARE 26
9 YEARS OF AGE?

10 A TWENTY-FIVE.

11 Q TWENTY-FIVE?

12 A YES, SIR.

13 Q YOU ARE A HIGH SCHOOL GRADUATE AND WENT TO -- IS
14 THAT DEKALB COLLEGE? WHERE IS THAT, IN ATLANTA?

15 A YES, SIR.

16 Q YOU ARE NOW EMPLOYED AS A MACHINE OPERATOR FOR
17 WHO, PLEASE?

18 A I GOT LAID OFF AT CAYCE. I'M AT A BAKERY NOW.

19 Q SIR?

20 A I'M AT A BAKERY NOW IN COLUMBIA.

21 Q YOU ARE AT A BAKERY IN COLUMBIA?

22 A YES, SIR.

23 Q DID THIS OCCUR SINCE YOU SENT IN THIS FORM?

24 A I GOT LAID OFF LIKE TWO WEEKS AGO.

25 Q WHAT TYPE OF WORK DO YOU DO WITH THE BAKERY,

KEDRAIN PELZER -VOIR DIRE- BY THE COURT

1 PLEASE?

2 A MACHINE OPERATOR.

3 Q MACHINE OPERATOR THERE?

4 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

5 Q YESTERDAY QUITE A FEW OF THE POTENTIAL JURORS
6 INDICATED THAT THEY MAY HAVE READ OR HEARD SOMETHING
7 ABOUT THIS CASE. WOULD YOU HAVE BEEN ONE OF THOSE
8 WHO STOOD UP?

9 A NO, SIR.

10 Q YOU NEVER READ ANYTHING ABOUT THIS CASE?

11 A NO, SIR.

12 Q ANYBODY EVER DISCUSSED IT WITH YOU?

13 A YES, SIR.

14 Q SIR?

15 A YES, SIR.

16 Q YOU HAVE DISCUSSED IT? WELL, YOU KNOW A LITTLE
17 SOMETHING ABOUT IT?

18 A YES, SIR.

19 Q LET ME ASK YOU THIS. EVEN THOUGH YOU MAY HAVE
20 DISCUSSED IT WITH SOMEBODY, IF YOU WERE A JUROR, CAN
21 YOU BASE YOUR VERDICT, EITHER NOT GUILTY OR GUILTY,
22 BASED ON THE TESTIMONY HEARD IN THE TRIAL IN THIS
23 CASE? CAN YOU SET YOUR DISCUSSIONS ASIDE OR DO YOU
24 THINK YOU HAVE ALREADY MADE UP YOUR MIND ABOUT THIS?

25 A I HAVE TO SET IT ASIDE.

KEDRAIN PELZER -VOIR DIRE- BY THE COURT

1 Q SIR?

2 A I HAVE TO SET IT ASIDE.

3 Q YOU CAN SET IT ASIDE?

4 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
5 RESPONSE.)

6 Q LET ME ASK YOU THIS. DID YOU GET A CHANCE TO
7 READ THE LETTER ABOUT THE THREE TYPES OF JURORS?

8 A YES, SIR.

9 Q DO YOU UNDERSTAND THE THREE TYPES OF JURORS?

10 A YES, SIR.

11 Q WHICH GROUP WOULD YOU BE IN, THE FIRST, SECOND
12 OR THIRD?

13 A THIRD.

14 Q THIRD. WHAT IS YOUR VIEW OF THE THIRD, PLEASE?

15 A WELL, GIVE THE PERSON A CHANCE, YOU KNOW, HEAR
16 THE FACTS AND WHATEVER BEFORE REALLY SAYING IF THEY
17 ARE GUILTY OR WHATEVER.

18 Q LET'S TALK ABOUT IT A MOMENT. THIS IS A
19 TWO-PART TRIAL.

20 A YES, SIR.

21 Q THE FIRST PART DETERMINES WHETHER HE IS NOT
22 GUILTY OR GUILTY. YOU WOULD UNDERSTAND THAT?

23 A YES, SIR.

24 Q IF YOU FOUND HIM NOT GUILTY, YOU WOULD STOP
25 RIGHT THERE. THAT'S THE END OF IT.

KEDRAIN PELZER -VOIR DIRE- BY THE COURT

1 A YES, SIR.

2 Q IF YOU FIND HIM GUILTY, IN THE SECOND ONE THE
3 ONLY QUESTION IS NOT HIS GUILT BECAUSE YOU WOULD HAVE
4 ALREADY DETERMINED THAT. IN THE SECOND TRIAL THE
5 ONLY QUESTION FOR YOU IS THE PUNISHMENT. IT IS ONE
6 OF TWO THINGS, EITHER LIFE IMPRISONMENT OR DEATH. DO
7 YOU UNDERSTAND THAT?

8 A YES, SIR.

9 Q JURORS, WHEN FACED WITH THIS PROBLEM, COME IN
10 THREE CATEGORIES. ONE SAYS THAT HAVING FOUND SOMEONE
11 GUILTY OF MURDER, I WILL ALWAYS BE FOR THE DEATH
12 PENALTY. THERE IS A SECOND GROUP WHO SAYS I CAN
13 NEVER SENTENCE AN INDIVIDUAL TO DEATH.

14 THERE IS A THIRD GROUP WHO SAYS I AM GOING TO
15 CONSIDER LIFE IMPRISONMENT AND THE DEATH PENALTY.
16 DEPENDING ON WHAT I FIND FROM THE FACTS, I CAN IMPOSE
17 A LIFE SENTENCE BUT I CAN ALSO IMPOSE A DEATH
18 SENTENCE.

19 WOULD YOU BE THE GROUP THAT SAYS ALWAYS OR THE
20 GROUP THAT SAYS NEVER OR THE GROUP THAT SAYS I WILL
21 HEAR EVERYTHING AND THEN DECIDE. WHICH WOULD YOU?
22 BE?

23 A HEAR EVERYTHING AND THEN DECIDE.

24 Q YOU CAN GO EITHER WAY DEPENDING ON HOW YOU FEEL?

25 A YEAH.

KEDRAIN PELZER -VOIR DIRE- BY SOL. BAILEY

1 THE COURT: SOLICITOR.

2 SOLICITOR BAILEY: THANK YOU, YOUR HONOR.

3 VOIR DIRE EXAMINATION

4 BY SOLICITOR BAILEY:

5 Q MR. PELZER, I'M WALTER BAILEY. I WANT TO ASK
6 YOU A FEW MORE QUESTIONS. I NOTICE FROM YOUR
7 QUESTIONNAIRE THAT YOU ARE FROM BOWMAN AND YOU GO TO
8 THE HOLINESS CHURCH IN BOWMAN?

9 A YES, SIR.

10 Q DO YOU HAVE ANY RELIGIOUS BELIEFS ABOUT THE
11 DEATH PENALTY THAT YOU THINK MIGHT HAVE ANY EFFECT ON
12 YOUR ABILITY TO SIT IN THIS KIND OF A CASE?

13 A NO.

14 Q MR. SIMS HERE IS FROM BOWMAN. DO YOU KNOW HIM?

15 A YES, SIR.

16 Q HOW DO YOU KNOW MR. SIMS?

17 A HIS FAMILY.

18 Q DO YOU THINK THE FACT THAT MR. SIMS IS ONE OF
19 THE LAWYERS OVER HERE WOULD TEND TO CAUSE YOU ANY
20 PROBLEMS IN BEING ABLE TO GIVE BOTH SIDES A FAIR
21 CHANCE?

22 A NO, SIR.

23 Q AND I BELIEVE YOU ALSO KNOW PATSY RHETT WHO
24 WORKS IN OUR OFFICE?

25 A YES, SIR.

KEDRAIN PELZER -VOIR DIRE- BY SOL. BAILEY

1 Q WITH THE FACT YOU KNOW MS. RHETT CAUSE YOU ANY
2 PROBLEMS IN BEING FAIR TO BOTH SIDES?

3 A NO, SIR.

4 Q YOU UNDERSTAND, MR. PELZER, THAT IN SOUTH
5 CAROLINA IF WE GET TO THAT PENALTY PHASE TO MAKE THAT
6 DECISION, THE JUDGE DOESN'T DECIDE WHETHER THAT MAN
7 GETS LIFE WITHOUT PAROLE OR THE DEATH PENALTY. THE
8 JURY DECIDES THAT.

9 A YES, SIR.

10 Q WHATEVER THE JURY DECIDES THE PENALTY OUGHT
11 TO BE, THE JUDGE WILL IMPOSE THAT PENALTY AND IT
12 WILL HAPPEN. IN OTHER WORDS, HE WILL GET LIFE
13 WITHOUT PAROLE OR BE EXECUTED BASED ON WHAT THAT JURY
14 SAYS.

15 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
16 RESPONSE.)

17 Q I WILL NOT ASK YOU WHAT YOU WOULD DO IN THIS
18 CASE BECAUSE YOU HAVEN'T HEARD THE FACTS; IF THE
19 FACTS WERE BAD ENOUGH, COULD YOU VOTE FOR THE DEATH
20 PENALTY KNOWING THAT PERSON IS GOING TO BE EXECUTED?

21 A YES, SIR.

22 Q IF YOU DID THAT, IF YOU VOTED FOR THE DEATH
23 PENALTY AND THE OTHER 11 JURORS VOTED FOR IT ALSO,
24 COULD YOU SIGN YOUR NAME ONTO A DEATH VERDICT FORM
25 THAT WOULD RESULT IN THAT EXECUTION TAKING PLACE?

KEDRAIN PELZER -VOIR DIRE- BY SOL. BAILEY

1 A YES, SIR.

2 Q IF YOU DID BOTH OF THOSE THINGS, COULD YOU COME
3 OUT HERE INTO OPEN COURT AND SIT IN ONE OF THESE
4 CHAIRS WHEN YOUR NAME IS CALLED OUT LOUD AND STAND UP
5 AND SAY, "THAT IS MY VERDICT"?

6 A YES, SIR.

7 Q AS I UNDERSTAND IT, YOU JUST STARTED A NEW JOB
8 AT A BAKERY IN COLUMBIA?

9 A YES, SIR.

10 Q IF YOU WERE UNABLE TO GO TO WORK FOR, SAY, THE
11 NEXT FOUR OR FIVE DAYS BECAUSE YOU WERE HERE ON THE
12 JURY AND IN THE MOTEL AT NIGHT, WOULD THAT CAUSE YOU
13 ANY PROBLEMS AT YOUR JOB?

14 A I ALREADY WORKED THERE ONE TIME BEFORE.

15 Q SO THAT IS WORKED OUT?

16 A YES, SIR.

17 Q CAN YOU THINK OF ANY REASON THAT I MIGHT NOT
18 EVEN HAVE ASKED YOU ABOUT THAT YOU THINK MIGHT KEEP
19 YOU FROM BEING A FAIR JUROR TO BOTH SIDES, ANYTHING
20 AT ALL?

21 A NO, SIR.

22 Q MR. PELZER, THAT'S ALL I HAVE GOT. THANK YOU
23 VERY MUCH.

24 THE COURT: GENTLEMEN.

25 MR. STONE: THANK YOU, YOUR HONOR.

KEDRAIN PELZER -VOIR DIRE- BY MR. STONE

1 VOIR DIRE EXAMINATION

2 BY MR. STONE:

3 Q MR. PELZER, MY NAME IS DUFFIE STONE. I
4 REPRESENT MR. ALEKSEY HERE. YOU REALIZE THAT THE
5 ALTHOUGH SOLICITOR HAS ASKED SOME QUESTIONS ABOUT THE
6 DEATH PENALTY AND THE JUDGE HAS ASKED YOU SOME
7 QUESTIONS ABOUT THE DEATH PENALTY THAT WE ARE NOT
8 NECESSARILY GOING TO GET TO THE DEATH PENALTY ISSUE?
9 DO YOU UNDERSTAND THAT?

10 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

11 Q DO YOU UNDERSTAND THAT THE SOLICITOR HAS A JOB
12 TO PROVE HIS CASE; AND IF HE DOESN'T PROVE THE CASE,
13 THEN IT WOULD BE YOUR RESPONSIBILITY AS A JUROR TO
14 FIND MR. ALEKSEY NOT GUILTY?

15 A YES, SIR.

16 Q CAN YOU DO THAT IN THIS CASE IF THE SOLICITOR
17 DOES NOT PROVE THEIR CASE?

18 A (WITNESS NODS.) (INDICATING AFFIRMATIVE
19 RESPONSE.)

20 Q DOES IT GIVE YOU ANY CONCERN THAT THIS IS A BIG
21 CASE, THAT SOMEBODY WAS ACTUALLY KILLED?

22 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE
23 RESPONSE.)

24 Q DO YOU HOLD WOMEN TO THE SAME STANDARD THAT YOU
25 HOLD MEN?

KEDRAIN PELZER -VOIR DIRE- BY MR. STONE

1 A YEAH.

2 Q MR. PELZER, THANK YOU.

3 MR. STONE: THANK YOU, YOUR HONOR.

4 (THE JUROR LEAVES THE COURTROOM.)

5 SOLICITOR BAILEY: QUALIFIED.

6 MR. STONE: YES, SIR.

7 (THE JUROR RETURNS TO THE COURTROOM.)

8 THE COURT: MR. JUROR, YOU HAVE BEEN FOUND
9 TO BE QUALIFIED AS ONE OF THE 35. I WANT YOU TO COME
10 BACK, NOT TOMORROW, BUT THURSDAY MORNING WITHOUT FAIL
11 AT 9:30.

12 PLEASE BRING YOUR PERSONAL EFFECTS WITH
13 YOU, SUCH THAT YOU CAN STAY IN THE MOTEL IN THE EVENT
14 THAT YOU ARE ONE OF THE 14 SELECTED. DO YOU HAVE ANY
15 QUESTIONS?

16 JUROR: NO, SIR.

17 THE COURT: YOU MAY LEAVE THIS WAY. I WILL
18 SEE YOU NOW AT 9:30 THURSDAY MORNING.

19 (THE JUROR LEAVES THE COURTROOM.)

20 THE COURT: GENTLEMEN, THIS NEXT JUROR
21 EXPRESSED ON YESTERDAY STRONG RESERVATIONS ABOUT HER
22 ABILITY TO SERVE. YOU WILL RECALL SHE CALLS HERSELF
23 A CUSTODIAN. SHE IS A CLEANING LADY AT A HIGH
24 SCHOOL. SHE JUST TOLD MY LAW CLERK BACK THERE THAT
25 SHE CAN'T READ.

1 SOLICITOR BAILEY: SHE IS 71 YEARS OF AGE
2 ALSO.

3 THE COURT: SIR?

4 SOLICITOR BAILEY: SHE IS 71.

5 THE COURT: I PROPOSE TO EXCUSE THIS JUROR.
6 ANY OBJECTION TO THAT?

7 MR. STONE: NO, SIR. I WOULD PREFER IF SHE
8 JUST WANTED TO BE EXCUSED ON THAT AGE, THAT KIND OF
9 CLEARS EVERYBODY.

10 THE COURT: BRING HER OUT AND I WILL DEAL
11 WITH THAT. I DON'T THINK YOU UNDERSTOOD IT.

12 MR. STONE: I KNOW.

13 (THE JUROR ENTERS THE COURTROOM.)

14 THE COURT: MRS. SHIVERS, WE DID NOT
15 REALIZE THAT YOU ARE 71 YEARS OF AGE.

16 JUROR: YES, I AM.

17 THE COURT: YOU ARE ENTITLED TO BE EXCUSED
18 IF YOU ASK ME TO. WOULD YOU LIKE TO BE EXCUSED?

19 JUROR: YES.

20 THE COURT: YOU WOULD?

21 JUROR: YES.

22 THE COURT: I ACCEPT THAT.

23 MR. STONE: YES, SIR.

24 THE COURT: YOU MAY BE. THANK YOU SO MUCH.

25 (THE JUROR LEAVES THE COURTROOM.)