

VOLUME I OF III

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Orangeburg County

Honorable Maite Murphy, Circuit Court Judge

S.C. SUPREME COURT

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CHRISTIAN COLEMAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001530

APPENDIX

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS 1

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

PRETRIAL MOTIONS

versus)

TRANSCRIPT OF RECORD

CHRISTIAN COLEMAN,)

CASE NO. 2010-GS-38-802-806

RALPH B. COLEMAN,)

CASE NO. 2010-GS-38-807-811

WALTER L. HARRIS)

CASE NO. 2010-GS-38-812-816

DANNY RYANT, JR.,)

CASE NO. 2010-GS-38-817-821

MARIO N. SHIVERS)

CASE NO. 2010-GS-38-822-826

DEFENDANTS)

DATE:

NOVEMBER 23, 2010

BEFORE: HONORABLE EDGAR W. DICKSON, PRESIDING JUDGE

APPEARANCES:

DONALD SORENSON, ESQUIRE
ASSISTANT SOLICITOR
FOR THE STATE

RICHARD LACKEY, ESQUIRE
ATTORNEY AT LAW
FOR DEFENDANT, CHRISTIAN COLEMAN

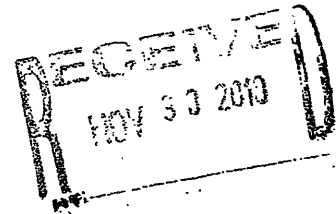
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COURT REPORTER, FIRST JUDICIAL CIRCUIT
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I N D E XHEARING ON NEAL V. BIGGERS MOTIONEXAMINATION OF: DIRECT CROSS REDIRECT RECROSS

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1 DATE:

2 NOVEMBER 23, 2010

3 THE COURT: NOW, ONE OF THE REASONS WE'RE
4 DOING THIS TODAY, SO Y'ALL CAN TELL ME IF Y'ALL, IF
5 THIS ARRANGEMENT LIKE THIS WILL WORK, YOU KNOW, SO WE
6 CAN DISCUSS THAT AND GET EVERYTHING KIND OF IN ORDER
7 AS MUCH AS WE CAN.

8 COURT REPORTER: JUDGE, WHAT CASE IS THIS?

9 THE COURT: WELL, THIS IS A NUMBER OF CASES,
10 BUT I'LL TELL YOU WHAT THESE ARE. THESE ARE GENERAL
11 SESSIONS CASES, AND THE DEFENDANTS' NAMES ARE
12 CHRISTIAN COLEMAN, - - -

13 COURT REPORTER: COLEMAN?

14 THE COURT: COLEMAN, YES, MA'AM, C-0-L-E-M-
15 A-N, RALPH B. COLEMAN, WALTER L. HARRIS, DANNY RYANT,
16 R-Y-A-N-T, JUNIOR, AND MARIO, M-A-R-I-O, MIDDLE
17 INITIAL, N, SHIVERS, S-H-I-V-E-R-S. AND I'LL GO
18 THROUGH WHO REPRESENTS WHO. OKAY?

19 COURT REPORTER: YES, SIR.

20 THE COURT: RICHARD LACKEY REPRESENTS
21 CHRISTIAN COLEMAN. JIL ULLMAN REPRESENTS RALPH
22 COLEMAN. SCOTT PALMER REPRESENTS WALTER HARRIS. DOUG
23 MELLARD REPRESENTS DANNY RYANT. AND JOSH KOGER
24 REPRESENTS MARIO SHIVERS. AND THEY ARE SUPPOSEDLY
25 GOING TO SIT IN THAT ORDER UNLESS WE COME UP WITH

1 SOMETHING ELSE TODAY.

2 AND MS. WALKER, JUST ALSO, SO YOU'LL KNOW,
3 ALL FIVE OF THESE GENTLEMEN ARE CHARGES WITH MURDER,
4 ARMED ROBBERY, BURGLARY, ONE, KIDNAPING, AND
5 POSSESSION OF A WEAPON DURING A VIOLENT CRIME.

6 I WOULD ASK THAT YOU IDENTIFY YOURSELF TO
7 THE COURT REPORTER SO WE CAN KEEP THE RECORD STRAIGHT
8 IF, WHEN Y'ALL GET UP TO BEGIN TALKING, SINCE THIS IS,
9 IF Y'ALL WOULD JUST IDENTIFY YOURSELF WHEN YOU GET UP
10 SO IT WILL MAKE IT EASIER FOR HER, AND FOR THE RECORD
11 IN CASE ANYTHING COMES OUT OF THIS THAT WE NEED TO
12 ADDRESS LATER.

13 ALRIGHT, IS THE STATE READY TO PROCEED?

14 SOLICITOR SORENSON: YES, SIR.

15 THE COURT: OKAY. ARE THE DEFENDANTS READY
16 TO PROCEED?

17 MR. LACKEY: YES, SIR.

18 THE COURT: ALRIGHT. ALRIGHT, MR. SORENSON,
19 DO YOU WANT TO GO?

20 SOLICITOR SORENSON: DO I NEED TO KIND OF
21 PUT ANYTHING ON THE RECORD AS FAR AS WHO IS HERE AND
22 WHO REPRESENTS WHO AND ALL THAT INITIALLY, OR HOW DO
23 YOU WANT TO DO THAT?

24 THE COURT: YEAH, LET'S GO AHEAD AND DO
25 THAT. I THINK, WELL, MS. WALKER, DID I GO AHEAD AND

1 TELL YOU THAT?

2 COURT REPORTER: YOU DID. OKAY, THAT WILL
3 BE FINE.

4 THE COURT: WELL, LET ME JUST GO OVER IT TO
5 MAKE SURE. HERE IS WHAT I TOLD MS. WALKER EARLIER, TO
6 GET THE RECORD STRAIGHT IS, FIRST OF ALL, I SAID WE
7 WERE GOING TO PUT EVERYBODY IN THE ORDER OF THE NUMBER
8 OF THE INDICTMENTS. THAT'S WHY, GENTLEMEN, Y'ALL ARE
9 SITTING IN THAT LINEUP LIKE THAT, AND ATTORNEYS,
10 THAT'S WHY Y'ALL ARE SITTING LIKE THAT. IF Y'ALL HAVE
11 ANY OBJECTION TO THAT I WANT Y'ALL TO LET ME KNOW,
12 BECAUSE THIS WILL ALSO BE THE WAY IN WHICH WE'RE GOING
13 TO PROCEED WITH HANDLING ANY MOTIONS Y'ALL HAVE OR
14 ANYTHING WE'RE GOING TO GO IN THIS ORDER. AND MS.
15 ULLMAN, I USUALLY LIKE TO GO LADIES FIRST, BUT YOU ARE
16 NOW IN THE SECOND POSITION SO -- ALRIGHT, AS I
17 UNDERSTAND IT NOW, IT'S GOING TO BE IN THIS ORDER,
18 CHRISTIAN COLEMAN, WHO'S REPRESENTED BY MR. LACKEY,
19 RALPH COLEMAN, REPRESENTED BY MS. ULLMAN, WALTER
20 HARRIS, REPRESENTED BY MR. PALMER, DANNY RYANT,
21 REPRESENTED BY MR. MELLARD, AND MARIO SHIVERS -- DO
22 YOU GO BY SHIVERS OR SHIVERS?

23 DEFENDANT SHIVERS: SHIVERS.

24 THE COURT: SHIVERS. MARIO SHIVERS, WHO IS
25 REPRESENTED BY MR. KOGER.

1 ALL OF THESE GENTLEMEN ARE CHARGED WITH
2 MURDER, ARMED ROBBERY, BURGLARY ONE, KIDNAPING, AND
3 POSSESSION OF A WEAPON DURING A VIOLENT CRIME. IS THAT
4 CORRECT, MR. SORENSON?

5 SOLICITOR SORENSON: MURDER, BURGLARY FIRST,
6 KIDNAPING, ARMED ROBBERY AND POSSESSION OF A WEAPON
7 DURING A VIOLENT CRIME, YES, SIR.

8 THE COURT: OKAY, YEAH, FOR EACH ONE OF
9 THEM.

10 OKAY. ALRIGHT, ANY CORRECTIONS TO ANYTHING
11 I'VE SAID SO FAR?

12 MR. LACKEY: NO.

13 THE COURT: OKAY. ALRIGHT, NOW, FIRST OF
14 ALL, MR. LACKEY, DO YOU HAVE ANY OBJECTION TO GOING IN
15 THIS ORDER?

16 MR. LACKEY: NOT AT THIS TIME, YOUR HONOR.

17 THE COURT: OKAY. WELL, NOW IS THE TIME YOU
18 HAVE TO COMPLAIN ABOUT IT BECAUSE I'M NOT CHANGING IT
19 AS WE'RE GETTING READY FOR DECEMBER THIRTEENTH.

20 MR. LACKEY: ALL IS FINE.

21 THE COURT: OKAY. MS. ULLMAN?

22 MS. ULLMAN: NO OBJECTION.

23 THE COURT: OKAY. MR. PALMER?

24 MR. PALMER: NO OBJECTION.

25 THE COURT: OKAY. LET'S SEE, MR. MELLARD?

1 MR. MELLARD: NO OBJECTION, YOUR HONOR.

2 THE COURT: AND MR. KOGER?

3 MR. KOGER: NO OBJECTION, YOUR HONOR.

4 THE COURT: OKAY. YOU KNOW, IT'S ACTUALLY
5 EASIER FOR ME TO LOOK AT Y'ALL THAN IT IS FOR ME TO
6 LOOK AT MY LIST.

7 ALRIGHT, NOW, MR. SORENSON, I KNOW -- WHAT
8 DO WE NEED TO GO OVER FROM THE STATE'S PERSPECTIVE,
9 ANYTHING?

10 SOLICITOR SORENSON: I THINK RIGHT NOW
11 PROBABLY NOTHING ELSE, YOUR HONOR.

12 THE COURT: OKAY. ALRIGHT, MR. LACKEY, ANY
13 ISSUES WITH REGARD TO YOUR DEFENDANT THAT YOU WANT TO
14 BRING TO THE COURT'S ATTENTION?

15 MR. LACKEY: YOUR HONOR, I BELIEVE, I TALKED
16 TO MR. SORENSON IN THE LAST WEEK OR TWO AND SOME
17 YESTERDAY, WELL, ON THE MOTIONS THAT WILL BE HELD
18 TODAY. MY, AS FAR AS THE PHOTO LINEUP WHICH I THINK
19 IS THE SUBJECT OF THE, MOST OF THE MOTIONS TODAY, THE
20 IDENTITY OF MY CLIENT WAS NOT POINTED OUT BY ANY OF
21 THE VICTIM, SLASH, STRANGERS, IF YOU WOULD. THERE WAS
22 ONLY A PHOTO LINEUP PRESENTED TO SOME OF THE CO-
23 DEFENDANTS WHO ACTUALLY SELECTED MY CLIENT AFTER
24 REVIEW OF DISCOVERY. THEREFORE, I BELIEVE IN THAT
25 CASE IT WOULD BE, WITH THE WITNESSES HERE TODAY, WHO I

1 THINK IS ASHLEY PARSLEY AND MONEAK BUSBY. THEY DID
2 NOT IDENTIFY MY CLIENT IN THE PHOTO LINEUP.
3 THEREFORE, IT WOULD BE, A NEAL V. BIGGERS HEARING
4 WOULD NOT I THINK BE FOR MY CLIENT ON THESE PARTICULAR
5 LINEUPS.

6 THE COURT: ALRIGHT.

7 MR. LACKEY: WE COULD ADDRESS, AFTER THIS,
8 WITH THE COURT THE POTENTIAL OF A HEARING ON THE
9 LINEUPS WITH THE CO-DEFENDANTS, THOUGH, YOUR HONOR.

10 THE COURT: ALRIGHT. MS. ULLMAN?

11 MS. ULLMAN: YOUR HONOR, MY CLIENT WAS
12 PICKED OUT OF A LINEUP BY AT LEAST ONE WITNESS WHO IS
13 NOT A CO-DEFENDANT, SO I WOULD HAVE A NEAL-BIGGERS
14 ISSUE.

15 THE COURT: ALRIGHT.

16 MS. ULLMAN: DO YOU WANT ME TO ADDRESS OTHER
17 MOTIONS NOW?

18 THE COURT: YES, MA'AM.

19 MS. ULLMAN: I WOULD ALSO ASK YOUR HONOR FOR
20 A CONTINUANCE OF THIS MOTIONS HEARING. IN GOING
21 THROUGH ALL OF THE EVIDENCE I'M MISSING QUITE A BIT OF
22 EVIDENCE, BASICALLY ALL FORENSIC EVIDENCE, INCLUDING
23 THE GUN SHOT RESIDUE TESTS DONE ON THE DECEASED VICTIM
24 AND THE WITNESS, SLASH, VICTIM IN THIS CASE. ALSO, ANY
25 BALLISTICS FROM ANY OF THE BULLETS TAKEN. THERE WAS A

1 GUN RECOVERED, I'VE NO EVIDENCE OF ANY OF THAT. ALSO,
2 LAST WEDNESDAY WE RECEIVED NEW EVIDENCE OF LETTERS
3 THAT ARE ALLEGED TO HAVE BEEN PASSED AROUND THE JAIL.
4 THERE ARE NO NAMES ON THESE LETTERS AND I'M INFORMED
5 BY THE STATE THAT THEY MAY BE USED AS REBUTTAL
6 EVIDENCE. HE DOESN'T PLAN TO USE THEM IN HIS CASE IN
7 CHIEF BUT HE DOES PLAN TO USE THEM AGAINST THE
8 DEFENDANTS IF THE DEFENDANTS TESTIFY. I WOULD ASK YOUR
9 HONOR FOR TIME TO GET A HANDWRITING ANALYSIS TO
10 COMPARE THE LETTERS WE RECEIVED, SINCE THEY ARE NOT
11 SIGNED, OBVIOUSLY, TO TRY TO PROVE AUTHENTICATION.
12 AND I WOULD ALSO HAVE A MOTION TO SEVER THIS TRIAL.
13 THERE ARE FIVE CO-DEFENDANTS HERE, AND I CAN GET INTO
14 THE MERITS OF MAYBE WANTING TO, BUT THAT IS ONE OF THE
15 MOTIONS I HAVE BEFORE THIS COURT.

16 THE COURT: ALRIGHT. DO YOU WANT TO -- ANY
17 OTHER MOTIONS?

18 MS. ULLMAN: IF THE CONTINUANCE IS NOT
19 GRANTED, YOUR HONOR, I WOULD ASK YOU TO KEEP OUT ANY
20 EVIDENCE THAT HAS NOT BEEN TURNED OVER, SINCE WE HAVE
21 NOT HAD THE ABILITY TO REVIEW ANY OF IT. AND I'M NOT
22 SURE WHAT THE EVIDENCE DOES OR DOESN'T SHOW, BUT IT
23 MIGHT PERTAIN ALSO TO MY MOTION TO SEVER. IT MAY HAVE
24 SOME BEARING ON WHY THE CASE SHOULD BE SEVERED, AND I
25 DON'T HAVE THAT TO ARGUE BEFORE YOU TODAY BECAUSE I

1 DON'T HAVE THE EVIDENCE.

2 THE COURT: OKAY. ALRIGHT. DO YOU WANT ME
3 TO -- MR. SORENSON, DOES THE STATE WANT ME TO JUST
4 FIND OUT FROM EACH ATTORNEY WHAT MOTIONS THEY HAVE AND
5 THEN GO, AND THEN DECIDE HOW WE'RE GOING TO ARGUE ON
6 THOSE MOTIONS?

7 SOLICITOR SORENSON: THAT WOULD BE FINE,
8 I'VE GOT MY INVESTIGATOR GOING TO GET SOMETHING FROM
9 MY OFFICE BECAUSE I NEED TO ADDRESS ONE OF MS.
10 ULLMAN'S MOTIONS ANYWAY, SO, I MEAN, IT MAY TAKE A
11 COUPLE OF MINUTES.

12 THE COURT: OKAY. ALRIGHT. AND MS. ULLMAN,
13 SO WE'VE GOT THREE ISSUES THAT WE NEED TO ADDRESS
14 TODAY FOR YOU?

15 MS. ULLMAN: YES, SIR.

16 THE COURT: OKAY. ALRIGHT.

17 MR. LACKEY: YOUR HONOR, IF I MAY, - - -

18 THE COURT: YES, SIR.

19 MR. LACKEY: I WAS OF THE UNDERSTANDING THAT
20 THIS WAS PARTICULARLY FOR JUST A PHOTO LINEUP MOTION
21 TODAY, FROM THE STATE'S PERSPECTIVE AND FROM MY
22 PERSPECTIVE. BUT WE DO HAVE SOME ISSUES AS WELL THAT
23 MS. ULLMAN HAD, AS FAR AS THE, AS FAR AS SOME
24 INTERCEPTED LETTERS CLAIMING THAT THEY CAME OUT OF THE
25 JAIL LAST WEEK, I BELIEVE WE RECEIVED ON THURSDAY OF

1 LAST WEEK, THAT I WAS JUST ABLE TO BRING TO THE
2 ATTENTION OF MY CLIENT ON FRIDAY AND A LITTLE BIT
3 YESTERDAY. AND AS FOR ANY OTHER DISCOVERY, IT HAS
4 BEEN PIECE, KIND OF PIECE MEALED IN TO US, AT LEAST,
5 TO ME, AND SO AS FAR AS THAT'S CONCERNED, I WOULD
6 ASSUME I AM HAVING, HAD ALL DISCOVERY, BUT I'M NOT
7 REAL SURE AFTER SOME DISCUSSIONS WHETHER IT'S ALL BEEN
8 PROVIDED TO ME AS WELL.

9 THE COURT: ALRIGHT, SIR. WELL, WE'LL TRY
10 AND GO THROUGH THAT IN, I GUESS, AS ORDERLY A -- I
11 DON'T KNOW WHETHER -- MR. SORENSON, IF THERE ARE SOME
12 DISCOVERY ISSUES ABOUT WHETHER OR NOT THEY HAVE BEEN
13 PROVIDED DISCOVERY OR NOT, DO Y'ALL WANT TO -- WOULD
14 IT BE HELPFUL FOR THEM TO MEET WITH YOU BRIEFLY AND GO
15 OVER THAT RATHER THAN TAKE IT UP, AND JUST ...

16 SOLICITOR SORENSON: YES, SIR, AND AS I SAY,
17 I MEAN, I'M WAITING TO GET MY FILE TO SHOW, I MEAN,
18 THAT'S THE FIRST I'VE HEARD THAT MS. ULLMAN MIGHT BE
19 MISSING ITEMS WITH THAT, AND I MEAN, I'LL BE SHOCKED
20 IF I FIND OUT THAT WASN'T PROVIDED. SO, I MEAN,
21 WITHOUT GETTING THE KIND OF CHECK LIST I'VE DONE - - -

22 THE COURT: OKAY.

23 SOLICITOR SORENSON: --- BRINGING ALL THAT
24 STUFF UP WITH ME. SO ...

25 THE COURT: OKAY. WELL, I JUST, WHAT WE

1 WILL DO IS, LET ME FIND OUT THE ISSUES THAT WE HAVE
2 RIGHT NOW, AND THEN WE MIGHT TAKE A SHORT BREAK FOR
3 Y'ALL TO LOOK AT THE DISCOVERY, FOR Y'ALL TO ALL LOOK
4 AT THE DISCOVERY AND MAKE SURE YOU DO HAVE IT, BECAUSE
5 THAT WOULD IMPACT SOME OF THE OTHER THINGS THAT WE DO
6 TODAY.

7 SOLICITOR SORENSON: OKAY.

8 THE COURT: OKAY. ALRIGHT, ANYTHING ELSE,
9 MR. LACKEY?

10 MR. LACKEY: THAT'S ALL, YOUR HONOR.

11 THE COURT: OKAY. ALRIGHT, MR. PALMER.

12 MR. PALMER: THANK YOU, YOUR HONOR, MAY IT
13 PLEASE THE COURT.

14 THE COURT: YES, SIR.

15 MR. PALMER: SCOTT PALMER UP HERE FOR WALTER
16 LEE HARRIS.

17 THE COURT: OKAY.

18 MR. PALMER: YOUR HONOR, FIRST OF ALL, AS
19 FAR AS THE NEAL V. BIGGERS MOTION, WE DON'T REALLY
20 HAVE ONE BECAUSE IT DOESN'T REALLY PERTAIN TO MY
21 CLIENT. HE HASN'T BEEN, AS MY UNDERSTANDING IS, BEEN
22 PICKED OUT OF A LINEUP BY A NON-DEFENDANT. AND YOUR
23 HONOR, JUST TO CONTINUE WITH -- WELL, ACTUALLY, I
24 WOULD JOIN IN THE MOTION FOR CONTINUANCE ON THE ISSUE
25 OF DISCOVERY IF, IN FACT, THERE'S SOME FORENSIC

1 EVIDENCE THAT HAS NOT BEEN PROVIDED PARTICULARLY
2 APPLICABLE TO MY CLIENT, YOUR HONOR, BECAUSE
3 OBVIOUSLY, MORE THAN ONE OF THESE INDICTMENTS DEPENDS
4 ON PROOF THAT THERE WAS A WEAPON IN POSSESSION OF
5 WHOEVER, IN MY CASE, MR. HARRIS. MY UNDERSTANDING IS
6 THAT HE WAS TESTED FOR GSR, AND I DON'T KNOW IF I HAVE
7 THE TEST, AND I CERTAINLY WOULD NEED THAT AS A USEFUL
8 TOOL TO DETERMINE AN ESSENTIAL ELEMENT OF ONE OR MORE
9 OF THESE WARRANTS. SO, - - -

10 THE COURT: ALRIGHT, SIR.

11 MR. PALMER: --- IF, IN FACT, THEY HAVEN'T -
12 - THEY DO EXIST AND HAVEN'T BEEN PROVIDED, WE WOULD
13 NEED MORE TIME TO LOOK AT THAT.

14 AND FINALLY, YOUR HONOR, THE ISSUE OF THESE
15 LETTERS, AND I HAVE TO SAY THAT I WENT OUT OF TOWN
16 LAST THURSDAY, AND MY MAIN OFFICE, AS YOU KNOW, IS IN
17 SANTEE, AND I HAVEN'T BEEN OUT THERE SINCE THEN. SO,
18 IF THESE CAME IN THE MAIL ON THURSDAY OR FRIDAY I
19 HAVEN'T PHYSICALLY RECEIVED WHATEVER LETTERS THEY'RE
20 SAYING ARE GOING AROUND THE JAIL. I HONESTLY DON'T
21 KNOW WHAT THAT'S ALL ABOUT, BUT CERTAINLY, IF THERE'S
22 SOME EXCULPATORY OR INCULPATORY ...

23 THE COURT: WELL, I UNDERSTAND, MR. PALMER,
24 WHAT YOU WANT TO DO IS, YOU WANT A CHANCE TO REVIEW
25 THE LETTERS BEFORE YOU GET BOUND BY WHATEVER IS IN

1 THEM. I UNDERSTAND THAT.

2 MR. PALMER: OH, OKAY. AND YOUR HONOR, I'D
3 JUST LIKE TO PUT ON THE RECORD, AND IT WAS JUST
4 POINTED OUT TO ME, MY CLIENT HAS BEEN APPARENTLY
5 PICKED OUT OF A LINEUP BY A NON-CO-DEFENDANT, - - -

6 THE COURT: OKAY.

7 MR. PALMER: --- AND I DON'T THINK I HAVE
8 THAT.

9 THE COURT: OKAY.

10 MR. PALMER: SO, FURTHER GROUNDS WOULD BE
11 FOR A CONTINUANCE FOR ME TO TAKE A LOOK AT THAT
12 INFORMATION - - -

13 THE COURT: ALRIGHT, SIR.

14 MR. PALMER: --- AND MAKE AN ASSESSMENT AND
15 I CAN DO THAT WITHOUT A WHOLE LOT OF DELAY, BUT I
16 CERTAINLY WOULD LIKE TO SEE IF ...

17 THE COURT: WELL, WHAT WE'RE GOING TO DO, AS
18 SOON AS THE BOX GETS UP HERE - - -

19 SOLICITOR SORENSON: I HAVE IT, YOUR HONOR,
20 AND I JUST, I MEAN ...

21 THE COURT: --- AS SOON AS THE BOX GETS UP
22 HERE WE'LL -- AS SOON AS I FIND OUT, AND I WILL TALK
23 TO THE OTHER TWO ATTORNEYS AND THEN WE WILL GET, WE
24 WILL TAKE A SHORT BREAK AND SEE WHERE WE ARE AS FAR AS
25 DISCOVERY, AND THEN -- YES, SIR?

1 MR. PALMER: AND JUST TO BE COMPLETE, YOUR
2 HONOR, I CAN SAY THAT MY FILE WAS OBTAINED FROM THE
3 PD'S OFFICE, SO I DON'T KNOW, I DON'T KNOW IF --I'VE
4 GOTTEN A FEW THINGS DIRECTLY FROM THE SOLICITOR, BUT I
5 THINK I WAS APPOINTED TO REPLACE ONE OF THE PUBLIC
6 DEFENDERS, SO THAT'S HOW I GOT MY FILE.

7 THE COURT: ALRIGHT. OKAY. ALRIGHT. MR.
8 MELLARD.

9 MR. MELLARD: YES, SIR. I WOULD ALSO MOVE
10 FOR A CONTINUANCE. TWO WEEKS AGO I LISTED OUT, WENT
11 THROUGH ALL THE DISCOVERY AND LISTED OUT THE
12 INFORMATION I DID NOT HAVE. THIS INFORMATION INCLUDED
13 REPORTS FROM EMS, PICTURES OF THE CRIME SCENE. NOW,
14 THIS MORNING I FOUND OUT THAT WE, THAT THEY DID GIVE
15 US PICTURES OF THE CRIME SCENE, IT WAS GIVEN TO US ON
16 A DISC, I BELIEVE IT WAS GIVEN TO PEGGY, SO I HAVEN'T
17 SEEN THOSE, BUT THEY DID PROVIDE THOSE, AND I DON'T
18 THINK THAT HAS ANY BEARING ON THIS PARTICULAR HEARING
19 TODAY. THERE ARE SOME DNA REPORTS FROM DUCT TAPE
20 WHICH I DON'T HAVE. THERE'S BALLISTIC REPORTS FROM AT
21 LEAST THREE GUNS, A TWENTY-TWO CALIBER, A NINE
22 MILLIMETER, AND A FORTY CALIBER WHICH WERE OBTAINED BY
23 THE POLICE. THERE'S LINEUPS WHICH I DON'T HAVE. IN
24 SPEAKING WITH MS. ULLMAN THIS MORNING SHE TOLD ME SHE
25 HAS, I BELIEVE, FOUR LINEUPS THAT PATRICK TYLER PICKED

1 OUT. I DON'T HAVE ANY OF THOSE. SHE HAS FIVE LINEUPS
2 THAT WALTER HARRIS PICKED PEOPLE OUT OF, I DON'T HAVE
3 ANY OF THOSE. AND THERE'S SOME ASHLEY PARSLEY LINEUPS
4 WHICH I DON'T HAVE ALSO. SO, THERE'S LINEUPS THAT I
5 DON'T HAVE ALSO. THERE'S A TOXICOLOGY REPORT FROM
6 AUTOPSY WHICH I DON'T HAVE. THERE'S GUN SHOT RESIDUE
7 REPORTS FROM THE DECEASED AND FROM MS. PARSLEY WHICH I
8 DO NOT HAVE. SO, THERE'S SOME DISCOVERY THAT I DON'T
9 BELIEVE I RECEIVED, YOUR HONOR.

10 THE COURT: ALRIGHT.

11 MR. MELLARD: AND AS FAR AS MOTIONS, I WOULD
12 JOIN IN MS. ULLMAN'S MOTION TO SEVER THE TRIAL. AND I
13 ALSO HAVE SOME MOTIONS OF MY OWN. BUT THERE ARE ...

14 THE COURT: DO YOU WANT TO GO AHEAD AND GIVE
15 ME A HINT - - -

16 MR. MELLARD: WELL, IT'S - - -

17 THE COURT: --- SINCE THAT'S WHAT WE'RE HERE
18 FOR?

19 MR. MELLARD: --- I'LL GIVE YOU A HINT.

20 THE COURT: OKAY.

21 MR. MELLARD: THEY'RE NOT TO DO WITH THE
22 LETTERS. I DON'T REALLY KNOW, I DON'T KNOW IF THEY'VE
23 ONE HUNDRED PER CENT FIGURED OUT WHO HAS THE JAIL
24 LETTERS THAT I THINK WHAT EVERYBODY'S BEEN TALKING
25 ABOUT. TO THE EXTENT THEY'RE SAYING THAT MR. RYANT

1 HAD ANYTHING TO DO WITH IT, I OBVIOUSLY WOULD WANT A
2 HANDWRITING EXPERT ON THAT. I DON'T KNOW WHAT THEY'VE
3 DETERMINED ON THAT.

4 THE COURT: OKAY.

5 MR. MELLARD: I WOULD ALSO MOVE TO SUPPRESS
6 -- AND AGAIN, THERE'S PHONE RECORDS OUT THERE. I'D
7 MOVE TO SUPPRESS ANY EVIDENCE RECEIVED AS A RESULT OF
8 A SUBPOENA DUCES TECUM ISSUED BY THE ORANGEBURG
9 MAGISTRATE'S COURT. I HAVE A QUESTION OF WHETHER OR
10 NOT THE ORANGEBURG MAGISTRATE ACTUALLY HAS THE POWER
11 TO ISSUE A SUBPOENA DUCES TECUM. SO, I WOULD MAKE
12 THAT MOTION.

13 I DON'T BELIEVE ANY DISCOVERY SHOWS ANY
14 STATEMENTS MADE BY MR. RYANT, NO CONFESSIONS, TO MY
15 KNOWLEDGE. SO, I DON'T THINK WE WOULD HAVE A JACKSON-
16 DENNO ON THAT.

17 AND AS FAR AS NEAL-BIGGERS, LIKE I SAID,
18 THOSE LINEUPS, I DON'T KNOW, I HAVEN'T SEEN THEM.

19 THE COURT: YOU MENTIONED YOU HADN'T SEEN
20 THE LINEUPS.

21 MR. MELLARD: CORRECT.

22 THE COURT: BUT IF YOUR CLIENT IS INVOLVED
23 IN THOSE YOU WOULD WANT A HEARING ON THAT?

24 MR. MELLARD: YES.

25 THE COURT: OKAY. ANYTHING ELSE THAT YOU

1 CAN THINK OF?

2 MR. MELLARD: WELL, NOT AT THIS TIME, YOUR
3 HONOR. OBVIOUSLY, I USUALLY MAKE A MOTION TO EXCLUDE
4 ANY EVIDENCE WE HAVEN'T HAD TURNED OVER BUT I
5 UNDERSTAND THAT THERE'S A LOT OF LOGISTICS INVOLVED
6 HERE, YOUR HONOR.

7 THE COURT: RIGHT. AND ONE OF THE REASONS
8 WE'RE HAVING THIS HEARING TODAY IS SO THAT WE CAN TRY
9 AND GET EVERYTHING ORGANIZED. AND SO, THAT'S WHERE
10 WE'RE GOING TO WORD TOWARD. OKAY.

11 ALRIGHT, AND MR. KOGER.

12 MR. KOGER: MAY IT PLEASE THE COURT, YOUR
13 HONOR.

14 THE COURT: YES, SIR.

15 MR. KOGER: I REPRESENT MARIO SHIVERS IN
16 THIS PARTICULAR MATTER. WE ARE PREPARED TO GO FORWARD
17 WITH A NEAL VERSUS BIGGERS HEARING ON TODAY.
18 ACCORDING TO THE DISCOVERY THAT I HAVE RECEIVED THERE
19 IS ONE NON-CO-DEFENDANT IDENTIFICATION OF MY CLIENT,
20 AND WE WOULD LIKE TO CHALLENGE THAT BASED UPON THE
21 FACT THAT OF NEAL V. BIGGERS. ALSO, AS PART OF
22 DISCOVERY WE WOULD, YOU KNOW, I WOULD ASK ON BEHALF OF
23 MY CLIENT THAT AFTER, YOU SAID YOU WERE GOING TO GIVE
24 US A RECESS AND WE COULD GO THROUGH EVERYTHING, THAT
25 SOME TYPE OF DEADLINE WOULD BE PLACED ON THE

1 SUBMISSION OF DISCOVERY SO WE CAN HAVE IT IN ENOUGH
2 TIME TO BE READY ON DECEMBER THIRTEENTH.

3 THE COURT: ALRIGHT, SIR. OKAY. ALRIGHT.
4 AND WHAT I WOULD LIKE TO DO RIGHT NOW, MR. SORENSON, I
5 KNOW YOU GOT THE FILE BACK. WOULD IT BE CONVENIENT
6 FOR Y'ALL TO MEET IN HERE, IN THE GRAND JURY ROOM, HOW
7 WOULD YOU LIKE TO JUST DO THIS, FROM A LOGISTICS
8 STANDPOINT?

9 SOLICITOR SORENSON: WHEREVER YOU - - -

10 THE COURT: I MEAN, I'M TRYING TO JUST, YOU
11 KNOW ...

12 SOLICITOR SORENSON: I CAN DO IT JUST
13 SITTING RIGHT HERE.

14 THE COURT: OKAY.

15 SOLICITOR SORENSON: I CAN PUT IT ON THE
16 RECORD IF YOU WANT ME TO GO THROUGH AND TELL EXACTLY
17 WHAT I'VE PROVIDED TO ALL SIX OF THEM, WHAT I'VE
18 PROVIDED.

19 THE COURT: WELL, I MEAN, I DON'T, I'M NOT
20 REALLY CONCERNED WITH THE NEED TO REALLY PUT IT ON THE
21 RECORD. YOU KNOW, WHAT I'D PREFER Y'ALL TO DO IS, --
22 UNLESS YOU THINK THAT WOULD BE ...

23 SOLICITOR SORENSON: WELL, I MEAN, IT JUST
24 BOGGLES MY MIND WHEN I, EVERYONE OF THEM TELLING ME
25 THEY HAVEN'T RECEIVED HALF OF THE STUFF I'VE SENT

1 THEM. I DON'T UNDERSTAND WHERE IT'S GONE.

2 THE COURT: NO, I UNDERSTAND, I UNDERSTAND.
3 AND SO, ALL I WANT TO DO -- AND THAT'S WHY I JUST
4 THOUGH, RATHER THAN PUT IT ON THE RECORD, IT MIGHT BE
5 EASIER IF Y'ALL WOULD JUST ...

6 SOLICITOR SORENSON: I MEAN, NOT TO MENTION,
7 I MEAN, THE FACT THAT WE'VE KNOWN ABOUT THIS HEARING
8 FOR, WHEN DID WE SET THIS, THREE WEEKS AGO? AND I
9 MEAN, NONE OF THEM HAVE COME TO ME AND SAID, I DON'T
10 HAVE THIS, I DON'T HAVE THAT. AND I'M HEARING ALL OF
11 THIS THIS MORNING.

12 THE COURT: ALRIGHT. AND I UNDERSTAND THAT.
13 WE CAN -- HOW WOULD -- I MEAN, DO Y'ALL WANT ME TO GO
14 THROUGH IT ON THE RECORD? MR. LACKEY? ARE DO Y'ALL
15 WANT TO ...

16 MR. LACKEY: YOUR HONOR, I MEAN, THERE IS A
17 TON OF PAPERWORK IN THIS DISCOVERY, IN THIS TRIAL. I
18 MEAN, MY SUGGESTION WOULD BE WE MAYBE GO TO THE GRAND
19 JURY ROOM, EVERYBODY TAKE A LOOK AT WHAT'S THERE, SEE
20 IF ANYTHING IS MISSING, AND THEN WE CAN PUT IT BACK ON
21 THE RECORD AFTER THAT WHAT WE MAY OR MAY NOT HAVE HAD,
22 AND HAD AN OPPORTUNITY -- LIKE I SAY, IT'S PROBABLY
23 BEEN SIX OR SEVEN MAILINGS THAT THIS IS PIECE-MEAL
24 IN, AND TO MAKE SURE WE DIDN'T MISS ANYTHING. YOU
25 DON'T KNOW WHAT YOU DON'T HAVE, BASICALLY, YOUR HONOR.

1 THE COURT: RIGHT. MS. ULLMAN, HOW DOES
2 THAT SOUND TO YOU?

3 MS. ULLMAN: FINE.

4 THE COURT: MR. PALMER?

5 MR. PALMER: YES, SIR.

6 THE COURT: MR. MELLARD?

7 MR. MELLARD: YEAH, I DON'T THINK WE'RE
8 BLAMING THE SOLICITOR'S OFFICE, WE'RE JUST TRYING TO
9 MAKE SURE WE HAVE ALL OF THE STUFF, AND I MEAN, WE
10 UNDERSTAND THE LOGISTICS INVOLVED.

11 THE COURT: YEAH. I UNDERSTAND. I DID NOT
12 GET THE IMPRESSION THAT ANYBODY WAS BLAMING THE
13 SOLICITOR'S OFFICE. I THINK WE JUST WANT TO CONFIRM,
14 AT LEAST I'M NOT TAKING IT AS A KNOCK ON THE
15 SOLICITOR'S OFFICE WHETHER ...

16 SOLICITOR SORENSON: I MEAN, WHEN THEY'RE
17 GETTING UP AND SAYING THEY DON'T HAVE BASICALLY, I
18 MEAN, ANY RELEVANT EVIDENCE, I MEAN, I DO KIND OF -- I
19 MEAN -- THAT'S FINE. WE CAN SIT AND GO THROUGH THIS.

20 THE COURT: MR. KOGER, IS THAT ALRIGHT WITH
21 YOU?

22 MR. KOGER: THAT'S FINE, YOUR HONOR.

23 THE COURT: OKAY. WHAT I'M GOING TO DO THEN
24 IS, I WILL LIKE -- I WOULD LIKE FOR Y'ALL TO RECONVENE
25 INTO THE GRAND JURY ROOM, AND JUST KIND OF GO THROUGH

1 THE LIST. WE DO HAVE A COPIER HERE IF THERE IS
2 SOMETHING MISSING SO YOU GO AHEAD AND MAKE SURE THAT
3 WE GET COPIES OF ALL OF THAT NOW. AND I'LL GIVE Y'ALL
4 HOWEVER MUCH TIME IT TAKES, BECAUSE I NEED TO GO AHEAD
5 AND GET THAT, THAT ISSUE RESOLVED FIRST. OKAY? OKAY,
6 AND SO, WE WILL BE IN RECESS WHILE Y'ALL GO BACK, AND
7 REMEMBER, THE COPYING MACHINE IS RIGHT HERE, I THINK
8 IT WORKS, SO WE CAN GO AHEAD AND DO THAT RIGHT NOW, SO
9 I CAN MAKE SURE EVERYBODY HAS IT, AND WE DON'T HAVE TO
10 WORRY ABOUT GETTING IT, YOU KNOW, IT MAILED TO YOU OR
11 ANYTHING LIKE THAT.

12 ALRIGHT, WE'LL BE IN RECESS WHILE Y'ALL GO
13 THROUGH THAT AND THEN WE'LL COME BACK OUT AND DISCUSS
14 ANYTHING THAT'S MISSING AND THE SEVERANCE MOTION AND
15 THE LINEUPS. OKAY? ALRIGHT, THANK Y'ALL.

16 (Recess)

17 THE COURT: MS. WALKER, WE'RE BACK ON THE
18 RECORD. ALRIGHT, LET'S GO THROUGH THIS. MR. --
19 ALRIGHT, MR. LACKEY, YOU'VE HAD A CHANCE TO GO THROUGH
20 AND GET ALL THE DISCOVERY NOW?

21 MR. LACKEY: YES, YOUR HONOR.

22 THE COURT: OKAY.

23 MR. LACKEY: I THINK WE'VE GONE THROUGH AND
24 COMPARED NOTES ON EVERYTHING.

25 THE COURT: OKAY, SO YOU NOW HAVE ALL THE

1 DISCOVERY?

2 MR. LACKEY: YES, SIR. I THINK, I MEAN, JUST
3 TO THE VOLUMINOUS AMOUNTS, I BELIEVE IT'S JUST A FEW
4 THINGS. SOME BALLISTIC RESULTS, TOXICOLOGY RESULTS
5 HAVE BEEN NOW SUPPLIED TO ME.

6 THE COURT: OKAY. ALRIGHT. AND MS. ULLMAN,
7 DO YOU NOW HAVE ALL THE DISCOVERY?

8 MS. ULLMAN: ACTUALLY, IT'S ANOTHER PAGE
9 THAT I DON'T HAVE, YOUR HONOR, BUT ONCE I COPY THAT I
10 DO BELIEVE THAT I DO.

11 THE COURT: OKAY, YOU'VE JUST GOT TO COPY
12 IT, THAT'S WHAT YOU'RE SAYING?

13 MS. ULLMAN: I JUST NEED A COPY OF ONE OF
14 THE LETTERS THAT WAS BEING PASSED AROUND THE JAIL.
15 SOMEHOW IT WAS NOT PUT IN MY FILE.

16 THE COURT: OKAY. OTHER THAN THAT ONE
17 LETTER WE'RE OKAY?

18 MS. ULLMAN: YES, SIR.

19 THE COURT: OKAY. ALRIGHT, MR. PALMER.

20 MR. PALMER: YES, SIR.

21 THE COURT: OKAY. YOU'VE GOT EVERYTHING?

22 MR. PALMER: YES, SIR.

23 THE COURT: OKAY. MR. MELLARD, DO YOU HAVE
24 EVERYTHING?

25 MR. MELLARD: YES, SIR. OUT OF THE TWELVE

1 THINGS I LISTED I DIDN'T HAVE, I HAVE TEN OF THEM. THE
2 ONLY THING I DON'T HAVE ARE THE EMS REPORT WHICH THE
3 SOLICITOR DOESN'T HAVE, AND THE CORONER'S REPORT WHICH
4 HE SAYS HE DOES NOT HAVE.

5 THE COURT: OKAY.

6 MR. MELLARD: BUT EVERYTHING HE'S GOT I'VE
7 GOT.

8 THE COURT: OKAY. ALRIGHT, AND MR. KOGER?

9 MR. KOGER: YES, SIR, I HAVE EVERYTHING. IN
10 ADDITION I SERVED THE ALIBI NOTICE ON SOLICITOR
11 SORENSON.

12 THE COURT: OKAY. ALRIGHT, NOW, MR.
13 SORENSON, IS MR. MELLARD, THE ONLY THING HE DIDN'T
14 HAVE WAS THE EMS REPORT AND THE CORNER'S REPORT WHICH
15 YOU DON'T HAVE?

16 SOLICITOR SORENSON: I DON'T HAVE THAT IN MY
17 FILE.

18 THE COURT: AND I'M ASSUMING THAT'S NO --
19 WERE YOU GOING TO MAKE THAT A PART OF THE RECORD OR
20 ...

21 SOLICITOR SORENSON: I HADN'T PLANNED ON
22 GETTING THOSE, I MEAN, - - -

23 THE COURT: OKAY.

24 SOLICITOR SORENSON: --- I EVEN SUBPOENAED
25 THEM JUST AS A MATTER OF SEMANTICS, I SUBPOENAED TO

1 GET THEM. BUT I DO NOT PLAN TO USE THEM.

2 THE COURT: OKAY. ALRIGHT. NOW THAT WE, AS
3 FAR AS I CAN TELL YOU'VE GOT ALL DISCOVERY. OKAY,
4 NOW, LET ME RUN BACK THROUGH THIS.

5 MR. LACKEY, ANY MOTIONS REGARDING THE
6 DISCOVERY OR ANYTHING RELATED TO THIS DISCOVERY ISSUE?
7 I KNOW THERE WERE SOME ISSUE ABOUT GETTING A
8 HANDWRITING EXPERT FOR THE LETTERS, I DON'T KNOW IF
9 THAT WAS YOUR MOTION OR MS. ULLMAN'S BUT THAT WAS AN
10 ISSUE.

11 MR. LACKEY: YOUR HONOR, AFTER EXAMINATION
12 OF THOSE, I MEAN, WE JUST GOT THEM LAST WEEK, AND ARE
13 STILL TRYING TO PUT THAT TOGETHER AND TRYING TO
14 FIGURE, MAKE HEADS OR TAILS OF THAT. THAT MAY VERY
15 WELL BE A MOTION. I MEAN, IT JUST CAME IN ON THURSDAY,
16 OF MINE, BUT I'M STILL TRYING TO TALK TO MY CLIENT A
17 LITTLE ABOUT THAT.

18 THE COURT: OKAY. IF -- AND MS. ULLMAN, --
19 THANK YOU, MR. LACKEY. MS. ULLMAN, I KNOW YOU
20 MENTIONED GETTING A HANDWRITING EXPERT.

21 MS. ULLMAN: YES, SIR, AND SPEAKING TO THE
22 SOLICITOR REGARDING THOSE LETTERS HE TELLS ME THAT IT
23 IS HIS BELIEF THAT AT LEAST ONE, MAYBE TWO OF THESE
24 LETTERS WERE WRITTEN BY MY CLIENT. THAT'S JUST HIS
25 BELIEF, BUT OBVIOUSLY, I WOULD LIKE TO HAVE SOME SORT

1 OF EXPERT LOOK AT THIS IN CASE HE DOES WANT TO USE IT
2 AT TRIAL.

3 THE COURT: OKAY. ALRIGHT. AND MR. PALMER?

4 MR. PALMER: WELL, REGARDING THE LETTERS,
5 YOUR HONOR, I JUST READ THEM FOR THE FIRST TIME, AND I
6 DON'T THINK ANY OF THEM ARE ALLEGED TO HAVE BEEN
7 WRITTEN BY MY CLIENT.

8 THE COURT: OKAY. ALRIGHT, AND MR. MELLARD,
9 IS YOUR CLIENT ...

10 MR. MELLARD: AGAIN, I DON'T KNOW WHO WROTE
11 WHAT.

12 THE COURT: OKAY.

13 MR. MELLARD: TO THE EXTENT THEY'RE SAYING
14 MY CLIENT DID, OBVIOUSLY, I'D WANT TO HAVE THAT RIGHT
15 TO GET AN EXPERT, BUT I DON'T KNOW THAT MY CLIENT IS
16 ONE OF THE ONES THAT IS ACCUSED OF WRITING THOSE.

17 THE COURT: OKAY.

18 MR. MELLARD: AND I WOULD RESERVE THAT
19 RIGHT, YOUR HONOR.

20 THE COURT: OKAY. AND MR. KOGER?

21 MR. KOGER: MY CLIENT INDICATED TO ME THAT
22 HE DID NOT WRITE ANY OF THOSE LETTERS BUT ONCE I HAVE
23 A CHANCE TO GO THROUGH THEM I'D LIKE TO RESERVE THE
24 RIGHT TO OBTAIN A HANDWRITING EXPERT.

25 THE COURT: OKAY. HERE'S, HERE'S -- I

1 UNDERSTAND THAT Y'ALL WANT A HANDWRITING EXPERT.
2 WHAT, ONE OF THE REASONS, IF WE NEED TO GET ONE I WANT
3 TO DO IT AS FAST AS WE CAN, SO HOW LONG IS IT GOING TO
4 TAKE Y'ALL TO LOOK OVER THOSE LETTERS? MS. ULLMAN,
5 SINCE YOUR CLIENT, YOU BELIEVE, IF YOU THINK THAT'S AN
6 ISSUE, IF YOU WANT TO, THEN I NEED...

7 MS. ULLMAN: I COULD HAVE AN EXPERT BY THE
8 END OF THE TODAY, I HAVE SOMEBODY THAT WE'VE USED
9 PREVIOUSLY. HE NEEDS THE ORIGINAL SO I'D HAVE TO MAIL
10 IT TO HIM SO HE COULD BE LOOKING AT IT, BUT I COULD
11 HAVE IT TO HIM VERY QUICKLY.

12 THE COURT: OKAY. IS THERE ANY PROBLEM WITH
13 EVERYONE USING -- SINCE IT'S ALL GOING -- DO THE OTHER
14 DEFENDANTS HAVE ANY REASON TO HAVE A DIFFERENT EXPERT?

15 MR. MELLARD: WELL, YOUR HONOR, I DON'T
16 REALLY -- I THINK ONCE THE SOLICITOR TELLS US WHO HE
17 THINKS THE HANDWRITING CAME FROM, I THINK THAT WILL
18 RESOLVE A LOT OF THE MOTION.

19 THE COURT: OKAY. IS THAT SOMETHING THAT
20 Y'ALL NEED TO DO OFF THE RECORD?

21 SOLICITOR SORENSON: NO, I THINK I CAN PUT
22 IT ON THE RECORD, YOUR HONOR, - - -

23 THE COURT: OKAY.

24 SOLICITOR SORENSON: --- AT ONE TIME, AND I
25 TOLD MS. ULLMAN THAT. I MEAN, IT'S OUR BELIEF OUT OF

1 THOSE LETTERS, AND I MEAN, IT'S PROBABLY NINE OR TEN
2 DIFFERENT LETTERS, SOMEWHERE IN THAT RANGE. THERE ARE
3 A COUPLE ON THAT, SEVERAL OF THEM THAT WERE WRITTEN BY
4 A THIRD PARTY AND WE KNOW WHO THAT THIRD PARTY IS.
5 THERE ARE A COUPLE THAT IT IS OUR ALLEGATION, FROM
6 THAT THIRD PARTY HE INDICATED HE GOT THEM FROM RALPH
7 COLEMAN.

8 THE COURT: OKAY.

9 SOLICITOR SORENSON: SO, I MEAN -- AND THAT
10 WOULD BE WHAT WE WOULD BE -- I MEAN, WHETHER HE WROTE
11 THEM OR NOT, I DON'T KNOW, BUT THAT IS WHO HE HAD
12 INDICATED HE GOT THEM FROM AND TOLD HIM TO TAKE THEM
13 AND DELIVER THEM TO THE CO-DEFENDANT. - SO, AND THAT
14 WAS -- OBVIOUSLY, THEY'RE WELCOME TO GET A HANDWRITING
15 ANALYST, BUT THERE IS NO -- AT THIS STAGE OF THE GAME
16 THERE MAY BE ONE OR TWO OF THEM WE HAVEN'T FIGURED OUT
17 WHO WROTE THEM, BUT THEY'RE NOT REALLY THE ONES THAT
18 ARE PARTICULARLY RELEVANT.

19 THE COURT: OKAY.

20 SOLICITOR SORENSON: SO, AT THIS STAGE WE'VE
21 GOT NO BELIEF -- THERE'S NO REASON TO BELIEVE THAT ANY
22 OF THE OTHER FOUR DEFENDANTS OVER THERE WROTE OR
23 PROVIDED ANY OF THESE LETTERS THAT WERE PROVIDED TO
24 DEFENSE COUNSEL.

25 THE COURT: OKAY. SO, MS. ULLMAN, IT LOOKS

1 LIKE IT'S YOUR CLIENT THAT WE HAVE TO DEAL WITH, SO
2 MS. ULLMAN, IF YOU WANT TO GO AHEAD AND GET YOUR
3 EXPERT THIS AFTERNOON I WOULD SUGGEST YOU DO IT. AND
4 YOU NEED THE, YOU NEED A HARD COPY OR YOU NEED THE
5 ACTUAL ORIGINAL?

6 MS. ULLMAN: WELL, NO, I JUST, HE CAN'T USE
7 A FAXED COPY, HE NEEDS THE BEST COPY THAT I CAN GET
8 HIM SO I CAN'T FAX IT TO HIM IS ALL. AND IT WILL TAKE
9 A DAY OR SO FOR HIM TO GET IT IN THE MAIL.

10 THE COURT: OKAY. WELL, IF YOU NEED, IF YOU
11 NEED SOMETHING FROM THIS COURT FOR FUNDS TO DO AN
12 OVERNIGHT DELIVERY I DON'T MIND DOING THAT. I WANT TO
13 GO AHEAD AND -- WE NEED TO KEEP THIS THING GOING AND
14 ON TRACK.

15 MS. ULLMAN: OKAY.

16 THE COURT: OKAY.

17 MS. ULLMAN: IS THERE ANY REASON THE STATE
18 CANNOT DISCLOSE TO ME WHO THE THIRD PARTY IS IF THEY
19 KNOW WHO IT IS, THE NAME OF THE LETTERS, THE STREET
20 NAME, OR NAME, WHATEVER YOU WANT TO CALL IT, SECOND
21 PARTY PERSON?

22 THE COURT: MR. SORENSON, ANY ...

23 SOLICITOR SORENSON: I MEAN, I'D RATHER NOT
24 AT THIS POINT IN TIME.

25 THE COURT: OKAY.

1 SOLICITOR SORENSON: THAT MAY BE SOMETHING
2 WE DO PRIOR TO TRIAL, BUT AT THIS POINT IN TIME I'D
3 RATHER NOT.

4 THE COURT: OKAY. WELL, WE'LL, I WILL SAVE
5 THAT AS AN ISSUE THAT WE'VE GOT TO ADDRESS THEN.

6 SOLICITOR SORENSON: HE'LL BE ON OUR WITNESS
7 LIST, OBVIOUSLY.

8 COURT REPORTER: I'M SORRY.

9 SOLICITOR SORENSON: HE'LL BE ON OUR WITNESS
10 LIST, OBVIOUSLY, WHEN WE PROVIDE OUR WITNESS LIST
11 PRIOR TO TRIAL.

12 THE COURT: OKAY. ALRIGHT, SO I BELIEVE
13 THAT'S -- MR. LACKEY, THAT'S THE ONLY DISCOVERY ISSUE
14 THAT YOU HAVE? I MEAN, YOU DIDN'T HAVE ANY DISCOVERY
15 ISSUES THEN, RIGHT? IS THAT CORRECT?

16 MR. LACKEY: NO, SIR, OTHER THAN THE ONE I
17 PUT ON THE RECORD.

18 THE COURT: OKAY. AND MS. ULLMAN, I'VE GONE
19 OVER YOUR ONLY DISCOVERY ISSUE THAT WE'RE GOING TO
20 TAKE CARE OF WITH THE EXPERT FOR THE HANDWRITING.

21 MR. ULLMAN: YES, SIR.

22 THE COURT: OKAY. AND MR. PALMER, HEARING
23 THAT YOUR CLIENT IS NOT INVOLVED IN THIS, YOU DON'T
24 HAVE ANY DISCOVERY ISSUES?

25 MR. PALMER: I DON'T HAVE ANY DISCOVERY

1 ISSUES, BUT YOUR HONOR, THE WAY IT'S TURNED OUT NOW
2 THAT I DO HAVE A NEAL VERSUS BIGGERS.

3 THE COURT: OKAY. WE'RE GOING TO TAKE OF
4 THAT -- HOPEFULLY, WE'LL TAKE CARE OF THAT TODAY. YOU
5 KNOW, I'M NOT TRYING -- I'M JUST TRYING TO TAKE --
6 BECAUSE I HAVE TO GO THROUGH, I'M TRYING TO DO ONE
7 THING AT A TIME AND MAKE SURE I'VE GOT THAT ALL
8 STRAIGHT.

9 MR. PALMER: YES, SIR, I HAVE DISCOVERY.

10 THE COURT: OKAY. AND MR. MELLARD, SINCE
11 THAT, SINCE YOU HAD AN ISSUE, THEY'RE NOT PLANNING TO
12 HAVE THE EMS OR THE CORONER'S REPORT INTRODUCED INTO
13 EVIDENCE AND - - -

14 MR. MELLARD: CORRECT.

15 THE COURT: --- ACCORDINGLY, YOUR MAN IS NOT
16 ALLEGED TO HAVE WRITTEN THESE LETTERS - - -

17 MR. MELLARD: CORRECT.

18 THE COURT: --- SO, ARE ALL OUR DISCOVERY
19 ISSUES DONE?

20 MR. MELLARD: THE ONLY OTHER ISSUE I HAD
21 WAS, I WAS GOING TO MAKE A MOTION TO EXCLUDE SOME
22 EVIDENCE BASED ON A SUBPOENA DUCES TECUM, BUT SPEAKING
23 WITH THE SOLICITOR, THE SUBPOENA WHICH GOT THE
24 RECORDS, I BELIEVE THEY ARE PHONE RECORDS THAT PERTAIN
25 TO MR. RYANT, I BELIEVE IT'S FROM HIS SISTER, THEY

1 WERE RECEIVED BY A SUBPOENA ISSUED BY THE SOLICITOR'S
2 OFFICE, AND I THINK THAT'S NO PROBLEM NOW.

3 THE COURT: OKAY. SO, THAT'S TAKEN CARE OF.
4 ALRIGHT, SO NO OTHER ISSUES?

5 MR. MELLARD: NO, SIR.

6 THE COURT: OKAY. AND MR. KOGER?

7 MR. KOGER: YOUR HONOR, NO DISCOVERY ISSUES,
8 WE'LL GO FORWARD ON THE NEAL VERSUS BIGGERS HEARING.

9 THE COURT: OKAY. DO Y'ALL WANT TO -- OKAY,
10 DO YOU WANT TO GO AHEAD AND LET'S DO THAT OR DO YOU
11 WANT TO DO THE MOTIONS FOR SEVERANCE FIRST? IT
12 DOESN'T MATTER TO ME.

13 SOLICITOR SORENSON: I GUESS THE ONLY ISSUE
14 AS FAR AS THE SEVERANCE IS, I MEAN, I HAVEN'T BEEN
15 SERVED WITH ANY KIND OF WRITTEN MOTION, SO IT MAY NOT
16 BE SOMETHING I'M PREPARED TO ADDRESS AT THIS POINT IN
17 TIME.

18 THE COURT: OKAY, OKAY, WELL, WHAT WE ...

19 SOLICITOR SORENSON: I MEAN, I'LL BE GLAD IF
20 WE CAN GO AND IT MAY BE SOMETHING THAT I FEEL NEEDS TO
21 BE ADDRESS, BUT IF IT'S SOMETHING THAT I FEEL LIKE WE
22 NEED TO DO SOME RESEARCH OR IF WE GET TO THAT, THEN I
23 WOULD ASK YOUR HONOR TO WITHHOLD THAT.

24 THE COURT: OKAY. IF THAT'S THE CASE WHAT
25 WE'LL DO IS, WE WILL SCHEDULE THIS AS QUICKLY AS WE

1 CAN SO WE CAN RECONVENE, BECAUSE I WANT PLENTY OF
2 TIME, BECAUSE I KNOW WE ARE SCHEDULED TO GO TO TRIAL
3 ON DECEMBER THIRTEENTH, IS THAT CORRECT?

4 SOLICITOR SORENSON: THAT'S CORRECT.

5 THE COURT: OKAY. SO, YOU WANT TO -- LET'S,
6 YOU WANT TO DO THE NEAL V. BIGGERS HEARING NOW?

7 SOLICITOR SORENSON: YES, SIR, WE'RE
8 PREPARED AT THIS TIME TO GO FORWARD IN THAT REGARD.

9 THE COURT: OKAY.

10 MS. ULLMAN: YOUR HONOR, CAN I SPEAK FOR A
11 MOMENT?

12 THE COURT: OH, OKAY, MS. ULLMAN, I'M SORRY.

13 MS. ULLMAN: MARK WISE, IN MY OFFICE, IS
14 HELPING ME WITH THIS TRIAL, WE ARE - - -

15 THE COURT: OKAY.

16 MS. ULLMAN: --- DOING THIS TOGETHER, AND
17 HE'S GOING TO DO THE NEAL-BIGGERS HEARING. IF YOU WANT
18 HIM UP HERE, I'LL JUST ...

19 THE COURT: I'M FINE WITH MR. WISE STAYING
20 BACK THERE UNLESS YOU NEED HIM UP HERE.

21 MS. ULLMAN: I JUST WANTED TO MAKE SURE THE
22 RECORD REFLECTED THAT HE WOULD BE DOING THAT.

23 THE COURT: OKAY. OKAY. ALRIGHT, MR.
24 SORENSON.

25 SOLICITOR SORENSON: THANK YOU, YOUR HONOR.

1 MAY IT PLEASE THE COURT, YOUR HONOR.

2 THE COURT: YES, SIR.

3 NEAL VERSUS BIGGERS HEARING

4 SOLICITOR SORENSON: THE FIRST WITNESS THE
5 STATE WOULD CALL IS MONEAK BUSBY.

6 CLERK: IF YOU'LL COME UP TO THE FRONT AND
7 TO YOUR RIGHT AND PLACE YOUR LEFT HAND ON THE BIBLE
8 AND RAISE YOUR RIGHT HAND.

9 (Whereupon, Moneak R. Busby
10 is duly sworn.)

11 CLERK: THANK YOU, YOU MAY BE SEATED AND
12 STATE YOUR FULL NAME FOR THE COURT.

13 WITNESS: MONEAK R. BUSBY.

14 THE COURT: OKAY. AND MA'AM, WOULD YOU MIND
15 SAYING YOUR LAST NAME AGAIN?

16 WITNESS: BUSBY.

17 THE COURT: BUSBY? OKAY. AND MS. BUSBY, WE
18 DO NOT HAVE ANYTHING THAT MAGNIFIES YOUR VOICE IN THE
19 COURTROOM YET. AT SOME POINT I HOPE TO HAVE THAT, BUT
20 I NEED FOR YOU TO SPEAK UP, BECAUSE NOT ONLY ARE YOU
21 SPEAKING AND ANSWERING QUESTIONS OF MR. SORENSON, THE
22 ATTORNEYS ON THE FAR SIDE OF THE ROOM NEED TO HEAR YOU
23 ALSO.

24 WITNESS: OKAY.

25 THE COURT: SO, IF YOU DON'T MIND SPEAKING

1 LOUDLY IT WILL NOT HURT THE COURT'S FEELINGS, AND I
2 THINK IT WILL HELP EVERYTHING. OKAY?

3 WITNESS: OKAY.

4 THE COURT: OKAY, THANK YOU, MA'AM.

5 OKAY, MR. SORENSON, YOUR WITNESS.

6 SOLICITOR SORENSON: THANK YOU.

7 (NOTE: Blank lines on this page do not indicate any
8 part of record has been omitted. Headers on testimony
9 pages and hard page breaks between testimony are now
10 required by the Court. See next ensuing page for
11 sequential continuation of record.)

DIRECT EXAMINATION OF MONEAK R. BUSBY

BY SOLICITOR SORENSON:

Q. AND MS. BUSBY, IF YOU WOULD, CAN YOU SPELL YOUR
FIRST NAME FOR THE COURT?

A. M-O-N-E-A-K.

Q. OKAY. AND IT'S BUSBY, B-U-S-B-Y?

A. YES, SIR.

Q. OKAY. AND MS. BUSBY, IF YOU WOULD, I WANT TO
TURN YOUR ATTENTION BACK TO THE EVENING OF
FRIDAY, MARCH THE TWELFTH OF TWO THOUSAND TEN, DO
YOU REMEMBER THAT NIGHT?

A. YES, SIR.

Q. OKAY. AND WHERE DID YOU END UP GOING THAT NIGHT,
THAT EVENING?

A. TO THE CORNER POCKET, A LITTLE POOL ROOM.

Q. OKAY. AND WHERE IS THE CORNER POCKET LOCATED AT?

A. OFF ON STILTON.

Q. ON STILTON, THAT'S RIGHT HERE IN ORANGEBURG?

A. YES, SIR.

Q. OKAY. AND WHO, WHO DID YOU GO TO THE CORNER
POCKET WITH THAT NIGHT, MA'AM?

A. YVONNE SHARPERSON, MAKIVA MONROE AND SHAWN
MONROE.

Q. OKAY. AND THOSE PEOPLE THAT YOU JUST NAMED, MS.
SHARPERSON, MAKIVA MONROE AND SHAWN, IS THAT

1 MONROE ALSO?

2 A. YES, SIR.

3 Q. OKAY. THE THREE OF THEM, ARE ANY OF THOSE THREE
4 INDIVIDUALS, ARE ANY OF THEM RELATED TO ANY OF
5 THE DEFENDANTS HERE IN THIS CASE?

6 A. YES, SIR.

7 Q. AND WHO, AND WHO ARE THEY RELATED TO?

8 A. RYANT, WELL, THEY CALL HIM POOKIE.

9 Q. POOKIE?

10 A. YEAH.

11 Q. THAT'S MR. RYANT?

12 A. YES, SIR.

13 Q. AND WHERE IS MR. RYANT SEATED ON THE ...

14 A. THE SECOND ONE TO THE FAR END.

15 Q. THE SECOND ONE COMING FROM THE RIGHT?

16 A. YES, SIR.

17 Q. OKAY. AND WHO OUT OF THOSE PEOPLE YOU WENT WITH
18 THAT NIGHT ARE RELATED TO MR. RYANT?

19 A. TWO OF THEM, - - -

20 Q. OKAY.

21 A. MAKIVA AND SHAWN MONROE.

22 Q. OKAY. AND MAKIVA IS WHO IN RELATION TO MR. RYANT?

23 A. HIS MOTHER.

24 Q. OKAY. AND SHAWN IS?

25 A. HIS AUNT.

1 Q. HIS AUNT. SO, SHAWN IS MAKIVA'S SISTER, IS THAT
2 CORRECT?

3 A. YES, SIR.

4 Q. OKAY. AND ABOUT WHAT TIME, MS. BUSBY, DO YOU
5 REMEMBER DID YOU GET TO THE CORNER POCKET THAT
6 FRIDAY EVENING?

7 A. ABOUT EIGHT, BETWEEN EIGHT, EIGHT:THIRTY.

8 Q. OKAY. AND WHEN YOU GOT THERE BETWEEN EIGHT AND
9 EIGHT:THIRTY, OVER THE NEXT FORTY-FIVE MINUTES TO
10 AN HOUR DID YOU SEE ANY OF THE DEFENDANTS IN THIS
11 CASE INSIDE THE CORNER POCKET?

12 A. YES, I DID.

13 Q. WHO?

14 A. POOKIE.

15 Q. POOKIE, SO MR. RYANT?

16 A. YES, SIR.

17 Q. OKAY. AND YOU KNEW HIM, KNOW HIM?

18 A. YES, SIR.

19 Q. AND DID THERE COME A TIME THAT EVENING WHEN YOU
20 SAY MR. RYANT OVER BY THE FRONT DOOR TALKING TO
21 ANY INDIVIDUALS?

22 A. YES, SIR.

23 Q. OKAY. AND DO YOU KNOW ABOUT WHAT TIME THAT WAS?
24 YOU SAID YOU GOT THERE BETWEEN EIGHT AND
25 EIGHT:THIRTY, DO YOU KNOW APPROXIMATELY WHAT TIME

1 THAT WAS THAT YOU SAW THAT OCCUR?

2 A. PROBABLY A LITTLE AFTER NINE.

3 Q. OKAY. AND LET ME ASK YOU THIS, MS. BUSBY, WERE
4 YOU LOOKING AT YOUR WATCH WHEN THAT HAPPENED?

5 A. NO, SIR.

6 Q. OKAY. AND WHERE, WHERE WERE YOU AT WHEN YOU
7 OBSERVED THAT HAPPENING?

8 A. WELL, THE DOOR IS, LIKE, RIGHT HERE, AND I WAS,
9 LIKE, SITTING RIGHT OVER THERE WHERE THIS FIRST
10 CHAIR IS AT RIGHT HERE.

11 Q. SO, MAYBE TEN FEET OR SO AWAY FROM THE DOOR?

12 A. YES, SIR.

13 Q. OKAY. WAS THERE ANYTHING OBSTRUCTING YOUR VIEW
14 OF SEEING THAT EXCHANGE AT THE FRONT DOOR?

15 A. NO, SIR.

16 Q. OKAY. AND WERE YOU PAYING ATTENTION TO WHAT THEY
17 WERE TALKING ABOUT OR ANYTHING?

18 A. YES, SIR.

19 Q. AND LET ME ASK YOU THIS, DO YOU, THOSE PEOPLE
20 THAT WERE AT THE FRONT DOOR AREA, DID THEY COME
21 INTO THE CORNER POCKET?

22 A. NO, SIR.

23 Q. OKAY. AND DO YOU KNOW WHY THEY DIDN'T COME IN?

24 A. BECAUSE THE OWNERS WAS, LIKE, YOU HAVE TO PAY TO
25 COME IN, AND WHEN YOU GET READY TO LEAVE YOU'VE

1 GOT TO PAY TO GET BACK IN.

2 Q. OKAY. NOW, THOSE TWO PEOPLE THAT YOU SAW OVER
3 THERE BY MR. RYANT, DID YOU, DID YOU RECOGNIZE OR
4 KNOW EITHER ONE OF THEM?

5 A. I REALLY DON'T KNOW THEM BUT I KNOW OF HIM.

6 Q. OKAY. AND WHO, WHO WAS THAT THAT YOU KNEW OF?

7 A. THE YOUNG MAN RIGHT HERE TO MY RIGHT ON THE
8 CORNER.

9 Q. ON THE FAR END?

10 A. YES, SIR.

11 Q. OKAY. AND HOW, DOES HE HAVE ANY RELATIONSHIP TO
12 MR. RYANT, TO POOKIE?

13 A. THAT'S HIS SISTER'S BABY'S DADDY.

14 Q. SO, MR. RYANT'S SISTER'S BABY'S FATHER?

15 A. UH-HUH, YES, SIR.

16 Q. OKAY. AND ...

17 THE COURT: AND THE PERSON SHE'S POINTING
18 OUT IS?

19 SOLICITOR SORENSON: THAT WOULD BE MR.
20 SHIVERS ON THE END.

21 THE COURT: OKAY.

22 Q. AND WAS THERE ANOTHER INDIVIDUAL THAT WAS
23 STANDING THERE ALSO?

24 A. ONE CAME TO THE DOOR AND THEN AFTER THAT ONE LEFT
25 THE OTHER ONE CAME TO THE DOOR.

1 Q. OKAY. LET ME ASK YOU, THAT OTHER INDIVIDUAL, DID
2 YOU RECOGNIZE HIM?

3 A. HE'S NOT IN HERE TODAY.

4 Q. HE'S NOT IN HERE TODAY?

5 A. NO, SIR.

6 Q. OKAY. ALRIGHT, AND LET ME KIND OF FAST FORWARD,
7 THEN MS. BUSBY, DID YOU HAVE AN OPPORTUNITY THEN
8 A COUPLE OF WEEKS LATER ON MARCH THE TWENTY-SIXTH
9 OF TWO THOUSAND AND TEN TO MEET WITH INVESTIGATOR
10 SHUMPERT WITH THE ORANGEBURG COUNTY SHERIFF'S
11 OFFICE?

12 A. YES, SIR.

13 Q. OKAY. AND I'M SHOWING YOU STATE'S EXHIBITS
14 NUMBERS ONE AND TWO FOR ID PURPOSES, DID YOU HAVE
15 AN OPPORTUNITY TO VIEW THESE TWO PHOTOGRAPHIC
16 LINEUPS?

17 A. YES, SIR.

18 Q. FIRST OF ALL, I'M SHOWING YOU STATE'S EXHIBIT
19 NUMBER ONE FIRST?

20 A. YES, SIR.

21 Q. OKAY. AND WERE YOU ABLE TO IDENTIFY ANYBODY IN
22 STATE'S EXHIBIT NUMBER ONE?

23 A. YES, SIR.

24 Q. WHAT PHOTO DID YOU IDENTIFY?

25 A. THIS ONE.

1 Q. NUMBER THREE. AND WHO IS THAT THAT'S IN NUMBER
2 THREE, IS THAT THE INDIVIDUAL - - -

3 A. YES, SIR.

4 Q. --- YOU POINTED OUT IN HERE EARLIER?

5 A. YES, SIR.

6 Q. OKAY. AND DID YOU CIRCLE THAT, INITIAL IT, DATE
7 IT?

8 A. YES, SIR.

9 Q. AND ALSO FILL OUT AND SIGN THE ACCOMPANYING
10 AFFIDAVIT?

11 A. YES, SIR.

12 Q. OKAY. AND WHAT DID YOU INDICATE IN HERE AS TO
13 WHEN YOU SAID WHY YOU IDENTIFIED THAT PERSON?

14 A. BECAUSE HE WAS THE ONE CAME TO THE DOOR AT THE
15 CLUB.

16 Q. OKAY. AT THE CLUB, CORNER POCKET?

17 A. POCKET, YES, SIR.

18 Q. OKAY. DID YOU ALSO HAVE AN OPPORTUNITY TO VIEW
19 PHOTOGRAPHIC LINEUP NUMBER TWO?

20 A. YES, SIR.

21 Q. OKAY. DID YOU PICK SOMEBODY OUT OF THAT LINEUP?

22 A. YES, SIR.

23 Q. AND WHAT, WHAT NUMBER IS THAT THAT YOU PICKED
24 OUT?

25 A. NUMBER FOUR.

1 Q. AND DID YOU DATE AND SIGN THAT ALSO?

2 A. YES, SIR.

3 Q. DID YOU ALSO FILL OUT THE LINEUP, THE AFFIDAVIT
4 ALSO AND SIGN IT?

5 A. YES, SIR.

6 Q. IT SAYS, "I SEEN THE BOY COME TO, AND GET POOKIE
7 AT THE CLUB," - - -

8 A. YES, SIR.

9 Q. --- IS THAT CORRECT?

10 A. HE CAME TO THE DOOR.

11 Q. OKAY. AND THAT INDIVIDUAL, HE'S NOT IN THE
12 COURTROOM HERE TODAY, IS THAT CORRECT?

13 A. NO, SIR.

14 Q. NOW, WHEN INVESTIGATOR SHUMPERT SHOWED YOU THOSE
15 TWO PHOTOGRAPHIC LINEUPS, MS. BUSBY, DID HE TELL
16 YOU WHO TO PICK OUT OF THEM?

17 A. NO, SIR.

18 Q. DID HE IN ANY WAY SUGGEST TO YOU WHO TO PICK OR
19 TELL YOU - - -

20 A. NO, SIR.

21 Q. --- WHAT TO SAY?

22 A. NO, SIR.

23 Q. OKAY. WERE YOU DOING THAT OF YOUR OWN FREE WILL?

24 A. YES, SIR.

25 Q. AND WHY DID YOU PICK THOSE TWO INDIVIDUALS OUT OF

1 THOSE TWO LINEUPS?

2 A. BECAUSE THOSE WAS THE TWO THAT CAME TO THE DOOR.

3 Q. THAT NIGHT, THAT FRIDAY NIGHT AT THE CORNER
4 POCKET?

5 A. AT THE CORNER POCKET.

6 SOLICITOR SORENSON: THAT WOULD BE ALL I
7 WOULD HAVE FROM THIS WITNESS, YOUR HONOR.

8 THE COURT: MR. SORENSON, BEFORE YOU SIT
9 DOWN, IN PHOTO LINEUP NUMBER ONE, - - -

10 SOLICITOR SORENSON: YES, SIR.

11 THE COURT: SHE INDICATED IT WAS NUMBER
12 THREE, THE FIRST ONE?

13 SOLICITOR SORENSON: NUMBER THREE, WHICH IS
14 MR. SHIVERS.

15 THE COURT: MR. SHIVERS.

16 SOLICITOR SORENSON: AND I'LL GET OUT
17 THROUGH THE INVESTIGATOR AS TO WHO THAT IS THAT SHE
18 IDENTIFIED.

19 THE COURT: OKAY.

20 SOLICITOR SORENSON: AND THEN THE OTHER ONE,
21 JUST TO CLARIFY THAT SOME, BUT THE OTHER CO-DEFENDANT,
22 PATRICK TYLER, IS NOT HERE TODAY, SO THAT'S WHY SHE
23 HAD INDICATED SHE DIDN'T SEE HIM HERE IN THE
24 COURTROOM.

25 THE COURT: OKAY. ALRIGHT. AND MR. SHIVERS

1 IS REPRESENTED BY?

2 SOLICITOR SORENSON: MR. KOGER.

3 THE COURT: MR. KOGER. OKAY. AND MR.
4 LACKEY, IS THERE ANY REASON YOU WOULD WANT TO CROSS-
5 EXAMINE THIS WITNESS?

6 MR. LACKEY: YOUR HONOR, NOT AT THIS TIME.

7 THE COURT: OKAY. MS. ULLMAN, I MEAN, MR.
8 WISE, ANY REASON YOU WOULD WANT TO?

9 MR. WISE: NO, YOUR HONOR.

10 THE COURT: OKAY, MR. PALMER, ANY REASON
11 YOU'D WANT TO?

12 MR. PALMER: NO, YOUR HONOR.

13 MR. MELLARD: ANY REASON YOU'D WANT TO
14 CROSS-EXAMINE THIS WITNESS?

15 MR. MELLARD: NOT AT THIS TIME, YOUR HONOR.

16 THE COURT: OKAY. ALRIGHT, MR. KOGER, ANY
17 REASON FOR YOU TO CROSS-EXAMINE THIS WITNESS?

18 MR. KOGER: YES, YOUR HONOR.

19 THE COURT: ALRIGHT, LET ME HEAR FROM YOU,
20 PLEASE, SIR.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

CROSS-EXAMINATION OF MONEAK R. BUSBYBY MR. KOGER:

Q. NOW, MS. BUSBY, YOU STATED THAT YOU ALLEGEDLY
MADE THIS IDENTIFICATION AROUND ABOUT NINE
O'CLOCK?

A. SIR?

Q. YOU ALLEGEDLY MADE THIS IDENTIFICATION ABOUT ...

A. I GOT TO THE CLUB ABOUT EIGHT O'CLOCK.

Q. EIGHT O'CLOCK.

A. AND ABOUT BETWEEN EIGHT:THIRTY AND NINE O'CLOCK
THAT'S WHEN I WITNESSED THAT.

Q. YOU MADE THIS ALLEGED IDENTIFICATION?

A. YES, SIR.

Q. OKAY. NOW, YOU SAID ON THE RECORD YOU WAS
LOCATED NEAR THE DOOR, IS THIS A SMALL CLUB OR
SOMETHING?

A. YES, SIR.

Q. DID YOU WORK AT THE CLUB OR ANYTHING?

A. NO, SIR.

Q. OKAY. NOW, YOU SAY THAT YOU KNEW OF MR. SHIVERS,
HAVE YOU ACTUALLY SEEN HIM BEFORE?

A. YES, SIR.

Q. OKAY. HOW MANY -- WELL, HOW LONG HAVE YOU KNOWN
OF MR. SHIVERS?

A. ABOUT QUITE A, OVER SIX MONTHS, BECAUSE YOU KNOW,

1 HIS BABY'S MOTHER, I KNOW HER, SO I HAVE SEEN HIM
2 WITH HER.

3 Q. OKAY. ON THAT PARTICULAR EVENING DO YOU RECALL
4 WHAT HE HAD ON THAT PARTICULAR EVENING?

5 A. NO, SIR.

6 Q. OKAY. DO YOU RECALL ANY TYPE OF FACIAL FEATURES
7 ON THAT PARTICULAR EVENING?

8 A. BY HIS HAIR, HE HAD DREDS.

9 Q. HE HAD LONG DREDS OR SHORT DREDS?

10 A. LONG.

11 Q. OKAY. NOW, AS FAR BETWEEN THE TIME THAT YOU MADE
12 -- WHEN DID YOU MAKE THIS IDENTIFICATION, ON
13 MARCH TWENTY-SIXTH?

14 A. YES, SIR.

15 Q. OKAY. AND YOU SPOKE WITH INVESTIGATOR SHUMPERT?

16 A. YES, SIR.

17 Q. OKAY. DID YOU HAVE ANY CONVERSATION PRIOR, WITH
18 INVESTIGATOR SHUMPERT, AS FAR AS THE
19 IDENTIFICATION OF MR. SHIVERS?

20 A. REPEAT THAT AGAIN?

21 Q. DID YOU HAVE ANY COMMUNICATION BEFORE YOU --
22 WELL, LET ME ASK YOU THIS QUESTION HERE, WHERE
23 DID YOU MAKE THIS IDENTIFICATION RIGHT HERE,
24 WHERE?

25 A. AT HIS OFFICE.

1 Q. AT HIS OFFICE?

2 A. YES, SIR.

3 Q. THAT'S LOCATED HERE IN ORANGEBURG?

4 A. YES, SIR.

5 Q. OKAY. WAS THAT THE FIRST TIME THAT YOU SPOKE
6 WITH INVESTIGATOR SHUMPERT ABOUT THIS CASE?

7 A. YES, SIR.

8 Q. OKAY. YOU DIDN'T SPEAK TO HIM EARLIER?

9 A. HE CAME TO MY HOUSE BUT I DIDN'T SPOKE WITH HIM
10 THEN. HE TOLD ME THAT HE WOULD TAKE ME OFF, COME
11 BACK ANOTHER DAY AND SPEAK WITH ME ABOUT THE
12 SITUATION.

13 Q. OKAY. AND WHEN INVESTIGATOR SHUMPERT CAME TO
14 YOUR HOUSE EARLIER, WAS IT EARLIER THAT DAY OR
15 EARLIER, AS FAR AS A PRIOR WEEK, OR ABOUT HOW
16 MUCH EARLIER DID INVESTIGATOR SHUMPERT APPROACH
17 YOU TO TALK ABOUT THIS CASE?

18 A. IT WAS EARLIER THAT DAY.

19 Q. THAT DAY?

20 A. YES.

21 Q. OKAY. SO, BETWEEN THE TIME OF THE INCIDENT ON
22 MARCH TWELFTH, THE FIRST TIME YOU SPOKE WITH
23 INVESTIGATOR SHUMPERT WAS ON MARCH, WAS THE TIME
24 THAT YOU DID THIS ALLEGED IDENTIFICATION?

25 A. YES, SIR, THAT DAY.

1 Q. OKAY. AND WHAT WAS THE LIGHTING LIKE IN THE
2 CLUB?

3 A. IT WASN'T DARK BECAUSE ONE PART IS NOT DARK. THE
4 OTHER PART -- THE PART WHERE YOU DANCE AT IS
5 DARK. THE FRONT PART WHERE I WAS SITTING AT,
6 LIGHTS BE ON.

7 Q. OKAY. BUT IT'S YOUR TESTIMONY THAT THIS
8 IDENTIFICATION WAS NOT MADE AROUND ELEVEN
9 O'CLOCK, CORRECT?

10 A. REPEAT THAT AGAIN, SIR?

11 Q. THAT THIS IDENTIFICATION, YOU DID NOT MAKE THIS
12 IDENTIFICATION AROUND ELEVEN O'CLOCK AT THE NIGHT
13 THE HE WAS ALLEGEDLY AT THE CLUB, CORRECT?

14 A. NO, SIR.

15 Q. AND IT'S YOUR TESTIMONY THAT THIS IDENTIFICATION
16 WAS NOT MADE AROUND TEN O'CLOCK WHEN YOU WAS AT
17 THE CLUB?

18 A. WHAT YOU SAYING?

19 Q. ON THE NIGHT OF THE CLUB, THAT THIS
20 IDENTIFICATION WAS NOT MADE AT TEN O'CLOCK?

21 A. NO, SIR.

22 Q. BUT IT WAS MADE AT NINE O'CLOCK?

23 A. WHEN I SEEN HIM?

24 Q. YES.

25 A. YES, BETWEEN NINE AND NINE:THIRTY ON THAT -- I

1 WASN'T, I DIDN'T HAVE A WATCH ON, BUT IT WAS
2 APPROXIMATELY AROUND THAT TIME, BECAUSE YOU GET
3 TO THE CLUB AT EIGHT O'CLOCK YOU GET IN FREE, SO
4 IT WAS AFTER EIGHT.

5 Q. IT WAS AFTER EIGHT?

6 A. YES, SIR.

7 Q. OKAY.

8 MR. KOGER: THANK YOU, NO FURTHER QUESTIONS.

9 THE COURT: OKAY. MR. SORENSON, ANYTHING
10 FURTHER?

11 SOLICITOR SORENSON: JUST KIND OF JUST ONE
12 THING TO CLEAR UP SOMETHING.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
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16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

REDIRECT EXAMINATION OF MONEAK R. BUSBYBY SOLICITOR SORENSON:

Q. YOU WEREN'T LOOKING AT YOUR WATCH - - -

A. NO, SIR.

Q. --- SO YOU DON'T KNOW EXACTLY WHAT TIME IT WAS?

A. NO, SIR.

Q. AND YOU KNOW IT WAS OBVIOUSLY AFTER EIGHT O'CLOCK
BECAUSE - - -

A. YES, SIR.

Q. --- THAT'S WHEN YOU GOT THERE, RIGHT?

A. YES, SIR.

Q. OKAY. AND DO YOU REMEMBER WHAT TIME YOU LEFT
THAT NIGHT?

A. ABOUT LIKE ONE O'CLOCK, BETWEEN TWELVE AND ONE.

Q. AND YOU'RE SAYING YOUR BEST GUESS, IT WAS
SOMETIME BETWEEN NINE AND NINE:THIRTY, THAT'S
WHAT YOU ESTIMATED?

A. YES, SIR.

Q. OKAY. ANY DOUBT IN YOUR MIND THAT'S THE PERSON
YOU SAW AT THE DOOR?

A. YES, SIR, THAT WAS THE PERSON I SEEN AT THE DOOR.

SOLICITOR SORENSON: THANK YOU, MS. BUSBY.

THE COURT: OKAY. MR. KOGER, ANYTHING ON
RECROSS?

MR. KOGER: NO FURTHER QUESTIONS, YOUR

1 HONOR, ON RECROSS.

2 THE COURT: ALRIGHT. OKAY, THANK YOU, MS.
3 BUSBY, YOU CAN STEP DOWN.

4 SOLICITOR SORENSON: MAY SHE BE EXCUSED FOR
5 TODAY, YOUR HONOR?

6 THE COURT: SHE MAY BE -- IS THERE ANY
7 REASON THAT ANY OF YOU -- MAY SHE BE EXCUSED, MR.
8 LACKEY?

9 MR. LACKEY: YES, SIR, YOUR HONOR, I HAVE NO
10 OBJECTION.

11 THE COURT: MS. ULLMAN?

12 MS. ULLMAN: NO OBJECTION.

13 THE COURT: MS. PALMER?

14 MR. PALMER: NO OBJECTION.

15 THE COURT: MR. MELLARD?

16 MR. MELLARD: NO OBJECTION.

17 THE COURT: MR. KOGER?

18 MR. KOGER: NO OBJECTION, YOUR HONOR.

19 THE COURT: OKAY. THANK YOU. SORRY, I JUST
20 HAD TO MAKE SURE I RAN THROUGH THE ENTIRE LIST. OKAY,
21 EXCUSE ME. OKAY. ALRIGHT.

22 SOLICITOR SORENSON: YOUR HONOR, MAY I ASK
23 YOU HOW YOU WANT ME TO PROCEED AT THIS POINT IN TIME?
24 I HAVE ONE OTHER WITNESS THAT VIEWED THREE OTHER PHOTO
25 LINEUPS, AND THEN I HAVE THE INVESTIGATOR THAT SHOWED

1 ALL OF THE LINEUPS. I INTEND ON CALLING HIM. DO YOU
2 WANT ME TO PUT HIM UP JUST TO ADDRESS THIS LINEUP
3 FIRST TO KIND OF TAKE CARE OF THAT LINEUP OR PUT THE
4 OTHER WITNESS UP FIRST?

5 THE COURT: IF IT'S ALRIGHT WITH, UNLESS
6 THERE'S OBJECTION BY Y'ALL WHAT I WOULD LIKE TO DO IS
7 JUST TAKE ALL THE TESTIMONY AT ONE TIME. MR. KOGER,
8 ANY OBJECTION?

9 MR. KOGER: NO OBJECTION, YOUR HONOR.

10 THE COURT: ANY OBJECTION, MR. MELLARD,
11 GOING BACKWARDS?

12 MR. MELLARD: NO, YOUR HONOR.

13 THE COURT: MR. PALMER?

14 MR. PALMER: NO, YOUR HONOR.

15 THE COURT: MS. ULLMAN, OR MR. WISE, I
16 GUESS?

17 MS. ULLMAN: NO, YOUR HONOR.

18 THE COURT: OKAY. AND MR. LACKEY?

19 MR. LACKEY: NO, YOUR HONOR.

20 THE COURT: OKAY. WELL, LET'S GO, LET ME
21 HEAR EVERYTHING AND THEN WE'LL GO FORWARD.

22 SOLICITOR SORENSON: SO, I'LL CALL THE OTHER
23 WITNESS AT THIS TIME.

24 THE COURT: YES, IF YOU DON'T MIND.

25 SOLICITOR SORENSON: THE STATE CALLS ASHLEY

1 PARSLEY.

2 CLERK: COME ALL THE WAY DOWN TO THE FRONT
3 TO YOUR RIGHT WHERE YOU SEE THE BIBLE, AND PLACE YOUR
4 LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

5 (Whereupon, Ashley Roneal Parsley
6 is duly sworn.)

7 CLERK: THANK YOU, YOU MAY BE SEATED AND
8 STATE YOUR FULL NAME FOR THE COURT.

9 WITNESS: MY NAME IS ASHLEY RONEAL PARSLEY.

10 COURT REPORTER: SPELL YOUR LAST NAME,
11 PLEASE.

12 WITNESS: P-A-R-S-L-E-Y.

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14 part of record has been omitted. Headers on testimony
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16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

DIRECT EXAMINATION OF ASHLEY R. PARSLEYBY SOLICITOR SORENSON:

Q. ALRIGHT, MS. PARSLEY, I NEED TO MAKE SURE YOU
KEEP YOUR VOICE UP NICE AND LOUD, OKAY?
EVERYBODY DOWN THAT WHOLE AISLE THERE NEEDS TO BE
ABLE TO HEAR YOU. OKAY? WILL YOU TELL THE COURT
HOW OLD YOU ARE?

A. TWENTY-FOUR YEARS OLD.

Q. AND BACK IN -- SPECIFICALLY, ON THE EVENING OF
FRIDAY, MARCH THE TWELFTH OF TWO THOUSAND TEN,
WHERE WERE YOU LIVING AT THAT FRIDAY NIGHT, WHERE
WERE YOU STAYING AT?

A. I WAS STAYING WITH CHARLES PRINGLE.

Q. OKAY, SPEAK UP, PLEASE?

COURT REPORTER: CHARLES?

A. UH-HUH, PRINGLE. I WAS STAYING WITH CHARLES
PRINGLE.

Q. AND WHERE WAS THAT AT, WHERE DID MR. PRINGLE
ROAD?

A. KING'S ROAD.

Q. AND THAT'S HERE IN ORANGEBURG?

A. CORRECT.

Q. OKAY. NOW, I WANT TO TURN YOUR ATTENTION, MS.
PARSLEY, TO THAT NIGHT OF FRIDAY, MARCH THE
TWELFTH, OF TWO THOUSAND TEN. KIND OF EARLIER

1 THAT EVENING WERE YOU AT HOME OR AT MR. PRINGLE'S
2 HOME THAT EVENING? EARLIER THAT EVENING I HAD
3 WENT TO THE STORE TO GET ME A PHONE, AN ALLTEL
4 PHONE, AND HE WAS COOKING ON THE GRILL. SO, WHEN
5 I CAME BACK HE WAS STILL COOKING ON THE GRILL, SO
6 I HAD WENT IN THE ROOM TO GO TO SLEEP. AND THEN
7 HE END UP GOING TO SLEEP, AND HE WAS ASLEEP LIKE
8 MOST OF THE TIME, LIKE MOST OF THE NIGHT.

9 Q. OKAY. AND KIND OF FAST FORWARD A LITTLE BIT TO
10 AROUND NINE O'CLOCK OR SO, WERE YOU UP AND INSIDE
11 THE APARTMENT AT THAT TIME?

12 A. YES, I WAS.

13 Q. OKAY. AND DID THERE COME A TIME WHEN SOMEBODY
14 CAME OVER AND WAS KIND OF HANGING OUT IN THE
15 APARTMENT ALSO?

16 A. CORRECT.

17 Q. AND WHO WAS THAT?

18 A. IT WAS SHANNON.

19 Q. SHANNON. AND IS SHANNON A FRIEND OF YOURS OR A
20 FRIEND OF MR. PRINGLE'S?

21 A. HE WAS A FRIEND OF MR. PRINGLE'S.

22 Q. OKAY. AND WHEN SHANNON WAS OVER WHAT WAS, WHERE
23 WAS MR. PRINGLE AT WHILE SHANNON WAS THERE?

24 A. HE WAS STILL IN HIS ROOM ASLEEP.

25 Q. OKAY. AND LET ME ASK YOU, DID THERE COME A TIME

1 WHEN SOMEBODY ELSE CAME AND KNOCKED AT THE DOOR?

2 A. CORRECT.

3 Q. OKAY. AND WHO ANSWERED THE DOOR?

4 A. SHANNON ANSWERED THE DOOR.

5 Q. OKAY. AND DID SOMEBODY COME IN?

6 A. CORRECT.

7 Q. OKAY. AND DESCRIBE THE PERSON THAT CAME IN?

8 A. HE WAS LIGHT SKINNED, HE WAS, LIKE, NOT SHORT BUT
9 NOT TALL, AND HE HAD, LIKE, TWISTIES IN HIS HAIR.

10 Q. AND DID YOU, DID YOU RECOGNIZE THE PERSON?

11 COURT REPORTER: WHAT DID HE HAVE IN HIS
12 HAIR?

13 A. TWISTIES.

14 Q. AND DID YOU RECOGNIZE THAT PERSON, MS. PRINGLE,
15 HAD YOU SEEN HIM BEFORE?

16 A. NO, I NEVER SEEN HIM BEFORE.

17 Q. DID SHANNON APPEAR TO KNOW WHO HE WAS?

18 A. SHANNON SAID HE SEEN HIM BEFORE.

19 Q. AND WHAT ...

20 THE COURT: I'M SORRY, WHAT DID -- DID
21 SHANNON, WHAT DID SHANNON TELL YOU?

22 A. HE SAID HE KNEW HIM, HE SAID HE SEEN HIM BEFORE.

23 THE COURT: SO, SHANNON HAD SEEN HIM BEFORE.
24 OKAY. I'M SORRY, I JUST WANTED -- AND AGAIN, YOU NEED
25 TO SPEAK UP BECAUSE THE GENTLEMAN AT THE FAR END NEEDS

1 TO BE ABLE TO HEAR YOU. AND SINCE YOU'RE ANSWERING MR.
2 SORENSON'S QUESTIONS YOU'RE FACING HIM, AS YOU SHOULD,
3 BUT I ALSO NEED TO HEAR. OKAY? SO, YOU NEED TO SPEAK
4 UP, PLEASE, MA'AM.

5 A. OKAY.

6 THE COURT: OKAY. I'M SORRY.

7 SOLICITOR SORENSON: OKAY, I'LL SHIFT THIS
8 WAY A LITTLE BIT HERE, JUDGE.

9 THE COURT: OKAY.

10 Q. AND MS. PARSLEY, THEN, SO WHEN THAT INDIVIDUAL
11 YOU DESCRIBED CAME IN DID HE, DID HE ASK FOR
12 ANYTHING, WAS HE LOOKING FOR SOMETHING?

13 A. YES, HE ASKED FOR DRUGS.

14 Q. AND WHAT IS DRUGS IN YOUR EXPERIENCE?

15 A. IT'S LIKE A DIFFERENT TYPE OF MARIJUANA.

16 Q. OKAY. AND WHY, WAS THERE SOMEBODY AT THAT HOME
17 THAT WAS SELLING MARIJUANA OUT OF THAT HOME WHERE
18 YOU WERE AT?

19 A. YES, SIR.

20 Q. AND WHO WAS THAT?

21 A. CHARLES PRINGLE.

22 Q. AND DID, DID YOU OR SHANNON END UP HELPING THIS
23 INDIVIDUAL?

24 A. YES. I END UP CALLING OLD SCHOOL, AND I TOLD HIM

25 ...

1 Q. WHO IS OLD SCHOOL?

2 A. CHARLES PRINGLE.

3 Q. OKAY. AND SO HE, AND YOU SAID HE WAS SLEEPING?

4 A. HE WAS SLEEPING. AND THEN HE CAME OUT THE ROOM.

5 Q. OKAY. AND DID MR. PRINGLE THEN HAVE AN
6 OPPORTUNITY TO CONVERSE WITH THIS PERSON THAT WAS
7 THERE?

8 A. YES, HE ASKED HIM FOR HIS ID BECAUSE HE SAID HE
9 NEVER SEEN HIM BEFORE.

10 Q. OKAY. AND DID, DID THE PERSON GIVE HIM HIS ID?

11 A. YES, HE DID.

12 Q. OKAY. AND DID HE END UP PROVIDING HIM ANY
13 MARIJUANA AT THAT POINT IN TIME THAT YOU SAW?

14 A. HE TOLD HIM THAT HE NEVER SEEN HIM BEFORE. HE
15 ASKED HAS HE EVER BEEN THERE, AND HE SAID, YES,
16 WITH HIS HOME BOY.

17 Q. OKAY.

18 COURT REPORTER: AND HE SAID, YES, BUT WHAT?

19 A. HE HAD BEEN THERE WITH HIS HOME BOY.

20 Q. ALRIGHT. NOW, WHERE WERE YOU AT WHEN ALL OF THIS
21 INTERACTION WAS GOING ON?

22 A. I WAS SITTING IN THE CHAIR BY THE WINDOW.

23 Q. OKAY. AND HOW FAR AWAY WERE YOU FROM THIS GUY
24 THAT CAME IN, THE LIGHT SKINNED GUY WITH THE
25 TWISTIES IN HIS HAIR, HOW FAR AWAY WERE YOU FROM

1 HIM?

2 A. NOT FAR.

3 Q. BUT, I MEAN, CLOSER THAN WE ARE OR FARTHER AWAY
4 OR THE SAME DISTANCE?

5 A. PROBABLY ABOUT THE SAME DISTANCE.

6 Q. SO, MAYBE FIVE FEET AWAY?

7 A. CORRECT.

8 Q. AND YOU WERE SITTING IN THE LIVING ROOM?

9 A. CORRECT.

10 Q. IS IT A BIG LIVING ROOM OR A LITTLE LIVING ROOM?

11 A. FOR AN APARTMENT, IT'S LIKE A NORMAL SIZE.

12 Q. AND ANYTHING COVERING THE GUY'S FACE OR ANYTHING?

13 A. NO.

14 Q. DID YOU END UP GETTING A GOOD LOOK AT HIM WHILE
15 HE WAS IN THERE?

16 A. NOT REALLY, ALL I KNOW IS, HE WAS LIGHT SKINNED
17 AND HE HAD TWISTIES IN HIS HAIR.

18 Q. BUT NOTHING WAS OBSTRUCTING YOUR VIEW OF HIS FACE
19 OR ANYTHING OF THAT NATURE?

20 A. NO, SIR.

21 Q. AND DID HE END UP ULTIMATELY LEAVING THE
22 APARTMENT?

23 A. YES, HE DID.

24 Q. OKAY. AND AFTER HE LEFT WHAT DID, WHAT DID
25 SHANNON DO?

1 A. HE LEFT A FEW MINUTES LATER.

2 Q. OKAY. AND THEN WHAT DID MR. PRINGLE DO?

3 A. HE WENT BACK IN HIS ROOM.

4 Q. NOW, DID THERE COME A TIME A SHORT WHILE LATER
5 WHEN SOMEBODY ELSE CAME TO THE DOOR?

6 A. CORRECT.

7 Q. OKAY. AND ABOUT HOW LONG AFTER THAT, THAT FIRST
8 PERSON AND SHANNON LEFT WAS IT BEFORE SOMEBODY
9 ELSE CAME TO THE DOOR?

10 A. I'LL SAY ABOUT TEN MINUTES, AND AT THAT TIME HE
11 WENT INTO THE KITCHEN. HE WAS MAKING ...

12 Q. WHO WENT INTO THE KITCHEN?

13 A. CHARLES PRINGLE.

14 Q. OKAY. ALRIGHT, SO SOMEBODY ELSE CAME TO THE DOOR
15 AND DID THEY KNOCK OR IS THERE A DOOR BELL OR ...

16 A. THEY RUNG THE DOOR BELL.

17 Q. OKAY. AND WHO CAME AND ANSWERED THE DOOR?

18 A. IT WAS A DARK SKINNED DUDE WEARING BLUE.

19 Q. OKAY. WHO ANSWERED THE DOOR?

20 A. I DID.

21 Q. OKAY. NOW, DID YOU RECOGNIZE THAT PERSON THAT
22 CAME IN?

23 A. NO, I DID NOT.

24 Q. OKAY. AND TELL, TELL THE JUDGE WHAT HAPPENED THEN
25 AFTER YOU ANSWERED THE DOOR, WHAT DID YOU DO,

1 FIRST OF ALL?

2 A. WHEN I ANSWERED THE DOOR I WENT BACK TO SIT IN
3 THE CHAIR, AND I HAD A PISTOL IN MY HAND.

4 THE COURT: YOU HAD WHAT IN YOUR HAND?

5 A. A PISTOL.

6 THE COURT: YOU HAD A PISTOL IN YOUR HAND?

7 A. UH-HUH. BECAUSE HE TOLD ME, BECAUSE CHARLES TOLD
8 ME TO ALWAYS USE IT FOR PROTECTION. AND I HAD SAT
9 DOWN AND I ASKED HIM WHAT DID HE NEED. AND AS I
10 WAS GOING DOWN TO GET WHAT HE NEEDED THAT'S WHEN
11 HE WAS, LIKE, IT WAS A STICK UP, AND HE TOOK THE
12 PISTOL FROM ME, AND HE TOLD ME TO GET ON THE
13 GROUND.

14 Q. OKAY. AND DID YOU GET DOWN ON THE GROUND?

15 A. YES, I DID.

16 Q. OKAY. AND ARE YOU AWARE OF WHETHER OTHER PEOPLE
17 CAME IN OR NOT?

18 A. I COULD SEE OTHER PEOPLE BUT I JUST NOTICED,
19 LIKE, I COULD FEEL, LIKE, THE SURROUNDING, LIKE
20 IT WAS MORE PEOPLE. IT WAS MORE THAN ONE PERSON.

21 THE COURT: YOU SAID, I COULD OR COULDN'T
22 SEE OTHER PEOPLE?

23 A. I COULDN'T SEE OTHER PEOPLE. I WAS FACE DOWN ON
24 THE GROUND.

25 THE COURT: I CAN'T SEE OTHER PEOPLE?

1 Q. YOU COULDN'T SEE OTHER PEOPLE?

2 A. UH-HUH.

3 THE COURT: AND YOU WERE FACE DOWN ON THE
4 GROUND?

5 A. CORRECT.

6 Q. AND, BUT YOU SAID YOU COULD TELL THERE WERE MORE
7 THAN ONE PERSON IN THE APARTMENT AT THAT TIME?

8 A. CORRECT.

9 Q. OKAY. AND DID YOU STAY FACE DOWN ON THE GROUND
10 AT THAT POINT IN TIME?

11 A. YES, I DID.

12 Q. OKAY. AND WERE YOU ABLE TO SEE ANYBODY'S FACES
13 INITIALLY BEFORE YOU WENT DOWN TO THE GROUND?

14 A. THE GUY THAT WAS POINTING THE GUN AT ME, I
15 REMEMBER HIS EYES. HE EYES WAS, LIKE, SO COLD.

16 Q. OKAY. AND THEN DID YOU SEE ANOTHER, BRIEFLY SEE
17 ANOTHER PERSON'S FACE ALSO BEFORE YOU WENT DOWN?

18 A. I SEEN A STOCKY PERSON BUT I DIDN'T REALLY SEE
19 THEIR FACE.

20 Q. NOW, YOU END UP GOING DOWN ON THE GROUND, DID YOU
21 STAY, WHILE EVERYTHING WAS GOING ON DID YOU STAY
22 FACE DOWN ON THE GROUND?

23 A. CORRECT. THEY TOLD ME NOT TO MOVE.

24 Q. OKAY. AND LET ME ASK YOU THIS, ULTIMATELY, WERE
25 THERE A BUNCH OF GUN SHOTS INSIDE?

1 A. (Nods head in the affirmative.)

2 THE COURT: YOU NEED TO RESPOND WITH A YES
3 OR NO, MA'AM.

4 Q. SAY YES OR NO, MA'AM.

5 A. YES.

6 Q. OKAY. AND LET ME JUST ASK YOU THIS TO KIND OF
7 CUT FORWARD HERE, DURING -- WHILE EVERYTHING ELSE
8 WAS GOING ON INSIDE THE APARTMENT DID YOU EVER
9 LOOK UP?

10 A. NO, I DIDN'T.

11 Q. OKAY. SO, FROM THE TIME YOU GOT FACE DOWN ON THE
12 GROUND YOU NEVER LOOKED UP AND SAW ANY OTHER
13 FACES?

14 A. I NEVER LOOKED UP OR MOVED OR NOTHING.

15 Q. OKAY. NOW, AFTER THE SHOTS WHAT HAPPENED AFTER
16 THE GUN SHOTS INSIDE THE APARTMENT?

17 A. THAT'S WHEN EVERYBODY LEFT AND THEY LEFT THE DOOR
18 OPEN.

19 Q. OKAY. DID YOU CALL THE POLICE?

20 A. CORRECT.

21 Q. OKAY. DO YOU KNOW HOW MANY PEOPLE WERE INSIDE?

22 A. I WOULD SAY, LIKE, FIVE OR SIX.

23 Q. OKAY. LET ME ASK YOU, MS. PARSLEY, DID YOU
24 ULTIMATELY HAVE AN OPPORTUNITY IN THE DAYS THAT
25 FOLLOWED TO GO IN AND MEET WITH INVESTIGATOR

1 SHUMPERT ON SEVERAL OCCASIONS?

2 A. CORRECT.

3 Q. TO NOT ONLY TALK TO HIM BUT ALSO TO LOOK AT SOME
4 LINEUPS?

5 A. CORRECT.

6 Q. LET ME SHOW YOU INITIALLY WHAT'S BEEN MARKED AS
7 STATE'S EXHIBIT NUMBER THREE. OKAY. DID HE SHOW
8 YOU, IS THAT ONE OF THE LINEUPS THAT YOU WERE
9 SHOWN BY INVESTIGATOR SHUMPERT?

10 A. CORRECT.

11 Q. ALRIGHT. AND WERE YOU ABLE TO IDENTIFY SOMEBODY
12 IN THAT LINEUP?

13 A. CORRECT.

14 Q. OKAY. AND WHAT PHOTO DID YOU IDENTIFY?

15 A. NUMBER THREE.

16 Q. NUMBER THREE. AND DID YOU THEN HAVE AN
17 OPPORTUNITY TO PUT ON THE AFFIDAVIT, I MEAN, WHO
18 IT WAS THAT YOU WERE IDENTIFYING AND WHY YOU
19 IDENTIFIED HIM?

20 A. CORRECT.

21 Q. OKAY. AND WHICH, DO YOU NEED A CHANCE TO LOOK AT
22 THAT OR DO YOU REMEMBER?

23 A. I SAID THAT IT WAS THE PETE GUY, THE LIGHT
24 SKINNED GUY THAT CAME IN THE FIRST TIME WHEN
25 SHANNON WAS THERE.

1 COURT REPORTER; WHICH GUY?

2 A. THE LIGHT SKINNED GUY.

3 COURT REPORTER; THE PEAK GUY?

4 A. PETE.

5 COURT REPORTER; PETE.

6 Q. AND LET ME ASK YOU THIS, MS. PARSLEY, DID YOU
7 KNOW HIS NAME WHEN HE CAME IN WAS PETE? DID YOU
8 KNOW WHEN HE CAME TO THE DOOR AND HE LEFT THAT
9 THE INITIAL LIGHT SKINNED GUY WITH THE TWISTIES
10 ...

11 A. I DIDN'T KNOW HE WAS PETE AT THAT TIME BUT
12 SHANNON SAID IT WAS PETE.

13 Q. OKAY. THAT'S WHAT I WAS GOING TO ASK YOU, SO
14 WHERE DID YOU GET, SINCE YOU PUT, PETE, IN HERE,
15 WHERE DID YOU GET THAT NAME?

16 A. FROM SHANNON.

17 Q. FROM SHANNON. OKAY. SO, THIS INDIVIDUAL THAT
18 YOU IDENTIFIED IN STATE'S EXHIBIT NUMBER THREE IS
19 THE PERSON THAT HAD COME IN TEN MINUTES OR SO
20 BEFORE TO TRY TO BUY MARIJUANA?

21 A. CORRECT.

22 Q. OKAY. AND DID YOU SEE HIM, WHEN THE INCIDENT
23 HAPPENED TEN MINUTES LATER DID YOU EVER SEE HIM
24 IN THERE AT THAT TIME?

25 A. NO, I DIDN'T SEE HIM.

1 Q. AND I'M SHOWING YOU STATE'S EXHIBIT NUMBER FOUR,
2 I SHOW YOU NUMBER FOUR INITIALLY, DID YOU HAVE AN
3 OPPORTUNITY TO VIEW STATE'S EXHIBIT NUMBER FOUR?

4 A. CORRECT.

5 Q. ALRIGHT. AND WERE YOU ABLE TO IDENTIFY ANYBODY
6 IN STATE'S EXHIBIT NUMBER FOUR?

7 A. YES, NUMBER THREE.

8 Q. NUMBER THREE. AND WHY DID YOU PICK OUT NUMBER
9 THREE?

10 A. BECAUSE OF HIS EYES. I REMEMBER HIS EYES. HE WAS
11 THE ONE THAT WAS POINTING THE GUN AT ME.

12 Q. OKAY. ALRIGHT. ANY DOUBT IN YOUR MIND THAT THAT
13 APPEARS TO BE THE PERSON THAT WAS POINTING THE
14 GUN AT YOU?

15 A. I'M POSITIVE.

16 Q. AND DID YOU PUT THAT ON THE AFFIDAVIT ALSO THAT
17 YOU SIGNED?

18 A. CORRECT.

19 Q. AND THAT'S THE INDIVIDUAL THAT WAS IN THE
20 APARTMENT THAT POINTED THE GUN AT ME?

21 A. CORRECT.

22 Q. AND THEN, STATE'S EXHIBIT NUMBER FIVE, DID YOU
23 HAVE AN OPPORTUNITY ALSO TO LOOK AT AND PICK
24 SOMEBODY OUT OF STATE'S EXHIBIT NUMBER FIVE?

25 A. CORRECT.

1 Q. OKAY. AND WHAT, WHAT PHOTO DID YOU PICK OUT?

2 A. NUMBER ONE.

3 Q. OKAY. AND LET ME ASK YOU THIS, YOU ULTIMATELY
4 ENDED UP PUTTING, FILLING OUT THE AFFIDAVIT ON
5 THAT ALSO, RIGHT?

6 A. CORRECT.

7 Q. ALRIGHT. AND I THINK YOU INDICATED THAT IT WAS
8 POSSIBLE THAT YOU DIDN'T COMPLETELY SEE HIS FACE,
9 BUT THAT RESEMBLED ONE OF THE INDIVIDUALS YOU SAW
10 IN THE APARTMENT?

11 A. CORRECT.

12 Q. LET ME JUST ASK YOU, WHEN YOU FILLED OUT THE
13 AFFIDAVIT WHAT PHOTO DID YOU PUT ON THE AFFIDAVIT
14 THAT YOU PICKED OUT?

15 A. I PUT NUMBER ONE.

16 Q. THAT NUMBER RIGHT THERE?

17 A. NUMBER FOUR.

18 Q. NUMBER FOUR. LET ME JUST SHOW YOU, JUST KIND OF,
19 WHEN YOU CIRCLED THAT PHOTOGRAPH THERE, WHAT
20 NUMBER DID YOU CIRCLE?

21 A. NUMBER FOUR.

22 Q. OKAY. IS THAT THE PICTURE THOUGH THAT YOU PICKED
23 OUT?

24 A. CORRECT.

25 Q. OKAY. AND YET AGAIN, THAT APPEARED TO BE

1 SOMEBODY THAT YOU SAW BRIEFLY IN THE APARTMENT
2 THAT AFTERNOON, OR THAT EVENING?

3 A. CORRECT.

4 Q. NOW, MS. PARSLEY, AT ANY POINT IN TIME DID
5 INVESTIGATOR SHUMPERT TELL YOU WHO TO PICK OUT?

6 A. NO.

7 Q. OKAY. DID HE SUGGEST TO YOU IN ANY WAY THAT YOU
8 HAD TO PICK SOMEBODY OUT OF THE LINEUP?

9 A. NO.

10 Q. LET ME ASK YOU THIS, IN FACT, DID HE SHOW YOU
11 SEVERAL OTHER LINEUPS ALSO?

12 A. CORRECT.

13 Q. AND WERE YOU ABLE TO PICK ANYBODY OUT OF ANY OF
14 THOSE OTHER LINEUPS HE SHOWED YOU?

15 A. NO, I WAS NOT.

16 Q. OKAY. AND JUST SO I GET THE DATES RIGHT HERE,
17 BECAUSE YOU WENT AND LOOKED AT THESE ON A COUPLE
18 OF DIFFERENT DATES, IS THAT CORRECT?

19 A. CORRECT.

20 Q. AND SHOWING YOU, GOING BACK TO STATE'S EXHIBIT
21 NUMBER THREE, WHAT DAY, WHAT DAY IS INDICATED ON
22 THE AFFIDAVIT THAT YOU PICKED THAT PERSON OUT?

23 A. MARCH FIFTEEN.

24 Q. AND THE OTHER TWO, STATE'S EXHIBITS FOUR AND
25 FIVE, WHAT DATE IS ON FOUR AND FIVE?

1 A. MARCH NINETEEN.

2 Q. SO, A COUPLE OF DAYS LATER?

3 A. YES.

4 Q. AND YET AGAIN, JUST LIKE I ASKED YOU ABOUT THE
5 FIRST PERSON THAT CAME IN, WHEN THE SECOND
6 INDIVIDUALS CAME IN, WAS THERE ANYTHING, DID THEY
7 HAVE THEIR FACES COVERED OR ANYTHING?

8 A. THE GUY THAT WAS POINTING THE GUN AT ME, I THINK
9 HE HAD ON A MASK.

10 Q. BUT YOU WERE ABLE TO SEE HIS EYES? I MEAN, WHAT,
11 YOU SAID, MASK, WHAT PART OF HIS FACE WAS
12 COVERED?

13 A. IT WAS, LIKE, THE BOTTOM PART WAS COVERED, BUT I
14 COULD REMEMBER HIS EYES.

15 Q. SO YOU REMEMBER, KIND OF UPPER PART OF HIS FACE?

16 A. CORRECT.

17 Q. OKAY. AND OBVIOUSLY, YOU SAID YOU THOUGHT THERE
18 WERE FIVE OR SIX PEOPLE IN THERE, BUT DID YOU
19 EVER REALLY GET A LOOK AT ANY OF THOSE BESIDES
20 THE TWO OF THEM, ANY OF THE OTHER FIVE OR SIX?

21 A. NO, I WAS FACE DOWN.

22 Q. IS THE LIGHTING IN THE APARTMENT, WERE YOU ABLE
23 TO SEE IN THE APARTMENT?

24 A. A LITTLE BIT.

25 Q. ENOUGH TO BE ABLE TO SEE THE PERSON?

1 A. CORRECT.

2 Q. IT WASN'T PITCH BLACK IN THERE, WAS IT?

3 A. NOT, IT WASN'T PITCH BLACK.

4 SOLICITOR SORENSON: I BEG THE COURT'S
5 INDULGENCE.

6 THE COURT: OKAY.

7 SOLICITOR SORENSON: THANK YOU, MS. PARSLEY,
8 PLEASE ANSWER ANY QUESTIONS THAT ANY OF THE DEFENSE
9 COUNSEL MAY HAVE.

10 AND JUST FOR THE COURT'S KIND OF ...

11 COURT REPORTER: LEAVE THAT BACK WHERE YOU
12 HAD IT, IF YOU DON'T MIND. THAT WAY I'LL ...

13 SOLICITOR SORENSON: THE THREE LINEUPS, YOUR
14 HONOR, AND I'LL GET THIS OUT FOR THE RECORD WITH
15 INVESTIGATOR SHUMPERT, BUT STATE'S EXHIBIT NUMBER
16 THREE, THAT IS A PHOTOGRAPH OF WALTER HARRIS, WHICH IS
17 MR. PALMER'S CLIENT.

18 THE COURT: OKAY.

19 SOLICITOR SORENSON: STATE'S EXHIBIT NUMBER
20 FOUR IS A PHOTOGRAPH OF MARIO SHIVERS, WHICH IS MR.
21 KOGER'S CLIENT. AND STATE'S EXHIBIT NUMBER FIVE IS A
22 PHOTOGRAPH OF RALPH COLEMAN, WHO IS MS. ULLMAN'S
23 CLIENT.

24 THE COURT: OKAY.

25 SOLICITOR SORENSON: IF YOU WANT TO LOOK AT

1 THEM. AND THEY'LL BE SITTING UP HERE, WHOEVER GOES.

2 THE COURT: OKAY. ANYTHING ELSE, MR.

3 SORENSON?

4 SOLICITOR SORENSON: THAT WOULD BE ALL FROM
5 THIS WITNESS, YOUR HONOR.

6 THE COURT: ALRIGHT. ALRIGHT, MR. LACKEY,
7 ANY QUESTIONS FOR THIS WITNESS?

8 MR. LACKEY: YOUR HONOR, NONE AT THIS TIME.

9 THE COURT: OKAY. AND MR. WISE IS GOING TO
10 BE FOR YOU, MS. ULLMAN?

11 MS. ULLMAN: YES, SIR.

12 THE COURT: MR. WISE, ANY QUESTIONS OF THIS
13 WITNESS?

14 MR. WISE: MAY IT PLEASE THE COURT, YOUR
15 HONOR.

16 THE COURT: YES, SIR.

17 MR. WISE: THANK YOU.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
20 pages and hard page breaks between testimony are now
21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

CROSS-EXAMINATION OF ASHLEY R. PARSLEYBY MR. WISE:

Q. GOOD AFTERNOON, MS. PARSLEY.

A. GOOD AFTERNOON.

Q. MS. PARSLEY, MY NAME IS MARK WISE, I'M JUST GOING TO ASK YOU A FEW QUESTIONS. OKAY? LET'S DO THIS, WOULD YOU MIND DRAWING THIS ROOM FOR ME? I'LL GIVE YOU A PIECE OF PAPER. COULD YOU DO THAT, JUST A LITTLE DIAGRAM? OKAY.

MR. WISE: YOUR HONOR, MAY I APPROACH THE WITNESS.

THE COURT: SURE.

SOLICITOR SORENSON: YOUR HONOR, I'VE PROVIDED THEM WITH DIAGRAMS OF THE SCENE, I MEAN, IF WE'RE LOOKING FOR A DIAGRAM TO USE, I MEAN ...

THE COURT: DO YOU WANT TO USE THE DIAGRAM OF THE ACTUAL ROOM?

MR. WISE: I THINK THE DIAGRAM OF THE ACTUAL ROOM HAS FIGURES AND -- IF THERE WAS ONE THAT WAS EMPTY I WOULD USE THAT, BUT I DON'T THINK YOU HAVE ONE THAT'S ...

MS. ULLMAN: YOUR HONOR, IT'S THE DRAWING OF A BODY ON THE FLOOR.

SOLICITOR SORENSON: I MEAN, I OBVIOUSLY HAVE, I MEAN, I UNDERSTAND.

1 THE COURT: WELL, IS SHE, ARE YOU ASKING HER
2 TO DRAW THE ROOM IN QUESTION WHERE IT HAPPENED?

3 MR. WISE: YES, SIR.

4 THE COURT: OH, OKAY.

5 MR. WISE: JUST THE ROOM.

6 THE COURT: OKAY. OKAY.

7 Q. JUST DRAW A SQUARE OF THE -- IT WAS IN THE
8 LIVING ROOM, CORRECT?

9 A. CORRECT.

10 Q. JUST DRAW THE LIVING ROOM FOR ME.

11 A. (Witness draws diagram.)

12 Q. AND MS. PARSLEY, WHAT I'D LIKE YOU TO DO IN
13 THERE, AND YOU CAN LEAN RIGHT UP THERE, JUST SHOW
14 US WHERE THE DOOR IS IN THAT ROOM?

15 A. (Witness draws on diagram.)

16 Q. AND YOU SAID YOU WERE SITTING IN A CHAIR WHEN THE
17 PERSON WITH THE BLUE SHIRT CAME IN, IS THAT
18 CORRECT?

19 A. CORRECT.

20 Q. OKAY. CAN YOU SHOW US WHERE THAT CHAIR WAS IN
21 THAT ROOM?

22 A. (Witness draws on diagram.)

23 Q. AND CAN YOU JUST WRITE IN THAT BOX THE WORD,
24 CHAIR. OKAY. AND THERE IS A TABLE IN THAT
25 LIVING ROOM, ISN'T THERE?

1 A. CORRECT.

2 Q. COULD YOU SHOW US ON THAT DIAGRAM WHERE THAT
3 TABLE IS?

4 A. (Witness draws on diagram.)

5 Q. PERFECT. NOW, WHEN THE KNOCK CAME ON THE DOOR
6 AND THE PERSON IN THE BLUE SHIRT CAME IN, DID YOU
7 GET UP AND APPROACH THE DOOR?

8 A. CORRECT.

9 Q. OKAY. AND WHEN YOU OPENED THE DOOR YOU WERE
10 STANDING FACE TO FACE WITH THAT PERSON?

11 A. CORRECT.

12 Q. OKAY. AND THEN AFTER THAT PERSON CAME IN WHAT
13 DID YOU DO NEXT?

14 A. I SAT DOWN IN THE CHAIR.

15 Q. YOU SAT IN THE CHAIR?

16 A. CORRECT.

17 Q. AND DID THAT PERSON ASK YOU FOR MARIJUANA?

18 A. CORRECT.

19 Q. OKAY. AND WHAT DID YOU DO AFTER HE ASKED YOU FOR
20 THE MARIJUANA?

21 A. I REACHED DOWN AND STARTED OPENING THE JAR.

22 Q. OPENING THE?

23 A. THE JAR.

24 Q. THE JAR. AND WHERE WAS THE JAR?

25 A. RIGHT BESIDE THE CHAIR.

- 1 Q. OKAY. AND WHERE DID THAT PERSON GO TO IN THE
2 APARTMENT AS YOU WERE OPENING THE JAR?
3 A. HE STOOD IN FRONT OF ME WHEN I WAS SITTING IN THE
4 CHAIR.
5 Q. SO, PUT A LITTLE CIRCLE WHERE THAT PERSON WAS
6 STANDING.
7 A. (Witness draws on diagram.)
8 Q. OKAY. AND YOU WERE FACING HIM AS YOU WERE
9 GETTING THE MARIJUANA OUT OF THE JAR?
10 A. CORRECT.
11 Q. OKAY. AND THEN, TELL ME VERY BRIEFLY, WHAT
12 HAPPENED NEXT?
13 A. HE POINTED THE GUN AT ME AND TOLD ME IT WAS A
14 STICK UP.
15 Q. OKAY. AND WHEN HE POINTED THE GUN AT YOU, YOU
16 WERE STILL IN THE CHAIR AND HE WAS STILL STANDING
17 IN THAT LITTLE CIRCLE ON THE DIAGRAM?
18 A. CORRECT.
19 Q. OKAY. AND AFTER HE POINTED THE GUN AT YOU AND
20 TOLD YOU IT WAS STICK UP, WHAT DID YOU DO NEXT?
21 A. I DIDN'T DO NOTHING. HE TOLD ME TO GET ON THE
22 GROUND FACE DOWN.
23 Q. OKAY. AND YOU GOT ON THE GROUND FACE DOWN?
24 A. CORRECT.
25 Q. WHERE WERE YOU ON THE GROUND FACE DOWN? OKAY,

1 PUT AN X ON THAT LINE.

2 A. (Witness puts x on diagram)

3 Q. AND PUT A CIRCLE WHERE YOUR HEAD WOULD BE.

4 A. (Witness puts circle on diagram)

5 Q. OKAY. AND THAT'S THE POSITION YOU STAYED AT THE
6 ENTIRE TIME?

7 A. CORRECT.

8 Q. AND WHEN YOU GOT DOWN ON THE GROUND WITH YOUR
9 HEAD IN THAT POSITION, AT THAT POINT IT WAS ONLY
10 YOU AND THE MAN IN THE BLUE TEE SHIRT IN THE
11 LIVING ROOM?

12 A. NO.

13 Q. WHO ELSE WAS IN THE LIVING ROOM?

14 A. IT WAS OTHER PEOPLE IN THERE, BECAUSE I HEARD
15 THEM.

16 Q. OKAY. OKAY. DID YOU SEE THESE OTHER PEOPLE COME
17 IN?

18 A. I DIDN'T SEE THEM COME IN, BECAUSE BY THE TIME
19 THEY WERE COMING IN I WAS FACE DOWN.

20 Q. FACE DOWN. THIS IS A SILLY QUESTION, BUT YOU'RE
21 FACE DOWN ON THE GROUND, IS YOUR HEAD TURNED TO
22 THE LEFT OR TO THE RIGHT?

23 A. IT'S FACE DOWN.

24 Q. BASICALLY, SO YOU'RE LIKE THIS?

25 A. CORRECT.

1 Q. OKAY. YOU CAN'T SEE ANYTHING?

2 A. NOTHING.

3 Q. NOTHING. YOU COULDN'T EVEN SEE THE SHOES OF THE
4 OTHER PEOPLE IN THE APARTMENT?

5 A. CORRECT.

6 Q. OKAY. NOW, I NOTICE YOU'RE WEARING GLASSES. DID
7 YOU HAVE YOUR GLASSES ON AT THE TIME?

8 A. CORRECT.

9 Q. OKAY. AND SO, YOUR GLASSES WERE ON YOUR FACE,
10 FACE DOWN?

11 A. CORRECT.

12 Q. AND WHEN YOU PUT YOUR FACE DOWN DID THAT CAUSE
13 YOUR GLASSES TO MOVE?

14 A. NO.

15 Q. OKAY. WHEN DID YOU GET UP FROM THE FLOOR?

16 A. AFTER THEY DID ALL THE SHOOTING.

17 Q. WERE THEY STILL IN THE ROOM?

18 A. NO.

19 Q. SO, WHEN YOU PICKED YOUR HEAD UP OFF THE FLOOR
20 THERE WAS NOBODY THERE?

21 A. CORRECT.

22 Q. YOU TESTIFIED THAT THERE WERE FIVE OR SIX PEOPLE
23 IN THE LIVING ROOM. WHERE DID YOU COME UP WITH
24 THAT NUMBER?

25 A. I JUST FELT LIKE A BUNCH OF PEOPLE AROUND ME.

1 Q. COULD IT HAVE BEEN FOUR PEOPLE?

2 A. NO, I'M PRETTY SURE IT WAS FIVE OR SIX PEOPLE.

3 Q. COULD IT HAVE BEEN SEVEN PEOPLE?

4 A. NO.

5 Q. DID YOU SEE -- WELL, YOU DIDN'T SEE -- YOU HEARD
6 SHOOTING BUT YOU DIDN'T SEE ANYBODY FIRING SHOTS,
7 IS THAT CORRECT?

8 A. CORRECT.

9 Q. OKAY. YOU DIDN'T SEE ANYBODY WHO, ASIDE FROM THE
10 GUY WITH THE BLUE TEE SHIRT, IF HE EVEN HAD A GUN
11 AT THE TIME?

12 A. CORRECT.

13 Q. DO YOU KNOW -- SO, YOU HAVE NO IDEA IF ONE PERSON
14 FIRED A SHOT OR TWO OR THREE OR FOUR OR FIVE?

15 A. CORRECT, I DON'T HAVE NO IDEA.

16 Q. HOW LONG FROM THE TIME YOU GOT ON THE FLOOR UNTIL
17 YOU GOT UP OFF THE FLOOR, HOW MUCH TIME PASSED?

18 A. PROBABLY LIKE FIVE MINUTES.

19 Q. MS. PARSLEY, LET ME ASK YOU A COUPLE OF QUESTIONS
20 ABOUT THE LIGHTS IN THE ROOM. ARE THERE LIGHTS
21 IN THE LIVING ROOM?

22 A. CORRECT.

23 Q. WHAT KIND OF LIGHTS ARE THEY?

24 A. DIFFERENT COLORS.

25 Q. DIFFERENT COLORS?

1 A. CORRECT.

2 Q. OKAY. IS THERE A CEILING FIXTURE?

3 A. THERE'S A LIGHT.

4 Q. OKAY. ALRIGHT, IS THERE A LIGHT BULB IN THE
5 CEILING?

6 A. CORRECT.

7 Q. DOES THAT LIGHT BULB IN THE CEILING ADMIT LIGHT?

8 A. CORRECT.

9 Q. OKAY. IS IT A LIGHT BULB LIKE YOU MIGHT SEE IN
10 THESE LIGHTS OVER HERE?

11 A. NO.

12 Q. WHAT KIND OF LIGHT BULB IS IT?

13 A. IT'S A SIXTY WATT LIGHT BULB.

14 Q. A SIXTY WATT LIGHT BULB?

15 A. CORRECT.

16 Q. JUST A ...

17 COURT REPORTER: I'M SORRY.

18 Q. JUST A REGULAR WHITE LIGHT BULB?

19 A. CORRECT.

20 Q. WAS THAT SIXTY WATT LIGHT BULB ON IN THE CEILING?

21 A. YES.

22 Q. ARE YOU SURE?

23 A. YES.

24 Q. WERE THERE ANY OTHER LIGHTS IN THE CEILING?

25 A. YES.

1 Q. HOW MANY MORE ARE THERE?

2 A. ONE MORE.

3 Q. WHAT KIND OF LIGHT BULB IS THAT?

4 A. IT WAS A SIXTY WATT LIGHT BULB BUT IT WAS A
5 DIFFERENT COLOR.

6 Q. WHAT COLOR WAS THAT LIGHT BULB?

7 A. RED.

8 Q. RED. DOES THAT LIGHT BULB GIVE OFF MUCH LIGHT?

9 A. IT'S ENOUGH FOR ME TO SEE.

10 Q. OKAY. IF YOU WERE -- IF JUST THE RED LIGHT BULB
11 WERE ON AND NOT THE WHITE ONE, COULD YOU SEE ME
12 IF WAS STANDING THIS FAR AWAY FROM YOU?

13 A. CORRECT.

14 Q. COULD YOU SEE MY FACE?

15 A. CORRECT.

16 Q. HOW ABOUT THIS FAR?

17 A. CORRECT.

18 Q. YOU COULD SEE MY FACE?

19 A. CORRECT.

20 Q. ARE THERE ANY BLUE LIGHTS IN THIS ROOM?

21 A. NO.

22 Q. OKAY. MS. PARSLEY, I WANT TO TALK ABOUT THE
23 PHOTO. ALRIGHT?

24 THE COURT: AND WHICH ONE IS THAT, MR. WISE?

25 MR. WISE: YES, THANK YOU, YOUR HONOR.

1 Q. LET'S LOOK AT STATE'S EXHIBIT NUMBER FIVE.

2 THE COURT: NUMBER FIVE?

3 MR. WISE: NUMBER FIVE, THANK YOU, YOUR
4 HONOR.

5 THE COURT: OKAY.

6 Q. MS. PARSLEY, LET ME SHOW YOU -- YOU'VE ALREADY
7 SEEN THAT, YOU CAN HOLD THAT. YOU PICKED OUT
8 NUMBER ONE. WHY?

9 A. BECAUSE THAT WAS THE PICTURE I POINTED TO.

10 Q. WHY DID YOU PICK NUMBER ONE?

11 A. IT WAS JUST LIKE AN INSTINCT, I JUST POINTED
12 STRAIGHT AT IT.

13 COURT REPORTER: IT WAS JUST LIKE WHAT?

14 A. AN INSTINCT.

15 COURT REPORTER: I'M SORRY.

16 A. IT WAS JUST LIKE AN INSTINCT, I JUST POINTED
17 STRAIGHT AT IT.

18 Q. AN INSTINCT?

19 A. CORRECT.

20 Q. OKAY. OKAY. AND WHAT YOU SAID IS THAT, IT'S
21 POSSIBLE THAT THIS IS ONE OF THE PEOPLE WHO
22 ENTERED THE LIVING ROOM, IS THAT CORRECT?

23 A. CORRECT.

24 Q. OKAY. THE BOTTOM LINE IS, YOU'RE NOT REALLY
25 SURE?

1 A. CORRECT.

2 Q. OKAY.

3 THE COURT: THAT'S EXPENSIVE NOTE PAPER.

4 MR. WISE: I HAVE A PAD, I'LL GIVE IT TO YOU
5 LATER.

6 THE COURT: OKAY.

7 Q. NOW, GOING BACK TO THIS PHOTO ARRAY, DO YOU
8 REMEMBER SEEING THIS WITH INVESTIGATOR SHUMPERT?

9 A. CORRECT.

10 Q. TELL ME HOW YOU CAME TO VIEW IT?

11 A. I POINTED STRAIGHT AT NUMBER ONE.

12 Q. NO, I UNDERSTAND, BUT WHAT, WHY WERE YOU THERE,
13 HOW DID YOU COME TO EVEN GO AND TALK TO THE
14 INVESTIGATOR THAT DAY?

15 A. HE TELL ME COME AND LOOK AT SOME LINEUPS.

16 Q. OKAY. AND HE CALLED YOU ON THE PHONE?

17 A. CORRECT.

18 Q. OKAY. AND WHEN HE CALLED YOU ON THE PHONE, TELL
19 ME IN AS MUCH DETAIL AS YOU CAN REMEMBER WHAT HE
20 SAID TO YOU?

21 A. HE WANTED ME TO COME LOOK AT SOME LINEUPS.

22 Q. DID HE SAY WHY?

23 A. YES.

24 Q. WHAT DID HE SAY?

25 A. HE JUST WANTED ME TO LOOK AT SOME LINEUPS.

1 Q. DID HE SAY WHAT THE LINEUPS WOULD CONTAIN?

2 A. IT WAS INVOLVING THE CASE.

3 Q. OKAY. WHAT DID HE SAY IT INVOLVED IN THE CASE,
4 DID HE TELL YOU MORE DETAILS ABOUT WHAT IT WAS
5 THAT WAS INVOLVED IN THIS LINEUP?

6 A. NO.

7 Q. OKAY. AND THEN YOU WENT TO MEET HIM?

8 A. CORRECT.

9 Q. AND WHEN YOU WENT TO MEET HIM WHAT DID HE SAY TO
10 YOU?

11 A. HE SAID HE WANTED TO SHOW ME SOME LINEUPS.

12 Q. OKAY. AND WHAT DID HE SAY BEFORE HE SHOWED YOU
13 THAT? WHEN HE PUT THAT IN FRONT OF YOU WHAT DID
14 HE SAY TO YOU?

15 A. HE ASKED ME DID ANY ONE OF THEM LOOK FAMILIAR.

16 Q. DID HE ASK YOU WHERE THEY MIGHT BE FAMILIAR FROM,
17 BEFORE HE SHOWED THAT TO YOU?

18 A. NO.

19 Q. OKAY. DID HE TELL YOU THAT ANY OF THESE PEOPLE
20 WERE INVOLVED IN THIS CASE?

21 A. NO.

22 Q. DID HE TELL YOU THAT ANY OF THESE PEOPLE WERE
23 ARRESTED?

24 A. NO.

25 Q. OKAY. HE JUST SAID, LOOK AT THESE, DOES ANYBODY

1 LOOK FAMILIAR?

2 A. CORRECT.

3 Q. OKAY. BEFORE YOU MET WITH INVESTIGATOR SHUMPERT,
4 DID YOU TALK TO ANYBODY ELSE ABOUT THIS CASE?

5 A. NO.

6 Q. OKAY. SO, FROM THE TIME THIS THING HAPPENED
7 UNTIL THE TIME YOU MET WITH THE INVESTIGATOR YOU
8 NEVER TALKED ABOUT THE CASE?

9 A. CORRECT.

10 Q. OKAY. DID YOU HAVE ANY NAMES OF ANYBODY ELSE IN
11 THIS CASE?

12 A. NO.

13 Q. OKAY. AS YOU SIT THERE NOW DO YOU KNOW THE NAMES
14 OF ANY OF THE PEOPLE INVOLVED IN THIS CASE?

15 A. ONLY CHARLES PRINGLE.

16 Q. ONLY CHARLES PRINGLE. OKAY.

17 THE COURT: ONLY CHARLES WHO?

18 A. PRINGLE.

19 Q. PRINGLE.

20 THE COURT: PRINGLE. OKAY. I'M SORRY.

21 MR. WISE: COULD I HAVE ONE MOMENT?

22 THE COURT: SURE. THAT'S WHAT WE'RE HERE
23 FOR.

24 Q. MS. PARSLEY, THIS IS THE LAST THING I'M GOING TO
25 ASK YOU TO DO, THAT DIAGRAM THAT I ASKED YOU TO

1 DRAW, WOULD YOU SIGN IT FOR ME, JUST PUT YOUR
2 NAME AT THE BOTTOM?

3 A. I NEED A PEN.

4 Q. YES, YOU DO, BECAUSE I TOOK YOURS.

5 (Whereupon, Witness signs diagram.)

6 Q. THANK YOU, MA'AM.

7 A. UH-HUH.

8 MR. WISE: YOUR HONOR, THAT'S ALL THE
9 QUESTIONS I HAVE.

10 THE COURT: THANK YOU, MR. WISE.

11 ALRIGHT, MR. PALMER, YOUR WITNESS.

12 MR. PALMER: THANK YOU, YOUR HONOR.

13 THE COURT: OKAY.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

CROSS-EXAMINATION OF ASHLEY R. PARSLEYBY MR. PALMER:

Q. LET ME GO BACK TO THE BEGINNING OF YOUR TESTIMONY WHEN YOU STARTED DESCRIBING TO THE COURT AND EVERYONE HERE HOW ALL OF THIS HAPPENED. DO YOU REMEMBER THAT?

A. CORRECT.

Q. WHEN THE DOOR BELL RANG OR SOMEONE KNOCKED ON THE DOOR AND SHANNON LET HIM IN?

A. CORRECT.

Q. AND YOU DESCRIBED THIS PERSON AS LIGHT SKINNED?

A. CORRECT.

Q. WHAT DID YOU MEAN BY THAT?

A. HE WAS LIGHT SKINNED.

Q. OKAY. WHAT DOES THAT MEAN THOUGH?

A. BY HIS COMPLEXION WAS LIGHT SKINNED.

Q. OKAY. AND HOW ELSE WOULD YOU DESCRIBE LIGHT SKINNED, I MEAN, AS OPPOSED TO SOMETHING ELSE?

A. LIGHT SKINNED?

Q. YEAH.

A. IT'S A COMPLEXION.

Q. OKAY. IS IT A COMPLEXION OR A TEXTURE OR A COLOR OR WHAT? WHAT MAKES YOU CALL IT LIGHT SKINNED?

A. IT'S A COLOR.

Q. OKAY. AND WHAT OTHER WORDS WOULD YOU DESCRIBE,

1 USE TO DESCRIBE THIS INDIVIDUAL THAT YOU TALKING
2 ABOUT, CAME IN THAT ROOM THAT NIGHT?

3 A. HE WAS, LIKE, MEDIUM HEIGHT.

4 Q. UH-HUH.

5 A. AND HE HAD TWISTIES IN HIS HAIR.

6 Q. TWISTIES?

7 A. CORRECT.

8 Q. WHAT ARE TWISTIES?

9 A. IT'S LIKE BRAIDS.

10 Q. OKAY. HOW DO THEY DIFFER FROM BRAIDS?

11 A. THEY'RE TWISTED UP.

12 Q. OKAY. ARE THERE ANY THINGS, IT IS JUST HAIR OR
13 IS THERE SOMETHING ELSE THAT MAKES IT A TWISTY,
14 LIKE A RUBBER BAND OR SOMETHING?

15 A. IT'S HAIR.

16 Q. UH-HUH. DO A LOT OF GUYS YOU SEE HAVE TWISTIES?

17 A. CORRECT.

18 Q. OKAY. NOW, THIS INDIVIDUAL THAT YOU'VE DESCRIBED
19 AS MEDIUM HEIGHT AND LIGHT SKINNED CAME IN THE
20 ROOM, BUT HE DIDN'T DEAL WITH YOU, HE DEALT WITH
21 OLD SCHOOL, DIDN'T HE?

22 A. CORRECT.

23 Q. AND OLD SCHOOL ASKED HIM FOR HIS ID?

24 A. CORRECT.

25 Q. YOU DIDN'T ASK HIM FOR HIS ID?

- 1 A. NO.
- 2 Q. AND YOU DIDN'T LOOK AT HIS ID?
- 3 A. NO.
- 4 Q. OKAY. AND HOW CLOSE WOULD YOU SAY YOU GOT TO HIM
- 5 IN THE FEW MINUTES HE WAS IN THE ROOM?
- 6 A. NOT CLOSE.
- 7 Q. OKAY. AND THIS IS AN INDIVIDUAL THAT YOU
- 8 TESTIFIED THAT YOU NEVER SAW BEFORE, YOU HAD NO
- 9 CLUE WHO HE WAS?
- 10 A. CORRECT.
- 11 Q. AND NEITHER DID OLD SCHOOL, ISN'T THAT RIGHT?
- 12 A. CORRECT.
- 13 Q. THAT'S WHY HE ASKED FOR THE ID?
- 14 A. CORRECT.
- 15 Q. OKAY. AND THE ONLY REASON YOU KNOW THAT THIS
- 16 INDIVIDUAL MIGHT HAVE BEEN NAMED PETE WAS FROM
- 17 WHAT SOMEONE, SHANNON TOLD YOU?
- 18 A. CORRECT.
- 19 Q. OKAY. NOW, HE WASN'T -- THIS INDIVIDUAL YOU'RE
- 20 DESCRIBING AS MEDIUM BUILD, OR MEDIUM HEIGHT AND
- 21 LIGHT SKINNED, HE WASN'T IN THE ROOM VERY LONG,
- 22 WAS HE?
- 23 A. NOT VERY LONG.
- 24 Q. AND YOUR UNDERSTANDING OF THE PURPOSE, THE REASON
- 25 HE WAS THERE?

1 A. HE WANTED SOME DROE.

2 Q. SOME DROE. DID HE GET HIS DROE?

3 A. NO. OLD SCHOOL SAID HE WOULD HAVE IT LATER.

4 Q. SO, THIS INDIVIDUAL CAME IN, OLD SCHOOL ID'D HIM,
5 HE DIDN'T GET ANY DROE, AND HE LEFT?

6 A. CORRECT.

7 Q. IT'S YOUR TESTIMONY THAT THAT'S YOUR RECOLLECTION
8 OF THE EVENT?

9 A. CORRECT.

10 Q. AND BESIDES WHAT I JUST DESCRIBED, NOTHING ELSE
11 HAPPENED WITH REGARD TO THIS PARTICULAR
12 INDIVIDUAL?

13 A. CORRECT.

14 Q. OKAY. AND YOU NEVER SAW WITH YOUR EYES THIS SAME
15 INDIVIDUAL COME BACK IN THE ROOM AT ANYTIME THAT
16 NIGHT?

17 A. CORRECT, BECAUSE I WAS FACE DOWN.

18 Q. RIGHT. YOU WERE FACE DOWN. AND YOU HAVEN'T --
19 HAVE YOU SEEN THIS INDIVIDUAL SINCE THEN?

20 A. NO.

21 Q. OKAY. NOW, YOU TESTIFIED ABOUT STATE'S EXHIBIT
22 NUMBER THREE. LET ME JUST FIND THAT A SECOND.
23 OKAY, I'VE GOT IT NOW. YOU'VE ALREADY
24 IDENTIFIED THIS DOCUMENT AS BEING PREPARED BY
25 YOU?

- 1 A. CORRECT.
- 2 Q. DID YOU ACTUALLY WRITE THIS?
- 3 A. YES, I DID.
- 4 Q. OKAY. AND THEN YOU SIGNED IT AT THE BOTTOM?
- 5 A. CORRECT.
- 6 Q. AND WHAT DATE WAS IT?
- 7 A. MARCH FIFTEENTH.
- 8 Q. OF THIS YEAR?
- 9 A. CORRECT.
- 10 Q. OKAY. AND THAT WAS AFTER YOU HAD LOOKED AT THESE
- 11 PICTURES?
- 12 A. CORRECT.
- 13 Q. OKAY. AND YOU CIRCLED THE PHOTOGRAPH THAT'S
- 14 LABELED NUMBER THREE?
- 15 A. CORRECT.
- 16 Q. AND WHY DID YOU DO THAT?
- 17 A. BECAUSE HE REMINDED ME OF THE GUY, THE LIGHT
- 18 SKINNED GUY.
- 19 Q. OKAY. HE REMINDED YOU OF THE LIGHT SKINNED GUY.
- 20 NOW, THIS INDIVIDUAL THAT YOU CIRCLED, THAT'S
- 21 WHAT YOU CONSIDER LIGHT SKINNED?
- 22 A. CORRECT.
- 23 Q. ANY OTHER LIGHT SKINNED GUYS ON THIS PAGE?
- 24 A. NO.
- 25 Q. OKAY. AND THE INDIVIDUAL THAT YOU DESCRIBED AS

1 MEDIUM HEIGHT AND LIGHT SKINNED THAT NIGHT THAT
2 ALL THIS HAPPENED, WHAT WAS HE WEARING?

3 A. HE WAS WEARING LIKE A COLORFUL SHIRT.

4 Q. A COLORFUL SHIRT?

5 A. CORRECT.

6 Q. THIS WAS MARCH, WAS IT COLD OR WARM OUTSIDE?

7 A. IT WAS KIND OF WARM, BUT HE WAS WEARING LIKE A
8 COLORFUL SHIRT.

9 Q. SO, NOBODY HAD JACKETS OR SWEATERS ON?

10 A. SOME DID, SOME DIDN'T.

11 Q. ALRIGHT. YOU REMEMBER THE COLORFUL SHIRT?

12 A. CORRECT.

13 Q. OKAY. NOW, LET'S SEE -- DID YOU ACTUALLY STAY AT
14 THIS PLACE?

15 A. CORRECT.

16 Q. YOU HAD YOUR OWN ROOM OR ...

17 A. CORRECT.

18 Q. AND HOW LONG HAD YOU BEEN LIVING THERE?

19 A. NOT LONG.

20 Q. WELL, WHAT DO YOU CONSIDER NOT LONG?

21 A. PROBABLY ABOUT A WEEK.

22 Q. A WEEK? WHAT WAS YOUR PURPOSE IN BEING THERE?

23 A. I MET CHARLES PRINGLE AT LAY LOWS IN SUMMERVILLE.

24 Q. OKAY. SO, Y'ALL WERE AN ITEM, YOU WERE TOGETHER
25 ROMANTICALLY?

1 A. WE WASN'T LIKE DATING, BUT YEAH, WE WAS FRIENDS.

2 Q. OKAY. AND THIS WAS CHARLES PRINGLE'S PLACE?

3 A. CORRECT.

4 Q. AND WHEN YOU GOT THERE WAS IT BASICALLY THE SAME
5 DECORATIONS, THE SAME DECOR AS WHEN THIS INCIDENT
6 HAPPENED?

7 A. CORRECT.

8 Q. YOU DIDN'T DO ANYTHING TO CHANGE THE LIGHTING?

9 SOLICITOR SORENSON: YOUR HONOR, IF HE'S
10 ASKING ABOUT LIGHTING I CAN UNDERSTAND, BUT
11 DECORATIONS, I DIDN'T QUITE UNDERSTAND WHY THAT'S
12 RELEVANT.

13 THE COURT: OKAY. HE'S JUST CONCERNED ABOUT
14 IF THE PLACE WAS PROPERLY DECORATED IN MARCH.

15 OKAY, MR. PALMER.

16 Q. YOU DIDN'T DO ANYTHING TO CHANGE ANY LIGHT BULBS
17 OR ANY LIGHTING IN THE ROOM?

18 A. NO.

19 Q. DO YOU KNOW WHAT BLACK LIGHTS ARE?

20 A. NOT REALLY.

21 Q. OKAY. HAVE YOU EVER SEEN THOSE LIGHT BULBS THAT
22 LOOK KIND OF PURPLE?

23 A. YES..

24 Q. AND THEY MAKE THINGS LOOK, LIKE, GLOW IN THE DARK
25 SORT OF?

1 A. YES.

2 Q. WERE THERE ANY OF THOSE IN THAT ROOM?

3 A. NO.

4 Q. NO. OKAY. WERE THERE -- AND I HEARD YOUR
5 TESTIMONY ABOUT THE WHITE LIGHT AND THE RED
6 LIGHT. ANY OTHER LIGHTS IN THE ROOM BESIDES
7 THOSE TWO?

8 A. NO.

9 Q. AND I KNOW YOU TALKED ABOUT THE WHITE OVERHEAD
10 LIGHT, BUT YOU NEVER SAID WHETHER OR NOT IT WAS
11 ON. AND WAS IT ON?

12 A. YES, IT WAS ON.

13 Q. OKAY. DID YOU TURN IT ON?

14 A. NO.

15 Q. OKAY. NOW, AFTER THE MEDIUM HEIGHT GUY WITH
16 LIGHT SKIN LEFT WITHOUT HIS DROE, YOU SAID IT WAS
17 ABOUT TEN MINUTES AND ANOTHER GUY CAME BACK?

18 A. CORRECT.

19 Q. AND THIS GUY LOOKED DIFFERENT?

20 A. CORRECT.

21 Q. AND YOU'RE ABSO -- AND YOU ANSWERED THE DOOR,
22 RIGHT?

23 A. CORRECT.

24 Q. SO YOU'RE ABSOLUTELY SURE THAT THE SECOND GUY
25 THAT CAME THAT ENDED UP TELLING YOU THIS WAS A

1 STICK UP WAS NOT THE SAME GUY?

2 A. CORRECT, HE WAS DARK SKINNED, HE WAS WEARING
3 BLUE.

4 Q. HE WAS DARK SKINNED?

5 A. CORRECT.

6 Q. OKAY. AND YOU NEVER SAW THAT FIRST LIGHT SKINNED
7 GUY COME BACK IN THAT ROOM THAT NIGHT?

8 A. CORRECT.

9 Q. AND BETWEEN THE TIME THAT YOU FIRST SAW THIS GUY
10 THAT THEY CHECKED THE ID AND THE TIME THAT YOU
11 CIRCLED THIS PHOTOGRAPH YOU DIDN'T SEE HIM AGAIN,
12 DID YOU?

13 A. NO, I DID NOT.

14 Q. OKAY.

15 MR. PALMER: THOSE ARE MY QUESTIONS.

16 THE COURT: ALRIGHT. THANK YOU, MR. PALMER.

17 ALRIGHT, MR. KOGER.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
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21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

CROSS-EXAMINATION OF ASHLEY R. PARSLEYBY MR. KOGER:

Q. NOW, MS. PARSLEY, I'M JUST GOING TO KEEP YOU BRIEFLY ON THE STAND RIGHT HERE. NOW, ACCORDING TO STATE'S EXHIBIT NUMBER FOUR, IS THAT THE GUY YOU IDENTIFIED AS THE DARK SKINNED GUY WITH THE GUN?

A. CORRECT.

Q. CORRECT. OKAY. NOW ATTORNEY PALMER DELICATELY WENT AROUND THE SKIN COLOR ISSUE, BUT I'M AFRICAN AMERICAN SO I'M GOING TO ASK SOME QUESTIONS ON YOUR, ON YOUR GAUGE OF SKIN COLOR. OKAY. WOULD ATTORNEY WISE BE CONSIDERED FAIR SKINNED OR LIGHT SKINNED?

A. FAIR SKINNED.

Q. OKAY. WOULD INVESTIGATOR SHUMPERT BE CONSIDER FAIR SKINNED, BROWN SKINNED OR DARK SKINNED?

A. DARK SKINNED.

Q. OKAY. WHAT DO YOU CONSIDER YOURSELF TO BE, A DARKER SKIN OR A LIGHTER SKIN?

A. DARK SKIN.

Q. OKAY. ALRIGHT. SO, IT IS YOUR TESTIMONY TODAY THAT YOUR SKIN COLOR AND INVESTIGATOR SHUMPERT'S SKIN COLOR WOULD BE OF A DARKER HUE OR A DARKER SKIN, CORRECT?

1 A. CORRECT.

2 Q. ALRIGHT. WHICH WOULD BE SIMILAR OR LIKE THE ONE
3 THAT YOU ALLEGE HAD THE GUN ON THAT PARTICULAR
4 NIGHT?

5 A. CORRECT.

6 Q. OKAY. ALRIGHT. AND YOU ALSO TESTIFIED TO
7 ATTORNEY WISE WOULD BE FAIRER SKIN OR LIGHTER
8 SKIN?

9 A. CORRECT.

10 Q. OKAY. ALRIGHT. WOULD YOU SAY MR. SHIVERS ON THE
11 END IS DARKER SKINNED?

12 THE COURT: AND MAKE SURE, YOU'RE POINTING
13 TO THE LAST GENTLEMAN ON THE FAR RIGHT?

14 Q. THE LAST GENTLEMAN, MY CLIENT, MARIO SHIVERS, IS
15 HE DARKER SKINNED?

16 A. HE'S LIGHT SKINNED.

17 Q. OKAY. NOW, ...

18 MR. PALMER: WHAT DID SHE SAY ON THAT?

19 THE COURT: SHE SAID LIGHT SKINNED. IS THAT
20 CORRECT?

21 A. CORRECT.

22 Q. OKAY. NOW, ACCORDING TO YOUR TESTIMONY, THE
23 DISTINGUISHING FEATURE OF THE PERSON ON THAT
24 PARTICULAR EVENING THAT ALLEGEDLY HELD A GUN TO
25 YOUR FACE WHEN HE CAME INTO THE LOCATION WAS

1 DARKER SKINNED?

2 A. CORRECT.

3 Q. AND YOU ALSO STATED THAT HE WAS DRESSED IN A BLUE
4 OUTFIT?

5 A. CORRECT.

6 Q. OKAY. AND TO THE BEST OF YOUR KNOWLEDGE, THOSE
7 WERE THE ONLY TWO, THE ONLY TWO CHARACTERISTICS
8 THAT STOOD OUT TO YOU?

9 A. CORRECT.

10 Q. AND IT'S YOUR TESTIMONY THAT MARIO SHIVERS HERE
11 TODAY, ACCORDING TO YOUR DETERMINATION, AND YOUR
12 GAUGE OF SKIN COMPLEXION, IS LIGHTER SKINNED?

13 A. CORRECT.

14 MR. KOGER: THANK YOU, I DON'T HAVE ANY
15 FURTHER QUESTIONS.

16 THE COURT: OKAY. ALRIGHT, MR. SORENSON,
17 YOU KNOW, WHEN WE BEGAN THIS I DID NOT REALIZE HOW YOU
18 WERE GOING TO BE TAG TEAMED. YOU KNOW, IT JUST DIDN'T
19 DAWN ON ME HOW, WHAT -- YOU'VE GOT FIVE DIFFERENT
20 ATTORNEYS WHO ARE ASKING QUESTIONS THAT YOU'VE GOT TO
21 DEAL WITH.

22 SOLICITOR SORENSON: THAT'S FINE.

23 THE COURT: SO, IT IS NOW, -- I UNDERSTAND,
24 I UNDERSTAND. I KNOW YOU WERE LOOKING FORWARD TO IT.
25 SO, ANY QUESTIONS ON REDIRECT?

1 SOLICITOR SORENSON: I DON'T BELIEVE I HAVE
2 ANYTHING ELSE FROM THIS WITNESS.

3 THE COURT: OKAY. ALRIGHT. THANK YOU,
4 MA'AM, YOU MAY STEP DOWN.

5 ALRIGHT. AND DO YOU WANT TO CALL YOUR NEXT
6 WITNESS?

7 SOLICITOR SORENSON: THE STATE CALLS
8 LIEUTENANT JAMES SHUMPERT.

9 (Whereupon, James Shumpert
10 is duly sworn.)

11 CLERK: YOU MAY BE SEATED AND PLEASE STATE
12 YOUR FULL NAME.

13 WITNESS: JAMES SHUMPERT.

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15 part of record has been omitted. Headers on testimony
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17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

DIRECT EXAMINATION OF JAMES SHUMPERT

BY SOLICITOR SORENSON:

Q. OKAY, LIEUTENANT, GOOD AFTERNOON. IF YOU WOULD,
TELL THE COURT WHERE IT IS THAT YOU'RE EMPLOYED?

A. CRIMINAL INVESTIGATION DIVISION AT THE ORANGEBURG
COUNTY SHERIFF'S OFFICE.

Q. AND HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S
OFFICE?

A. GOING ON TWELVE YEARS.

Q. ALRIGHT. AND HOW LONG HAVE YOU BEEN ASSIGNED TO
THE CRIMINAL INVESTIGATION DIVISION?

A. GOING ON FIVE, A LITTLE OVER FIVE YEARS.

Q. OKAY. AND WHAT IS YOUR CURRENT, CURRENT RANK
THERE?

A. LIEUTENANT.

Q. OKAY. AND YOU'RE OVER, BASICALLY OVER
INVESTIGATIONS AT THIS POINT IN TIME?

A. I AM.

Q. ALRIGHT. AND WERE YOU THE LEAD INVESTIGATOR
ASSIGNED TO INVESTIGATE THE MURDER OF CHARLES
PRINGLE BACK ON THE EVENING OF MARCH TWELFTH OF
TWO THOUSAND TEN?

A. I WAS.

Q. OKAY. AND AS A RESULT OF THAT, AND SPECIFICALLY
WHAT WE'RE HERE FOR TODAY, DID YOU HAVE AN

1 OPPORTUNITY TO SHOW SEVERAL WITNESSES PHOTOGRAPH
2 LINEUPS?

3 A. I DID.

4 Q. OKAY. AND SPECIFICALLY, IF WE COULD LOOK AT MS.
5 BUSBY, THE FIRST YOUNG LADY THAT TESTIFIED, DID
6 YOU HAVE AN OPPORTUNITY TO SHOW HER STATE'S
7 EXHIBITS NUMBER, I BELIEVE THE LINEUP'S ATTACHED
8 TO STATE'S EXHIBITS NUMBERS ONE AND TWO?

9 A. I DID.

10 Q. OKAY. AND WAS SHE ABLE TO PICK INDIVIDUALS OUT
11 OF THOSE LINEUPS?

12 A. SHE DID.

13 Q. OKAY. AND DID YOU IN ANY WAY TELL HER WHO TO
14 PICK OUT?

15 A. I DID NOT.

16 Q. OKAY. AND SPECIFICALLY, I'M NOT REALLY WORRIED
17 TOO MUCH ABOUT STATE'S EXHIBIT NUMBER TWO, BUT
18 SPECIFICALLY AS TO STATE'S EXHIBIT NUMBER ONE,
19 DID SHE PICK OUT PHOTOGRAPH NUMBER THREE FROM
20 STATE'S EXHIBIT NUMBER ONE?

21 A. SHE DID.

22 Q. AND WHO IS THAT THAT'S IN STATE'S EXHIBIT NUMBER
23 ONE?

24 A. MARIO SHIVERS, SHIVERS.

25 Q. OKAY. AND IS THAT BASICALLY HOW HE LOOKED BACK

1 IN MARCH OF TWO THOUSAND TEN, AROUND THAT TIME
2 PERIOD?

3 A. IT WAS.

4 Q. OKAY. SO OBVIOUSLY, SEEING HIM IN THE COURTROOM
5 TODAY HE DOESN'T HAVE THE LONG DREDS NOW, DOES
6 HE?

7 A. CORRECT.

8 Q. AND DID MS. BUSBY INDICATE TO YOU BACK IN MARCH
9 OF TWO THOUSAND TEN, WHEN SHE PICKED HIM OUT,
10 THAT SHE KNEW WHO HE WAS?

11 A. SHE DID.

12 Q. DID YOU IN ANY WAY SUGGEST TO HER OR TELL HER WHO
13 TO PICK OUT OF EITHER ONE OF THOSE TWO LINEUPS?

14 A. I DID NOT.

15 Q. NOW, MOVING FORWARD, OR ACTUALLY THIS WOULD BACK
16 IN TIME, BUT DID YOU ALSO HAVE AN OPPORTUNITY TO
17 SHOW MS. PARSLEY, THE YOUNG LADY WHO JUST
18 TESTIFIED, SEVERAL PHOTOGRAPHIC LINEUPS?

19 A. I DID.

20 Q. OKAY. AND HOW MANY INDIVIDUALS HAVE BEEN CHARGED
21 IN THIS CASE?

22 A. AT THE TIME OF THE PHOTOS?

23 Q. NO. HOW MANY INDIVIDUALS HAVE BEEN CHARGED IN
24 THIS CASE?

25 A. SIX.

1 Q. OKAY. THE FIVE OF THEM, AND THEN ALSO, PATRICK
2 TYLER, - - -

3 A. CORRECT.

4 Q. IS THAT CORRECT? AND LET ME ASK YOU, DID YOU
5 HAVE AN OPPORTUNITY TO SHOW MS. PARSLEY
6 PHOTOGRAPHIC LINEUPS CONTAINING ALL SIX OF THOSE
7 INDIVIDUALS?

8 A. I DID.

9 Q. OKAY. AND WE'VE GOT THREE LINEUPS THAT SHE
10 PICKED SOMEBODY OUT OF, IS THAT CORRECT?

11 A. THAT'S CORRECT.

12 Q. OKAY. WAS SHE ABLE TO PICK ANYBODY OUT OF THE
13 OTHER LINEUPS CONTAINING PATRICK TYLER, CHRISTIAN
14 COLEMAN, OR DANNY RYANT?

15 A. NO, SHE DID NOT.

16 Q. OKAY. ALRIGHT. NOW, GOING FIRST WITH STATE'S
17 EXHIBIT NUMBER THREE, WHO'S IN STATE'S EXHIBIT
18 NUMBER THREE?

19 A. WALTER HARRIS.

20 Q. OKAY. AND SHE WAS ABLE TO PICK OUT STATE'S
21 EXHIBIT NUMBER THREE?

22 A. SHE DID.

23 Q. AND DID SHE FILL OUT, THEN, THIS AFFIDAVIT ALSO?

24 A. SHE DID.

25 Q. INDICATING WHY SHE PICKED HIM OUT?

1 A. SHE DID.

2 Q. OKAY. AND DID SHE SIGN THAT?

3 A. SHE DID.

4 Q. OKAY. AND YOU WITNESSED HER SIGNATURE, IS THAT
5 CORRECT?

6 A. CORRECT.

7 Q. AND DID YOU IN ANY WAY SUGGEST TO HER WHO TO PICK
8 OUT OF STATE'S EXHIBIT NUMBER THREE?

9 A. NO, I DID NOT, I DIDN'T.

10 Q. SHE DID THAT FREELY AND VOLUNTARILY?

11 A. YES.

12 Q. STATE'S EXHIBIT NUMBER FOUR, DID SHE ALSO VIEW
13 STATE'S EXHIBIT NUMBER FOUR AND IDENTIFY
14 PHOTOGRAPH NUMBER THREE?

15 A. SHE DID.

16 Q. AND WHO IS THAT IN PHOTOGRAPH NUMBER THREE?

17 A. MARIO SHIVERS, SHIVERS, I DON'T KNOW THE CORRECT
18 PRONUNCIATION.

19 Q. AND YET AGAIN, IN THE ATTACHED AFFIDAVIT, DID MS.
20 PARSLEY FILL OUT THAT ATTACHED AFFIDAVIT?

21 A. SHE DID.

22 Q. SIGN IT, DATE IT, AND YOU WITNESSED HER
23 SIGNATURE?

24 A. CORRECT.

25 Q. YET AGAIN, DID YOU IN ANY WAY, LIEUTENANT

1 SHUMPERT, TELL HER WHO TO PICK OUT OR SUGGEST TO
2 HER OR IN ANY WAY TELL HER SHE EVEN HAD TO PICK
3 SOMEBODY OUT OF THIS LINEUP?

4 A. NO, I DID NOT.

5 Q. ALRIGHT. AND LASTLY, AS FAR AS THE LINEUPS, GO
6 TO STATE'S EXHIBIT NUMBER FIVE, DID YOU SHOW HER
7 THIS LINEUP?

8 A. I DID.

9 Q. AND DID SHE PICK SOMEBODY OUT OF THIS LINEUP?

10 A. SHE DID.

11 Q. AND WHO IS THAT THAT SHE IDEN -- SHE CIRCLED?

12 A. I BELIEVE THAT'S, LET ME SEE, THAT'S COLEMAN.

13 Q. RALPH COLEMAN?

14 A. RALPH.

15 Q. ALRIGHT. AND DID SHE THEN ALSO FILL OUT THE
16 ATTACHED AFFIDAVIT, SIGN AND DATE IT?

17 A. SHE DID.

18 Q. AND YOU WITNESSED HER SIGNATURE?

19 A. I DID.

20 Q. AND AS TO THIS ONE, DID YOU TELL HER WHO TO PICK
21 OUT OF THIS PHOTOGRAPHIC LINEUP?

22 A. NO, I DID.

23 Q. DID YOU TELL HER WHO THE POSSIBLE SUSPECT WAS IN
24 THE LINEUP?

25 A. NO, I DIDN'T.

1 Q. DID YOU IN ANY WAY SUGGEST TO HER WHO SHE NEEDED
2 TO, OR IF SHE NEEDED TO PICK SOMEBODY OUT?

3 A. NO, I DID NOT.

4 Q. IN FACT, IN THIS ONE SHE DID INDICATE THAT HE IS
5 POSSIBLY ONE OF THE PEOPLE, DIDN'T COMPLETELY SEE
6 HIS FACE, IS THAT CORRECT?

7 A. RIGHT, THAT'S WHAT SHE WROTE.

8 Q. LET ME ASK YOU, THESE LINEUPS THAT YOU GENERATED,
9 HOW DID Y'ALL GO ABOUT GENERATING THIS LINEUPS?

10 A. SOME WAS CREATED FROM SLED AND OTHERS WAS CREATED
11 FROM THE ORANGEBURG COUNTY SHERIFF'S OFFICE
12 THROUGH THE JAIL SYSTEM.

13 Q. ALRIGHT. AND WHEN YOU'RE DOING THAT WHAT ARE YOU
14 TRYING TO DO WHEN YOU'RE PUTTING TOGETHER A SIX
15 PERSON PHOTOGRAPHIC LINEUP?

16 A. WE TRY TO GET THE CHARACTERISTICS OF THE
17 INDIVIDUALS AS CLOSELY AS HUMANLY POSSIBLE FROM
18 THE PHOTOS THAT WE HAVE ON HAND.

19 Q. LIKE IN STATE'S EXHIBIT NUMBER ONE OF MR.
20 SHIVERS, I MEAN, YOU FOUND SIX OTHER PICTURES
21 WITH KIND OF THE SAME LENGTH DREDS?

22 A. CORRECT.

23 Q. TRYING TO GET SIMILAR FACIAL FEATURES?

24 A. CORRECT.

25 Q. HAIR STYLES?

1 A. YES, SIR.

2 Q. THINGS OF THAT NATURE? NOW, MS. BUSBY, WE'LL
3 KIND OF GO BACK, MS. BUSBY PICKED OUT MR. SHIVERS
4 AND ALSO MR. TYLER, PATRICK TYLER OUT OF THE TWO
5 LINEUPS, IS THAT CORRECT?

6 A. SHE DID.

7 Q. OKAY. DID YOU, DID YOU SHOW OTHER LINEUPS OR
8 JUST THOSE TWO?

9 A. WELL, I BELIEVE I SHOWED HER SEVERAL LINEUPS OF
10 THE INDIVIDUALS THAT WAS SUPPOSED TO HAVE BEEN AT
11 THE CLUB THAT NIGHT. AND THOSE ARE THE TWO SHE
12 PICKED OUT.

13 Q. THOSE ARE THE TWO. ALRIGHT.

14 SOLICITOR SORENSON: THANK YOU, LIEUTENANT,
15 PLEASE ANSWER ANY QUESTIONS THAT OTHER COUNSEL MIGHT
16 HAVE.

17 THE COURT: ALRIGHT, MR. LACKEY.

18 MR. LACKEY: YOUR HONOR, JUST A BRIEF
19 QUESTION OR TWO.

20 (NOTE: Blank lines on this page do not indicate any
21 part of record has been omitted. Headers on testimony
22 pages and hard page breaks between testimony are now
23 required by the Court. See next ensuing page for
24 sequential continuation of record.)

CROSS-EXAMINATION OF JAMES SHUMPERT

BY MR. LACKEY:

Q. LIEUTENANT SHUMPERT, DID YOU SAY THAT YOU SHOWED, YOU SHOWED MS. PARSLEY OR MS. BUSBY ALL OF THE DEFENDANTS WHO HAD BEEN ARRESTED?

A. I SHOWED THEM SEVERAL LINEUPS, - - -

Q. UH-HUH.

A. --- BECAUSE DURING THE INVESTIGATION SEVERAL NAMES CAME UP.

Q. UH-HUH.

A. SO, WHEN I SHOWED MS., I BELIEVE, BUSBY, I WAS TRYING TO FIND OUT WHO WERE THE GENTLEMEN THAT CAME TO THE DOOR. SO, THEY -- AT THE CLUB, SO I DON'T BELIEVE THEY HAD BEEN ARRESTED AT THAT TIME.

Q. BUT YOU TESTIFIED EARLIER THAT YOU SHOWED SOMEONE SIX LINEUPS?

A. NO, I NEVER SAID I SHOWED SIX, I SHOWED SEVERAL LINEUPS.

Q. OKAY, SEVERAL.

A. CORRECT.

Q. DO YOU RECALL ANY LINEUPS YOU SHOWED HER THAT SHE IDENTIFIED SOMEONE ELSE THAT WAS NOT ARRESTED?

A. OKAY, WHEN YOU'RE SAYING, SHE, WHICH ONE ARE YOU TALKING ABOUT?

1 Q. MS. - EITHER?

2 A. YOU'RE ASKING ME DID I SHOW A LINEUP AND NOBODY
3 HADN'T BEEN ARRESTED?

4 Q. OR HAD SHE, ANY OF THE CO-DEFENDANTS WHO HAVE
5 BEEN ARRESTED?

6 A. I BELIEVE WHEN I SHOWED THE LINEUPS NONE OF THE
7 CO-DEFENDANTS, OR I BELIEVE ONE MAY HAVE BEEN
8 ARRESTED, BUT I DON'T BELIEVE THEY WAS, BUT I'M
9 NOT SURE OF THE DATES.

10 Q. OKAY. BUT YOU DON'T HAVE ANY PHOTO LINEUPS WHERE
11 SOMEBODY WHO HAS NOW BEEN ARRESTED, SOMEBODY ELSE
12 HAS BEEN PICKED OUT?

13 A. I'M NOT SURE IF I UNDERSTAND.

14 Q. OTHER THAN THE CO-DEFENDANTS WHO HAVE NOW BEEN
15 ARRESTED?

16 A. OH, NOBODY ELSE HAS BEEN PICKED OUT.

17 Q. OKAY. NO OTHER LINEUPS SHOWING ANYBODY ELSE
18 BEING PICKED OUT?

19 A. NO.

20 Q. OKAY.

21 MR. LACKEY: THAT'S ALL THE QUESTIONS I
22 HAVE.

23 THE COURT: THANK YOU, MR. LACKEY.

24 OKAY, IS THIS MR. WISE? OKAY. AND MR. WISE
25 FOR MS. ULLMAN.

CROSS-EXAMINATION OF JAMES SHUMPERT

BY MR. WISE:

Q. LIEUTENANT, HOW ARE YOU?

A. I'M FINE.

Q. GOOD. LIEUTENANT, HOW DID YOU GET MS. PARSLEY TO
COME IN TO SEE YOU ON THIS DATE?

A. I CALLED HER.

Q. AND WHEN YOU ...

A. I THINK SHE WENT HOME, BACK TO HER PARENTS, I
FORGOT WHAT THE TOWN WAS.

Q. AND WHEN YOU CALLED HER WHAT DID YOU SAY TO HER?

A. I WANTED HER TO COME IN AND LOOK AT SOME LINEUPS.

Q. AND DO YOU REMEMBER WHAT YOU TOLD HER?

A. I WANTED HER TO COME IN AND LOOK AT SOME LINEUPS.

Q. JUST LIKE THAT. AND HOW LONG AFTER THAT PHONE
CALL DID SHE COME IN AND SEE YOU?

A. I CAN'T REMEMBER, THEY HAD TO DRIVE A DISTANCE,
BECAUSE SHE WAS AT HER MOM'S HOUSE, I FORGOT THE
TOWN NAME BUT IT WAS SOME FAR, QUITE A DISTANCE
AWAY FROM HERE.

Q. SHE CAME IN THE SAME DAY?

A. YES, SHE SHOWED UP THE SAME DAY.

Q. OKAY. AND WHEN SHE GOT THERE WAS ANYBODY ELSE
PRESENT, WHEN SHE GOT TO YOUR OFFICE?

A. OFFICE PERSONNEL.

1 Q. OKAY. NOBODY ELSE INVOLVED IN THIS CASE?

2 A. I WAS THE LEAD INVESTIGATOR ON IT.

3 Q. OKAY. MS. BUSBY WASN'T THERE?

4 A. NO.

5 Q. ANY OTHER WITNESSES?

6 A. NO.

7 Q. ALRIGHT. AND WHEN SHE CAME IN TO YOUR OFFICER,
8 AND YOU BROUGHT HER INTO YOUR OFFICE, WHAT DID
9 YOU SAY TO HER?

10 A. I HAD TOLD HER THAT WE HAD SOME, A SERIES OF
11 LINEUPS THAT WE WANTED HER TO LOOK AT, AND SEE IF
12 ANYBODY IN THE LINEUPS THAT SHE RECOGNIZED.

13 Q. DID YOU TELL HER THAT YOU HAD MADE ANY ARRESTS IN
14 THIS CASE?

15 A. NO, I DIDN'T.

16 Q. OKAY. DID YOU TELL HER THAT YOU HAD ANYBODY
17 NAMED AS A, TO BE A SUSPECT IN THIS CASE?

18 A. NO, I DID NOT.

19 Q. OKAY. JUST TAKE A LOOK AT THE LINEUPS?

20 A. LOOK AT THE LINEUPS.

21 Q. OKAY. I WANT TO SHOW YOU STATE'S EXHIBIT FIVE,
22 AND THE STATEMENT ON THAT PART OF THAT - - -

23 A. UH-HUH.

24 Q. --- WHO WROTE THAT?

25 A. MS. PARSLEY.

1 Q. OKAY. THANKS. AND THEN SHE SIGNED IT?

2 A. CORRECT.

3 Q. WHEN YOU PRESENT HER THE PHOTO ARRAY, TELL ME
4 WHAT HAPPENED. YOU GIVE IT TO HER AND WHAT
5 HAPPENS NEXT?

6 A. ON WHICH ONE? I GIVE HER SEVERAL OF THEM.

7 Q. I'M SORRY, I'M SORRY, YOU'RE RIGHT, I APOLOGIZE.
8 NUMBER FIVE, THIS ONE. DESCRIBE THAT PROCESS?

9 A. WELL, I HAND OUT PHOTO LINEUPS THE SAME WAY I
10 ALWAYS DO. I GIVE THEM THE PHOTO LINEUP, I TELL
11 THEM TO TAKE THEIR TIME, LOOK AT THE PICTURES,
12 AND SEE IF IT'S ANYBODY IN THERE THEY RECOGNIZE.

13 Q. OKAY. AND YOU DID THAT WITH MS. PARSLEY?

14 A. CORRECT.

15 Q. AND THEN, WHAT DID SHE DO?

16 A. SHE PICKED NUMBER ONE.

17 Q. HOW DID SHE PICK IT, WHAT DID SHE SAY?

18 A. SHE PICKED NUMBER ONE AND SHE SAID, THAT'S THE
19 GUY THAT RESEMBLED THE GUY THAT SHE RECOGNIZED.

20 Q. OKAY. AND WHEN YOU SAY SHE PICKED NUMBER ONE, DID
21 SHE POINT IT, DID SHE ...

22 A. SHE POINTED AT IT, AND THEN SHE CIRCLED IT AND
23 INITIALED AND DATED IT.

24 Q. OKAY. AND THEN, AFTER SHE DID THIS, SHE FILLED
25 OUT THE STATEMENT IN THE FRONT?

1 A. RIGHT, CORRECT, SHE FILLED OUT THE AFFIDAVIT.

2 Q. OKAY. DID YOU READ THE STATEMENT ON THE FRONT
3 AFTER SHE FILLED IT OUT?

4 A. I READ IT AFTER SHE FILLED IT OUT, CORRECT.

5 Q. WAS SHE STILL THERE WHEN YOU READ IT?

6 A. YES.

7 Q. OKAY. BECAUSE IN THE STATEMENT IN THE FRONT SHE
8 SAYS, IT'S A PERSON WHO'S PHOTOGRAPH NUMBER FOUR,
9 CORRECT?

10 A. CORRECT.

11 Q. OKAY. DID YOU ASK HER ABOUT THAT?

12 A. PROBABLY OVERSIGHT ON MY PART, BUT I DIDN'T.
13 WHEN SHE PICKED IT - - -

14 Q. OKAY.

15 A. --- OVERSIGHT ON MY PART, I DIDN'T ASK HER.

16 Q. OKAY. THAT'S FINE. SO, SHE PICKS NUMBER ONE,
17 AND THEN YOU GIVE HER THIS COVER SHEET TO FILL
18 OUT?

19 A. CORRECT.

20 Q. SHE FILLED IT OUT, SIGNS IT, YOU STAPLE THE COVER
21 SHEET TO THAT?

22 A. YES, I DID.

23 Q. OUT THE DOOR SHE GOES?

24 A. WELL, ACTUALLY, I STAPLED IT TODAY, THEY WAS ALL,
25 I STAPLED THEM ACTUALLY TODAY.

1 Q. OKAY. AND SHE FILLS OUT NUMBER, THE COVER SHEET,
2 AND SHE'S GONE, THAT'S IT?

3 A. CORRECT.

4 Q. DID YOU EVER SPEAK TO HER ABOUT THE FACT THAT SHE
5 CIRCLED ONE PICTURE AND WROTE IT WAS ANOTHER
6 PERSON ON THIS COVER SHEET?

7 A. I CAN'T REMEMBER, I DON'T...

8 Q. ALRIGHT. OKAY. AND YOU SAID, SHE SAID IT
9 RESEMBLED THE PERSON WHO WAS THERE?

10 A. CORRECT.

11 Q. OKAY. DID SHE GIVE YOU ANY DETAILS ABOUT WHAT, IF
12 ANYTHING, THAT PERSON WHO THIS RESEMBLED DID
13 THERE?

14 A. NO, SHE DIDN'T.

15 Q. OKAY.

16 MR. WISE: THANK YOU.

17 A. YOU'RE WELCOME.

18 MR. WISE: THAT'S ALL I HAVE, YOUR HONOR.

19 THE COURT: ALRIGHT, MR. PALMER.

20 MR. PALMER: THANK YOU, YOUR HONOR.

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22 part of record has been omitted. Headers on testimony
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24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

CROSS-EXAMINATION OF JAMES SHUMPERTBY MR. PALMER:

Q. LIEUTENANT SHUMPERT, HOW ARE YOU, SIR?

A. FINE, HOW ARE YOU?

Q. I JUST HAVE A COUPLE OF QUESTIONS.

A. YES, SIR.

Q. I WANT TO FOCUS ON STATE'S EXHIBIT, OBVIOUSLY,
STATE'S EXHIBIT NUMBER THREE. LET ME GET THAT
FOR YOU. WHERE DID IT GO? THERE YOU GO. PHOTO
LINEUP. IS THAT ONE YOU PREPARED OR SLED
PREPARED?

A. ACTUALLY, THE SECRETARIES IN THE OFFICE PREPARED
IT.

Q. IN YOUR OFFICE?

A. CORRECT.

Q. SO, THAT WASN'T DONE IN COLUMBIA OR ANYTHING LIKE
THAT?

A. NO.

Q. AND WHAT IS THE ORIGIN OF THESE PHOTOGRAPHS?

A. MEANING?

Q. ARE THESE FINAL PHOTOGRAPHS THAT YOU HAVE, MUG
SHOTS, WHATEVER?

A. FROM THE, WE GO INTO THE SYSTEM AND WE PICK OUT
FROM A VARIETY OF PHOTOS TO TRY TO GET EVERYBODY
TO LOOK ALIKE FROM THE ORANGEBURG COUNTY

1 DETECTION CENTER.

2 Q. OKAY. AND SO, THE PERSON WHO PUTS THIS TOGETHER,
3 THEIR FUNCTION IS TO FIND PHOTOGRAPHS THAT LOOK
4 SIMILAR?

5 A. CORRECT.

6 Q. OKAY. AND WHO DID YOU SAY DID THAT?

7 A. ONE OF THE SECRETARIES, I DON'T KNOW WHICH ONE IT
8 WAS.

9 Q. OKAY. IS THAT NORMALLY THE FUNCTION OF A
10 SECRETARY IN YOUR OFFICE?

11 A. YES, THEY DO PHOTO LINEUPS, CRIMINAL HISTORIES,
12 THAT'S PART OF THEIR DUTIES.

13 Q. OKAY. NOW, ON THIS PARTICULAR OCCASION, MS.
14 PARSLEY CAME DOWN AT YOUR REQUEST, SHE CAME
15 VOLUNTARILY, AND HOW MANY LINEUPS DID SHE LOOK AT
16 THAT PARTICULAR DAY?

17 A. I CAN'T REMEMBER, SEVERAL.

18 Q. OKAY. DO YOU KNOW WHETHER OR NOT SHE LOOKED AT
19 THIS ONE FIRST? AND I'M TALKING ABOUT STATE'S
20 EXHIBIT NUMBER THREE. IS THERE ANYTHING TO
21 INDICATE IN WHAT ORDER SHE LOOKED AT THAT ONE?

22 A. IT PROBABLY WOULD BE THE DATE.

23 Q. OKAY. WHAT IS THE DATE?

24 A. IT'S THREE/FIFTEEN.

25 Q. ALRIGHT. AND SO, ARE YOU SAYING THAT SHE LOOKED

1 AT DIFFERENT LINEUPS ON DIFFERENT DATES?

2 A. WELL, I WOULD HAVE TO LOOK AT ALL OF THEM AND SEE
3 WHAT THE DATES ARE.

4 Q. OKAY.

5 A. ALL OF HERS.

6 Q. OH, YEAH.

7 A. SHE'S GOT ONE DATED THREE/FIFTEEN. THEN SHE'S
8 GOT ANOTHER ONE DATED THREE/NINETEEN, AND
9 THREE/NINETEEN.

10 Q. OKAY. AND HOW -- WHAT WAS THE DATE OF THIS
11 ALLEGED CRIME, DO YOU RECALL?

12 A. I CAN LOOK BACK AT THE INCIDENT REPORT.

13 Q. OKAY. IT WAS, I THINK, WITHIN A FEW DAYS OF
14 THESE DATES, WOULD YOU AGREE?

15 A. CORRECT.

16 Q. SO, BASED ON THE DATES THAT YOU LOOKED AT, SHE
17 LOOKED AT NUMBER THREE FIRST?

18 A. YES, SHE DID.

19 Q. OKAY. AND DO YOU RECALL THAT PARTICULAR
20 OCCASIONS, HOW LONG SHE WAS THERE, FOR EXAMPLE?

21 A. HOW LONG SHE WAS AT THE OFFICE?

22 Q. YES.

23 A. I CAN'T GIVE YOU A TIME FRAME, PROBABLY AN HOUR,
24 AN HOUR AND A HALF.

25 Q. OKAY. WHAT WAS SHE DOING FOR AN HOUR, AN HOUR

1 AND A HALF?

2 A. THE NIGHT OF THE INCIDENT WE INTERVIEWED HER FOR
3 LIKE A LONG PERIOD OF TIME. THEN WE LET HER WENT
4 HOME TO HER PARENTS TO GET SOME REST. I
5 CONTINUED MY INVESTIGATION, I DEVELOPED SOME
6 NAMES, AND THEN I CALLED HER BACK IN TO LOOK AT
7 SOME PHOTO LINEUPS TO SEE IF SHE RECOGNIZED
8 ANYBODY FROM THAT INCIDENT THAT NIGHT.

9 Q. OKAY. AND SO, ACCORDING TO YOUR TESTIMONY SHE
10 LOOKED AT NUMBER THREE ON THE FIFTEENTH OF MARCH?

11 A. YES.

12 Q. AND DO YOU HAVE ANY REASON TO BELIEVE SHE LOOKED
13 AT ANY OTHER LINEUPS THAT DAY?

14 A. OH, SHE DID NOT.

15 Q. OKAY. SO, HOW LONG, TO YOUR RECOLLECTION, DID
16 SHE TAKE TO CIRCLE THE THIRD PHOTOGRAPH, OR THE
17 PHOTOGRAPH LABELED NUMBER THREE?

18 A. HOW LONG DID SHE TAKE?

19 Q. YEAH.

20 A. I CAN'T REMEMBER THAT, I JUST KNOW SHE PICKED HIM
21 OUT AND CIRCLED IT AND INITIALED IT AND DATED IT.

22 Q. OKAY. ALRIGHT. WAS THERE ANY OTHER REASON FOR
23 HER TO BE THERE FOR AN HOUR, AN HOUR AND A HALF
24 OTHER THAN TO LOOK AT THIS PHOTO LINEUP?

25 A. TO TAKE A STATEMENT BECAUSE LIKE I SAID, YOU

1 KNOW, WE INTERVIEWED HER THAT NIGHT AND IT WENT
2 INTO THE MORNING HOURS.

3 Q. EXCUSE ME, DID THAT INTERVIEW TAKE PLACE AT THE
4 SCENE?

5 A. NO, BACK AT THE OFFICE.

6 Q. YOU DIDN'T DO ANY SCENE INVESTIGATION?

7 A. NO, THAT WAS OUR FORENSIC GUY, I BELIEVE.

8 Q. CARTER?

9 A. I BELIEVE, I CAN'T, I BELIEVE LIEUTENANT CARTER
10 OR SLED, I CAN'T REMEMBER WHO DID THE FORENSICS
11 ON IT.

12 Q. OKAY. AND WHAT YOU TESTIFIED ON YOUR OTHER
13 CROSS-EXAMINATION WITH ANOTHER ATTORNEY IS THAT
14 YOU DIDN'T MAKE ANY COMMENTS BEFORE SHOWING HER
15 THESE LINEUPS, IS THAT CORRECT?

16 A. NO.

17 Q. SO, YOU JUST WOULD HAND HER THE PHOTO LINEUP AND
18 SAY WHAT?

19 A. LIKE I ALWAYS SAY, I WAS, LIKE, I'VE GOT SOME
20 PHOTO LINEUPS THAT I NEED YOU TO LOOK AT AND SEE
21 IF IT'S ANYBODY IN THE PICTURES THAT YOU
22 RECOGNIZE.

23 Q. SO, THAT'S THE WAY YOU POSED IT, IS THERE ANYONE
24 YOU RECOGNIZE?

25 A. CORRECT.

1 MR. PALMER: OKAY. ALRIGHT, THANK YOU,
2 THOSE ARE MY QUESTIONS. THANK YOU.

3 THE COURT: THANK YOU, SIR.

4 ALRIGHT, MR. KOGER.

5 MR. MELLARD: I HAVE SOME.

6 MR. KOGER: JUST ONE SECOND.

7 THE COURT: OH, I'M SORRY, MR. MELLARD, I
8 DID NOT MEAN TO SKIP YOU.

9 MR. MELLARD: I JUST WANTED TO CLARIFY
10 SOMETHING THAT HE SAID.

11 THE COURT: OKAY.

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
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15 required by the Court. See next ensuing page for
16 sequential continuation of record.)

CROSS-EXAMINATION OF JAMES SHUMPERTBY MR. MELLARD:

Q. IT'S MY UNDERSTANDING THE SOLICITOR INDICATED
THAT YOU PREPARED LINEUPS CONTAINING ALL SIX CO-
DEFENDANTS?

A. WHEN I TALKED TO WHO, NOW?

Q. WHEN YOU TALKED TO MS. PARSLEY, WHEN YOU TALKED
TO ASHLEY PARSLEY?

A. NO, THERE'S NOT WAY I COULD HAVE MADE PHOTO
LINEUPS OF ALL SIX DEFENDANTS BECAUSE THE
INVESTIGATION WAS STILL GOING ON AND I DIDN'T
HAVE ALL THE PARTIES' NAMES.

Q. OKAY. DID YOU MAKE A PHOTO LINEUP CONTAINING
DANNY RYANT AND SHOW IT TO MS. PARSLEY?

A. I BELIEVE I DID.

Q. OKAY. AND SHE DID NOT PICK HIM OUT?

A. NO, SHE DIDN'T PICK HIM OUT.

MR. MELLARD: THAT'S ALL. THANK YOU.

MR. KOGER: JUDGE, I HAVE NO QUESTIONS.

THE COURT: OKAY. AND BEFORE YOU DO
ANYTHING ON REDIRECT WE'RE GOING TO TAKE A SHORT
BREAK, A REAL SHORT BREAK. OKAY?

SOLICITOR SORENSON: OKAY.

THE COURT: I KNOW YOU -- MS. WALKER, DO YOU
NEED TO TAKE A SHORT BREAK?

1 COURT REPORTER: YES, SIR.

2 SOLICITOR SORENSON: I ONLY HAVE ONE

3 QUESTION.

4 THE COURT: OH, YOU ONLY HAVE ONE QUESTION?

5 SOLICITOR SORENSON: YES, SIR.

6 COURT REPORTER: THAT WILL BE FINE.

7 THE COURT: OKAY. GO AHEAD.

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9 part of record has been omitted. Headers on testimony
10 pages and hard page breaks between testimony are now
11 required by the Court. See next ensuing page for
12 sequential continuation of record.)

REDIRECT EXAMINATION OF JAMES SHUMPERTBY SOLICITOR SORENSON:

Q. I JUST WANTED TO CLARIFY ONE THING, LIEUTENANT.
NONE OF THE WITNESSES IDENTIFIED ANYBODY WHO'S
NOT BEEN ARRESTED, RIGHT? WELL, NOBODY
IDENTIFIED SOMEBODY WHO THEN WAS NOT ARRESTED, IS
THAT CORRECT?

A. CORRECT, CORRECT.

Q. ANYBODY WHO WAS PICKED OUT OF A LINEUP BY ANY OF
THE WITNESSES WAS, ULTIMATELY ENDED UP BEING
CHARGED, CORRECT?

A. CORRECT.

SOLICITOR SORENSON: OKAY. THAT'S ALL I
HAVE.

THE COURT: ALRIGHT, MS. WALKER, DO YOU WANT
ME TO RUN THROUGH THE ATTORNEYS TO SEE IF THEY'VE GOT
ANYTHING ON RE ...

COURT REPORTER: THAT'S FINE.

THE COURT: OKAY. ALRIGHT. ON RECROSS,
ANYTHING, MR. LACKEY?

MR. LACKEY: NO, YOUR HONOR.

THE COURT: OKAY. MR. WISE, ANYTHING ON
RECROSS?

MR. WISE: NO, YOUR HONOR.

THE COURT: MR. PALMER?

1 MR. PALMER: NO, YOUR HONOR.

2 THE COURT: MR. MELLARD?

3 MR. MELLARD: NO, YOUR HONOR.

4 MR. KOGER: NO, YOUR HONOR.

5 THE COURT: ALRIGHT. NOW WE'RE GOING TO TAKE
6 A SHORT RECESS. OKAY? THANK YOU.

7 IT'S GETTING CLOSE TO ONE O'CLOCK, DO Y'ALL
8 WANT TO TAKE A SHORT BREAK FOR LUNCH? I MEAN ...

9 MS. ULLMAN: I VOTE FOR EATING SOMETIME
10 TODAY.

11 THE COURT: HUH?

12 MS. ULLMAN: I VOTE FOR EATING SOMETIME
13 TODAY.

14 THE COURT: WELL, IF IT'S -- I MEAN, IF IT'S
15 ALRIGHT WITH Y'ALL I'D LIKE TO TAKE ABOUT FORTY-FIVE
16 MINUTES OR SOMETHING TO GET SOMETHING TO EAT BEFORE WE
17 COME BACK AND FINISH UP. I KNOW Y'ALL HAVE GOT
18 SEVERANCE OR SOMETHING LIKE THAT. SO, IF Y'ALL CAN --
19 IF WE CAN TRY AND BE BACK HERE AT ONE:THIRTY, WILL
20 THAT BE ALRIGHT WITH EVERYBODY?

21 SOLICITOR SORENSON: THAT'S FINE.

22 MS. ULLMAN: THANK YOU.

23 THE COURT: OKAY. WE'RE IN RECESS UNTIL
24 ONE:THIRTY.

25 (Recess)

1 THE COURT: OKAY, WE'RE BACK ON THE RECORD
2 IN THESE CASES THAT WE STARTED THIS MORNING. WE WERE,
3 HOPEFULLY, NOT IN THE MIDDLE OF THE NEAL VERSUS
4 BIGGERS PROCEEDING, I THINK WE WERE TOWARD THE END OF
5 IT.

6 MR. SORENSON, IS THERE ANYMORE WITNESSES FOR
7 THE STATE REGARDING THIS?

8 SOLICITOR SORENSON: NOT WITH REGARD TO
9 THESE PHOTO LINEUPS.

10 THE COURT: OKAY. ALRIGHT. OKAY. MR.
11 LACKEY.

12 MR. LACKEY: YES, YOUR HONOR.

13 THE COURT: ANYTHING? THE STATE HAS STATED
14 THAT THEY HAVE NOTHING FURTHER REGARDING THIS. IS
15 THERE ANY ARGUMENT THAT YOU WISH TO MAKE REGARDING
16 THIS? AND BRIEFNESS DOES COUNT AT THIS TIME.

17 MR. LACKEY: YOUR HONOR, NOTHING WITH
18 RESPECT TO THESE ...

19 THE COURT: TO THE BIGGERS MOTION?

20 MR. LACKEY: YES, SIR.

21 THE COURT: OKAY. MR. WISE, OR MS. ULLMAN
22 AGAIN?

23 MR. WISE: THANK YOU.

24 THE COURT: OKAY.

25 MR. WISE: IF IT PLEASE THE COURT.

1 THE COURT: YES, SIR.

2 ARGUMENT BY MR. WISE

3 YOUR HONOR, THE, THIS IS, I THINK, A VERY
4 UNIQUE -- A UNIQUE SITUATION, AND I'VE NOT SEEN IT
5 BEFORE, BUT THIS COURT FINDS ITSELF IN AN INTERESTING
6 POSTURE AT THIS POINT AS IT REGARDS THE POTENTIAL IN
7 COURT IDENTIFICATION OF OUR CLIENT. OBVIOUSLY, THE
8 NEAL-BIGGERS HEARING IS REALLY A HEARING IN THE NATURE
9 OF A MOTION IN LIMINE OF A CONSTITUTIONAL FOUNDATION,
10 AND WHAT WE ARE ASKING THE COURT TO DO IS TO NOT ALLOW
11 AN IN COURT IDENTIFICATION, BECAUSE IT WOULD VIOLATE
12 THE DUE PROCESS RIGHTS OF AN INDIVIDUAL, OUR CLIENT.
13 BUT GIVEN THE TESTIMONY OF THIS WITNESS THERE IS
14 ANOTHER ISSUE THAT I THINK THE COURT NEEDS TO, I'M
15 GOING TO ASK THE COURT TO CONSIDER.

16 THE COURT: OKAY.

17 MR. WISE: YOUR HONOR, ANY EVIDENCE IN ANY
18 CASE, ANY WITNESS'S TESTIMONY IS ONLY ADMISSIBLE IF
19 THAT WITNESS TESTIFIES BASED ON PERSONAL KNOWLEDGE.
20 THAT'S KIND OF THE FOUNDATION OF EVIDENCE IN OUR
21 SYSTEM. IF THE POTENTIAL EVIDENCE, IF THE POTENTIAL
22 TESTIMONY IS NOT BASED ON PERSONAL KNOWLEDGE THAT
23 EVIDENCE, THAT TESTIMONY IS INADMISSIBLE, AND I'D
24 SUBMIT TO THE COURT THAT BASED ON THE TESTIMONY OF MS.
25 PARSLEY HER IDENTIFICATION OF OUR CLIENT IS NOT BASED

1 ON ANY PERSONAL KNOWLEDGE, AND THEREFORE ...

2 THE COURT: AND THAT, WHICH WOULD BE MR. ...

3 MR. WISE: COLEMAN, RALPH COLEMAN.

4 THE COURT: RALPH COLEMAN. OKAY. I JUST
5 WANTED TO MAKE SURE. I DON'T WANT TO GIVE MR.
6 LACKEY'S CREDIT FOR MS. ULLMAN'S. OKAY.

7 MR. WISE: HER IDENTIFICATION IS NOT BASED
8 ON ANY PERSONAL KNOWLEDGE ABOUT WHAT HAPPENED IN THAT
9 LIVING ROOM ON THAT DAY. TO USE HER WORDS, SHE
10 TESTIFIED AND POINTED TO THE PHOTOGRAPH OF MR. COLEMAN
11 BASED ON INSTINCT, THAT HER WORD. SHE IS NOT SURE IF
12 HE WAS IN THE ROOM, SHE NEVER SAW THE PERSON, SO TO
13 ALLOW HER TO TESTIFY IS TO ALLOW HER TO COME INTO THE
14 COURT, SIT IN THE WITNESS CHAIR, POINT TO MR. COLEMAN,
15 AND PICK HIM OUT BASED ON A GUESS. YOUR HONOR, I
16 THINK THAT ARGUMENT IS BUTTRESSED BY THE FACT THAT
17 EVEN WHEN YOU LOOK AT THE EXHIBIT, THE PHOTO ARRAY,
18 SHE CIRCLES THE PHOTO OF NUMBER ONE, BUT SHE WRITES
19 THAT THE PERSON WHO WAS THERE WAS NUMBER FOUR. SO,
20 GIVEN THE FACT THAT THERE REALLY IS NO BASIS FOR HER
21 TO BE ABLE TO MAKE ANY IDENTIFICATION ABOUT THIS
22 SITUATION, I'D ASK THE COURT TO NOT ALLOW HER TO
23 TESTIFY, AND MAKE THAT IN COURT IDENTIFICATION OF MR.
24 COLEMAN.

25 IF THE COURT NOW WANTS TO LOOK AT THE

1 BIGGERS FACTORS, I SUBMIT TO THE COURT THAT THEY WOULD
2 ALL MILITATE IN FAVOR NOT ALLOWING HER TO TESTIFY.
3 THE FACT, THE FIRST FACTOR IS ALSO THE OPPORTUNITY TO
4 VIEW. IT WAS NON-EXISTENT IN THIS CASE. SHE SAYS THAT
5 WHEN SHE WAS ORDERED BY THE PERSON WITH THE GUN TO GET
6 DOWN ON THE GROUND, THE ONLY, THERE WAS ONE, MAYBE TWO
7 PEOPLE IN THE ROOM AND SHE WAS FACE DOWN. AS THE
8 COURT REMEMBERS, HER FACE WAS POINTING TO THE FLOOR SO
9 SHE COULDN'T SEE ANYTHING THAT HAPPENED. AND WHEN
10 SHE, AS SHE TESTIFIED, GOT UP FROM THE FLOOR EVERYBODY
11 WAS GONE. THE DEGREE OF ATTENTION THAT SHE MIGHT HAVE
12 PAID TO THE FACE OR FACES IS REALLY OF NO CONSEQUENCE
13 IN THIS CASE BECAUSE SHE SAID SHE NEVER SAW THE FACES.
14 THE FACTOR OF HER PRIOR DESCRIPTION IS NOT GOING TO BE
15 RELEVANT BECAUSE SHE NEVER MADE ONE, AND HER LEVEL OF
16 CERTAINTY, I THINK, IS PROBABLY BEST SUMMED UP BY HER
17 USE OF THE WORD, INSTINCT, BY SAYING WHY SHE PICKED
18 THE PHOTO SHE PICKED. AS SHE TESTIFIED, MR. COLEMAN
19 COULD BE THE PERSON THERE, COULD NOT BE. MAYBE HE WAS
20 IN THE ROOM, MAYBE HE WASN'T. SO, I'D ASK THE COURT
21 TO NOT ALLOW THAT IN COURT TESTIMONY BECAUSE IF YOU
22 JUST SOLELY CONFINE IT TO THE FACTORS THAT THE BIGGERS
23 CASE LAYS OUT, SHE, THERE WOULDN'T BE A BASIS FOR HER
24 IDENTIFICATION.

25 AND FINALLY, YOUR HONOR, I WAS THINKING

1 ABOUT THIS OVER LUNCH, AND THE WHOLE POINT OF THE
2 BIGGERS CASE, THE WHOLE PURPOSE OF THIS NOT SO WE HAVE
3 SOME KIND OF TEMPLATE TO LOOK AT IDENTIFICATIONS BUT
4 TO AVOID MISIDENTIFICATION WHICH THE SUPREME COURT
5 SAYS IS A VIOLATION OF A DEFENDANT'S DUE PROCESS
6 RIGHTS. AND THE COURT SAYS THAT IF THERE IS A
7 SUBSTANTIAL LIKELIHOOD OF MISIDENTIFICATION THAT THAT
8 LIKELIHOOD IS A VIOLATION OF THOSE RIGHTS THAT WE'RE
9 ALL CONCERNED ABOUT. HERE I DON'T THINK THERE'S ANY
10 DOUBT, BASED ON THE EVIDENCE, THAT THERE IS GOING TO
11 BE A MISIDENTIFICATION BECAUSE THERE IS NO BASIS FOR
12 THE IDENTIFICATION. SO, IF SHE IS ALLOWED TO COME
13 INTO COURT AND SAY THIS MAN WAS THERE SHE WILL, IN
14 EFFECT, BE POINTING THE FINGER AT SOMEONE BASED ON A
15 GUESS WHO MAY NOT HAVE ANYTHING TO DO WITH THIS. AND
16 THEREFORE, I THINK THE COURT SHOULD NOT ALLOW IT. I
17 DON'T -- I SUBMIT TO THE COURT THAT BASED ON THE
18 FACTORS THAT BIGGERS LAYS OUT, BASED ON JUST THE
19 REQUIREMENT THAT THERE BE PERSONAL KNOWLEDGE, THE
20 COURT SHOULD PRECLUDE ANY IN COURT IDENTIFICATION AND
21 NOT ALLOW THE WITNESS TO COME IN AND GUESS THAT MY
22 CLIENT WAS IN THE ROOM ON THAT DAY.

23 THE COURT: THANK YOU, MR. WISE.

24 ALRIGHT, MR. PALMER.

25 MR. PALMER: THANK YOU, YOUR HONOR, MAY IT

1 PLEASE THE COURT.

2 THE COURT: YES, SIR.

3 ARGUMENT BY MR. PALMER:

4 BRIEFLY, YOUR HONOR, LIKEWISE, I WOULD RENEW
5 MY MOTION ON BEHALF OF MR. WALTER LEE HARRIS TO
6 SUPPRESS AND/OR PRECLUDE ANY IN COURT IDENTIFICATION
7 FROM THIS WITNESS, AND HERE ARE THE GROUNDS. FIRST OF
8 ALL, YOUR HONOR, THE WITNESS HERSELF TESTIFIED THAT
9 SHE REALLY DIDN'T HAVE THAT MUCH OF AN OPPORTUNITY TO
10 VIEW THIS GENTLEMAN, SHE HAD NEVER SEEN HIM BEFORE. HE
11 APPEARED FOR A FEW MOMENTS. SHE IS NOT THE PERSON WHO
12 DEALT WITH HIM, IT WAS MR. OLD SCHOOL AND NOT HER WHO
13 CHECKED HIS ID. SHE NEVER SAW THE ID, SHE HAS NO
14 GROUNDS FOR IDENTIFYING HIM ON THAT BASED. AND THE
15 ONLY DESCRIPTION THAT SHE CAME UP WITH WAS THAT HE WAS
16 AVERAGE HEIGHT AND LIGHT SKINNED, AND HAD TWISTIES OR
17 BRAIDS IN HIS HAIR. WELL, YOUR HONOR, ON CROSS-
18 EXAMINATION SHE WAS SHOWN STATE'S EXHIBIT NUMBER THREE
19 AND SHE CIRCLED THIS PHOTOGRAPH, AND ON QUESTIONING
20 ADMITTED THAT THIS IS THE ONLY LIGHT SKINNED GENTLEMAN
21 IN HER ESTIMATION THAT APPEARS ON THIS PAGE.

22 IF THAT WEREN'T ENOUGH, YOUR HONOR, AND I
23 MAY HAND THIS UP TO ILLUSTRATE MY POINT, STATE'S
24 EXHIBIT NUMBER THREE, YOUR HONOR, IF THAT WEREN'T
25 ENOUGH -- NOW OBVIOUSLY, ALL THE PHOTOGRAPHS SON THIS

1 PAGE HAVE THE BRAIDED HAIR, BUT YOUR HONOR, THERE IS
2 ALSO SOMETHING VERY UNIQUE ABOUT MY CLIENT'S
3 PHOTOGRAPH. HE'S THE ONLY ONE THAT HAS JAIL CLOTHES
4 ON. EVERYBODY ELSE HAS CIVILIAN TYPE STREET CLOTHES
5 ON. AND YOUR HONOR, I WOULD SUBMIT THAT THIS IS
6 CLASSIC OF GROUNDS UNDER NEAL VERSUS UNDER THE CASE
7 TO SUPPRESS THIS. AND IF WE JUST TRACK THROUGH THE
8 ELEMENTS REALLY QUICK, AND I WON'T PROLONG THIS, BUT
9 THE FIRST ELEMENT, OPPORTUNITY TO VIEW. HER TESTIMONY
10 IS SHE ONLY SAW THIS GENTLEMAN FOR A FEW MOMENTS. HE
11 EVEN LEFT WITHOUT GETTING HIS DROE OR WHATEVER THEY
12 CALL IT, WHOEVER THIS WAS.

13 SECONDLY, THE WITNESS'S DEGREE OF ATTENTION.
14 AGAIN, THERE WAS SOME QUESTION ABOUT THE LIGHTING IN
15 THE ROOM. SHE DIDN'T DEAL WITH THIS PERSON DIRECTLY.
16 THE ONLY WAY SHE KNEW THAT THIS PERSON MIGHT HAVE BEEN
17 NAMED PETE IS FROM ANOTHER INDIVIDUAL. SHE HAD NEVER
18 SEEN HIM BEFORE, AND I'LL GET TO THAT IN A MINUTE.

19 THIRD ELEMENT, ACCURACY OF WITNESS, IT SAYS
20 PRIOR DESCRIPTION OF CRIMINAL. AGAIN, YOUR HONOR,
21 AVERAGE HEIGHT AND LIGHT SKINNED, THAT'S NOT SPECIFIC,
22 IT'S VAGUE.

23 LEVEL OF CERTAINTY DEMONSTRATED BY WITNESS.
24 I THINK EVERYONE IN THE COURTROOM WOULD AGREE THAT
25 THIS WAS NOT A WITNESS WHO TESTIFIED WITH ANY LEVEL OF

1 CERTAINTY. SHE WAS NOT SURE ABOUT A LOT OF THINGS, NOT
2 JUST MY CLIENT.

3 AND FINALLY, LENGTH OF TIME BETWEEN THE
4 CRIME AND THE CONFRONTATION. OKAY, THERE WAS A COUPLE
5 OF DAYS THERE, BUT EVERY OTHER ELEMENT, YOUR HONOR, I
6 THINK FAILS MISERABLY. AND IF WE ADD THAT TO THE FACT
7 THAT THIS PHOTOGRAPH, MY GUY IS THE ONLY ONE WEARING
8 JAIL CLOTHING CERTAINLY SATISFIES THE CASE ELEMENTS,
9 YOUR HONOR, AND WOULD WARRANT SUPPRESSION.

10 THANK YOU.

11 THE COURT: THANK YOU, SIR.

12 MR. MELLARD.

13 MR. MELLARD: YES, SIR. THERE ARE FIVE
14 EXHIBITS BEFORE THIS COURT, EXHIBITS ONE THROUGH FIVE,
15 AND NONE OF THEM CONCERN DANNY RYANT, SO AT THIS TIME
16 WE HAVE NOTHING.

17 THE COURT: OKAY. AND MR. KOGER.

18 MR. KOGER: YOUR HONOR, MAY IT PLEASE THE
19 COURT.

20 THE COURT: YES, SIR.

21 ARGUMENT BY MR. KOGER

22 IN RELATION TO MY CLIENT, MARIO SHIVERS, I
23 CONCUR WITH EARLIER ARGUMENTS BY ATTORNEY WISE AND
24 ATTORNEY PALMER IN MOVING TO SUPPRESS THE
25 IDENTIFICATION OF MY CLIENT IN PARTICULAR, MARIO

1 SHIVERS. AS THE COURT NOTED WITH MS. PARSLEY ON THE
2 STATE, SHE WAS DEFINITELY, SHE WAS DEFINITELY DEFINITE
3 IN HER DESCRIPTION OF THAT PARTICULAR NIGHT OF THE
4 PERSON THAT ALLEGEDLY HELD THE GUN IN HER FACE. FROM
5 LOOKING AT HER STATEMENT WHICH WAS NOT PLACED INTO
6 EVIDENCE AT THE TIME OF HER MOTION, BUT HER TESTIMONY,
7 SHE WAS SURE THAT THE PERSON HOLDING THE GUN WAS DARK
8 SKINNED, AND I THINK SHE ALSO MENTIONED THAT HE, OR
9 SHE WAS DRESSED IN BLUE, BUT SHE WAS DEFINITE ON THE
10 POINT THAT THIS PERSON WAS DARK SKINNED. I ENGAGED
11 MS. PARSLEY IN THE SILIQUE ON HER DEFINITIONS AND HOW
12 SHE GAUGED THE COMPLEXIONS OF AFRICAN AMERICANS
13 BECAUSE AFRICAN AMERICANS ARE ALL THE DEFENDANTS IN
14 THIS PARTICULAR CASE. I POINTED OUT SEVERAL PERSONS
15 IN THE COURTROOM TO GET A DEFINITION OF FAIR SKIN AND
16 LIGHT SKIN TO GET A DEFINITION OF BROWN SKIN. SHE
17 EVEN STATED THAT SHE WOULD CONSIDER HERSELF TO BE
18 DARKER SKIN, AND I THINK SHE POINTED OUT INVESTIGATOR
19 SHUMPERT AS BEING DARKER SKIN. AND THEN I ASKED MS.
20 PARSLEY TO LOOK OVER TO THE DEFENDANTS OVER HERE, AND
21 PARTICULARLY MY CLIENT, MR. SHIVERS, WHO WOULD BE
22 DEFENDANT NUMBER FIVE, AND SHE SAID ON TWO OCCASIONS
23 THAT ACCORDING TO HER GAUGE OF SKIN COLOR, HER
24 DETERMINATION ON TWO OCCASIONS, YOUR HONOR, THAT MR.
25 SHIVERS SKINNED. TWICE, I ASKED HER ONCE AND I ASKED

1 HER TWICE. THAT GOES DIRECTLY TO HER LEVEL OF
2 CERTAINTY AND ONE OF THE FACTORS IN BIGGERS. SHE
3 STUCK WITH INITIALLY, AGAIN SAYING THAT THIS PERSON
4 WAS DARK SKINNED, AND SHE ALSO AGAIN, HER STATEMENT
5 WHICH WAS NOT SUBMITTED IN THIS MOTION, BUT SHE STATED
6 IN HER STATEMENT THAT THE PERSON WAS DARK SKINNED.
7 THAT BEING SAID, FROM THAT PARTICULAR FACTOR NEAL V.
8 BIGGERS, WE ASK THAT THE COURT WOULD SUPPRESS HER
9 TESTIMONY AS IT RELATES TO THAT. SHE HAS SHOWN THAT
10 SHE HAS NO LEVEL OF CERTAINTY IF BACK WHEN THIS THING,
11 WHEN THIS OFFENSE FIRST HAPPENED BACK ON MARCH TWELVE
12 OF TWO THOUSAND TEN, WHEN HER MEMORY WAS MORE INTACT
13 AT THAT PARTICULAR TIME, AND SHE TESTIFIED AT THAT
14 TIME, UNDER OATH ON A STATEMENT, THAT THIS PERSON WAS
15 DARK SKINNED AND DRESSED IN BLUE.

16 AS FAR AS FROM ANOTHER THING ADDITIONALLY,
17 YOUR HONOR, AS FAR AS THE LINEUP THAT WAS SUBMITTED
18 FOR THE PURPOSES OF THIS MOTION HERE TODAY, AS FAR AS
19 DISTINGUISHING CHARACTERISTICS, YOU CAN LOOK AT
20 STATE'S EXHIBIT FOUR IN WHICH SHE POINTED OUT NUMBER
21 THREE AS BEING MR. SHIVERS, AND ALSO TO GO TO WHAT MS.
22 BUSBY, ANOTHER WITNESS AND ALLEGEDLY POINTED OUT MR.
23 SHIVERS ON EXHIBIT, THAT'S NUMBER ONE, AND POINT OUT
24 NUMBER THREE, BOTH -- TWO THINGS ARE DISTINCTIVE ABOUT
25 THESE TWO LINEUPS, IS THAT ON THE FIRST ONE THAT WAS

1 IDENTIFIED BY MS. PARSLEY ALLEGEDLY ON MARCH
2 NINETEENTH, THERE IS SOME TYPE OF DREDS, SHORTER DREDS
3 HAIR STYLE, AND THE ONE THAT WAS IDENTIFIED BY MS.
4 BUSBY A COUPLE OF DAYS LATER, THERE IS LONG DREDS THAT
5 SHE IDENTIFIED MR. SHIVERS AS BEING THE PERSON. FROM
6 NO TESTIMONY FROM ANY TYPE OF STATEMENT THAT MS.
7 SHIVERS GIVE THE DISTINCTIVE CHARACTERISTICS OF DREDS,
8 OF DREDS LOCKS IN RELATION TO MY CLIENT, MR. SHIVERS
9 RIGHT HERE. AND AGAIN, THAT GOES TO THE RELIABILITY
10 OF HER IDENTIFICATION AND WHICH WE FEEL IT DOES NOT
11 MEET THE STANDARD OF NEAL V. BIGGERS, AND THAT UNDER
12 THE FIFTH AND FOURTH AMENDMENT OF THE CONSTITUTION
13 THAT IF THIS IS ALLOWED TO GO FORWARD, THE
14 IDENTIFICATION IN THE CASE IN CHIEF, THAT MY CLIENT'S
15 DUE PROCESS RIGHTS UNDER THE FIFTH AND FOURTEENTH
16 AMENDMENT WOULD BE VIOLATED.

17 AS FAR AS TO GO OVER THE OTHER SEVERAL
18 FACTORS OF BIGGERS AS FAR AS AN OPPORTUNITY TO VIEW,
19 SHE STATED THAT THIS PERSON ALLEGEDLY HAD THE GUN
20 AND VERY SOON THEREAFTER SHE WAS ON THE FLOOR FACE
21 DOWN, SO SHE DID NOT HAVE A SUFFICIENT OPPORTUNITY
22 TO VIEW. AS FAR AS THE DEGREE OF ATTENTION, SHE DID
23 NOT ILLUSTRATE OR EXHIBIT ANY TYPE OF DEGREE OF
24 ATTENTION BECAUSE ALONG WITH HER TESTIMONY OF A
25 DISTINGUISHING CHARACTERISTIC OF BEING DARK SKINNED,

1 SHE MENTIONED NOTHING ABOUT ANY TYPE OF HAIR STYLES
2 OR DREDS LOCKS OF THAT PARTICULAR NATURE. AND
3 AGAIN, TAKING THOSE INTO CONSIDERATION AND HER IN
4 COURT TESTIMONY THAT THE ONE THAT SHE IDENTIFIED AS
5 DARK SKINNED ON THE NIGHT OF MARCH TWELFTH IS NOW
6 LIGHT SKINNED. SHE CANNOT BE RELIED UPON TO GIVE A
7 CREDIBLE OR RELIABLE IDENTIFICATION IN COURT, AND WE
8 ASK THAT THE IDENTIFICATION IN RELATION TO MR.
9 SHIVERS BE SUPPRESSED AND NOT ALLOWED IN THEIR CASE IN
10 CHIEF.

11 THANK YOU.

12 THE COURT: THANK YOU, SIR. OKAY.

13 ALRIGHT, MR. SORENSON, I'M GOING TO LET YOU
14 -- ANYTHING THAT YOU'D LIKE TO SAY IN RESPONSE?

15 SOLICITOR SORENSON: YES, I WOULD.

16 THE COURT: OKAY. AND THEN I DO WANT TO
17 LOOK -- WHEN YOU'RE THROUGH I DO WANT TO LOOK AT
18 EVERYTHING.

19 SOLICITOR SORENSON: AND I'LL KIND OF
20 ADDRESS THESE, I GUESS, KIND OF ONE AT A TIME.

21 THE COURT: AND HERE'S, HERE YOU GO, THIS IS
22 NUMBER THREE IF YOU WANT TO HAVE IT IN YOUR HANDS.
23 OKAY. THANK YOU, SIR.

24 SOLICITOR SORENSON: I'LL HAND THEM UP AS
25 I'M ADDRESSING THEM.

ARGUMENT BY SOLICITOR SORENSON

I GUESS THE FIRST ONE, IF I COULD ADDRESS,
YOUR HONOR, KIND OF TAKING THE WITNESSES SORT OF IN
THE ORDER THEY TESTIFIED WOULD BE MS. BUSBY.

THE COURT: UH-HUH.

SOLICITOR SORENSON: SHE ACTUALLY PICKED --
HER TESTIMONY ABOUT HER PICKING TWO INDIVIDUALS OUT
OF A LINEUP, SO OBVIOUSLY, ONE OF THEM THERE'S NOBODY
HERE CHALLENGING, THAT WOULD BE FOR IDENTIFYING
PATRICK TYLER IN STATE'S EXHIBIT NUMBER TWO. SO,
WE'RE NOT GOING TO ADDRESS THAT.

AS TO STATE'S EXHIBIT NUMBER ONE, IF I COULD
HAND THAT ONE UP TO YOU.

THE COURT: YES, SIR.

SOLICITOR SORENSON: THIS IS WHERE SHE HAS
IDENTIFIED MARIO -

THE COURT: SHIVERS.

SOLICITOR SORENSON: --- SHIVERS. YOUR
HONOR, IT WOULD BE OUR POSITION THAT AS TO THAT
IDENTIFICATION, SHE TESTIFIED THAT SHE KNEW MR.
SHIVERS, KNEW THAT HE WAS DANNY RYANT, WHO'S ONE OF
THE OTHER CO-DEFENDANTS, SISTER'S BABY'S FATHER, KNEW
HIM BACK AT THAT POINT IN TIME AND WAS POSITIVE THAT
THAT'S THE MAN THAT SHE SAW STANDING IN THE DOORWAY
THAT NIGHT. SO, THEREFORE, I MEAN, I DON'T EVEN THINK

1 YOU GET ANY FARTHER THAN THAT. OBVIOUSLY, THE CASE
2 LAW IS PRETTY CLEAR THAT WHEN, THAT THE TESTIMONY IS
3 THAT YOU KNOW THE PERSON, THAT IDENTIFICATION WOULD
4 THEN BE ADMISSIBLE. SO, THAT WOULD BE THE STATE'S
5 POSITION AS TO STATE'S EXHIBIT NUMBER ONE.

6 MOVING ON, YOUR HONOR, AS TO THE THREE
7 SEPARATE LINEUPS THAT MS. PARSLEY IDENTIFIED
8 DEFENDANTS IN, I GUESS WE NEED TO TAKE THEM KIND OF IN
9 TWO DIFFERENT GROUPS. THE FIRST ONE I'D ADDRESS WOULD
10 BE STATE'S EXHIBIT NUMBER THREE, WHICH WOULD BE HER
11 IDENTIFICATION OF MR. HARRIS. IF YOUR HONOR RECALLS,
12 THE TESTIMONY THAT DEALT WITH HER LATER IDENTIFICATION
13 OF MR. HARRIS ACTUALLY OCCURRED, HER OBSERVATIONS OF
14 TEN MINUTES OR SO PRIOR TO THE ACTUAL INCIDENT THAT
15 EVERYONE IS CHARGED WITH HERE TODAY. IT WOULD BE OUR
16 POSITION THAT IF YOU LOOK AT THE BIGGERS FACTORS, THAT
17 MS. PARSLEY HAD HAD AN OPPORTUNITY, I MEAN, TO OBSERVE
18 WHEN SHE WAS SEATED IN THE ROOM WHEN HE CAME WALKING
19 IN. SHE WAS ABLE TO GIVE A DESCRIPTION OF HIM AS FAR
20 AS HIS COMPLEXION, AS FAR AS HIS HAIR STYLE, GENERAL
21 PHYSICAL BUILD. THERE'S REALLY NO STRESSFUL SITUATION
22 GOING ON AT THAT POINT IN TIME. SHE TESTIFIED THAT
23 SHE, WHILE SHE WASN'T, I MEAN, STARING AT HIM, THAT
24 SHE DID HAVE AN OPPORTUNITY TO OBSERVE HIM WHEN HE WAS
25 IN THE ROOM, THERE WAS NOTHING OBSTRUCTING HIS FACE OR

1 HER VIEW OF HIM. AND SUBSEQUENTLY THEN, THREE DAYS
2 LATER WHEN SHE IS SHOWN A LINEUP ON MARCH THE
3 FIFTEENTH OF TWO THOUSAND TEN SHE IDENTIFIES MR.
4 HARRIS. AND AS LIEUTENANT SHUMPERT TESTIFIED, I MEAN,
5 HE DIDN'T SUGGEST TO HER WHO TO PICK OUT OR ANYTHING
6 AT THAT POINT IN TIME. SHE IDENTIFIES MR. HARRIS, AND
7 THEN ALSO, NOT ONLY IS ABLE TO IDENTIFY HIM BUT ALSO
8 ARTICULATE THE FACT THAT WHEN AND WHERE SHE SAW HIM.
9 YOU KNOW, SHE DIDN'T SAY THAT SHE SAW HIM DURING THE
10 ACTUAL INCIDENT WHERE THE ACTUAL BURGLARY, THE
11 ROBBERY, THE KIDNAPING, AND THE HOMICIDE, BUT THE FACT
12 THAT SHE HAD SEEN HIM IN THERE A SHORT TIME BEFORE.
13 AND SHE GOES INTO A DECENT AMOUNT OF DETAIL ON THE
14 AFFIDAVIT DESCRIBING ALL OF THAT. SO, I THINK THAT
15 RIGHT THERE, YOUR HONOR, WOULD KIND OF GO TOWARDS HER
16 CERTAINTY. AND ALSO, THE FACT THAT SHE'S ABLE TO KIND
17 OF DIFFERENTIATE. I MEAN, THE FACT THAT SHE'S NOT
18 SAYING THAT MR. HARRIS IS SOMEBODY THAT SHE SAW IN
19 THERE BACK IN THE APARTMENT TEN, FIFTEEN, TWENTY
20 MINUTES LATER. AND I THINK SHE HAD AN OPPORTUNITY TO
21 OBSERVE AND TO IDENTIFY HIM.

22 AS TO THE OTHER TWO, YOUR HONOR, STATE'S
23 EXHIBITS FOUR AND FIVE, FOUR WOULD BE THE
24 IDENTIFICATION OF MR. SHIVERS BY MS. PARSLEY, FIVE
25 WOULD BE THE IDENTIFICATION OF MR. RALPH COLEMAN BY

1 MS. PARSLEY. YOUR HONOR, LOOKING AT THAT, NOW
2 OBVIOUSLY, SHE DIDN'T HAVE QUITE AS, QUITE THE
3 OPPORTUNITY THAT SHE HAD WITH MR. HARRIS TO OBSERVE
4 THE TWO OF THEM. SHE DID TESTIFY, YOUR HONOR, THAT SHE
5 HAD, YOU KNOW, THE DOOR BELL HAD RUNG, SHE HAD OPENED
6 THE DOOR, AN INDIVIDUAL CAME IN, AND SHE INITIALLY
7 DEALT WITH HIM AT THAT POINT IN TIME, ACTUALLY TRYING
8 TO GET SOME MARIJUANA AT THAT POINT IN TIME FOR HIM
9 WHEN A WEAPON IS PRODUCED. HER TESTIMONY IF I RECALL
10 IS THAT SHE ULTIMATELY WAS TOLD TO GET DOWN ON THE
11 GROUND. SHE WENT DOWN AND TESTIFIED THAT KIND OF, AS
12 SHE WAS GOING IN SHE KNEW, OBSERVED OTHER PEOPLE
13 RUSHING IN AND ULTIMATELY FELT THAT, KIND OF ONCE
14 EVERYBODY WAS IN THERE WAS FIVE OR SIX PEOPLE IN
15 THERE. SHE TESTIFIED THAT SHE DIDN'T HAVE ANY LOOK
16 AFTER THAT, SO OBVIOUSLY, HER OPPORTUNITY TO OBSERVE
17 WOULD HAVE ALL OCCURRED WITHIN THOSE FIRST MOMENTS OF
18 THE INITIAL PERSON COMING IN AND THEN AS SHE IS GOING
19 TO THE GROUND. SHE WAS THEN SHOWN, YOUR HONOR, SOME
20 FIVE DAYS -- NO, I'M SORRY, SEVEN DAYS LATER NOT ONLY
21 THESE TWO LINEUPS, AND I THINK THAT'S WHAT'S IMPORTANT
22 IS THE FACT THAT SHE'S SHOWN THE LINEUPS AT THAT POINT
23 IN TIME OF ALL SIX DEFENDANTS, ONE OF THEM ON THE
24 FIFTEENTH, AND THEN THE OTHER FIVE DEFENDANTS THAT
25 HAVE BEEN CHARGED ON THE NINETEENTH. AND SHE DOESN'T

1 PICK SOMEBODY OUT OF EVERY LINEUP. I MEAN, THAT SHOWS
2 RIGHT THERE THAT SHE WAS CONSCIENTIOUS ENOUGH THAT SHE
3 ISN'T JUST, YOU KNOW, RANDOMLY PICKING PEOPLE OUT.
4 AND I SUBMIT TO YOU, THAT KIND OF FITS WITH HER
5 TESTIMONY, THE FACT THAT SHE OBSERVED ONE INDIVIDUAL
6 THAT SHE HAD CONTACT WITH, AND I SUBMIT TO YOU, WHAT
7 SHE SAID TODAY, HIS FACE WAS PARTIALLY COVERED. I
8 MEAN, SHE HAD HAD FACE TO FACE CONTACT WITH HIM WHEN
9 HE WALKED INTO THE DOOR ATTEMPTING TO BUY MARIJUANA.
10 AND ULTIMATELY, I SUBMIT TO YOU, ANOTHER PERSON THAT,
11 WHILE SHE MAY HAVE ONLY CAUGHT A FLEETING GLANCE OF
12 HIM, IT WAS ENOUGH THAT WHEN SHE LOOKED AT THAT LINEUP
13 SEVEN DAYS LATER, THAT SHE WAS ABLE TO GO TO HIS
14 PICTURE, AND IT WAS THE ONE THAT STOOD OUT TO HER. AND
15 JUST TO ADDRESS THE, KIND OF THE NUMBER ISSUE, AS YOUR
16 HONOR HAS THAT, I BELIEVE IT'S STATE'S EXHIBIT NUMBER
17 FIVE UP THERE, AND YOU CAN SEE WHAT SHE DID.

18 THE COURT: RIGHT.

19 SOLICITOR SORENSON: I MEAN, SHE, HOW THE
20 NUMBER FOUR COMES ABOUT. BUT I SUBMIT TO YOU, IT ALL
21 GOES ULTIMATELY, BECAUSE THE ULTIMATE ISSUE, YOUR
22 HONOR, IS THAT IT ALL GOES TO THE, NOT TO THE
23 ADMISSIBILITY OF HER IDENTIFICATION, BUT TO THE WEIGHT
24 OF THOSE IDENTIFICATIONS. I MEAN, THERE'S THINGS THAT
25 DEFENSE COUNSEL HAS ARGUED BEFORE YOU ARE ALL THINGS

1 THAT I'M SURE THEY ARE GOING TO ADDRESS WITH HER
2 CREDIBILITY AND ULTIMATELY ARGUE IN FRONT OF A JURY AS
3 TO WHAT WEIGHT, IF ANY, A JURY SHOULD ULTIMATELY GIVE
4 TO HER IDENTIFICATIONS.

5 THE ONE THING I WOULD KIND OF, ONE OF THE
6 FIRST THINGS MR. WISE ADDRESSED, WE'RE NOT GOING TO BE
7 SEEKING TO HAVE MS. PARSLEY IDENTIFY ANYBODY IN COURT.
8 OBVIOUSLY, WE WISH TO GET INTO HER IDENTIFICATION OF
9 THEM IN THE LINEUPS, BUT SOME, WE'RE TALKING FROM,
10 WHAT, NINE MONTHS LATER, IT'S GOING TO BE ESSENTIALLY,
11 I MEAN, WITH FIVE DEFENDANTS SITTING OVER THERE, I
12 MEAN, I'M NOT GOING TO FORCE HER TO ATTEMPT TO FIGURE
13 OUT WHICH ONES THEY ARE NINE MONTHS LATER WHEN THEIR
14 HAIR STYLES ARE DIFFERENT AND THINGS OF THAT NATURE.
15 BUT WE WOULD BE SEEKING TO GET INTO NOT ONLY HER
16 IDENTIFICATION BUT ALSO THEN THE ACTUAL PHYSICAL
17 LINEUPS WHERE SHE IDENTIFIED THOSE THREE INDIVIDUALS.

18 THE COURT: ALRIGHT.

19 RULING OF THE COURT

20 IN REGARD TO MY RULINGS ON THIS CASE, I
21 DON'T THINK THERE WAS BEEN ANY TESTIMONY OR ANY REASON
22 FOR ME TO THINK THAT THERE WAS ANYTHING UNDULY
23 SUGGESTIVE ABOUT THESE. AND NOW, I UNDERSTAND, MR. --
24 THERE WAS ONE COMMENT ABOUT, IN EXHIBIT THREE, ONE
25 COMMENT WAS THAT THE GENTLEMAN IN NUMBER THREE, MR.

1 HARRIS I BELIEVE, IS THAT CORRECT?

2 MR. KOGER: YES, YOUR HONOR.

3 THE COURT: MR. HARRIS WOULD HAVE BEEN
4 PICKED OUT BECAUSE HE HAD JAIL CLOTHES ON. AND HE WAS
5 IDENTIFIED BY MS. PARSLEY. BUT I WOULD ALSO NOTE THAT
6 IN EXHIBIT NUMBER FIVE, WHERE MS. PARSLEY POINTED OUT
7 MR. COLEMAN, IS THAT CORRECT? MR. COLEMAN, THERE WERE
8 TWO PEOPLE THAT HAD JAIL CLOTHES ON AND THOSE PEOPLE
9 WERE NOT CHOSEN FROM THAT, FROM THE LINEUP. SO
10 WHEREAS, I UNDERSTAND THE ARGUMENT, THE OTHER
11 SUGGESTED THING ABOUT MR. HARRIS'S LINEUP WAS THAT HE
12 -- I'M LOOKING AT THE LINEUP RIGHT HERE. OKAY.
13 ARGUABLY, HE IS THE LIGHTER SKINNED OF ALL THE PEOPLE
14 THERE BUT THREE AND SIX ARE FAIR, LIGHTER SKINNED, AND
15 NUMBER ONE, I COULDN'T TELL ANYWAY. I THINK YOU'VE GOT
16 TO LOOK, BECAUSE THE COLORING IN THAT IS RED. YOU
17 KNOW ---

18 MR. WISE: YOUR HONOR,...

19 THE COURT: I UNDERSTAND, I'LL LET YOU NOTE
20 ANYTHING ON THE RECORD IN A MINUTE. OKAY? NOW, WITH
21 REGARD TO MR. SHIVERS IN NUMBER FOUR, IS THAT CORRECT?
22 YEAH, MR. SHIVERS IN NUMBER FOUR, WHO IS IDENTIFIED, I
23 BELIEVE, AS A LIGHT SKINNED MALE, HE IS CERTAINLY NOT
24 THE MOST LIGHT SKINNED MALE IN THESE THINGS AND SHE
25 STILL PICKED HIM OUT. OKAY.

1 NOW, THE TEST IS WHETHER IT'S UNDULY
2 SUGGESTIVE AND IF THERE IS A VERY SUBSTANTIAL
3 LIKELIHOOD OF IRREPARABLE MISIDENTIFICATION. I THINK
4 WHEN MS. PARSLEY TOOK THE STAND SHE ACCURATELY
5 REFLECTED HER FEELINGS IN THE CASE AND HER, HOW SURE
6 OR NOT SURE SHE WAS, AND I THINK ALL OF THAT WILL GO
7 TO THE WEIGHT, WHICH YOU'LL WILL, THE WEIGHT GIVEN TO
8 THE IDENTIFICATION WHICH IS A JURY QUESTION. FROM THE
9 COURT'S PERSPECTIVE I DON'T THINK THAT IT WAS UNDULY
10 SUGGESTIVE. I THINK IT IS RELIABLE, AND I DON'T THINK
11 THAT THERE IS A VERY SUBSTANTIAL LIKELIHOOD OF
12 IRREPARABLE MISIDENTIFICATION BECAUSE YOU GENTLEMEN
13 WILL GET TO CROSS-EXAMINE THE WITNESSES JUST AS YOU
14 HAVE CROSS-EXAMINED THEM HERE, AND THAT IS A QUESTION
15 FOR THE DETERMINATION OF THE JURY.

16 SO, NOW, I'M GOING TO NOTE ALL OF Y'ALL'S
17 OBJECTION BECAUSE I THINK Y'ALL WILL OBJECT TO MY
18 RULING, SO I WILL NOTE -- I'M ASSUMING THAT Y'ALL, THE
19 PEOPLE THAT WERE INVOLVED IN THIS, MR. WISE FOR MS.
20 ULLMAN, MR. PALMER, AND MR. KOGER ALL WANT TO TAKE
21 EXCEPTION TO MY RULING, AND I WILL SO NOTE THAT ON THE
22 RECORD.

23 MR. WISE, SOMETHING ELSE?

24 MR. WISE: YES, YOUR HONOR, IF I MAY.

25 THE COURT: YES, SIR.

1 MR. WISE: YOUR SPECIFICALLY REFERRED TO MR.
2 SHIVERS AND MR. HARRIS, BUT I DON'T THINK YOU INDICATE
3 ANY SPECIFIC RULING WITH REGARDS TO MR. COLEMAN. FOR
4 THE PURPOSE OF APPEAL, I FEEL I PROBABLY ...

5 THE COURT: OKAY. WELL, I'M ALSO
6 IDENTIFYING MR. COLEMAN AS, THAT WOULD BE -- IS THAT
7 NUMBER THREE?

8 MR. WISE: NUMBER FIVE, YOUR HONOR.

9 THE COURT: NUMBER FIVE? ALRIGHT. YEAH,
10 WELL, I DID -- OKAY. MR. COLEMAN, OKAY, IS THE ONE
11 WHERE THERE ARE TWO OTHER PEOPLE IN HERE WITH JAIL
12 CLOTHES ON, AND YET SHE DID NOT PICK PEOPLE WITH THE
13 JAIL CLOTHES ON. OKAY.

14 ALRIGHT. SO, WE'VE DONE THAT.

15 SOLICITOR SORENSON: JUST ONE OTHER THING
16 WITH REGARD TO THAT, JUST BECAUSE YOU DIDN'T REALLY
17 ADDRESS THE IDENTIFICATION BY MS. BUSBY OF MR.
18 SHIVERS.

19 THE COURT: OH, WELL, I ...

20 SOLICITOR SORENSON: AND I ...

21 THE COURT: SHE HAD ALREADY IDENTIFIED THAT
22 SHE KNEW HIM SOMEHOW.

23 SOLICITOR SORENSON: OKAY.

24 THE COURT: AND SO, THAT IS GOING TO, IF I
25 LEFT OUT ANYTHING, EVERY -- ALL OF THESE LINEUPS ARE

1 GOING IN, AND I'LL NOTICE EVERYBODY'S OBJECTION TO
2 THOSE LINEUPS. OKAY?

3 MR. WISE: THANK YOU, YOUR HONOR.

4 THE COURT: OKAY. ALRIGHT, AND I UNDERSTAND,
5 AND YOU HAVE INDICATED TO THIS COURT THAT MS. PARSLEY
6 IS NOT GOING TO MAKE AN IN COURT IDENTIFICATION ON ANY
7 OF THESE DEFENDANTS.

8 SOLICITOR SORENSON: THAT WOULD BE CORRECT,
9 YOUR HONOR. WE WOULD BE HAVING MS. BUSBY, HOWEVER.

10 THE COURT: NO, I KNOW MS. BUSBY IS A WHOLE
11 DIFFERENT STORY, BUT -

12 SOLICITOR SORENSON: YES, SIR.

13 THE COURT: --- I'M SAYING, WITH PARSLEY,
14 JUST SO THESE ATTORNEYS WILL BE ABLE TO -- THEY CAN
15 TAKE AND DEAL WITH THAT HOWEVER THEY WANT TO DEAL WITH
16 IT IN THEIR CLOSING ARGUMENTS OR HOWEVER THEY WANT TO
17 DEAL WITH IT AS FAR AS PRESENTING THEIR DEFENSE. OKAY?

18 SOLICITOR SORENSON: YES, SIR.

19 THE COURT: AND NOW WE'VE GOT A MOTION TO
20 SEVER?

21 MS. ULLMAN: YES, SIR.

22 THE COURT: IS THAT THE LAST -- OR IS THERE
23 ONE OTHER THING ABOUT ...

24 SOLICITOR SORENSON: WELL, IF I COULD JUST
25 PUT SOMETHING, AND IT MAY HAVE SOMETHING TO DO, IT MAY

1 RELATE TO HER MOTION TO SEVER, I'M NOT SURE BUT - - -

2 THE COURT: OKAY.

3 SOLICITOR SORENSON: --- IT MAY CLEAR THINGS
4 UP, IT MAY NOT. SO, - - -

5 THE COURT: OKAY.

6 SOLICITOR SORENSON: --- BASICALLY, AS FAR
7 AS DEFENDANTS' STATEMENTS GO, YOUR HONOR, THE ONLY
8 DEFENDANT THAT GAVE ANY STATEMENTS WOULD BE WALTER
9 HARRIS, MR. PALMER'S CLIENT. HE TALKED TO LAW
10 ENFORCEMENT SEVERAL TIMES AND ULTIMATELY GAVE THREE
11 WRITTEN STATEMENTS INDICATING SOMEWHAT OF A LITTLE
12 JUMP ON HIS PART AND ALSO ON THE PART OF HIS FOUR CO-
13 DEFENDANTS. AT THIS POINT IN TIME WE WOULD NOT BE
14 SEEKING TO PUT ANY OF HIS STATEMENTS INTO EVIDENCE IN
15 OUR CASE IN CHIEF.

16 THE COURT: OKAY.

17 SOLICITOR SORENSON: IF THAT WOULD RAISE
18 SOME RAISE ISSUES AND CAUSE SOME ISSUES. SO, I'M NOT
19 SURE IF THAT WAS SOME, A BASIS POSSIBLY OF A SEVERANCE
20 MOTION, BUT ...

21 THE COURT: OKAY. BUT THEY ARE AWARE IF HE
22 MAKES ANY OTHER STATEMENTS YOU WOULD REFER TO THAT?

23 SOLICITOR SORENSON: WELL, OBVIOUSLY, IF HE
24 TESTIFIES, I MEAN, ...

25 THE COURT: RIGHT. OKAY. ALRIGHT. NOW, I

1 DON'T KNOW IF THAT MAKES -- I KNOW, MS. ULLMAN, YOU
2 HAD A MOTION TO SEVER, AND I DON'T KNOW WHETHER
3 EVERYBODY IS JOINING IN ON THIS OR, I KNOW I -- WHO
4 ELSE HAD ...

5 MR. MELLARD: I WAS GOING TO HAVE A MOTION
6 TO SEVER BASED ON WHAT HE WAS TALKING ABOUT, THESE
7 STATEMENTS THAT BRING UP ISSUES, WHICH -- BUT I WILL
8 LET MS. ULLMAN ARTICULATE HERS AND THEN I WILL LET YOU
9 KNOW.

10 THE COURT: OKAY. AND JUST SO I'LL KNOW,
11 MR. LACKEY, YOU DO NOT HAVE A MOTION TO SEVER?

12 MR. LACKEY: NO, SIR, NOT AT THIS TIME. I
13 DID TALK WITH MR. SORENSON SEVERAL DAYS AGO ABOUT THAT
14 AND HE INDICATED THAT THERE WAS NO INTENTION TO USE
15 THAT STATEMENT.

16 THE COURT: OKAY.

17 MR. LACKEY: OBVIOUSLY, NO ISSUE WOULD ARISE
18 FROM THAT SITUATION WITH MY CLIENT.

19 THE COURT: OKAY. AND MR. PALMER?

20 MR. PALMER: WELL, I DID, I THINK I DID, YOUR
21 HONOR, BUT NOW IT LOOKS LIKE THE STATEMENT AREN'T
22 COMING. I'D LIKE TO HEAR THE OTHER ARGUMENTS, BUT
23 RIGHT NOW ...

24 THE COURT: OKAY. YOU CAN RESERVE YOUR SEAT
25 COMING LATER.

1 MR. PALMER: YES, I WOULD LIKE TO DO THAT.

2 THE COURT: OKAY. AND MR. KOGER?

3 MR. KOGER: NO MOTION TO SEVER.

4 THE COURT: OKAY. ALRIGHT, SO, MS. ULLMAN,
5 UNLESS YOU'RE GOING TO HAVE MR. WISE BATTLING FOR YOU
6 HERE, TOO.

7 MS. ULLMAN: NO, SIR.

8 THE COURT: OKAY.

9 MOTION TO SEVER

10 ARGUMENT BY MS. ULLMAN:

11 THE FIRST THING I WOULD SAY ABOUT JOINING
12 THE TRIAL IS, I COULD NOT FIND ANYTHING STATING WHOSE
13 BURDEN IT IS TO SHOW THE COURT THAT THE TRIAL CAN BE
14 JOINED, BUT OBVIOUSLY, I WOULD ARGUE TO YOUR HONOR
15 THAT IT IS THE STATE'S BURDEN TO SHOW THAT THESE
16 TRIALS CAN BE JOINED. CASE LAW STATES THAT THE TRIAL
17 MUST ARISE FROM A SINGULAR CHAIN OF EVENTS AND BE
18 PROVED WITH THE SAME EVIDENCE AND HAS THE SAME GENERAL
19 NATURE. OBVIOUSLY, AS DEFENSE ATTORNEY IT'S NOT MY
20 JOB TO SHOW THE COURT ANY OF THAT, SO I WOULD TELL
21 THIS COURT THAT IT IS THE STATE'S BURDEN TO PROVE THAT
22 THESE TRIALS CAN BE JOINED.

23 ASIDE FROM THAT, I UNDERSTAND THAT THE STATE
24 IS NOT INTENDING TO GET INTO MR. HARRIS'S STATEMENTS.
25 HE HAS GIVEN AT LEAST THREE STATEMENTS, EACH STATEMENT

1 CHANGES A LITTLE BIT, AND I ACTUALLY WOULD LIKE TO GET
2 INTO THAT INFORMATION IN MY DEFENSE. THE PROBLEM IS,
3 IF I GET INTO HIS STATEMENTS AND HE CANNOT TESTIFY,
4 THERE'S CRAWFORD ISSUE FOR EVERYONE ELSE SITTING AT
5 THIS TABLE. SO OBVIOUSLY, MY CLIENT WOULD HAVE HIS
6 RIGHT TO PRESENT A DEFENSE AND SHOW WHAT THE WITNESSES
7 IN THIS CASE ARE TALKING ABOUT. IT WOULD BE HINDERED
8 BASED ON THE OTHER DEFENDANTS' CRAWFORD RIGHTS OF NOT
9 HAVING A PERSON'S STATEMENT ENTERED INTO EVIDENCE
10 WITHOUT THE ABILITY TO CROSS-EXAMINE HIM. SO, THAT
11 WOULD BE THE POINT IN ME SEVERING FROM THE REST OF
12 THESE DEFENDANTS, THAT I COULD GET INTO MR. HARRIS'S
13 STATEMENTS. IT IS NOT -- CERTAINLY, THE STATE HAS NO
14 ABILITY TO ARGUE THAT THEY CAN'T CROSS-EXAMINE, THEY
15 HAVE NO SIXTH AMENDMENT RIGHT TO DO SO. SO, THAT
16 WOULD BE MY ARGUMENT, THAT THERE IS A SUBSTANTIAL
17 RIGHT, WHICH IS ANOTHER FACTOR THAT THE COURT MUST
18 LOOK AT. THERE IS A SUBSTANTIAL RIGHT THAT WOULD BE
19 HINDERED BY NOT SEVERING THESE TRIALS, AND THAT WOULD
20 BE MY DEFENDANT'S RIGHT TO PUT UP A DEFENSE, WHICH
21 WOULD INCLUDE SHOWING THAT ONE OF THE CO-DEFENDANTS IN
22 THIS CASE WROTE THREE STATEMENTS, TWO OF WHICH DO NOT
23 INCRIMINATE MY CLIENT. THE THIRD INCRIMINATES MY
24 CLIENT, AND OBVIOUSLY, I HAVE SOME ARGUMENT AS TO ALL
25 OF THAT THAT I WOULD GET INTO LATER. BUT WITH

1 EVERYBODY SITTING HERE THERE'S NO WAY I CAN GET INTO
2 MR. HARRIS'S STATEMENTS. NOW, I UNDERSTAND THE STATE
3 WOULD BE PROBABLY WILLING TO REDACT PART OF THAT
4 STATEMENT SO THAT CRAWFORD DID NOT COME UP FOR
5 EVERYBODY ELSE SITTING HERE, BUT THE PROBLEM IS, I
6 THINK THAT THAT ALSO HINDERS MY ARGUMENT THAT HE
7 ORIGINALLY PICKED MOST EVERYBODY AND THEN VERY MUCH
8 LATER PICKED OUT MY GUY AND ADDED HIM TO THE PEOPLE
9 THAT HE WAS INCRIMINATING. AGAIN, I THINK THAT MY
10 CLIENT WOULD NOT BE ABLE TO PUT UP A FULL DEFENSE
11 WHICH OBVIOUSLY IS HIS RIGHT TO DO WITH ALL FIVE
12 DEFENDANTS SITTING HERE TODAY.

13 THE COURT: OKAY. BUT MS. ULLMAN, JUST SO I
14 CAN MAKE SURE, - - -

15 MS. ULLMAN: YES, SIR.

16 THE COURT: --- THIS WHOLE CASE REVOLVES
17 AROUND ONE INCIDENT, NO QUESTION ABOUT THAT.

18 MS. ULLMAN: I WOULD SAY THERE'S PROBABLY NO
19 QUESTION ABOUT THAT.

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

21 ALRIGHT. MR. PALMER, ANYTHING THAT YOU
22 HAVE, YOU'VE HEARD, OR DO YOU WANT TO HEAR MR.
23 MELLARD'S FIRST?

24 MR. PALMER: I'D LIKE TO, YOUR HONOR.

25 THE COURT: OKAY, WELL, MR. MELLARD LOVES TO

1 JUMP AHEAD. MR. MELLARD?

2 MR. MELLARD: I DIDN'T MEAN TO SKIP OVER
3 HIM.

4 ARGUMENT BY MR. MELLARD

5 MY ARGUMENT WAS GOING TO BE THAT IF THE
6 STATEMENTS CAME IN I WOULD FILE A CRAWFORD AND WE
7 WOULD HAVE ALL OF THIS MESS, AND I WOULD MOVE TO
8 SEVER.

9 THE COURT: OKAY, WELL ...

10 MR. MELLARD: BUT YOU'VE GOT A DIFFERENT
11 ARGUMENT IN FRONT OF YOU RIGHT NOW. HOW YOU RULE ON
12 THAT ARGUMENT WILL ULTIMATELY DETERMINE WHAT I'M GOING
13 TO DO NEXT, JUDGE.

14 THE COURT: OKAY. ALRIGHT, NOW, MR. PALMER,
15 ANYTHING YOU WANT TO SAY?

16 MR. PALMER: NOT REALLY, YOUR HONOR, BUT I
17 WOULD LIKE TO PRESERVE MY MOTION TO SEVER.

18 THE COURT: ALRIGHT.

19 MR. PALMER: BASED ON HOW YOU RULE ON ...

20 THE COURT: I'VE GOT YOU. YES, SIR. I'LL
21 STRIKE THAT COMMENT RIGHT THERE. GO AHEAD, MR.
22 SORENSON.

23 SOLICITOR SORENSON: JUST BRIEFLY, YOUR
24 HONOR.

25 THE COURT: YES, SIR.

ARGUMENT BY SOLICITOR SORENSON

IT WOULD BE THE STATE'S POSITION, YOUR HONOR, THAT CRIMINAL DEFENDANTS WHO ARE JOINTLY TRIED ARE NOT ENTITLED TO SEPARATE TRIALS AS A MATTER OF RIGHT. I THINK THAT COMES UNDER STATE VERSUS BOISE, A NINETEEN NINETY CASE. AND ADDITIONALLY, YOUR HONOR, THAT WHEN DECIDING WHETHER TO SEVER TRIALS, THAT THAT SHOULD ONLY BE DONE WHEN THERE IS A SERIOUS RISK THAT A JOINT TRIAL WOULD COMPROMISE A SPECIFIC RIGHT OF A CO-DEFENDANT TO PREVENT, WELL, PREVENT A JURY FROM MAKING A RELIABLE DETERMINATION ABOUT ONE CO-DEFENDANT'S GUILT OR ANOTHER. I SUBMIT TO YOU THAT'S NOT THE CASE HERE. REALLY, THE ONLY ARGUMENT THAT MS. ULLMAN HAS PUT FORWARD IS HER, IS THAT IF THEY ARE TRIED TOGETHER SHE WOULD NOT BE ABLE TO GET INTO MR. HARRIS'S STATEMENTS THAT HE GAVE TO LAW ENFORCEMENT. AND I SUBMIT TO YOU, YOUR HONOR, IF WE TRIED RALPH COLEMAN NEXT WEEK BY HIMSELF SHE WOULDN'T BE ABLE TO GET INTO WALTER HARRIS'S STATEMENT, THEY'RE HEARSAY. AND I'M SURE THAT MR. PALMER IS NOT GOING TO ALLOW HER TO, I MEAN, PUT HIS CLIENT ON THE STAND AND INCRIMINATE HIMSELF. SO, I DON'T SEE HOW THAT IS SOMEHOW IMPEDING HER RIGHT IN ANY WAY, BECAUSE I SUBMIT TO YOU, SHE WOULDN'T BE ABLE TO GET INTO THAT ANYWAY. I MEAN, THEY'RE HEARSAY. YOU KNOW, WE HAVE A

1 RIGHT TO POSSIBLY PUT THEM IN IF WE WERE TRYING MR.
2 HARRIS BY HIMSELF BECAUSE THERE ARE SOME, SOME OF THE
3 STATEMENTS ARE INCRIMINATING, AND WE WOULD HAVE THE
4 RIGHT THEN TO PUT THEM IN AS ADMISSIONS BY A PARTY
5 OPPONENT. BUT I DON'T SEE HOW SHE WOULD HAVE THAT
6 RIGHT TO DO THAT. WE WOULD HAVE TO GO TO PROVING THAT
7 HE, KNOW, MIRANDA WAS FOLLOWED AND THEY WERE
8 VOLUNTARY, AND ALL THAT. SO ...

9 THE COURT: MR. SORENSON, IF I COULD ASK YOU
10 A QUESTION, - - -

11 SOLICITOR SORENSON: UH-HUH.

12 THE COURT: --- COULD SHE CALL MR. HARRIS AS
13 A WITNESS?

14 MS. ULLMAN: OH, YES.

15 SOLICITOR SORENSON: WELL, NO, I DON'T THINK
16 SHE CAN -- WELL, I MEAN, SHE CAN, BUT IT'S UP TO -- I
17 MEAN, HIS WORD OF WHETHER HE'S ...

18 THE COURT: NO, I MEAN IN A SEVERANCE -- I'M
19 JUST TALKING ABOUT A SEPARATE TRIAL. AND I UNDERSTAND
20 IT WOULD BE THEN UP TO ...

21 SOLICITOR SORENSON: I THINK IT WOULD BE UP
22 TO MR. PALMER TO ADVISE MR. HARRIS TO PLEAD THE FIFTH
23 AMENDMENT OR NOT, AND OBVIOUSLY, IF MR. PALMER HAS
24 TOLD MS. ULLMAN, MY CLIENT IS GOING TO PLEAD THE
25 FIFTH, THEN I THINK IT WOULD BE IMPROPER FOR HER TO

1 CALL HIM AS A WITNESS.

2 THE COURT: OKAY.

3 MS. ULLMAN: YOUR HONOR, ...

4 THE COURT: MS. ULLMAN, YES, MA'AM, I'LL LET
5 YOU RESPOND. BEFORE YOU DO THAT, WAS THERE ANYTHING
6 FURTHER YOU WANTED TO TELL ME?

7 SOLICITOR SORENSON: NO, YOUR HONOR.

8 THE COURT: I'M SORRY. YES, MA'AM.

9 MS. ULLMAN: I UNDERSTAND THE STATE CONTROLS
10 THE DOCKET, WHICH IS PART OF THE PROBLEM IN THIS
11 SITUATION, BECAUSE HE'S ABSOLUTELY RIGHT, WE COULD TRY
12 RALPH COLEMAN FIRST AND THEN ALL THESE OTHER PEOPLE
13 WOULD STILL BE DEFENDANTS. OR WE COULD TRY ALL FOUR
14 OF THEM AT THE SAME TIME, LIKE WHAT'S GOING ON, LEAVE
15 MINE TO LAST, AND WE WOULD HAVE A NEW ARGUMENT ABOUT
16 WHETHER OR NOT WALTER HARRIS WAS GOING TO TAKE THE
17 STAND OR NOT TAKE THE STAND. HE WOULD HAVE EITHER BEEN
18 EXONERATED OR CONVICTED AT THAT POINT.

19 ALSO, I UNDERSTAND THAT THESE STATEMENTS
20 COULD BE CONSIDERED HEARSAY, BUT FIRST OFF, WE'RE
21 NOT ARGUING ABOUT THE ADMISSIBILITY OF THE
22 STATEMENTS RIGHT NOW, WE'RE ARGUING ABOUT SEVERING OF
23 THE TRIAL.

24 THE OTHER ISSUE IS, HEARSAY IS ONLY WHEN...
25 YOU'RE USING IT TO PROVE THE MATTER ASSERTED. I'M NOT

1 TRYING TO GET INTO HIS STATEMENT TO SAY, LOOK, ONE OF
2 THE CO-DEFENDANTS DIDN'T NAME RALPH COLEMAN,
3 THEREFORE, IT MUST TRUE THAT HE DID NOT PARTICIPATE
4 IN THIS. I THINK IT JUST GOES TO REASONABLE DOUBT,
5 WHEN ONE OF THE CO-DEFENDANTS -- YOU HAVE TWO CO-
6 DEFENDANTS WHO HAVE GIVEN STATEMENTS. ONE OF THEM
7 IS SAYING, FIVE PEOPLE PLUS ME DID IT. SOMEONE ELSE
8 IS SAYING, IT WAS THESE PEOPLE, NOW WAIT A MINUTE,
9 IT WAS THESE PEOPLE, NO, WAIT A MINUTE, IT WAS THESE
10 PEOPLE. I THINK IT'S JUST SHOWING INCONSISTENCIES,
11 IT'S NOT TO PROVE THE MATTER ASSERTED, WHICH MEANS
12 THAT IT IS NOT HEARSAY, WHICH MEANS THAT IT'S
13 COMPLETELY ADMISSIBLE. AND THE STATE CONTROLS WHO
14 GETS TRIED FIRST, WHICH CERTAINLY PUTS ME IN A VERY
15 BAD POSITION SINCE I HAVE NO ABILITY TO HAVE RALPH
16 COLEMAN SIT BEHIND AND LET THE OTHER TRIALS GO
17 FORWARD, WHICH WOULD CANCEL EVERYTHING THAT THE STATE
18 JUST BROUGHT UP.

19 THE COURT: MR. SORENSON, YES, SIR.

20 SOLICITOR SORENSON: BRIEFLY, YOUR HONOR, IF
21 IT'S NOT OFFERED FOR THE TRUTH, THEN HOW IS IT
22 RELEVANT, THEN? I MEAN, IT'S -- AND THE FACT OF THE
23 MATTER IS, WE DO GET TO DECIDE WHEN WE CALL THE CASES,
24 AND I MEAN ...

25 THE COURT: THAT'S THE WAY IT IS, THAT'S THE

1 WAY IT'S ALWAYS BEEN. YES, SIR, I UNDERSTAND THAT, AND
2 I CAN'T CHANGE THAT HERE.

3 ALRIGHT.

4 RULING OF THE COURT

5 MS. ULLMAN, YOU MAKE SOME GOOD POINTS BUT I
6 AM GOING TO DENY YOUR MOTION, BUT I WILL PRESERVE YOUR
7 OBJECTION TO MY RULING SO THAT THAT WILL BE PRESERVED
8 FOR APPEAL.

9 MS. ULLMAN: YES, SIR.

10 THE COURT: OKAY. THANK YOU, MA'AM.

11 IS THERE ANYTHING ELSE THAT WE NEED TO GO
12 OVER RIGHT NOW? MR. SORENSON?

13 SOLICITOR SORENSON: I DON'T THINK SO, YOUR
14 HONOR.

15 THE COURT: OKAY. MR. LACKEY, ANYTHING ELSE
16 THAT WE NEED TO GO OVER FROM YOUR CLIENT'S
17 PERSPECTIVE?

18 MR. LACKEY: NOTHING AT THIS TIME, YOUR
19 HONOR.

20 THE COURT: OKAY. MS. ULLMAN, ANYTHING FROM
21 YOUR CLIENT'S PERSPECTIVE?

22 MS. ULLMAN: I WOULD JUST ASK FOR
23 CLARIFICATION WHEN YOU SAY IT'S PRESERVED, DURING THE
24 TRIAL AT ANY POINT DO I NEED TO RE-BRING THIS
25 ISSUE BACK UP OR AM I SAFE WITH THE SEVERING OF THE

1 TRIAL?

2 THE COURT: WELL, WE'RE DOING THIS ON THE
3 RECORD NOW, IT SHOULD BE PRESERVED. YOUR OBJECTION TO
4 MY RULING SHOULD BE PRESERVED ON THE RECORD, THOUGH I
5 HAVE INDEED BEEN AS SURPRISED AS YOU HAVE BEEN ABOUT
6 THINGS THAT I HAVE READ IN THE DOCKET. SO, IF BEFORE
7 WE START THE TRIAL IF YOU WILL REMIND OF THAT - - -

8 MS. ULLMAN: YES, SIR.

9 THE COURT: --- OF JUST, OR IF YOU WANT TO
10 -- I WILL GO AHEAD AND REFER BACK TO THIS AND REDO
11 IT.

12 MS. ULLMAN: YES, SIR.

13 THE COURT: JUST TO MAKE SURE IT'S
14 PRESERVED.

15 MS. ULLMAN: YES, SIR.

16 THE COURT: BUT THIS, AS I UNDERSTAND IT,
17 THIS IS A PART OF THE TRAIL, EVEN THOUGH WE'RE DOING
18 IT EARLY WE'RE TRYING TO GET SOME STUFF OUT OF THE
19 WAY. OKAY.

20 MR. PALMER, ANYTHING FROM YOU?

21 MR. PALMER: NO, YOUR HONOR.

22 THE COURT: OKAY. MR. MELLARD?

23 MR. MELLARD: YES, SIR.

24 THE COURT: YES, SIR.

25 MR. MELLARD: I PLAN TO REQUEST A COPY OF

1 THE TRANSCRIPT OF THIS HEARING, - - -

2 THE COURT: OKAY.

3 MR. MELLARD: --- WHICH I WOULD LIKE TO GET
4 BACK BEFORE TRIAL.

5 THE COURT: OKAY.

6 MR. MELLARD: IF THE COURT WILL TELL ME HOW
7 I WILL BEST NEED TO DO THAT.

8 THE COURT: WELL, I THINK ALL YOU NEED TO DO
9 IS PUT IT IN WRITING AND GIVE IT TO MS. HARRY DOT.

10 MR. MELLARD: OKAY.

11 COURT REPORTER: DO YOU WANT IT EXPEDITED?

12 MR. MELLARD: YES, MA'AM.

13 COURT REPORTER: OKAY.

14 THE COURT: ALRIGHT. THANK YOU, MS. WALKER.

15 COURT REPORTER: WELL, YES, THAT COSTS MORE.

16 THE COURT: ALRIGHT. AND MR. KOGER, ANYTHING
17 FROM YOU, SIR?

18 MR. KOGER: NOTHING FROM US. I'M GOING TO
19 REQUEST A COPY OF THE TRANSCRIPT, AND MS. HARRY DOT
20 JUST TOLD ME THAT THAT'S GOING TO COST MORE AND IF HE
21 MAKES A ...

22 THE COURT: WELL, THE NICE THING ABOUT IT
23 IS, MR. MELLARD IS GOING TO PAY FOR IT AND THEN YOU
24 CAN JUST PAY FOR THE COPY.

25 MR. KOGER: I MAY DO THAT.

1 THE COURT: ALRIGHT. ALRIGHT, SO ...

2 COURT REPORTER: ALRIGHT, SO ANYONE WHO
3 WANTS A COPY YOU HAVE TO WRITE ME.

4 MR. PALMER: I'LL WRITE YOU AND WE'LL GET IT
5 OUT TODAY.

6 COURT REPORTER: OKAY.

7 THE COURT: ALRIGHT, NOW, HAVING SAID THAT,
8 WE ARE SCHEDULED TO GO DECEMBER THIRTEENTH. I KNOW
9 THERE'S A HANDWRITING ISSUE AND LIKE THAT, AND I KNOW
10 THAT Y'ALL ARE GOING TO BE GOING BACK AND FORTH, AT
11 LEAST I HOPE Y'ALL WILL BE GOING BACK AND FORTH
12 TALKING. SO IF SOMETHING COMES UP THAT YOU FEEL WE
13 NEED TO ADDRESS, IF Y'ALL WILL JUST MAKE ME AWARE OF
14 THAT WE'LL SCHEDULE IT, WE'LL WORK IT IN SO WE CAN DO
15 SOMETHING WITH IT, BECAUSE I WOULD PREFER TO GET
16 EVERYTHING OUT OF THE WAY. AS I UNDERSTAND IT THE
17 JURY IS COMING IN MONDAY AFTERNOON?

18 SOLICITOR SORENSON: YES, SIR. ONE:THIRTY I
19 BELIEVE.

20 THE COURT: RIGHT. AND SO, IF Y'ALL WANT TO
21 GO AHEAD AND GET ME, YOU HAVE ANY SPECIAL VOIR DIRE
22 YOU CAN GO AHEAD AND GET IT TO ME SO I CAN HAVE IT,
23 AND SO I CAN LOOK IT OVER. IT THERE IS ANYTHING ELSE
24 THAT YOU WOULD LIKE THE COURT TO ADDRESS PRIOR TO THIS
25 IF YOU WILL JUST LET US KNOW SO WE CAN RECONVENE THIS

1 AND PUT EVERYBODY ON NOTICE OF WHAT WE'RE GOING TO
2 TALK ABOUT SO WE'LL BE READY TO GO ON DECEMBER
3 THIRTEENTH. OKAY. ALRIGHT. AND SINCE I DON'T THINK
4 I'LL SEE Y'ALL BEFORE THANKSGIVING, I HOPE Y'ALL DO
5 HAVE A HAPPY THANKSGIVING.

6 MS. ULLMAN: JUST ONE OTHER THING.

7 THE COURT: OKAY, WAIT. MS. ULLMAN, HAS ONE
8 OTHER THING TO SAY.

9 MS. ULLMAN: IS THERE ANY WAY WE CAN GET RAP
10 SHEETS ON WITNESSES FROM THE STATE BEFORE DECEMBER
11 THIRTEENTH, OR DO WE INTEND TO GET THEM LITERALLY AS
12 THE JURY IS WALKING IN, AND IT WOULD BE VERY DIFFICULT
13 FOR US TO PREPARE?

14 THE COURT: MR. SORENSON, ANY WAY YOU CAN
15 GET THEM, ANY PROBLEM WITH GETTING THEM?

16 SOLICITOR SORENSON: I'LL ACTUALLY BE ABLE TO
17 GET THEM SOMETIME THE WEEK BEFORE.

18 THE COURT: OKAY. WILL THAT BE ALRIGHT, THE
19 WEEK BEFORE?

20 MS. ULLMAN: YES, SIR, THANK YOU.

21 THE COURT: OKAY. ALRIGHT.

22 COURT REPORTER: SOLICITOR SORENSON, - - -

23 SOLICITOR SORENSON: YES, MA'AM.

24 COURT REPORTER: --- WHEN WE BEGAN THIS DID
25 YOU PUT THE FULL NAMES OF EACH DEFENDANT AND THE

1 INDICTMENT NUMBERS IN THE RECORD?

2 THE COURT: HE DIDN'T.

3 COURT REPORTER: I'LL NEED THAT.

4 THE COURT: OKAY.

5 COURT REPORTER: IF IT'S ALREADY TYPED UP
6 SOMEWHERE THAT WOULD BE ...

7 THE COURT: OH, NO, I JUST GAVE YOU A BRIEF
8 OUTLINE OF THEM.

9 COURT REPORTER: OKAY.

10 THE COURT: AND I'LL LET HIM READ THOSE INTO
11 THE RECORD NOW.

12 COURT REPORTER: OKAY. AND THE SPELLING,
13 TOO, IF THERE'S ANYTHING ...

14 SOLICITOR SORENSON: MR. LACKEY'S CLIENT IS
15 CHRISTIAN COLEMAN, HIS ARE INDICTMENTS 2010-GS-38-802
16 THROUGH 806.

17 COURT REPORTER: OKAY.

18 SOLICITOR SORENSON: RALPH COLEMAN IS MR.
19 ULLMAN AND MR. WISE'S CLIENT. HIS ARE 2010-GS-38-807
20 THROUGH 811. WALTER HARRIS IS MR. PALMER'S CLIENT,
21 2010-GS-38-812 THROUGH 816. AND DANNY RYANT, R-Y-A-N-T,
22 JUNIOR, MR. MELLARD'S CLIENT, AND IT'S 2010-GS-38- 817
23 THROUGH 821, I BELIEVE, YES, THROUGH 821. AND THEN,
24 LASTLY IS MARIO SHIVERS, S-H-I-V-E-R-S, MR. KOGER,
25 2010, GS-38-822 THROUGH 826.

1
2
3
4
5

COURT REPORTER; DO YOU NEED A COPY OF THIS

ALSO?

SOLICITOR SORENSON: PROBABLY, YES, MA'AM.

THE COURT: ALRIGHT, THANK Y'ALL. ALRIGHT,
WE'RE IN RECESS, AND Y'ALL HAVE A GOOD THANKSGIVING.

CERTIFICATE

I, THE UNDERSIGNED, MRS. HARRY A. WALKER, OF ROWESVILLE, SOUTH CAROLINA, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE TWENTY-THIRD DAY OF NOVEMBER, 2010.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

DATE: NOVEMBER 29, 2010

Harry A. Walker

(MRS.) HARRY A. WALKER

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT

VOLUME ONE OF THREE

STATE OF SOUTH CAROLINA)

TRANSCRIPT OF RECORD

versus)

DATE:

DECEMBER 10 - 17, 2010

CHRISTIAN COLEMAN,
 RALPH BERNARD COLEMAN
 WALTER LEE HARRIS,
 DANNY RYANT, JR.,
 MARIO MONTEZ SHIVERS

CASE NOS.

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2010-GS-38-812, 813, 814

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DEFENDANTS)

BEFORE:

HONORABLE EDGAR DICKSON, PRESIDING JUDGE

AND A JURY.

APPEARANCES:

DAVID M. PASCOE, ESQUIRE
 SOLICITOR
 DONALD N. SORENSON, ESQUIRE
 ASSISTANT SOLICITOR
 FOR THE STATE

RICHARD LACKEY, ESQUIRE
 FOR DEFENDANT CHRISTIAN COLEMAN

JILLIAN ULLMAN AND MARK WISE, ESQUIRE
 FOR DEFENDANT RALPH BERNARD COLEMAN

SCOTT PALMER, ESQUIRE
 FOR DEFENDANT WILLIE HARRIS

DOUGLAS MELLARD, ESQUIRE
 FOR DEFENDANT DANNY RYANT, JR.

JOSHUA KOGER, ESQUIRE
 FOR DEFENDANT, MARIO MONTEZ SHIVERS

HARRY A. WALKER (MRS.)
 COURT REPORTER, FIRST JUDICIAL CIRCUIT
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4 THE COURT: ALRIGHT, I HAVE FOUR DEFENSE
5 ATTORNEYS HERE, AND I NOTICE THAT THEY'RE NOT SEATED
6 IN THE SAME ORDER THAT WE WERE DOING THEM, BUT THAT'S
7 OKAY. WE'LL WORK THROUGH THAT. LET'S SEE, MR.
8 SORENSON, DO YOU MIND REMINDING ME THE NAMES OF
9 EVERYBODY, BECAUSE I DON'T HAVE MY NOTES?

10 SOLICITOR SORENSON: YES, SIR.

11 COURT REPORTER: AND I NEED WHO THEY REPRESENT.

12 THE COURT: YEAH, WE'RE GOING TO GO THROUGH THAT.
13 THAT'S WHAT HE'S HERE FOR.

14 SOLICITOR SORENSON: YES, MA'AM. WE HAVE FIVE
15 DEFENDANTS IN THIS CASE. AS YOUR HONOR INDICATED,
16 THERE ARE FOUR DEFENSE LAWYERS PRESENT. SCOTT PALMER
17 IS PRESENT, MR. PALMER REPRESENTS WALTER LEE HARRIS.
18 JILL ULLMAN AND MARK WISE ARE PRESENT, THEY REPRESENT
19 RALPH BERNARD COLEMAN. RICHARD LACKEY IS PRESENT, HIS
20 CLIENT, CHRISTIAN COLEMAN, IT'S MY UNDERSTANDING HE IS
21 WAIVING HIS PRESENCE HERE TODAY. DOUG MELLARD IS
22 HERE, MR. MELLARD REPRESENTS DANNY RYANT, AND I
23 UNDERSTAND THERE MAY HAVE BEEN -- MR. RYANT MAY HAVE
24 BEEN, MR. RYANT MAY HAVE REFUSED TO BE TRANSPORTED
25 THIS MORNING SO HE IS NOT HERE. AND THEN THE FIFTH

1 CO-DEFENDANT WOULD BE MARIO MONTEZ SHIVERS, AND HE IS
2 REPRESENTED BY MR. KOGER, AND IT IS MY UNDERSTANDING
3 THAT YOUR OFFICE CONTACTED MR. KOGER YESTERDAY AND HE
4 INDICATED THAT THERE WERE NO MATTERS THAT HE NEEDED TO
5 ADDRESS BEFORE THE COURT THIS MORNING, SO THEREFORE,
6 HE NOR HIS CLIENT ARE HERE.

7 THE COURT: OKAY. THANK YOU, SIR. AND MR.
8 LACKEY, LET ME JUST TAKE CARE OF -- MR. SORENSON HAS
9 INDICATED THAT MR. CHRISTIAN COLEMAN DOES NOT WISH TO
10 BE HERE TODAY?

11 MR. LACKEY: WHAT -- HE IS IN THE BACK BUT I
12 BROUGHT HIM OVER BASICALLY OUT OF AN ABUNDANCE OF
13 CAUTION IN CASE ANYTHING EVOLVED FROM ANY MATTERS
14 TODAY THAT WE COULD CLEAR, BUT I AM NOT JOINING IN THE
15 MOTIONS TO SEVER TRIAL.

16 THE COURT: OKAY, ALRIGHT, SIR. OKAY.

17 COURT REPORTER: YOU ARE NOT JOINING?

18 MR. LACKEY: I'M NOT, SO HE'S NOT IN COURT RIGHT
19 NOW.

20 THE COURT: OKAY. AND MR. MELLARD, YOUR CLIENT,
21 MR. RYANT, DID NOT APPEAR?

22 MR. MELLARD: THAT'S RIGHT, YOUR HONOR. HE
23 REFUSED TO BE TRANSPORTED.

24 THE COURT: OKAY. AND MR. MELLARD, IF YOU DON'T
25 MIND, I KNOW YOU'VE BEEN TALKING ON AND OFF WITH MR.

1 RYANT. IF YOU WILL REMIND MR. RYANT THAT IF HE CHOOSES
2 NOT TO BE PRESENT I'M STILL GOING FORWARD WITH THIS
3 TRIAL.

4 MR. MELLARD: I SPOKE TO HIM AT LENGTH ABOUT THAT
5 YESTERDAY.

6 THE COURT: OKAY. NOW, HE CAN BE HERE OR NOT BE
7 HERE, BUT I'M TRYING THIS CASE.

8 MR. MELLARD: YES, SIR. HE KNOWS THAT, I'VE
9 SPOKEN WITH HIM YESTERDAY, AND THE INVESTIGATOR IS AT
10 THE JAIL RIGHT NOW SPEAKING TO HIM ABOUT THIS SAME
11 THING.

12 THE COURT: OKAY, THANK YOU, SIR. I DIDN'T MEAN,
13 I JUST WANTED TO MAKE SURE -- IF YOU WILL CLEARLY
14 ADVISE HIM. THANK YOU, SIR.

15 ALRIGHT, SO, MR. PALMER, DO YOU HAVE A MOTION?

16 MR. PALMER: I DO, YOUR HONOR.

17 THE COURT: OKAY. AND MR. PALMER, WHAT IS YOUR
18 MOTION?

19 MR. PALMER: WELL, ACTUALLY, I MAY HAVE TWO, YOUR
20 HONOR, BUT MY FIRST ONE IS A MOTION TO SUPPRESS.

21 THE COURT: OKAY.

22 MR. PALMER: SPECIFICALLY, YOUR HONOR, I'M MOVING
23 PRETRIAL TO SUPPRESS CERTAIN EVIDENCE THAT I
24 ANTICIPATE THE STATE'S GOING TO TRY TO ENTER INTO
25 EVIDENCE IN THIS CASE.

1 THE COURT: OKAY.

2 MR. PALMER: WHAT I'M REFERRING TO IS SOME
3 TELEPHONE RECORDS, AND THE STATE HAS PROVIDED
4 DISCOVERY AND THERE IS A LEDGER OR A PRINTOUT OF SOME
5 TELEPHONE RECORDS, IT LOOKS LIKE IT'S FROM ALLTEL.
6 THE NUMBER THAT'S THE SUBJECT OF THESE RECORDS IS AREA
7 CODE [REDACTED]-6062, WHICH I UNDERSTAND THE STATE IS
8 GOING TO PURPORT HAS SOME CONNECTION WITH MY CLIENT,
9 WALTER LEE HARRIS. YOUR HONOR, IT APPEARS THAT THESE
10 RECORDS WERE PROVIDED BY THE ALLTEL TELEPHONE COMPANY
11 BY VIRTUE OF A SUBPOENA DUCES TECUM ISSUED BY
12 MAGISTRATE DERRICK DASH ON THE TWENTY-FOURTH OF MARCH,
13 TWENTY-TEN. NOW, I'M JUST GOING TO QUOTE A LITTLE BIT
14 FROM THE SUBPOENA, YOUR HONOR. THE HEADER ON THE
15 SUBPOENA IS MAGISTRATE'S COURT, COUNTY OF ORANGEBURG,
16 AND IT'S ADDRESSED TO ALLTEL, ATTENTION: CUSTODIAN OF
17 RECORDS. AND IT'S, "YOU ARE HEREBY DIRECTED AND
18 ORDERED," AND I'M PARAPHRASING SOME OF IT BUT, "ANY
19 AND ALL APPLICATION AND ACCOUNT INFORMATION, NAME AND
20 ADDRESS, SOCIAL SECURITY NUMBER, FOR THE TELEPHONE
21 [REDACTED]-6062. ANY OUTGOING AND INCOMING CALLS BETWEEN
22 MARCH TWELFTH, TWENTY-TEN TO MARCH FOURTEENTH, TWENTY-
23 TEN." AND THEN IT READS, YOUR HONOR, "THIS
24 INFORMATION IS NEEDED IN REFERENCE TO A HOMICIDE CASE
25 THAT I AM CURRENTLY INVESTIGATING." AND IT'S SIGNED

1 BY JUDGE DERRICK DASH. THE BASIS OF MY MOTION, YOUR
2 HONOR, IS THAT THIS SUBPOENA IS IMPROPER, UNLAWFUL,
3 AND ANY EVIDENCE DERIVED FROM IT IS ESSENTIALLY THE
4 FRUIT OF THE POISONOUS TREE. IN SUPPORT OF MY MOTION,
5 YOUR HONOR, I OFFER ETHICS ADVISORY OPINION NUMBER TWO
6 THOUSAND AND ONE, DASH, ZERO FIVE, WHICH SAYS, IN PART
7 THAT, "MAGISTRATES AND MUNICIPAL COURTS HAVE NO
8 SUBPOENA DUCES TECUM AUTHORITY EXCEPT IN A DUI CASE."
9 AND THEREFORE, YOUR HONOR, ANY RESPONSE TO THIS
10 SUBPOENA WOULD HAVE BEEN EVIDENCE THAT SHOULD NOT BE
11 ADMITTED. IT'S PREJUDICIAL AND SHOULD NOT BE ADMITTED
12 AGAINST MY CLIENT.

13 THE COURT: OKAY. THEY COULD HAVE TAKEN IT TO A
14 CIRCUIT COURT JUDGE, THOUGH, HOWEVER, RIGHT?

15 MR. PALMER: I SUPPOSE THEY COULD HAVE, YOUR
16 HONOR.

17 THE COURT: OKAY. ALRIGHT. WHICH ONE OF YOU
18 GENTLEMEN CARE TO RESPOND?

19 SOLICITOR SORENSON: WELL FIRST OFF, I GUESS THE
20 FIRST THING I NEED TO ADDRESS IS, I BELIEVE, AND I
21 DIDN'T BRING ALL MY RECORDS, BUT LOOKING AT MR.
22 PASCOE'S COPY, THE RECORDS THAT HE'S ACTUALLY
23 REFERRING TO IS NOT EVEN HIS CLIENT'S RECORDS, IT
24 WOULD BE CO-DEFENDANT PATRICK TYLER'S RECORDS, [REDACTED]
25 6062. SO, I GUESS THAT WOULD BE THE FIRST THING I

1 NEED TO ADDRESS IS THE FACT THAT I THINK THAT AS TO
2 THAT, THOSE RECORDS HE IS WITHOUT STANDING TO
3 CHALLENGE THE ADMISSIBILITY, THOSE AREN'T HIS CLIENT'S
4 PHONE RECORDS.

5 THE COURT: OKAY.

6 SOLICITOR SORENSON: BUT EVEN ASSUMING SO, AND I
7 WILL JUST KIND OF, BECAUSE I KNOW WHEN YOU GET TO THIS
8 POINT, THERE ARE ANOTHER SET OF PHONE RECORDS THAT WE
9 DO ATTRIBUTE TO HIS CLIENT THAT WERE OBTAINED, I
10 BELIEVE, AT THE SAME TIME PERIOD. I MEAN, WE ARE IN
11 THE POSITION, YOUR HONOR, THAT OBVIOUSLY THEY COULD
12 HAVE BEEN OBTAINED BY A SEARCH WARRANT AT THAT POINT
13 IN TIME, THEY COULD HAVE BEEN OBTAIN, AS YOUR HONOR
14 INDICATED, BY A SUBPOENA SIGNED BY A CIRCUIT COURT
15 JUDGE, OR WE COULD GO AND ISSUE A SUBPOENA RIGHT NOW
16 OURSELVES THAT WOULD CURE THAT ANYWAY. I'M NOT SURE
17 THAT, I MEAN, INEVITABLY THEY WOULD HAVE BEEN
18 DISCOVERED.

19 THE COURT: AND THOSE RECORDS HAVE BEEN PROVIDED
20 TO HIM? YOU'VE GOT THOSE RECORDS?

21 MR. PALMER: YES, SIR, AND YOUR HONOR, LOOKING AT
22 THIS, THERE IS ANOTHER NUMBER, AND I BELIEVE THEY'RE
23 GOING TO TRY TO ATTRIBUTE IT TO MR. HARRIS, IT'S [REDACTED]
24 [REDACTED]-9288, WHICH WAS OBTAINED BY A VERY SIMILAR
25 SUBPOENA ISSUED BY JUDGE DASH BACK IN MARCH, I BELIEVE

1 IT WAS, OR APRIL.

2 THE COURT: OKAY.

3 SOLICITOR SORENSON: BUT WE WERE NOT INVOLVED AT
4 ALL IN OBTAINING THEM, THAT WAS LAW ENFORCEMENT PRIOR
5 TO, YOU KNOW, PRIOR TO CHARGES BEING INSTITUTED, SO IT
6 WOULD BE PRIOR TO OUR OFFICE HAVING ANY INVOLVEMENT.

7 THE COURT: ALRIGHT, SIR. AND YOUR ARGUMENT IS,
8 YOU CAN ISSUE A SUBPOENA AND MAKE THEM -- RIGHT NOW.

9 SOLICITOR SORENSON: RIGHT, I'M NOT SURE OF THE
10 REMEDY, I MEAN, MAYBE THE MAGISTRATE, I MEAN, THERE'S
11 SOME DISCIPLINARY ACTION AGAINST THE MAGISTRATE OR
12 SOMETHING FOR DOING THAT, I DON'T KNOW, BUT I DON'T
13 SEE WHERE THAT REMEDY THAT THOSE RECORDS COULD BE
14 SUPPRESSED, ESPECIALLY NOT WHEN THEY COULD OBVIOUSLY
15 HAVE BEEN DISCOVERED THROUGH SEVERAL OTHER MEANS.

16 THE COURT: ALRIGHT, THANK YOU, SIR. ANYTHING IN
17 RESPONSE TO THAT?

18 MR. PALMER: WELL, YOUR HONOR, I JUST WOULD
19 SUBMIT, THIS ETHICAL, ETHICS ADVISORY OPINION WHICH
20 ACTUALLY ...

21 SOLICITOR SORENSON: LET ME LOOK AT THAT.

22 MR. PALMER: SURE.

23 SOLICITOR SORENSON: THIS WAS JUST BROUGHT UP
24 THIS MORNING, SO ...

25 THE COURT: I UNDERSTAND.

1 MR. PALMER: AND ACTUALLY, IT SAYS IT'S UNETHICAL
2 TO USE IT, IF IT'S BEEN OBTAINED IN THIS WAY. NOW, OF
3 COURSE, IF THEY WANT TO SUBPOENA THEM NOW AND GET THEM
4 BY MONDAY, I GUESS THAT'S A DIFFERENT ISSUE, BUT AS IT
5 STANDS NOW, WE OBJECT TO IT.

6 THE COURT: OKAY.

7 SOLICITOR SORENSON: IT BASICALLY SAYS IT WOULD
8 BE UNETHICAL FOR AN ATTORNEY TO ...

9 COURT REPORTER: I'M SORRY?

10 SOLICITOR SORENSON: IT WOULD BE UNETHICAL FOR AN
11 ATTORNEY TO OBTAIN THE RECORDS IN THIS FASHION. AS I
12 HAVE INDICATED, I MEAN, WE WERE NOT INVOLVED IN
13 OBTAINING THESE RECORDS, IT WAS LAW ENFORCEMENT THAT
14 DID THAT.

15 THE COURT: OKAY. MR. PALMER, I -- AND I'LL BE
16 GLAD TO LOOK AT IT IF YOU WANT TO HAND IT UP TO ME.
17 THANK YOU, SIR, I APPRECIATE IT. ALRIGHT, THANK YOU,
18 SIR. YOU CAN KEEP A COPY OF THAT.

19 ALRIGHT, MR. PALMER, I NOTE YOUR OBJECTION. I AM
20 GOING TO DENY YOUR MOTION, BUT I WILL NOTE YOUR
21 OBJECTION TO MY RULING AND PRESERVE IT FOR ANY
22 POSSIBLE APPEAL YOU MIGHT WANT TO MAKE.

23 MR. PALMER: THANK YOU, YOUR HONOR.

24 THE COURT: OKAY. THANK YOU, APPRECIATE IT.

25 MR. PALMER: I HAVE ONE MORE MOTION BUT I'LL MAKE

1 IT BRIEF.

2 THE COURT: OKAY.

3 MR. PALMER: MY NEXT MOTION, YOUR HONOR, AND I
4 BELIEVE THIS WILL BE IT FOR NOW, IS A MOTION TO SEVER.

5 THE COURT: OKAY.

6 MR. PALMER: NOW AGAIN, FOR THE RECORD, I
7 REPRESENT WALTER LEE HARRIS. YOUR HONOR, MR. HARRIS'S
8 SITUATION IS A LITTLE BIT DIFFERENT THAN SOME OF THE
9 OTHER DEFENDANTS, AND I'LL TELL YOU WHAT I'M GETTING
10 AT IS, YOUR HONOR OBVIOUSLY REMEMBERS THE NEAL VERSUS
11 BIGGERS HEARING WE HAD THE OTHER DAY, AND THERE WAS
12 SOME TESTIMONY FROM A WITNESS THAT TALKED ABOUT
13 IDENTIFYING MR. HARRIS AS TRYING TO MAKE A BUY OF SOME
14 MARIJUANA PRIOR TO THIS INCIDENT THAT LED TO THESE
15 CHARGES, AND THE MENTION OF A GUY NAMED SHANNON AS
16 BEING A POSSIBLE EYE WITNESS. NOW, I HAVE IT ON GOOD
17 AUTHORITY THAT ONE OF THE CO-DEFENDANTS, IF NOT MORE
18 OF THE CO-DEFENDANTS MAY WANT TO CALL THIS GUY,
19 SHANNON, AS A WITNESS, AND WE THINK THAT, YOUR HONOR,
20 THIS MAY PREJUDICE OUR CASE AND THAT -- AND BESIDES
21 THAT, A LOT OF WHAT I BELIEVE IS GOING TO BE THE
22 STATE'S CASE IS THE CO-DEFENDANTS' STATEMENTS AGAINST
23 EACH OTHER OR THEIR EXPECTED TESTIMONY AGAINST EACH
24 OTHER.

25 THE COURT: YEAH, I DON'T BELIEVE THERE ARE ANY

1 STATEMENTS, IS THAT CORRECT? WE DON'T HAVE ANY
2 STATEMENT ISSUES, IS THAT CORRECT?

3 SOLICITOR SORENSON: NONE THAT WE INTEND ON
4 INTRODUCING AT THIS TIME.

5 THE COURT: SO, IT'S JUST GOING TO BE TESTIMONY.

6 MR. PALMER: I WOULD MODIFY THAT ARGUMENT TO
7 REFER TO EXPECTED TESTIMONY.

8 THE COURT: RIGHT.

9 MR. PALMER: AND WE'VE BEEN RECENTLY NOTICED,
10 YOUR HONOR, OF TESTIMONY, OR I EXPECT THAT HE'S GOING
11 TO TESTIFY ABOUT A GENTLEMAN NAMED RONNIE WASHINGTON
12 WHO I DON'T BELIEVE IS CHARGED WITH ANYTHING BUT IS
13 APPARENTLY AN EYE WITNESS IF NOT A PERIPHERAL
14 PARTICIPANT IN THIS CASE, AND WHO BY HIS WRITTEN
15 STATEMENT HAS SOME INFORMATION THAT MAY IMPLICATE MY
16 CLIENT. YOUR HONOR, WE JUST THINK THAT OVERALL MY
17 CLIENT FINDS HIMSELF IN AN UNTENABLE POSITION OF
18 ALMOST HAVING TO TAKE THE STAND TO PRESENT, TO ADDRESS
19 SOME OF THESE STATEMENTS. AND WE THINK, YOUR HONOR,
20 BESIDES THAT, JUST THE APPEARANCE OF ALL THESE GUYS
21 SITTING TOGETHER WITH DIFFERENT ALLEGATIONS AGAINST
22 EACH ONE OF THEM REALLY DENIES HIM THE RIGHT TO HAVE
23 HIS DAY IN COURT ON A LEVEL PLAYING FIELD. WE THINK,
24 YOUR HONOR, THAT THOSE CIRCUMSTANCES COMPEL SEVERANCE
25 OF THE CASE AND LET MR. HARRIS BE TRIED INDIVIDUALLY.

1 THE COURT: AND WHAT IS -- AND MR. PALMER, YOU
2 SAID THAT THEY MAY WANT TO CALL A, SOMEBODY BY THE
3 NAME OF SHANNON AS A WITNESS AND THAT'S GOING TO
4 PREJUDICE YOUR CLIENT. WHAT UNUSUAL PREJUDICE IS HE
5 GOING TO HAVE BY -- I MEAN, CAN YOU TELL ME WHAT
6 THAT'S GOING TO BE?

7 MR. PALMER: WELL, YOUR HONOR, I DON'T KNOW WHAT
8 INVOLVEMENT THIS SHANNON HAS IN THE CASE. WE HAVEN'T
9 BEEN PROVIDED REALLY MUCH BY THE WAY OF
10 IDENTIFICATION. WE DON'T KNOW WHAT HIS RAP SHEET IS.
11 I DON'T KNOW ANYTHING ABOUT HIM. AND IF THEY OFFER
12 HIM AS A WITNESS MONDAY, WE NEED AN OPPORTUNITY TO
13 KNOW WHO THIS PERSON IS AND WHAT HIS BACKGROUND IS SO
14 THAT WE CAN TRY TO IMPEACH HIM. AND YOUR HONOR, I
15 JUST THINK THAT HAVING MR. HARRIS TRIED SEPARATELY
16 WOULD FACILITATE THAT AND, YOU KNOW, APPARENTLY HE'S
17 GOING TO BE OFFERED AS AN EYE WITNESS TO PUT MY GUY IN
18 THERE, AND ...

19 THE COURT: ALRIGHT. I HAVE FIVE DEFENDANTS AND
20 ALL INVOLVED IN ONE INCIDENT, IS THAT CORRECT?

21 MR. PALMER: ALLEGEDLY.

22 THE COURT: ALLEGEDLY, EXCUSE ME, EXCUSE ME,
23 ALLEGEDLY ALL INVOLVED IN ONE INCIDENT.

24 MR. PALMER: YES, SIR.

25 THE COURT: OKAY. AND APPARENTLY, THE TRIAL IS

1 GOING TO TAKE A GOOD BIT OF TIME, I MEAN, FROM
2 EVERYBODY'S ...

3 MR. PALMER: I WOULD HAVE TO AGREE.

4 THE COURT: OKAY. AND I'M GOING TO HAVE THE SAME
5 WITNESSES REGARDLESS OF WHICH TRIAL I'M IN. I MEAN, IN
6 OTHER WORDS, IF I TRIED EACH ONE OF THESE DEFENDANTS
7 SEPARATELY, FOR THE MOST PART I'M GOING TO HAVE NINETY
8 PER CENT OF THE SAME WITNESSES EACH TIME, IS THAT
9 CORRECT?

10 MR. PALMER: I DON'T KNOW, YOUR HONOR, I REALLY
11 DON'T KNOW.

12 THE COURT: AND, OF COURSE, I DON'T KNOW EITHER.

13 MR. PALMER: YES, SIR.

14 THE COURT: MR. SORENSON, DID YOU ...

15 SOLICITOR SORENSON: FROM OUR STANDPOINT, IF WE
16 TRIED EACH OF THEM SEPARATELY YOU WOULD HAVE A HUNDRED
17 PER CENT OF THE SAME STATE'S WITNESSES IN EACH OF THE
18 FIVE TRIALS.

19 THE COURT: OKAY. AND THE ONLY THING THAT WOULD
20 BE DIFFERENT IS, I WOULD HAVE A DIFFERENT JURY EACH
21 TIME, CORRECT?

22 MR. PALMER: I FOLLOW YOU, YOUR HONOR.

23 THE COURT: WELL, I'M JUST -- HERE IS THE PROBLEM
24 FROM THE COURT'S PERSPECTIVE, IS WHEN I HAVE ONE
25 INCIDENT INVOLVING HOWEVER MANY PEOPLE ARE INVOLVED,

1 TO ME EVERY DEFENDANT HAS THE SAME RIGHT TO TESTIFY OR
2 NOT TESTIFY. AND I'M NOT GOING TO HAVE MULTIPLE
3 JURIES HERE, MULTIPLE, THIS CASE OVER AND OVER, YOU
4 KNOW. SO, I MEAN, THAT'S JUST NOT MY PERSPECTIVE ON
5 THIS, PARTICULARLY IF I'VE GOT TO GET THE SAME
6 WITNESSES IN EVERY TIME. EVEN IF I -- I KNOW THE
7 SOLICITOR'S OFFICE HAS INDICATED A HUNDRED PER CENT,
8 EVEN IF IT'S ONLY NINETY PER CENT, YOU KNOW. SO, YOU
9 KNOW, I'M GOING TO DENY YOUR MOTION TO SEVER. I WILL
10 NOTE YOUR OBJECTION TO MY RULING, I WANT IT PRESERVED,
11 AGAIN, AS YOUR EARLIER MOTION IS ALSO PRESERVED FOR
12 THE RECORD.

13 MR. PALMER: AND JUST ONE MORE - - -

14 THE COURT: YES, SIR.

15 MR. PALMER: --- JUST VERY MINOR MATTER, YOUR
16 HONOR, AND I DON'T REALLY -- IT'S NOT GOING TO BE
17 APPRAISED AS A MOTION, MORE OR LESS, AN INQUIRY, BUT
18 WE RECENTLY RECEIVED SOME ADDITIONAL DISCOVERY, I
19 THINK IT WAS DATED DECEMBER FIRST, AND THE DISCOVERY
20 INCLUDED A STATEMENT FROM THIS INDIVIDUAL, RONNIE
21 WASHINGTON.

22 THE COURT: OKAY.

23 MR. PALMER: AND THE GIST OF IT WAS, IS THAT THIS
24 WASHINGTON MAN WAS SUPPOSED TO HAVE DRIVEN SOME OF
25 THESE GUYS AWAY FROM THE SCENE. AND MY UNDERSTANDING

1 IS, YOUR HONOR, I WASN'T HERE FOR THAT HEARING, BUT AT
2 A PREVIOUS HEARING THE STATE INDICATED THAT THEY
3 INTENDED TO PROVIDE RAP SHEET INFORMATION FOR ALL OF
4 THEIR WITNESSES, AND I DON'T BELIEVE WE HAVE A RAP
5 SHEET FOR THIS PARTICULAR INDIVIDUAL. AND IF THEY
6 INTEND TO CALL HIM I WOULD APPRECIATE THE STATE
7 PROVIDING THAT AHEAD OF TIME SO THAT WE COULD, I CAN
8 PREPARE TO CROSS-EXAMINE THIS WITNESS SHOULD THEY PUT
9 HIM ON THE STAND.

10 THE COURT: OKAY. OKAY, SO IT'S JUST AN -- YES,
11 SIR.

12 SOLICITOR SORENSON: YOUR HONOR, I HAVE THE RAP
13 SHEETS ON OUR LAY WITNESSES WITH ME HERE TODAY. AS I
14 TYPICALLY HAVE DONE IN THE PAST, I DO NOT PROVIDE
15 COPIES OF WITNESSES' RAP SHEETS TO THE DEFENSE
16 LAWYERS, I HAVE THEM WHERE THEY ARE WELCOME TO SIT AND
17 REVIEW THEM THIS MORNING - - -

18 THE COURT: OKAY.

19 SOLICITOR SORENSON: TO MAKE, OBVIOUSLY, WHATEVER
20 NOTES AND ALL THEY WANT TO MAKE OFF OF THEM, BUT, SO
21 ...

22 THE COURT: OKAY. THEY'VE GOT THEM THERE FOR YOU
23 TO LOOK AT TODAY.

24 MR. PALMER: THANK YOU, YOUR HONOR, THANK YOU
25 VERY MUCH.

1 THE COURT: OKAY. THANK YOU, MR. PALMER.

2 ANYTHING ELSE, MR. PALMER?

3 MR. PALMER: NOT AT THIS TIME, YOUR HONOR.

4 THE COURT: OKAY. WELL -- AND MS. ULLMAN, IS IT
5 YOU OR MR. WISE?

6 MS. ULLMAN: ME.

7 THE COURT: OKAY. ALRIGHT, MS. ULLMAN, LET ME
8 HEAR FROM YOU, PLEASE, MA'AM.

9 MS. ULLMAN: YOUR HONOR, FIRST I WOULD RENEW MY
10 MOTION TO SEVER. I THINK THAT THERE ARE THREE REASONS
11 THAT THIS CASE SHOULD BE SEVERED IN MY CASE
12 SPECIFICALLY.

13 THE COURT: AND MS. ULLMAN, BEFORE YOU GO FORWARD
14 ON THAT, YOU'VE ALREADY HAD A MOTION TO SEVER ONE
15 TIME.

16 MS. ULLMAN: YES, SIR.

17 THE COURT: WHAT'S DIFFERENT?

18 MS. ULLMAN: I HAVE NEW EVIDENCE, AT THAT POINT
19 YOU TOLD ME THAT I SHOULD RENEW IT BUT THAT I WAS SURE
20 THAT IT WOULD ...

21 THE COURT: IF YOU'VE GOT SOMETHING NEW. WHAT IS
22 IT?

23 MS. ULLMAN: TWO THINGS. FIRST, WE DID RECEIVE A
24 STATEMENT DATED NOVEMBER THIRTIETH FROM THE ALLEGED
25 DRIVER IN THIS CASE. THE STATEMENT ACTUALLY, RONNIE

1 WASHINGTON STATES THAT HE PICKED UP ALL OF THESE
2 DEFENDANTS, DROVE THEM TO THIS INCIDENT SITE TWO
3 SEPARATE TIMES, WAITED OUTSIDE, THEY CAME OUT AND THEN
4 HE DROVE THEM AWAY. THIS STATEMENT OBVIOUSLY IS VERY
5 INCONSISTENT WITH EVERYBODY ELSE'S STATEMENT THAT THEY
6 ARE GOING TO OFFER SUCH AS PATRICK TYLER OR ASHLEY
7 PARSLEY.

8 THE COURT: WELL, ISN'T THAT GOOD FOR YOU?

9 MS. ULLMAN: I'M GETTING THERE.

10 THE COURT: OKAY, SORRY.

11 MS. ULLMAN: IF THIS WERE TO BE SEVERED, YOUR
12 HONOR, I WOULD HAVE THE ABILITY TO QUESTION
13 INVESTIGATOR SHUMPERT ABOUT WALTER HARRIS'S STATEMENT.
14 I UNDERSTAND THAT IN CERTAIN INSTANCES THAT STATEMENT,
15 OR ALL THREE STATEMENTS WOULD BE CONSIDERED HEARSAY.
16 IN THIS SITUATION, THOUGH, YOUR HONOR, THEY ARE NOT
17 HEARSAY. HEARSAY AS THE RULE STATES IS AN OUT OF
18 COURT STATEMENT OFFERED FOR THE TRUTH OF THE MATTER
19 ASSERTED. IN ONE OF THOSE STATEMENTS WALTER HARRIS
20 ACTUALLY STATES THAT RALPH COLEMAN HAD A RIFLE.
21 OBVIOUSLY, I'M NOT USING THAT STATEMENT FOR THE TRUTH
22 OF THE MATTER ASSERTED, I'M NOT TRYING TO PROVE RALPH
23 COLEMAN HAD A RIFLE. WHAT I'M SHOWING THROUGH WALTER
24 HARRIS'S THREE STATEMENTS COMPARED TO ASHLEY PARSLEY'S
25 TESTIMONY, PATRICK TYLER'S TESTIMONY, AND RONNIE

1 WASHINGTON'S TESTIMONY IS THAT ALL OF THE PEOPLE WHO
2 WERE EYE WITNESSES TO THIS HAVE COMPLETELY DIFFERENT
3 STORIES ABOUT WHO DID WHAT, WHO WAS WHERE, WHO HAD
4 WHAT. YOUR HONOR, I THINK THAT THAT EQUATES TO A
5 THIRD PARTY GUILT TYPE EVIDENCE. IN A TRIAL WHERE WE
6 ARE TRYING TO CLAIM THIRD PARTY GUILT, OBVIOUSLY WE
7 WOULD NOT BE ABLE TO DO THAT IF THAT PERSON WERE PART
8 OF THE TRIAL, AND IT SHOULD BE SEVERED. THIS IS NOT A
9 THIRD PARTY GUILT ISSUE BUT I THINK IT'S COMPARABLE
10 BECAUSE IF WE WERE SEVERED WE WOULD CERTAINLY BE ABLE
11 TO STATE THAT INVESTIGATOR SHUMPERT SPOKE TO WALTER
12 HARRIS AND WALTER HARRIS X, Y AND Z, NOT BECAUSE WE'RE
13 OFFERING IT FOR THE TRUTH OF THE MATTER ASSERTED BUT
14 RATHER TO SHOW THE INCONSISTENCIES. WE DO NOT HAVE TO
15 HAVE WALTER HARRIS ON THE STAND, WE COULD GET THAT
16 THROUGH SHUMPERT. THE UNITED STATES SUPREME COURT HAS
17 STATED THAT THE WITNESS IS ALLOWED TO TESTIFY
18 REGARDING WHAT HE HAS HEARD AS LONG AS THAT TESTIMONY
19 IS NOT OFFERED FOR THE TRUTH OF THE MATTER ASSERTED.
20 AND AS I STATED, OBVIOUSLY, I WOULD NOT OFFER
21 TESTIMONY THAT MY CLIENT HAD A RIFLE FOR THE TRUTH OF
22 THE MATTER ASSERTED, THAT WOULD CERTAINLY BE AGAINST
23 MY CLIENT'S DEFENSE.

24 ALSO, YOUR HONOR, I THINK THAT IF WE DO HAVE
25 ANTAGONISTIC VIEWS IN THIS SITUATION, ONE OF MY -- ONE

1 OF MY ARGUMENTS IN THIS CASE IS THAT OBVIOUSLY, RALPH
2 COLEMAN WAS NOT THERE AND DID NOT PARTICIPATE IN THIS,
3 AND THAT WHILE HE WAS PICKED OUT BY PATRICK TYLER AND
4 THIS DRIVER, RONNIE WASHINGTON, HE CERTAINLY COULD
5 HAVE BEEN PICKED OUT BECAUSE HE IS CHRISTIAN COLEMAN'S
6 BROTHER. THEY LOOK ALIKE, EVERYBODY KNOWS THEY'RE
7 BROTHERS, THEY HANG AROUND EACH OTHER OFTEN, AND THEY
8 CERTAINLY COULD HAVE COME UP WITH THIS NAME, DUDE, AS
9 BEING CHRISTIAN COLEMAN'S BROTHER. OBVIOUSLY THEY'RE
10 CLAIMING THAT TO ARGUE THAT, I'M PUTTING CHRISTIAN
11 COLEMAN AT THE SCENE PARTICIPATING IN THIS. AND
12 CERTAINLY, I BELIEVE THAT HIS ATTORNEY WOULD FIND THAT
13 THAT IS AN ANTAGONISTIC VIEW. NOW, THE COURTS HAVE
14 DECIDED THAT JUST BECAUSE THERE ARE ANTAGONISTIC VIEWS
15 DOES NOT REQUIRE A SEVERANCE, IT ONLY REQUIRES
16 SEVERANCE WHEN THE JURY WOULD BELIEVE THAT BECAUSE
17 THOSE VIEWS ARE SO OPPOSITE THAT MOST -- THAT BOTH OF
18 THEM MUST BE WRONG AND THEY BOTH MUST BE GUILTY, AND
19 I THINK THAT THAT IS CERTAINLY A PROBLEM THAT WE COULD
20 HAVE HERE WITH ALL FIVE OF THEM SITTING HERE, AND MY
21 CLIENT SAYING, IT WASN'T ME, IF THEY PICKED ME IT MUST
22 HAVE BEEN BECAUSE OF MY BROTHER, THEY CERTAINLY WOULD
23 THINK THAT IT'S POSSIBLE THAT THEY BOTH MUST HAVE DONE
24 THIS BECAUSE THEIR VIEWS ARE SO OPPOSITE.

25 ALSO, YOUR HONOR, THERE WAS A SEARCH WARRANT DONE

1 AT WALTER HARRIS'S HOUSE. I OBVIOUSLY HAVE NO STANDING
2 TO OBJECT TO ANY OF THAT INFORMATION. THE SEARCH
3 WARRANT I BELIEVE PRODUCED A GUN, A TWENTY-TWO CALIBER
4 GUN AND SOME DRUGS. OBVIOUSLY, THAT INFORMATION COULD
5 PREJUDICE MY CLIENT. THERE'S EVIDENCE IN THIS THAT
6 THERE WERE WEAPONS USED. NONE OF THEM WERE A TWENTY-
7 TWO, BUT CERTAINLY, PUTTING A WEAPON IN A CO-
8 DEFENDANT'S HAND COULD PREJUDICE MY CLIENT, IT COULD
9 BASICALLY PUT BAD CHARACTER EVIDENCE AGAINST MY
10 CLIENT, AND WITH ME HAVING NO STANDING TO OBJECT TO
11 THAT, AND CERTAINLY, NO ABILITY TO REQUIRE HIS
12 ATTORNEY TO OBJECT TO IT, I WOULD STATE THAT THE TRIAL
13 NEEDS TO BE SEVERED DUE TO THAT. AND I DO HAVE OTHER
14 MOTIONS BUT I'M DONE WITH THAT ONE.

15 THE COURT: ALRIGHT. WHO WANTS TO ...

16 SOLICITOR PASCOE: VERY BRIEFLY, YOUR HONOR, GOOD
17 MORNING.

18 THE COURT: GOOD MORNING, MR. PASCOE.

19 SOLICITOR PASCOE: THERE ARE REALLY TWO POINTS
20 THAT DEFENSE COUNSEL MADE WITH REGARDS TO THE
21 SEVERANCE. FIRST, SHE SAID THAT THERE WERE
22 ANTAGONISTIC VIEWS. AS YOUR HONOR, WHENEVER, IN THE
23 HEARING LAST TIME THEY MENTIONED, AND YOU RULED THAT
24 THAT'S NOT A GROUND FOR SEVERANCE.

25 THE COURT: RIGHT.

1 SOLICITOR PASCOE: SO, THE NEXT ONE IS, THE
2 DEFENSE WANTS TO GET INTO WALTER HARRIS'S STATEMENT, A
3 CO-DEFENDANT. WELL, AS YOUR HONOR KNOWS, AND IT WAS
4 POINTED OUT THE LAST TIME YOU HAD A HEARING, THERE'S
5 ABSOLUTELY NO WAY THAT MS. ULLMAN CAN GET INTO THAT
6 STATEMENT BECAUSE IT WAS MADE BY A CO-DEFENDANT. BUT
7 MORE IMPORTANTLY, TO SHOW YOU, I HATE TO USE THE WORD,
8 RIDICULOUS, BUT HOW RIDICULOUS THAT ARGUMENT IS, I
9 WILL HAVE ABSOLUTELY NO OBJECTION IF MS. ULLMAN WOULD
10 LIKE TO ASK INVESTIGATOR SHUMPERT, BUT ISN'T IT TRUE
11 THAT WALTER HARRIS SAID THAT MY CLIENT, RALPH COLEMAN,
12 HAD A RIFLE DURING THE MURDER? THERE'S NO WAY A
13 DEFENSE ATTORNEY WOULD EVEN WANT TO DO THAT AT TRIAL,
14 EVEN IF SHE WAS ALLOWED TO. AND OF COURSE, UNDER THE
15 RULES SHE'S NOT ALLOWED TO GO INTO A CO-DEFENDANT'S
16 STATEMENT.

17 THE COURT: OKAY.

18 SOLICITOR PASCOE: BUT I'LL TELL YOU, IF SHE
19 WANTS TO DO THAT, I'LL HAVE NO OBJECTION.

20 THE COURT: ALRIGHT, THANK YOU, SIR.

21 ALRIGHT, MS. ULLMAN, I UNDERSTAND YOUR CONCERNS
22 IN PREPARING, AS I UNDERSTAND -- I KNOW IT WOULD BE
23 EASIER ON ALL OF Y'ALL IF YOU JUST HAD, IF IT WAS JUST
24 ONE DEFENDANT CHARGED AND LIKE THAT, BUT I AM GOING TO
25 DENY YOUR MOTION FOR SEVERANCE. OKAY. AND I WILL NOTE

1 YOUR OBJECTION TO MY RULING AGAIN, AND AGAIN PRESERVE
2 IT AS HOPEFULLY WE'VE DONE FOR MR. PALMER'S. OKAY?

3 YES, MA'AM, MS. ULLMAN, WHAT ELSE?

4 MS. ULLMAN: NOT TO ANNOY THE COURT, BUT BEFORE
5 CLOSING ARGUMENTS I WOULD APPRECIATE, WITHOUT
6 ARGUMENT, IF I COULD JUST STATE THAT I RENEW MY
7 OBJECTION, OR MY MOTION TO SEVER BEFORE THE END OF THE
8 TRIAL, BEFORE THE JURY ACTUALLY ...

9 THE COURT: OKAY. NO, NO, NO, ANYTIME THAT,
10 LADIES AND GENTLEMEN, ANYTIME Y'ALL WANT TO MAKE SURE
11 ANYTHING IS PRESERVED, IT DOES NOT BOTHER ME, IT DOES
12 NOT UPSET ME FOR Y'ALL TO MAKE THAT KNOWN ON THE
13 RECORD SO THAT WE CAN MAKE EVERY ATTEMPT POSSIBLE TO
14 PRESERVE ANY AND ALL OBJECTIONS Y'ALL HAVE TO MY
15 RULINGS, BECAUSE I KNOW NOTHING IS MORE FRUSTRATING TO
16 ME THAN READING OVER THE APPELLATE BRIEFS THAT SAYS,
17 WELL, IT DOESN'T LOOK LIKE THE ATTORNEY PRESERVED THE
18 OBJECTION ON THE RECORD. I THINK WE ARE TRYING TO DO
19 THAT SO HOPEFULLY WE HAVE PRESERVED THEM.

20 ANYTHING ELSE, MS. ULLMAN?

21 MS. ULLMAN: YES, SIR.

22 THE COURT: OKAY.

23 MS. ULLMAN: I WOULD ALSO MOTION THIS COURT TO
24 PRECLUDE ASHLEY PARSLEY FROM TESTIFYING ABOUT THE
25 IDENTIFICATION OF MY DEFENDANT, OR MY CLIENT.

1 THE COURT: ASHLEY?

2 MS. ULLMAN: ASHLEY PARSLEY, SHE WAS THE ALLEGED
3 WITNESS AT THE SCENE. I DO NOT DO THIS UNDER THE
4 NEAL-BIGGERS ISSUES THAT HAVE ALREADY BEEN DECIDED. I
5 UNDERSTAND THAT THE PHOTO LINEUP HAS NOT BEEN FOUND TO
6 BE SUGGESTIVE AND THAT THAT COULD COME IN. MY BASIS
7 FOR THIS MOTION, YOUR HONOR, IS UNDER THE RULES OF
8 EVIDENCE. EVIDENCE RULE SIX O TWO REQUIRES A WITNESS
9 TO HAVE PERSONAL KNOWLEDGE OF ANY FACTS THAT THEY ARE
10 TESTIFYING ABOUT. DURING THE PRETRIAL NEAL- BIGGERS
11 HEARING, YOUR HONOR, ASHLEY PARSLEY TOOK THE STAND AND
12 WHEN SHE WAS QUESTIONED BY MR. WISE SHE SPECIFICALLY
13 STATED THAT SHE ACTUALLY WAS NOT SURE ABOUT HER
14 IDENTIFICATION OF RALPH COLEMAN. SHE ALSO STATED THAT
15 SHE DID NOT REALLY HAVE AN OPPORTUNITY TO SEE HIM
16 BECAUSE HER FACE WAS COMPLETELY DOWN AGAINST THE
17 GROUND. SHE ALSO STATED THAT SHE BASICALLY PICKED HIS
18 PHOTO OUT OF THAT LINEUP BASED ON INSTINCT, IT WAS NOT
19 BASED ON HER ABILITY TO PERCEIVE HIM OR SEE HIM. SHE
20 FLAT OUT SAID IT WAS INSTINCT, SOMETHING JUST TOLD ME
21 IT COULD HAVE BEEN HIM. IN HER OWN ACTUAL AFFIDAVIT
22 THAT GOES WITH THAT STATEMENT, OR GOES WITH THE LINEUP
23 SHE LITERALLY SAID, HE COULD HAVE BEEN ONE THAT CAME
24 IN THE APARTMENT, I'M NOT REALLY SURE. SO, I WOULD ASK
25 YOUR HONOR TO CONSIDER THE FACT THAT SHE HAS NO

1 PERSONAL KNOWLEDGE. SHE OBVIOUSLY DID NOT HAVE AN
2 OPPORTUNITY TO SEE MR. COLEMAN, AND SHE ACTUALLY
3 STATES THAT UNDER OATH IN HER TESTIMONY AT THE
4 PRETRIAL MOTIONS THAT WE HEARD A COUPLE OF WEEKS AGO.
5 IN RELATION TO THAT, YOUR HONOR, I BELIEVE THAT SINCE
6 SHE HAS ABSOLUTELY NO FIRST HAND KNOWLEDGE OR ABILITY
7 TO PERCEIVE OR SEE MR. COLEMAN, THEN IF SHE WAS
8 ALLOWED TO TESTIFY, THE FACT WOULD BE CONSIDERED A LAY
9 WITNESS OPINION, AND THAT ANY OPINION OR INFERENCES
10 THAT ARE GIVEN BY A LAY WITNESS MUST BE RATIONALLY
11 BASED ON THAT WITNESS'S PERCEPTION AND HELPFUL TO
12 CLEAR THE UNDERSTANDING OF THE WITNESS'S TESTIMONY OR
13 DETERMINE A FACT AT ISSUE. OBVIOUSLY, SHE ADMITTED
14 SHE DIDN'T HAVE THE OPPORTUNITY TO PERCEIVE HIM. SHE
15 TOLD THAT BASICALLY ONE PERSON ENTERED THE HOUSE, PUT
16 A GUN IN HER FACE, PUT HER TO THE GROUND, AND SHE
17 NEVER LOOKED UP FROM THAT POINT ON. BASED ON INSTINCT
18 SHE PICKED RALPH COLEMAN OUT OF THE LINEUP. I WOULD
19 SAY THAT THAT IS AN OPINION AND SHE CERTAINLY HAD NO
20 ABILITY TO PERCEIVE ANYTHING TO BASE THAT OPINION ON
21 AND I WOULD ASK THAT HER TESTIMONY NOT BE ALLOWED
22 REGARDING THE IDENTIFICATION.

23 THE COURT: OF MR. COLEMAN, MR. RALPH COLEMAN?

24 MS. ULLMAN: OF MR. COLEMAN, RALPH COLEMAN.

25 THE COURT: OKAY. ALRIGHT. AND WHICH ONE OF

1 Y'ALL WANTS TO ADDRESS THAT, OR IF ANYBODY WANTS TO?

2 SOLICITOR SORENSON: I'M NOT TOO SURE I KNOW
3 WHERE TO BEGIN, YOUR HONOR. I KIND OF THOUGHT WE HAD
4 ALREADY HANDLED THIS MATTER A COUPLE OF WEEKS AGO, BUT
5 IT WOULD BE OUR POSITION THAT, JUST LIKE YOUR HONOR
6 RULED BACK THEN, THAT ALL OF THAT GOES TOWARDS THE
7 WEIGHT OF HER IDENTIFICATION, AND IT'S ONE OF THE
8 THINGS THAT MS. ULLMAN CAN CROSS-EXAMINE MS. PARSLEY
9 ON TO HER HEART'S CONTENT. SO, I MEAN, I THOUGHT THAT
10 WE HAD ADDRESSED THIS A COUPLE OF WEEKS AGO ALREADY.
11 SO ...

12 THE COURT: AND I UNDERSTAND THAT, MR. SORENSON.
13 AND MS. ULLMAN, I -- YOU KNOW, I DO RECALL HER
14 TESTIMONY ABOUT THAT, AND WE HAVE HER TESTIMONY
15 PRESERVED FOR THE RECORD, SO IF SHE TRIES TO CHANGE IT
16 NOW, YOU KNOW, YOU'VE GOT THAT.

17 MS. ULLMAN: YES, SIR.

18 THE COURT: BUT I'M, I'M NOT GOING TO PRECLUDE
19 HER FROM MAKING ANY IDENTIFICATION IF SHE QUALIFIES
20 IT. YOU CAN GO OVER THE FACT WITH HER THAT SHE'S NOT
21 SURE. I THINK -- AND YOU GET TO EMPHASIZE THAT WITH
22 THE JURY AND AGAIN, MAKE IT AGAIN IN YOUR CLOSING.

23 MS. ULLMAN: YES, SIR.

24 THE COURT: SO, I'M GOING TO DENY YOUR MOTION TO
25 PRECLUDE HER IDENTIFICATION.

1 MS. ULLMAN: YES, SIR.

2 THE COURT: OKAY. AND I NOTE YOUR OBJECTION TO
3 MY RULING AGAIN, WHICH I KNOW YOU WANT TO DO. OKAY?

4 MS. ULLMAN: MY NEXT MOTION IS IN REGARDS TO
5 EVIDENCE, OR A PICTURE WE RECEIVED THIS WEEK SOMETIME.
6 YOUR HONOR, I WAS GIVEN A PICTURE OF THE RIFLE, GIVEN
7 A PICTURE OF A RIFLE THAT THE STATE INTENDS TO USE
8 DEMONSTRATIVELY. THERE'S ABSOLUTELY NO EVIDENCE THAT
9 THAT RIFLE HAS ANYTHING -- THAT RIFLE IN THAT PICTURE
10 HAS ANYTHING TO DO WITH THIS INCIDENT. ACCORDING TO
11 BALLISTICS THERE ARE FIVE BULLETS FIRED THAT ARE SEVEN
12 POINT SIX-TWO, LIKE THEY'RE NINE MILLIMETER BULLETS.
13 ACCORDING TO THE BALLISTICS REPORTS THOSE BULLETS
14 COULD HAVE BEEN SHOT FROM UP TO NINE DIFFERENT
15 WEAPONS. OBVIOUSLY, ALL OF THOSE WEAPONS WOULD LOOK
16 DIFFERENT. CERTAINLY, THE SIZE OF THAT WEAPON SHOWN
17 THERE COULD CERTAINLY INCITE THE JURY. I UNDERSTAND
18 THAT IT'S DEMONSTRATIVE BUT THERE'S ABSOLUTELY NO
19 REASON THAT THEY COULDN'T GET INTO SIZE, WHAT IT
20 LOOKED LIKE WITH WHATEVER WITNESS THEY PLAN ON TRYING
21 TO GET THAT PICTURE IN THROUGH. CERTAINLY, IF PATRICK
22 TYLER SAW THAT WEAPON THEY COULD ASK HIM, DESCRIBE THE
23 WEAPON, WAS IT BIG, WAS IT LITTLE, WAS IT A RIFLE, WAS
24 IT A HAND GUN? USE YOUR HANDS AND TELL ME HOW BIG YOU
25 THINK IT WAS. BUT THAT RIFLE HAS NOTHING TO DO WITH

1 THIS, YOUR HONOR, AND I'M AFRAID THAT IT COULD INCITE
2 THE JURY TO BASICALLY PREJUDICE THE DEFENDANT BY
3 MAKING THE JURY THINK THAT THAT RIFLE WAS USED, AND
4 THERE'S NO WAY THAT THEY CAN PROVE THAT.

5 THE COURT: DO Y'ALL HAVE A COPY?

6 SOLICITOR SORENSON: WE GAVE IT TO THEM, YES,
7 SIR.

8 MR. MELLARD: I DO, YES, SIR.

9 THE COURT: MR. PALMER, DO YOU HAVE SOMETHING TO
10 SAY TO THAT OR ARE YOU JUST HELPING ...

11 MR. PALMER: NO, I'LL JUST LET ...

12 THE COURT: OH, YOU'RE JUST BEING A GENTLEMAN.
13 THANK YOU, SIR. OKAY, I'M SORRY.

14 MR. SORENSON.

15 SOLICITOR SORENSON: WE OBTAINED THOSE
16 PHOTOGRAPHS AND BASICALLY IT'S TWO PHOTOGRAPHS, IT'S
17 THE LEFT SIDE AND THE RIGHT SIDE OF THE SAME GUN. WE
18 OBTAINED THEM FROM THE FIREARMS EXPERT IN THIS CASE AT
19 SLED AS BEING ONE OF THE TYPE OF GUNS THAT POTENTIALLY
20 COULD HAVE FIRED FIVE OF THE CASINGS THAT WERE FOUND
21 IN THE RESIDENCE. AND IT'S MY UNDERSTANDING, AND LET
22 THE SOLICITOR CORRECT ME IF I'M MISTAKEN, THAT AT
23 LEAST ONE OF OUR WITNESSES WILL BE ABLE TO IDENTIFY,
24 FROM LOOKING AT THOSE PHOTOGRAPHS, AS THAT BEING
25 CONSISTENT WITH THE RIFLES THAT WERE USED IN THIS

1 CASE. SO, THEREFORE, THEY WOULD BE USED FOR
2 DEMONSTRATIVE PURPOSES, AND I JUST DON'T SEE HOW AN
3 EIGHT BY TEN PIECE OF PAPER SHOWING A PICTURE OF A
4 RIFLE CAN INCITE AND SOMEHOW, I MEAN, YOU KNOW. I
5 SUPPOSE WE COULD PROBABLY GO GET A SAMPLE OF THAT GUN
6 TO BE USED FOR DEMONSTRATIVE PURPOSES, AND I COULD SEE
7 MAYBE HOW THAT MIGHT BE, BUT JUST A PIECE OF PAPER
8 JUST TO GIVE THE JURY SOME IDEA OF, I MEAN, EXACTLY
9 WHAT WE'RE TALKING ABOUT WEAPON-WISE, BECAUSE WE WERE
10 NOT ABLE TO RECOVER EITHER OF THE RIFLES THAT WERE
11 ALLEGEDLY USED IN THIS CASE.

12 THE COURT: OKAY, YOU'RE INDICATING THAT THE
13 EXPERT WILL BE ABLE TO SAY THE BULLET CAME FROM THAT
14 TYPE OF WEAPON, IS THAT WHAT YOU'RE INDICATING?

15 SOLICITOR SORENSON: RIGHT. HE GIVES A LIST OF
16 SEVERAL TYPES AND THAT BEING ONE OF THEM, IT'S AN SKS
17 RIFLE, THAT BEING ONE OF THEM THAT POTENTIALLY COULD
18 HAVE FIRED THOSE SHELL CASINGS, IT COULD BE THAT TYPE.
19 AND HE'LL BE ABLE TO EXPLAIN THAT, I MEAN, THAT ALSO,
20 BUT AS I SAID, WE HAVE AT LEAST ONE WITNESS THAT WILL
21 BE ABLE TO, LOOKING AT THOSE WOULD BE ABLE TO SAY
22 THAT, YES, THAT IS CONSISTENT WITH THE TYPE OF WEAPON,
23 AT LEAST ONE OF THE RIFLES THAT WAS USED IN THIS
24 INCIDENT. AND I THINK THAT WOULD AID THE JURY THEN IN
25 UNDERSTANDING WHAT WE'RE TALKING ABOUT MORE SO THAN

1 SOMEHOW EXCITE OR INCITE THEM.

2 THE COURT: OKAY, MS. ULLMAN, LET ME HEAR FROM
3 YOU IN RESPONSE.

4 MS. ULLMAN: YOUR HONOR, THE PROBLEM IS, THE SLED
5 PERSON WOULD SAY THAT THAT COULD BE ONE OF THE GUNS.
6 THEY'RE OBVIOUSLY NOT TRYING TO ENTER PICTURES OF ALL
7 NINE OF THE GUNS. THEY CERTAINLY DIDN'T SHOW PICTURES
8 OF ALL NINE OF THE POTENTIAL WEAPONS TO THIS POTENTIAL
9 WITNESS TO HAVE HIM PICK OUT. THEY'VE GOT THEIR
10 PICTURE, SHOW THE GENTLEMAN, AND OF COURSE, HE SAYS,
11 YEAH, THAT WAS JUST LIKE THE RIFLE THAT WAS USED.

12 THEY ALSO HAVE A BIG BAYONET ON IT, AND THERE'S
13 OBVIOUSLY ...

14 THE COURT: WHAT?

15 MS. ULLMAN: THERE'S A BAYONET ON THE END OF IT,
16 IT'S BASICALLY A MILITARY RIFLE.

17 COURT REPORTER: A BAYONET?

18 THE COURT: A BAYONET.

19 MS. ULLMAN: A BAYONET, WHICH I THINK COULD BE
20 USED TO INCITE THE JURY. THERE'S NO EVIDENCE ...

21 THE COURT: IN THE PICTURE, THEY HAVE A PICTURE
22 OF THE BAYONET? I DIDN'T...

23 MS. ULLMAN: IT'S FOLDED UNDER IT, YOUR HONOR, IT
24 FOLDS UP UNDER IT, BUT OBVIOUSLY, THE JURY'S GOING TO
25 HAVE THIS TO LOOK AT IN THE JURY ROOM AND STUDY. IF

1 WE'VE SEEN THAT THERE'S A BAYONET IT'S CERTAINLY NOT
2 IMPOSSIBLE TO SEE.

3 THE OTHER ISSUE, YOUR HONOR, THERE'S OTHER
4 EVIDENCE THAT THE BULLETS THAT BELONG TO A NINE
5 MILLIMETER, AND THE STATE IS CERTAINLY NOT TRYING TO
6 INTRODUCE ANY PICTURES OF A NINE MILLIMETER WEAPON TO
7 SHOW DEMONSTRATIVELY WHAT THAT GUN WOULD LOOK LIKE.
8 SO, IF ALL THEY'RE DOING IS TRYING TO SHOW THE JURY
9 WHAT THE GUN COULD HAVE LOOKED LIKE WHY ARE WE PICKING
10 THE GIGANTIC RIFLE WITH A BAYONET AND NOT THE NINE
11 MILLIMETER?

12 THE COURT: OKAY. WELL, I'M NOT -- YOU KNOW, I'M
13 NOT GOING TO RULE ON YOUR MOTION RIGHT NOW. I'M AWARE
14 OF IT. WHEN WE GET THERE AFTER I HEAR THE PERSON
15 TESTIFY I WILL DECIDE WHAT I'M GOING TO DO WITH THAT.
16 OKAY? I'M NOT INCLINED TO -- LET ME JUST SEE WHAT THE
17 EXPERT SAYS. OKAY?

18 MS. ULLMAN: YES, SIR.

19 THE COURT: OKAY, SO I WILL RESERVE ANY RULING ON
20 THAT AND YOU CAN RENEW YOUR MOTION AT THAT TIME.

21 ANYTHING ELSE, MS. ULLMAN?

22 MS. ULLMAN: YES, SIR.

23 THE COURT: HUH?

24 MS. ULLMAN: YES, SIR.

25 THE COURT: OKAY.

1 MS. ULLMAN: TWO THINGS REGARDING INVESTIGATOR
2 ETHERIDGE, WHO I UNDERSTAND IS NOT WITH THE SHERIFF'S
3 OFFICE ANY LONGER AND IS NOT GOING TO BE CALLED AS A
4 WITNESS. IN HIS REPORT THAT HE TURNS IN, HIS
5 SUPPLEMENTAL REPORT HE STATES TWO THINGS: ONE, THAT
6 INVESTIGATOR SHUMPERT SPOKE WITH A WITNESS ABOUT A
7 NINE MILLIMETER THAT HE HAD RECOVERED THAT HE FELT
8 COULD HAVE BEEN USED IN THIS INCIDENT. THAT NINE
9 MILLIMETER HAS NEVER BEEN PRODUCED IN ANY FASHION,
10 IT'S THE ONLY TIME WE HEAR ABOUT IT. I'M NOT SURE IF
11 IT WAS A MISTAKE OR IF HE REALLY DID FIND A NINE
12 MILLIMETER, BUT THERE'S CERTAINLY NO BALLISTICS REPORT
13 ON ANY NINE MILLIMETER. SO, I WOULD JUST ASK YOUR
14 HONOR TO NOT ALLOW INVESTIGATOR SHUMPERT OR ANYBODY
15 ELSE FROM THE STATE'S WITNESSES TO DISCUSS A NINE
16 MILLIMETER THAT HAS BEEN FOUND THAT COULD HAVE BEEN
17 TESTED, BECAUSE THERE IS NO EVIDENCE OF THAT OTHER
18 THAN INVESTIGATOR ETHERIDGE STATING SO.

19 THE COURT: AND ETHERIDGE IS NOT GOING TO
20 TESTIFY?

21 MS. ULLMAN: FROM WHAT I UNDERSTAND HE IS NOT.

22 SOLICITOR PASCOE: HE MIGHT OR MIGHT NOT, YOUR
23 HONOR.

24 THE COURT: OKAY.

25 SOLICITOR PASCOE: BUT WE DON'T INTEND ON GETTING

1 ANYTHING IN ABOUT A NINE MILLIMETER.

2 THE COURT: OKAY, THAT TAKES CARE OF THAT. OKAY.

3 SOLICITOR PASCOE: OTHER THAN, OF COURSE, THAT A
4 NINE MILLIMETER WAS USED DURING THE MURDER. WE'RE NOT
5 GOING TO PUT IT IN.

6 THE COURT: RIGHT, RIGHT.

7 MS. ULLMAN: WE JUST DON'T WANT TO GET INTO ONE
8 BEING FOUND.

9 THE COURT: OKAY.

10 MS. ULLMAN: ALSO IN REGARDS TO INVESTIGATOR
11 ETHERIDGE, HE STATES IN HIS INCIDENT REPORT, AND I
12 HAVE SPOKEN TO THE SOLICITOR ABOUT THIS, HE STATES IN
13 HIS INCIDENT REPORT THAT, "I DID OBTAIN A STATEMENT
14 FROM SHANNON MITCHELL," AND THAT ON A LATER DATE HE
15 CAME IN AND ADDED TO THIS STATEMENT. WE DO NOT HAVE A
16 STATEMENT FROM SHANNON MITCHELL. I ASKED SOLICITOR
17 SORENSON ABOUT THIS, HE TELLS ME THAT INVESTIGATOR
18 SHUMPERT TOLD HIM THAT THEY NEVER DID TAKE A WRITTEN
19 STATEMENT FROM HIM, THAT IT MUST HAVE BEEN A MISTAKE,
20 BUT OBVIOUSLY, INVESTIGATOR ETHERIDGE WROTE THAT THEY
21 TOOK A WRITTEN STATEMENT FROM HIM AND THAT HE HAD
22 ADDED TO THIS STATEMENT. YOUR HONOR, IN THE
23 DISCOVERY, I KNOW WHEN I RECEIVED MY DISCOVERY PACKET
24 WE HAD A RECEIPT OF PAYMENT FROM THE STATE FARM
25 INSURANCE WHERE INVESTIGATOR SHUMPERT HAD PAID HIS

1 INSURANCE FOR HIS CAR. MY POINT IN BRINGING THIS OUT
2 IS, MAYBE THE STATEMENT THAT WE DON'T HAVE IS WHEREVER
3 HE MEANT TO PUT THIS. MY POINT IS, UNDER BRADY THE
4 STATE HAS A DUTY TO SEEK OUT AND TURN OVER ANY AND ALL
5 EVIDENCE. THERE'S EVIDENCE THE STATEMENT WAS TAKEN.
6 I'D JUST ASK THAT THEY OVER THE WEEKEND HAVE
7 INVESTIGATOR SHUMPERT CHECK EVERYWHERE HE POSSIBLY CAN
8 TO FIND THE STATEMENTS THAT COULD BE INCUPLATORY, BUT
9 THEY CAN ALSO EXCULPATE MY CLIENT. AND I THINK THE
10 FACT THAT WE HAVE A RECEIPT FROM INVESTIGATOR SHUMPERT
11 ON AN INCIDENT THAT HAS NOTHING TO DO WITH THIS CASE
12 SHOWS THAT MAYBE THERE WAS SOME SHUFFLING AND HE JUST
13 MADE A MISTAKE. I'M NOT ACCUSING ANYBODY OF ANYTHING,
14 OBVIOUSLY, I'M JUST STATING THAT THERE OBVIOUSLY COULD
15 HAVE BEEN A MISTAKE. THE AMOUNT OF EVIDENCE WE HAVE
16 IN THIS IS VERY BIG. I'M JUST ASKING THAT THEY MAKE
17 THE EFFORT THIS WEEKEND TO SEARCH EVERYWHERE THEY
18 POSSIBLY CAN, BECAUSE INVESTIGATOR ETHERIDGE STATES A
19 STATEMENT WAS TAKEN.

20 THE COURT: OKAY. MR. SORENSON, YOU --
21 OBVIOUSLY, Y'ALL HAVE ALREADY TOLD THEM THAT YOU DON'T
22 HAVE THE STATEMENT.

23 SOLICITOR SORENSON: YES, SIR. CAN I ADDRESS A
24 COUPLE OF THINGS?

25 THE COURT: SURE.

1 SOLICITOR SORENSON: FIRST OF ALL, IN THE
2 INVESTIGATIVE REPORT IT DOES NOT SAY THAT THEY TOOK A
3 WRITTEN STATEMENT FROM MR. MITCHELL. IT SAYS, I DID
4 OBTAIN A STATEMENT FROM MITCHELL.

5 THE COURT: OKAY.

6 SOLICITOR SORENSON: OKAY. SO, I -- AND I MEAN,
7 I'VE LOOKED AT IT, AND ONE OF THE THINGS WHEN I WENT
8 MONTHS, WENT LOOKING BACK THROUGH, LOOKING TO SEE, AND
9 IT IS NOT IN THE CASE FILE, AND THERE'S NO INDICATION
10 -- SO, I THINK, I MEAN, YOU KNOW, IF SOMEBODY CAME IN
11 AND TALKED TO YOU AND YOU TAKE A STATEMENT FROM HIM,
12 AND THEY'RE TELLING YOU WHAT THEY SAID. BUT I'M NOT
13 AWARE OF A WITNESS STATEMENT. I MEAN, HONESTLY, I
14 DON'T KNOW WHERE ELSE, AND I'M NOT GOING TO HAVE THEM
15 GO BACK AND LOOK THROUGH EVERY CASE JACKET WHEN, I
16 MEAN, IT DOESN'T SAY, I MEAN, THAT'S SOMETHING THAT
17 MS. ULLMAN DID MIS-SPEAK ON, IT DOESN'T SAY, I TOOK A
18 WRITTEN STATEMENT FROM HIM.

19 THE COURT: OKAY. JUST A STATEMENT. OKAY, I'M
20 WITH YOU.

21 SOLICITOR SORENSON: BUT THAT WOULD BE ALL I
22 WOULD HAVE WITH REGARD TO THAT. I MEAN, OBVIOUSLY,
23 I'LL ASK HIM AGAIN ABOUT IT. I'VE ASKED ABOUT IT,
24 I'VE LOOKED THROUGH, I'VE GOTTEN THEIR CASE FILE AND
25 I'VE GONE THROUGH IT MYSELF. SO ...

1 THE COURT: OKAY. IF YOU WILL DO THAT, THE COURT
2 WOULD APPRECIATE IT. OKAY?

3 ANYTHING ELSE, MS. ULLMAN?

4 MS. ULLMAN: YES, SIR.

5 THE COURT: OKAY.

6 MS. ULLMAN: I FILED A MOTION BASICALLY RIGHT
7 AFTER OUR LAST PRETRIAL MOTION HEARING FOR THE STATE
8 TO COMPEL THE IDENTIFY OF MEAT-G. HE IS A WITNESS
9 THEY INTEND TO CALL DURING REBUTTAL OR IMPEACHMENT OF
10 RALPH COLEMAN. HE OBVIOUSLY HAS A SIXTH AMENDMENT
11 RIGHT TO CONFRONT -

12 THE COURT: TO COMPEL WHO? WHO IS THE WITNESS?

13 MS. ULLMAN: MEAT-G. HE IS A NAME THAT'S BEEN
14 WRITTEN ON THESE LETTERS THAT WERE ALLEGEDLY PASSED
15 THROUGHOUT THE JAIL THAT THEY ARE TRYING TO ATTRIBUTE
16 TO MY CLIENT.

17 THE COURT: OKAY.

18 MS. ULLMAN: OBVIOUSLY, MY CLIENT HAS A SIXTH
19 AMENDMENT RIGHT TO PRESENT A FULL DEFENSE AND ALSO TO
20 BE APPRISED OF THE EVIDENCE AGAINST HIM. I ASKED THEM
21 TO IDENTIFY HIM AT THE LAST HEARING AND THEY TOLD ME
22 THEY ARE NOT READY TO DO THAT. WE START TRIAL
23 MONDAY. I WOULD APPRECIATE IT IF THEY DON'T WANT TO
24 TELL ME HIS NAME AND WHERE I CAN FIND HIM, IF THEY
25 WOULD MAKE HIM AVAILABLE FOR ME TO SPEAK WITH HIM IN

1 THEIR OFFICE. I THINK IT IS IMPORTANT AND IMPERATIVE
2 TO MY CLIENT'S CASE FOR ME TO KNOW WHAT THEY'RE GOING
3 TO SAY. I MEAN, OBVIOUSLY, IT MIGHT HAVE SOME BEARING
4 ON WHETHER OR NOT MY CLIENT DECIDES TO TAKE THE STAND.
5 AND I UNDERSTAND HE'S NOT WRITTEN ANY STATEMENTS SO
6 THAT THEY DON'T HAVE TO PRODUCE THOSE STATEMENTS TO
7 ME, AND I UNDERSTAND THAT. BUT BY NOT HAVING HIM
8 WRITE A WRITTEN STATEMENT ABOUT WHAT HE WOULD SAY,
9 IT'S ALLOWING THEM TO PRECLUDE ME FROM FINDING
10 ANYTHING OUT ABOUT HIM. THERE'S NO WAY FOR ME TO KNOW
11 WHO THIS GUY IS WITHOUT THEM TELLING ME.

12 THE COURT: AND YOUR BASIS OF THEM GIVING YOU
13 THIS INFORMATION PRIOR TO TRIAL IS?

14 MS. ULLMAN: HE'S A WITNESS AGAINST MY CLIENT,
15 AND I THINK THAT MY CLIENT, UNDER THE SIXTH AMENDMENT,
16 HAS THE RIGHT TO BE APPRISED OF THE EVIDENCE AGAINST
17 HIM SO HE CAN MAKE AN INFORMED DECISION AS TO HOW TO
18 PROCEED IN THE TRIAL, INCLUDING WHETHER OR NOT HE
19 WOULD TESTIFY. KNOWING WHAT HE WOULD SAY ON
20 IMPEACHMENT OR REBUTTAL WOULD OBVIOUSLY HAVE A BEARING
21 ON WHETHER MY CLIENT DECIDES TO TESTIFY OR NOT. AND I
22 HAVE NO WAY OF KNOWING THAT WHEN THEY WON'T EVEN TELL
23 ME WHO HE IS. NOW, I UNDERSTAND THAT IF THEY TOLD ME
24 WHO HE WAS OR WHERE HE WAS OR PRODUCED HIM THAT HE
25 COULD AT THAT POINT TELL ME, I REFUSE TO TALK TO YOU,

1 BUT I THINK IT'S HIS RIGHT TO DO THAT. AND WITH THEM
2 NOT TELLING ME WHO HE IS I HAVE NO ABILITY TO EVEN ASK
3 HIM, WOULD YOU BE WILLING TO TALK TO ME?

4 THE COURT: OKAY.

5 SOLICITOR PASCOE: YOUR HONOR, MR. EVINWORST AND
6 I CAME UP YESTERDAY WITH A TENTATIVE WITNESS LIST FOR
7 THE TRIAL ON MONDAY. WE ARE GOING TO GIVE ALL OF THE
8 ATTORNEYS IF THEY WANTED A COPY OF THIS TENTATIVE
9 LIST, AND ON THAT LIST IS MEAT-G'S REAL NAME. HIS
10 NAME IS DEMETRIUS JENKINS. SO, SHE'LL HAVE THAT ON
11 THE WITNESS LIST. HE HAS BEEN VERY COOPERATIVE, HE
12 WAS FRIENDS WITH RALPH COLEMAN, SO THEY SHOULD KNOW
13 EACH OTHER. BUT ANYWAY, WE'RE GOING TO GIVE THAT TO
14 HER TODAY.

15 THE COURT: OKAY.

16 COURT REPORTER: HOW DO YOU SPELL THAT MEAT-G?

17 SOLICITOR PASCOE: M-E-A-T -- IT WAS THAT KIND OF
18 MEAT, RIGHT? AND A G, JUST A G.

19 COURT REPORTER: OH, JUST THE LETTER, G?

20 THE COURT: OH, I SPELLED THAT WRONG, I'M SORRY.

21 COURT REPORTER: JUST THE LETTER, G?

22 SOLICITOR PASCOE: YES, MA'AM.

23 COURT REPORTER: OKAY.

24 THE COURT: ALRIGHT. MS. ULLMAN.

25 MS. ULLMAN: THREE VERY SHORT ...

1 THE COURT: YOU AND MR. WISE HAVE BEEN VERY BUSY.

2 MS. ULLMAN: THREE VERY SHORT MOTIONS, I
3 APOLOGIZE, YOUR HONOR.

4 THE COURT: OKAY.

5 MS. ULLMAN: THE TWO SIMPLE ONES, OBVIOUSLY,
6 WE'VE REQUESTED THAT THE WITNESSES BE SEQUESTERED IN
7 THIS SO THAT THEY ARE NOT IN THE COURTROOM TO HEAR
8 WHAT EVERYBODY ELSE IS SAYING.

9 THE COURT: I'M ASSUMING WE DON'T HAVE ANY
10 OBJECTION TO SEQUESTERING WITNESSES ON BOTH SIDES?

11 SOLICITOR SORENSON: BOTH SIDES, YES, YOUR HONOR,
12 THANK YOU.

13 THE COURT: OKAY.

14 MS. ULLMAN: AND WE OBVIOUSLY DON'T HAVE ANY
15 OBJECTION.

16 AND THE OTHER SIMPLE MOTION, I UNDERSTAND WE'RE
17 GOING TO HAVE FIVE DEFENDANTS IN HERE, ALL CHARGED
18 WITH MURDER AND OTHER VERY SERIOUS CHARGES. I ASSUME
19 THAT THERE WILL BE EXTRA SECURITY IN THE COURTROOM DUE
20 TO THAT?

21 THE COURT: WELL, NO, MA'AM, WE'RE JUST GOING TO
22 HAVE DEPUTY ASBERRY, THAT'S ALL WE NEED.

23 MS. ULLMAN: OKAY. IF THAT IS TRUE, I DON'T HAVE
24 A MOTION, BUT IF IT IS NOT TRUE I WOULD ASK THIS COURT
25 TO REQUIRE THE EXTRAS TO CARRY, WEAR CIVILIAN CLOTHES.

1 THE COURT: OH, WE HAVE ALREADY TAKEN CARE OF
2 THAT THIS MORNING. WE'RE GOING TO HAVE, WE WILL BE AN
3 ARMED CAMP. I'M LOOKING FORWARD TO IT.

4 MS. ULLMAN: ONE LAST MOTION.

5 THE COURT: OKAY.

6 MS. ULLMAN: I WOULD MOTION YOUR HONOR TO HAVE
7 THE STATE TO ALLOW US TO LOOK AT THEIR JURY BOOK.
8 THEY KEEP A BOOK OF ALL OF THE RAP SHEETS ON ANY
9 POTENTIAL JURORS. MY BASIS FOR THIS MOTION, YOUR
10 HONOR, IS, THE STATE HAS THE ABILITY TO DO AN NCIC ON
11 ANY PERSON THEY CHOOSE. THE DEFENSE ATTORNEY HAS NO
12 ABILITY, WE COULD DO A SLED REPORT AT A COST OF, I
13 THINK, TWENTY-FIVE DOLLARS A PIECE. OBVIOUSLY, AS
14 APPOINTED ATTORNEYS WE CERTAINLY DON'T HAVE THE FUNDS
15 WITHIN OUR OFFICE, NOR AS A PUBLIC DEFENDER DO I THINK
16 HAVE THE ABILITY TO GET A FUNDING ORDER TO DO A RAP
17 SHEET ON TWO HUNDRED PEOPLE, WHICH IS WHAT THE LIST OF
18 THE JURY POOL IS. NOW, I UNDERSTAND THAT THEY DON'T
19 HAVE TO GIVE ME A COPY OF THIS, AND I'M NOT ASKING
20 THEM TO. NOW, I HAVE PREVIOUSLY RESEARCHED THIS,
21 YOUR HONOR, AND I CANNOT FIND THE CASE RIGHT NOW IN
22 LOOKING AND LOOKING FOR IT.

23 THE COURT: IT DOESN'T HELP YOU, THEN, DOES IT?

24 MS. ULLMAN: WHEN I FIND IT I WILL GET IT TO YOU,
25 BUT WHAT I CAN FIND IT ON ANOTHER STATE IS, IN THAT

1 CASE IT WAS A DEATH PENALTY, AND IN THAT CASE THEY
2 ACTUALLY DID RULE AGAINST MY ARGUMENT, STATING THAT
3 THE DEFENSE ATTORNEY DID NOT HAVE THE RIGHT TO SEE THE
4 JURY BOOK. BUT THE REASONING BEHIND THAT WAS BECAUSE
5 IT WAS A DEATH PENALTY THEY HAD EXTENDED VOIR DIRE AND
6 THEY COULD BASICALLY ASK THE JURORS ANY QUESTIONS THEY
7 WANTED. THEREFORE, IF THEY WANTED TO KNOW IF THEY HAD
8 EVER BEEN PROSECUTED AND IF THEY HAD EVER BEEN IN ANY
9 KIND OF TROUBLE, SIMPLE POSSESSION, DUI, YOU KNOW,
10 ANYTHING THAT YOUR HONOR WOULDN'T FIND OUT ABOUT
11 BECAUSE YOU ONLY ASK ABOUT FELONIES, THEY WOULD HAVE
12 THE ABILITY THROUGH THE EXTENDED DEATH PENALTY VOIR
13 DIRE TO ASK THOSE KINDS OF QUESTIONS. OBVIOUSLY, TIME
14 CONSTRAINTS AND THIS NOT BEING A DEATH PENALTY DOESN'T
15 ALLOW US TO DO THAT. SO, I WOULD ASK YOUR HONOR, ANY
16 WITNESS THAT THEY ARE WANTING TO -- WELL, BASICALLY ON
17 THE JURORS IN GENERAL WE HAVE THE ABILITY AND THE
18 RIGHT TO KNOW AS MUCH AS THEY DO. THERE'S NO REASON
19 THE STATE SHOULD BE IN A BETTER POSITION TO PICK A
20 JURY THAN THE DEFENSE. IT IS THEIR BURDEN TO PROVE
21 THIS, THE DEFENDANTS ARE SITTING THERE INNOCENT.

22 THE COURT: ALRIGHT.

23 SOLICITOR PASCOE: YOUR HONOR, I APPRECIATE
24 DEFENSE COUNSEL BEING HONEST ABOUT THAT, BUT EVEN IN
25 DEATH PENALTY CASES THEY'RE NOT ALLOWED TO LOOK AT OUR

1 JURY STRIKE BOOK BECAUSE THAT'S ALL WORK PRODUCT. SO,
2 I -- CERTAINLY, WE OBJECT TO THAT. SHE'S NOT ENTITLED
3 TO THAT.

4 BUT BEFORE I FORGET, I WOULD LIKE TO BRING UP ONE
5 THING, NOT REALLY A MOTION, BUT AS TO DEFENSE
6 ATTORNEYS, I KNOW THAT ONLY THREE OF THE DEFENDANTS
7 FILED ALIBI DEFENSES WITH US, OR FILED MOTIONS. I
8 BELIEVE IT'S RALPH COLEMAN, DANNY RYANT AND MARIO
9 SHIVERS. WE WOULD ASK -- AND THEY'VE BEEN UP FRONT IN
10 GIVING US THE NAMES OF THE WITNESSES IN THOSE CASES.

11 THE COURT: OKAY.

12 SOLICITOR PASCOE: I WOULD ASK ANYTIME NEXT WEEK,
13 MONDAY OR TUESDAY, IF THEY COULD GIVE US THEIR DATES
14 OF BIRTH SO WE COULD RUN RAP SHEETS ON THEM, SOMETIME
15 BEFORE THEY TESTIFY.

16 THE COURT: FOR THE WITNESSES?

17 SOLICITOR PASCOE: YES, SIR, ON THEIR WITNESSES,
18 YES, SIR.

19 THE COURT: OKAY. ALRIGHT. BEFORE I GO TO THAT,
20 MS. ULLMAN, I DO THINK IT'S THEIR WORK PRODUCT OR PART
21 OF THEIR INVESTIGATION THING, SO I'M GOING TO DENY
22 YOUR MOTION ON THAT, BUT I WILL NOTE YOUR OBJECTION TO
23 THAT AND PRESERVE YOUR REASONING FOR THE RECORD. OKAY?

24 MS. ULLMAN: I JUST HAVE ONE LAST THING.

25 THE COURT: OKAY.

1 MS. ULLMAN: IN REGARDS TO ALIBI WITNESSES, I DID
2 TURN IN AN ALIBI DEFENSE AND GAVE THE STATE MY
3 WITNESSES AND HOW TO FIND THEM. I DON'T HAVE BIRTH
4 DATES BUT I'LL GET THEM TO YOU, I HAVE NO PROBLEM WITH
5 THAT. BUT I HAVE SPOKEN WITH MY ALIBI WITNESS, AND
6 SHE TOLD ME THAT INVESTIGATOR SHUMPERT WENT AND SPOKE
7 WITH HER, WHICH I EXPECTED AND UNDERSTAND. SHE TOLD
8 ME THAT SHE GAVE A WRITTEN STATEMENT TO INVESTIGATOR
9 SHUMPERT AND I HAVE NOT BEEN PROVIDED WITH THAT
10 STATEMENT SO I WOULD ASK THAT IT BE TURNED OVER, THE
11 STATEMENT OF SHANIQUA MOORE. AND THAT IS MY LAST
12 MOTION.

13 THE COURT: OKAY.

14 SOLICITOR SORENSON: IT'S OUR POSITION SHE'S NOT
15 ENTITLED TO THAT. I MEAN, THAT'S HER WITNESS, THAT'S
16 NOT A WITNESS WE'RE INTENDING ON CALLING.

17 THE COURT: OKAY. IT'S ...

18 SOLICITOR SORENSON: IF SHE CHOOSES TO TESTIFY
19 THE WITNESS ALONG WITH MS. ULLMAN WILL BE PROVIDED A
20 COPY OF THE STATEMENT WHEN WE CROSS-EXAMINE HER, BUT I
21 DON'T THINK SHE'S ENTITLED TO THAT BEFORE THEN.

22 THE COURT: OKAY. ALRIGHT, SIR. WHY DO YOU
23 THINK YOU'RE ENTITLED TO IT BEFORE THEN? I MEAN, I
24 KNOW WHY YOU WANT IT.

25 MS. ULLMAN: BECAUSE UNDER RULE FIVE AND UNDER

1 BRADY, YOUR HONOR, THE STATE IS REQUIRED TO PROVIDE US
2 WITH ANY WRITTEN -- BASICALLY, ANY EVIDENCE THAT THEY
3 HAVE PRODUCED, WHETHER IT BE INCULPATORY OR
4 EXCULPATORY. JUST BECAUSE IT'S A STATEMENT TAKEN FROM
5 A WITNESS THAT I INTEND TO CALL DOESN'T MEAN THAT I
6 WOULDN'T GET A COPY.

7 THE COURT: OKAY.

8 MS. ULLMAN: YOU KNOW, BRADY STATES THAT THEY
9 MUST PROVIDE ANY INCULPATORY OR EXCULPATORY
10 INFORMATION THAT THEY HAVE IN THEIR HANDS.

11 SOLICITOR PASCOE: NO, YOUR HONOR, BRADY SAYS,
12 EXCULPATORY INFORMATION, NOT INCULPATORY.

13 THE COURT: THAT'S CORRECT.

14 SOLICITOR PASCOE: FURTHERMORE, RULE FIVE SAYS
15 THAT THEY'RE ENTITLED TO THE STATEMENT PRIOR TO THE
16 WITNESS TESTIFYING.

17 THE COURT: YEAH, I MEAN, I SEE WHERE IT SAYS,
18 PRIOR TO THE WITNESS TESTIFYING, YOU KNOW, BECAUSE
19 I'VE GOT RULE FIVE RIGHT HERE IN FRONT OF ME AND I WAS
20 JUST TRYING TO -- BEFORE THAT PERSON TESTIFIES THEY
21 WILL GIVE YOU A COPY OF THE STATEMENT.

22 MS. ULLMAN: YES, SIR.

23 THE COURT: OKAY. WELL, THAT'S WHERE WE'RE GOING
24 TO LEAVE IT.

25 MS. ULLMAN: YES, SIR.

1 THE COURT: OKAY? BUT I'LL NOTE YOUR OBJECTION
2 TO ME NOT REQUIRING THEM TO DO IT SOONER THAN THAT.

3 MS. ULLMAN: YES, SIR.

4 THE COURT: OKAY. ALRIGHT, WHAT ELSE? I MEAN,
5 I'M SORRY, MS. ULLMAN.

6 MS. ULLMAN: I'M THROUGH.

7 THE COURT: OKAY. AND MR. LACKEY?

8 MS. LACKEY: I HAVE NOTHING AT THIS TIME, YOUR
9 HONOR.

10 THE COURT: OKAY. MR. MELLARD?

11 MR. MELLARD: JUST A FEW. YOU'VE ALREADY RULED ON
12 A LOT OF THESE MOTIONS, BUT JUST FOR THE RECORD, I'D
13 LIKE TO NOTE THEM.

14 THE COURT: OKAY.

15 MR. MELLARD: MR. RYANT IS ALSO ASKING THE COURT
16 TO SEQUESTER THE WITNESSES.

17 THE COURT: OKAY.

18 MR. MELLARD: HE'S ALSO REQUESTING THE JURY BOOK
19 FROM THE SOLICITOR'S OFFICE. AND WE UNDERSTAND YOU'VE
20 ALREADY RULED ON THAT.

21 THE COURT: YEAH, OKAY. NO, I MEAN, YOU JUST
22 WANT TO GET IT IN THE RECORD FOR YOUR CLIENT. OKAY.

23 MR. MELLARD: I MEAN, FOR THE SAME REASON AS MS.
24 ULLMAN, YES, SIR.

25 THE COURT: SAME REASON, OKAY.

1 MR. MELLARD: AND AS FAR AS THE COURT SECURITY,
2 IT'S MY UNDERSTANDING YOU SAID THEY WOULD BE HERE AND
3 ...

4 THE COURT: IT'S MY UNDERSTANDING, I'M GOING TO
5 HAVE A MINIMUM OF TEN DEPUTIES OR SLED AGENTS HERE, A
6 MINIMUM, AND I WILL HAVE MORE THAN THAT THAT ARE NOT
7 IN UNIFORM.

8 MR. MELLARD: WELL, WHAT I BELIEVE WE'RE ASKING
9 FOR, OR AT LEAST MR. RYANT IS ASKING FOR IS THAT THEY
10 COME IN CIVILIAN CLOTHES. I THINK IT CREATES AN AIR
11 OF -- IT CREATES A PROBLEM FOR THE DEFENSE IF YOU HAVE
12 ALL THESE ARMED PEOPLE IN THEIR UNIFORMS. IT MAKES
13 THEM LOOK GUILTY. SO, WE'D ASK THAT THEY COME IN
14 CIVILIAN CLOTHES. THERE'S NO PROBLEM WITH CIVILIAN
15 CLOTHES, EVERYBODY HAS THEM, AND SO, WE WOULD JUST ASK
16 THAT THEY COME IN, THAT THEY WEAR CIVILIAN CLOTHES,
17 THEY TRY TO BLEND IN AND MAKE IT AS INCONSPICUOUS AS
18 POSSIBLE.

19 MS. ULLMAN: AND I ACTUALLY JOIN THAT. WHEN YOU
20 SAID THAT THAT WAS DEALT WITH, I THOUGHT YOU MEANT
21 THAT IT WAS DEALT WITH THAT THEY WOULD NOT BE WEARING
22 THEIR UNIFORMS AND CARRYING GUNS ...

23 THE COURT: OKAY. OH, THAT'S WHAT Y'ALL WERE
24 TALKING ABOUT, OKAY.

25 MS. ULLMAN: I APOLOGIZE. THAT'S WHAT I THOUGHT

1 YOU MEANT.

2 THE COURT: THERE WILL BE A CERTAIN NUMBER OF
3 OFFICERS HERE THAT WILL BE IN UNIFORM, YOU KNOW, I
4 MEAN, LIKE WE ALWAYS HAVE.

5 MR. MELLARD: AND THAT'S FINE AS LONG AS THEY'RE
6 AWAY FROM THESE DEFENDANTS. I DON'T WANT A BUNCH OF
7 PEOPLE ...

8 THE COURT: YOU WANT THE PEOPLE SITTING
9 IMMEDIATELY BEHIND THEM TO BE IN CIVILIAN CLOTHES?

10 MR. MELLARD: AS INCONSPICUOUS AS POSSIBLE.

11 MS. ULLMAN: OTHERWISE, IT MAKES THEM LOOK
12 DANGEROUS, YOUR HONOR, AND IT MAKES, GIVES THEM AN AIR
13 OF GUILT, AND THEY OBVIOUSLY ARE SITTING HERE INNOCENT
14 UNTIL THE JURY COMES BACK. IF THE JURY IS SITTING
15 OVER THERE, FIVE DEFENDANTS SITTING HERE AND YOU'VE
16 GOT AT LEAST, YOU SAID TEN SLED AND OFFICERS SITTING
17 BEHIND THEM ARMED IN UNIFORM, THAT OBVIOUSLY GIVES A
18 HUGE AIR OF ALL OF THEM BEING DANGEROUS AND ALL OF
19 THEM BEING GUILTY, AND YOU OBVIOUSLY NEED TO SECURE
20 THE COURTROOM BECAUSE THESE MURDERERS ARE SITTING
21 HERE. AND I CERTAINLY THINK THAT THAT IS PREJUDICIAL
22 TO OUR CLIENTS.

23 THE COURT: OKAY. ALRIGHT. MR. PASCOE, MR.
24 SORENSON, ANYTHING?

25 SOLICITOR PASCOE: NO REAL POSITION, THAT'S UP TO

1 YOUR HONOR. I WILL SAY THIS, IN PAST CASES IT'S BEEN
2 BROUGHT UP THAT IT'S ALSO GOOD TO HAVE SOME UNIFORMED
3 DEPUTIES IN THE COURTROOM TO MAKE THE JURORS FEEL
4 SAFE.

5 THE COURT: OH, YEAH, I MEAN, THERE IS GOING TO
6 BE SOME, BUT I UNDERSTAND THE OFFICERS THAT ARE GOING
7 TO BE CLOSER TO THE DEFENDANTS I UNDERSTAND I NEED FOR
8 THEM TO BE IN CIVILIAN CLOTHES. SO WE WILL WORK
9 THROUGH THAT TO MAKE SURE, AND I WILL GET IN TOUCH
10 WITH, IS IT CAPTAIN FELDER? CAPTAIN FELDER AND WORK
11 THROUGH THAT. OKAY?

12 SOLICITOR PASCOE: SOUNDS GREAT, YES, SIR.

13 THE COURT: OKAY. ANYTHING ELSE? I'M SORRY.

14 MR. MELLARD: JUST ONE MORE. I WOULD JOIN IN MR.
15 PALMER'S MOTION FOR SEVERANCE BASED ON THE FAIRNESS
16 GROUNDS. I UNDERSTAND YOU'VE ALREADY RULED ON THIS.

17 THE COURT: NO, AND I WANT YOU -- I WANT TO MAKE
18 SURE WE COVER ALL OF YOURS, TOO.

19 MR. MELLARD: IN MY SITUATION, OBVIOUSLY, IT'S
20 CREATING A SITUATION WHERE, BASED ON WHAT I'M HEARING,
21 THERE'S GOING TO BE SOME FINGER POINTING. AND THAT'S
22 CREATING A SITUATION WHERE THE DEFENDANT NOW IS ALMOST
23 FORCED TO TAKE THE STAND. SO, I THINK HE'S GIVING UP
24 HIS RIGHT NOT TO INCRIMINATE HIMSELF OR NOT TO PUT
25 HIMSELF WHERE HE COULD POSSIBLY BE INCRIMINATED BY HIS

1 PAST OR ANYTHING. SO, IT'S MY POSITION THAT IF THERE
2 IS GOING TO BE FINGER POINTING, WE HEARD THAT THERE
3 MIGHT BE, THAT IS CREATING A SITUATION WHERE HE NO
4 LONGER HAS THE RIGHT TO REMAIN SILENT.

5 THE COURT: TO REMAIN SILENT?

6 MR. MELLARD: TO REMAIN SILENT, HE HAS TO TAKE
7 THE STAND.

8 THE COURT: OKAY.

9 MR. MELLARD: ALSO, IN MY SITUATION, AS THE COURT
10 IS AWARE, MY CLIENT IS PROBABLY GOING TO REFUSE TO
11 COME TO TRIAL. WHILE I UNDERSTAND THAT'S HIS
12 POSITION, WHILE I UNDERSTAND THAT ANY PREJUDICE TO HIM
13 IS CAUSED BY HIM, YOUR HONOR, I WOULD ...

14 THE COURT: NOW, I WILL TELL YOU THAT IF HE -- I
15 WILL INSTRUCT THE JURY THAT THEY CAN'T ...

16 MR. MELLARD: WHAT I WOULD ASK THE COURT TO DO
17 IS, OBVIOUSLY, THERE'S GOING TO BE AN ISSUE OF WHETHER
18 HE WAIVED HIS RIGHT TO BE HERE. I WOULD ASK THE COURT
19 TO HAVE HIM BROUGHT OVER AND THE COURT TO SPEAK TO HIM
20 SO THAT WE ARE SURE THAT HE IS ACTUALLY WAIVING HIS
21 RIGHT TO BE HERE. I DON'T WANT THERE TO BE ANY ISSUE
22 ABOUT THAT, YOUR HONOR.

23 THE COURT: OKAY. I'LL BE GLAD TO TALK TO HIM.

24 MR. MELLARD: YOUR HONOR, THEN ALSO, I WOULD MOVE
25 FOR GROUNDS TO SEVER, OBVIOUSLY, HIS PRESENCE OR LACK

1 THEREOF IS CAUSING, AGAIN, HIM HAVING TO TESTIFY. HE
2 DOESN'T HAVE TO BE HERE. IN A NORMAL TRIAL IT WOULD
3 BE ME VERSUS THE STATE. IF HE DIDN'T SHOW UP, FINE,
4 YOU KNOW. BUT IN THIS SITUATION WITH THE FINGER
5 POINTING FROM THE OTHER PEOPLE, THIS IS CREATING A
6 SITUATION WHERE HE ALMOST HAS TO BE HERE. SO, I'D ASK
7 THE COURT TO AT LEAST INQUIRE IF HE WAIVES HIS RIGHT
8 TO BE HERE.

9 THE COURT: I'LL BE GLAD TO DO THAT. AND JUST --
10 AND WE'LL GO OVER THAT. WE'LL GET HIM HERE MONDAY.
11 OKAY? HOWEVER HE WANTS TO GET HERE. OKAY. THANK
12 YOU. ANYTHING ELSE?

13 MR. MELLARD: NO, SIR.

14 THE COURT: ALRIGHT. Y'ALL HAVE A GREAT WEEKEND.

15 MR. MELLARD: THANK YOU, YOUR HONOR.

16 (Recess for the day.)

17 DATE:

18 DECEMBER 13, 2010

19 (Plaintiff's Exhibits One through Twelve
20 Twenty-seven through Thirty-seven, and
21 Ninety-three through Ninety-five
22 premarked for id off the record.)

23 (The following takes place in
24 open court but out of the presence
25 of the jury venire.)

TRIAL BEGINS

THE COURT: MR. MELLARD, I NEED THE INDICTMENTS AGAINST MR. RYANT, TO MAKE SURE HE WAS ARRAIGNED.

DEPUTY: HE'S BACK THERE.

THE COURT: OKAY. I WANT TO MAKE SURE, I'M GOING TO RE-GO OVER THOSE INDICTMENTS WITH HIM BEFORE HE DOES THIS. OKAY? CAN YOU GET THOSE INDICTMENTS TO ME ON THE CASE SO I CAN DEAL WITH THAT RIGHT NOW? AND THEN, ONCE HE GETS IN HERE I DON'T NEED ANYBODY ELSE, I DON'T NEED ANY WITNESSES IN THE COURTROOM OR ANYTHING LIKE THAT. OKAY? SO, WE'LL TAKE A MINUTE, IF Y'ALL WILL GET THAT, AS SOON AS WE GET HIM OUT.

(Recess)

THE COURT: THIS IS MR. RYANT?

MR. MELLARD: YES, SIR.

THE COURT: MR. RYANT, COME ON UP, PLEASE, SIR. ALRIGHT, MR. RYANT, I NEED TO GO OVER SOME THINGS.

(NOTE: Blank lines on this page do not indicate any part of record has been omitted. Headers on testimony pages and hard page breaks between testimony are now required by the Court. See next ensuing page for sequential continuation of record.)

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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EXAMINATION, IN CAMERA, OF DANNY RYANT, JUNIOR,

BY THE COURT:

Q. IT'S MY UNDERSTANDING THAT WE ARE READY TO START
YOUR TRIAL THIS AFTERNOON.

A. YES, SIR.

Q. OKAY. AND YOU ARE REPRESENTED BY MR. MELLARD?

A. YES, SIR.

Q. AND MR. MELLARD HAS TOLD ME YOU DON'T WANT TO BE
PRESENT, IS THAT CORRECT?

A. YES, SIR.

Q. OKAY. WELL, FIRST OF ALL, LET ME GO OVER WITH --
I'M GOING TO GO OVER THE INDICTMENTS THAT YOU
HAVE AND MAKE SURE YOU UNDERSTAND THE INDICTMENTS
THAT YOU'RE FACING FOR THE JURY TRIAL TODAY.
OKAY?

A. YES, SIR.

Q. ALRIGHT. AND YOU ARE DANNY RYANT, JUNIOR, IS
THAT CORRECT?

A. YES, SIR.

Q. OKAY. AND HOW OLD ARE YOU, MR. RYANT?

A. TWENTY.

Q. TWENTY? AND HOW FAR DID YOU GO IN SCHOOL?

A. I GOT MY DIPLOMA, G.E.D.

Q. ALRIGHT, SIR. WHERE DID YOU GET THAT FROM?

A. DUKE MARINE INSTITUTE.

1 Q. OKAY. ALRIGHT, SIR. AND AFTER YOU GOT OUR
2 G.E.D., HAVE YOU WORKED ANYWHERE OR DONE ANYTHING
3 LIKE THAT?

4 A. I WAS DOING, WORKING IN COPE IN, LIKE, FARMING.

5 Q. OKAY. ARE YOU UNDER THE INFLUENCE OF ANY DRUGS
6 OR ALCOHOL HERE TODAY?

7 A. NO, SIR.

8 Q. OKAY. HAVE YOU EVER BEEN EVALUATED WITH ANY KIND
9 OF MENTAL ILLNESS OR ANYTHING LIKE THAT?

10 A. NO, SIR.

11 Q. OKAY. YOU ARE THINKING CLEARLY HERE TODAY?

12 A. YES, SIR.

13 Q. OKAY. YOU HAVE MET WITH YOUR ATTORNEY ON
14 NUMEROUS OCCASIONS, I'M SURE - - -

15 A. YES, SIR.

16 Q. --- IS THAT CORRECT?

17 A. CORRECT.

18 Q. OKAY. HE'S GONE OVER THESE CHARGES WITH YOU, IS
19 THAT CORRECT?

20 A. CORRECT.

21 Q. AND HE'S GONE OVER POSSIBLE SENTENCES WITH YOU?

22 A. CORRECT.

23 Q. OKAY. HE'S ADVISED YOU OF YOUR CONSTITUTIONAL
24 RIGHTS?

25 A. SOME.

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 Q. OKAY. WELL, DO YOU UNDERSTAND YOU'VE GOT THE
2 RIGHT TO HAVE A JURY TRIAL?

3 A. YES, SIR.

4 Q. OKAY. AND THAT JURY TRIAL IS SCHEDULED TO BEGIN
5 THIS AFTERNOON, DO YOU UNDERSTAND THAT?

6 A. YES, SIR.

7 Q. OKAY. AND I'M SURE, I DON'T KNOW IF - - -

8 THE COURT: MR. MELLARD, HAVE THERE BEEN SOME
9 NEGOTIATIONS BETWEEN YOU AND THE SOLICITOR'S OFFICE?

10 MR. MELLARD: THERE HAVE, YOUR HONOR, YES. THE
11 SOLICITOR'S OFFICE MADE US A DEAL ON LAST FRIDAY. I
12 SPOKE TO HIM IN LENGTH ABOUT IT AND HE SAID HE DID NOT
13 WANT IT.

14 THE COURT: OKAY.

15 Q. AND MR. RYANT, HE'S TOLD YOU WHAT THE SOLICITOR'S
16 OFFICE HAS APPARENTLY MADE YOU AN OFFER TO GET
17 YOU TO PLEAD GUILTY, IS THAT CORRECT? THEY HAVE
18 MADE YOU A PLEA OFFER?

19 A. YES, SIR.

20 Q. AND YOU'VE TOLD HIM YOU DID NOT WANT TO ACCEPT
21 THE PLEA OFFER?

22 A. NO, NOT THAT ONE, SIR.

23 Q. OKAY. ALRIGHT, BUT THEY'VE ONLY, THEY HAVEN'T
24 GIVEN YOU ANY OTHER OFFERS, IS THAT CORRECT?

25 MR. MELLARD: THE INITIAL OFFER WAS TWENTY TO

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

65

1 THIRTY, VOLUNTARY, YOUR HONOR. WHEN WE SPOKE TO THEM
2 ON FRIDAY THEY HAD A DIFFERENT OFFER.

3 THE COURT: OKAY. BETTER OR WORSE?

4 MR. MELLARD: BETTER, CONSIDERABLY BETTER.

5 THE COURT: OKAY.

6 Q. BUT YOU DIDN'T WANT TO TAKE THAT, YOU DIDN'T
7 WANT TO TAKE THE OFFER THAT THEY'VE GIVEN YOU,
8 THAT THEY OFFERED TO YOU ON FRIDAY, IS THAT
9 CORRECT?

10 A. THURSDAY.

11 MR. MELLARD: I'M SORRY, IT WAS THURSDAY.

12 THE COURT: THURSDAY.

13 COURT REPORTER: WHAT WAS YOUR ANSWER?

14 Q. YOU DON'T HAVE TO TELL ME WHAT IT IS, BUT I ...

15 A. OH, NO I DIDN'T WANT IT.

16 Q. YOU DIDN'T WANT IT?

17 A. NO, SIR.

18 Q. OKAY. SO, YOU UNDERSTAND THAT YOU ARE SCHEDULED
19 FOR TRIAL HERE TODAY?

20 A. YES, SIR.

21 Q. ALRIGHT, SIR. WELL, LET ME GO OVER THE
22 INDICTMENTS THAT I HAVE. THE FIRST INDICTMENT I
23 HAVE, MR. RYANT, IS INDICTMENT NUMBER 2010-GS-38-
24 817. THAT IS THE INDICTMENT FOR MURDER. IT WAS
25 TRUE BILLED BY THE GRAND JURY ON MAY TWELFTH, TWO

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 THOUSAND AND TEN, AND THE INDICTMENT ALLEGES, MR.
2 RYANT, THAT YOU DID, IN ORANGEBURG COUNTY, ON OR
3 ABOUT MARCH TWELFTH, TWO THOUSAND AND TEN, WITH
4 MALICE AFORETHOUGHT, KILL ONE CHARLES PRINGLE BY
5 MEANS OF SHOOTING THE VICTIM, AND THE VICTIM DIED
6 AS A PROXIMATE RESULT THEREOF. AND THIS IS A
7 VIOLATION OF COMMON LAW AND SECTION THREE TEN OF
8 THE SOUTH CAROLINA CODE OF LAWS. DO YOU
9 UNDERSTAND THE ALLEGATIONS CONTAINED IN THIS
10 INDICTMENT?

11 A. YES, SIR.

12 Q. ALRIGHT, SIR. THE NEXT INDICTMENT I HAVE IS
13 INDICTMENT NUMBER 2010-GS-38-818, IT WAS ALSO
14 TRUE BILLED BY THE GRAND JURY ON MAY TWELFTH, TWO
15 THOUSAND AND TEN. IT IS FOR BURGLARY IN THE
16 FIRST DEGREE, AND THE ALLEGATIONS OF THIS
17 INDICTMENT, MR. RYANT, ARE THAT YOU DID, IN
18 ORANGEBURG COUNTY, ON OR ABOUT MARCH TWELFTH, TWO
19 THOUSAND TEN, WILLFULLY AND UNLAWFULLY ENTER THE
20 DWELLING AT [REDACTED],
21 ORANGEBURG, SOUTH CAROLINA, BELONGING TO CHARLES
22 PRINGLE WITHOUT CONSENT WITH THE INTENT TO COMMIT
23 A CRIME THEREIN, AND THAT THE DEFENDANT OR
24 ANOTHER PARTICIPANT WAS ARMED WITH A DEADLY
25 WEAPON, AND/OR CAUSED PHYSICAL INJURY TO A NON-

1 PARTICIPANT, AND/OR USED OR THREATENED TO USE THE
2 USE OF A DANGEROUS INSTRUMENT, AND/OR THE OFFENSE
3 OCCURRED AT NIGHT TIME. THIS OFFENSE IS AGAIN IN
4 VIOLATION OF THE COMMON LAW AND SECTION SIXTEEN
5 ELEVEN THREE ELEVEN OF THE SOUTH CAROLINA CODE OF
6 LAWS. DO YOU UNDERSTAND THE ALLEGATIONS
7 CONTAINED IN THIS INDICTMENT?

8 A. YES, SIR.

9 Q. OKAY. AND THE FINAL INDICTMENT I HAVE IS
10 INDICTMENT NUMBER 2010-GS-38-819. IT IS AN
11 INDICTMENT FOR ARMED ROBBERY, TRUE BILLED BY THE
12 GRAND JURY ON MAY TWELFTH, TWO THOUSAND, AND THE
13 ALLEGATIONS IN IT ARE, MR. RYANT, THAT YOU DID,
14 ON OR ABOUT MARCH TWELFTH, TWO THOUSAND AND TEN,
15 IN ORANGEBURG COUNTY, BY USE OF FORCE, THREATS OR
16 INTIMIDATION AND WHILE ARMED WITH A DEADLY WEAPON
17 OR WHILE ALLEGING EITHER BY WORDS OR ACTION THAT
18 YOU WERE ARMED WHILE USING A REPRESENTATION OF A
19 DEADLY WEAPON OR ANY OBJECT WHICH A PERSON
20 PRESENT DURING THE COMMISSION OF A ROBBERY
21 REASONABLY BELIEVED TO BE A DEADLY WEAPON, TAKE
22 AND CARRY AWAY GOODS AND/OR MONIES FROM THE
23 PERSON OR PRESENCE OF THE VICTIM, CHARLES
24 PRINGLE, WITH THE INTENT TO PERMANENTLY DEPRIVE
25 THE VICTIM OF POSSESSION OF SUCH GOODS AND

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 MONIES, AND SUCH WEAPONS OR ALLEGED WEAPONS
2 DESCRIBED AS A HAND GUN IN THIS, AND THIS IS A
3 VIOLATION OF SECTION SIXTEEN ELEVEN THREE THIRTY
4 OF THE SOUTH CAROLINA CODE OF LAWS. DO YOU
5 UNDERSTAND THE ALLEGATIONS CONTAINED IN THIS
6 INDICTMENT?

7 A. YES, SIR.

8 Q. ALRIGHT, SIR. NOW, IT'S MY UNDERSTANDING THAT
9 YOU HAVE TOLD -- NUMBER ONE, LET ME MAKE SURE, DO
10 YOU UNDERSTAND THAT WE'RE SCHEDULED TO GO
11 FORWARD ON THE JURY TRIAL AGAINST YOU ON THESE
12 CHARGES BEGINNING HERE TODAY?

13 A. YES, SIR.

14 Q. OKAY. DO YOU UNDERSTAND -- AND I'VE BEEN MADE TO
15 UNDERSTAND BY YOUR ATTORNEY THAT YOU DO NOT WISH
16 TO BE PRESENT?

17 A. YES, SIR.

18 Q. IS THAT CORRECT?

19 A. FOR VARIOUS REASONS.

20 Q. OKAY. DO YOU WANT TO TELL ME WHY YOU DON'T WANT
21 TO BE PRESENT?

22 A. YES, SIR. SINCE DAY ONE IT WAS A LOT OF ISSUES
23 THAT I ADDRESSED ...

24 COURT REPORTER: SINCE DAY ONE IT WAS WHAT, A
25 LETTER?

1 MR. MELLARD: A LOT OF ISSUES.

2 COURT REPORTER: A LOT?

3 A. A LOT OF ISSUES THAT I ADDRESSED TO MR. MELLARD
4 THAT WEREN'T ADDRESSED IN COURT.

5 Q. OKAY.

6 A. SOME CONCERNED MY UNLAWFUL ARREST, YOU KNOW, AND
7 IT WAS JUST A LOT OF STUFF. AND THEN, LAST
8 THURSDAY ME AND HIM HAD, AFTER HE CAME TO ME WITH
9 THE OFFER AND I NOTARIZED HIM THAT I DIDN'T WANT
10 TO ACCEPT THE OFFER, IT CAME LUNCH TIME, AND HE
11 ASKED ME, I REFUSED IT, AND I WENT AND ATE LUNCH
12 AND CAME BACK, BUT BEFORE I CAME BACK MS. PEGGY
13 HINDS, SHE ASKED ME TO BE PRESENT IN THE MEETING.
14 I TOLD HER IT WOULD BE ALRIGHT, AND ONCE WE GOT
15 BACK IN I FELT THAT HE WASN'T JUST ASKING ME TO
16 INCRIMINATE MYSELF, HE WAS DETERMINED, LIKE,
17 BECAUSE THEY KEPT ASKING ME AFTER I REFUSED THE
18 OFFER, AND IT WAS LIKE I WAS BEING PRESSURED, AND
19 I FELT THAT THE BEHAVIOR WAS UNPROFESSIONAL. AND
20 I'M JUST TRYING TO DO WHAT'S IN MY BEST INTEREST.
21 AND IT'S HARD TO FIGURE OUT WHAT'S IN MY BEST
22 INTEREST WHEN THE REPRESENTATION IS INADEQUATE.

23 Q. OKAY. WELL, NOW, IF HE -- MS. HINDS SAT IN
24 THERE, I THINK, JUST TO MAKE SURE THAT YOU
25 UNDERSTOOD WHAT YOUR OFFER WAS.

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 THE COURT: IS THAT CORRECT, MR. MELLARD?

2 MR. MELLARD: YOUR HONOR, THE FIRST MEETING IT
3 WAS ME AND DANNY AND INVESTIGATOR DANNY MCDANIEL.

4 THE COURT; OKAY.

5 MR. MELLARD: AND WE KIND OF EXPLAINED IT TO HIM.
6 AND THEN AFTER HE TURNED THAT DOWN, I PROBABLY THOUGHT
7 IF PEGGY HINDS WAS TO COME IN THERE SHE COULD MAYBE
8 PUT A DIFFERENT PERSPECTIVE ON IT.

9 THE COURT: OKAY.

10 MR. MELLARD: SO, AT THE SECOND MEETING IT WAS
11 ME, DANNY AND PEGGY HINDS.

12 THE COURT; OKAY.

13 Q. AND HOW WOULD IT HELP YOU TO NOT BE PRESENT AT
14 THE TRIAL?

15 A. LIKE, I REALLY DO WANT TO BE PRESENT, BUT IT'S
16 LIKE NO TRUST BETWEEN US, AND JUST LIKE, WE GOT A
17 BAD VIBE, LIKE BETWEEN US, AND IT'S NOT WORKING
18 OUT.

19 COURT REPORTER: YOU HAVE WHAT BETWEEN YOU?

20 THE COURT: A BAD VIBE.

21 A. IT'S LIKE NO UNDERSTANDING BETWEEN THE TWO OF US,
22 SO I DON'T THINK IT'S APPROPRIATE THAT I GO
23 FORWARD WITH THE TRIAL WHEN, YOU KNOW ...

24 Q. OKAY. NUMBER ONE, MR. RYANT, LET'S GO OVER -
25 I'M GOING TO TREAT THIS SORT OF AS YOU WANT A NEW

1 COUNSEL.

2 A. YES, SIR.

3 Q. OKAY? AND LET ME TELL YOU, MR. MELLARD HAS BEEN
4 PRACTICING LAW IN FRONT OF ME FOR TWO YEARS. I
5 KNOW HE'S BEEN PRACTICING WITH THE PUBLIC
6 DEFENDER'S OFFICE LONGER THAN THAT. HE'S APPEARED
7 IN FRONT OF ME, HE DOES AN EXCELLENT JOB. HE HAS
8 ALWAYS ADVISED HIS CLIENTS TRUTHFULLY AS TO WHAT
9 THEY'RE FACING, AND I'M ASSUMING HE HAS ADVISED
10 YOU TRUTHFULLY WHAT YOU'RE FACING.

11 A. YES, SIR.

12 Q. AND IF YOU FELT ANY PRESSURE, IT'S MY OPINION
13 THAT HE WAS PROBABLY TRYING TO GET YOU TO DO WHAT
14 HE BELIEVED WAS IN YOUR BEST INTEREST, YOU KNOW.
15 AND I'M SORRY YOU FELT LIKE IT WAS PRESSURE, BUT
16 I THINK MY READING OF MR. MELLARD IN THE TIMES
17 THAT HE HAS APPEARED IS, HE WANTS TO DO THE BEST
18 FOR HIS CLIENTS, HE WANTS THE BEST FOR THEM, YOU
19 KNOW. AND I UNDERSTAND THAT YOU ARE IN A TOUGH
20 SITUATION. YOU'VE GOT SOME SERIOUS CHARGES FACING
21 YOU.

22 A. YES, SIR.

23 Q. AND SOME VERY SERIOUS TIME FACING YOU IF A JURY
24 DETERMINES THAT YOU ARE GUILTY, OKAY?

25 A. YES, SIR.

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 Q. BUT I'M NOT GOING TO GIVE YOU A NEW ATTORNEY.
2 OKAY? OKAY, MR. MELLARD, YOU KNOW, HE'S YOUR
3 ATTORNEY AND HE IS THE ONE THAT'S GOING TO
4 REPRESENT YOU IN THIS TRIAL. OKAY? HE IS A
5 COMPETENT ATTORNEY, HE KNOWS WHAT HE'S DOING, AND
6 ...

7 THE COURT: WAS HE HERE LAST FRIDAY WHEN YOU MADE
8 THE MOTIONS?

9 MR. MELLARD: NO, SIR, HE DID NOT COME FRIDAY.

10 Q. YOU DIDN'T COME WHEN HE CAME OVER HERE AND MADE
11 ALL THE DIFFERENT MOTIONS FOR, ON YOUR BEHALF IN
12 FRONT OF THIS COURT. YOU WERE NOT HERE TO
13 WITNESS ALL OF THAT TO SEE WHAT HE WAS DOING ON
14 YOUR BEHALF. NOW, SO I'M NOT GOING TO GIVE YOU
15 A NEW ATTORNEY FOR THIS TRIAL. YOU'VE GOT MR.
16 MELLARD, HE IS PREPARED TO GO FORWARD WITH THIS
17 TRIAL. NOW, THE QUESTION NOW IS, DO YOU WANT TO
18 BE PRESENT AT TRIAL?

19 A. WELL, FIRST I JUST WANT TO UNDERSTAND, WHAT WILL
20 BE THE OUTCOME IF I DON'T BE PRESENT?

21 Q. WELL, IF YOU'RE NOT PRESENT I WILL TELL THE JURY
22 THAT THEY CANNOT HOLD THE FACT THAT YOU ARE NOT
23 PRESENT AGAINST YOU. OKAY?

24 A. YES, SIR.

25 Q. IF YOU ARE NOT PRESENT AND YOU DON'T TESTIFY I

1 WILL TELL THE JURY THAT THE FACT THAT YOU DIDN'T
2 TESTIFY CANNOT BE HELD AGAINST YOU, THAT YOU ARE
3 PRESUMED INNOCENT. OKAY?

4 A. YES, SIR.

5 Q. AND THEY CAN'T USE THE FACT THAT YOU DID NOT
6 APPEAR OR DID NOT TESTIFY AGAINST YOU IN
7 DETERMINING WHETHER OR NOT YOU ARE GUILTY OR NOT.

8 A. YES, SIR.

9 Q. OKAY? AND THAT WILL BE PART OF MY CHARGE TO THE
10 JURY. OKAY?

11 A. I JUST WANT TO, I WANT TO APOLOGIZE FOR LAST WEEK
12 TO MR. MELLARD, AND TODAY IF I CAUSED ANY
13 INCONVENIENCE, BUT, LIKE, MY FAMILY AND I DON'T
14 FEEL COMFORTABLE, LIKE, WITH ME PROCEEDING WITH
15 THE WHOLE TRIAL. SO, I THINK IT'S BETTER, YOU
16 SEE WHAT I'M SAYING, SIR?

17 Q. IT'S BETTER THAT YOU WHAT?

18 A. THAT I DON'T BE PRESENT.

19 Q. OKAY. BUT YOU UNDERSTAND THAT YOU -- HAS ANYBODY
20 FORCED YOU TO NOT BE PRESENT?

21 A. NO, SIR, IT'S LIKE, FROM MY UNDERSTANDING, LIKE,
22 FROM THE CONVERSATIONS WE HAD, LIKE, IT'S, LIKE,
23 OBVIOUS THAT, LIKE, I AIN'T GOT A GOOD CHANCE IN
24 TRIAL, AND I JUST FEEL UNCOMFORTABLE WITH GOING
25 FORWARD. NOBODY PRESSURED ME INTO NOT GOING, NO,

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 SIR.

2 Q. WELL, MR. RYANT, IF THAT'S THE WAY YOU BELIEVE
3 WHY ARE YOU GOING FORWARD WITH A TRIAL?

4 A. NO, I DON'T WANT TO GO FORWARD.

5 Q. NO, NO, I MEAN, AND MAYBE I'M NOT PHRASING THIS
6 CORRECTLY. YOU KNOW, YOUR OPTIONS OR EITHER TO
7 PLEAD GUILTY OR TO GO FORWARD WITH THE TRIAL.
8 OKAY? SO, YOU'RE TELLING ME THAT YOU DON'T WANT
9 TO PLEAD GUILTY, AND THEN YOU'RE ALSO TELLING ME
10 THAT YOU DO NOT WANT TO BE PRESENT FOR THE TRIAL.
11 IS THAT CORRECT? SIR?

12 A. I'M TRYING TO MAKE THE BEST CHOICE.

13 Q. LISTEN, MR. RYANT, I UNDERSTAND YOU'RE TRYING TO
14 MAKE THE BEST CHOICE. I WANT TO MAKE SURE YOU
15 UNDERSTAND I'M NOT HERE TO PRESSURE YOU, - - -

16 A. YES, SIR.

17 Q. --- BECAUSE THIS IS, THIS IS SOMETHING THAT'S
18 GOING TO AFFECT YOUR LIFE. OKAY? BUT WE'RE
19 GETTING READY, THE JURY IS GOING TO BE HERE IN A
20 WHILE.

21 A. YES, SIR.

22 Q. I HAVE GOT TO KNOW WHAT YOU WANT TO DO. OKAY?
23 AND DO YOU WANT ME TO GIVE YOU FIVE MINUTES TO
24 TALK WITH MR. MELLARD AGAIN?

25 A. I DON'T WANT TO PLEAD GUILTY TODAY, BUT ...

1 Q. AND HE -- LET ME JUST TELL YOU SOMETHING, I
2 DON'T KNOW -- AND THE SOLICITOR'S OFFICE IS NOT
3 HERE SO I CAN'T SPEAK ON BEHALF OF THE
4 SOLICITOR'S OFFICE. AND MR. MELLARD HAS DEALT
5 WITH THE SOLICITOR'S OFFICE HERE LONGER THAN I
6 HAVE, BECAUSE I'VE ONLY BEEN ON THE BENCH FOR TWO
7 YEARS, BUT GENERALLY SPEAKING, ONCE WE GET READY
8 TO GO TO TRIAL, ONCE THAT GETS STARTED THEY'RE
9 NOT GOING TO ACCEPT A PLEA. I MEAN, THEY WILL,
10 I'M ASSUMING, AND I DON'T KNOW IF THEY STILL
11 WOULD ACCEPT YOUR PLEA NOW. AND I WOULD
12 CERTAINLY ENCOURAGE THEM TO, OKAY? BUT I CAN'T,
13 OBVIOUSLY, I CAN'T FORCE THAT, YOU KNOW, BUT IF
14 YOU WANT -- I'LL GIVE YOU ABOUT FIVE MORE MINUTES
15 IF YOU'LL TALK WITH MR. MELLARD, AND I'LL BRING
16 YOU BACK OUT THERE. OKAY? I MEAN, WOULD THAT
17 HELP OR WOULD IT NOT HELP? I DON'T WANT TO FORCE
18 YOU TO DO ANYTHING YOU DON'T WANT TO DO.

19 A. I JUST, I DON'T WANT TO GO FORWARD, I DON'T WANT
20 TO GO FORWARD WITH THE TRIAL.

21 COURT REPORTER: ARE YOU SAYING, I DON'T?

22 Q. YOU DON'T WANT TO GO FORWARD WITH THE TRIAL?

23 A. NO, SIR.

24 Q. WELL, YOU UNDERSTAND, I'M NOT GOING TO CONTINUE
25 THE TRIAL?

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 A. SIR?

2 Q. I'M NOT GOING TO CONTINUE THE TRIAL. I MEAN,
3 WE'RE GOING TO TRIAL TODAY, YOU KNOW. WE WILL GO
4 TO TRIAL TODAY WHETHER YOU ARE PRESENT OR WHETHER
5 YOU ARE NOT PRESENT.

6 A. ALRIGHT.

7 Q. AND YOU ARE GOING TO BE TRIED. OKAY? BECAUSE
8 WE'VE GOT ALL THE WITNESSES HERE, WE'VE GOT THE
9 OTHER FOUR DEFENDANTS, AND WE'RE GOING TO GO
10 FORWARD WITH THE TRIAL BEGINNING TODAY. AND THE
11 ONLY WAY, YOU KNOW, I NEED TO FIND OUT, IF YOU'RE
12 NOT GOING TO PLEAD GUILTY, THEN THE NEXT QUESTION
13 IS, DO YOU WANT TO BE PRESENT AT THE TRIAL OR
14 NOT? AND THAT'S WHERE, SO YOU'VE GOT TO DECIDE,
15 NUMBER ONE, IF YOU'RE NOT GOING TO PLEAD GUILTY
16 YOU NEED TO TELL ME YOU'RE NOT GOING TO PLEAD
17 GUILTY, THAT'S THE FIRST THING. AND THEN, THE
18 NEXT THING YOU HAVE TO TELL ME IS WHETHER YOU
19 WANT TO BE PRESENT AT THE TRIAL OR NOT. THAT'S
20 WHAT YOU'VE GOT TO DECIDE. BUT THOSE ARE THE
21 ORDER IN WHICH WE'VE GOT TO DECIDE THINGS. IF
22 YOU NEED TO TALK TO MR. MELLARD FOR A MINUTE OVER
23 WHETHER OR NOT YOU'RE GOING TO PLEAD GUILTY OR
24 NOT I'LL LET YOU DO THAT. AND THEN I'LL GIVE YOU
25 FIVE MINUTES TO TALK WITH HIM.

1 A. DO YOU THINK IT WILL BE ALRIGHT IF I GET IN
2 CONTACT WITH MY FAMILY TO SEE WHAT THEY THINK?

3 Q. IF THEY -- I DON'T KNOW HOW YOU CAN DO THAT. CAN
4 YOU DO THAT?

5 MR. MELLARD: THERE'S A PHONE BACK IN MS. HARRY
6 DOT'S OFFICE, IF WE COULD USE THAT.

7 Q. YOU'RE WELCOME, WILL SOMEBODY BE AT HOME THAT YOU
8 CAN TALK TO?

9 A. YES, SIR.

10 Q. OKAY.

11 MR. MELLARD: NOW, YOUR HONOR, I'D JUST LIKE TO
12 SAY, WE DON'T KNOW WHAT THE SOLICITOR WOULD BE
13 OFFERING AT THIS POINT.

14 THE COURT: I UNDERSTAND, I UNDERSTAND.

15 MR. MELLARD: SO, IT MAY BE A TWO STEP PROCESS,
16 IT MAY BE A PHONE CALL AND THEN ...

17 Q. I MEAN, WE'VE STILL GOT TO TALK TO THE
18 SOLICITOR'S OFFICE TO FIND OUT IF THEY'LL STILL
19 ACCEPT OUR PLEA AT THIS STAGE, DO YOU UNDERSTAND
20 THAT? I CAN'T GUARANTEE THAT, NEITHER CAN MR.
21 MELLARD, BUT WE WILL CERTAINLY -- IF THAT'S WHAT
22 YOU DECIDE TO DO I WILL CERTAINLY GET MR. MELLARD
23 TO TALK WITH THE SOLICITOR'S OFFICE AND SEE WHAT
24 WE CAN DO. OKAY?

25 A. YES, SIR.

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 THE COURT: OKAY. DO Y'ALL WANT TO GO ON BACK
2 THERE?

3 COURT REPORTER: DOUG, YOU NEED TO PULL MY PHONE
4 OVER SO HE CAN GET TO IT.

5 MR. MELLARD: OKAY, THAT'S FINE.

6 (Recess)

7 THE COURT: MS. HARRY DOT, ARE YOU READY?

8 COURT REPORTER: YES, SIR.

9 MR. MELLARD: AND YOUR HONOR, WE HAD CLEARED THE
10 COURTROOM THE LAST TIME. AND I NOTICE THE SOLICITOR'S
11 HERE, AND I DON'T KNOW IF HE'S GOING TO SAY ANYTHING
12 TO INCRIMINATE HIMSELF OR, I MEAN, I DON'T ...

13 SOLICITOR SORENSON: YOU NEED ME TO GO OUT?

14 THE COURT: YEAH, HE CAME BACK IN AND I JUST
15 MENTIONED TO HIM THAT IF -- WE WERE STILL NEGOTIATING
16 AND IF, DEPENDING ON WHAT MR. RYANT SAID, WE MIGHT
17 WANT TO TALK TO HIM AGAIN. OKAY?

18 DEPUTY: WE HAVE ANOTHER DEFENDANT BACK THERE.

19 THE COURT: WHAT I NEED TO DO, IS THAT DOOR
20 CLOSED? IT'S NOT SOUND PROOF? OKAY. IF YOU'LL JUST
21 WAIT A SECOND WE'LL MOVE HIM. OKAY? IT'S JUST GOING
22 TO BE FOR A MINUTE. OKAY. IF YOU'LL JUST APOLOGIZE TO
23 YOUR CLIENT FOR HAVING TO TAKE HIM OUT FOR A SECOND.

24 OKAY, WE'VE GOT THE COURTROOM CLEARED AGAIN.
25 YES, SIR?

1 MR. MELLARD: YOUR HONOR, WHEN WE LEFT THERE WERE
2 TWO QUESTIONS THAT YOU WANTED HIM TO ANSWER. THE
3 FIRST WAS, DOES HE WANT TO PLEAD? AND OBVIOUSLY, WE
4 DON'T KNOW WHAT THE RANGE WOULD BE IF HE AGREED TO
5 CONSIDER THAT OPTION.

6 THE COURT: RIGHT.

7 MR. MELLARD: IT'S MY UNDERSTANDING HE'S NOT
8 CONSIDERING THAT OPTION. I'LL LEAVE THAT UP TO HIM TO
9 TELL YOU.

10 Q. OKAY. SO, MR. RYANT, YOUR ATTORNEY HAS ADVISED
11 ME YOU ARE NOT INTERESTED IN PLEADING GUILTY. IS
12 THAT CORRECT?

13 A. YES, SIR.

14 Q. OKAY. ALRIGHT, SIR. OKAY, SO THE NEXT QUESTION
15 I HAD IS, -- BECAUSE HE HAD MENTIONED EARLIER
16 THAT YOU DID NOT WANT TO BE PRESENT DURING THE
17 TRIAL. IS THAT A TRUTHFUL STATEMENT, YOU DON'T
18 WANT TO BE PRESENT AT THE TRIAL?

19 A. I DON'T WANT TO BE, BUT I'LL BE PRESENT, SIR.

20 Q. OKAY. ALRIGHT, SIR. AND THAT'S GOOD, I'M GLAD
21 YOU'RE GOING TO BE PRESENT. NOW, LET ME JUST
22 TELL YOU A COUPLE OF THINGS ABOUT BEING PRESENT.
23 YOU KNOW, I'M SURE MR. MELLARD WILL HAVE SOME WAY
24 THAT YOU CAN PASS NOTES OR ANYTHING, I DON'T KNOW
25 HOW YOU NORMALLY DO IT, I USED TO HAVE PEOPLE,

EXAM, IN CAMERA - DANNY RYANT, JUNIOR, BY THE COURT

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1 YOU KNOW, IF THEY WANTED TO WRITE SOMETHING THEY
2 COULD PASS ME A NOTE, BUT DURING THE TRIAL WHEN
3 THERE ARE BREAKS AND LIKE THAT YOU CAN TALK WITH
4 MR. MELLARD TO FIND OUT HOW THINGS ARE -- YOU
5 KNOW, SO Y'ALL CAN TALK BACK AND FORTH. BUT
6 WHILE WE'RE IN HERE DURING TRIAL, YOU KNOW, YOU
7 CAN'T MAKE ANY COMMENTS ABOUT WHAT THE WITNESS IS
8 SAYING, - - -

9 A. NO, SIR.

10 Q. --- NO FACIAL EXPRESSIONS, AND THINGS LIKE THAT.
11 DO YOU UNDERSTAND THAT?

12 A. YES, SIR.

13 Q. YOU'VE GOT TO BE ON YOUR BEST BEHAVIOR, DO YOU
14 UNDERSTAND WHAT THAT MEANS?

15 A. YES, SIR.

16 THE COURT: OKAY. ALRIGHT, SIR. SO, WE'RE GOING
17 TO START PICKING THE JURY, I THINK THE JURY COMES IN
18 AT ONE:THIRTY, AND WE'LL QUALIFY THE JURY, AND THEN
19 SHORTLY THEREAFTER THEY'LL CALL THE CASE AND WE'LL
20 START PICKING THE JURY. OKAY?

21 ANYTHING ELSE WE NEED TO GO OVER, MR. MELLARD?

22 MR. MELLARD: NO, SIR. HE WASN'T HERE WHENEVER WE
23 HAD THOSE -- I THINK IT WAS FRIDAY WHEN WE HAD THOSE
24 HEARINGS, SO HE PROBABLY DOESN'T KNOW THAT THERE'S
25 GOING TO BE POLICE OFFICERS IN PLAIN CLOTHES HERE, SO

1 I JUST KIND OF JUST LET HIM KNOW ABOUT THAT.

2 Q. YEAH, THERE WILL BE A NUMBER OF POLICE OFFICERS
3 HERE, AND THERE WILL BE POLICE OFFICERS IN PLAIN
4 CLOTHES HERE BECAUSE, YOU KNOW, WE'VE GOT A LOT
5 OF DEFENDANTS HERE, AND YOU JUST NEED TO BE AWARE
6 OF THAT. OKAY?

7 A. YES, SIR.

8 Q. AND I CAN'T -- IF I HAVE ANY OUTBURSTS OR
9 ANYTHING LIKE THAT DURING THE TRIAL OR PEOPLE
10 MAKING COMMENTS DURING THE TRIAL OR THINGS LIKE
11 THAT WHERE THE JURY CAN HEAR, WHETHER THEY'RE IN
12 THE AUDIENCE OR WHETHER IT'S, YOU KNOW, ONE OF
13 THE DEFENDANTS, OR ANY OF THE OTHER GENTLEMEN,
14 YOU WON'T BE ALLOWED TO BE IN THE COURTROOM UNDER
15 THOSE CIRCUMSTANCES. DO YOU UNDERSTAND THAT?

16 A. YES, SIR, I UNDERSTAND.

17 THE COURT: OKAY. ALRIGHT, SIR. ALRIGHT, MR.
18 RYANT, THANK YOU, SIR. APPRECIATE IT.

19 (Recess)

20 (Wherein, the following
21 takes place in the presence
22 of the jury venire.)

23 THE COURT: IS THE STATE READY TO PROCEED?

24 SOLICITOR PASCOE: YES, YOUR HONOR.

25 THE COURT: ARE THE DEFENDANTS READY TO PROCEED?

1 MS. ULLMAN: YES, SIR.

2 MR. MELLARD: YES, SIR.

3 MR. KOGER: YES, YOUR HONOR.

4 MR. PALMER: YES, SIR.

5 MR. LACKEY: YES, YOUR HONOR.

6 THE COURT: OKAY. AND Y'ALL CAN ALREADY TELL,
7 BECAUSE WE HAVE A NUMBER OF DEFENSE ATTORNEYS OVER
8 HERE, IT'S GOING TO BE A GOOD MANY QUESTIONS. MR.
9 PASCOE, IF YOU WANT TO CALL THE CASE, PLEASE, SIR.

10 SOLICITOR PASCOE: MAY IT PLEASE THE COURT.

11 THE COURT: YES, SIR.

12 SOLICITOR PASCOE: AT THIS TIME, LADIES AND
13 GENTLEMEN, THE STATE OF SOUTH CAROLINA CALLS THE CASE
14 OF THE STATE OF SOUTH CAROLINA VERSUS CHRIS COLEMAN,
15 RALPH COLEMAN, WALTER LEE HARRIS, DANNY RYANT, JUNIOR,
16 AND MARIO SHIVERS, EACH DEFENDANT CHARGED WITH ONE
17 COUNT OF MURDER, ONE COUNT OF BURGLARY IN THE FIRST
18 DEGREE, AND ONE COUNT OF ARMED ROBBERY. THANK YOU,
19 YOUR HONOR.

20 THE COURT: ALRIGHT, THANK YOU, MR. PASCOE.

21 LADIES AND GENTLEMEN OF THE JURY, WHAT WE'RE
22 GOING TO DO NOW IS, I'VE GOT TO STILL GO THROUGH A
23 LIST OF QUESTIONS TO FIND OUT IF YOU ARE QUALIFIED TO
24 SERVE AS A JUROR ON THIS CASE. AND I'M GOING TO BE
25 INTRODUCING, OR HAVING SOME PEOPLE INTRODUCE

1 THEMSELVES TO YOU, AND THEN I'VE GOT A LIST OF
2 WITNESSES TO GO THROUGH AND THINGS LIKE THAT. NOW,
3 ALL OF THE WITNESSES' NAMES THAT I AM GOING TO MENTION
4 WHEN I GO THROUGH THIS LIST MAY OR MAY NOT BE CALLED,
5 BUT I'M GOING TO CALL THEIR NAMES OUT AND FIND OUT IF
6 ANYBODY IN THE JURY PANEL KNOWS ANY OF THE WITNESSES,
7 ANY OF THE ATTORNEYS OR ANY OF THE GENTLEMEN THAT HAVE
8 BEEN CHARGED IN THIS CASE. SO, IF Y'ALL WILL BEAR
9 WITH ME WHILE WE DO THIS. AGAIN, IF YOU NEED TO
10 ANSWER A QUESTION I NEED FOR YOU TO STAND UP AND
11 PLEASE DO NOT SAY ANYTHING WHEN YOU STAND UP. WHAT I
12 NEED TO DO FIRST IS RECOGNIZE YOU, MAKE SURE I HAVE
13 YOUR NAME AND YOUR NUMBER AND THEN I WILL ASK YOU A
14 SPECIFIC QUESTION AND I NEED FOR YOU TO RESPOND TO MY
15 QUESTIONS AS I GO THROUGH AND ASK THEM. AND I NEED
16 FOR YOU TO ALLOW ME PLEASE, BECAUSE SOME OF MY
17 QUESTIONS ARE SORT OF LENGTHY, SO IF YOU WILL ALLOW ME
18 TO FINISH THE QUESTION BEFORE YOU ANSWER IT. I KNOW
19 EVERYBODY IS A LITTLE NERVOUS, WHENEVER YOU STAND UP
20 IN FRONT OF A CROWD IT GENERALLY MAKES PEOPLE NERVOUS,
21 BUT IF YOU WILL JUST, YOU KNOW, TAKE A DEEP BREATH
22 WE'LL GO THROUGH THIS AND IT OUGHT TO GO FINE.

23 ALRIGHT, MR. PASCOE, WOULD YOU MIND STANDING UP,
24 IDENTIFYING YOURSELF, MR. SORENSON, AND GIVE THE NAMES
25 OF THE ATTORNEYS THAT WORK IN YOUR OFFICE, PLEASE,

1 SIR.

2 SOLICITOR PASCOE: GOOD AFTERNOON. MY NAME AGAIN
3 IS DAVID PASCOE, I'M THE SOLICITOR FOR ORANGEBURG
4 COUNTY. TRYING THIS CASE WITH ME THIS WEEK IS ONE OF
5 MY ASSISTANT SOLICITORS, DON SORENSON, MY VICTIM'S
6 ADVOCATE, TAMMY FRAZIER, IS GOING TO BE WITH US A GOOD
7 BIT THIS WEEK, AND JAMES SHUMPERT FROM THE ORANGEBURG
8 COUNTY SHERIFF'S OFFICE. OTHER ASSISTANT SOLICITORS
9 IN MY OFFICE ARE TOMMY SCOTT, SARAH FORD, CRYSTAL
10 CHAPMAN, LYN GUSTUS, AND ROSS CLARIDAY.

11 THE COURT: THANK YOU, SIR. IS ANY MEMBER OF THE
12 JURY PANEL RELATED BY BLOOD, MARRIAGE, CLOSE PERSONAL
13 FRIEND OF ANY OF THE PEOPLE THAT MR. PASCOE HAS NAMED?
14 IF SO IF YOU WOULD PLEASE STAND AT THIS TIME.

15 (Negative response from jury panel.)

16 THE COURT: ALRIGHT, NO ONE IS STANDING.
17 ALRIGHT, MR. CHRISTIAN COLEMAN IS REPRESENTED BY MR.
18 RICHARD LACKEY. MR. LACKEY, IF YOU'D PLEASE STAND AND
19 INTRODUCE YOURSELF AND HAVE YOUR CLIENT STAND.

20 MR. LACKEY: I'M RICHARD LACKEY. THIS IS MY
21 CLIENT, CHRISTIAN COLEMAN.

22 THE COURT: OKAY, THANK Y'ALL, APPRECIATE IT.
23 ALRIGHT, IS ANY MEMBER OF THE JURY PANEL RELATED BY
24 BLOOD, MARRIAGE OR A CLOSE PERSONAL FRIEND OF MR.
25 RICHARD LACKEY? IF SO, PLEASE STAND.

1 (Negative response from jury panel.)

2 THE COURT: ALRIGHT, NO ONE IS STANDING.

3 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
4 MARRIAGE, OR A CLOSE PERSONAL FRIEND OF MR. CHRISTIAN
5 COLEMAN? IF SO, PLEASE STAND AT THIS TIME.

6 (Negative response from jury panel.)

7 THE COURT: ALRIGHT, NO ONE IS STANDING.

8 MS. ULLMAN, IF YOU WOULDN'T MIND STANDING AND
9 INTRODUCING YOURSELF AND YOUR CLIENT, PLEASE, MA'AM,
10 AND MR. WISE.

11 MS. ULLMAN: MY NAME IS JILLIAN ULLMAN, I'M AN
12 ATTORNEY IN THE PUBLIC DEFENDER'S OFFICE. MY CLIENT IS
13 RALPH COLEMAN. ALSO WITH ME IS GOING TO BE MARK WISE,
14 HE'S ANOTHER ATTORNEY IN THE PUBLIC DEFENDER'S OFFICE
15 WHO'S GOING TO BE HERE.

16 THE COURT: ALRIGHT, THANK YOU, MA'AM. IS ANY
17 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE
18 OR A CLOSE PERSONAL FRIEND OF MS. JILL ULLMAN OR MR.
19 MARK WISE? IF SO, PLEASE STAND.

20 (Negative response from jury panel.)

21 THE COURT: ALRIGHT, NO ONE IS STANDING.

22 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
23 MARRIAGE OR A CLOSE PERSONAL FRIEND OF RALPH BERNARD
24 COLEMAN? IF SO, PLEASE STAND.

25 (Negative response from jury panel.)

1 THE COURT: MR. PALMER, YOU REPRESENT MR. HARRIS.
2 IF YOU'D PLEASE INTRODUCE YOURSELF AND MR. HARRIS.

3 MR. PALMER: THANK YOU, YOUR HONOR, GOOD
4 AFTERNOON, MY NAME IS SCOTT PALMER, I'M A SOLE
5 PRACTITIONER WITH THE W. SCOTT PALMER LAW FIRM, WITH
6 OFFICES IN SANTEE AND RIDGEVILLE, SOUTH CAROLINA.
7 TODAY MY CLIENT IS MR. WALTER LEE HARRIS.

8 THE COURT: THANK YOU, SIR. THANK Y'ALL.

9 IS ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD
10 OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF MR. PALMER
11 OR HAVE BEEN REPRESENTED BY MR. PALMER? IF SO, PLEASE
12 STAND.

13 (Negative response from jury panel.)

14 THE COURT; ALRIGHT, NO ONE IS STANDING.

15 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
16 MARRIAGE, OR CLOSE PERSONAL FRIEND OF MR. WALTER LEE
17 HARRIS? IS SO, PLEASE STAND.

18 (Negative response from jury panel.)

19 THE COURT; ALRIGHT, NO ONE IS STANDING.

20 ALRIGHT, MR. MELLARD, WOULD YOU PLEASE STAND,
21 INTRODUCE MR. RYANT, AND ALSO IF YOU WOULD NAME THE
22 OTHER MEMBERS OF THE PUBLIC DEFENDER'S, THE ATTORNEYS
23 IN THE PUBLIC DEFENDER'S OFFICE.

24 MR. MELLARD: MY NAME IS DOUG MELLARD. AS YOU
25 HEARD, I WORK FOR THE ORANGEBURG PUBLIC DEFENDER'S

1 OFFICE. THE OTHER ATTORNEYS IN THE OFFICE ARE,
2 BESIDES MR. ULLMAN AND MR. WISE, ARE MS. PEGGY HINDS,
3 MR. ASH CHISOLM, OUR STAFF IS COMPRISED OF DEBORAH
4 MARTIN, LINDA EASTERLIN, CARLOS HOLBECK, AND LAUREN
5 DRIGGERS, AND THIS IS MY CLIENT, DANNY RYANT.

6 THE COURT: OKAY, THANK YOU, SIR.

7 ALRIGHT, IS ANY MEMBER OF THE JURY PANEL RELATED
8 BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF MR.
9 MELLARD OR ANY OF THE OTHER DEFENDANTS OR PEOPLE NAMED
10 WITH THE PUBLIC DEFENDER'S OFFICE? IF SO, PLEASE
11 STAND AT THIS TIME.

12 (Positive response from jury panel.)

13 THE COURT: YES, SIR, YOUR NAME, PLEASE, SIR?

14 JUROR MINTZ: GYRON MINTZ.

15 THE COURT: HOLD ON ONE SECOND, LET ME GET MY ...

16 CLERK: ONE TWENTY-SEVEN.

17 THE COURT: HUH?

18 CLERK: ONE TWENTY-SEVEN.

19 THE COURT: ONE TWENTY-SEVEN, OH, MR. MINTZ,
20 GYRON MINTZ?

21 JUROR MINTZ: YES, SIR.

22 THE COURT: OKAY. MR. MINTZ, YOU HAVE BEEN
23 REPRESENTED BY THE PUBLIC DEFENDER'S OFFICE OR ARE YOU
24 FRIENDS WITH SOMEBODY IN THAT OFFICE?

25 JUROR MINTZ: OH, NO, BUT I KNOW THE DEFENDANT

1 RYANT.

2 THE COURT: OH, YOU KNOW MR. RYANT?

3 JUROR MINTZ: YES, SIR.

4 THE COURT: OKAY. HOW DO YOU KNOW MR. RYANT?

5 JUROR MINTZ: EVER SINCE WE WAS LITTLE BOYS.

6 THE COURT: OKAY. ALRIGHT, SIR. MR. MINTZ, THE
7 FACT THAT YOU KNOW MR. RYANT, WOULD THAT AFFECT YOUR
8 ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE AND
9 RENDER A FAIR AND IMPARTIAL VERDICT?

10 JUROR MINTZ: YES, SIR.

11 THE COURT: IT WOULD AFFECT YOU?

12 JUROR MINTZ: YES.

13 THE COURT: OKAY. ALRIGHT, MR. MINTZ, YOU ARE
14 EXCUSED, BUT THANK YOU, SIR.

15 HE JUMPED AHEAD. IS ANY MEMBER OF THE JURY PANEL
16 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
17 FRIEND OF DANNY RYANT, JUNIOR? IF SO, PLEASE STAND.
18 (Negative response from jury panel.)

19 THE COURT: ALRIGHT, NOBODY ELSE IS STANDING.

20 AND FINALLY, MR. KOGER, IF YOU'D STAND UP AND
21 INTRODUCE YOURSELF AND YOUR CLIENT, PLEASE, SIR.

22 MR. KOGER: MY NAME IS JOSHUA KOGER, JUNIOR,
23 OWNER AND FOUNDER OF KOGER LAW FIRM IN ORANGEBURG,
24 SOUTH CAROLINA. THIS IS MY CLIENT, MARIO SHIVERS.

25 THE COURT: THANK YOU. THANK YOU, GENTLEMEN,

1 Y'ALL MAY BE SEATED.

2 ALRIGHT. IS ANY MEMBER OF THE JURY PANEL RELATED
3 BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OR
4 HAVE BEEN REPRESENTED BY MR. JOSHUA KOGER? IF SO,
5 PLEASE STAND AT THIS TIME.

6 (Negative response from jury panel.)

7 THE COURT: IS ANY MEMBER OF THE JURY PANEL
8 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
9 FRIEND OF MARIO MONTEZ SHIVERS? IF SO, PLEASE STAND
10 AT THIS TIME.

11 (Negative response from jury panel.)

12 THE COURT: ALRIGHT, NO ONE IS STANDING.

13 LADIES AND GENTLEMEN, I'M GOING TO GO THROUGH AN
14 EXTENSIVE LIST OF POSSIBLE WITNESSES, SO IF Y'ALL WILL
15 BEAR WITH ME, I'M GOING TO GO THROUGH THE LIST. IF
16 THOSE WITNESSES ARE PRESENT IN THE COURTROOM I'D ASK
17 YOU TO STAND. IF NOT, WE'LL JUST GO THROUGH AND
18 HOPEFULLY YOU CAN IDENTIFY THEM. IF THEY'RE CLOSE
19 PERSONAL FRIENDS OR YOU ARE RELATED TO THEM YOU OUGHT
20 TO KNOW THEM BY THEIR NAMES. OKAY? OKAY, THE FIRST
21 PERSON IS SERGEANT CRAIG DAVIS OF THE ORANGEBURG
22 COUNTY SHERIFF'S DEPARTMENT. ANYBODY RELATED BY BLOOD
23 OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF SERGEANT
24 CRAIG DAVIS OF THE ORANGEBURG COUNTY SHERIFF'S OFFICE?
25 IF SO, PLEASE STAND.

1 (Negative response from jury panel.)

2 THE COURT: ALRIGHT, NO ONE IS STANDING.

3 IS ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD
4 OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF DEPUTY,
5 INITIAL B, WESTBERRY, OF THE ORANGEBURG COUNTY
6 SHERIFF'S OFFICE? IF SO, PLEASE STAND.

7 (Negative response from jury panel.)

8 THE COURT: ALRIGHT, NO ONE IS STANDING.

9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
10 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DEPUTY RYAN
11 HARTER OF THE ORANGEBURG COUNTY SHERIFF'S DEPARTMENT?
12 IF SO, PLEASE STAND.

13 (Negative response from jury panel.)

14 THE COURT: NO ONE IS STANDING.

15 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
16 MARRIAGE OR A CLOSE PERSONAL FRIEND OF LIEUTENANT
17 GERALD CARTER OF THE ORANGEBURG COUNTY SHERIFF'S
18 OFFICE? IF SO, PLEASE STAND.

19 (Negative response from jury panel.)

20 THE COURT: NO ONE IS STANDING.

21 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
22 MARRIAGE OR A CLOSE PERSONAL FRIEND OF INVESTIGATOR
23 JARED KITRELL OF THE ORANGEBURG COUNTY SHERIFF'S
24 OFFICE? IF SO, PLEASE STAND.

25 (Negative response from jury panel.)

1 THE COURT: NO ONE IS STANDING.

2 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
3 MARRIAGE OR A CLOSE PERSONAL FRIEND OF LIEUTENANT
4 JAMES SHUMPERT OF THE ORANGEBURG COUNTY SHERIFF'S
5 OFFICE? IF SO, PLEASE STAND.

6 (Negative response from jury panel.)

7 THE COURT: NO ONE IS STANDING.

8 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
9 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DEPUTY
10 FREDERICK EVANS OF THE ORANGEBURG COUNTY SHERIFF'S
11 OFFICE? IF SO, PLEASE STAND.

12 (Negative response from jury panel.)

13 THE COURT: NO ONE IS STANDING.

14 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
15 MARRIAGE OR A CLOSE PERSONAL FRIEND OF INVESTIGATOR
16 TONY TURKVANT OF THE ORANGEBURG COUNTY SHERIFF'S
17 OFFICE? IF SO, PLEASE STAND.

18 (Negative response from jury panel.)

19 THE COURT: NO ONE IS STANDING.

20 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
21 MARRIAGE OR A CLOSE PERSONAL FRIEND OF KIMBERLY PUGH
22 OF THE ORANGEBURG COUNTY SHERIFF'S OFFICE? IF SO,
23 PLEASE STAND.

24 (Negative response from jury panel.)

25 THE COURT: NO ONE IS STANDING.

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF INVESTIGATOR
3 BILLY ETHERIDGE OF THE DORCHESTER COUNTY SHERIFF'S
4 OFFICE? IF SO, PLEASE STAND.

5 (Negative response from jury panel.)

6 THE COURT: NO ONE IS STANDING.

7 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
8 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DR. JANICE
9 ROSS, OF THE NEWBERRY PATHOLOGY OFFICE? IF SO, PLEASE
10 STAND.

11 (Negative response from jury panel.)

12 THE COURT: ALRIGHT, NO ONE IS STANDING.

13 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
14 MARRIAGE OR A CLOSE PERSONAL FRIEND OF ILA SIMMONS, OF
15 SOUTH CAROLINA LAW ENFORCEMENT DIVISION? IF SO,
16 PLEASE STAND.

17 (Negative response from jury panel.)

18 THE COURT: ALRIGHT, NO ONE IS STANDING.

19 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
20 MARRIAGE OR A CLOSE PERSONAL FRIEND OF JAMES GREEN, OF
21 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION? IF SO,
22 PLEASE STAND.

23 (Negative response from jury panel.)

24 THE COURT: NO ONE IS STANDING.

25 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR

1 MARRIAGE OR A CLOSE PERSONAL FRIEND OF JEREMY WEIS, OF
2 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION? IF SO,
3 PLEASE STAND.

4 (Negative response from jury panel.)

5 THE COURT: NO ONE IS STANDING.

6 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
7 MARRIAGE OR A CLOSE PERSONAL FRIEND OF ANDRENA BELTON
8 AT SLED? IF SO, PLEASE STAND.

9 (Negative response from jury panel.)

10 THE COURT: NO ONE IS STANDING.

11 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
12 MARRIAGE OR A CLOSE PERSONAL FRIEND OF JASPER HUMBERT
13 FROM SLED? IF SO, PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: NO ONE IS STANDING.

16 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
17 MARRIAGE OR A CLOSE PERSONAL FRIEND OF NIKKI PERRY,
18 EMPLOYED AT SLED? IF SO, PLEASE STAND.

19 (Negative response from jury panel.)

20 THE COURT: NO ONE IS STANDING.

21 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
22 MARRIAGE OR A CLOSE PERSONAL FRIEND OF PATRICIA
23 CROOKS, WHO WORKS AT SLED? IF SO, PLEASE STAND.

24 (Negative response from jury panel.)

25 THE COURT: NO ONE IS STANDING.

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF ASHLEY PARLSEY,
3 P-A-R-S-L-E-Y? IF SO, PLEASE STAND.

4 (Negative response from jury panel.)

5 THE COURT: NO ONE IS STANDING.

6 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
7 MARRIAGE OR A CLOSE PERSONAL FRIEND OF SHANNON
8 MITCHELL? IF SO, PLEASE STAND.

9 (Negative response from jury panel.)

10 THE COURT: NO ONE IS STANDING.

11 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
12 MARRIAGE OR A CLOSE PERSONAL FRIEND OF PATRICK TYLER?
13 IF SO, PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: NO ONE IS STANDING.

16 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
17 MARRIAGE OR A CLOSE PERSONAL FRIEND OF MONEAK BUSBY?
18 IF SO, PLEASE STAND.

19 (Negative response from jury panel.)

20 THE COURT: NO ONE IS STANDING.

21 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
22 MARRIAGE OR A CLOSE PERSONAL FRIEND OF YVONNE
23 SHARPERSON? IF SO, PLEASE STAND.

24 (Negative response from jury panel.)

25 THE COURT: NO ONE IS STANDING.

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF ANDRE
3 WASHINGTON? IF SO, PLEASE STAND.

4 (Negative response from jury panel.)

5 THE COURT: ALRIGHT, NO ONE IS STANDING.

6 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
7 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DARRIUS GARNER?
8 IF SO, PLEASE STAND.

9 (Negative response from jury panel.)

10 THE COURT: ALRIGHT, NO ONE IS STANDING.

11 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
12 MARRIAGE OR A CLOSE PERSONAL FRIEND OF CHRISTOPHER
13 DWIGHT? IF SO, PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: ALRIGHT, NO ONE IS STANDING.

16 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
17 MARRIAGE OR A CLOSE PERSONAL FRIEND OF SHELDON DAVIS?
18 IF SO, PLEASE STAND.

19 (Negative response from jury panel.)

20 THE COURT: NO ONE IS STANDING.

21 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
22 MARRIAGE OR A CLOSE PERSONAL FRIEND OF DEMETRIUS
23 JENKINS? IF SO, PLEASE STAND.

24 (Negative response from jury panel.)

25 THE COURT: NO ONE IS STANDING.

1 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
2 MARRIAGE OR A CLOSE PERSONAL FRIEND OF CRYSTAL MONROE?
3 IF SO, PLEASE STAND.

4 (Negative response from jury panel.)

5 THE COURT: NO ONE IS STANDING.

6 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
7 MARRIAGE OR A CLOSE PERSONAL FRIEND OF RONNIE
8 WASHINGTON? IF SO, PLEASE STAND.

9 (Negative response from jury panel.)

10 THE COURT: NO ONE IS STANDING.

11 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
12 MARRIAGE OR A CLOSE PERSONAL FRIEND OF NATHANIEL
13 HUBBARD, AND HE MIGHT THE HAVE NICK NAME OF ALL TEL.

14 INVESTIGATOR SHUMPERT: THAT'S WHERE HE WORKS.

15 THE COURT: OH, THAT'S WHERE HE WORKS. OH,
16 SORRY. I'VE HAD SO MUCH FUN, OKAY, HE WORKS AT ALL
17 TEL. OKAY. IT WOULD BE BETTER IF YOU HAD SOMEBODY
18 NAMED ALL TEL, BUT THAT'S OKAY. DOES ANYBODY KNOW
19 NATHANIEL HUBBARD?

20 (Positive response from jury panel.)

21 THE COURT: YES, MA'AM. HOLD ONE, ONE SECOND.
22 WHAT'S YOUR NAME, PLEASE, MA'AM?

23 JUROR BAIR: VIVIAN BAIR.

24 THE COURT: OKAY. MS. BAIR, YOU KNOW NATHANIEL
25 HUBBARD?

1 JUROR BAIR: YES, SIR.

2 THE COURT: OKAY. AND IS HE A CLOSE PERSONAL
3 FRIEND OF YOURS OR A RELATIVE?

4 JUROR BAIR: I TAUGHT HIM, AND HIS MOTHER IS ONE
5 OF MY VERY CLOSE FRIENDS.

6 THE COURT: ALRIGHT. THE FACT THAT YOU TAUGHT
7 MR. HUBBARD, AND YOU'RE A CLOSE PERSONAL FRIEND OF HIS
8 MOTHER, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO
9 THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND
10 IMPARTIAL VERDICT?

11 JUROR BAIR: NO, SIR.

12 THE COURT: OKAY, IF YOU'D PLEASE STAY WITH US,
13 MS. BAIR, I'D APPRECIATE IT. THANK YOU, MA'AM.

14 ALRIGHT, ANY MEMBER OF THE JURY PANEL RELATED BY
15 BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF
16 INVESTIGATOR WALT TURNER? IF SO, PLEASE STAND.

17 (Negative response from jury panel.)

18 THE COURT: ALRIGHT, NO ONE IS STANDING.

19 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
20 MARRIAGE OR A CLOSE PERSONAL FRIEND OF INVESTIGATOR
21 KENNY KINSEY? IF SO, PLEASE STAND.

22 (Negative response from jury panel.)

23 THE COURT: ALRIGHT. NO ONE IS STANDING.

24 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
25 MARRIAGE OR A CLOSE PERSONAL FRIEND OF SHIRLEY ANN

1 MONROE? IF SO, PLEASE STAND.

2 (Negative response from jury panel.)

3 THE COURT: ALRIGHT, NO ONE IS STANDING.

4 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
5 MARRIAGE OR A CLOSE PERSONAL FRIEND OF NICOLE RENEE
6 MONROE? IF SO, PLEASE STAND.

7 (Negative response from jury panel.)

8 THE COURT: ALRIGHT, NO ONE IS STANDING.

9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
10 MARRIAGE OR A CLOSE PERSONAL FRIEND OF MAKEBIA MONROE?
11 DID I PRONOUNCE THAT CORRECTLY? OKAY, MAKEBIA MONROE.

12 (Negative response from jury panel.)

13 THE COURT: ALRIGHT, NO ONE IS STANDING.

14 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
15 MARRIAGE OR A CLOSE PERSONAL FRIEND OF SHANIQUA MOORE?
16 IF SO, PLEASE STAND.

17 (Negative response from jury panel.)

18 THE COURT: ALRIGHT, NO ONE IS STANDING.

19 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
20 MARRIAGE OR A CLOSE PERSONAL FRIEND OF SHERRY CHRISTY?
21 IF SO, PLEASE STAND.

22 (Negative response from jury panel.)

23 THE COURT: NO ONE IS STANDING.

24 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
25 MARRIAGE OR A CLOSE PERSONAL FRIEND OF LINDA MOORER?

1 IF SO, PLEASE STAND.

2 (Negative response from jury panel.)

3 THE COURT: NO ONE IS STANDING.

4 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
5 MARRIAGE OR A CLOSE PERSONAL FRIEND OF CASSANDRA
6 MOORER? IF SO, PLEASE STAND.

7 (Negative response from jury panel.)

8 THE COURT: NO ONE IS STANDING.

9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
10 MARRIAGE OR A CLOSE PERSONAL FRIEND OF BRENDA DASH?
11 IF SO, PLEASE STAND.

12 (Negative response from jury panel.)

13 THE COURT: NO ONE IS STANDING.

14 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
15 MARRIAGE TO DANIELLE MONROE? IF SO, PLEASE STAND.

16 (Negative response from jury panel.)

17 THE COURT: NO ONE IS STANDING.

18 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR
19 MARRIAGE OR A CLOSE PERSONAL FRIEND OF ERIC BOVAIN?
20 IF SO, PLEASE STAND.

21 (Negative response from jury panel.)

22 THE COURT: ALRIGHT, NO ONE IS STANDING.

23 I KNOW Y'ALL ARE AS HAPPY AS I AM TO GET THROUGH
24 THAT LIST OF POSSIBLE WITNESSES. NOW, LET ME REMIND
25 YOU, THAT'S JUST POSSIBLE WITNESSES, THAT DOESN'T MEAN

1 WE WILL CALL EVERYBODY, THAT EVERYONE WILL BE CALLED.

2 ALRIGHT, I'VE GOT SOME OTHER QUESTIONS TO ASK
3 YOU. IS THERE ANY MEMBER OF THE JURY PANEL WHO IS
4 RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL
5 FRIEND OF ANYONE WHO WORKS FOR A LAW ENFORCEMENT
6 AGENCY? IF SO, PLEASE STAND.

7 (Positive response from jury panel.)

8 THE COURT: OKAY. YOUR NAME, PLEASE, MA'AM?

9 JUROR LADSON: LORETTA LADSON.

10 THE COURT: LAST NAME AGAIN?

11 JUROR LADSON: LORETTA LADSON.

12 THE COURT: OH, LADSON, OKAY. ALRIGHT, AND MS.
13 LADSON, ARE YOU RELATED OR A FRIEND OF SOMEONE IN LAW
14 ENFORCEMENT?

15 JUROR LADSON: YES, I'M MARRIED TO HIM.

16 THE COURT: OH, SO YOU MIGHT BE FRIENDS, RIGHT?

17 JUROR LADSON: YES, SIR.

18 THE COURT: ALRIGHT. THAT'S RIGHT, YOUR HUSBAND
19 WORKS AT THE SHERIFF'S OFFICE?

20 JUROR LADSON: CORRECT.

21 THE COURT: OKAY. AND THE FACT THAT YOUR HUSBAND
22 WORKS IN THE SHERIFF'S OFFICE WOULD THAT AFFECT YOUR
23 ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE AND
24 RENDER A FAIR AND IMPARTIAL VERDICT?

25 JUROR LADSON: (Nods head in the negative.)

1 THE COURT: IS THAT A NO?

2 JUROR LADSON: NO.

3 THE COURT: OKAY. IF YOU'D STAY WITH US. MS.

4 LADSON, I'D APPRECIATE IT. OKAY? THANK YOU, MA'AM.

5 YOUR NAME, PLEASE, MA'AM?

6 JUROR HICKS: THOMASENIA HICKS.

7 THE COURT: OKAY, JUROR NUMBER SEVENTY-EIGHT, MS.

8 HICKS. YOU ARE, IS IT, YOU ARE RELATED TO SOMEONE WHO
9 WORKS IN LAW ENFORCEMENT?

10 JUROR HICKS: YES.

11 THE COURT: OKAY. AND WHERE DO THEY, WHAT LAW
12 ENFORCEMENT AGENCY DO THEY WORK FOR?

13 JUROR HICKS: ORANGEBURG COUNTY.

14 THE COURT: ORANGEBURG COUNTY SHERIFF'S OFFICE.
15 OKAY. AND MS. HICKS, THE FACT -- WHAT TYPE RELATIVE
16 IS IT, A COUSIN OR - - -

17 JUROR HICKS: MY NEPHEW.

18 THE COURT: YOUR NEPHEW. OKAY. ALRIGHT, MS.
19 HICKS, THE FACT THAT YOUR NEPHEW WORKS FOR THE
20 ORANGEBURG COUNTY SHERIFF'S DEPARTMENT, WOULD THAT
21 AFFECT YOUR ABILITY TO LISTEN TO THE EVIDENCE IN THIS
22 CASE AND RENDER A FAIR AND IMPARTIAL VERDICT?

23 JUROR HICKS: NO.

24 THE COURT: NO? OKAY. IF YOU'D STAY WITH US,
25 THEN, PLEASE, MS. HICKS, I'D APPRECIATE IT.

1 AND THE GENTLEMAN BACK THERE, YES, SIR, YOUR
2 NAME?

3 JUROR HEADDEN: JAMIE HEADDEN.

4 THE COURT: MR. HEADDEN, NUMBER SEVENTY-SEVEN.
5 MR. HEADDEN, DO YOU HAVE A RELATIVE THAT WORKS IN LAW
6 ENFORCEMENT?

7 JUROR HEADDEN: YES.

8 THE COURT: WHAT RELATIVE, A COUSIN OR -- A
9 COUSIN?

10 JUROR HEADDEN: YES.

11 THE COURT: FIRST COUSIN, SECOND COUSIN?

12 JUROR HEADDEN: FIRST, FIRST COUSIN.

13 THE COURT: OKAY. WHICH LAW ENFORCEMENT AGENCY DO
14 THEY WORK WITH?

15 JUROR HEADDEN: DEPUTY, IN ORANGEBURG.

16 THE COURT: IN ORANGEBURG. OKAY. THE FACT THAT
17 YOU HAVE A COUSIN THAT WORKS IN THE ORANGEBURG COUNTY
18 SHERIFF'S OFFICE, WOULD THAT AFFECT YOUR ABILITY TO
19 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
20 AND IMPARTIAL VERDICT?

21 JUROR HEADDEN: NO.

22 THE COURT: IS THAT A NO?

23 JUROR HEADDEN: NO, IT WOULD NOT.

24 THE COURT: OKAY. IF YOU WOULD STAY WITH US,
25 PLEASE, MR. HEADDEN, THANK YOU, SIR.

1 OH, I'M SORRY, I'M SORRY. YES, MA'AM, YOUR
2 NAME?

3 JUROR KITTRELL: WANDA KITTRELL.

4 THE COURT: JUROR NUMBER ONE TEN?

5 JUROR KITTRELL: YES, SIR.

6 THE COURT: OKAY, MS. KITTRELL, DO YOU HAVE A
7 RELATIVE THAT WORKS IN LAW ENFORCEMENT?

8 JUROR KITTRELL: JUST A PERSONAL FRIEND.

9 THE COURT: A PERSONAL FRIEND WORKS IN WHICH LAW
10 ENFORCEMENT AGENCY?

11 JUROR KITTRELL: SHERIFF BARBARA WALTERS.

12 THE COURT: ALRIGHT. THE FACT THAT YOU KNOW THE
13 SHERIFF, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO
14 THE EVIDENCE IN THIS CASE AND RENDER A FAIR AND
15 IMPARTIAL VERDICT?

16 JUROR KITTRELL: IT WOULD NOT.

17 THE COURT: OKAY. IF YOU'D STAY WITH US, MS.
18 KITTRELL, I'D APPRECIATE IT. THANK YOU, MA'AM.

19 ALRIGHT. HAS ANY MEMBER OF THE JURY PANEL OR ANY
20 MEMBER OF THEIR FAMILY, WHETHER RELATED BY BLOOD OR
21 MARRIAGE, BEEN EMPLOYED AT THE ATTORNEY GENERAL'S
22 OFFICE, THE SOLICITOR'S OFFICE, OR ANY PROSECUTING
23 ATTORNEY'S OFFICE? ANYBODY IN THE PAST, ANY MEMBER OF
24 THE JURY PANEL, ANY MEMBER OF YOUR FAMILY, WHETHER BY
25 BLOOD OR MARRIAGE, WORKED FOR ANY LAW ENFORCEMENT

1 AGENCY OTHER -- I KNOW SOME OF YOU STOOD UP AND SAID
2 YOU WERE RELATED. ANYBODY ELSE?

3 (Negative response from jury panel.

4 THE COURT: ALRIGHT, NO ONE ELSE IS STANDING.
5 THANK YOU.

6 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
7 EMPLOYED BY ANY CIVILIAN OR MILITARY LAW ENFORCEMENT
8 AGENCY? IF THAT'S -- AHH, THE RETIRED MARINE. YES,
9 SIR, YOUR NAME, PLEASE, SIR?

10 JUROR CILA: ANTHONY CILA.

11 THE COURT: OKAY, HOLD ON ONE SECOND. WHAT
12 NUMBER IS THIS?

13 CLERK: NUMBER THIRTY.

14 THE COURT: NUMBER THIRTY? OKAY. I'M SORRY. MR.
15 CILA, YOU TOLD ME YOU ARE A RETIRED MARINE, YOU HAD
16 BEEN IN SERVICE FOR THIRTY-FIVE YEARS?

17 JUROR CILA: THIRTY-FIVE YEARS, AND I SERVED
18 DIRECTLY WITH THE DEA AND THE SECRET SERVICE.

19 THE COURT: ALRIGHT, SIR, THE FACT THAT YOU HAD
20 SERVED WITH DEA OR SECRET SERVICE, WOULD THAT AFFECT
21 YOUR ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE
22 AND RENDER A FAIR AND IMPARTIAL VERDICT?

23 JUROR CILA: NO, NOT AT ALL.

24 THE COURT: OKAY. THANK YOU, SIR, IF YOU'D
25 PLEASE STAY WITH US.

1 AND YES, SIR, YOUR NAME, PLEASE, SIR?

2 JUROR POOR: RICHLAND COUNTY.

3 THE COURT: SIR?

4 JUROR POOR: ONE FORTY-ONE, RICHLAND COUNTY.

5 THE COURT: ALRIGHT, YOU'RE MR. POOR?

6 JUROR POOR: YES, SIR.

7 THE COURT: OKAY. YOU -- THAT'S RIGHT, YOU SAID
8 YOU USED TO WORK AT THE RICHLAND COUNTY DETENTION
9 CENTER.

10 JUROR POOR: YES, SIR.

11 THE COURT: ALRIGHT, SIR, THE FACT THAT YOU USED
12 TO WORK AT THE RICHLAND COUNTY DETENTION CENTER, WOULD
13 THAT AFFECT OUR ABILITY TO LISTEN TO THE EVIDENCE IN
14 THIS CASE AND RENDER A FAIR AND IMPARTIAL VERDICT?

15 JUROR POOR: IT WOULDN'T AFFECT ME.

16 THE COURT: OKAY, THANK YOU, MR. POOR, IF YOU
17 WOULD STAY WITH US, PLEASE, SIR.

18 IS ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD
19 OR MARRIAGE OR A CLOSE PERSONAL FRIEND OF CHARLES
20 PRINGLE? IF SO, PLEASE STAND.

21 (Negative response from jury panel.)

22 THE COURT: ALRIGHT, NO ONE IS STANDING.

23 HAS ANY MEMBER OF THE JURY PANEL READ, HEARD,
24 SEEN ANYTHING ON T.V. ABOUT THIS CASE BEFORE TODAY, OR
25 EVEN TODAY BEFORE YOU CAME INTO COURT TODAY? HAS

1 ANYBODY HEARD ANYTHING ABOUT THIS CASE? IF SO, PLEASE
2 STAND.

3 (Negative response from jury panel.)

4 THE COURT: ALRIGHT, NO ONE IS STANDING. THANK
5 YOU.

6 HAS ANY MEMBER OF THE JURY PANEL FORMED ANY
7 OPINION ABOUT THIS CASE? IF SO, PLEASE STAND.

8 (Negative response from jury panel.)

9 THE COURT: ALRIGHT, NO ONE IS STANDING.

10 HAS ANY MEMBER OF THE JURY PANEL, A MEMBER OF
11 YOUR FAMILY OR A CLOSE PERSONAL FRIEND EVER BEEN THE
12 VICTIM OF A CRIME? IF SO, PLEASE STAND.

13 (Positive response from jury panel.)

14 THE COURT: OKAY, IF Y'ALL WOULD JUST STAND UP
15 I'LL CALL YOU ONE AT A TIME. ALRIGHT, YES, MA'AM,
16 YOUR NAME?

17 JUROR FRALIX: DONNA FRALIX.

18 THE COURT: OKAY, MS. FRALIX, BEAR WITH ME FOR
19 ONE SECOND. MS. FRALIX, YOU ARE JUROR NUMBER FORTY-
20 SIX?

21 JUROR FRALIX: YES, SIR.

22 THE COURT: OKAY. AND MS. FRALIX, HAVE YOU BEEN
23 THE VICTIM OF A CRIME?

24 JUROR FRALIX: NO, SIR.

25 THE COURT: OKAY, A CLOSE PERSONAL ...

1 JUROR FRALIX: MY SISTER -- MY SISTER-IN-LAW.

2 THE COURT: OKAY. YOUR SISTER-IN-LAW? ALRIGHT,
3 THE FACT THAT YOUR SISTER-IN-LAW WAS THE VICTIM OF A
4 CRIME, WOULD THAT AFFECT YOUR ABILITY TO LISTEN TO THE
5 EVIDENCE IN THIS CASE AND RENDER A FAIR AND IMPARTIAL
6 VERDICT?

7 JUROR FRALIX: NO, SIR.

8 THE COURT: OKAY. THANK YOU, MA'AM. IF YOU'D
9 PLEASE STAY WITH US.

10 YOUR NAME AGAIN, PLEASE, SIR?

11 JUROR DEBAY: DEBAY.

12 COURT REPORTER: WHAT IS HIS NAME?

13 THE COURT: MR. DEBAY. HE IS BETWEEN NUMBERS
14 FORTY AND FORTY-FOUR, MR. DEBAY, CORRECT?

15 JUROR DEBAY: YES, SIR.

16 THE COURT: OKAY, MR. DEBAY, HAVE YOU BEEN THE
17 VICTIM OF A CRIME?

18 JUROR DEBAY: YES, SIR.

19 THE COURT: ALRIGHT, SIR. THE FACT THAT YOU'VE
20 BEEN THE VICTIM OF A CRIME, WOULD THAT AFFECT YOUR
21 ABILITY TO LISTEN TO THE EVIDENCE IN THIS CASE AND
22 RENDER - - -

23 JUROR DEBAY: YES, SIR.

24 THE COURT: IT WOULD AFFECT YOUR ABILITY?

25 JUROR DEBAY: IT WOULD.

1 THE COURT: OKAY. ALRIGHT, SIR, YOU ARE EXCUSED,
2 MR. DEBAY.

3 JUROR DEBAY: THANK YOU.

4 THE COURT: THANK YOU, SIR.

5 ANYBODY ELSE?

6 (Negative response from jury panel.)

7 THE COURT: ALRIGHT, THANK YOU. ALRIGHT, IS ANY
8 MEMBER OF THE JURY PANEL, A MEMBER OF YOUR FAMILY, OR
9 A CLOSE PERSONAL FRIEND A MEMBER OF MADD, SADD, CAVE
10 OR OTHER SIMILAR TYPE ORGANIZATIONS, INCLUDING
11 NEIGHBORHOOD WATCH PROGRAMS WHICH HAVE THE GOAL OF THE
12 PROMOTION ON LAW ENFORCEMENT OR CRIME PREVENTION? IF
13 SO, PLEASE STAND.

14 (Negative response from jury panel.)

15 THE COURT: ALRIGHT, NO ONE IS STANDING.

16 LADIES AND GENTLEMEN, WHEN SOLICITOR PASCOE
17 CALLED THE CASE HE ADVISED YOU THAT THIS IS A CASE
18 INVOLVING CHARGES OF MURDER, BURGLARY - - -

19 SOLICITOR PASCOE: BURGLARY, FIRST, YOUR HONOR,
20 AND ARMED ROBBERY.

21 THE COURT: --- AND ARMED ROBBERY. OKAY. WOULD
22 THE FACT -- WOULD ANYTHING IN THE NATURE OF THE
23 ALLEGATIONS OF THIS CASE CAUSE ANY MEMBER OF THE JURY
24 PANEL A PROBLEM SITTING AS A FAIR AND IMPARTIAL JUROR
25 IN THIS MATTER? IF SO, PLEASE STAND.

1 (Negative response from jury panel.)

2 THE COURT: ALRIGHT, NO ONE IS STANDING.

3 TESTIMONY IN THIS CASE MAY INVOLVE THE TESTIMONY
4 OF THE USE OF ALCOHOL AND ILLEGAL DRUGS AND THE
5 DISTRIBUTION OF ILLEGAL DRUGS. DOES ANY MEMBER OF THE
6 JURY PANEL BELIEVE THEY WILL HAVE ANY PROBLEM BEING A
7 FAIR AND IMPARTIAL JUROR IN A CASE WHEN YOU HAVE
8 TESTIMONY TO THAT EFFECT? IF SO, PLEASE STAND.

9 (Positive response from jury panel.)

10 THE COURT: OKAY. AGAIN, YOUR NAME, PLEASE
11 MA'AM, IS?

12 JUROR FRALIX: DONNA FRALIX.

13 THE COURT: OKAY, MS. FRALIX, YOU THINK YOU WOULD
14 HAVE A HARD TIME BEING A FAIR AND IMPARTIAL JUROR IN A
15 SITUATION ...

16 JUROR FRALIX: YES, SIR, I HAVE TWO BROTHERS,
17 BOTH ON DRUGS.

18 THE COURT: OKAY. ALRIGHT, MS. FRALIX, YOU ARE
19 EXCUSED.

20 JUROR FRALIX: THANK YOU.

21 THE COURT: OKAY. THANK YOU, MA'AM. THAT'S
22 JUROR NUMBER -- YOU'RE JUROR NUMBER FORTY-SIX?

23 JUROR FRALIX: FORTY-SIX.

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

25 HAS ANY MEMBER OF THE JURY PANEL EVER RECEIVED

1 ASSISTANCE FROM THE VICTIM'S ADVOCACY PROGRAM? IF SO,
2 PLEASE STAND AT THIS TIME?

3 (Negative response from jury panel.)

4 THE COURT: ALRIGHT, NO ONE IS STANDING.

5 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
6 PROSECUTED HERE OR ANYWHERE, HAVE YOU EVER BEEN
7 PROSECUTED? IF SO, PLEASE STAND. ANY MEMBER OF THE
8 JURY PANEL OR YOUR FAMILY EVER BEEN PROSECUTED?

9 (Negative response from jury panel.)

10 THE COURT: ALRIGHT, NO ONE IS STANDING.

11 IS THERE ANY MEMBER OF THE JURY PANEL WHO
12 BELIEVES -- OTHER THAN THE ONES I'VE TALKED TO ALREADY
13 -- ANY MEMBER OF THE JURY PANEL BELIEVE THAT THEY WILL
14 HAVE ANY PROBLEMS SERVING AS A FAIR AND IMPARTIAL
15 JUROR IN THIS CASE?

16 (Negative response from jury panel.)

17 THE COURT: ALRIGHT, NO ONE IS STANDING.

18 HAS ANY MEMBER OF THE JURY PANEL OR A MEMBER OF
19 YOUR FAMILY EVER BEEN INVOLVED IN LITIGATION, OR DO
20 YOU HAVE FRIENDS OR ASSOCIATES WHO ARE ATTORNEYS? IF
21 SO, PLEASE STAND.

22 (Positive response from jury panel.)

23 THE COURT: OKAY, MR. BEACH, YOU'VE ALREADY
24 TESTIFIED THAT YOU ARE AN ATTORNEY. THE FACT THAT YOU
25 ARE AN ATTORNEY IS NOT GOING TO AFFECT YOUR ABILITY TO

1 LISTEN TO THE EVIDENCE IN THIS CASE AND RENDER A FAIR
2 AND IMPARTIAL VERDICT, IS IT?

3 JUROR BEACH: IT WOULD NOT, YOUR HONOR.

4 THE COURT: OKAY, THANK YOU, SIR.

5 ALRIGHT. ANY OTHER VOIR DIRE BY THE STATE?

6 SOLICITOR PASCOE: NO, YOUR HONOR.

7 THE COURT: OKAY. LET'S SEE, MR. LACKEY, ANY
8 OTHER VOIR DIRE BY YOUR DEFENDANT?

9 MR. LACKEY: NO, SIR, YOUR HONOR.

10 THE COURT: OKAY. MS. ULLMAN, ANY OTHER VOIR
11 DIRE?

12 MS. ULLMAN: YOUR HONOR, MAY I APPROACH FOR A
13 MOMENT?

14 THE COURT: SURE.

15 (Whereupon, a bench conference
16 is had out of the hearing of
17 the jury panel and court reporter.)

18 THE COURT: LADIES AND GENTLEMEN, ONE OF THE
19 THINGS THAT I FAILED TO MENTION, EVEN THOUGH I ASKED
20 YOU A QUESTION ABOUT WHETHER YOU KNEW ANYTHING ABOUT
21 THE CASE, I DIDN'T REALLY GIVE Y'ALL A WHOLE LOT OF
22 INFORMATION. I'M GOING TO GIVE YOU JUST A LITTLE BIT
23 MORE INFORMATION AND REPHRASE THE QUESTION. THE
24 VICTIM IN THIS CASE WAS MR. CHARLES PRINGLE, WHOSE
25 NAME I ASKED YOU IF ANYBODY KNEW MR. PRINGLE. AND MR.

1 PRINGLE WAS KILLED ON MARCH THE SECOND OF TWO
2 THOUSAND AND TEN, I MEAN, MARCH THE TWELFTH, EXCUSE
3 ME, TWO THOUSAND TEN. NOW, I'M GOING TO ASK EVERYBODY
4 ON THE JURY PANEL AGAIN, DOES ANYBODY ON THE JURY
5 PANEL KNOW ANYTHING ABOUT THE CHARGES RELATED TO THE
6 DEATH OF MR. CHARLES PRINGLE HERE IN ORANGEBURG COUNTY
7 ON OR ABOUT MARCH THE TWELFTH, TWO THOUSAND AND TEN?
8 IF SO, PLEASE STAND.

9 (Negative response from jury panel.)

10 THE COURT: ALRIGHT, NO ONE IS STANDING. OKAY,
11 THANK YOU.

12 MS. ULLMAN, ANYTHING ELSE?

13 MS. ULLMAN: NO, SIR.

14 THE COURT: OKAY. MR. PALMER?

15 MR. PALMER: NO, YOUR HONOR.

16 THE COURT: OKAY. MR. MELLARD?

17 MR. MELLARD: NO, YOUR HONOR.

18 THE COURT: MR. KOGER?

19 MR. KOGER: NO, YOUR HONOR.

20 THE COURT: OKAY. Y'ALL SEE HOW MUCH FUN I'M
21 GOING TO HAVE. OKAY? ALRIGHT, LADIES AND GENTLEMEN,
22 WE HAVE CONCLUDED ALL OF THE QUESTIONS THAT WE'RE
23 GOING TO ASK. WE'RE GOING TO TAKE ANOTHER BREAK WHILE
24 WE GET THE JURY LIST TOGETHER TO SEE WHO MIGHT GET
25 CHOSEN FOR THE JURY THIS TIME, SO KEEP YOUR FINGERS

1 CROSSED, YOU HAVE A CHANCE TO BE PICKED ON THE JURY.
2 BUT WHILE THEY'RE DOING THAT IT'S GOING TO TAKE A
3 WHILE. I'M GOING TO ALLOW Y'ALL TO GET UP, IF Y'ALL
4 WANT TO GO AND USE THE BATH ROOM.

5 AND DEPUTY ASBERRY, IT'S GOING TO BE A WHILE SO
6 IF SOMEBODY WANTS TO STEP OUTSIDE AND TAKE A SMOKE
7 THEY'LL HAVE TIME TO DO THAT.

8 DEPUTY ASBERRY: YES, SIR.

9 THE COURT: ALRIGHT, THANK YOU, LADIES AND
10 GENTLEMEN, IF Y'ALL WILL JUST BEAR WITH US FOR A
11 LITTLE WHILE. OKAY? THANK YOU.

12 (Whereupon, the entire jury panel
13 leaves the courtroom and the following
14 takes place out of the presence
15 of the jury panel.)

16 THE COURT: OKAY, BEFORE WE GO ANY FURTHER, THE
17 COURT IS GOING TO STRIKE FREDDIE SHULER. OKAY? HE'S
18 NUMBER ONE SIXTY-TWO, SO Y'ALL TAKE HIM OFF THE LIST,
19 BECAUSE HE HAD THE PRIOR BURGLARY CONVICTION. SO, HE
20 IS OFF THE LIST. OKAY?

21 NOW, BEFORE WE GO AND START PICKING THE JURY, ANY
22 REQUESTS OR MOTIONS FROM THE STATE REGARDING THE
23 REMAINING PEOPLE ON THE LIST?

24 SOLICITOR SORENSON: I BEG THE COURT'S INDULGENCE
25 FOR ONE SECOND.

1 THE COURT: OH, YEAH, TAKE YOUR TIME.

2 SOLICITOR SORENSON: YOUR HONOR, I'M WAITING ON
3 SOME MORE INFORMATION ABOUT ONE SPECIFIC JUROR, TAMMY
4 SEAWRIGHT. I BELIEVE SHE WAS PROSECUTED BY MY OFFICE
5 IN TWO THOUSAND NINE AND RECEIVED A CONVICTION. AND
6 YOU ASKED THE QUESTION, HAS ANYBODY BEEN PROSECUTED BY
7 MY OFFICE AND SHE DIDN'T STAND UP.

8 JILL, DO YOU KNOW, DID YOU REPRESENT MS.
9 SEAWRIGHT?

10 MS. ULLMAN: PEGGY ACTUALLY REPRESENTED HER, SHE
11 WAS CONVICTED OF UNLAWFUL CARRYING OF A PISTOL, AND I
12 BELIEVE RECEIVED PROBATION.

13 SOLICITOR SORENSON: BUT SHE DIDN'T STAND UP.
14 THAT'S CERTAINLY OBVIOUSLY A REASON TO STRIKE HER FOR
15 CAUSE, BUT AT THE SAME TIME I MIGHT HAVE ENOUGH
16 STRIKES SO I COULD PROBABLY CUT HER.

17 THE COURT: WELL, PARTICULARLY, THE WAY THIS LIST
18 IS GOING, I WOULD, I WOULD RATHER NOT DO THAT.

19 SOLICITOR SORENSON: WE HAVE TEN STRIKES, WHICH
20 IS UNCOMMON FOR FORTY-TWO JURORS. I'LL LEAVE IT UP
21 TO THE COURT IF YOU DON'T WANT ME TO STRIKE HER FOR
22 CAUSE.

23 THE COURT: I'D RATHER JUST, IF YOU DECIDE YOU
24 WANT TO STRIKE HER YOU CAN STRIKE HER.

25 SOLICITOR SORENSON: THANK YOU, THAT'S FINE.

1 THE COURT: ALRIGHT, SIR. OKAY. MR. LACKEY,
2 ANYTHING FROM YOU REGARDING ANY OF THE REMAINING
3 JURORS?

4 MR. LACKEY: NO, SIR, YOUR HONOR.

5 THE COURT: OKAY, MS. ULLMAN?

6 MS. ULLMAN: I HAVE TWO ISSUES. THE FIRST ISSUE
7 WOULD BE A MOTION FOR A CHANGE OF VENUE IN THIS CASE
8 REGARDING RALPH COLEMAN. I DON'T BELIEVE THAT THE
9 JURY WAS REALLY GIVEN OPPORTUNITY TO DISCUSS WHETHER
10 THEY HAD FORMED ANY SORT OF AN OPINION ABOUT THIS
11 CASE, AND THE REASON I SAY THAT IS, BASED ON THE
12 INFORMATION THEY RECEIVED I THINK IT WOULD BE VERY
13 HARD FOR THEM TO TRY TO REMEMBER WHAT HAD HAPPENED,
14 AND IF THEY DID REMEMBER ANYTHING FROM THAT. ALSO
15 WITH REGARDS TO THE CHANGE OF VENUE, YOUR HONOR, I
16 BELIEVE THAT ANY JURY PANEL PUT TOGETHER HERE IN
17 ORANGEBURG COUNTY AT THIS TIME WOULD NOT BE ABLE TO BE
18 FAIR AND IMPARTIAL JUST BASED ON WHAT'S BEEN GOING ON
19 IN THE COMMUNITY. I BELIEVE IN NOVEMBER THERE WERE
20 FOUR MURDERS, TWO ATTEMPTED MURDERS, AND SOME OTHER
21 VERY SERIOUS CRIMES, ALONG WITH NUMEROUS BURGLARY,
22 FIRST DEGREES, SECOND DEGREE CHARGES. WORKING IN THE
23 PUBLIC DEFENDER'S OFFICE, OBVIOUSLY, I HAVE KNOWLEDGE
24 ABOUT THE KIND OF CHARGES THAT HAVE BEEN COMING
25 THROUGH. THIS YEAR SPECIFICALLY HAS BEEN A VERY

1 VIOLENT YEAR INCLUDING NUMEROUS MURDERS, AND I DO
2 THINK THAT ANY JUROR FROM ORANGEBURG COUNTY CERTAINLY
3 KNOWS OF WHAT'S BEEN GOING ON AND CERTAINLY IS
4 PROBABLY FED UP WITH WHAT'S GOING ON AND VERY WELL
5 COULD BE BIASED BECAUSE OF THAT.

6 THE COURT: WELL, DID ANY OTHER DEFENDANT'S
7 ATTORNEY WANT TO JOIN IN THAT MOTION?

8 MR. LACKEY: WE WOULD JOIN IN THAT MOTION.

9 MR. PALMER: WE WOULD AS WELL, YOUR HONOR.

10 THE COURT: OKAY. ALRIGHT, I'VE READ THE
11 EXTENSIVE LIST OF WITNESSES. I HAVE A JURY PANEL WHO
12 DIDN'T KNOW ANYBODY EXCEPT FOR JUST A COUPLE OF
13 PEOPLE. THE -- GRANTED, I UNDERSTAND YOUR CONCERNS
14 ABOUT THE FACT THAT THE TIMES AND DEMOCRAT HAS DONE AN
15 EXCELLENT JOB OF REPORTING THE MANY INCIDENTS THAT
16 HAVE OCCURRED IN THE COUNTY DURING THE PAST YEAR. BUT
17 HAVING SAID THAT, I'M NOT CONVINCED THAT THAT IS A
18 REASON TO CHANGE VENUE. IT APPEARS TO ME THAT WE HAVE
19 A FAIR AND IMPARTIAL JURY PANEL WITH WHICH TO CHOOSE
20 FROM, SO I'M GOING TO DENY YOUR MOTIONS, ALL THREE
21 MOTIONS TO CHANGE VENUE, BUT I WILL NOTE YOUR
22 OBJECTION TO MY FAILURE TO CHANGE VENUE.

23 MS. ULLMAN: OKAY. I HAVE ONE MORE ISSUE, YOUR
24 HONOR, I WANT TO BRING UP.

25 THE COURT: YES, MA'AM.

1 MS. ULLMAN: EARLIER TODAY WE DISCUSSED A
2 POTENTIAL, JUROR NUMBER ONE THIRTY-TWO, LINDA MOORER,

3 - - -

4 THE COURT: OH, YEAH, THAT'S RIGHT.

5 MS. ULLMAN: --- IN OUR DISCUSSIONS. SHE READILY
6 ADMITTED THAT SHE WAS THE MOTHER OF MY CLIENT'S
7 FIANCÉ, - - -

8 THE COURT: RIGHT.

9 MS. ULLMAN: AND THE STATE REQUESTED THAT YOU
10 EXCUSE HER, I REQUESTED THAT YOU ALLOW HER TO COME IN
11 AND BE PART OF THE JURY AND INQUIRE AS TO WHETHER SHE
12 COULD BE FAIR AND IMPARTIAL JUST AS YOU DID WITH MR.
13 MINTZ, I BELIEVE, WHO SAID HE KNEW DANNY RYANT. THE
14 COURT OBVIOUSLY - - -

15 THE COURT: WHO SAID HE KNEW -- WHO?

16 MS. ULLMAN: MR. MINTZ SAID HE KNEW DANNY RYANT,
17 I BELIEVE.

18 THE COURT: RIGHT.

19 MS. ULLMAN: HE SAID HE COULD NOT BE IMPARTIAL
20 AND YOU EXCUSED HIM.

21 THE COURT: RIGHT.

22 MS. ULLMAN: THE POINT IS, I ASKED YOU ON LINDA
23 MOORER TO DO THE SAME. WE HAD DECIDED THAT DUE TO HER
24 RELATIONSHIP TO A POTENTIAL ALIBI WITNESS FROM THE
25 DEFENSE THAT SHE WOULD BE EXCUSED. SHE WAS NOT PART

1 OF THE PANEL AT ALL. I JUST WANTED THAT TO BE PART OF
2 THE RECORD.

3 THE COURT: OKAY. AND I DID DO THAT, AND YOU DID
4 WANT ME TO DO THAT BUT I DID NOT FEEL THAT, AS I TOLD
5 YOU PRIOR TO THE HEARING TODAY, IT'S MY UNDERSTANDING
6 THAT MS. MOORER IS THE MOTHER OF, WHAT IS IT, SHANIQUA
7 MOORER?

8 MS. ULLMAN: YES, SIR.

9 THE COURT: AND MS. MOORER HAS A CHILD BY MR.
10 RALPH COLEMAN?

11 MS. ULLMAN: YES, SIR.

12 THE COURT: OKAY. AND THAT WOULD -- I THINK THAT
13 COULD HAVE BEEN A PROBLEM FOR MR. COLEMAN, OR IT COULD
14 HAVE BEEN -- IT COULD HAVE BEEN A POSITIVE OR A
15 PROBLEM FOR HIM, BUT BECAUSE OF THAT CONNECTION I
16 EXCUSED HER, AND I ALSO EXCUSED HER BECAUSE I DIDN'T
17 WANT HER TO ACCIDENTALLY SAY SOMETHING IF I WAS
18 QUESTIONING HER THAT COULD INFLUENCE THE ENTIRE PANEL,
19 BUT I WILL NOTE YOUR OBJECTION TO MY DOING THAT.

20 MS. ULLMAN: YES, SIR. I WOULD NOTE, MY DEFENSE
21 WITNESS HAS ADDED LINDA MOORER AS A POTENTIAL WITNESS.
22 SHE HAS NOTHING TO DO WITH THE ALIBI WE MAY PUT
23 FORWARD. IN SPEAKING WITH MY CLIENT AND EXPLAINING
24 WHAT HAPPENED WITH HER BEING EXCUSED HE DID TELL ME
25 THAT SHE MAY ABLE TO SUPPLY SOME CHARACTER EVIDENCE.

1 I DID PUT HER ON THAT LIST AFTER KNOWING SHE WAS NOT
2 GOING TO BE A POTENTIAL JUROR.

3 SOLICITOR PASCOE: WHICH I WANT TO MAKE SURE
4 THAT'S ON THE RECORD, YOUR HONOR.

5 THE COURT: WELL, THIS IS ON THE RECORD, RIGHT.

6 SOLICITOR PASCOE: YEAH. SHE'S MAKING THIS
7 MOTION THAT YOU SHOULD HAVE KEPT LINDA MOORER IN THE
8 JURY POOL, BUT THEN SHE PUTS LINDA MOORER ON THE
9 WITNESS LIST.

10 THE COURT: NO, I -- WE -- YEAH.

11 SOLICITOR PASCOE: THAT'S INCREDIBLE.

12 THE COURT: IT'S ON THE RECORD. OKAY.

13 SOLICITOR PASCOE: THANK YOU, YOUR HONOR.

14 THE COURT: MR. PALMER, ANYTHING?

15 MR. PALMER: NOTHING ELSE, YOUR HONOR.

16 THE COURT: OKAY. MR. MELLARD?

17 MR. MELLARD: NOTHING ELSE, YOUR HONOR.

18 THE COURT: OKAY. MR. KOGER?

19 MR. KOGER: NOTHING.

20 THE COURT: ALRIGHT. NOW, IT'S MY UNDERSTAND --
21 ARE WE READY TO RUN THE LIST? OKAY. NOW, WHAT WE'RE
22 GOING TO DO A LITTLE BIT DIFFERENTLY THIS TIME IS,
23 WHEN YOU DO IT I NEED TO PRINT, I'M GOING TO GO AHEAD
24 AND PRINT THE LIST AND GIVE IT TO ALL OF THE ATTORNEYS
25 RATHER THAN JUST CALL THEM UP HERE. OKAY? SO, ONE,

1 TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT - OH, NO,
2 WE'VE GOT TO PULL, YOU'RE GOING TO HAVE TO PULL
3 EVERYBODY.

4 CLERK: PULL EVERYBODY?

5 THE COURT: PULL EVERYBODY THAT'S LEFT ON THE
6 LIST, PULL THEM. OKAY.

7 SOLICITOR SORENSON: THEY JUST TOLD ME THAT
8 APPARENTLY, ONE OF THE JURORS IN THE BACK WITH A RED
9 SHIRT ON HAD TOLD, I GUESS, THE DEPUTY IN THE BACK
10 THAT HE HAD BEEN PROSECUTED IN THE PAST, AND I THINK
11 IT WAS DISMISSED, BUT DIDN'T STAND UP, I GUESS, WHEN
12 YOU HAD ASKED THAT QUESTION. SO ...

13 THE COURT: OKAY. I THINK MS. JACKSON, OR ...

14 MS. JACKSON: THE CHARGES WERE DROPPED WAS HOW HE
15 PHRASED IT.

16 COURT REPORTER: I'M SORRY, I DIDN'T HEAR THAT.

17 SOLICITOR SORENSON: THE CHARGES WERE DROPPED WAS
18 HOW HE PHRASED IT.

19 THE COURT: OKAY.

20 COURT REPORTER: AND WHAT WAS HIS NAME?

21 THE COURT: WE DON'T KNOW HIS NAME.

22 DEPUTY: I'LL FIND OUT.

23 THE COURT: IF YOU'LL JUST FIND OUT HIS NAME
24 WE'LL MAKE SURE EVERYBODY IS AWARE OF THAT. OKAY?
25 AND THEN YOU CAN GO AHEAD AND BRING -- WELL, WE'RE

1 GOING TO GIVE Y'ALL THE LIST OF EVERYBODY, AND THEN
2 WE'LL GIVE Y'ALL A FEW MINUTES TO -- WHERE DO Y'ALL
3 WANT TO GO?

4 MS. ULLMAN: WE COULD RECESS TO THE JURY ROOM
5 UNTIL IT BECOMES THE JURY ROOM.

6 THE COURT: OKAY. OKAY. Y'ALL CAN DO THAT, --
7 AND Y'ALL STAY RIGHT HERE.

8 SOLICITOR SORENSON: WE'LL SIT RIGHT HERE, YES.

9 THE COURT: OKAY. AND WHILE Y'ALL ARE IN THE
10 JURY ROOM YOUR CLIENTS ARE GOING TO GO BACK THERE?

11 MR. ULLMAN: WHEREVER YOU WOULD LIKE, YOUR HONOR.

12 SOLICITOR SORENSON: IF WE TAKE THEM BACK -- I'LL
13 LEAVE IT UP TO THEM, BUT MAYBE IT WOULD BE MORE
14 CONVENIENT JUST TO LEAVE THEM SITTING HERE.

15 THE COURT: WHAT'S EASIER FOR Y'ALL? BACK THERE?
16 OKAY. AND WE'LL TAKE A BREAK, AND I'LL GET Y'ALL --
17 IF YOU WANT TO, GO AHEAD AND TAKE THEM ON BACK THERE
18 RIGHT NOW. OKAY? AND GENTLEMEN, IF Y'ALL WILL GO ON
19 BACK THERE. THANK Y'ALL.

20 RICHARD -- I WANT TO SEE EVERYBODY WITH THE PRESS
21 BACK HERE. OKAY?

22 (Recess)

23 THE COURT: MS. WALKER, WE'RE GOING TO GO BACK ON
24 THE RECORD?

25 COURT REPORTER: YES, SIR.

1 THE COURT: OKAY. IS THE STATE READY TO PROCEED?

2 SOLICITOR SORENSON: YES, YOUR HONOR.

3 THE COURT: OKAY. ARE THE DEFENDANTS READY TO
4 PROCEED?

5 MS. ULLMAN: I BELIEVE WE ARE.

6 MR. LACKEY: YES, YOUR HONOR.

7 MR. KOGER: YES, YOUR HONOR.

8 MR. MELLARD: YES.

9 MR. PALMER: YES, SIR.

10 THE COURT: OKAY, NOW LET ME ASK YOU A QUESTION,
11 DID Y'ALL, ARE Y'ALL GOING TO EACH DO FOUR OR DO Y'ALL
12 HAVE A SPOKESMAN TO DO ALL TWENTY, OR WHAT HAVE Y'ALL
13 DECIDED?

14 MS. ULLMAN: YOUR HONOR, WE WENT THROUGH AND WENT
15 THROUGH THE LIST TOGETHER AND HAVE COME UP WITH OUR
16 STRIKES, AND I THINK PROBABLY ONE OF US COULD DO IT.

17 THE COURT: OKAY. WHO IS GOING TO BE THE LUCKY
18 PERSON?

19 MR. PALMER: YOUR HONOR, I'M FINE WITH MS. ULLMAN
20 DOING IT.

21 THE COURT: OKAY.

22 MS. ULLMAN: THAT WILL BE FINE.

23 THE COURT: OKAY. ALRIGHT. AND FOR THE STATE,
24 WHO'S GOING TO DO THE STRIKING FOR THE STATE?

25 SOLICITOR PASCOE: I'LL DO IT, YOUR HONOR.

1 THE COURT: OKAY. AND SINCE WE'RE DOING IT A
2 LITTLE DIFFERENTLY, WE'LL JUST CALL OUT THE NUMBERS
3 THAT YOU'RE GOING TO STRIKE, WE'LL ALTERNATE, YOU GO
4 FIRST, MR. PASCOE, AND THEN MS. ULLMAN, YOU'LL GO
5 SECOND, LIKE WE DO IN THE CIVIL CASES.

6 SOLICITOR PASCOE: ARE WE GOING TO HAVE THEM COME
7 IN?

8 THE COURT: YEAH, I'M NOT GOING TO DO IT, I WANT
9 TO GET IT STRAIGHT BEFORE I GET THEM IN HERE.

10 SOLICITOR PASCOE: OKAY.

11 THE COURT: OKAY. AND WHAT YOU WILL DO, MS.
12 ULLMAN AND MR. PASCOE, IF WE DO IT THAT WAY, MR.
13 PASCOE, YOU WOULD SAY YOU WOULD STRIKE, FOR EXAMPLE,
14 JUROR NUMBER ONE, USING THE NUMBER ON THE FAR LEFT
15 HAND SIDE, NOT THE JURY NUMBER, LIKE, JIMMY HEADDEN IS
16 NUMBER ONE - - -

17 SOLICITOR PASCOE: I'VE GOT YOU, YES, SIR.

18 THE COURT: AND YOU STRIKE - - -

19 MS. ULLMAN: AND WE'LL GO DOWN THE LIST.

20 THE COURT: YEAH, AND YOU STRIKE BY EITHER -- THE
21 NUMBERS THAT YOU'LL BE STRIKING BY IS ONE THROUGH
22 FORTY-TWO. DOES EVERYBODY UNDERSTAND THAT?

23 SOLICITOR PASCOE: OKAY.

24 THE COURT: AND WE'LL ALTERNATE. MR. PASCOE,
25 YOU'LL GO FIRST, AND MS. ULLMAN, YOU'LL GO SECOND, AND

1 THEN WE'LL GO BACK TO YOU, MR. PASCOE. IS THAT
2 ALRIGHT WITH THE STATE?

3 SOLICITOR PASCOE: I THINK YOU'VE GOT TO GO - - -

4 THE COURT: WELL, I MEAN, I CAN GO THROUGH IT --
5 I CAN GO THROUGH JUROR NUMBER ONE, I CAN DO IT LIKE A
6 REGULAR, IF YOU WANT TO DO IT THAT WAY. HOW DO Y'ALL
7 WANT TO DO IT?

8 SOLICITOR PASCOE: YEAH, BECAUSE - - -

9 THE COURT: WOULD Y'ALL LIKE FOR ME TO GO DOWN
10 THE LIST? I CAN GO TO NUMBER ONE AND THEN ASK?

11 SOLICITOR PASCOE: YES, SIR, JUST IN AN ABUNDANCE
12 OF CAUTION.

13 THE COURT: OKAY, I'LL BE GLAD TO DO IT THAT WAY.

14 SOLICITOR PASCOE: YEAH, WE'LL JUST TREAT IT LIKE
15 REGULARLY PICKING A JURY. THE ONLY GOOD THING IS, WE
16 ALREADY, WE DON'T EVEN NEED REALLY TO TALK BARELY,
17 WE'LL BE READY TO SAY - - -

18 THE COURT: ALRIGHT, WE'LL JUST GO DOWN.

19 MS. ULLMAN: AND WE'LL BE IN THAT POSITION, TOO,
20 YOUR HONOR.

21 THE COURT: OKAY. SO, DO YOU WANT ME TO CALL THE
22 JURORS UP HERE LIKE WE NORMALLY DO?

23 SOLICITOR PASCOE: YES, SIR.

24 THE COURT: OKAY. OKAY, WE'LL DO THAT. OKAY.
25 IF YOU'LL BRING THE JURY IN.

1 (Whereupon, the following takes
2 place in the presence of the
3 jury panel.)

4 THE COURT: ALRIGHT, MR. PASCOE, THE STATE IS
5 AWARE OF THE ADDITIONAL INFORMATION PROVIDED ABOUT ONE
6 OF THE JURORS?

7 SOLICITOR PASCOE: YES, SIR.

8 THE COURT: OKAY. AND MS. ULLMAN, I KNOW YOU'RE
9 SPEAKING ON BEHALF OF THE OTHER, OF ALL OF THE
10 DEFENDANTS REGARDING PICKING THIS JURY. ARE THE
11 DEFENDANTS AWARE OF THAT ADDITIONAL INFORMATION ABOUT
12 ONE OF THE JURORS?

13 MS. ULLMAN: YES, SIR.

14 THE COURT: OKAY. IS THE STATE READY TO PROCEED?

15 SOLICITOR PASCOE: YES, SIR, BUT WE WOULD LIKE
16 MORE INFORMATION ABOUT THAT JUROR, IF YOU COULD HAVE
17 HER COME UP.

18 THE COURT: OKAY. OKAY. LET'S SEE, IS MS.
19 STROMAN, KEYANA STROMAN, MS. STROMAN, COULD YOU COME
20 UP, PLEASE, MA'AM? JUST COME UP HERE.

21 (Whereupon, a bench conference is
22 had out of the hearing of the
23 remaining jury panel and court reporter.)

24 THE COURT: MS. STROMAN, JUROR NUMBER ONE
25 SEVENTY-ONE, IS -- LET'S SEE, HER MOTHER AND MR.

1 RYANT'S DAD ARE FIRST COUSINS AND SHE DOESN'T BELIEVE
2 SHE COULD BE A FAIR AND IMPARTIAL JUROR, SO SHE IS
3 EXCUSED. OKAY? YOU'RE EXCUSED. OKAY?

4 COURT REPORTER: AND SHE IS KEYANA STROMAN?

5 THE COURT: KEYANA STROMAN, NUMBER ONE SEVENTY-
6 ONE.

7 MS. ULLMAN, ARE THE DEFENDANTS READY TO PROCEED?

8 MS. ULLMAN: YES, SIR.

9 THE COURT: OKAY. ALRIGHT, LADIES AND GENTLEMEN,
10 WE'RE GETTING READY TO PICK THE JURY IN THIS CASE.
11 WHAT I'M GOING TO ASK YOU TO DO IS, WHEN THE CLERK
12 CALLS YOUR NAME IF YOU WOULD COME FORWARD, BRING --
13 LADIES, IF YOU'VE GOT A POCKET BOOK OR COAT OR
14 ANYTHING LIKE THAT, IF YOU'LL BRING THAT WITH YOU WHEN
15 YOU COME FORWARD. GENTLEMEN, IF YOU'VE GOT YOUR
16 COATS, MAKE SURE YOU BRING THEM WHEN YOU COME FORWARD.
17 IF YOU WILL COME FORWARD AND WALK IN FRONT OF THIS
18 PODIUM AND THEN TURN AND IF YOU WILL FACE THE
19 ATTORNEYS THEN WE'LL FIND OUT WHETHER YOU'RE GOING TO
20 GET PICKED FOR THIS JURY OR NOT. OKAY?

21 ALRIGHT, MADAM CLERK.

22 CLERK: JAMIE HEADDEN.

23 THE COURT: MR. HEADDEN, IF YOU'D TURN AROUND AND
24 FACE THE ATTORNEYS, PLEASE, SIR. ALRIGHT.

25 CLERK: WHAT SAYS THE STATE?

1 SOLICITOR PASCOE: IS IT MR. HEADDEN?

2 THE COURT: YES.

3 SOLICITOR PASCOE: PLEASE PRESENT MR. HEADDEN.

4 CLERK: WHAT SAYS DEFENSE?

5 MS. ULLMAN: PLEASE SEAT THIS JUROR.

6 CLERK: HAVE A SEAT IN THE JURY BOX, SIR.

7 THE COURT: YEAH, RIGHT UP THERE. FOLLOW MS.

8 JOHNSON. YES, SIR, YOU'RE DOING GOOD. THANK YOU,
9 SIR.

10 CLERK: CHARLES STRECKER. WHAT SAYS THE STATE?

11 SOLICITOR PASCOE: PLEASE PRESENT MR. STRECKER.

12 CLERK: WHAT SAYS THE DEFENSE?

13 MS. ULLMAN: PLEASE SEAT THIS JUROR.

14 CLERK: HAVE A SEAT IN THE JURY BOX.

15 THE COURT: THANK YOU, SIR.

16 CLERK: INDIA JAMISON. WHAT SAYS THE STATE?

17 SOLICITOR PASCOE: PLEASE PRESENT MS. JAMISON.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MS. ULLMAN: PLEASE SEAT MS. JAMISON.

20 CLERK: HAVE A SEAT IN THE BOX.

21 JANICE BOGLIN. WHAT SAYS THE STATE?

22 SOLICITOR PASCOE: PLEASE PRESENT MS. BOGLIN.

23 CLERK: WHAT SAYS THE DEFENSE?

24 MS. ULLMAN: PLEASE EXCUSE MS. BOGLIN.

25 CLERK: RETURN TO YOUR SEAT, MA'AM.

1 GUY CROUT. WHAT SAYS THE STATE?

2 SOLICITOR PASCOE: PLEASE PRESENT MR. CROUT.

3 CLERK: WHAT SAYS THE DEFENSE?

4 MS. ULLMAN: PLEASE EXCUSE MR. CROUT.

5 CLERK: RETURN TO YOUR SEAT.

6 ASIA WINE. WHAT SAYS THE STATE?

7 SOLICITOR PASCOE: PLEASE EXCUSE MS. WINE.

8 CLERK: KELLY WILLIAMS. WHAT SAYS THE STATE?

9 SOLICITOR PASCOE: PLEASE PRESENT MS. WILLIAMS.

10 CLERK: WHAT SAYS THE DEFENSE?

11 MS. ULLMAN: PLEASE SEAT MS. WILLIAMS.

12 CLERK: HAVE A SEAT IN THE JURY BOX.

13 DELORIS JEFFERSON. WHAT SAYS THE STATE?

14 SOLICITOR PASCOE: PLEASE EXCUSE MS. JEFFERSON.

15 CLERK: RETURN TO YOUR SEAT, MA'AM.

16 JOSEPH GRIFFIN. WHAT SAYS THE STATE?

17 SOLICITOR PASCOE: PLEASE PRESENT MR. GRIFFIN.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MS. ULLMAN: PLEASE EXCUSE MR. GRIFFIN.

20 CLERK: RETURN TO YOUR SEAT.

21 LORETTA LADSON. WHAT SAYS THE STATE?

22 SOLICITOR PASCOE: PLEASE PRESENT MS. LADSON.

23 CLERK: WHAT SAYS THE DEFENSE?

24 MS. ULLMAN: PLEASE EXCUSE MS. LADSON.

25 CLERK: RETURN TO YOUR SEAT.

1 EMMA JEFFERSON. WHAT SAYS THE STATE?

2 SOLICITOR PASCOE: PLEASE EXCUSE MS. JEFFERSON.

3 CLERK: RETURN TO YOUR SEAT.

4 TAMMY SEAWRIGHT. WHAT SAYS THE STATE?

5 SOLICITOR PASCOE: PLEASE EXCUSE MS. SEAWRIGHT.

6 CLERK: RETURN TO YOUR SEAT.

7 WANDA KITTRELL. WHAT SAYS THE STATE?

8 SOLICITOR PASCOE: PLEASE PRESENT MS. KITTRELL.

9 CLERK: WHAT SAYS THE DEFENSE?

10 MS. ULLMAN: PLEASE EXCUSE MS. KITTRELL.

11 CLERK: THOMASENIA HICKS. WHAT SAYS THE STATE?

12 SOLICITOR PASCOE: PLEASE PRESENT MS. HICKS.

13 CLERK: WHAT SAYS THE DEFENSE?

14 MS. ULLMAN: PLEASE EXCUSE MS. HICKS.

15 CLERK: RETURN TO YOUR SEAT, MA'AM.

16 SUSAN HUGHES. WHAT SAYS THE STATE?

17 SOLICITOR PASCOE: PLEASE PRESENT MS. HUGHES.

18 CLERK: WHAT SAYS THE DEFENSE?

19 MS. ULLMAN: PLEASE EXCUSE MS. HUGHES.

20 CLERK: ALVIN SMOAK. WHAT SAYS THE STATE?

21 SOLICITOR PASCOE: PLEASE PRESENT MR. SMOAK.

22 CLERK: WHAT SAYS THE DEFENSE?

23 MS. ULLMAN: PLEASE EXCUSE MR. SMOAK.

24 CLERK: JEROME FRANKLIN. WHAT SAYS THE STATE?

25 SOLICITOR PASCOE: PLEASE PRESENT MR. FRANKLIN.

1 CLERK: WHAT SAYS THE DEFENSE?

2 MS. ULLMAN: PLEASE SEAT MR. FRANKLIN.

3 CLERK: HAVE A SEAT IN THE JURY BOX.

4 OTIS BOYD. WHAT SAYS THE STATE?

5 SOLICITOR PASCOE: PLEASE PRESENT MR. BOYD.

6 CLERK: WHAT SAYS THE DEFENSE?

7 MS. ULLMAN: PLEASE SEAT MR. BOYD.

8 CLERK: HAVE A SEAT IN THE JURY BOX.

9 CLAREY LIVINGSTON. WHAT SAYS THE STATE?

10 SOLICITOR PASCOE: PLEASE EXCUSE MR. LIVINGSTON.

11 CLERK: RETURN TO YOUR SEAT.

12 LADSON BEACH. WHAT SAYS THE STATE?

13 SOLICITOR PASCOE: PLEASE EXCUSE MR. BEACH.

14 CLERK: CANNETTE MOORER.

15 COURT REPORTER: WHAT WAS THAT LAST NAME?

16 THE COURT: MS. MOORER.

17 CLERK: CANNETTE MOORER. WHAT SAYS THE STATE?

18 SOLICITOR PASCOE: PLEASE EXCUSE MS. MOORER.

19 CLERK: RETURN TO YOUR SEAT.

20 VIVIAN BAIR. WHAT SAYS THE STATE?

21 SOLICITOR PASCOE: PLEASE PRESENT MS. BAIR.

22 CLERK: WHAT SAYS THE DEFENSE?

23 MS. ULLMAN: PLEASE EXCUSE MS. BAIR.

24 CLERK: RETURN TO YOUR SEAT.

25 HATTIE JAMES. WHAT SAYS THE STATE

1 SOLICITOR PASCOE: PLEASE EXCUSE MS. JAMES.
2 CLERK: RETURN TO YOUR SEAT.
3 JERRY POOR. WHAT SAYS THE STATE?
4 SOLICITOR PASCOE: PLEASE PRESENT MR. POOR.
5 CLERK: WHAT SAYS THE DEFENSE?
6 MS. ULLMAN: PLEASE EXCUSE MR. POOR.
7 CLERK: RETURN TO YOUR SEAT.
8 KIA JAMES. WHAT SAYS THE STATE?
9 SOLICITOR PASCOE: PLEASE PRESENT MS. JAMES.
10 CLERK: WHAT SAYS THE DEFENSE?
11 MS. ULLMAN: PLEASE SEAT MS. JAMES.
12 CLERK: DAVID ROBERTS. WHAT SAYS THE STATE?
13 SOLICITOR PASCOE: PLEASE PRESENT MR. ROBERTS.
14 CLERK: WHAT SAYS THE DEFENSE?
15 MS. ULLMAN: PLEASE EXCUSE MR. ROBERTS.
16 CLERK: RETURN TO YOUR SEAT, SIR.
17 COURTNEY ASBERRY. WHAT SAYS THE STATE?
18 SOLICITOR PASCOE: PLEASE PRESENT MS. ASBERRY.
19 CLERK: WHAT SAYS THE DEFENSE?
20 MS. ULLMAN: PLEASE SEAT MS. ASBERRY.
21 CLERK: HAVE A SEAT IN THE JURY BOX.
22 MERLINDA BUTLER. WHAT SAYS THE STATE?
23 SOLICITOR PASCOE: PLEASE PRESENT MS. BUTLER.
24 CLERK: WHAT SAYS THE DEFENSE?
25 MS. ULLMAN: PLEASE SEAT MS. BUTLER.

1 CLERK: ALLEN MILLER. WHAT SAYS THE STATE?

2 SOLICITOR PASCOE: PLEASE PRESENT MR. MILLER.

3 CLERK: WHAT SAYS THE DEFENSE?

4 MS. ULLMAN: PLEASE EXCUSE MR. MILLER.

5 CLERK: LORETTA COLTER. WHAT SAYS THE STATE?

6 SOLICITOR PASCOE: PLEASE PRESENT MS. COLTER.

7 CLERK: WHAT SAYS THE DEFENSE?

8 MS. ULLMAN: PLEASE SEAT MS. COLTER.

9 CLERK: SAMANTHA BENTON. WHAT SAYS THE STATE?

10 SOLICITOR PASCOE: PLEASE PRESENT MS. BENTON.

11 CLERK: WHAT SAYS THE DEFENSE?

12 MS. ULLMAN: PLEASE SEAT MS. BENTON.

13 CLERK: ELLIS THIGPEN. WHAT SAYS THE STATE?

14 SOLICITOR PASCOE: PLEASE PRESENT MR. THIGPEN.

15 CLERK: WHAT SAYS THE DEFENSE?

16 MS. ULLMAN: PLEASE EXCUSE MR. THIGPEN.

17 CLERK: RETURN TO YOUR SEAT.

18 TAMEKA JOHNSON. WHAT SAYS THE STATE?

19 SOLICITOR PASCOE: PLEASE PRESENT MS. JOHNSON.

20 CLERK: WHAT SAYS THE DEFENSE?

21 MS. ULLMAN: PLEASE SEAT MS. JOHNSON.

22 THE COURT: ALRIGHT. ACCORDING TO MY LIST THAT

23 IS THE JURY PANEL. IS THAT CORRECT?

24 CLERK: YES, SIR.

25 THE COURT: OKAY. NOW WE'LL GO AND DO THE FIRST

1 ALTERNATE. OKAY. ALRIGHT.

2 CLERK: LEON SMITH. WHAT SAYS THE STATE?

3 SOLICITOR PASCOE: PLEASE PRESENT MR. SMITH.

4 CLERK: WHAT SAYS THE DEFENSE?

5 MS. ULLMAN: PLEASE EXCUSE MR. SMITH.

6 THE COURT: HOLD ON, WAIT A MINUTE, MR. SMITH.

7 CLERK: RETURN TO YOUR SEAT.

8 THE COURT: I'M SORRY, YOU CAN RETURN TO YOUR
9 SEAT. OKAY. Y'ALL DID SAY EXCUSE?

10 MS. ULLMAN: YES, SIR.

11 THE COURT: OKAY.

12 CLERK: WAYNE LOVETTE. WHAT SAYS THE STATE?

13 SOLICITOR PASCOE: PLEASE PRESENT MR. LOVETTE.

14 CLERK: WHAT SAYS THE DEFENSE?

15 MS. ULLMAN: PLEASE SEAT THE JUROR.

16 CLERK: HAVE A SEAT IN THE JURY BOX.

17 THE COURT: ALRIGHT, AND WE'LL PICK ALTERNATE
18 NUMBER TWO.

19 CLERK: BRENDA HAYWARD. WHAT SAYS THE STATE?

20 SOLICITOR PASCOE: THIS IS MS. HAYWARD, RIGHT?

21 THE COURT: YEAH, BRENDA HAYWARD.

22 SOLICITOR PASCOE: PLEASE PRESENT MS. HAYWARD.

23 CLERK: WHAT SAYS THE DEFENSE?

24 MS. ULLMAN: JUST ONE MINUTE.

25 THE COURT: OKAY.

1 MS. ULLMAN: PLEASE PRESENT THIS JUROR.

2 CLERK: HAVE A SEAT IN THE JURY BOX.

3 THE COURT: ALRIGHT. ANY ISSUES REGARDING THE
4 SELECTION OF THE JURY FROM THE STATE?

5 SOLICITOR PASCOE: I BEG THE COURT'S INDULGENCE.

6 THE COURT: SURE.

7 SOLICITOR PASCOE: PROBABLY NOT FOR RIGHT NOW,
8 YOUR HONOR.

9 THE COURT: SIR?

10 SOLICITOR PASCOE: PROBABLY NOT, I'M SORRY.

11 THE COURT: OKAY. ALRIGHT, I'M GOING TO TAKE
12 THAT AS A NOT.

13 SOLICITOR PASCOE: OKAY, YEAH.

14 THE COURT: OKAY. ANY ISSUES -- MS. ULLMAN, ARE
15 YOU SPEAKING ON BEHALF OF ALL OF THE DEFENDANTS IN
16 THIS OR SHOULD I QUESTION EVERYBODY INDIVIDUALLY, OR
17 DO Y'ALL NEED SOME TIME TO TALK?

18 MS. ULLMAN: I NEED SOME TIME TO ANSWER. I WAS
19 TRYING TO GET A CLUSTERED ANSWER.

20 THE COURT: ALRIGHT. IF Y'ALL NEED TO RETIRE TO
21 TALK ...

22 MS. ULLMAN: IT SHOULDN'T TAKE BUT A MINUTE.

23 THE COURT: ALRIGHT, Y'ALL CAN STEP BACK IN MY
24 CHAMBERS FOR A SECOND.

25 (Whereupon, defense counsel

1 retires to judge's chambers.)

2 THE COURT: LADIES AND GENTLEMEN, IF Y'ALL WILL
3 JUST BEAR WITH US FOR A WHILE, THIS WILL JUST TAKE A
4 MINUTE. WE'RE NOT OUTSIDE, OKAY? SO IF Y'ALL CAN
5 JUST BEAR WITH US, YOU KNOW, WE WILL -- WHEN WE HAVE
6 THIS MANY ATTORNEYS YOU KNOW THERE'S GOING TO BE A LOT
7 OF TALKING. OKAY.

8 (Whereupon, defense counsel
9 enters the courtroom.)

10 THE COURT: MS. ULLMAN, ANY ISSUES REGARDING JURY
11 SELECTION?

12 MS. ULLMAN: YOUR HONOR, WE WOULD HAVE A MOTION
13 THAT WE WOULD LIKE TO PUT BEFORE YOUR HONOR.

14 THE COURT: OKAY. ALRIGHT, IF YOU WOULD TAKE THE
15 LADIES AND GENTLEMEN IN THE JURY PANEL AND HAVE THEM
16 GO BACK INTO THE JURY ROOM. AND LADIES AND GENTLEMEN,
17 IF Y'ALL WOULD JUST STEP OUT INTO THE HALL. YOU CANNOT
18 LEAVE YET, I NEED FOR Y'ALL TO STEP OUT INTO THE HALL.
19 OKAY.

20 (Whereupon, the jury retires
21 to the jury room and the remaining
22 jury panel leaves the courtroom,
23 and the following takes place
24 in camera.)

25 THE COURT: ALRIGHT, MS. ULLMAN, LET ME HEAR FROM

1 YOU.

2 MS. ULLMAN: OKAY. YOUR HONOR, WE WOULD ASK YOUR,
3 ASK THIS COURT TO CONSIDER THE CASE OF BATSON VERSUS
4 KENTUCKY. TODAY WHEN WE PICKED THIS JURY THE STATE
5 MADE SEVEN STRIKES. SIX OF THOSE STRIKES WERE OF
6 AFRICAN AMERICAN PEOPLE. ONLY ONE PERSON WAS A WHITE
7 PERSON. HE WAS THE LAWYER OF THIS COMMUNITY,
8 OBVIOUSLY, I'M SURE THAT IS THE REASON HE WAS STRUCK.
9 TAKING HIM OUT OF THIS WE HAVE SIX OTHER STRIKES, FIVE
10 OF WHICH ARE BLACK FEMALES AND ONE OF WHICH IS A BLACK
11 MALE. I THINK THAT IN AND OF ITSELF ESTABLISHES A
12 PRIMA FACIE CASE THAT THE STATE IS EXERCISING STRIKES
13 TO REMOVE MEMBERS OF THIS JURY BASED ON THEIR RACE
14 AND POSSIBLY GENDER, WITH FIVE OUT OF SEVEN PEOPLE
15 BEING FEMALES. I THINK AT THAT POINT THE STATE WOULD
16 HAVE THE BURDEN OF TRYING TO SHOW THIS COURT WHAT
17 REASON IT IS THAT THEY DID STRIKE ALL SIX OUT OF THE
18 SEVEN JURORS THAT ARE AFRICAN AMERICAN.

19 THE COURT: AND REALIZING THAT THE JURY PANEL
20 THAT YOU HAVE HAS, WHAT, EIGHT AFRICAN AMERICANS AND
21 FOUR WHITES, IS THAT CORRECT? THE IMPANELED JURY?

22 MS. ULLMAN: YES, SIR.

23 THE COURT: OKAY. I JUST WANT TO MAKE SURE.
24 OKAY. ALRIGHT.

25 SOLICITOR PASCOE: THANK YOU. I'LL JUST GIVE YOU

1 THE REASONS FOR - - -

2 THE COURT: OKAY.

3 SOLICITOR PASCOE: --- RACE NEUTRAL REASONS FOR
4 EACH ONE WE STRUCK.

5 THE COURT: IF YOU WILL GO DOWN THE LIST FOR ME.

6 SOLICITOR PASCOE: I BELIEVE THE FIRST ONE - - -

7 THE COURT: IS MS. WINE.

8 SOLICITOR PASCOE: --- IS MS. WINE. SHE WAS JUST
9 ARRESTED BY THE ORANGEBURG COUNTY SHERIFF'S OFFICE
10 THIS YEAR, TWENTY TEN. I THINK IT WAS FOR SHOPLIFTING,
11 BUT WE DIDN'T SEE ANY SIMILARLY SITUATED JURORS,
12 ANYONE THAT'S BEEN ARRESTED BY THE SHERIFF'S OFFICE.

13 THE NEXT JUROR WE STRUCK WAS DELORIS JEFFERSON. I
14 WAS INFORMED JUST, WHILE WE WERE DOING THE JURY VOIR
15 DIRE THAT SHE HAS A BROTHER IN PRISON FOR MURDER,
16 THAT'S WHAT SOMEBODY INFORMED ME. AND THAT'S JUROR
17 NUMBER NINETY-SEVEN, YOUR HONOR.

18 THE COURT: DID YOU FIND OUT THE NAME OF HER
19 BROTHER?

20 SOLICITOR PASCOE: NO, SIR, JUST ONE OF MY
21 EMPLOYEES INFORMED DON SORENSON THAT HER BROTHER WAS
22 IN PRISON FOR MURDER.

23 THE COURT: OKAY.

24 SOLICITOR PASCOE: AGAIN, WE SAT NO SIMILARLY
25 SITUATED JUROR.

1 EMMA JEFFERSON, HER BROTHER IS ACCUSED OF, WHAT
2 WAS IT? OF CHILD MOLESTATION.

3 NUMBER ONE SIXTY IS TAMMY SEAWRIGHT. MY OFFICE
4 PROSECUTED HER JUST LAST YEAR, YOUR HONOR. OBVIOUSLY,
5 THAT'S ANOTHER -- SHE REALLY COULD HAVE BEEN STRUCK
6 FOR CAUSE. I THINK THAT IF WE HAD PUSHED IT, BECAUSE
7 SHE NEVER STOOD UP AND SAID THAT SHE HAD BEEN
8 PROSECUTED BY MY OFFICE.

9 THE COURT: YES, SIR.

10 SOLICITOR PASCOE: THE NEXT JUROR THAT WE STRUCK
11 I BELIEVE WAS MR. LIVINGSTON. HE HAS A RECORD, YOUR
12 HONOR, OF NINETEEN SEVENTY-THREE SIMPLE POSSESSION OF
13 MARIJUANA, BUT MORE IMPORTANTLY, THE REASON WE STRUCK
14 HIM IS ON HIS QUESTIONNAIRE HE DID NOT -- HE CHECKED
15 THAT HE HAD NEVER BEEN CONVICTED OF A CRIME. HE HAS
16 AN EIGHTY-SEVEN DUI, BUT THE MAIN REASON WE STRUCK HIM
17 WAS NOT BECAUSE HE HAS THE PRIOR CONVICTION BUT HE
18 WENT OUT OF HIS WAY TO STRIKE ON THE JURY
19 QUESTIONNAIRE THAT HE DIDN'T HAVE ANY CONVICTIONS.

20 THE COURT: OKAY.

21 SOLICITOR PASCOE: WE STRUCK LADSON BEACH BECAUSE
22 HE IS AN ATTORNEY. WE STRUCK -- AND HE IS A WHITE
23 MALE.

24 WE STRUCK CANNETTE MOORER BECAUSE SHE STOOD UP,
25 YOUR HONOR, AND SAID THAT SHE HAD A GRANDCHILD THAT

1 SHE TAKES CARE OF AT HOME.

2 WE STRUCK MS. JAMES BECAUSE SHE APPROACHED THE
3 BENCH AND SAID THAT SHE HAS NOT ONLY THE HIGH BLOOD
4 PRESSURE, BUT MORE IMPORTANTLY, THAT SHE TAKES PILLS
5 FOR HER NERVES. WE WERE CONCERNED ABOUT HAVING HER ON
6 THE JURY IF SHE'S GOT A NERVOUS PROBLEM.

7 AND I BELIEVE THAT'S ALL WE STRUCK. IS THAT
8 RIGHT?

9 THE COURT: OKAY. THANK YOU.

10 ALRIGHT, MS. ULLMAN, HE HAS GIVEN THE COURT RACE
11 NEUTRAL REASONS FOR STRIKING THESE PEOPLE.

12 MS. ULLMAN: YES, SIR, I APPRECIATE THE REASONS.
13 I'M NOT SURE THAT I CAN ARGUE THAT ANY OF THEM ARE --
14 BUT I JUST THOUGHT THAT IT SHOULD BE PLACE ON THE
15 RECORD AND EXPLAINED.

16 THE COURT: OKAY. THANK YOU, MA'AM. I'M GOING
17 TO DENY YOUR MOTION.

18 MS. ULLMAN: YES, SIR.

19 THE COURT: OKAY. I APPRECIATE IT.

20 ALRIGHT, BEFORE I BRING THE JURY BACK IN HERE, IT
21 IS NOW ALMOST FIVE O'CLOCK. I KNOW THERE ARE SOME,
22 Y'ALL WERE GOING TO LOOK OVER THE PICTURES AND DO
23 THINGS LIKE THAT. WHAT I'M GOING TO DO IS TELL THE
24 JURY TO BE BACK IN AT NINE TOMORROW MORNING. IS THAT
25 OKAY WITH EVERYBODY?

1 SOLICITOR PASCOE: YES, SIR.

2 THE COURT: I'LL SWEAR THE JURY AT THAT TIME, AND
3 THEN WE'LL BEGIN DOING THE OPENING ARGUMENTS. I WILL
4 -- THERE'S NO REASON FOR US TO KEEP THE MAIN JURY
5 PANEL FOR ANYTHING ELSE LATER ON THIS WEEK, IS THERE?

6 SOLICITOR PASCOE: NO, SIR.

7 THE COURT: OKAY. ALRIGHT, IF YOU'LL BRING THE
8 JURY PANEL BACK IN, AND IF Y'ALL WILL BRING THE OTHER
9 JURY PANEL BACK IN.

10 (Whereupon, the jury and the
11 remaining jury panel enter
12 the courtroom.)

13 THE COURT: ALRIGHT, YOU LADIES AND GENTLEMEN WHO
14 ARE MEMBERS OF THE JURY PANEL WHO WERE NOT PICKED FOR
15 THE JURY AND ARE DISAPPOINTED, I NEED TO TELL YOU, IN
16 ADDITION TO YOUR DISAPPOINTMENT FOR NOT BEING PICKED
17 ON THIS JURY THAT WE ARE NOT GOING TO HAVE ANOTHER
18 JURY IMPANELED THIS WEEK. SO, AS A RESULT, Y'ALL ARE
19 EXCUSED FOR THE REST OF THE WEEK. I WANT TO THANK
20 Y'ALL FOR YOUR WILLINGNESS TO SERVE AS JURORS. I KNOW
21 SOME OF Y'ALL COULD HAVE TAKEN ADVANTAGE OF SOME OF
22 THE EXEMPTIONS THAT WERE ALLOWED, AND I APPRECIATE YOU
23 NOT TAKING ADVANTAGE OF THOSE EXEMPTIONS AND BEING
24 WILLING TO SERVE, BUT AS IT STANDS NOW WE WILL NOT
25 NEED YOUR SERVICES FOR THE REMAINDER OF THE WEEK. I

1 HOPE Y'ALL HAVE AN ABSOLUTELY WONDERFUL AND HAPPY AND
2 MERRY CHRISTMAS, AND A WONDERFUL NEW YEAR. AND Y'ALL
3 ARE NOW EXCUSED. THANK Y'ALL VERY MUCH.

4 ALRIGHT, LADIES AND GENTLEMEN, CONGRATULATIONS.
5 Y'ALL GOT TO BE PICKED AS THIS JURY. I KNOW YOU MAY
6 NOT BE AS EXCITED AS YOU SHOULD BE, I UNDERSTAND THAT.

7 I'M GOING TO TELL Y'ALL SOME THINGS RIGHT NOW
8 JUST, THAT I WILL REPEAT DURING THE COURSE OF THE
9 TRIAL, BUT LET ME JUST TELL YOU A COUPLE OF THINGS IS,
10 NUMBER ONE IS, Y'ALL CANNOT TALK ABOUT THIS TRIAL TO
11 ANYBODY AT ALL. WHEN YOU HOME IF SOMEBODY ASKS YOU
12 WHAT YOU'RE DOING, TELL THEM YOU GOT PICKED FOR A JURY
13 TRIAL AND YOU CAN'T TALK ABOUT IT.

14 NOW, NUMBER TWO, THAT MEANS YOU CANNOT EVEN TALK
15 ABOUT IT AMONG YOURSELVES RIGHT NOW. WHEN Y'ALL HAVE
16 CONVERSATIONS ABOUT ANYTHING Y'ALL CAN TALK ABOUT
17 BASKETBALL SEASON, FOOT BALL SEASON, THE SHOPPING THAT
18 YOU NEED TO GET DONE FOR CHRISTMAS THAT YOU AREN'T
19 ABLE TO DO, YOU CAN TALK ABOUT ALL THOSE THINGS RIGHT
20 NOW BUT YOU CAN'T TALK ABOUT THE TRIAL.

21 NOW, ALL DURING THE TRIAL WHENEVER WE TAKE BREAKS
22 YOU CANNOT TALK AMONG YOURSELVES ABOUT THE TRIAL.
23 NOW, Y'ALL KNOW A LITTLE BIT ABOUT WHAT WE'RE HERE FOR
24 BECAUSE I GAVE YOU A DATE AND A NAME. NOW, WHEN
25 YOU'RE EXCUSED, AND I'M GOING TO EXCUSE Y'ALL TO GO

1 HOME THIS EVENING AND TELL Y'ALL TO COME BACK TOMORROW
2 AT NINE O'CLOCK, AND COME BACK TO THE JURY ROOM WHERE
3 Y'ALL WERE JUST IN. WHEN Y'ALL GO BACK HOME I DON'T
4 WANT YOU LOOKING UP ON THE INTERNET ANYTHING ABOUT
5 THIS CASE, BECAUSE Y'ALL ARE NOT SUPPOSED TO LISTEN TO
6 ANY NEWS REPORTS ABOUT THIS, YOU'RE NOT SUPPOSED TO
7 READ ANYTHING IN THE PAPER ABOUT THIS CASE, YOU'RE NOT
8 SUPPOSED TO TALK TO ANYBODY THIS CASE, AND YOU
9 CERTAINLY ARE NOT SUPPOSED TO INVESTIGATE ANYTHING
10 THAT YOU HEAR IN THE COURTROOM. EVERYTHING THAT Y'ALL
11 ARE GOING TO NEED TO MAKE A DETERMINATION IN THIS CASE
12 IS GOING TO COME FROM THIS WITNESS STAND AND ANY
13 EXHIBITS THAT GET BROUGHT INTO THE RECORD DURING THE
14 COURSE OF THIS TRIAL. OTHER THAN THAT, YOU DON'T NEED
15 TO KNOW IT. IF ANYBODY TRIES TO CONTACT YOU TO TALK
16 TO YOU ABOUT THIS I NEED TO BE MADE AWARE OF IT, I
17 NEED TO KNOW WHO IT WAS, BECAUSE NOBODY IS SUPPOSED TO
18 BE TALKING TO YOU ABOUT THIS CASE.

19 THE, I DON'T KNOW IF YOU KNOW ANY OF THE
20 ATTORNEYS PRESENT OR SEE THEM ON THE STREET. IF YOU
21 SEE THEM IN THE COURTROOM TOMORROW WHEN YOU ARE COMING
22 IN THEY ARE NOT GOING TO SPEAK TO YOU. THAT'S NOT
23 BECAUSE, YOU KNOW, IN THE SOUTH EVERYBODY SPEAKS, BUT
24 THEY ARE NOT TO SPEAK TO YOU UNDER MY DIRECTION,
25 BECAUSE THEY'RE NOT SUPPOSE TO HAVE ANY CONVERSATION

1 WITH YOU, AS ARE NONE OF THE WITNESSES THAT WERE ON
2 THE WITNESS LIST THAT I READ OUT. NO ONE SHOULD BE
3 TALKING TO Y'ALL ABOUT THIS.

4 TOMORROW MORNING I NEED FOR Y'ALL TO COME BACK,
5 BE IN THE JURY ROOM AT NINE O'CLOCK. WE WILL GET
6 STARTED WITH THE OPENING ARGUMENTS. BEFORE WE DO THAT
7 I'LL GIVE Y'ALL AN IDEA ABOUT WHAT'S GOING ON, AND
8 THEN AFTER WE DO THE OPENING REMARKS WE WILL GO AHEAD
9 AND GET STARTED WITH THE TESTIMONY IN THIS. OKAY?

10 SO, GO HOME TONIGHT, GET A GOOD NIGHT'S REST,
11 DON'T TALK TO ANYBODY ABOUT THIS CASE, AND I'LL SEE
12 Y'ALL FIRST THING IN THE MORNING AT NINE O'CLOCK. AND
13 THANK Y'ALL AGAIN FOR BEING WILLING TO SERVE ON THE
14 JURY. Y'ALL ARE GOING TO DO A GREAT JOB. OKAY?
15 THANK YOU VERY MUCH. OKAY. Y'ALL ARE EXCUSED.

16 (Whereupon, the jury leave
17 the courtroom, and the following
18 takes place out of the presence
19 of the jury.)

20 THE COURT: ALRIGHT. ANYTHING FROM THE STATE
21 BEFORE WE GO INTO RECESS?

22 SOLICITOR PASCOE: NO, YOUR HONOR.

23 THE COURT: OKAY. ANYTHING FROM THE DEFENDANTS
24 BEFORE WE GO INTO RECESS FOR THE NIGHT?

25 MR. LACKEY: YOUR HONOR, JUST AS CLARIFICATION, I

1 WANTED TO MAKE SURE THAT BATSON MOTION WAS ON THE
2 RECORD AS BEING MADE BY, I BELIEVE ALL OF THE
3 DEFENDANTS.

4 THE COURT: ALL OF THE DEFENDANTS. FOR THE
5 RECORD, ALL OF Y'ALL MADE THE BATSON BUT Y'ALL ALLOWED
6 MS. ULLMAN TO MAKE THE ARGUMENT ON BEHALF OF ALL OF
7 Y'ALL.

8 MR. LACKEY: YES, SIR.

9 THE COURT: OKAY.

10 MR. LACKEY: NOTHING ELSE.

11 THE COURT: OKAY. ANYTHING ELSE?

12 MS. ULLMAN: NO, YOUR HONOR.

13 MR. PALMER: NO, YOUR HONOR.

14 MR. MELLARD: NO, YOUR HONOR.

15 MR. KOGER: NO, YOUR HONOR.

16 THE COURT: ALRIGHT, WE ARE IN RECESS UNTIL NINE
17 O'CLOCK TOMORROW MORNING. IT IS MY UNDERSTANDING
18 Y'ALL ARE GOING TO LOOK OVER PICTURES AND THINGS LIKE
19 THAT?

20 MS. ULLMAN: YES, SIR.

21 THE COURT: OKAY. IF Y'ALL WILL DO THAT I WILL
22 SEE Y'ALL FIRST THING IN THE MORNING.

23 (Recess for the day.)

24 DATE:

25 DECEMBER 14, 2010

1 THE COURT: IS THERE ANYTHING FROM THE STATE
2 BEFORE WE GET READY TO START?

3 SOLICITOR PASCOE: NO, YOUR HONOR.

4 THE COURT: OKAY. ANYTHING FROM ANY OF THE
5 DEFENDANTS BEFORE WE GET READY TO START? MR. LACKEY?

6 MR. LACKEY: YES, SIR, YOUR HONOR. IN THIS
7 MORNING'S TIMES & DEMOCRAT THEY HAVE AN ARTICLE HERE
8 CONCERNING THE TRIAL. FOLLOWING YOUR INSTRUCTIONS TO
9 THE JURY MEMBERS YESTERDAY NOT TO READ ANYTHING,
10 RESEARCH ANYTHING, I THINK IT WOULD BE APPROPRIATE TO
11 ASK THE JURY IF ANYONE READ THE ARTICLE.

12 THE COURT: OKAY.

13 MR. LACKEY: IT DOES ALLUDE TO AN EXECUTION STYLE
14 SLAYING, AND SPECIFICALLY, IT'S GOT A PICTURE OF MY
15 CLIENT HERE.

16 THE COURT: AND YOU.

17 MR. LACKEY: YES, SIR, YOUR HONOR, AND ME. AND I
18 BELIEVE THAT TO BE PREJUDICIAL TO MY CLIENT, AND WOULD
19 LIKE THE JURY QUESTIONED ON THAT MATTER.

20 THE COURT: OKAY. I'LL BE HAPPY TO DO THAT,
21 YEAH, I'LL DO THAT. OKAY.

22 MR. LACKEY: THANK YOU.

23 THE COURT: ANYTHING FROM ANY OTHER DEFENDANTS?

24 MR. PALMER: I WOULD JUST JOIN IN THAT MOTION,
25 YOUR HONOR, ON BEHALF OF MR. HARRIS.

1 MS. ULLMAN: I WOULD ALSO.

2 THE COURT: OKAY.

3 MR. KOGER: ALSO, JUDGE, ON BEHALF OF MR.

4 SHIVERS.

5 THE COURT: OKAY.

6 MR. MELLARD: AND MR. RYANT DOES, TOO.

7 THE COURT: OKAY. THANK Y'ALL ALL FOR JOINING IN
8 THAT MOTION.

9 MR. LACKEY: YOUR HONOR, THERE IS ONE OTHER
10 THING.

11 THE COURT: OKAY.

12 MR. LACKEY: IT'S MY UNDERSTANDING AT SOME POINT
13 IN THIS TRIAL THERE'S GOING TO BE DIAGRAMS AND THERE'S
14 GOING TO BE PICTURES SHOWN, AND USUALLY WHEN THAT
15 HAPPENS I LIKE TO GET OVER BY THE JURY AND KIND OF
16 LOOK AND SEE WHAT THEY'RE SEEING.

17 THE COURT: RIGHT.

18 MR. LACKEY: SO, THE PLACEMENT OF THE CAMERA MAY
19 BE A PROBLEM.

20 THE COURT: OH, WE CAN MOVE THE CAMERA. OKAY?
21 IS THAT GOING TO -- ARE WE GOING TO BE DOING THAT
22 EARLY THIS MORNING?

23 SOLICITOR PASCOE: WE WILL, YOUR HONOR, YES, SIR.

24 THE COURT: OKAY. WHAT I'M GOING TO DO IS, WE
25 DON'T NEED THE CAMERA ALL DAY ANYWAY, AND SO, HOW MANY

1 - - -

2 SOLICITOR PASCOE: I'LL TELL YOU WHAT, NOT,
3 PROBABLY NOT THIS MORNING, YOUR HONOR. WE'LL PROBABLY
4 TAKE A BREAK BEFORE WE PUT UP THE WITNESS WITH THE
5 DIAGRAMS AND OTHER STUFF.

6 THE COURT: OKAY. WHEN WE GET READY TO TAKE THE
7 WITNESS WITH THE DIAGRAMS WE'RE JUST GOING -- YOU'VE
8 GOT ENOUGH PICTURES, OKAY? YOU KNOW, YOU'RE ONLY
9 GOING TO USE ONE IN THE PAPER ANYWAY, I MEAN, I KNOW
10 YOU WANT TO STAY HERE AND TAKE AS MANY AS YOU CAN, BUT
11 WHAT WE'LL DO IS, WHEN HE GETS READY TO DO THAT I'M
12 GOING TO JUST GET YOU TO SIT DOWN, SIT BACK THERE WITH
13 RICHARD OR SOMETHING LIKE THAT IF THAT'S ALRIGHT.
14 OKAY? WILL THAT WORK? OKAY.

15 ALRIGHT, ANYTHING ELSE?

16 MR. LACKEY: NO, YOUR HONOR.

17 THE COURT: OKAY. GO AHEAD AND BRING THE JURY ON
18 OUT, PLEASE.

19 DO YOU JUST WANT TO MOVE THE CAMERA BEHIND THAT
20 CORNER RIGHT THERE? THAT WAY THE JURY WON'T REALLY
21 EVEN SEE YOU THAT MUCH. OKAY? AND THEN YOU CAN JUST
22 STAY IN HERE. OKAY? THAT WAS A GOOD SUGGESTION,
23 RICHARD, YOU WERE TRYING TO POINT THAT OUT TO ME
24 EARLIER, WEREN'T YOU?

25 MR. LACKEY: THAT'S USUALLY THE ALTERNATE

1 LOCATION, YES, SIR.

2 THE COURT: OKAY. WE'LL DO THAT. THE OTHER
3 THING IS, I DON'T HOW MANY WITNESSES WE WERE GOING TO
4 HAVE. I SEE FAMILY MEMBERS HERE AND THINGS LIKE THAT.
5 I JUST WANT TO REMIND Y'ALL THAT DURING THE TESTIMONY
6 THERE'S NOT TO BE ANY COMMENT ABOUT THE TESTIMONY.
7 Y'ALL DON'T NEED TO, YOU KNOW, MAKE ANY KIND OF
8 GESTURES OR ANYTHING LIKE THAT. WE'RE JUST -- Y'ALL
9 WILL JUST HAVE TO SIT QUIETLY AND LISTEN. OKAY? I
10 KNOW Y'ALL WILL, BUT I JUST NEED TO REMIND EVERYBODY.
11 OKAY? THANK YOU.

12 MS. ULLMAN: YOUR HONOR, COULD WE MAKE SURE THAT
13 ALL OF THE WITNESSES ARE OUT OF THE COURTROOM OTHER
14 THAN THE ONE BY STATUTE ARE ALLOWED?

15 THE COURT: OKAY. Y'ALL DON'T HAVE ANY WITNESSES
16 IN HERE, DO YOU?

17 SOLICITOR PASCOE: THE ONLY WITNESSES THAT WILL
18 BE IN HERE IS LIEUTENANT SHUMPERT AND ALSO OUR
19 INVESTIGATORS. I MEAN, KENNY KINSEY AND WALTER TURNER
20 MAY BE - - -

21 THE COURT: OKAY. IN AND OUT? OKAY. BUT NO
22 INDEPENDENT FACT WITNESSES?

23 SOLICITOR PASCOE: NO OTHER LAY WITNESSES, OR ANY
24 OTHER WITNESSES AT ALL.

25 THE COURT: OKAY. AND Y'ALL DON'T HAVE ANY

1 WITNESSES IN HERE?

2 MS. ULLMAN: NO, SIR.

3 THE COURT: ALRIGHT, BRING THEM ON IN.

4 (Whereupon, the jury enters
5 the courtroom and the following
6 takes place in the presence
7 of the jury.)

8 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN, I
9 APPRECIATE Y'ALL ALL SHOWING BACK UP. THANK YOU.

10 Y'ALL WERE CALLED YESTERDAY. WHEN I GOT READY TO
11 LET Y'ALL GO I TOLD YOU NOT TO DO, YOU KNOW, NOT TO
12 SEE -- IF YOU SAW ANYTHING ON T.V., DON'T READ
13 ANYTHING, DON'T DO ANY INVESTIGATION, DON'T LOOK ON
14 LINE OR ANYTHING LIKE THAT, DON'T READ THE PAPERS,
15 DON'T TALK ABOUT THE CASE OR ANYTHING LIKE THAT. I
16 WANT TO MAKE SURE FROM EACH ONE OF YOU THAT NO ONE
17 READ THE TIMES & DEMOCRAT THIS MORNING. DID ANYBODY
18 READ THE TIMES & DEMOCRAT THIS MORNING?

19 (Negative response.)

20 THE COURT: OKAY, GOOD. I NEED FOR Y'ALL NOT TO
21 READ THE TIMES & DEMOCRAT THIS WEEK. I KNOW THAT'S
22 GOING TO HURT THEIR CIRCULATION BUT YOU CAN'T -- YOU
23 CAN READ THE SPORT SECTION, YOU KNOW, BUT JUST DON'T
24 READ THE FRONT PAGE. BUT NOBODY READ THE PAPER TODAY?

25 (Negative response.)

1 THE COURT: DID ANYBODY SEE ANYTHING ON LINE
2 ABOUT THIS ARTICLE, ANYTHING ON T.V.?

3 (Negative response.)

4 THE COURT: OKAY. ALRIGHT. MR. LACKEY, ANYTHING
5 ELSE?

6 MR. LACKEY: NO, SIR, YOUR HONOR.

7 THE COURT: OKAY. ALRIGHT. ALRIGHT, LADIES AND
8 GENTLEMEN, THE FIRST THING I NEED TO DO IS, BEFORE WE
9 GET STARTED TODAY I NEED TO SWEAR Y'ALL AS THE JURY.
10 SO, IF Y'ALL WILL PLEASE RISE I WANT THE CLERK TO
11 SWEAR YOU.

12 CLERK: WOULD EVERYONE RAISE YOUR RIGHT HAND.
13 (Whereupon, the jury is duly
14 sworn and impaneled.)

15 THE COURT: OKAY, Y'ALL MAY BE SEATED. THANK
16 YOU.

17 NOW, LADIES AND GENTLEMEN, WE'RE GOING TO GET
18 READY TO BEGIN TRYING THE CASE, AND THIS CASE, YOU
19 HAVE A LITTLE BIT OF AN IDEA OF IT, IT IS THE CASE OF
20 THE STATE OF SOUTH CAROLINA AGAINST CHRISTIAN COLEMAN,
21 RALPH BERNARD COLEMAN, WALTER LEE HARRIS, DANNY RYANT,
22 JUNIOR, AND MARIO MONTEZ SHIVERS. AND ALL OF THESE
23 GENTLEMEN ARE SITTING BEHIND THEIR ATTORNEYS ON THIS
24 FIRST ROW BEHIND THEM, AND THEY ARE ALL SITTING IN
25 ORDER. OKAY? THAT'S TO MAKE IT EASIER FOR ME. NOW,

1 HOPEFULLY, IT WILL ALSO MAKE IT EASIER FOR Y'ALL.

2 NOW, I'M GOING TO GIVE YOU AN IDEA, JUST AN IDEA
3 OF WHAT'S GOING TO BE GOING ON WITH THE TRIAL. ALL
4 FIVE OF THESE GENTLEMEN HAVE BEEN INDICTED FOR MURDER,
5 BURGLARY, FIRST, AND ARMED ROBBERY. NOW, THE ELEMENTS
6 OF EACH ONE OF THESE CRIMES I WILL EXPLAIN TO YOU
7 LATER WHEN I DO MY CHARGE ON THE LAW AT THE VERY END
8 OF THE CASE. I NEED TO TELL YOU, THOUGH, THAT THE
9 INDICTMENTS THAT CHARGE THEM WITH THESE OFFENSES ARE
10 SIMPLY THE CHARGES WHICH BRING THE CASE TO COURT AND
11 IT'S NOT EVIDENCE IN ANY WAY. ALL OF THESE DEFENDANTS
12 HAVE PLED NOT GUILTY TO THESE INDICTMENTS. THEREFORE,
13 THE STATE HAS THE BURDEN OF PROVING EACH OF THE
14 ELEMENTS TO EACH OF THESE CRIMES BEYOND A REASONABLE
15 DOUBT, AND THEY HAVE TO PROVE IT WITH REGARD TO EACH
16 ONE OF THESE DEFENDANTS. OKAY? IT WILL BE YOUR DUTY,
17 LADIES AND GENTLEMEN, TO DECIDE WHETHER THE STATE HAS
18 MET THAT BURDEN OF PROOF.

19 YOUR DUTY AS JURORS IS TO FIND AND DETERMINE THE
20 FACTS. Y'ALL ARE THE SOLE JUDGES OF THE FACTS, AND IF
21 AT ANYTIME DURING THIS TRIAL I MAKE A COMMENT ABOUT
22 THE FACTS IN THIS CASE I'M GOING TO ASK YOU NOW TO
23 DISREGARD IT BECAUSE MY JOB IS NOT TO MAKE ANY
24 DETERMINATION ABOUT THE FACTS, THAT IS SOLELY YOUR
25 JOB.

1 NOW, THE WAY YOU'RE GOING TO DETERMINE THE FACTS
2 IN THE CASE IS BY THE EVIDENCE THAT YOU HEAR FROM THIS
3 WITNESS STAND AND ANY OTHER EVIDENCE THAT IS
4 INTRODUCED IN COURT AND ANY INFERENCES WHICH YOU
5 BELIEVE MAY BE PROPERLY DRAWN FROM SUCH EVIDENCE.

6 NOW, IT IS IMPORTANT THAT YOU DO YOUR JOB OF
7 DETERMINING THE FACTS DILIGENTLY AND CONSCIENTIOUSLY,
8 BECAUSE ORDINARILY THERE'S NO WAY TO CORRECT AN
9 ERRONEOUS DETERMINATION OF FACTS BY A JURY.

10 THE LAW IN THIS CASE, IN THIS STATE THAT MAKES
11 YOU THE JUDGES OF THE FACTS MAKES ME THE JUDGE OF THE
12 LAW. THE LAW AS GIVEN BY THE COURT IS THE ONLY LAW
13 THAT YOU MAY CONSIDER. YOU MUST ACCEPT THE LAW AS I
14 GIVE IT TO YOU AND FOLLOW IT, EVEN THOUGH YOU MAY
15 DISAGREE WITH IT. I CANNOT TELL YOU WHAT THE FACTS
16 ARE, AND YOU CANNOT DISAGREE WITH ME ABOUT WHAT THE
17 LAW IS OR SHOULD BE. YOUR JOB IS TO TAKE THE LAW AS I
18 GIVE IT TO YOU AND APPLY IT TO THE FACTS AS YOU FIND
19 THEM FROM THE TESTIMONY OF THE WITNESSES AND ANY OTHER
20 EVIDENCE THAT IS INTRODUCED IN THIS TRIAL. AFTER DOING
21 THAT YOU WILL RENDER A VERDICT, A TRUE AND JUST
22 VERDICT UNDER THE SOLEMN OATH THAT YOU JUST TOOK AS
23 JURORS.

24 NOW, AS I TOLD YOU YESTERDAY, UNTIL I ADVISE YOU
25 TO BEGIN YOUR DELIBERATIONS, AND I WON'T DO THAT UNTIL

1 THE CLOSE OF THE CASE AFTER I HAVE GIVEN YOU MY
2 INSTRUCTIONS ON THE LAW, YOU MUST NOT DISCUSS THIS
3 CASE WITH ANYONE, INCLUDING YOUR FELLOW JURORS,
4 FRIENDS, FAMILY MEMBERS AND ANYONE INVOLVED IN THE
5 CASE. AFTER THE CASE IS SUBMITTED TO YOU YOU MUST
6 DISCUSS IT ONLY IN THE JURY ROOM AND WITH YOUR FELLOW
7 JURORS. THE ATTORNEYS AND THE PARTIES IN THIS CASE,
8 AS I TOLD YOU EARLIER, HAVE BEEN ADVISED NOT TO EVEN
9 SPEAK, WAVE, SAY HELLO TO YOU DURING THE TRIAL. DURING
10 THE TRIAL, AGAIN I'M GOING TO REMIND YOU, AND I WILL
11 DO THIS ALL DURING THE TRIAL, YOU ARE NOT TO READ,
12 LISTEN TO, WATCH ANY NEWS REPORTS ABOUT THIS CASE, AND
13 THAT INCLUDES ANYTHING IN THE NEWSPAPERS, ON THE
14 INTERNET, RADIO OR TELEVISION. YOU MUST NOT CONSIDER
15 ANYTHING THAT YOU HAVE READ OR HEARD ABOUT THIS CASE
16 OUTSIDE THE COURTROOM, WHETHER BEFORE OR DURING THIS
17 TRIAL. AND AS I TOLD YOU, YOU MUST NOT DO ANY
18 SEPARATE INVESTIGATION ABOUT ANYTHING. IF YOU HAVE
19 ANY QUESTIONS, YOU KNOW, YOU'RE NOT SUPPOSED TO RIDE
20 BY THE SCENE OR DO ANYTHING LIKE THAT. EVERYTHING
21 THAT YOU'RE GOING TO GET, EVERYTHING YOU'RE GOING TO
22 NEED YOU'RE GOING TO GET FROM THE WITNESS STAND AND IN
23 THIS COURTROOM.

24 NOW, YOU NEED TO KEEP AN OPEN MIND AND NOT DECIDE
25 ANY ISSUE IN THIS CASE UNTIL ALL OF THE EVIDENCE HAS

1 BEEN PRESENTED AND THE PARTIES HAVE MADE THEIR CLOSING
2 ARGUMENTS AND I HAVE INSTRUCTED YOU ON THE LAW.
3 THAT'S ANOTHER REASON WHY I DON'T WANT YOU TALKING
4 DURING THE TRIAL, BECAUSE YOU HAVEN'T HEARD
5 EVERYTHING. THAT'S WHY I DON'T WANT YOU TALKING AMONG
6 YOURSELVES ABOUT WHAT YOU'VE HEARD.

7 NOW, IT IS YOUR SOLEMN RESPONSIBILITY TO
8 DETERMINE THE GUILT OR INNOCENCE OF EACH ONE OF THESE
9 DEFENDANTS, AND YOUR VERDICT MUST BE BASED SOLELY ON
10 THE EVIDENCE THAT IS PRESENTED TO YOU IN THIS TRIAL
11 AND ON THE LAW AS I INSTRUCT YOU DURING AND AT THE
12 CLOSE OF THE TRIAL.

13 NOW, EACH ONE OF THESE DEFENDANTS SHOULD BE
14 CONSIDERED SEPARATELY AND INDIVIDUALLY, AND I WANT TO
15 EMPHASIZE THAT. EVEN THOUGH THESE DEFENDANTS ARE
16 BEING TRIED AT ONE TIME, IT IS YOUR DETERMINE -- YOU
17 ARE GOING TO HAVE TO MAKE A DETERMINATION AT THE END
18 OF THIS TRIAL WHETHER OR NOT EACH ONE OF THESE
19 DEFENDANTS IS GUILTY OR NOT GUILTY OF THREE DIFFERENT
20 CHARGES.

21 NOW, IN A MOMENT THE SOLICITOR IS GOING TO MAKE
22 AN OPENING STATEMENT, AND IN THAT OPENING STATEMENT
23 THE SOLICITOR IS GOING TO TELL YOU WHAT HE THINKS THE
24 ISSUES ARE IN THIS CASE. NOW, AFTER HE MAKES HIS
25 OPENING STATEMENTS EACH OF THE DEFENDANTS' ATTORNEYS

1 MAY MAKE AN OPENING STATEMENT BUT THEY ARE NOT
2 REQUIRED TO DO SO. IN ANY EVENT, I NEED TO REMIND YOU
3 AGAIN THAT THE OPENING STATEMENTS ARE NOT EVIDENCE IN
4 THIS CASE, THEY ARE ONLY THE CONTENTION OF WHAT THE
5 ISSUES IN THE CASE ARE. THE EVIDENCE IN THIS CASE
6 WILL BE PRESENTED TO YOU BY THE SWORN TESTIMONY OF
7 WITNESSES FROM THIS WITNESS STAND AND ANY EXHIBITS
8 THAT MAY BE INTRODUCED INTO EVIDENCE.

9 NOW, AT SOME TIMES DURING THIS TRIAL YOU WILL SEE
10 THE ATTORNEYS COME FORWARD AND APPROACH THE BENCH, YOU
11 MAY HAVE EVEN SEEN THEM DO THAT A LITTLE BIT
12 YESTERDAY. OCCASIONALLY, BECAUSE OF SOME OF THE ISSUES
13 THAT COME UP DURING THE TRIAL YOU WILL BE EXCUSED TO
14 GO BACK TO THE JURY ROOM. THE REASON FOR THAT IS,
15 USUALLY I HAVE TO TAKE UP AN ISSUE OF LAW WITH THE
16 ATTORNEYS, AND SOMETIMES WHEN I TAKE UP AN ISSUE OF
17 LAW WITH THE ATTORNEYS IT REQUIRES ME TO MAKE A
18 COMMENT ON THE FACTS OF THE CASE, OR WHAT I PERCEIVE
19 TO BE THE FACTS OF THE CASE. SINCE I DON'T WANT TO
20 INFLUENCE YOU BY ANY OPINION I HAVE ABOUT THE FACTS,
21 YOU WILL BE EXCUSED SO THAT THAT WILL NOT HAPPEN,
22 BECAUSE REMEMBER, YOU ARE THE SOLE JUDGES OF THE
23 FACTS, NOT ME. IT IS Y'ALL'S DETERMINATION OF WHAT
24 THE FACTS ARE IN THIS CASE THAT IS THE MOST IMPORTANT
25 THING.

1 NOW, IN DETERMINING WHAT THE TRUE FACTS ARE IN
2 THIS CASE YOU MUST DECIDE WHETHER OR NOT THE TESTIMONY
3 OF A WITNESS IS BELIEVABLE. IT WILL BE MY
4 RESPONSIBILITY TO RULE AS A MATTER OF LAW WHETHER
5 CERTAIN TESTIMONY IS ADMISSIBLE, BUT ONCE THE
6 TESTIMONY IS ADMITTED, WHETHER OR NOT YOU BELIEVE IT
7 IS SOLELY FOR YOU TO DETERMINE. IN DECIDING WHETHER
8 TO BELIEVE A WITNESS YOU HAVE THE RIGHT TO CONSIDER
9 THE INTEREST OF ANY WITNESS, THE BIAS OF ANY WITNESS,
10 THE PREJUDICE OF ANY WITNESS, THE OPPORTUNITY FOR THE
11 WITNESS TO HAVE SEEN THE MATTERS AND THINGS ABOUT
12 WHICH THE WITNESS MAY TESTIFY, AND THE WAY THE WITNESS
13 ACTS ON THE WITNESS STAND. YOU HAVE A RIGHT TO
14 CONSIDER ANYTHING THAT IS IN THE RECORD THAT WILL HELP
15 YOU EVALUATE THE TESTIMONY OF A WITNESS. THAT MEANS
16 IT IS YOUR DUTY TO PAY CLOSE ATTENTION TO ALL OF THESE
17 WITNESSES, TO OBSERVE THEM, TO LISTEN TO THEM, AND TO
18 PAY CLOSE ATTENTION TO THE ATTORNEYS AND THE COURT.
19 PLEASE GIVE STRICT ATTENTION TO THE TESTIMONY IN THIS
20 CASE SO THAT AT THE END OF ALL THE TESTIMONY, AFTER
21 THE ARGUMENTS OF COUNSEL AND AFTER I CHARGE YOU WITH
22 THE LAW YOU WILL THEN BE IN A POSITION TO DETERMINE
23 WHAT THE TRUE FACTS ARE AND TO APPLY THE LAW TO THOSE
24 FACTS AND THUS RENDER A TRUE AND JUST VERDICT IN THIS
25 CASE.

1 ANY EXCEPTIONS TO WHAT I SAID BY THE STATE?

2 SOLICITOR SORENSON: NO, SIR.

3 THE COURT: OKAY, ANY EXCEPTIONS FROM THE
4 DEFENDANTS?

5 MR. LACKEY: NONE FROM ME, YOUR HONOR.

6 MS. ULLMAN: NO, SIR.

7 MR. PALMER: NO, YOUR HONOR.

8 MR. MELLARD: NO, SIR.

9 MR. KOGER: NO, SIR.

10 THE COURT: ALRIGHT. THANK Y'ALL. OKAY, WE'RE
11 NOW GETTING READY TO BEGIN THE TRIAL, AND WHO'S GOING
12 TO DO THE OPENING? MR. SORENSON? ALRIGHT, MR.
13 SORENSON, THANK YOU, SIR.

14 SOLICITOR SORENSON: MAY IT PLEASE THE COURT?

15 THE COURT: YES, SIR.

16 OPENING STATEMENT BY SOLICITOR SORENSON

17 GOOD MORNING, LADIES AND GENTLEMEN. THIRTY-EIGHT
18 YEAR OLD CHARLES PRINGLE SOLD MARIJUANA OUT OF HIS
19 APARTMENT. BACK ON THE NIGHT OF MARCH TWELFTH, TWO
20 THOUSAND TEN, MR. PRINGLE PAID THE ULTIMATE PRICE
21 BECAUSE OF THAT. THAT NIGHT, A LITTLE BEFORE TEN
22 O'CLOCK IN THE EVENING SIX MEN CAME INTO HIS APARTMENT
23 ARMED WITH FOUR GUNS, A NINE MILLIMETER PISTOL, A
24 FORTY CALIBER HAND GUN, AND TWO RIFLES. THEY CAME IN
25 THERE WITH THE INTENTION TO ROB HIM. THEY RANSACKED

1 HIS LIVING ROOM, STARTED TO WRAP HIS FACE UP WITH DUCT
2 TAPE, FORCED HIM ON THE GROUND, HE WAS ULTIMATELY
3 SHOT, LADIES AND GENTLEMEN, BY THOSE FOUR GUNS, NOT
4 ONE TIME, NOT TWO TIMES, NOT THREE TIMES, THE STATE
5 WILL PROVE HE WAS SHOT TWENTY-FOUR TIMES ON HIS LIVING
6 ROOM FLOOR AND LEFT TO DIE.

7 LADIES AND GENTLEMEN, THERE WERE SIX MEN, AND
8 FIVE OF THEM ARE HERE IN COURT TODAY. THE NAMES ARE
9 CHRISTIAN COLEMAN, RALPH COLEMAN, WALTER HARRIS, DANNY
10 RYANT, AND MARIO SHIVERS. THE SIXTH I'M GOING TO TALK
11 ABOUT IN A FEW MINUTES, HIS NAME IS A SIXTEEN YEAR OLD
12 NAMED PATRICK TYLER, AND I'M GOING TO TALK TO YOU
13 ABOUT HIM IN A COUPLE OF MINUTES. AND AS HIS HONOR
14 TOLD YOU, AS A RESULT OF THEIR ACTIONS THAT NIGHT AND
15 MR. PRINGLE'S DEATH, THE FIVE OF THEM HAVE BEEN
16 CHARGED, HAVE BEEN INDICTED BY THE ORANGEBURG COUNTY
17 GRAND JURY WITH THREE SEPARATE OFFENSES, ONE COUNT OF
18 MURDER, ONE COUNT OF BURGLARY IN THE FIRST DEGREE, AND
19 ONE COUNT OF ARMED ROBBERY. AND I WANT TO TAKE JUST A
20 COUPLE OF MINUTES AND TALK TO YOU JUST REAL BRIEFLY
21 ABOUT WHAT THOSE THREE CHARGES MEAN, WHAT THE ELEMENTS
22 ARE THAT WE HAVE TO PROVE TO YOU BEFORE YOU CAN FIND
23 THOSE DEFENDANTS OVER THERE GUILTY.

24 THE FIRST ONE I'M GOING TO START WITH IS MURDER.
25 MURDER, WHILE IT'S THE MOST SERIOUS CRIME WE HAVE ON

1 OUR LAW BOOKS, I SUBMIT TO YOU, IT PROBABLY HAS THE
2 SHORTEST AND SIMPLEST DEFINITION. MURDER, LADIES AND
3 GENTLEMEN, IS VERY SIMPLY THE UNLAWFUL KILLING OF
4 ANOTHER PERSON WITH MALICE AFORETHOUGHT. IT'S THE
5 UNLAWFUL KILLING OF ANOTHER PERSON WITH MALICE
6 AFORETHOUGHT. AND I SUBMIT TO YOU, IT DOESN'T GET
7 MORE MALICIOUS THAN WHAT YOU'RE GOING TO HEAR FROM
8 THIS WITNESS STAND AND IN THIS COURTROOM OVER THE NEXT
9 COUPLE OF DAYS. SIX MEN GOING INTO ANOTHER PERSON'S
10 HOME, TYING HIM UP, WRAPPING HIS FACE UP WITH DUCT
11 TAPE AND ULTIMATELY SHOOTING HIM TWENTY-FOUR TIMES
12 WHILE RANSACKING HIS HOUSE, IT'S HARD TO IMAGINE HOW
13 YOU COULD GET MUCH MORE MALICIOUS THAN THAT. THAT'S
14 MURDER.

15 THE SECOND ONE IS BURGLARY IN THE FIRST DEGREE.
16 AND BURGLARY, LADIES AND GENTLEMEN, IS THE UNLAWFUL
17 ENTRY INTO ANOTHER PERSON'S HOME WITHOUT THEIR
18 CONSENT, WITH THE INTENT TO COMMIT A CRIME. IT'S THE
19 UNLAWFUL ENTRY INTO ANOTHER PERSON'S HOME, WITHOUT
20 THEIR CONSENT, WITH THE INTENT TO COMMIT A CRIME. I
21 SUBMIT TO YOU, THE INTENT TO COMMIT A CRIME HERE IS,
22 THEY WERE GOING IN THERE TO ROB MR. PRINGLE. OKAY?
23 AND ONE THING I WANT TO TALK ABOUT, TWO MORE ISSUES OF
24 BURGLARY. YOU'LL NOTICE THERE'S NOWHERE IN THERE DID
25 I SAY YOU HAD BREAK INTO SOMEBODY'S HOME. YOU DON'T

1 HAVE TO CLIMB IN THROUGH A WINDOW, YOU DON'T HAVE TO
2 KICK IN THE FRONT DOOR. IT'S THE UNLAWFUL ENTRY INTO
3 ANOTHER PERSON'S HOME WITHOUT THEIR CONSENT. AND I
4 SUBMIT TO YOU, THAT PART, WITHOUT CONSENT, IF YOU
5 MISREPRESENT WHY YOU'RE GOING IN THE HOME, USE
6 TRICKERY OR DECEIT TO GET INTO THE HOME, THAT WOULD
7 QUALIFY AS BEING WITHOUT THE PERSON'S CONSENT.

8 AND LASTLY, THE LAST CHARGE THAT THE THREE OF
9 THEM, OR THE FIVE OF THEM ARE CHARGED WITH IS ARMED
10 ROBBERY. ARMED ROBBERY IS VERY SIMPLY STEALING FROM
11 SOMEBODY WHILE ARMED WITH A WEAPON. OKAY? IT'S
12 TAKING SOMEBODY ELSE'S PROPERTY THROUGH FORCE OR
13 INTIMIDATION WITH THE INTENT TO DEPRIVE IT OF THAT
14 PERSON WHILE ARMED WITH A DEADLY WEAPON.

15 THOSE ARE THE THREE CHARGES THAT THE FIVE OF
16 THEM, AND ALSO THE SIX OF THEM AS I INDICATED, AND I'M
17 GOING TO TALK TO YOU ABOUT THE SIXTEEN YEAR OLD
18 PATRICK TYLER, THE SIX OF THEM ARE CHARGED WITH AS A
19 RESULT OF THEIR ACTIONS BACK ON THE NIGHT OF MARCH THE
20 TWELFTH OF THIS YEAR.

21 NOW, ONE OTHER THING, KIND OF A LEGAL CONCEPT I
22 WANT TO BRIEFLY ADDRESS WITH YOU, YOU MAY HAVE
23 NOTICED, I TALKED TO YOU, THERE ARE SIX PEOPLE THAT
24 GOT CHARGED, THERE ARE FOUR WEAPONS THAT WERE USED,
25 FOUR WEAPONS THAT WERE USED. I WANT TO TALK TO YOU

1 ABOUT SOMETHING CALLED ACCOMPLICE LIABILITY. VERY
2 SIMPLY, LADIES AND GENTLEMEN, WHAT THAT MEANS IS WHEN
3 TWO OR MORE PEOPLE GET TOGETHER WITH THE INTENTION OF
4 GOING TO COMMIT AN UNLAWFUL, IN THIS CASE, WHEN SIX
5 PEOPLE GOT TOGETHER TO GO OVER THERE AND GO INTO MR.
6 PRINGLE'S APARTMENT TO ROB HIM AND TAKE ITEMS FROM
7 HIM. SO, THE SIX OF THEM CONSPIRED TOGETHER TO COMMIT
8 AN UNLAWFUL ACT. IF SOMEBODY THEN, IN TURN, IN THIS
9 CASE ENDED UP SHOOTING AND KILLING HIM, I SUBMIT TO
10 YOU, THEY'RE ALL JUST AS GUILTY. I SUBMIT TO YOU,
11 WHEN THE SIX OF THEM WENT IN THERE, IF MR. PRINGLE HAD
12 BEEN SHOT ONE TIME AND DIED AS A RESULT OF THAT, ALL
13 SIX OF THEM UNDER OUR LAW WOULD BE JUST AS GUILTY. IN
14 THIS CASE WE'RE GOING TO PROVE TO YOU THAT FOUR OF
15 THOSE WEAPONS WERE FIRED A TOTAL OF TWENTY-FOUR TIMES
16 STRIKING MR. PRINGLE. FOUR DIFFERENT PEOPLE AND, I
17 SUBMIT TO YOU, THE OTHER TWO WERE JUST AS GUILTY UNDER
18 OUR LAW. BASICALLY, YOU'VE PROBABLY HEARD THE PHRASE
19 BEFORE, THE HAND OF ONE IS THE ALL, AND THAT'S
20 BASICALLY WHAT IT MEANS, WHEN TWO OR MORE PEOPLE GET
21 TOGETHER, CONSPIRE TO COMMIT AN UNLAWFUL ACT, THE ACT
22 OF ONE IS THE ACT OF ALL.

23 I WANT TO ADDRESS TO YOU JUST REAL BRIEFLY THE
24 FACTS AND THEN I'M GOING TO SIT DOWN AND LET THE
25 DEFENSE LAWYERS, IF THEY WISH, HAVE AN OPPORTUNITY TO

1 COME BEFORE YOU, AND THEN WE'LL GET INTO ACTUALLY
2 PUTTING WITNESSES UP SO YOU CAN HEAR FROM THEM.
3 LADIES AND GENTLEMEN, AS INDICATED, YOU'LL HEAR THAT
4 BACK ON THE EVENING OF MARCH THE TWELFTH OF THIS YEAR,
5 SHORTLY BEFORE TEN O'CLOCK, NINE:FORTY, NINE:FORTY-
6 FIVE, SOMEWHERE IN THAT RANGE, THAT SIX PEOPLE
7 ULTIMATELY WENT INTO MR. PRINGLE'S HOME, HIS APARTMENT
8 OVER ON KING'S ROAD HERE IN ORANGEBURG COUNTY. THEY
9 HAD GONE IN THERE INITIALLY, GOT THE DOOR OPEN TO GO
10 IN THERE UNDER THE PRETEXT THAT THEY WERE GOING TO GO
11 BUY MARIJUANA, AND THEN ENDED UP RUSHING IN THERE WITH
12 THE WEAPONS, PULLING THEM ON MR. PRINGLE, AND ALSO A
13 YOUNG LADY YOU'RE GOING TO HEAR FROM BY THE NAME OF
14 ASHLEY PARSLEY. YOU'LL HEAR HOW ASHLEY WAS FORCED
15 FACE DOWN ON THE APARTMENT FLOOR IN THE LIVING ROOM
16 WHILE SHE HEARD MULTIPLE PEOPLE IN THERE RANSACKING,
17 TEARING UP THE CUSHIONS ON THE SOFA AND THE LOVE SEAT,
18 TEARING APART THE FURNITURE LOOKING FOR MARIJUANA AND
19 MONEY INSIDE THAT APARTMENT. YOU'RE GOING TO HEAR HOW
20 SHE HEARD THE DUCT TAPE BEING PULLED, AND ULTIMATELY
21 HOW SHE HEARD A BARRAGE OF GUN FIRE, AND THEN HEARD
22 THEM ALL RUNNING OUT OF THE APARTMENT. SHE CALLED
23 NINE ONE ONE, LAW ENFORCEMENT GOT OUT THERE. YOU'RE
24 GOING TO HEAR HOW OVER THE NEXT SEVERAL DAYS AS THE
25 INVESTIGATION PROGRESSED IT ULTIMATELY LED TO THESE

1 SIX INDIVIDUALS BEING CHARGED. THE FIVE OF THEM OVER
2 THERE, TWENTY TO TWENTY-TWO YEAR OLDS SITTING OVER
3 THERE, AND A SIXTEEN YEAR OLD BY THE NAME OF PATRICK
4 TYLER.

5 YOU'RE GOING TO HEAR FROM MR. TYLER, HE'S GOING
6 TO COME IN HERE AND TESTIFY ABOUT THE PLANNING OF THE
7 ROBBERY, WHO WAS INVOLVED IN THAT, HOW EACH OF THE SIX
8 OF THEM GOT INVOLVED IN IT, AND ULTIMATELY, HOW IT
9 WENT DOWN THAT NIGHT, AND THEN WHAT THEY DID
10 AFTERWARDS. AND I SUBMIT TO YOU, YOU'RE ALSO GOING TO
11 HEAR FROM OTHER WITNESSES THAT ARE GOING TO
12 CORROBORATE WHAT MR. TYLER TELLS YOU HAPPENED, BOTH
13 BEFORE AND AFTERWARDS.

14 YOU'RE ALSO GOING TO HEAR FROM A YOUNG MAN BY THE
15 NAME OF RONNIE WASHINGTON. HE'S GOING TO ALSO IDENTIFY
16 THE FIVE OF THEM AS BEING THE INDIVIDUALS THAT HE
17 PICKED UP THAT NIGHT ALONG WITH MR. TYLER AND
18 ULTIMATELY TOOK THEM OVER TO THAT APARTMENT FOR THE
19 PURPOSE OF GOING TO, HE THOUGHT TO GO BUY SOME
20 MARIJUANA, AND HOW WHEN THEY CAME RUNNING HE'LL TELL
21 YOU WHERE HE ENDED UP TAKING THEM AND DROPPING THEM
22 OFF THAT NIGHT.

23 I SUBMIT TO YOU, THAT'S JUST IN A VERY KIND OF
24 BRIEF NUT SHELL WHAT YOU'RE GOING TO HEAR, LADIES AND
25 GENTLEMEN.

1 THE LAST THING I WANT TO CLOSE WITH BEFORE I SIT
2 DOWN IS, I WANT TO THANK YOU, THANK YOU AHEAD OF TIME
3 FOR THE ATTENTION THAT I KNOW YOU'RE GOING TO GIVE TO
4 THIS MATTER. I KNOW THERE ARE PROBABLY A THOUSAND
5 OTHER THINGS THAT Y'ALL WOULD WANT TO BE DOING THIS
6 TIME OF YEAR. BUT NOT ONLY ON BEHALF OF THOSE FIVE
7 DEFENDANTS OVER THERE, BUT MORE SPECIFICALLY, ON
8 BEHALF OF THE FAMILY OF CHARLES PRINGLE, I WANT TO
9 THANK YOU FOR YOUR TIME AND YOUR ATTENTION THAT I KNOW
10 YOU'RE GOING TO GIVE TO THIS VERY SERIOUS AND
11 IMPORTANT MATTER.

12 THE ONLY THING I WANT TO CLOSE WITH NOW IS, ONE
13 THING I ASK OF YOU IS FOR Y'ALL TO PLEASE KEEP AN OPEN
14 MIND. OKAY? IT'S KIND OF LIKE PUTTING TOGETHER A JIG
15 SAW PUZZLE. YOU KNOW, EACH WITNESS YOU HEAR FROM THIS
16 WITNESS STAND, EACH PIECE OF EVIDENCE THAT'S
17 INTRODUCED TO YOU IS ONE PIECE OF THAT PUZZLE, ONE
18 PIECE OF THAT PUZZLE. AND WE ASK YOU, LADIES AND
19 GENTLEMEN, AS I SAID, KEEP THAT OPEN MIND AND GIVE THE
20 SOLICITOR A CHANCE AT THE CLOSE OF THE CASE TO PUT
21 THAT PICTURE TOGETHER, TO PUT THAT PICTURE TOGETHER.
22 I SUBMIT TO YOU, WHEN THAT'S DONE, LADIES AND
23 GENTLEMEN, NOT ONLY IS THERE GOING TO BE NO REASONABLE
24 DOUBT, I SUBMIT TO YOU, THERE'S GOING TO BE NO DOUBT
25 WHATSOEVER OF THE GUILT OF CHRISTIAN COLEMAN, RALPH

1 COLEMAN, WALTER HARRIS, DANNY RYANT AND MARIO SHIVERS,
2 THEIR GUILT AND THEIR INVOLVEMENT IN THE MURDER, THE
3 BURGLARY AND THE ARMED ROBBERY OF CHARLES PRINGLE BACK
4 ON MARCH THE TWELFTH. THANK YOU.

5 THE COURT: THANK YOU, MR. SORENSON.

6 MR. LACKEY.

7 OPENING STATEMENT BY MR. LACKEY

8 LADIES AND GENTLEMEN OF THE JURY, I'M GOING TO BE
9 VERY BRIEF WITH YOU HERE TODAY. I KNOW YOU'VE GOT A
10 LOT OF ATTORNEYS TO LISTEN TO, BUT WHAT THE JUDGE
11 SAID, I JUST WANT TO REITERATE TO YOU. WHAT MR.
12 SORENSON TOLD YOU, WHAT MR. PASCOE MAY SAY DURING THIS
13 TRIAL, NONE OF THAT IS EVIDENCE. THE EVIDENCE WILL
14 COME IN THROUGH WITNESSES ON THIS STAND AND THROUGH
15 ITEMS PRESENTED THROUGH THOSE WITNESSES. SO,
16 EVERYTHING I'M SAYING RIGHT NOW, EVERYTHING HE JUST
17 SAID IS NOT EVIDENCE AT ALL, THAT'S JUST TELLING YOU
18 ABOUT THE CASE.

19 NOW, MY CLIENT IS CHRISTIAN COLEMAN. WHAT DOES
20 CHRISTIAN COLEMAN HAVE TO PROVE? NOTHING, ABSOLUTELY
21 NOTHING. SOME LAWYERS SAY SOMEONE WHO'S CHARGED WITH
22 SOMETHING IS SHROUDED IN A CLOAK OF INNOCENCE.
23 BASICALLY YOU'VE HEARD THE SAYING OF INNOCENT UNTIL
24 PROVEN GUILTY. WELL, THERE'S NO TRUER TEST OF THAT
25 THAN IN THIS COURTROOM HERE TODAY. THE BURDEN IS ON

1 THE STATE, THE STATE BEING THE SOLICITOR, LAW
2 ENFORCEMENT, TO PROVE THIS CASE, AND TO PROVE IT
3 BEYOND A REASONABLE DOUBT. NOW, BEYOND A REASONABLE
4 DOUBT IS THE MOST STRINGENT AND THE HIGHEST STANDARD
5 TO PROVE A CASE IN OUR JUDICIAL SYSTEM. IF YOU'VE EVER
6 BEEN INVOLVED IN A CIVIL SUCH AS A CAR WRECK,
7 SOMETHING SUCH AS THAT, THE STANDARD AND BURDEN OF
8 PROOF IS MUCH LOWER, IT'S CALL THE PREPONDERANCE OF
9 THE EVIDENCE. BASICALLY, WHAT THAT MEANS, YOU'VE
10 HEARD OF THE SCALES OF JUSTICE. IF IT EVER SO ,
11 SLIGHTLY TILTS IN ONE WAY, THE SCALES OF JUSTICE, YOU
12 HAVE TO GO AND RULE WITH THAT SIDE. IN THIS IT'S A
13 MUCH MORE STRINGENT TEST, BEYOND A REASONABLE DOUBT.
14 THAT'S WHAT THEY HAVE TO PROVE. MY CLIENT HAS TO PROVE
15 NOTHING.

16 NOW, AS THE JUDGE TOLD YOU, THERE ARE A LOT OF
17 MOVING PARTS IN THIS TRIAL. WE'VE GOT -- THIS IS A
18 LITTLE UNUSUAL, WE'VE GOT FIVE INDIVIDUALS OVER HERE
19 CHARGED WITH THESE CRIMES. EACH HAS TO BE JUDGED
20 SEPARATELY, EACH HAS TO BE JUDGED ON EACH ONE OF THE
21 CHARGES, EACH ONE OF THE INDICTMENTS THAT YOU'LL SEE.
22 THOSE INDICTMENTS, AS THE JUDGE SAID, MEAN NOTHING.
23 IT'S A PIECE OF PAPER THAT JUST GOT THEM IN THIS
24 COURTROOM TODAY. THIS EVIDENCE IS WHAT YOU'LL BE
25 LOOKING AT.

1 ALSO AS THE JUDGE SAID, YOU'RE THE TRIER OF THE
2 FACTS. YOU LISTEN, YOU GIVE THE WEIGHT, CREDIBILITY
3 OF THE WITNESSES. HE'S GOING TO TELL YOU THE LAW.
4 WHETHER YOU LIKE IT OR NOT, WHETHER I LIKE IT OR NOT,
5 IT'S THE LAW WE HAVE HERE IN THE STATE OF SOUTH
6 CAROLINA, SO THAT'S WHAT YOU'VE TAKEN AN OATH TO GO
7 BY.

8 THERE'S AN OLD SAYING THAT SOME ATTORNEYS USE,
9 SAYING THE DEVIL'S IN THE DETAILS. THAT IS EXACTLY
10 WHAT I WANT YOU TO KEEP IN MIND WHEN EVIDENCE IS
11 PRESENTED, SPECIFICALLY TO MY CLIENT, CHRISTIAN
12 COLEMAN, THE DEVIL'S IN THE DETAILS. WHAT THEY'RE
13 GOING TO SAY AS TO THE EVIDENCE AGAINST MY CLIENT, I
14 SUBMIT TO YOU, AT THE END OF THE CASE, IF YOU TAKE
15 THAT INTO CONSIDERATION, SEE WHAT THEY'VE PRESENTED TO
16 YOU, YOU WILL COME BACK WITH A VERDICT OF NOT GUILTY
17 ON ALL THE CHARGES AGAINST MY CLIENT, CHRISTIAN
18 COLEMAN.

19 THANK YOU.

20 THE COURT: THANK YOU, MR. LACKEY.

21 MS. ULLMAN, OR MR. WISE. Y'ALL ARE GOING TO HAVE
22 TO TELL ME WHO IS WHO, Y'ALL ARE GOING TO NEED TO
23 RAISE OUR HAND. OKAY.

24 MR. WISE: I APOLOGIZE.

25 THE COURT: NO PROBLEM.

1 MR. WISE: MAY IT PLEASE THE COURT.

2 THE COURT: YES, SIR, MR. WISE.

3 MR. WISE: MR. SORENSON, MR. PASCOE.

4 OPENING STATEMENT BY MR. WISE

5 GOOD MORNING. MS. ULLMAN AND I REPRESENT RALPH
6 COLEMAN, AND I'D LIKE YOU NOT TO TAKE ANY IMPLICATION
7 FROM THE FACT THAT HE HAS TWO ATTORNEYS. AS THE JUDGE
8 HAS INSTRUCTED YOU, WE ARE BOTH WITH THE PUBLIC
9 DEFENDER'S OFFICE, AND THIS IS SIMPLY HOW WE TRY CASES
10 SOMETIMES.

11 I'D LIKE TO, BECAUSE I THINK IT'S IMPORTANT, TALK
12 ABOUT SOME OF THE THINGS THAT MR. SORENSON SAID IN HIS
13 OPENING, BECAUSE I THINK HE'S DONE AN EXCELLENT JOB OF
14 FRAMING THE ISSUES IN THIS CASE FOR YOU. HE STARTED
15 BY SAYING YOU HAVE SIX MEN AND FOUR GUNS. THE JUDGE
16 HAS INSTRUCTED YOU THAT YOU, THAT THERE ARE THREE
17 CHARGES THAT YOU NEED TO CONSIDER SEPARATELY. HE ALSO
18 INDICATED IN HIS OPENING THAT IT WAS THE INTENT OF
19 THESE YOUNG MEN TO ROB MR. PRINGLE. WHEN YOU CONSIDER
20 THIS EVIDENCE AT THE END THAT'S ONE OF THE THINGS I
21 WANT YOU TO FOCUS ON. IS IT AS HE SAID IT WILL BE,
22 THAT IT WAS THEIR INTENT TO ROB MR. PRINGLE? MR.
23 SORENSON TALKED ABOUT ACCOMPLICE LIABILITY AND THEN HE
24 USED THIS EXPRESSION, THEY CONSPIRED TOGETHER. HE
25 WENT ON TO TALK ABOUT, IF SOMEONE SHOOTS AND KILLS,

1 AND THEN HE TALKED ABOUT THE HAND OF ONE BEING THE
2 HAND OF ALL. THIS IS IMPORTANT, BECAUSE AS THE JUDGE
3 INDICATED A LITTLE WHILE AGO, YOU ARE THE JUDGES OF
4 THE LAW. SO, THE JUDGE IS GOING TO TELL YOU HOW TO,
5 THE LAW TO APPLY TO THE EVIDENCE THAT COMES BEFORE
6 YOU. HE THEN SAID A COUPLE OF THINGS THAT I THOUGHT
7 WERE INTERESTING, HE SAID THAT THE GROUP WENT IN
8 INITIALLY, AND HE USED THE WORD, PRETEXT TO BUY
9 MARIJUANA. THAT WILL BE IMPORTANT AS IT RELATES TO
10 MR. COLEMAN. AND HE A LITTLE WHILE LATER SPOKE ABOUT
11 RONNIE WASHINGTON. AND THE INTERESTING THING ABOUT
12 THAT WAS, WHEN HE SPOKE ABOUT RONNIE WASHINGTON HE DID
13 NOT USE THE WORD, PRETEXT. THERE'S A REASON FOR THAT.
14 THERE'S A REASON BECAUSE DIFFERENT PEOPLE KNEW,
15 THOUGHT, UNDERSTOOD DIFFERENT THINGS ABOUT WHAT WAS
16 GOING ON THIS DAY.

17 THIS IS A VERY DIFFICULT CASE. THERE ARE FIVE
18 PEOPLE SITTING AT THAT TABLE. WE KNOW THERE SHOULD AT
19 LEAST BE ONE OTHER PERSON SITTING AT THAT TABLE
20 BECAUSE MR. SORENSON MENTIONED THAT. AND I SUBMIT
21 THERE SHOULD BE EVEN MORE BEYOND THAT. MR. SORENSON
22 SAID THERE WERE FOUR GUNS, THERE'S THREE CHARGES AND
23 IT'S YOUR JOB TO SORT IT ALL OUT. YOUR JOB IS MADE
24 MORE DIFFICULT BY THE FACT THAT THE WITNESSES WHO WILL
25 BE CALLED, I SUBMIT TO YOU, ARE NOT GOING TO CLARIFY

1 SOME OF THIS FOR YOU. THEY WILL BE, I SUBMIT,
2 WITNESSES CALLED WHO WILL TESTIFY TO SEEING THINGS
3 THAT THEY DID NOT SEE. THERE WILL BE ONE WITNESS
4 CALLED, MR. TYLER, WHO WAS CALLED AND WHO WILL TESTIFY
5 OUT OF HIS DESIRE TO SAVE HIS SKIN. AND YOUR ARE LEFT
6 WITH THE JOB OF DETERMINE WHO WAS INVOLVED AND WHAT
7 WAS THEIR INVOLVEMENT. AND YOU HAVE TO DECIDE, AS MR.
8 LACKEY SAID, EACH CHARGE AS TO EACH PERSON. THERE IS
9 AN OLDER EXPRESSION THAT THEN ONE MR. LACKEY USED THAT
10 IS, IN FOR A PENNY, IN FOR A POUND, BUT THAT IS NOT
11 HOW YOU HAVE TO DECIDE THIS CASE. AND THAT'S
12 IMPORTANT BECAUSE WHEN MR. SORENSON STARTED TO TALK
13 ABOUT CONSPIRING TOGETHER, AND I SUBMIT TO YOU THAT
14 WHAT THE STATE WANTS TO DO IS KIND OF CREATE AND AIR
15 OF CRIMINALITY AROUND THESE GUYS, A GROUP OF BAD GUYS,
16 BIRDS OF A FEATHER, IF YOU WILL. BUT THE GOOD THING
17 IS, YOU WON'T DO THAT BECAUSE YOU'VE TAKEN AN OATH AND
18 YOU SAID YOU WOULDN'T DO THAT.

19 THE STATE HAS TO PROVE THAT RALPH SET OUT TO
20 MURDER CHARLES PRINGLE. THE EVIDENCE WILL NOT SO
21 SHOW. AS THE JUDGE SAYS, HOW WILL YOU DETERMINE? YOU
22 WILL LISTEN TO THE EVIDENCE, FOCUS ON THE FACTS, AND
23 AS THE JUDGE INDICATED, EVALUATE THE WITNESSES AND
24 THEIR INTERESTS, BIAS, PREJUDICES, AND THE WAY THE
25 WITNESS ACTS ON THE STAND.

1 IT'S A DIFFICULT CASE, THIS IS SERIOUS CHARGES. I
2 ANTICIPATE A LOT OF PASSION IN THIS CASE. VOICES MAY
3 BE RAISED, FINGERS POINTED, TABLES POUNDED ON, I MAY
4 EVEN DO SOME OF THAT. BUT IF THAT HAPPENS AND WE GET A
5 LITTLE SNIPPY, DON'T, THAT SHOULDN'T BE CONSIDERED BY
6 YOU. FOCUS ON THE FACTS, FOCUS ON THE FACTS, IT'S NOT
7 A PROBLEM, WE DO THAT SOMETIMES.

8 ALL MS. ULLMAN AND I ASK IS THAT AFTER ALL THESE
9 ARGUMENTS ARE DONE, YOU GO INTO YOUR DELIBERATION
10 ROOM, SIT DOWN, TAKE A BREATH, HAVE A COKE, AND THEN
11 BEGIN TO SORT OUT THE EVIDENCE, ONE PERSON AT A TIME,
12 ONE CHARGE AT A TIME. AND THEN WHEN YOU GET TO RALPH
13 YOU FOCUS ON THIS, WAS THERE ANY CREDIBLE EVIDENCE
14 THAT HE WAS THERE? START WITH THAT. AND THEN IF YOU
15 FIND THAT THERE WAS CREDIBLE EVIDENCE THAT HE WAS
16 THERE, IS THERE CREDIBLE EVIDENCE THAT HE DID,
17 PARTICIPATED IN ANYTHING? AND IF YOU DO THAT CALMLY,
18 FREE OF PASSION, WE SUBMIT THAT YOU WILL FIND THAT THE
19 APPROPRIATE VERDICT AS TO RALPH IS NOT GUILTY.

20 THANK YOU.

21 THE COURT: THANK YOU, MR. WISE.

22 MR. PALMER.

23 MR. PALMER: THANK YOU, YOUR HONOR, MAY IT PLEASE
24 THE COURT.

25 THE COURT: YES, SIR.

1 MR. PALMER: LET ME GET OUT OF MY HOLE HERE.

2 THE COURT: THAT'S GOOD EXERCISE.

3 OPENING STATEMENT BY MR. PALMER

4 LADIES AND GENTLEMEN, THE DEVIL MAY BE IN THE
5 DETAILS BUT WE NEED TO TALK ABOUT BASICS FIRST. AND
6 THE BASICS THAT APPLY TO THIS CASE ARE CONTAINED IN
7 THE U. S. AND THE SOUTH CAROLINA CONSTITUTION, AND THE
8 BEST WAY TO ILLUSTRATE WHAT I'M TALKING ABOUT IS TO
9 TELL YOU A PERSONAL STORY. I'VE BEEN IN PRACTICE
10 TWENTY-TWO YEARS, AND FROM TIME TO TIME I HAVE LAW
11 CLERKS AND INTERNS COME IN AND WORK IN MY OFFICE.
12 THEY USUALLY WORK FOR FREE BECAUSE THEY HAVE TO GET
13 CREDITS FOR SCHOOL. A FEW YEARS AGO I HAD AN INTERN
14 THAT WAS AT A LOCAL TECHNICAL SCHOOL STUDYING
15 PARALEGAL STUDIES, CRIMINAL JUSTICE, THAT SORT OF
16 THING. AND I WAS WORKING A LITTLE LATE ONE DAY, AND
17 SHE CAME IN AND SAID, I HAVE TO ASK YOU SOME QUESTIONS
18 TO FULFILL MY SCHOOL REQUIREMENTS. I SAID, SHOOT, FIRE
19 AWAY. AND SHE ASKED ME A FEW QUESTIONS ABOUT WHAT'S
20 IT LIKE TO PRACTICE LAW AND WHAT DO YOU HAVE TO DO TO
21 GET QUALIFIED, AND WHAT'S THE SCHOOLING LIKE, AND I
22 TOLD HER THE ROUTINE ANSWERS, AND THEN SHE HIT ME WITH
23 ONE THAT JUST BLIND SIDED ME. SHE SAID, I KNOW YOU DO
24 CRIMINAL DEFENSE. I'VE ALWAYS WONDERED HOW LAWYERS
25 LIKE YOU CAN REPRESENT GUILTY PEOPLE? IT TOOK ME

1 TOTALLY ABACK. I DROPPED MY PEN, AND I SAID, YOU KNOW,
2 I'VE BEEN ASKED THAT QUESTION BEFORE AND I'VE ALWAYS
3 TRIED TO GIVE A REALLY LEARNED, TECHNICAL ANSWER, BUT
4 I'M GOING TO TRY A DIFFERENT APPROACH. I'M GOING TO
5 GIVE YOU A MULTIPLE CHOICE QUESTION, A AND B. WHICH
6 DO YOU FIND MORE TROUBLING, OPTION A, WATCHING AN
7 INDIVIDUAL BE ACQUITTED OF A CHARGE IF YOU THINK HE
8 PROBABLY OR LIKELY MIGHT HAVE DONE IT? OPTION B,
9 WATCHING AN INNOCENT PERSON GET CONVICTED AND
10 PUNISHED? WHICH DO YOU FIND MORE TROUBLING? AND SHE
11 SAID, WELL, CLEARLY, OPTION B. AND I SAID, WELL, I'M
12 GLAD YOU SAID THAT, BECAUSE IF YOU PICKED OPTION A, I
13 WOULD SUGGEST THAT YOU NEED TO GO BACK AND STUDY MORE
14 ABOUT AMERICA AND THE SYSTEM OF JUSTICE AND THE
15 CONSTITUTION, BECAUSE IN AMERICA U. S. CITIZENS AND
16 LIKE YOU AND I, AND THESE FIVE YOUNG MEN SITTING HERE
17 ARE ALL INNOCENT, WE'RE ALL INNOCENT UNTIL WE'RE
18 PROVEN GUILTY.

19 NOW, THE CONSTITUTION IMPOSES A BURDEN OF PROOF,
20 AND I LIKE THAT WORD, BURDEN, BECAUSE IT'S A PERFECT
21 WORD. IT IS A BURDEN THAT MUST BE CARRIED ACROSS THE
22 FINISH LINE BY THE STATE. WALTER LEE HARRIS, THIS
23 YOUNG MAN IN THE BLUE SHIRT, HAS ZERO BURDEN TO PROVE
24 ANYTHING. HE CAN SIT HERE THIS WHOLE WEEK, NOT UTTER
25 A WORD, NOT ENTER A SHRED OF EVIDENCE INTO THIS CASE,

1 AND UNLESS YOU FINE PEOPLE ARE CONVINCED BEYOND A
2 REASONABLE DOUBT THAT HE DID SOMETHING HE'S NOT
3 GUILTY, HE GOES HOME.

4 NOW, THE STATE HAS GIVEN YOU THEIR VERSION OF THE
5 CASE. MAKE NO MISTAKE, ANYTHING THE LAWYERS SAY IN
6 THIS CASE, ME INCLUDED, ARE NOT FACTS, THEY'RE
7 THEORIES. THE STATE'S GIVEN YOU THE THEORY OF THE
8 CASE, BUT I'LL SUBMIT TO YOU THAT NONE OF THE LAWYERS
9 IN THIS COURTROOM KNOW WHAT HAPPENED IN THIS CASE.
10 NOBODY KNOWS FIRST HAND THAT'S SITTING AT THESE TABLES
11 WHAT HAPPENED IN THIS CASE. AND IF THEY PRESENT THE
12 SO CALLED STAR WITNESSES, I WANT YOU TO MAKE THEM
13 PROVE TO YOU THAT THEY KNOW WHAT HAPPENED IN THIS
14 CASE, THAT THEY KNOW WHO DID WHAT. I WOULD SUBMIT TO
15 YOU THAT THE STATE DOESN'T REALLY EVEN KNOW THAT
16 THEY'VE GOT THE RIGHT GUYS. THEY'VE GOT TO PROVE
17 THAT, AND THEY'VE GOT TO PROVE THAT USING THEIR BURDEN
18 OF PROOF. THEY'VE GOT TO CARRY THE WATER IN THIS
19 CASE. AND IF THEY DON'T, GUESS WHAT? NOT GUILTY.

20 NOW, THESE MEN ARE BEING TRIED TOGETHER. ONE
21 REASON FOR THAT IS FOR EFFICIENCY. THESE ARE FIVE
22 SEPARATE TRIALS, MY CLIENT'S TRIAL IS HERE TODAY, AND
23 HE IS BEING TRIED INDIVIDUALLY, NOT AS A GROUP, NOT
24 WITH THE RE ST OF THESE GUYS, AND THE SAME GOES FOR
25 THEM. SO, IF YOU FIND -- AND JUDGE DICKSON WILL TELL

1 YOU THIS, TOO, DON'T TAKE MY WORD FOR IT, IF YOU FINE
2 ONE OF THESE GUYS GUILTY OF ANYTHING YOU DON'T HAVE TO
3 FIND THE REST OF THEM. OR YOU CAN FIND FOUR OF THEM
4 GUILTY, YOU CAN FIND SOME OF THEM GUILTY AND SOME NOT.
5 AND IF YOU DO THAT, THAT'S OKAY BECAUSE IT DOESN'T
6 MEAN THAT YOU'RE SOFT ON CRIME OR YOU DON'T SUPPORT
7 LAW ENFORCEMENT, OR YOU REALLY LIKE THEM. IT MEANS
8 THAT YOU'VE DONE YOUR JOB AS JURORS, BECAUSE YOU ARE
9 PLAYING JUDGES IN A WAY HERE TODAY. YOU'RE JUDGES OF
10 THE FACTS. THE INFORMATION THAT COMES FROM THIS CHAIR
11 ISN'T NECESSARILY A FACT, IT'S A STATEMENT OR AN
12 ASSERTION. THE EXHIBITS THAT COME IN ARE ASSERTIONS.
13 NOTHING THAT COMES OUT IN THIS TRIAL IS A FACT UNTIL
14 YOU DETERMINE COLLECTIVELY THAT IT'S A FACT. AND IF
15 IT'S NOT PROVEN TO BE A FACT THEN IT CAN'T BE USED TO
16 DETERMINE GUILT.

17 NOW, I'M NOT GOING TO TALK ABOUT WHAT MAY HAVE
18 HAPPENED, IT'S UP TO THE STATE TO PROVE THAT. THESE
19 GUYS ARE ALL INNOCENT, MY CLIENT IS INNOCENT UNTIL
20 PROVEN GUILTY. A COUPLE OF THINGS I WANT YOU TO KNOW,
21 THOUGH, AHEAD OF TIME, AND YOU'LL BE TOLD THIS LATER
22 IN THE TRIAL. NUMBER ONE, THE SAME CONSTITUTION THAT
23 PROVIDES THIS CONCEPT THAT I'M TALKING ABOUT ALSO
24 PROVIDES EVERY CITIZEN A CERTAIN RIGHT, AND THAT'S THE
25 RIGHT NOT TO INCRIMINATE HIM OR HERSELF. IN OTHER

1 WORDS, MY CLIENT DOES NOT HAVE TO TESTIFY. AND IF HE
2 DOESN'T, HE CHOOSES NOT TO, YOU CAN'T HOLD IT AGAINST
3 HIM. THAT'S NOT MY IDEA, THAT'S THE LAW. HE DOESN'T
4 HAVE TO TESTIFY.

5 THE HAND OF ONE IS THE HAND OF ALL. I'M NOT
6 DISPUTING THAT'S THE LAW, THAT'S A LEGAL CONCEPT THAT
7 WILL APPLY TO THIS CASE, BUT THERE ARE SOME
8 QUALIFIERS. MERE PRESENCE AT THE SCENE OF A CRIME
9 DOES NOT MEAN GUILT, DOES NOT MEAN THAT THE INDIVIDUAL
10 INTENTIONALLY PARTICIPATED IN WHATEVER THEY'RE
11 ACCUSING HIM OF. AND SO, THE HAND OF ONE, HAND OF ALL
12 IS NOT AN ABSOLUTE CONCEPT. EACH OF THESE CRIMES THAT
13 HAVE BEEN CHARGE ARE CRIMES OF INTENT. AND THEY HAVE
14 TO BE PROVEN. EACH DEFENDANT HAS TO BE PROVEN TO HAVE
15 INTENDED TO COMMIT WHAT THEY'RE SAYING THEY DID. AND
16 THAT APPLIES TO MY CLIENT, MR. WALTER LEE HARRIS.

17 NOW, I'M GOING TO HAVE THE PRIVILEGE AND THE
18 OPPORTUNITY TO ADDRESS YOU, LIKE THE OTHER LAWYERS, AT
19 THE END OF THE TRIAL WHERE WE'LL ARGUE WHATEVER
20 INFORMATION COMES OUT DURING THE TRIAL. AND I LOOK
21 FORWARD TO THAT.

22 LET ME JUST CLOSE BY SAYING THAT ALL OF US ARE
23 SYMPATHETIC TO THE VICTIM. THERE'S NO QUESTION, A
24 GENTLEMAN GOT SHOT AND KILLED IN THIS CASE. BUT
25 THERE'S FIVE YOUNG LIVES HERE IN THE BALANCE, AND MY

1 CLIENT IS ONE OF THEM. AND SO, THIS IS SERIOUS
2 BUSINESS, FOLKS, THIS IS WHERE, ALL I'M ASKING, THAT
3 YOU DO YOUR LEGALLY CHARGED DUTY, GIVE THESE MEN A
4 FAIR TRIAL, GIVE MY CLIENT A FAIR TRIAL, AND MAKE THE
5 STATE PROVE THEIR CASE.

6 THANK YOU.

7 THE COURT: THANK YOU, MR. PALMER.

8 MR. MELLARD.

9 MR. MELLARD: MAY IT PLEASE THE COURT.

10 THE COURT: YES, SIR.

11 OPENING STATEMENT BY MR. MELLARD

12 MY NAME IS DOUG MELLARD, AND I REPRESENT DANNY
13 RYANT.

14 DANNY, WOULD YOU PLEASE STAND UP?

15 I REPRESENT DANNY RYANT. AND YOU'VE HEARD A LOT
16 OF TALK ABOUT HOW THEY'RE ALL ON TRIAL. WELL, I DON'T
17 CARE ABOUT ALL THOSE PEOPLE OVER THERE. THE ONLY ONE
18 I CARE ABOUT IS DANNY RYANT. THAT'S WHO I REPRESENT
19 AND THAT'S WHO I CARE ABOUT. SO, I WANT YOU TO JUST
20 FOCUS ON ONE THING. AND I THINK MR. PALMER ALLUDED TO
21 IT EARLIER. THE SOLICITOR'S DON'T KNOW WHAT HAPPENED.
22 OKAY? THEY HAVE NO CLUE OF WHAT HAPPENED. SO, THEY
23 CAN COME IN HERE AND THEY CAN ACCUSE DANNY RYANT OF
24 ANYTHING THEY WANT TO AND POINT THEIR FINGER AT HIM,
25 THEY CAN SAY WHATEVER THEY WANT TO, BUT IN THE END

1 THEY'VE GOT TO PROVE IT. THEY'VE GOT TO PUT PEOPLE ON
2 THAT STAND AND THEY HAVE TO PROVE IT. AND I'M GOING
3 TO TELL YOU RIGHT HERE, THE ONE THING THEY ARE NOT
4 GOING TO BE ABLE TO DO IS PROVE THAT DANNY RYANT DID
5 ANYTHING IN THIS CASE. THEY'RE NOT GOING TO BE ABLE
6 TO PROVE HIM GUILTY BEYOND A REASONABLE DOUBT.

7 MY NAME IS DOUG MELLARD, AND DANNY RYANT IS NOT
8 GUILTY.

9 THE COURT: THANK YOU, MR. MELLARD.

10 MR. KOGER.

11 MR. KOGER: MAY IT PLEASE THE COURT.

12 THE COURT: YES, SIR.

13 MR. KOGER: SOLICITOR PASCOE, ASSISTANT DEPUTY
14 SOLICITOR SORENSON.

15 OPENING STATEMENT BY MR. KOGER

16 MY NAME IS JOSHUA KOGER, AND I REPRESENT THE
17 FIFTH DEFENDANT IN THIS CASE, MARIO SHIVERS.

18 MR. SHIVERS, PLEASE STAND.

19 NOW, I'M FOLLOWING FOUR OTHER ELOQUENT LAWYERS,
20 AND ALL OF WHAT THEY SAY I CAN SIMPLY SAY, DITTO.

21 ON MARCH TWELFTH, TWO THOUSAND TEN, WHAT WILL
22 COME OUT IN THIS COURTROOM THIS WEEK IS GOING TO BE
23 DIFFERENT VERSIONS OF WHAT HAPPENED ON THAT PARTICULAR
24 EVENING. THERE'S GOING TO BE ALLEGED EYE WITNESS
25 IDENTIFICATIONS FROM THAT PARTICULAR EVENING, AND THE

1 SOLICITOR AND LAW ENFORCEMENT ARE GOING TO SUBMIT
2 MOUNDS AND MOUNDS OF PHYSICAL EVIDENCE THAT WAS
3 COLLECTED ON THAT PARTICULAR EVENING.

4 NOW, YOU HEARD FROM THE FIRST FOUR ATTORNEYS HERE
5 ABOUT THE BURDEN OF PROOF THAT THE STATE MUST MEET
6 BEYOND A REASONABLE DOUBT, AND THAT IS A BURDEN THAT
7 MUST BE MET IN ALL FIVE OF THE CASES RIGHT HERE. BUT
8 NOT ONLY THAT BURDEN MUST BE MET IN THE CASES, IT MUST
9 BE MET THROUGH WHAT COMES FORTH IN THIS COURTROOM HERE
10 TODAY. WHEN THE STATE PUT UP WRITTEN STATEMENTS THEY
11 MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
12 STATEMENT WAS MADE, THAT THE STATEMENT WAS MADE FREELY
13 AND VOLUNTARILY, AND THAT THE PERSON MAKING THE
14 STATEMENT WAS NOT COERCED. WHEN THEY PUT PERSONS ON
15 THE STAND TO IDENTIFY ANY OF THE DEFENDANTS IN THIS
16 PARTICULAR CASE THEY MUST PROVE THAT IDENTIFICATION IS
17 ACCURATE AND RELIABLE AND CREDIBLE. AND THEN WHEN
18 THEY SUBMIT THESE PHYSICAL, THESE PORTIONS OR ITEMS OF
19 PHYSICAL EVIDENCE IN THIS PARTICULAR CASE THEY MUST
20 PROVE BEYOND A REASONABLE DOUBT, PARTICULARLY TO MY
21 CLIENT, MR. SHIVERS, THAT THAT, THAT THOSE PHYSICAL
22 COMPONENTS OR ITEMS OF EVIDENCE CONNECT HIM TO THESE
23 CRIMES. SO, THIS IS NOT JUST A BURDEN JUST OVERALL.
24 EVERYTHING THAT COMES OUT IN THIS COURTROOM,
25 TESTIMONY, PHYSICAL EVIDENCE, IDENTIFICATION, THEY

1 MUST PROVE BEYOND A REASONABLE DOUBT. AND AS ATTORNEY
2 PALMER STATED, THAT IS A LEGALLY AND A CONSTITUTIONAL
3 MANDATED REQUIREMENT.

4 FORMER CO-COUNSEL ALSO STATED, AND THIS IS VERY
5 IMPORTANT, THAT THESE ARE FIVE SEPARATE TRIALS. AS
6 MR. MELLARD SAID ABOUT HIS CLIENT, MR. RYANT, I'M
7 PRIMARILY CONCERNED WITH MR. SHIVERS ON THE END RIGHT
8 HERE. THIS IS HIS DAY IN COURT. HE HAS BEEN WAITING
9 SINCE MARCH OF THIS YEAR TO HAVE HIS DAY IN COURT.
10 HE IS TO BE JUDGED ALONE.

11 AS THE JUDGE STATED AT THE BEGINNING, THE JURY IS
12 THE SOLE JUDGES OF THE FACTS. Y'ALL ARE GOING TO --
13 IF THERE ARE WITNESSES ON THE STAND Y'ALL ARE GOING TO
14 OBSERVE THEIR DEMEANOR, YOU'RE GOING TO DETERMINE
15 CREDIBILITY, AND YOU'RE GOING TO JUDGE WHAT COMES OUT
16 OF THIS COURTROOM TODAY AS PHYSICAL EVIDENCE. THAT'S
17 A VERY IMPORTANT BURDEN, A VERY HIGH BURDEN, BUT
18 SOMETHING THAT YOU MUST DO TO GIVE, NOT ONLY MY
19 CLIENT, BUT THE FOUR OTHER DEFENDANTS THEIR DAY IN
20 COURT.

21 NOW, AS STATED PROBABLY FOR THE FIFTH TIME, WHAT
22 THE STATE STATED AT THE BEGINNING IS NOT EVIDENCE,
23 IT'S THEIR VERSION. LOOKING TO THE OVERALL SCENE, THE
24 OVERALL COMPONENTS OF THIS PARTICULAR CASE, YOU KNOW,
25 THE STATE PUT IT IN A NICE PACKAGE THAT WELL, HE SOLD

1 MARIJUANA. YOU KNOW HE WAS A DRUG DEALER. OKAY? HE
2 WAS A DRUG DEALER. THEY PUT, WELL, THAT THE
3 DEFENDANTS TOOK AWAY GOODS AND MONEY -- MARIJUANA AND
4 DRUG MONEY. NOW, THIS IS NOT TO DENIGRATE THE
5 DECEASED IN THIS CASE, BUT LET'S CALL IT LIKE WE SEE
6 IT. LET'S PUT IT ALL OUT ON THE TABLE RIGHT HERE.
7 OKAY? THERE'S AN ELEMENT OF BURGLARY, FIRST, ABOUT
8 CONSENT. WELL, HE WAS SELLING DRUGS OUT OF HIS HOUSE,
9 HE HAD PATRONS. OKAY? LET'S, THE EVIDENCE IS GOING TO
10 SHOW ALL OF THIS HERE. IT'S NOT A SECRET, THIS IS
11 WHAT IT IS. THIS IS WHAT IT IS.

12 GIVE MY CLIENT, MR. SHIVERS, A SEPARATE TRIAL,
13 ALONG WITH THE OTHER FOUR A SEPARATE TRIAL. I AM
14 CONFIDENT THAT ONCE YOU STEP INTO THIS COURTROOM THIS
15 WEEK, OBSERVE THE WITNESSES, OBSERVE THE TESTIMONY,
16 AND LOOK AT THE PHYSICAL EVIDENCE, I AM CONFIDENT THAT
17 YOU WILL GO BACK IN THAT JURY ROOM AND YOU WILL
18 DELIBERATE AND THINK ABOUT WHAT CAME OUT OF THIS
19 COURTROOM THIS WEEK, AND I AM CONFIDENT THAT YOU WILL
20 FIND NOT GUILTY ON MURDER FOR MARIO SHIVERS, NOT
21 GUILTY ON ARMED ROBBERY FOR MARIO SHIVERS, AND NOT
22 GUILTY ON BURGLARY, FIRST, FOR MARIA SHIVERS.

23 THANK YOU.

24 THE COURT: THANK YOU, MR. KOGER.

25 ALRIGHT, SOLICITOR, CALL YOUR FIRST WITNESS,

1 PLEASE, SIR.

2 SOLICITOR PASCOE: THE STATE CALLS SERGEANT CRAIG
3 DAVIS, YOUR HONOR.

4 THE COURT: ALRIGHT, SIR.

5 CLERK: SIR, RAISE YOUR RIGHT AND PUT YOUR LEFT
6 HAND ON THE BIBLE.

7 (Whereupon, Craig Gilbert Davis
8 is duly sworn.)

9 CLERK: HAVE A SEAT AND STATE YOUR FULL NAME FOR
10 THE COURT.

11 WITNESS: CRAIG GILBERT DAVIS.

12 SOLICITOR PASCOE: MAY IT PLEASE THE COURT.

13 THE COURT: YES, SIR.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

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DIRECT EXAMINATION OF CRAIG GILBERT DAVIS

BY SOLICITOR PASCOE:

Q. GOOD MORNING, SERGEANT.

A. GOOD MORNING.

Q. WHERE DO YOU WORK, SIR?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. AND HOW LONG HAVE YOU BEEN WITH THE ORANGEBURG
COUNTY SHERIFF'S OFFICE?

A. APPROXIMATELY FIVE YEARS.

Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
ALTOGETHER?

A. ABOUT SEVENTEEN YEARS.

Q. WHERE DID YOU WORK BEFORE YOU WORKED AT THE
SHERIFF'S OFFICE IN ORANGEBURG?

A. I SERVED A LITTLE LESS THAN A YEAR AT SOUTH
CAROLINA STATE UNIVERSITY POLICE DEPARTMENT, AND
PRIOR TO THAT, INVESTIGATOR WITH THE STATE OF NEW
JERSEY.

Q. WHAT ARE YOUR CURRENT DUTIES WITH THE ORANGEBURG
COUNTY SHERIFF'S OFFICE?

A. I'M A PATROL SERGEANT.

Q. OKAY. AND TELL THE JURY WHAT ALL THIS ENTAILS
BEING A PATROL SERGEANT?

A. AS A PATROL SERGEANT I'M RESPONSIBLE FOR THE
SUPERVISION OF EVERYONE THAT'S ON MY SHIFT,

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1 CURRENTLY, ALPHA SHIFT.

2 Q. OKAY. AND WHAT SORTS OF THINGS DO Y'ALL DO IN
3 PATROL?

4 A. JUST BASICALLY ENFORCE THE LAWS OF SOUTH CAROLINA
5 IN THE STATE AND COUNTY OF ORANGEBURG.

6 Q. AND YOU RESPOND TO CALLS?

7 A. YES, SIR.

8 Q. AND IF I CALLED NINE ONE ONE FOR A POLICE OFFICER
9 WHICH POLICE OFFICERS ARE THE FIRST TO ARRIVE?

10 A. PATROL.

11 Q. OKAY. AND YOU TESTIFIED YOU'RE ACTUALLY
12 SUPERVISOR OF A PATROL UNIT?

13 A. YES, SIR.

14 Q. AND WERE THESE YOUR DUTIES BACK ON FRIDAY, MARCH
15 THE TWELFTH, OF THIS YEAR?

16 A. YES, SIR.

17 Q. OKAY. I WANT TO ASK YOU ABOUT THAT DAY,
18 SERGEANT, WERE YOU ON DUTY THAT FRIDAY, MARCH
19 TWELFTH?

20 A. I WAS.

21 Q. AND ARE YOU USING ANYTHING TO ASSIST YOU IN OUR
22 TESTIMONY IF YOU NEED IT?

23 A. THE INITIAL INCIDENT FROM THAT EVENING.

24 Q. YOUR INCIDENT REPORT TO THE SHERIFF'S OFFICE?

25 A. THAT'S CORRECT.

1 Q. AND AGAIN, JUST TO REFRESH YOUR MEMORY IF YOU
2 NEED IT?

3 A. THAT'S CORRECT.

4 Q. WHAT SHIFT WERE YOU WORKING ON THAT FRIDAY?

5 A. SECOND SHIFT, ALPHA SHIFT, FROM ABOUT SIX:THIRTY
6 P.M. TO SEVEN O'CLOCK IN THE MORNING.

7 Q. OKAY, FROM SIX:THIRTY AT NIGHT TO - - -

8 A. SEVEN A.M.

9 Q. --- SEVEN O'CLOCK IN THE MORNING?

10 A. YES, SIR.

11 Q. AND ANY PARTICULAR AREA OF THE COUNTY THAT YOU
12 PATROLLED OR SUPERVISED?

13 A. I SUPERVISE AND AM RESPONSIBLE FOR THE ENTIRE
14 COUNTY, BUT AT THIS TIME I WAS IN THE ORANGEBURG
15 AREA.

16 Q. OKAY. AND WHAT, IF ANYTHING -- AND YOU SAY,
17 ORANGEBURG AREA, CLOSE TO THE TOWN?

18 A. YES, SIR.

19 Q. OKAY. WHAT, IF ANYTHING, WERE YOU CALLED UPON TO
20 DO THAT FRIDAY NIGHT?

21 A. IN PARTICULAR, I WAS DISPATCHED TO A SHOOTING
22 INCIDENT AT [REDACTED] IN
23 ORANGEBURG.

24 Q. OKAY. AND THAT IS IN ORANGEBURG COUNTY?

25 A. THAT'S CORRECT.

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1 Q. GIVE THE JURY AN IDEA OF WHERE KINGS ROAD IS IN
2 RELATION TO THE COURTHOUSE, HOW LONG WOULD IT
3 TAKE TO GET THERE FROM HERE?

4 A. TEN MINUTES, NORMAL, FIVE OR TEN MINUTES NORMAL
5 TRAFFIC DAY. IT'S SIX O ONE -- BETWEEN SIX O ONE
6 AND BELLEVILLE ROAD.

7 Q. BETWEEN SIX O ONE AND BELLEVILLE?

8 A. THAT'S CORRECT.

9 Q. AND WHAT TIME DID YOU RECEIVE THE DISPATCH OR THE
10 CALL TO GO TO KINGS ROAD?

11 A. WE WERE DISPATCHED AT TWENTY-ONE FIFTY-EIGHT
12 HOURS, WHICH IS NINE:FIFTY-EIGHT P.M.

13 Q. OKAY. AND WHAT TIME DID YOU ARRIVE AT THE SCENE?

14 A. APPROXIMATELY FIVE MINUTES AFTER, TWENTY-TWO O-
15 THREE, WHICH IS THREE MINUTES AFTER TEN P.M.

16 Q. DID ANYONE ELSE ARRIVE WITH YOU FROM THE
17 SHERIFF'S OFFICE?

18 A. YES, I HAD DEPUTY WESTBERRY AND DEPUTY RYAN
19 HARTER.

20 Q. ARE YOU THEIR SUPERVISOR?

21 A. YES, SIR.

22 Q. TELL THE JURY WHAT YOU OBSERVED WHEN YOU GOT THE
23 APARTMENT AT, AT [REDACTED]?

24 A. ONCE WE MADE ENTRY WE OBSERVED A DECEASED BLACK
25 MALE LYING ON THE LIVING ROOM FLOOR AND A REAL

1 DESPONDED BLACK FEMALE SITTING AT THE EDGE OF THE
2 COUCH.

3 Q. OKAY. CAN YOU DESCRIBE THE CONDITION OF THE
4 APARTMENT AS WELL?

5 A. THE LIVING ROOM AREA WAS IN DISARRAY. AGAIN,
6 THERE WAS A DEAD BODY ON THE FLOOR WITH DUCT TAPE
7 AND A BLACK FEMALE SITTING ON THE COUCH.

8 Q. OKAY. AND WHAT DID YOU AND YOUR DEPUTIES FIRST
9 DO UNDER YOUR COMMAND WHEN YOU WENT INTO THE
10 APARTMENT.

11 A. THE FIRST THING WE DID WAS TO TRY TO ASCERTAIN
12 WHAT TRANSPIRED. WE MADE CONTACT WITH THE BLACK
13 FEMALE THAT WAS IN THE APARTMENT. SHE WAS,
14 AGAIN, DESPONDED, IN MY OPINION, IN SHOCK, SO WE
15 WENT AND SECURED HER IN MY PATROL VEHICLE. AND
16 THEN WE ENTERED THE APARTMENT AND CLEARED THE
17 APARTMENT TO MAKE SURE THERE WAS NO INTRUDER.

18 Q. AND YOU GOT THE INFORMATION ON THE DECEASED?

19 A. YES, WE DID. HE WAS LATER IDENTIFIED AS A MR.
20 CHARLES PRINGLE, A THIRTY-EIGHT YEAR OLD BLACK
21 MALE FROM [REDACTED] IN
22 ORANGEBURG.

23 Q. AND WERE THERE ANY ATTEMPTS TO REVIVE HIM WHILE
24 YOU WERE THERE?

25 A. HE WAS DOA, DEAD ON ARRIVE.

DIRECT - CRAIG GILBERT DAVIS BY SOL. PASCOE

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1 Q. AND YOU GOT THE INFORMATION. YOU TESTIFIED THAT
2 THE FEMALE WAS DESPONDENT AND IN YOUR OPINION, IN
3 SHOCK. YOU'VE BEEN A LAW ENFORCEMENT OFFICER FOR
4 SEVENTEEN YEARS, BUT DID YOU GET HER INFORMATION?

5 A. WE DID. SHE WAS LATER DETERMINED TO BE THE
6 PERSON THAT CALLED THE SHERIFF'S OFFICE, AND SHE
7 WAS IDENTIFIED AS A TWENTY-THREE YEAR OLD BLACK
8 MALE -- BLACK FEMALE, PARDON ME, BY THE NAME OF
9 ASHLEY PARSLEY, OUT OF MARION, SOUTH CAROLINA.

10 Q. OTHER THAN HER BEING IN HER MENTAL STATE, DID SHE
11 HAVE ANY PHYSICAL INJURIES THAT YOU COULD SEE?

12 A. NO, SIR.

13 Q. DID YOU ATTEMPT TO TAKE A DETAILED STATEMENT FROM
14 HER THAT NIGHT?

15 A. WE DID NOT. AGAIN, JUST SIMPLE QUESTIONING JUST
16 TO TRY TO ASCERTAIN WHAT HAPPENED, AND AGAIN, SHE
17 WAS DESPONDED AND IN MY OPINION AGAIN WAS IN
18 SHOCK.

19 Q. AND LET ME ASK YOU THIS, WHO'S JOB IS IT TO TAKE
20 DETAILED STATEMENTS FROM WITNESSES?

21 A. IN A CASE LIKE THIS IT WOULD BE AN INVESTIGATION.

22 Q. OKAY. AND AFTER YOU SECURED THE SCENE AND MADE
23 SURE THE INTRUDERS WERE GONE, YOU SAW THAT THIS
24 WAS A HOMICIDE SCENE, WHO DID YOU END UP CALLING
25 TO COME?

1 A. WE INITIATED PROTOCOL. AS A SUPERVISOR THAT'S MY
2 RESPONSIBILITY. WE CALLED FOR THE ON CALL
3 INVESTIGATORS, CRIME SCENE INVESTIGATORS, IN THIS
4 CASE THE COUNTY CORONER, EMS.

5 Q. OKAY. AND DID THEY ALL ARRIVE?

6 A. THEY DID.

7 Q. WHEN DID YOU END UP LEAVING THE SCENE THAT NIGHT
8 AT [REDACTED] [REDACTED] [REDACTED]?

9 A. APPROXIMATELY TWO A.M., TWO O'CLOCK IN THE
10 MORNING.

11 Q. OKAY. AND WHAT DID YOU DO DURING THAT BASICALLY
12 FOUR HOUR PERIOD OF TIME FROM TEN P.M TO TWO
13 A.M., WHAT WERE YOUR DUTIES AT THE SCENE?

14 A. PRIMARILY TO SECURE THE SCENE, AND PROTECT THE
15 INTEGRITY OF THE EVIDENCE, IF ANY.

16 Q. OKAY. MAKE SURE NOBODY TOUCHED IT UNTIL THE
17 CRIME SCENE GOT THERE?

18 A. THAT'S CORRECT.

19 Q. DID YOU HAVE ANYMORE INVOLVEMENT IN THIS CASE
20 AFTER THAT NIGHT, SERGEANT?

21 A. NO, SIR.

22 Q. I JUST HAVE A FEW MORE QUESTIONS, SERGEANT, I
23 HAVE TO WAIT UNTIL THEY LOOK AT THESE
24 PHOTOGRAPHS.

25 SOLICITOR PASCOE: I ASK THAT STATE'S EXHIBIT SIX

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1 BE ADMITTED INTO EVIDENCE, YOUR HONOR.

2 THE COURT: ANY OBJECTION.

3 MR. PALMER: NO OBJECTION.

4 MR. LACKEY: WITHOUT OBJECTION, YOUR HONOR.

5 MS. ULLMAN: NO OBJECTION.

6 MR. MELLARD: NO OBJECTION

7 MR. KOGER: NO OBJECTION.

8 COURT REPORTER: LET ME TAKE THAT.

9 SOLICITOR PASCOE: YES, MA'AM.

10 THE COURT: STATE'S EXHIBIT SIX IS ADMITTED INTO
11 EVIDENCE.

12 (State's Exhibit Six
13 marked and filed.)

14 Q. AND IF YOU COULD, MAYBE, JUST TO GIVE AN IDEA,
15 I'LL LET YOU POINT TO WHERE [REDACTED] THE
16 APARTMENT WAS THAT YOU WENT INTO?

17 A. [REDACTED] WAS THE LAST APARTMENT ON THE
18 REAR END SIDE.

19 Q. OKAY. THE LAST ONE ON MY LEFT HAND SIDE?

20 A. YES, SIR.

21 Q. AND YOU TESTIFIED ABOUT WHAT YOU SAW INSIDE THE
22 APARTMENT?

23 A. YES, SIR.

24 Q. LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S
25 EXHIBITS SEVEN AND EIGHT. TAKE A GOOD LOOK AT

1 THOSE TWO PHOTOS AND TELL ME IF YOU RECOGNIZE THE
2 CONTENTS OF THOSE PHOTOS?

3 A. THIS IS THE APARTMENT WE OBSERVED ON THE DAY IN
4 QUESTION.

5 Q. OKAY. AND DOES IT ACCURATELY DEPICT THE WAY YOU
6 FOUND THE APARTMENT THAT NIGHT, ON MARCH THE
7 TWELFTH, - - -

8 A. YES, SIR.

9 Q. --- TWO THOUSAND AND TEN?

10 A. YES, SIR.

11 Q. WOULD IT ASSIST THE JURY IN SEEING HOW YOU FOUND
12 THE VICTIM THAT NIGHT IF THEY SAW THOSE
13 PHOTOGRAPHS?

14 A. YES, SIR.

15 Q. AND IT ACCURATELY DEPICTS THE DISARRAY IN SOME OF
16 THE APARTMENT, AND THE VICTIM?

17 A. THAT'S CORRECT.

18 SOLICITOR PASCOE: I'D ASK THAT STATE'S EXHIBITS
19 SEVEN AND EIGHT BE ADMITTED INTO EVIDENCE, YOUR HONOR.

20 THE COURT: ANYTHING FROM THE ATTORNEYS?

21 MR. PALMER: NO OBJECTION.

22 MR. LACKEY: WITHOUT OBJECTION, YOUR HONOR.

23 MS. ULLMAN: NO, OBJECTION.

24 MR. MELLARD: NO OBJECTION.

25 MR. KOGER: NO OBJECTION.

DIRECT - CRAIG GILBERT DAVIS BY SOL. PASCOE

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1 THE COURT: ALRIGHT, STATE'S EXHIBITS SEVEN AND
2 EIGHT ARE ADMITTED INTO EVIDENCE.

3 (State's Exhibits Seven and Eight
4 marked and filed.)

5 Q. I WANT TO SHOW YOU STATE'S EXHIBIT SEVEN, AND
6 I'LL LET YOU HOLD IT UP TO THE JURY AND THEN I'LL
7 PUBLISH IT TO THEM. TELL THE JURY WHAT ALL THAT
8 DEPICTS THAT YOU SAW?

9 THE COURT: THIS IS NUMBER SEVEN?

10 SOLICITOR PASCOE: YES, SIR, YOUR HONOR, STATE'S
11 EXHIBIT SEVEN.

12 THE COURT: OKAY.

13 A. THIS IS THE LIVING ROOM AREA. AS SOON AS YOU
14 WENT THROUGH THE FRONT DOOR TO THE APARTMENT. IT
15 DISPLAYS THE COUCHES WITH THE CUSHIONS OF THE
16 COUCHES WERE PULLED UP AND, OF COURSE, THE
17 DECEASED BODY IN THE MIDDLE OF THE FLOOR.

18 Q. AND I'LL HOLD UP STATE'S EXHIBIT EIGHT. IF YOU
19 COULD TELL THE JURY WHAT ALL THAT DEPICTS IN
20 THERE?

21 A. THAT'S THE DECEASED, MR. PRINGLE, THAT WE FOUND
22 LAYING ON THE FLOOR RIDDLED WITH MULTIPLE GUN
23 SHOT WOUNDS.

24 SOLICITOR PASCOE: AND IF I COULD, AND YOUR
25 HONOR, I'LL PUBLISH SIX, SEVEN AND EIGHT TO THE JURY.

1 THE COURT: ALRIGHT.

2 SOLICITOR PASCOE: I BEG THE COURT'S INDULGENCE
3 JUST ONE SECOND.

4 THE COURT: YES, SIR.

5 (Whereupon, State's Exhibits Six, Seven and
6 Eight are published to the jury.)

7 SOLICITOR PASCOE: THANK YOU, SERGEANT, ANSWER
8 ANY QUESTIONS THAT DEFENSE ATTORNEYS HAVE FOR YOU.
9 THANK YOU.

10 THE COURT: ALRIGHT, MR. LACKEY.

11 (NOTE: Blank lines on this page do not indicate any
12 part of record has been omitted. Headers on testimony
13 pages and hard page breaks between testimony are now
14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

CROSS - CRAIG GILBERT DAVIS BY MR. LACKEY

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CROSS-EXAMINATION OF CRAIG GILBERT DAVIS

BY MR. LACKEY:

Q. JUST A FEW QUESTIONS, SERGEANT DAVIS.

THE COURT: AND MR. LACKEY, I DON'T MEAN TO INTERRUPT YOU. THEY'RE PASSING THE PICTURES AROUND. IF YOU WANT, I DON'T KNOW WHETHER YOU WANTED THEM TO WAIT, IF YOU WANTED TO WAIT.

MR. LACKEY: THAT MAY BE A GOOD IDEA, THANK YOU, YOUR HONOR.

THE COURT: YEAH. LADIES AND GENTLEMEN, WE WILL ALLOW THE PICTURES TO BE CIRCULATED BEFORE MR. LACKEY BEGINS HIS CROSS-EXAMINATION. THAT WAY HE'LL HAVE YOUR FULL ATTENTION.

ALRIGHT.

MR. LACKEY: YES, SIR.

Q. AS I SAID, SIR, JUST A FEW QUESTIONS. YOU SAID ON THE NIGHT IN QUESTION, ON MARCH TWELVE, YOU WERE ONE OF THE INITIAL RESPONDERS TO THE SCENE?

A. THAT'S CORRECT.

Q. OKAY. AND IN ADDITION TO THE DECEASED THERE WAS ALSO ONE OTHER PERSON YOU FOUND AT THE SCENE?

A. THAT'S CORRECT.

Q. AND THAT WAS MS. ASHLEY PARSLEY, IS THAT CORRECT?

A. THAT'S CORRECT.

Q. NO ONE ELSE WAS THERE, IS THAT CORRECT?

1 A. NO, SIR.

2 Q. AND, AND TO HELP YOU IN THE, RECALL THE EVENTS IN
3 CASE THIS CASE WENT TO TRIAL YOU MADE A REPORT OF
4 THAT?

5 A. THAT'S CORRECT.

6 Q. AND THAT'S WHAT YOU'RE REFERRING TO KIND OF
7 REFRESH YOUR MEMORY?

8 A. YES, SIR.

9 Q. OKAY. AFTER THAT YOU TURNED OVER THE CASE TO THE
10 INVESTIGATORS BASICALLY?

11 A. THAT'S CORRECT.

12 Q. AND SO, YOU DIDN'T HAVE ANYMORE INVOLVEMENT IN
13 THE INVESTIGATION AS TO POSSIBLE SUSPECTS?

14 A. NO, SIR.

15 MR. LACKEY: OKAY. NO FURTHER QUESTIONS, YOUR
16 HONOR.

17 THE COURT: THANK YOU, MR. LACKEY.

18 MS. ULLMAN.

19 MS. ULLMAN: YES, SIR.

20 THE COURT: OKAY, I GUESSED RIGHT. GOOD. MS.
21 ULLMAN, YOUR WITNESS.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

CROSS - CRAIG GILBERT DAVIS BY MS. ULLMAN

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CROSS-EXAMINATION OF CRAIG GILBERT DAVIS

BY MS. ULLMAN:

Q. I JUST WANTED TO DISCUSS REAL QUICK THE
APPEARANCE OF THE OUTSIDE OF THIS BUILDING.

THE COURT: YOU'RE LOOKING AT NUMBER SIX?

MS. ULLMAN: EXHIBIT SIX, YES, SIR.

THE COURT: OKAY.

Q. NOW, THE PICTURE OF THAT BUILDING IS WHERE THE
APARTMENT WAS, CORRECT?

A. THAT'S CORRECT.

Q. OKAY. NOW, THE CARS THAT WOULD BE PARKED FACING
THAT BUILDING, THEY'RE FACING THE BUILDING THAT
YOU ENTERED?

A. RIGHT.

Q. WHAT ARE THE CARS BEHIND THAT, IS THERE ANOTHER
BUILDING?

A. THERE'S OTHER BUILDINGS TO THE RIGHT. IT'S MAYBE
ABOUT FOUR, FIVE, SIX UNITS, LOOKS LIKE
BUILDINGS.

Q. SO, A BUILDING IDENTICAL TO THAT AND OPPOSITE OF
IT?

A. THAT'S CORRECT, UH-HUH.

Q. THANK YOU. YOU SAID THAT YOU RECEIVED A CALL
FROM DISPATCH, THAT'S HOW YOU ARRIVED AT [REDACTED]

[REDACTED] [REDACTED] [REDACTED]?

1 A. THAT'S CORRECT.

2 Q. ALRIGHT. AND THROUGH DISPATCH THEY TOLD YOU WHAT
3 ADDRESS TO GO TO?

4 A. THAT'S CORRECT.

5 Q. AND THEY ALSO WERE TRYING TO FEED YOU ANY OTHER
6 INFORMATION THEY HAD RECEIVED, SUCH AS WHETHER
7 THERE WERE SUSPECTS STILL PRESENT, CORRECT?

8 A. THAT'S CORRECT.

9 Q. AND THEY COULD NOT TELL YOU, THEY TOLD YOU NO ONE
10 ELSE WAS PRESENT?

11 A. RIGHT.

12 Q. ASHLEY PARSLEY HAD TOLD THEM?

13 A. RIGHT.

14 Q. NOW, THEY ALSO TOLD YOU THAT ASHLEY PARSLEY COULD
15 NOT GIVE ANY DESCRIPTION OF WHO WAS THERE, OR YOU
16 WERE NOT GIVEN ANY DESCRIPTION THROUGH DISPATCH?

17 A. WE WERE NOT PROVIDED ANY OF THAT INFORMATION AS
18 TO A POSSIBLE SUSPECT.

19 Q. YOU WEREN'T PROVIDED ANY INFORMATION REGARDING
20 ANY VEHICLE THEY MAY HAVE BEEN IN, WHETHER THERE
21 WAS A VEHICLE?

22 A. NO.

23 Q. YOU WERE PROVIDED NO INFORMATION EXCEPT A
24 SHOOTING AND THE ADDRESS TO RESPOND TO?

25 A. THAT'S CORRECT.

CROSS - CRAIG GILBERT DAVIS BY MS. ULLMAN

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1 Q. NOW, WHEN YOU DID ARRIVE YOU WENT TO THE BACK
2 DOOR, IS THAT CORRECT?

3 A. THAT'S CORRECT.

4 Q. ALRIGHT. AND THAT DOOR WAS SECURED?

5 A. THAT'S CORRECT.

6 Q. YOU COULD NOT ENTER UNLESS SOMEONE LET YOU IN?

7 A. RIGHT.

8 Q. AND WHEN YOU DID GO INTO THE APARTMENT DID YOU GO
9 THROUGH THE FRONT DOOR OR THE BACK DOOR?

10 A. WE ENTERED THROUGH THE FRONT DOOR.

11 Q. OKAY. SO, YOU WAITED AT THE BACK DOOR AND THEN
12 WENT AROUND AND WENT IN THE FRONT DOOR?

13 A. THAT'S CORRECT.

14 Q. NOW, WHEN YOU WENT IN THAT APARTMENT, LET ME SHOW
15 YOU STATE'S SIX AND SEVEN, THE APARTMENT --
16 EXCUSE ME -- LOOKING AT THOSE PICTURES, THOSE
17 PICTURES ARE PRETTY WELL LIT, AM I CORRECT?

18 A. YES, MA'AM.

19 Q. NOW, THE APARTMENT DIDN'T LOOK EXACTLY LIKE THAT,
20 AM I CORRECT? THE LIGHTS WEREN'T THAT BRIGHT,
21 THEY WERE - - -

22 A. WELL, OF COURSE, THE LIGHTING - - -

23 Q. GO AHEAD.

24 A. ASIDE FROM THE LIGHTING, THAT'S HOW THE APARTMENT
25 WAS.

1 Q. ASIDE FROM THE LIGHTING?

2 A. THAT'S CORRECT.

3 Q. SO, SPECIFICALLY, THE LIGHTING, IT WAS NOT BRIGHT
4 LIKE THAT?

5 A. JUST GENERAL LIGHTS, WHATEVER THEY HAD IN THE
6 APARTMENT.

7 Q. YOU DON'T REMEMBER WHAT KIND OF LIGHTS WERE IN
8 THE APARTMENT?

9 A. SOME LAMPS AND WHATEVER LIGHTS THEY HAD, NOTHING
10 ILLUMINATED.

11 Q. BUT YOU SAY YOU'RE ASSUMING LAMPS, AM I CORRECT,
12 YOU DON'T REMEMBER?

13 A. HUH-UH.

14 Q. NOW, WHEN YOU WENT IN, YOU SAID THAT THERE WAS A
15 FEMALE SITTING ON THE EDGE OF A COUCH?

16 A. THAT'S CORRECT.

17 Q. WAS SHE SITTING ON THE EDGE OF THE COUCH THAT'S
18 IN THIS PICTURE, AND THAT WOULD BE STATE'S SEVEN?

19 THE COURT: THAT'S NUMBER SEVEN YOU'RE REFERRING
20 TO?

21 MR. ULLMAN: YES, SIR.

22 A. I BELIEVE SHE WAS SITTING ON THE COUCH THAT WAS
23 ON THIS SIDE THAT'S NOT IN THE PICTURE I BELIEVE.

24 Q. SO, ON THE OTHER SIDE OF THIS LIVING ROOM WHERE
25 THIS CUSHION IS, THERE'S ANOTHER COUCH THAT'S

CROSS - CRAIG GILBERT DAVIS BY MS. ULLMAN

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1 NOT PICTURED?

2 A. THAT'S CORRECT.

3 Q. AND SHE WAS SITTING OVER THERE?

4 A. UH-HUH.

5 Q. NOW, YOU SAID THAT YOU ESCORTED MS. PARSLEY
6 OUTSIDE?

7 A. THAT'S CORRECT.

8 Q. AND YOU STUCK HER IN YOUR PATROL CAR?

9 A. THAT'S CORRECT.

10 Q. DID SHE SIT IN THE FRONT OR THE BACK?

11 A. IN THE FRONT.

12 Q. IN THE FRONT, WAS SHE ALONE?

13 A. YES.

14 Q. AND YOU LEFT HER OUT THERE ALONE?

15 A. I DID.

16 Q. NOW, I UNDERSTAND YOU DID NOT TAKE A STATEMENT
17 FROM HER BUT YOU DID TRY TO ASCERTAIN FROM HER
18 WHAT HAD HAPPENED?

19 A. THAT'S CORRECT.

20 Q. SHE COULDN'T TELL YOU WHO WAS INVOLVED?

21 A. HUH-UH.

22 Q. HOW MANY PEOPLE WERE INVOLVED

23 A. NO, MA'AM.

24 Q. HOW THEY GOT THERE, HOW THEY LEFT?

25 A. NO, MA'AM.

1 Q. SHE COULDN'T TELL YOU HOW MANY GUNS WERE
2 INVOLVED?

3 A. NO, MA'AM.

4 MS. ULLMAN: NO FURTHER QUESTIONS.

5 THE COURT: THANK YOU, MA'AM.

6 MR. PALMER, WHICH WAY DO YOU WANT TO GO?

7 MR. PALMER: I CAN STAY HERE, YOUR HONOR.

8 THE COURT: THAT'S FINE WITH ME.

9 MR. PALMER: IF THAT'S OKAY WITH YOU.

10 THE COURT: THAT'S FINE WITH ME, IF IT'S FINE
11 WITH YOU.

12 MR. PALMER: I'VE GOT A COUPLE OF QUESTIONS.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

CROSS - CRAIG GILBERT DAVIS BY MR. PALMER

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CROSS-EXAMINATION OF CRAIG GILBERT DAVIS

BY MR. PALMER:

Q. HOW ARE YOU, DEPUTY?

A. I'M FINE.

Q. I'VE GOT JUST A COUPLE OF QUESTION ABOUT THE LIGHTS, AND I'VE SEEN THE EXHIBITS. THE ONE -- I DON'T KNOW WHICH EXHIBIT IT IS, SIX, SEVEN OR EIGHT, BUT THE ONE THAT SHOWS THE VICTIM LYING ON THE FLOOR, THE LIGHTING WASN'T THE SAME, WAS IT?

A. I DON'T RECALL IT WAS. AGAIN, THOSE PHOTOGRAPHS I DID NOT TAKE SO I DON'T KNOW IF THERE WAS SOME KIND OF ILLUMINATION USED.

Q. DO YOU KNOW HOW LONG AFTER YOU ARRIVED AT THE SCENE THAT THOSE PHOTOGRAPHS WERE TAKEN?

A. I COULD NOT ADVISE.

Q. AND YOU WERE THERE FOUR HOURS, IS THAT CORRECT?

A. THAT'S CORRECT.

Q. AND DURING THAT FOUR HOURS DID ANY OF THE INVESTIGATION TEAM DO ANYTHING TO ENHANCE THE LIGHTING IN THE APARTMENT?

A. I COULDN'T ANSWER THAT, I DON'T KNOW.

Q. ALRIGHT. SO, YOU DON'T KNOW WHEN THE PHOTOGRAPH WAS TAKEN, WHETHER OR NOT THE LIGHTING HAD BEEN CHANGED BEFORE THAT PHOTOGRAPH WAS TAKEN?

A. I CAN'T, I DON'T KNOW.

1 Q. DO YOU KNOW WHETHER OR NOT THE PHOTOGRAPHER USED
2 A FLASH?

3 A. I DON'T KNOW.

4 Q. OKAY.

5 MR. PALMER: THAT'S ALL I HAVE.

6 THE COURT: THANK YOU, MR. PALMER.

7 MR. MELLARD: I HAVE NO QUESTIONS, YOUR HONOR.

8 THE COURT: OKAY. AND MR. KOGER.

9 (NOTE: Blank lines on this page do not indicate any
10 part of record has been omitted. Headers on testimony
11 pages and hard page breaks between testimony are now
12 required by the Court. See next ensuing page for
13 sequential continuation of record.)

CROSS - CRAIG GILBERT DAVIS BY MR. KOGER

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CROSS-EXAMINATION OF CRAIG GILBERT DAVIS

BY MR. KOGER:

Q. SERGEANT DAVIS, YOU STATED THAT YOU WERE THERE
PRIMARILY TO SECURE THE SCENE?

A. THAT'S CORRECT.

Q. OKAY. YOU DIDN'T PARTICIPATE IN ANY TYPE OF
COLLECTION OF THE EVIDENCE?

A. I DID NOT.

Q. OKAY. AND YOU SECURED THE SCENE UP UNTIL, I
THINK, TWO O'CLOCK IN THE MORNING?

A. THAT'S CORRECT.

MR. LACKEY: LET ME SEE THE EXHIBITS.

THE COURT: THEY SHOULD BE RIGHT UP THERE.

Q. ON EXHIBIT NUMBER SIX YOU TESTIFIED THAT IT'S THE
APARTMENT AT THE END?

A. THAT'S CORRECT, THE LAST APARTMENT ON YOUR LEFT
IF YOU'RE FACING IT FROM THE ROADWAY, RIGHT IF
YOU'RE FACING THE ROADWAY.

Q. OKAY. AND I NOTICE, THIS IS AN ACCURATE
DEPICTION OF THE APARTMENT. I NOTICE THE OUTSIDE
OF THE DOOR THERE IS SOME TYPE OF PORCH LIGHT OR
SOMETHING, IF I'M NOT MISTAKEN?

A. YES, SIR.

Q. OKAY. ALRIGHT. AND YOU WERE THE FIRST ONE ON
THE SCENE ON THAT PARTICULAR NIGHT, CORRECT?

1 A. YES, SIR, I WAS.

2 Q. AND I THINK YOU TESTIFIED YOU WENT TO THE BACK
3 DOOR FIRST?

4 A. THAT'S CORRECT.

5 Q. DO YOU RECALL WHETHER THE PORCH LIGHT WAS ON WHEN
6 YOU ARRIVED AT THE SCENE?

7 A. I DON'T RECALL.

8 MR. KOGER: THANK YOU, NO FURTHER QUESTIONS.

9 THE COURT: THANK YOU, SIR.
10 ANYTHING ON REDIRECT?

11 SOLICITOR PASCOE: JUST VERY BRIEFLY, YOUR HONOR.

12 THE COURT: ALRIGHT, SIR.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

REDIRECT - CRAIG GILBERT DAVIS BY SOL. PASCOE

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REDIRECT EXAMINATION OF CRAIG GILBERT DAVIS

BY SOLICITOR PASCOE:

Q. YOU TESTIFIED YOU WERE THE FIRST AT THE SCENE,
WERE YOU THE FIRST TO COME INTO CONTACT WITH
ASHLEY?

A. NO, SIR, IT WAS DEPUTY WESTBERRY AND DEPUTY
HARTER.

Q. OKAY. AND HOW LONG AFTER THAT WERE YOU IN
CONTACT WITH HER?

A. SECONDS AFTER. AS SOON AS THEY MADE CONTACT, THEY
ESTABLISHED CONTACT AT THE DOOR THEY RADIOED TO
ME AND I CAME AROUND TO THE FRONT.

Q. AND YOU'VE ALREADY TESTIFIED THAT YOU COULDN'T
GET ANY INFORMATION FROM HER BECAUSE SHE WAS IN
SHOCK?

A. THAT'S CORRECT.

Q. WHO WAS SHE TURNED OVER TO?

A. INVESTIGATIONS, WHEN THEY ARRIVED.

SOLICITOR PASCOE: THAT'S ALL I HAVE.

THE COURT: ALRIGHT. MR. LACKEY, DO YOU HAVE
ANYTHING ON RECROSS?

MR. LACKEY: NO, SIR, YOUR HONOR.

THE COURT: OKAY. MS. ULLMAN, ANYTHING ON
RECROSS?

MR. ULLMAN: NO, SIR.

1 MR. PALMER: NO, YOUR HONOR.

2 MR. MELLARD: NO, SIR.

3 MR. KOGER: NO, YOUR HONOR.

4 THE COURT: ALRIGHT. SERGEANT DAVIS, THANK YOU,
5 SIR.

6 SERGEANT DAVIS: THANK YOU.

7 SOLICITOR PASCOE: CAN HE BE EXCUSED, YOUR HONOR?

8 THE COURT: HE MAY BE. AND WE'LL TAKE A BREAK
9 RIGHT NOW. OKAY?

10 LADIES AND GENTLEMEN OF THE JURY, Y'ALL HAVE BEEN
11 SITTING HERE FOR A WHILE, AND I TOLD Y'ALL WHEN Y'ALL
12 GOT PICKED THAT WE'D GO ABOUT AN HOUR OR AN HOUR AND A
13 HALF BEFORE WE TAKE BREAKS, AND WE'RE GOING TO TAKE A
14 BREAK RIGHT NOW. REMEMBER WHAT I TOLD YOU YESTERDAY,
15 AND I'M GOING TO REMIND YOU AGAIN, I'M GOING TO TRY
16 AND REMIND -- IF I FORGET TO REMIND YOU SOMETIME I
17 WANT YOU TO JUST REMEMBER IT. YOU'VE ONLY HEARD ONE
18 PERSON TESTIFY SO FAR, SO YOU'VE NOT HEARD ALL THE
19 TESTIMONY. YOU CANNOT TALK ABOUT THIS CASE. YOU CAN
20 TALK ABOUT ANYTHING ELSE BUT YOU CAN'T ANYTHING YOU'VE
21 HEARD OR SEEN IN THIS CASE. SO, Y'ALL ARE EXCUSED TO
22 THE JURY ROOM FOR A FEW MINUTES. WE'LL TAKE A BREAK
23 AND THEN WE'LL GET Y'ALL BACK OUT HERE AND CONTINUE
24 WITH THE TRIAL.

25 (Whereupon, the jury retires

1 to the jury room and the following
2 takes place out of the presence
3 of the jury.)

4 THE COURT: WE'RE GOING TO RECESS FOR A MINUTE.
5 WE'VE HAD SOME MORE PEOPLE COME IN SINCE THE TRIAL
6 STARTED. I JUST NEED TO REMIND EVERYBODY, Y'ALL ARE
7 DOING VERY GOOD. THERE IS GOING TO BE SOME TESTIMONY
8 IN HERE THAT PROBABLY PEOPLE ARE NOT GOING TO LIKE, SO
9 I JUST WANT TO REMIND EVERYBODY THAT THERE'S GOING TO
10 BE -- THERE'S NO REACTION TO ANY OF THE TESTIMONY.
11 EVERYBODY HAS GOT TO REMAIN CALM. I DON'T WANT EYES
12 ROLLED, I DON'T WANT COMMENTS ABOUT ANYTHING THAT
13 ANYBODY SAYS. IF YOU -- YOU'RE ACTING LIKE YOU NEED TO
14 ACT RIGHT NOW, BUT IF ANYBODY ACTS UP AT ALL THEY WILL
15 BE ASKED TO LEAVE THE COURTROOM AND YOU WILL NOT BE
16 ALLOWED TO COME BACK IN. OKAY? I WANT TO MAKE SURE
17 EVERYBODY UNDERSTANDS THAT.

18 ALRIGHT, NOW, ADDITIONALLY, I JUST NEED TO --
19 THERE IS ONE JUROR THAT MAY NEED, THAT WHEN WE WERE
20 PICKING THE JURY I SAID THEY'VE JUST HAD SURGERY AND
21 AT CERTAIN POINTS THEY MAY HAVE TO TAKE A BREAK. THEY
22 ARE TO RAISE THEIR HAND IF THEY NEED TO DO THAT. SO,
23 IF Y'ALL, ANY OF YOU ATTORNEYS, IF YOU HAPPEN TO SEE A
24 JUROR GET UNCOMFORTABLE AND HAVE TO RAISE THEIR HAND,
25 WE'LL PICK A PLACE AND WE WILL STOP AND THEN COME

1 BACK, AND I JUST WANT YOU ALL TO BE AWARE OF THAT.

2 OKAY, WE'RE GOING TO BE IN RECESS FOR ABOUT TEN
3 MINUTES. OKAY?

4 (Recess)

5 THE COURT: IS THE STATE READY TO PROCEED?

6 SOLICITOR SORENSON: YES, SIR.

7 THE COURT: OKAY. ARE DEFENDANTS READY TO
8 PROCEED?

9 MR. LACKEY: YES, SIR.

10 MR. MELLARD: YES, SIR.

11 MS. ULLMAN: YOUR HONOR, WE WOULD ASK THAT THE
12 COURT REMIND ANY WITNESSES THAT ARE IN THIS COURTROOM,
13 YOU NEED TO ASK THEM.

14 THE COURT: OKAY, IF THERE ARE ANY WITNESSES HERE
15 YOU NEED TO BE OUT OF THE COURTROOM RIGHT NOW. NO
16 WITNESSES NEED TO BE IN THE COURTROOM. I MEAN, EXCEPT
17 -- THAT'S THE NEXT PERSON YOU CALL, YEAH, NEXT
18 WITNESS. OKAY. ALRIGHT.

19 SOLICITOR SORENSON: YOUR HONOR, MAYBE JUST REAL
20 QUICK WHILE WE'RE DOING THIS, I DON'T KNOW IF WE'LL
21 GET ANOTHER BREAK BEFORE THAT, WHICH IS HER
22 TESTIMONY, BUT I MARKED DURING THIS PAST BREAK SEVERAL
23 ITEMS OF EVIDENCE. THOSE ITEMS ARE STATE'S THIRTY-
24 EIGHT, WHICH IS A PARTIAL ROLL OF DUCT TAPE, AND THEN
25 STATE'S THIRTY-NINE THROUGH SEVENTY-TWO, WHICH ARE

1 SHELL CASINGS AND/OR BULLET FRAGMENTS COLLECTED AT THE
2 SCENE, AND THEN ADDITIONALLY, ITEM SEVENTY-THREE IS A
3 FORTY CALIBER PISTOL, AND SEVENTY-FOUR IS THE MAGAZINE
4 THAT WAS WITH THAT PISTOL. THOSE HAVE ALL BEEN
5 MARKED, AND I GUESS I NEED TO FIND OUT IF THERE'S ANY
6 OBJECTION TO THEM JUST BECAUSE, I MEAN, I HAVE THEM
7 MARKED FOR ID, SO - - -

8 THE COURT: YOU JUST PUT THE NUMBER DOWN?

9 SOLICITOR SORENSON: I PUT THE NUMBER AND THE
10 DATE ON THEM, SO ...

11 THE COURT: ALRIGHT, MR. LACKEY, ANY OBJECTION --
12 YOU'VE HAD A CHANCE TO REVIEW, LOOK AT ALL OF THESE
13 ITEMS?

14 MR. LACKEY: YES, SIR. I'VE HAD AN OPPORTUNITY
15 BEFORE TRIAL AND TODAY. I DON'T HAVE ANY OBJECTIONS.

16 THE COURT: OKAY. MS. ULLMAN?

17 MS. ULLMAN: NO OBJECTION, YOUR HONOR.

18 THE COURT: OKAY. MR. PALMER?

19 MR. PALMER: I'VE SEEN THEM, YOUR HONOR.

20 THE COURT: OKAY. ANY OBJECTION TO THEM BEING
21 ...

22 MR. PALMER: NO, YOUR HONOR.

23 THE COURT: OKAY.

24 MR. MELLARD: NO OBJECTION.

25 MR. KOGER: NO OBJECTION.

1 THE COURT: MR. MELLARD AND MR. KOGER, NO
2 OBJECTION. OKAY, SO THEY WILL BE INTRODUCED INTO
3 EVIDENCE WITHOUT OBJECTION.

4 COURT REPORTER: JUDGE, GIVE ME TIME TO CHECK
5 THOSE OFF, PLEASE.

6 THE COURT: ALRIGHT, THEY ARE THIRTY-EIGHT
7 THROUGH SEVENTY-FOUR.

8 COURT REPORTER: OKAY. HOLD ON.

9 THE COURT: AND MR. KOGER AND MR. MELLARD, I
10 DON'T MEAN, BY THE TIME I GET DOWN TO Y'ALL MY,
11 SOMETIMES I MAY HESITATE WHILE I'M TRYING TO REMEMBER
12 WHOSE NAME IS WHO. IT'S NOT THAT I DON'T KNOW WHO YOU
13 ARE, IT'S JUST THAT, YOU KNOW, IT'S JUST AN OLD MIND.
14 Y'ALL BEAR WITH ME.

15 MS. WALKER, YOU LET ME KNOW WHEN YOU'RE READY.
16 (State's Exhibits Thirty-eight through
17 Seventy-four marked for identification.)

18 COURT REPORTER: YES, SIR. I'M READY.

19 THE COURT: YOU'RE READY?

20 COURT REPORTER: YES, SIR.

21 THE COURT: ALRIGHT. IS THE STATE NOW READY TO
22 PROCEED?

23 SOLICITOR SORENSON: YES, SIR.

24 THE COURT: OKAY. AND THE DEFENDANTS ARE READY
25 TO PROCEED?

1 MR. LACKEY: YES, YOUR HONOR.

2 MS. ULLMAN: YES, SIR.

3 MR. PALMER: YES, SIR.

4 MR. MELLARD: YES, SIR.

5 MR. KOGER: YES, SIR.

6 THE COURT: OKAY. ALRIGHT, IF YOU'D BRING THE
7 WITNESS, I MEAN, BRING THE JURY BACK IN. THANK YOU.

8 (Whereupon, the jury enters
9 the courtroom and the following
10 takes place in the presence
11 of the jury.)

12 THE COURT: ALRIGHT, LADIES AND GENTLEMEN, WE
13 TOOK JUST A LITTLE BIG LONGER BECAUSE WE WERE TRYING
14 TO GET SOME THINGS MARKED AND LIKE THAT, SO THAT
15 THINGS WOULD GO A LITTLE SMOOTHER WHEN WE'RE TAKING
16 THE TESTIMONY. AND NOW WE'RE GETTING READY TO RESUME
17 TAKING THE TESTIMONY IN THIS CASE. SO, IF Y'ALL WILL
18 BEAR WITH US.

19 CALL YOUR NEXT WITNESS, MR. SORENSON.

20 SOLICITOR SORENSON: THANK YOU. THE STATE CALLS
21 ASHLEY PARSLEY.

22 THE COURT: ALRIGHT, SIR. YES, MA'AM, IF YOU'D
23 COME RIGHT UP HERE, PUT YOUR LEFT HAND ON THE BIBLE
24 AND RAISE YOUR RIGHT HAND, AND IF YOU'D LOOK AT THE
25 CLERK.

1 (Whereupon, Ashley Parsley
2 is duly sworn.)

3 CLERK: HAVE A SEAT AND STATE OUR FULL NAME FOR
4 OUR COURT.

5 WITNESS: MY NAME IS ASHLEY RONNELLE PARSLEY.

6 COURT REPORTER: SPELL YOUR LAST NAME, PLEASE.

7 WITNESS: P-A-R-S-L-E-Y.

8 (NOTE: Blank lines on this page do not indicate any
9 part of record has been omitted. Headers on testimony
10 pages and hard page breaks between testimony are now
11 required by the Court. See next ensuing page for
12 sequential continuation of record.)

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DIRECT EXAMINATION OF ASHLEY R. PARSLEY

BY SOLICITOR SORENSON:

Q. ALRIGHT, NOW, ASHLEY, I KNOW YOU'RE FAIRLY SOFT
SPOKEN SO I NEED YOU TO MAKE SURE YOU KEEP YOUR
VOICE UP NICE AND LOUD SO ALL THESE LAWYERS ALONG
HERE CAN HEAR YOU BUT ALSO SO THE JURY CAN HEAR
YOU. OKAY?

A. YES, SIR.

Q. ALRIGHT, NOW, IF YOU WOULD, ASHLEY, TELL THE
JURY, HOW OLD ARE YOU CURRENTLY?

A. TWENTY-FOUR YEARS OLD.

Q. OKAY. AND BACK IN MARCH OF THIS YEAR HOW OLD
WERE YOU IN MARCH OF THIS YEAR?

A. TWENTY-THREE YEARS OLD.

Q. AND BACK IN MARCH OF THIS YEAR WHERE,
SPECIFICALLY, FRIDAY, MARCH THE TWELFTH OF THIS
YEAR, WHERE WERE YOU LIVING AT AT THAT TIME,
ASHLEY?

A. AT AN APARTMENT ON KINGS ROAD.

Q. OKAY. AND THAT'S HERE IN ORANGEBURG?

A. YES, SIR.

Q. AND WHO WERE YOU STAYING WITH IN THAT APARTMENT
ON KINGS ROAD?

A. CHARLES PRINGLE.

Q. OKAY. AND DID YOU KNOW CHARLES BY ANY PARTICULAR

1 NICK NAME?

2 A. YES, SIR.

3 Q. WHAT WAS THAT?

4 A. OLD SCHOOL.

5 Q. I'M SHOWING YOU STATE'S EXHIBIT NUMBER SIX, IS
6 THAT A, DOES THAT PICTURE SHOW THE APARTMENT THAT
7 YOU WERE STAYING IN?

8 A. YES, SIR.

9 Q. AND IF YOU WILL KIND OF POINT THAT OUT FOR THE
10 JURY. OKAY, SO AS YOU'RE FACING THAT BUILDING,
11 WAS IT THE APARTMENT ALL THE WAY ON THE END?

12 A. YES, SIR.

13 Q. AND BACK IN MARCH OF TWO THOUSAND TEN, WAS THERE
14 ANYBODY ELSE STAYING THERE BESIDES YOU AND MR.
15 PRINGLE?

16 A. NO, SIR.

17 Q. OKAY. AND HOW LONG, HOW LONG -- ON FRIDAY, MARCH
18 THE TWELFTH, HOW LONG HAD YOU BEEN STAYING WITH
19 MR. PRINGLE BEFORE THAT?

20 A. FOR ABOUT A WEEK.

21 Q. OKAY. AND HOW LONG HAD YOU KNOWN MR. PRINGLE?

22 A. FOR ABOUT A WEEK.

23 Q. AND WHERE, TELL THE JURY WHERE AND HOW YOU HAD
24 MET MR. PRINGLE?

25 A. I MET HIM AT LAY LOW'S IN SUMMEVILLE.

DIRECT - ASHLEY R. PARSLEY BY SOL. SORENSON

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1 COURT REPORTER: WHERE?

2 Q. WHERE?

3 A. SUMMERVILLE.

4 COURT REPORTER: I MEAN, WHERE IN SUMMERVILLE?

5 Q. WHAT WAS THE NAME OF THE PLACE?

6 A. LAY LOW'S.

7 Q. LAY LOW'S. AND IS THAT A CLUB IN SUMMERVILLE?

8 A. YES, SIR.

9 Q. OKAY. AND AFTER THAT YOU ENDED UP MOVING AND
10 STAYING WITH MR. PRINGLE?

11 A. YES, SIR.

12 Q. OKAY. AND IF YOU WOULD, DESCRIBE THE APARTMENT
13 THERE ON KINGS ROAD WHERE YOU WERE STAYING WITH
14 HIM FOR THAT WEEK LEADING UP TO MARCH THE
15 TWELFTH?

16 A. IT WAS A SMALL APARTMENT WITH A DEN, A KITCHEN,
17 TWO BEDROOMS AND A BATHROOM.

18 Q. OKAY. AND WERE YOU STAYING IN THE SAME BEDROOM
19 AS MR. PRINGLE?

20 A. NO, SIR.

21 Q. OKAY. HE WAS IN ONE BEDROOM AND YOU WERE IN, I
22 GUESS, THE GUEST BEDROOM OR THE OTHER BEDROOM?

23 A. YES, SIR.

24 Q. OKAY. AND ASHLEY, I WANT TO TURN YOUR ATTENTION,
25 IF I COULD, BACK TO THAT FRIDAY EVENING, OKAY?

1 DO YOU RECALL WHAT YOU HAD BEEN DOING KIND OF
2 LATE THAT AFTERNOON, EARLY EVENING?

3 A. I WAS SITTING BY THE COFFEE TABLE.

4 Q. OKAY. HAD YOU GONE OUT ANYWHERE, YOU KNOW, THAT
5 EVENING OR THAT LATE AFTERNOON?

6 A. NO, SIR.

7 Q. NOW, WHAT ABOUT, WHAT ABOUT MR. PRINGLE, WAS HE
8 THERE?

9 A. YES, SIR.

10 Q. OKAY. AND WHAT WAS MR. PRINGLE DOING THAT
11 EVENING?

12 A. HE WAS SLEEPING IN HIS ROOM.

13 Q. OKAY. NOW, DID THERE COME A TIME WHEN SOMEBODY
14 CAME OVER TO HANG OUT OVER THERE AT THE
15 APARTMENT?

16 A. YES, SIR.

17 Q. OKAY. AND WHO WAS THAT THAT CAME OVER TO THE
18 APARTMENT THAT EVENING TO HANG OUT?

19 A. SHANNON.

20 Q. OKAY. AND WHO WAS SHANNON?

21 A. OLD SCHOOL'S HOME BOY.

22 Q. SO, HE WAS A FRIEND OF MR. PRINGLE'S?

23 A. YES, SIR.

24 Q. OKAY. AND DID SHANNON COME OVER AND HANG OUT AT
25 THE APARTMENT FREQUENTLY?

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1 A. YES, SIR.

2 Q. OKAY. AT LEAST FOR THE WEEK THAT YOU HAD BEEN
3 THERE?

4 A. YES, SIR.

5 Q. OKAY. AND DID YOU KNOW SHANNON PRIOR TO THAT
6 WEEK THAT YOU WERE STAYING WITH MR. PRINGLE?

7 A. NO, SIR.

8 Q. AND LET ME ASK YOU, DO YOU KNOW ABOUT WHAT TIME
9 IT WAS THAT SHANNON GOT OVER TO THE APARTMENT
10 THAT NIGHT?

11 A. I'D SAY AROUND NINISH.

12 Q. OKAY. AND YOU HAD INDICATED THAT MR. PRINGLE WAS
13 ASLEEP, IS THAT CORRECT?

14 A. YES, SIR.

15 Q. OKAY. WHEN SHANNON CAME OVER WAS MR. PRINGLE
16 STILL IN THE BEDROOM ASLEEP?

17 A. YES, SIR.

18 Q. OKAY. AND WHAT THEN DID YOU AND SHANNON DO?

19 A. WE TALKED.

20 Q. OKAY. AND WHERE WAS IT THAT Y'ALL WERE TALKING?

21 A. WE WAS TALKING IN THE DEN.

22 Q. OKAY. AND YOU HAD INDICATED EARLIER, WHERE WERE
23 YOU SITTING IN THE DEN?

24 A. BESIDE THE WINDOW BY THE COFFEE TABLE.

25 Q. AND I'M SHOWING YOU STATE'S EXHIBIT NUMBER SEVEN,

1 DO YOU RECOGNIZE THAT PHOTOGRAPH?

2 A. YES, SIR.

3 Q. OKAY. AND DOES THAT SHOW WHERE YOU WERE SITTING
4 IN THAT PHOTOGRAPH?

5 A. YES, SIR.

6 Q. POINT IF YOU WOULD, POINT THAT OUT FOR THE JURY?
7 OKAY, SO THAT LITTLE, I GUESS, KIND OF KITCHEN
8 TYPE CHAIR, KITCHEN TABLE CHAIR THAT'S SEATED
9 KIND OF NEAR THE WINDOW?

10 A. YES, SIR.

11 Q. THAT'S WHERE YOU WERE SITTING?

12 A. YES, SIR.

13 Q. OKAY. AND HOW ABOUT WHEN YOU WERE SITTING
14 TALKING TO SHANNON, WHERE WAS SHANNON SITTING, DO
15 YOU RECALL?

16 A. HE WAS SITTING IN THE LOVE SEAT.

17 Q. OKAY. IN THAT LOVE SEAT RIGHT THERE?

18 A. YES, SIR.

19 Q. OKAY. AND LET ME ASK YOU, YOU SEE THE CONDITION
20 OF THE LOVE SEAT IN THIS PICTURE, RIGHT?

21 A. YES, SIR.

22 Q. WAS IT IN THAT CONDITION WHEN SHANNON WAS SITTING
23 IN THERE TALKING TO YOU?

24 A. NO, SIR.

25 Q. IN WHAT CONDITION WAS IT IN?

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1 A. IT WAS IN A VERY GOOD CONDITION.

2 Q. CUSHIONS IN IT?

3 A. YES, SIR.

4 Q. WERE THEY TORN UP AT ALL?

5 A. NO, SIR.

6 Q. NOW, DID THERE COME A TIME WHEN THE TWO OF Y'ALL
7 WERE SITTING THERE, A LITTLE AFTER NINE O'CLOCK
8 TALKING WHEN SOMEBODY ELSE CAME TO THE APARTMENT?

9 A. YES, SIR.

10 Q. OKAY. AND HOW, HOW DID THEY COME ABOUT COMING
11 IN?

12 A. THEY RUNG THE DOOR BELL.

13 Q. OKAY. AND DID SOMEBODY GET UP AND LET THEM IN?

14 A. YES, SIR.

15 Q. DO YOU REMEMBER, WAS THAT YOU OR SHANNON?

16 A. SHANNON.

17 Q. OKAY. AND IF YOU WOULD, DESCRIBE THAT PERSON
18 THAT CAME TO THE DOOR AND RUNG THE DOOR BELL AND
19 CAME IN WHEN SHANNON OPENED THE DOOR?

20 A. HE WAS LIGHT SKINNED, WITH TWISTIES IN HIS HAIR,
21 LIKE, MEDIUM HEIGHT.

22 COURT REPORTER: WHAT IN HIS HAIR?

23 A. TWISTIES.

24 Q. OKAY. SO, KIND OF LIKE TWISTS IN HIS HAIR IN
25 LITTLE TWISTS?

1 A. YES, SIR.

2 Q. LET ME ASK YOU, DID YOU KNOW THAT PERSON?

3 A. NO, SIR.

4 Q. EVER SEEN HIM BEFORE THAT NIGHT THAT YOU CAN
5 RECALL?

6 A. NO, SIR.

7 Q. OKAY. HOW ABOUT SHANNON, DID HE APPEAR TO KNOW
8 WHO THAT PERSON WAS?

9 A. YES, SIR.

10 Q. AND IF YOU WOULD, TELL THE JURY, WHAT DID THIS
11 PERSON WANT THAT CAME INTO THE APARTMENT THEN
12 THAT EVENING?

13 A. HE WANTED DROE.

14 Q. OKAY. LET ME ASK YOU THIS, BACK IN MARCH OF TWO
15 THOUSAND TEN, WHEN YOU WERE STAYING WITH MR.
16 PRINGLE AT THAT APARTMENT ON KINGS ROAD, WAS
17 SOMEBODY SELLING MARIJUANA OUT OF THAT APARTMENT?

18 A. YES, SIR.

19 Q. OKAY. AND WHO WAS THAT THAT WAS SELLING
20 MARIJUANA?

21 A. OLD SCHOOL.

22 Q. MR. PRINGLE?

23 A. YES, SIR.

24 Q. OKAY. AND DURING THOSE DAYS THAT YOU WERE
25 STAYING THERE WERE YOU HELPING HIM SELL

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1 MARIJUANA?

2 A. YES, SIR.

3 Q. NOW, YOU'VE INDICATED THAT THE PERSON WAS ASKING
4 FOR DROE?

5 A. YES, SIR.

6 Q. DESCRIBE FOR THE JURY WHAT DROE IS?

7 A. IT'S A SPECIAL TYPE OF MARIJUANA.

8 Q. OKAY. AND WERE YOU ABLE TO HELP HIM AT THAT
9 POINT IN TIME?

10 A. NO, SIR.

11 Q. HOW ABOUT SHANNON, WAS HE ABLE TO HELP HIM AT
12 THAT POINT IN TIME?

13 A. NO, SIR.

14 Q. OKAY. AND SO, WHAT DID Y'ALL DO THEN?

15 A. I CALLED OLD SCHOOL.

16 Q. OKAY. AND DID HE GET UP AND COME OUT INTO THE
17 LIVING ROOM?

18 A. YES, SIR.

19 Q. OKAY. AND WHAT DID MR. PRINGLE DO WHEN HE GOT
20 OUT INTO THE LIVING ROOM?

21 A. HE ASKED THE DUDE FOR HIS ID.

22 Q. OKAY. DID HE APPEAR TO KNOW WHO THE PERSON WAS?

23 A. NO, SIR.

24 Q. OKAY. AND LET ME ASK YOU THIS, DID THE GUY GIVE
25 MR. PRINGLE HIS ID?

1 A. YES, SIR.

2 Q. OKAY. WHAT HAPPENED THEN, AFTER HE LOOKED AT
3 THIS GUY'S ID?

4 A. HE ASKED HIM HAD HE EVER BEEN THERE BEFORE,
5 BECAUSE HE HAD NEVER SEEN HIM.

6 Q. OKAY. AND DID THE GUY RESPOND OR ...

7 A. YES, SIR.

8 Q. DO YOU RECALL WHAT HE TOLD MR. PRINGLE?

9 A. HE BEEN THERE WITH HIS HOME BOY.

10 Q. OKAY. LET ME ASK YOU, FROM WHAT YOU WERE ABLE TO
11 OBSERVE, DID MR. PRINGLE GIVE THIS INDIVIDUAL
12 THAT YOU DESCRIBED, YOU KNOW, LIGHT SKINNED,
13 MEDIUM HEIGHT WITH THE TWISTIES IN HIS HAIR, DID
14 HE GIVE HIM ANY MARIJUANA AT THAT POINT IN TIME
15 THAT YOU OBSERVED?

16 A. NO, SIR.

17 Q. AND DID THAT PERSON ULTIMATELY LEAVE?

18 A. YES, SIR.

19 Q. OKAY. AND WHERE WAS SHANNON AT WHILE ALL OF THIS
20 WAS GOING ON?

21 A. HE WAS STILL SITTING IN THE LOVE SEAT.

22 Q. AND HOW FAR, I MEAN, DESCRIBE THE LIVING ROOM, IS
23 IT A BIG LIVING ROOM OR A SMALL LIVING ROOM?

24 A. NO, SIR, IT'S A SMALL LIVING ROOM.

25 Q. AND WHEN THIS PERSON CAME IN, LET ME ASK YOU, DID

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1 HE HAVE ANYTHING COVERING HIS FACE OR ANYTHING
2 LIKE THAT?

3 A. NO, SIR.

4 Q. OKAY. WERE YOU ABLE TO OBSERVE HIM WITHOUT
5 ANYTHING IN THE WAY?

6 A. YES, SIR.

7 Q. OKAY. AND WHAT, LET ME ASK YOU THIS, WHAT WAS
8 THE, WHAT WAS THE LIGHTING LIKE INSIDE THAT
9 LIVING ROOM THAT EVENING WHEN YOU WERE SITTING IN
10 THERE?

11 A. IT WAS DIM.

12 Q. DIM?

13 A. YES, SIR.

14 Q. OKAY. AND LET ME ASK YOU, DID IT HAVE LIKE
15 REGULAR LIGHTS IN THE LIGHT FIXTURES?

16 A. NO, SIR.

17 Q. DESCRIBE FOR THE JURY WHAT KIND OF LIGHTS WERE IN
18 THAT LIVING ROOM?

19 A. IT WAS DIFFERENT COLORS.

20 Q. DIFFERENT COLORED LIGHTS?

21 A. YES, SIR.

22 Q. OKAY. LET ME ASK YOU, COULD YOU SEE?

23 A. YES, SIR.

24 Q. OKAY. IT JUST WASN'T SUPER BRIGHT IN THERE?

25 A. YES, SIR.

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1 Q. ALRIGHT. AND HOW FAR AWAY DO YOU THINK WHEN MR.
2 PRINGLE WAS TALKING WITH THIS PERSON AND ASKING
3 HIM FOR HIS ID, HOW FAR AWAY FROM HIM WERE YOU
4 SITTING IN THE CHAIR THERE?

5 A. ABOUT THE SAME DISTANCE RIGHT NOW.

6 Q. FIVE, SIX FEET OR SO?

7 A. YES.

8 MR. PALMER: OBJECTION TO THE LEADING.

9 THE COURT: OVERRULED.

10 SOLICITOR SORENSON: I MEAN, THERE'S NO - LIKE I
11 SAY, THERE'S NO WAY SHE COULD TAKE DOWN. THANK YOU.

12 Q. ALRIGHT. NOW, YOU'VE INDICATED THAT THIS
13 INDIVIDUAL ENDED UP LEAVING THEN AFTER TALKING TO
14 MR. PRINGLE?

15 A. YES, SIR.

16 Q. OKAY. AND HOW ABOUT SHANNON, DID HE END UP
17 STAYING AROUND AFTER THIS ALSO OR ...

18 A. HE LEFT AROUND LIKE TEN MINUTES AFTER.

19 Q. OKAY. ALRIGHT. AND WHAT, AFTER SHANNON THEN
20 LEFT ABOUT TEN MINUTES LATER, WHAT ...

21 MR. PALMER: OBJECTION, LEADING.

22 SOLICITOR SORENSON: THAT'S JUST A FOLLOW UP TO
23 THE LAST ANSWER SHE JUST GAVE.

24 THE COURT: I OVERRULE YOUR OBJECTION. THANK
25 YOU, MR. PALMER.

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1 GO AHEAD.

2 SOLICITOR SORENSON: THANK YOU.

3 Q. ALRIGHT. SO, YOU JUST TESTIFIED A SECOND AGO
4 THAT SHANNON HAD LEFT, RIGHT?

5 A. YES, SIR.

6 Q. OKAY. AFTER SHANNON LEFT WHAT DID MR. PRINGLE
7 DO?

8 A. HE WENT TO THE KITCHEN.

9 Q. OKAY. AND IF YOU WOULD, DESCRIBE THEN, THE
10 KITCHEN, WHAT ROOM IS THE KITCHEN OFF OF IN THE
11 APARTMENT?

12 A. THE DEN.

13 Q. OKAY. CAN YOU, FROM SITTING IN THE DEN CAN YOU
14 SEE INTO THE KITCHEN?

15 A. YES, SIR.

16 Q. AND OBVIOUSLY, IF YOU'RE STANDING IN THE KITCHEN
17 CAN YOU THEN SEE INTO THE DEN?

18 A. YES, SIR.

19 Q. AND CAN YOU SEE THE FRONT DOOR FROM THE KITCHEN
20 ALSO?

21 A. YES, SIR.

22 Q. ALRIGHT. WHAT, TELL THE JURY WHAT HAPPENED,
23 WELL, LET ME ASK YOU THIS, WHAT WAS MR. PRINGLE
24 DOING IN THE KITCHEN, DO YOU KNOW?

25 A. HE WAS MAKING BAGS.

1 Q. OKAY. MAKING BAGS OF WHAT?

2 A. MARIJUANA.

3 Q. AND AT THAT TIME WAS THERE ANYBODY ELSE BESIDES
4 YOU AND MR. PRINGLE IN THE APARTMENT?

5 A. NO, SIR.

6 Q. LET ME ASK YOU, DID HE HAVE, WERE THERE ANY
7 ANIMALS IN THE APARTMENT?

8 A. YES, SIR.

9 Q. OKAY. AND WHAT KIND OF ANIMALS WERE IN THE
10 APARTMENT?

11 A. IT WAS A DOG.

12 Q. OKAY. AND CAN YOU DESCRIBE TO THE JURY WHAT,
13 YOU KNOW, BIG DOG, LITTLE DOG?

14 A. IT WAS A BIG DOG.

15 Q. OKAY. AND WHERE WAS THE DOG LOCATED AT?

16 A. IN THE KITCHEN.

17 Q. WAS HE JUST KIND OF LOOSE IN THE APARTMENT OR WAS
18 HE SOMEHOW CONFINED IN THE APARTMENT?

19 A. SHE WAS, SHE WAS CHAINED UP.

20 Q. SHE WAS CHAINED UP IN THE KITCHEN?

21 A. YES, SIR.

22 Q. ALRIGHT. NOW, WELL, MR. PRINGLE NOW IS IN THE
23 KITCHEN. WHAT, WHERE WERE YOU SITTING AT, WERE
24 YOU STILL IN THE SAME CHAIR?

25 A. YES, SIR.

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1 Q. OKAY. AND TELL THE JURY WHAT HAPPENED THEN?

2 A. IT WAS ANOTHER DOOR BELL RING.

3 Q. AND ABOUT HOW LONG AFTER SHANNON LEFT DO YOU
4 THINK, TO JUST KIND OF PUT IT IN PERSPECTIVE
5 TIME-WISE, HOW LONG AFTER SHANNON HAD LEFT DID
6 THAT HAPPEN?

7 A. ABOUT TEN MINUTES.

8 Q. OKAY. AND WHO ANSWERED THE DOOR WHEN IT RANG
9 THEN THAT SECOND TIME?

10 A. I DID.

11 Q. OKAY. AND WAS MR. PRINGLE STILL IN THE KITCHEN?

12 A. YES, SIR.

13 Q. OKAY. AND NOW WAS THERE SOMEBODY AT THE DOOR?

14 A. YES, SIR.

15 Q. AND DID THEY COME IN?

16 A. YES, SIR.

17 Q. OKAY. AND WHAT DID THEY WANT WHEN THEY CAME IN?

18 A. THEY WANTED A DIME OR A NICK BAG.

19 Q. OKAY. AND THAT'S OF MARIJUANA?

20 A. YES, SIR.

21 Q. OKAY. AND DID MR. PRINGLE HELP THEM OR DID YOU
22 HELP THEM?

23 A. I HELPED THEM.

24 Q. OKAY. AND WHERE, DID YOU HAVE ANY MARIJUANA OUT
25 THERE IN THE LIVING ROOM AREA?

1 A. YES, SIR.

2 Q. OKAY. AND HOW WAS THAT MARIJUANA OUT THERE
3 PACKAGED THAT WAS OUT THERE IN THE LIVING ROOM
4 AREA?

5 A. IT WAS IN A JAR BY THE WINDOW.

6 Q. OKAY. AND WAS IT IN LITTLE INDIVIDUAL PACKAGES
7 OR SOMETHING AT THAT TIME?

8 A. YES, SIR.

9 Q. AND DESCRIBE THAT FOR THE JURY.

10 Q. IT'S LIKE LITTLE TINY ZIP LOCK BAGS IN A JAR.

11 Q. OKAY. ALRIGHT, AND DID YOU END UP GIVING THAT
12 PERSON ANY MARIJUANA?

13 A. I END UP REACHING DOWN TO GIVE IT TO HIM.

14 Q. OKAY. AND TELL THE JURY WHAT HAPPENED THEN AS
15 YOU WERE REACHING DOWN TO GIVE IT TO HIM?

16 A. AS I WAS REACHING DOWN HE PULLED A GUN OUT ON ME
17 AND TOLD ME IT WAS A STICKUP.

18 Q. OKAY. AND WHAT DID YOU DO -- LET ME ASK YOU, DID
19 YOU HAVE ANYTHING ELSE THAT YOU HAD IN YOUR
20 POSSESSION AT THAT POINT IN TIME IN YOUR HAND OR
21 ANYTHING?

22 A. YES, SIR.

23 Q. TELL THE JURY WHAT YOU HAD IN YOUR HAND?

24 A. I HAD THE PISTOL - - -

25 Q. OKAY.

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1 A. --- THAT CHARLES LET ME HOLD.

2 Q. OKAY. DO YOU REMEMBER WHAT KIND OF PISTOL THAT
3 WAS OR ANYTHING ABOUT IT?

4 A. IT WAS A SMITH AND WESSON.

5 Q. OKAY. AND WHOSE PISTOL WAS IT THAT YOU HAD?

6 A. CHARLES PRINGLE'S.

7 Q. AND, SO, WHEN THE PERSON PULLED THE GUN OUT AND
8 SAID, IT'S A STICK UP OR SOMETHING LIKE THAT, IS
9 THAT WHAT YOU SAID?

10 A. YES, SIR.

11 Q. WHAT DID YOU -- FIRST OF ALL, WHAT HAPPENED THEN?

12 A. HE TOOK THE PISTOL FROM ME, AND HE SAID, BITCH,
13 GET ON THE FLOOR AND DON'T SAY NOTHING AND DON'T
14 MOVE.

15 Q. OKAY. DID YOU GET DOWN ON THE FLOOR AT THAT
16 TIME?

17 A. YES, SIR.

18 Q. OKAY. AND WHERE ON THE FLOOR THEN WERE YOU
19 LYING?

20 A. IN FRONT OF THE LOVE SEAT.

21 Q. KIND OF IN THIS AREA RIGHT HERE?

22 A. YES, SIR.

23 Q. NOW, WHAT ABOUT MR. PRINGLE, WHAT -- DO YOU KNOW
24 IF HE STAYED IN THE KITCHEN OR CAME OUT OF THE
25 KITCHEN?

1 A. HE CAME OUT OF THE KITCHEN, AND THEN THEY STARTED
2 TALKING.

3 Q. NOW, LET ME ASK YOU THIS, YOU TESTIFIED ABOUT
4 THAT ONE PERSON THAT HAD COME IN AND ENDED UP
5 PULLING THE GUN ON YOU AND TAKING THE GUN THAT
6 YOU WERE HOLDING. DO YOU KNOW WHETHER OTHER
7 PEOPLE CAME INTO THE APARTMENT ALSO?

8 A. I NOTICED A CHUBBY GUY.

9 Q. OKAY. AND LET ME ASK YOU THIS, DO YOU KNOW
10 WHETHER JUST -- ONCE YOU HIT THE GROUND, DID YOU
11 LOOK UP AFTER YOU WERE ON THE GROUND?

12 A. NO, SIR.

13 Q. OKAY. AND DO YOU KNOW WHETHER THERE WERE MORE
14 THAN JUST THOSE TWO PEOPLE IN THE APARTMENT?

15 A. I FELT LIKE IT WAS MORE THAN TWO PEOPLE IN THE
16 APARTMENT.

17 Q. DID YOU HEAR PEOPLE MOVING AROUND?

18 A. YES, SIR.

19 Q. NOW, TELL THE JURY, AS YOU ARE DOWN THERE ON THE
20 GROUND, YOU'VE GOT YOUR FACE IN THE CARPET
21 BASICALLY?

22 A. YES, SIR.

23 Q. TELL THE JURY WHAT WAS GOING ON INSIDE THE
24 APARTMENT WHILE YOU WERE FACE DOWN ON THE CARPET?

25 A. IT WAS A LOT OF TALKING, A LOT OF YELLING, A LOT

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1 OF RIPPING UP STUFF, ASKING WHERE THE MONEY IS,
2 AND I HEARD, LIKE, TAPE BEING TORN, AND THEN
3 AFTER THAT, THAT'S WHEN I HEARD GUN SHOTS.

4 Q. HOW MANY GUN SHOTS DID YOU HEAR?

5 A. IT JUST SOUNDED OFF.

6 Q. IT JUST WHAT?

7 A. IT SOUNDED OFF.

8 Q. A LITTLE, A LOT?

9 A. A LOT.

10 Q. A LOT. AFTER YOU HEARD THOSE GUN SHOTS AND AFTER
11 HEARING, YOU KNOW, STUFF BEING TORN UP IN THERE
12 AND THE TAPE BEING TORN AND ALL, WHAT, AFTER
13 THOSE GUN SHOTS THEN WHAT HAPPENED NEXT, ASHLEY?

14 A. THEY RAN OUT AND LEFT THE DOOR OPEN.

15 Q. ALRIGHT. AND WHAT, WHAT DID YOU DO AT THAT TIME?

16 A. I CLOSED THE DOOR AND WENT IN CHARLES'S ROOM TO
17 GET HIS PHONE.

18 Q. OKAY. AND WHAT DID YOU DO WHEN YOU GOT HIS
19 PHONE?

20 A. I CALLED NINE ONE ONE.

21 Q. OKAY. AND DID YOU TELL THEM THAT -- WELL, LET ME
22 ASK YOU THIS, WHERE WAS MR. PRINGLE AT AT THAT
23 TIME?

24 A. HE WAS LAYING UP UNDER THE T.V.

25 Q. OKAY. LET ME SHOW YOU, AND I'M NOT GOING TO SHOW

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1 YOU THE BIG PICTURE, BUT I MEAN, DO YOU SEE MR.
2 PRINGLE ON THE FLOOR HERE?

3 A. YES, SIR.

4 Q. IS THAT WHERE HE WAS?

5 THE COURT: THAT'S EXHIBIT NUMBER WHAT?

6 SOLICITOR SORENSON: THAT'S, I'M SORRY, STATE'S
7 NUMBER SEVEN, YOUR HONOR.

8 THE COURT: NUMBER SEVEN.

9 Q. IS THAT WHERE HE WAS ON THE FLOOR THERE?

10 A. YES, SIR.

11 Q. OKAY. AND COULD YOU TELL IF HE HAD BEEN SHOT?

12 A. YES, SIR.

13 Q. COULD YOU TELL WHERE HE HAD BEEN SHOT?

14 A. YES, SIR.

15 Q. TELL THE JURY WHERE IT LOOKED LIKE HE HAD BEEN
16 SHOT?

17 A. IN HIS LEG, IN HIS HAND AND HIS ARM.

18 Q. IT LOOKED LIKE HE HAD BEEN SHOT MORE THAN ONE
19 TIME THEN?

20 A. YES, SIR.

21 Q. OKAY. AND HOW ABOUT, YOU TESTIFIED EARLIER THAT
22 YOU HEARD WHAT SOUNDED LIKE SOME TAPE BEING TORN?

23 A. YES, SIR.

24 Q. DID YOU SEE ANY EVIDENCE OF THAT ON MR. PRINGLE?

25 A. YES, SIR.

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1 Q. OKAY. AND WHAT DID YOU SEE, ASHLEY?

2 A. I SEEN HIS MOUTH TAPED UP.

3 Q. OKAY. AND WHAT KIND OF TAPE WAS THAT?

4 A. DUCT TAPE.

5 Q. AND DID THE POLICE END UP ARRIVING OUT THERE?

6 A. YES, SIR.

7 Q. OKAY. LET ME ASK YOU THIS, WAS MR. PRINGLE, I
8 MEAN, WAS HE RESPONSIVE, I MEAN, WAS HE MOVING
9 AROUND AT ALL, GET UP OR ANYTHING LIKE THAT?

10 A. HE LOOKED AT ME, AND THEN AFTER THAT HE JUST
11 CLOSED HIS EYES.

12 Q. AFTER THAT YOU HAD NO RESPONSE FROM HIM?

13 A. NO, SIR.

14 Q. NOW, AND THE POLICE ENDED UP ARRIVING OUT THERE?

15 A. YES, SIR.

16 Q. OKAY. AND LET ME ASK YOU, HOW WERE YOU ACTING AT
17 THAT POINT IN TIME WHEN THEY GOT THERE?

18 A. I WAS IN SHOCK.

19 Q. DID YOU HAVE AN OPPORTUNITY TO CALL ANYBODY ELSE
20 BESIDES THE POLICE AND TELL THE WHAT HAD
21 HAPPENED?

22 A. I CALLED SHANNON.

23 Q. OKAY. DID YOU END UP GOING DOWN TO THE SHERIFF'S
24 OFFICE THAT NIGHT AND TALKING TO THE
25 INVESTIGATORS?

1 A. YES, SIR.

2 Q. DO YOU REMEMBER TALKING TO LIEUTENANT SHUMPERT?

3 A. YES, SIR.

4 Q. LET ME ASK YOU THIS, ASHLEY, DO YOU ULTIMATELY
5 REMEMBER GOING OVER THE, YOU KNOW, SEVERAL TIMES
6 OVER THE NEXT COUPLE OF DAYS INTO THE SHERIFF'S
7 OFFICE AND HAVING AN OPPORTUNITY FOR LIEUTENANT
8 SHUMPERT TO SHOW YOU SEVERAL PHOTOGRAPHIC LINEUPS

9 - - -

10 A. YES, SIR.

11 Q. --- FOR YOU TO LOOK AT?

12 A. YES, SIR.

13 Q. DO YOU REMEMBER ABOUT HOW MANY DIFFERENT LINEUPS
14 HE SHOWED YOU?

15 A. NO, SIR.

16 Q. WAS IT MORE THAN THREE?

17 A. YES, SIR.

18 Q. LET ME ASK YOU THIS, OUT OF THE LINEUPS HE SHOWED
19 YOU, WERE YOU ABLE TO PICK SOMEBODY OUT OF EVERY
20 LINEUP HE SHOWED YOU?

21 A. NOT EVERYONE.

22 Q. AND KIND OF ALONG THAT SAME REGARD, WHEN YOU WERE
23 SHOWN A LINEUP DID LIEUTENANT SHUMPERT TELL YOU
24 WHO TO PICK OUT?

25 A. NO, SIR.

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1 Q. DID HE TELL YOU YOU HAD TO PICK SOMEBODY OUT?

2 A. NO, SIR.

3 Q. DID HE IN ANYWAY SUGGEST TO YOU WHO YOU NEEDED TO
4 PICK OUT OR ANYTHING OF THAT NATURE?

5 A. NO, SIR.

6 Q. LET ME START OFF SHOWING YOU WHAT'S BEEN MARKED
7 AS STATE'S EXHIBIT NUMBER THREE. LET ME ASK YOU,
8 DO YOU RECALL ON MARCH THE FIFTEENTH OF TWO
9 THOUSAND TEN, SO ABOUT THREE DAYS LATER, DO YOU
10 REMEMBER -- TWO AND A HALF DAYS LATER, DO YOU
11 REMEMBER LIEUTENANT SHUMPERT SHOWING YOU STATE'S
12 EXHIBIT NUMBER THREE?

13 A. YES, SIR.

14 Q. OKAY. AND WERE YOU ABLE TO PICK ANYBODY OUT OF
15 STATE'S EXHIBIT NUMBER THREE?

16 A. YES, SIR.

17 Q. AND WHAT NUMBER DID YOU PICK OUT?

18 A. NUMBER THREE.

19 Q. AND IN FACT, THEN, WERE YOU ABLE TO THEN FILL OUT
20 AND SIGN AN AFFIDAVIT INDICATING THAT YOU PICKED
21 OUT PHOTO NUMBER THREE?

22 A. YES, SIR.

23 Q. OKAY. AND WHO WAS THAT PERSON, NOT SPECIFICALLY
24 BY NAME, BUT WHY IS IT THAT YOU PICKED OUT THAT
25 PERSON?

1 A. BECAUSE HE LOOKED LIKE THE GUY WITH THE TWISTIES
2 IN HIS HAIR.

3 Q. SO, THE GUY THAT HAD COME IN, YOU KNOW, TWENTY
4 MINUTES BEFORE - - -

5 MS. ULLMAN: OBJECTION, YOUR HONOR, SHE SAID HE
6 LOOKED LIKE THE GUY WITH THE TWISTIES IN HIS HAIR.
7 AND HE'S NOW REFERRING TO AND TRYING TO FILL IN WHO
8 THAT PERSON WAS. HE CAN CERTAINLY ASK HER WHO THAT
9 PERSON WAS.

10 THE COURT: SHE HAD ALREADY IDENTIFIED SOMEONE
11 WITH TWISTIES COMING, SO IF YOU WILL JUST ASK HER
12 AGAIN.

13 Q. IS THAT THE PERSON THAT YOU DESCRIBED TO THE JURY
14 EARLIER WITH THE TWISTIES THAT HAD COME IN TWENTY
15 MINUTES OR SO - - -

16 A. YES, SIR.

17 Q. --- BEFORE THIS INCIDENT?

18 A. YES, SIR.

19 Q. OKAY. AND IN FACT, DID YOU DOCUMENT THAT THEN IN
20 YOUR AFFIDAVIT?

21 A. YES, SIR.

22 SOLICITOR SORENSON: YOUR HONOR, AT THIS TIME
23 WE'D OFFER STATE'S NUMBER THREE INTO EVIDENCE.

24 THE COURT: ANY OBJECTION?

25 MR. LACKEY: NO OBJECTION.

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1 MS. ULLMAN: NO OBJECTION.

2 MR. PALMER: NO OBJECTION.

3 MR. MELLARD: NO OBJECTION.

4 MR. KOGER: NO OBJECTION.

5 THE COURT: OKAY. NO OBJECTIONS, IT IS, STATE'S
6 NUMBER THREE IS ADMITTED INTO EVIDENCE.

7 (State's Exhibit Three
8 marked and filed.)

9 Q. AND ASHLEY, IF YOU WOULD, IN THE, KIND OF THE
10 DESCRIPTION HERE ON THE AFFIDAVIT, WILL YOU READ
11 TO THE JURY WHAT YOU WROTE ON THERE? YOU CAN
12 HOLD IT.

13 A. "I, ASHLEY PARLSEY, AFTER CAREFUL CONSIDERATION
14 OF ALL PHOTOGRAPHS SHOWN TO ME IN THE LINEUP
15 PRESENTED TO ME BY SERGEANT SHUMPERT, HAVE
16 IDENTIFIED THE SUBJECT IN PHOTO NUMBER THREE AS
17 BEING A PERSON WHO WAS LET IN BY SHANNON. WHEN I
18 WALKED OUT MY ROOM HE ASKED FOR OLD SCHOOL AND I
19 TOLD HIM HE WASN'T HERE, AND THEN HE ASKED FOR
20 DROE, SO SHANNON TOLD OLD SCHOOL TO GET UP,
21 SOMEONE WANTS TO SEE HIM. SO, HE GOT UP AND
22 ASKED PETE FOR HIS ID BECAUSE HE SAID HE HASN'T
23 SEEN HIM BEFORE. AND PETE SAID HE CAME BEFORE
24 WITH HIS HOME BOY."

25 Q. OKAY. AND YOU REFERENCED THE GUY'S NAME AS BEING

1 PETE IN HERE?

2 A. YES, SIR.

3 Q. DID YOU KNOW WHEN THIS ALL HAPPENED, WHEN HE CAME
4 IN THERE THAT NIGHT, DID YOU KNOW HIS NAME?

5 A. NO, SIR.

6 Q. AND YOU HAD INDICATED EARLIER THAT SHANNON
7 APPEARED TO KNOW HIM?

8 A. YES, SIR.

9 Q. OKAY. THE NAME, PETE, WHERE DID YOU GET THAT
10 NAME, PETE, FROM?

11 A. SHANNON.

12 Q. OKAY. SO, HE TOLD YOU WHAT HIS NAME WAS?

13 A. YES, SIR.

14 Q. OKAY. ALRIGHT, AND MOVING ON HERE TO STATE'S
15 EXHIBIT NUMBER FOUR, ASHLEY, I SHOW YOU STATE'S
16 EXHIBIT NUMBER FOUR. DID YOU HAVE AN OPPORTUNITY
17 TO VIEW THIS LINEUP ON MARCH NINETEENTH THAT WAS
18 SHOWN TO YOU BY LIEUTENANT SHUMPERT?

19 A. YES, SIR.

20 Q. OKAY. AND WERE YOU ABLE TO PICK ANYBODY OUT OF
21 THIS LINEUP?

22 A. YES, SIR.

23 Q. AND WHAT NUMBER DID YOU PICK OUT?

24 A. NUMBER THREE.

25 Q. OKAY. TELL THE JURY WHY IT IS THAT YOU PICKED

DIRECT - ASHLEY R. PARSLEY BY SOL. SORENSON

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1 OUT NUMBER THREE?

2 A. I IDENTIFIED THAT AS THE SHOOTER BECAUSE OF HIS
3 EYES.

4 Q. THAT'S THE PERSON THAT YOU --, LET ME ASK YOU
5 THIS, DID YOU DOCUMENT ON THE AFFIDAVIT ANYTHING?

6 A. YES, SIR.

7 Q. AND WHAT DID YOU DOCUMENT ON THE AFFIDAVIT AS TO
8 HIM?

9 A. THAT HE WAS THE GUY THAT POINTED THE GUN AT ME.

10 Q. OKAY. ALRIGHT. AND YOU IDENTIFIED HIM THAT
11 NIGHT FOR LIEUTENANT SHUMPERT?

12 A. YES, SIR.

13 Q. OKAY. AND DID LIEUTENANT SHUMPERT YET AGAIN, I
14 MEAN, TELL YOU WHO TO PICK OUT OR THAT YOU HAD TO
15 PICK SOMEBODY OUT OF THIS LINEUP?

16 A. NO, SIR.

17 SOLICITOR SORENSON: YOUR HONOR, AT THIS TIME
18 WE'D OFFER STATE'S FOUR INTO EVIDENCE.

19 THE COURT: ANY OBJECTION?

20 MS. ULLMAN: NO, SIR.

21 MR. LACKEY: NO OBJECTION.

22 MR. KOGER: NO OBJECTION SUBJECT TO THE NEAL
23 VERSUS BIGGERS HEARING WE HAD ON THE TWENTY-SECOND.

24 THE COURT: I'LL NOTE, I WILL NOTE YOUR OBJECTION
25 AND MY RULING IN THAT, AND YOUR CONTINUING OBJECTION

1 TO IT.

2 MR. KOGER: THANK YOU.

3 THE COURT: OKAY. IT IS, AND THE OTHERS SUBJECT
4 TO THAT OBJECTION.

5 (State's Exhibit Four
6 marked and filed.)

7 Q. AND LASTLY, AS TO STATE'S EXHIBIT NUMBER FIVE - -

8 -

9 SOLICITOR SORENSON: MS. WALKER, I'M GOING TO
10 CROSS OFF MY NUMBER FOUR OF THE ID OFF OF HERE, OKAY?

11 COURT REPORTER: YES, SIR.

12 Q. AS TO NUMBER FIVE, ASHLEY, I'M SHOWING YOU
13 STATE'S EXHIBIT NUMBER FIVE, DID YOU HAVE AN
14 OPPORTUNITY ALSO ON MARCH NINETEENTH TO VIEW THAT
15 PHOTOGRAPHIC LINEUP?

16 A. YES, SIR.

17 Q. OKAY. AND WERE YOU ABLE TO PICK ANYBODY OUT OF
18 THAT LINEUP?

19 A. YES, SIR.

20 Q. AND WHAT, WHAT PHOTOGRAPH DID YOU PICK OUT OF
21 THAT LINEUP?

22 A. NUMBER ONE.

23 Q. OKAY. AND DID YOU HAVE AN OPPORTUNITY THEN TO
24 ALSO DOCUMENT THAT IN THE ACCOMPANYING AFFIDAVIT?

25 A. YES, SIR.

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1 Q. OKAY. AND WHAT DID YOU INDICATE IN THAT
2 AFFIDAVIT?

3 A. THAT HE WAS THE CHUBBY GUY THAT I SAW.

4 Q. OKAY. ALRIGHT. AND WHAT EXACTLY, READ FOR THE
5 JURY WHAT YOU ACTUALLY WROTE ON THE AFFIDAVIT,
6 JUST YOUR HANDWRITTEN PART.

7 A. "I, ASHLEY PARSLEY, AFTER CAREFUL CONSIDERATION
8 OF ALL PHOTOGRAPHS SHOWN TO ME IN THE LINEUP,
9 HAVE IDENTIFIED THE SUBJECT IN NUMBER ONE AS
10 BEING A PERSON WHO WORE A GREEN SHIRT THAT CAME
11 INTO OUR APARTMENT. HE IS POSSIBLE TO BEING ONE
12 OF THE GUYS THAT ENTERED THE HOUSE, AND I DIDN'T
13 COMPLETELY SEE HIS FACE."

14 Q. SO, THAT'S WHO YOU THOUGHT IT WAS, BUT YOU DIDN'T
15 GET A REAL GOOD LOOK AT HIS FACE?

16 A. YES, SIR.

17 Q. ALRIGHT. LET ME ASK YOU THIS, YOU ACTUALLY WROTE
18 ON HERE, ACTUALLY PHOTOGRAPH NUMBER FOUR, IS THAT
19 CORRECT?

20 A. YES, SIR.

21 Q. OKAY. LET ME ASK YOU, WHEN YOU CIRCLED
22 PHOTOGRAPH -- BEFORE I GET THERE - - -

23 SOLICITOR SORENSON: AT THIS TIME, YOUR HONOR
24 WE'D OFFER STATE'S NUMBER FIVE INTO EVIDENCE.

25 THE COURT: ANY OBJECTION?

1 MS. ULLMAN: YOUR HONOR, I WOULD OBJECT UNDER
2 NEAL VERSUS BIGGERS ISSUES AND UNDER THE PERSONAL
3 KNOWLEDGE ISSUES THAT I'VE PREVIOUSLY BROUGHT UP.

4 THE COURT: OKAY. AND I NOTE YOUR OBJECTION FROM
5 THE HEARING ON THAT. IT IS ADMITTED INTO EVIDENCE.
6 THANK YOU. AND THAT OBJECTION IS PRESERVED, AS IS MR.
7 KOGER'S.

8 SOLICITOR SORENSON: THANK YOU, YOUR HONOR.

9 THE COURT: YES, SIR.

10 (State's Exhibit Five
11 marked and filed.)

12 Q. LET ME JUST -- YOU CIRCLED THE PICTURE, RIGHT, IS
13 THAT CORRECT, THAT YOU FELT WAS THE PERSON THAT
14 CAME INTO THE APARTMENT, THE CHUBBY GUY, IS THAT
15 CORRECT?

16 A. YES, SIR.

17 Q. LET ME ASK YOU, WHEN YOU CIRCLED THAT PHOTOGRAPH,
18 WHAT NUMBER DID YOU CIRCLE WITH THE PHOTOGRAPH?

19 A. NUMBER FOUR.

20 Q. OKAY. THERE'S NO DOUBT ABOUT IT, I MEAN, WHAT
21 PHOTOGRAPH WERE YOU MEANING TO - - -

22 A. NUMBER ONE.

23 Q. OKAY. AND YOU INDICATED EARLIER THAT, WERE YOU
24 ABLE TO PICK ANYBODY ELSE OUT OF ANY OTHER
25 LINEUPS?

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1 A. NO, SIR.

2 SOLICITOR SORENSON: I BEG THE COURT'S
3 INDULGENCE.

4 THE COURT: OKAY.

5 SOLICITOR SORENSON: THANK YOU, MS. PARSLEY, WILL
6 YOU PLEASE ANSWER ANY QUESTIONS THAT OTHER COUNSEL
7 HAS.

8 THE COURT: OKAY. THANK YOU. ALRIGHT, MR.
9 LACKEY.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

CROSS - ASHLEY R. PARSLEY BY MR. LACKEY

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CROSS-EXAMINATION OF ASHLEY R. PARSLEY

BY MR. LACKEY:

Q. YOU SAID EARLIER IN THE NIGHT YOU WERE IN THE
APARTMENT WITH MR. PRINGLE AND ALSO SHANNON
MITCHELL, IS THAT CORRECT?

A. YES, SIR.

Q. OKAY. WAS ANYBODY ELSE IN THERE AT THAT TIME?

A. NO, SIR.

Q. OKAY. AND YOU SAID THERE WAS A SINGLE INDIVIDUAL
WHO CAME IN EARLIER THAT EVENING?

A. YES, SIR.

Q. AND HOW, ABOUT HOW LONG BEFORE THE ROBBERY WAS
THAT?

A. ABOUT TWENTY MINUTES.

Q. OKAY. AND YOU STATED THAT SHANNON MITCHELL KNEW
WHO THAT INDIVIDUAL WAS THAT CAME IN?

A. YES, SIR.

Q. AND IT WAS JUST ONE SINGLE INDIVIDUAL?

A. YES, SIR.

Q. OKAY. THERE WAS ALSO A DOG IN THE HOUSE YOU
SAID?

A. YES, SIR.

Q. AND WHOSE DOG WAS THAT?

A. CHARLES PRINGLE'S.

Q. OKAY. AS FAR AS THE, WHAT THE STATE ENTERED INTO

CROSS - ASHLEY R. PARSLEY BY MR. LACKEY

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1 EVIDENCE, YOU IDENTIFIED AN INDIVIDUAL - - -

2 THE COURT: MR. LACKEY, I DON'T MEAN TO INTERRUPT
3 YOU. WHICH ONE, JUST FOR THE RECORD?

4 Q. YOU IDENTIFIED AN INDIVIDUAL, I WAS REFERRING TO
5 STATE'S THREE.

6 THE COURT: STATE'S THREE? OKAY, SORRY.

7 MR. LACKEY: THAT'S ALRIGHT.

8 Q. YOU IDENTIFIED AN INDIVIDUAL IN A PHOTO LINEUP IN
9 STATE'S NUMBER THREE?

10 A. YES, SIR.

11 Q. AND ALSO REFERRING TO STATE'S NUMBER FOUR, YOU
12 IDENTIFIED AN INDIVIDUAL IN THAT?

13 A. YES, SIR.

14 Q. AND YOU PUT YOUR INITIALS BESIDE THAT ONE?

15 A. YES, SIR.

16 Q. AND STATE'S NUMBER FIVE, YOU IDENTIFIED AN
17 INDIVIDUAL THERE AND WROTE YOUR INITIALS BESIDE
18 IT AS WELL?

19 A. YES, SIR.

20 Q. OKAY. DID YOU IDENTIFY ANYBODY ELSE IN ANY OTHER
21 PHOTOGRAPHIC LINEUPS?

22 A. NO, SIR.

23 Q. DID YOU SEE -- YOU TESTIFIED EARLIER THAT YOU
24 DIDN'T SEE ANYBODY ELSE WHO CAME INTO THE
25 APARTMENT THAT NIGHT?

CROSS - ASHLEY R. PARSLEY BY MR. LACKEY

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1 A. YES, SIR.

2 Q. YOU WERE FACE DOWN ON THE GROUND?

3 A. YES, SIR.

4 Q. OKAY. AND YOU SAID YOU WEREN'T SURE HOW MANY
5 PEOPLE CAME IN, IS THAT CORRECT?

6 A. CORRECT.

7 MR. LACKEY: I HAVE NO FURTHER QUESTIONS, YOUR
8 HONOR.

9 THE COURT: THANK YOU, MR. LACKEY.

10 MS. ULLMAN, YOUR WITNESS.

11 (NOTE: Blank lines on this page do not indicate any
12 part of record has been omitted. Headers on testimony
13 pages and hard page breaks between testimony are now
14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

CROSS - ASHLEY R. PARSLEY BY MS. ULLMAN

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CROSS-EXAMINATION OF ASHLEY R. PARSLEY

BY MS. ULLMAN:

Q. GOOD MORNING.

A. GOOD MORNING.

Q. I SEE YOU'RE WEARING GLASSES TODAY. DO YOU
ALWAYS WEAR GLASSES?

A. YES, MA'AM.

Q. AND ON THE DATE OF THIS INCIDENT YOU HAD YOUR
GLASSES ON?

A. YES, MA'AM.

Q. OKAY. NOW, YOU SAID YOU MET CHARLES PRINGLE AT
LAY LOW'S IN SUMMERVILLE, CORRECT?

A. YES, MA'AM.

Q. AND THAT'S A CLUB?

A. YES, MA'AM.

Q. AND BY CLUB YOU MEAN A BAR, THEY SERVE ALCOHOL
THERE?

A. YES, MA'AM.

Q. AND YOU MET HIM THE SUNDAY BEFORE THIS, IS THAT
CORRECT?

A. YES, MA'AM.

Q. ALRIGHT. SO, ABOUT FIVE DAYS PREVIOUSLY, AND YOU
MET HIM ON THAT DATE. DID YOU GO TO HIS HOUSE ON
THAT DATE?

A. YES, MA'AM.

1 Q. AND YOU STARTED STAYING THERE ON THAT DATE?

2 A. YES, MA'AM.

3 Q. THAT WAS THE SUNDAY PREVIOUS TO THIS, RIGHT?

4 A. YES, MA'AM.

5 Q. NOW, YOU KNEW CHARLES WAS SELLING DRUGS FROM THE
6 APARTMENT, CORRECT?

7 A. YES, MA'AM.

8 Q. AND YOU ACTUALLY HELPED HIM DO, HELPED HIM SELL
9 THE DRUGS?

10 A. YES, MA'AM.

11 Q. AND YOU ACTUALLY TOLD OTHER PEOPLE THAT YOU AND
12 CHARLES WERE SELLING DRUGS FROM THE HOUSE,
13 CORRECT?

14 A. NO, MA'AM.

15 Q. YOU DIDN'T AT SOME POINT TEXT HASSAN GADDIST AND
16 TELL HIM THAT YOU WERE LIVING IN ORANGEBURG
17 SELLING DRUGS?

18 A. NO, MA'AM.

19 Q. NOW, CHARLES PRINGLE WAS OBVIOUSLY CONCERNED FOR
20 YOUR SAFETY, HIS SAFETY AND HE GAVE YOU A PISTOL
21 FOR YOUR PROTECTION, CORRECT?

22 A. YES, MA'AM.

23 Q. AND WAS THAT THE ONLY WEAPON IN HIS HOUSE?

24 A. YES, MA'AM.

25 Q. DO YOU KNOW THAT BECAUSE YOU LOOKED OR HE TOLD

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1 YOU?

2 A. HE TOLD ME.

3 Q. NOW, THE NIGHT OF THIS INCIDENT YOU ACTUALLY HAD
4 THE PISTOL OUT IN THE LIVING ROOM?

5 A. YES, MA'AM.

6 Q. AND WHEN YOU ANSWERED THE DOOR YOU HAD IT IN YOUR
7 HAND?

8 A. YES, MA'AM.

9 Q. STEPPING BACK A LITTLE BIT BEFORE THE INCIDENT
10 OCCURRED, YOU SAID YOU AND CHARLES WERE AT THE
11 HOUSE ALONE, JUST THE TWO OF YOU?

12 A. YES, MA'AM.

13 Q. AND HE WAS SLEEPING?

14 A. YES, MA'AM.

15 Q. WHAT WERE YOU DOING?

16 A. IN MY ROOM.

17 Q. YOU WERE IN YOUR ROOM?

18 A. YES, MA'AM.

19 Q. YOU SAID SOMEONE HAD COME TO THE DOOR AND YOU
20 ANSWERED THE DOOR, AND IT WAS SHANNON?

21 A. YES, MA'AM.

22 Q. ALRIGHT. WHEN SHANNON GOT THERE DID HE ASK WHERE
23 OLD SCHOOL WAS OR WHERE CHARLES PRINGLE WAS?

24 A. YES, MA'AM.

25 Q. WHAT DID YOU TELL HIM?

1 A. HE WAS SLEEPING.

2 Q. AND SHANNON STUCK AROUND ANYWAY AND HUNG OUT?

3 A. YES, MA'AM.

4 Q. AND YOU HAD KNOWN HIM MAYBE FIVE DAYS, FOUR DAYS?

5 A. YES, MA'AM.

6 Q. ALRIGHT. AND YOU SAID THAT YOU GUYS SAT AND
7 TALKED?

8 A. YES, MA'AM.

9 Q. DID YOU GUYS SMOKE MARIJUANA TOGETHER?

10 A. NO, MA'AM.

11 Q. WHAT DID Y'ALL TALK ABOUT?

12 A. JUST TALKING.

13 Q. AND YOU HAD KNOWN HIM FOR FOUR DAYS?

14 A. YES, MA'AM.

15 Q. ALRIGHT. NOW, WHILE THE TWO OF YOU WERE THERE
16 CHARLES STAYED IN HIS ROOM THE WHOLE TIME?

17 A. YES, MA'AM.

18 Q. AND THEN THERE WAS ANOTHER KNOCK AT THE DOOR?

19 A. THE DOOR BELL RANG.

20 Q. THE DOOR BELL RANG. YOU DIDN'T ANSWER THE DOOR
21 THEN?

22 A. NO, MA'AM.

23 Q. SHANNON ANSWERED THE DOOR?

24 A. YES, MA'AM.

25 Q. AND HE LET WHOEVER WAS AT THE DOOR INTO THE

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1 APARTMENT?

2 A. YES, MA'AM.

3 Q. AND THAT PERSON WANTED TO BUY MARIJUANA?

4 A. YES, MA'AM.

5 Q. OKAY. DID YOU SPEAK TO THAT PERSON AT ALL?

6 A. NO, MA'AM.

7 Q. YOU DIDN'T SELL HIM THE MARIJUANA?

8 A. NO, MA'AM.

9 Q. WHY NOT?

10 A. HE ASKED FOR DROE. I DIDN'T DEAL WITH DROE.

11 Q. SO, YOU SOLD MARIJUANA BUT NOT THE SPECIAL
12 MARIJUANA?

13 A. YES, MA'AM.

14 Q. OKAY. AND SHANNON DIDN'T SELL IT TO HIM EITHER?

15 A. NO, MA'AM.

16 Q. SO, CHARLES PRINGLE WOKE UP AND CAME OUT AND
17 TALKED TO HIM?

18 A. YES, MA'AM.

19 Q. BUT HE DIDN'T SELL HIM ANY DROE EITHER, RIGHT?

20 A. NO, MA'AM.

21 Q. OKAY. AND THAT PERSON THEN LEFT?

22 A. YES, MA'AM.

23 Q. WHAT TIME DO YOU THINK HE LEFT?

24 A. PROBABLY ABOUT, PROBABLY EIGHT:FIFTY.

25 Q. OKAY. YOU SAID YOU WERE IN YOUR ROOM, CHARLES

1 WAS IN A ROOM BEFORE ALL OF THESE PEOPLE STARTED
2 COMING OVER. WHAT WERE YOU DOING, WERE YOU
3 WATCHING T.V., READING A BOOK, SLEEPING, WHAT
4 WERE YOU DOING?

5 A. I WAS LAYING DOWN.

6 Q. YOU WERE LAYING DOWN? NOW, AT ANYTIME WHILE
7 SHANNON WAS THERE WERE YOU WATCHING T.V., OR YOU
8 GUYS JUST SAT AND TALKED, WAS THERE ANYTHING
9 GOING ON IN THE APARTMENT OTHER THAN YOU TWO
10 TALKING?

11 A. NO, MA'AM.

12 Q. OKAY. NOW, AFTER SHANNON LEFT, AFTER THIS
13 UNKNOWN PERSON THAT YOU DIDN'T KNOW LEFT WITHOUT
14 HIS DROE, THERE WAS ANOTHER DOOR BELL RING, IS
15 THAT CORRECT?

16 A. CORRECT.

17 Q. ALRIGHT. AND THIS TIME YOU ANSWERED THE DOOR?

18 A. YES, MA'AM.

19 Q. AND YOU WERE IN THE LIVING ROOM?

20 A. YES, MA'AM.

21 Q. AND CHARLES PRINGLE WAS SITTING IN THE KITCHEN?

22 A. YES, MA'AM.

23 Q. I IMPLIED THAT, WAS HE SITTING IN THE KITCHEN,
24 STANDING IN THE KITCHEN, WHAT WAS HE DOING?

25 A. HE WAS STANDING IN THE KITCHEN.

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1 Q. HE WAS STANDING IN THE KITCHEN. NOW, YOU WENT TO
2 THE DOOR, YOU'VE GOT A PISTOL IN YOUR HAND?

3 A. YES, MA'AM.

4 Q. AND YOU LET WHOEVER WAS AT THAT DOOR IN THE
5 HOUSE?

6 A. YES, MA'AM.

7 Q. ALRIGHT. AND ON THAT NIGHT YOU HAD NEVER SEEN
8 THAT PERSON BEFORE?

9 A. NO, I NEVER SEEN THAT PERSON BEFORE.

10 Q. ALRIGHT. AND AS A MATTER OF FACT, HE HAD HIS
11 FACE COVERED IN SOME FASHION, CORRECT?

12 A. YES, MA'AM.

13 Q. ALRIGHT. SO, YOU OPENED THE DOOR WITH A PISTOL
14 IN YOUR HAND TO A MASKED PERSON AND LET THAT
15 PERSON IN THAT YOU DID NOT KNOW?

16 A. YES, MA'AM.

17 Q. ALRIGHT. NOW, HE ALSO WANTED MARIJUANA?

18 A. YES, MA'AM.

19 Q. AND YOU WERE GOING TO HELP HIM?

20 A. YES, MA'AM.

21 Q. SO HE DIDN'T WANT THE SPECIAL KIND?

22 A. NO, MA'AM.

23 Q. OKAY. WHEN HE CAME IN AND ASKED YOU FOR
24 MARIJUANA WHAT WAS CHARLES PRINGLE DOING?

25 A. IN THE KITCHEN MAKING BAGS.

1 Q. SO, HE WAS JUST STANDING IN THE KITCHEN THIS
2 WHOLE TIME MAKING BAGS?

3 A. YES, MA'AM.

4 Q. WHAT DOOR DID THIS PERSON COME TO, FRONT DOOR,
5 BACK DOOR?

6 A. FRONT DOOR.

7 Q. OKAY. AND WHERE IS THE FRONT DOOR, IS IT IN THE
8 LIVING ROOM OR THE BEDROOM, IN THE KITCHEN?

9 A. IT'S IN THE LIVING ROOM.

10 Q. IT'S IN THE LIVING ROOM. ALRIGHT. THE, YOU SAY
11 THIS PERSON HAD HIS FACE COVERED, SOME SORT OF
12 MASK ON HIS FACE, CAME IN, ASKED YOU FOR
13 MARIJUANA AND YOU LEANED DOWN TO GET THE
14 MARIJUANA BECAUSE IT WAS BESIDE WHERE YOU WERE
15 SITTING?

16 A. YES, MA'AM.

17 Q. ALRIGHT. AND ONCE YOU LEANED DOWN AND WEREN'T
18 LOOKING, THAT'S WHEN HE PUT A GUN IN YOUR FACE?

19 A. YES, MA'AM.

20 Q. ALRIGHT. AND WHEN YOU ANSWERED THE DOOR IT WAS
21 ONE PERSON YOU LET IN?

22 A. IT WAS JUST ONE PERSON.

23 Q. OKAY. NOW, ONCE YOU LET THAT PERSON IN DID YOU
24 CLOSE THE DOOR?

25 A. THEY CLOSED THE DOOR.

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1 Q. SO WHOEVER CAME IN CLOSED THE DOOR BEHIND THE
2 BOTH OF YOU?

3 A. YES, MA'AM.

4 Q. OKAY. NOW, ONCE HE PUT THE GUN TO YOUR HEAD HE
5 TOLD YOU TO GET ON THE GROUND?

6 A. YES, MA'AM.

7 Q. AND YOU GOT ON THE GROUND?

8 A. YES, MA'AM.

9 Q. AND YOU LOOKED FACE DOWN?

10 A. YES, MA'AM.

11 Q. YOU NEVER TURNED RIGHT, NEVER TURNED LEFT?

12 A. NEVER TURNED.

13 Q. AND YOU HAD YOUR GLASSES ON YOUR FACE?

14 A. YES, MA'AM.

15 Q. OKAY. LOOKING AT THE CARPET YOU COULDN'T SEE AT
16 ALL WHAT WAS GOING ON, CORRECT?

17 A. CORRECT.

18 Q. YOU COULDN'T EVEN SEE PEOPLE'S SHOES?

19 A. CORRECT..

20 Q. AND YOU WEREN'T ABLE TO COUNT AT ALL HOW MANY
21 PEOPLE WERE IN THERE?

22 A. CORRECT.

23 Q. NOW, THE FIRST GUY ENTERED, YOU LAID ON THE
24 GROUND, YOU LAID THERE UNTIL EVERYBODY WAS GONE,
25 IS THAT CORRECT?

1 A. CORRECT.

2 Q. ALRIGHT. AND ONCE YOU FELT EVERYONE HAD LEFT YOU
3 CALLED NINE ONE ONE?

4 A. YES, MA'AM.

5 Q. ALRIGHT. AND WHILE SPEAKING TO DISPATCH YOU
6 COULDN'T GIVE ANY DESCRIPTION AT ALL OF ANY SORT
7 OF SUBJECTS?

8 A. CORRECT.

9 Q. YOU DIDN'T TELL THEM THERE WAS A CHUBBY PERSON IN
10 THE HOUSE?

11 A. NO, MA'AM.

12 Q. YOU DIDN'T TELL THEM THERE WAS A DARK SKINNED
13 PERSON IN THE HOUSE?

14 A. NO, MA'AM.

15 Q. YOU JUST TOLD THEM SOME PEOPLE HAD BEEN THERE TO
16 ROB CHARLES PRINGLE?

17 A. CORRECT.

18 Q. OKAY. NOW, YOU HEARD GUN SHOTS BUT YOU HAVE NO
19 IDEA HOW MANY GUNS WERE THERE?

20 A. NO, MA'AM.

21 Q. NOW, SOMEONE, THIS PERSON THAT PUT A GUN TO YOUR
22 HEAD TOOK YOUR GUN, CORRECT?

23 A. CORRECT.

24 Q. OKAY. SO, AT THAT POINT YOU AT LEAST KNOW
25 THERE'S TWO GUNS IN THE HOUSE?

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1 A. YES, MA'AM.

2 Q. OKAY. WAS YOUR GUN LOADED?

3 A. YES, MA'AM.

4 Q. NOW, YOU TALKED A LITTLE BIT ABOUT THE LIGHTS
5 WITH THE SOLICITOR, AND YOU SAID THEY WERE
6 COLORED LIGHTS. WHAT DO YOU MEAN BY THAT, WERE
7 THEY -- YOU KNOW, I WOULD CALL THESE MAYBE WHITE
8 LIGHTS. THEY'RE WEREN'T WHITE LIGHTS?

9 A. NO, MA'AM.

10 Q. DO YOU REMEMBER WHAT COLOR?

11 A. I DO NOT REMEMBER.

12 Q. OKAY. DO YOU REMEMBER COMING HERE TO COURT TO
13 TESTIFY BEFORE, BASICALLY THE WEEK OF
14 THANKSGIVING?

15 A. YES, MA'AM.

16 Q. ALRIGHT. AND AT THAT TIME YOU WERE PUT UNDER
17 OATH JUST LIKE YOU WERE HERE TODAY?

18 A. YES, MA'AM.

19 Q. ALRIGHT. NOW, AT THAT TIME YOU WERE ASKED ABOUT
20 THE LIGHTING IN THE HOUSE AND I BELIEVE YOU
21 SPECIFICALLY SAID THERE WERE TWO LIGHTS, ONE WAS
22 A WHITE LIGHT AND ONE WAS A RED LIGHT. DO YOU
23 REMEMBER THAT?

24 A. NO, I DON'T REMEMBER THAT.

25 MS. ULLMAN: MAY I APPROACH THE WITNESS?

1 THE COURT: YOU MAY.

2 Q. I'M GOING TO SHOW YOU -- THIS IS THE TRANSCRIPT
3 FROM THAT HEARING WHERE YOU WERE HERE AND MS.
4 WALKER WAS HERE WRITING DOWN EVERYTHING YOU SAID,
5 AND THAT'S WHAT WE'RE LOOKING AT HERE. WHEN YOU
6 WERE ASKED ABOUT THE LIGHT BULBS, WHAT DID YOU
7 SAY WHAT COLOR THE LIGHT WAS?

8 A. RED.

9 Q. ALRIGHT. AND, AND YOU WERE ALSO SPECIFICALLY
10 ASKED WERE THERE ANY BLUE LIGHTS IN THIS ROOM,
11 CORRECT? AND YOU SAID?

12 A. NO.

13 Q. ALRIGHT. NOW, YOU HAD TESTIFIED THAT YOU HAD THE
14 OPPORTUNITY TO CALL SHANNON AFTER THE INCIDENT?

15 A. YES, MA'AM.

16 Q. WHEN DID YOU DO THAT?

17 A. WHEN I WAS SITTING IN THE POLICE CAR.

18 Q. ALRIGHT. SO, AFTER THE RESPONDING OFFICER
19 ESCORTED YOU OUT OF THE APARTMENT YOU SAT IN THE
20 POLICE CAR ALONE?

21 A. YES, MA'AM.

22 Q. AND YOU CALLED SHANNON?

23 A. YES, MA'AM.

24 Q. WHAT PHONE DID YOU USE?

25 A. I USED CHARLES'S PHONE.

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1 Q. SO, YOU HAD FOUND HIS PHONE TO CALL NINE ONE ONE
2 AND YOU KEPT HIS PHONE ON YOU?

3 A. YES, MA'AM.

4 Q. NOW, YOU MET WITH INVESTIGATOR SHUMPERT LATER, I
5 GUESS EARLY MORNING SATURDAY, LATE FRIDAY NIGHT
6 AT THE SHERIFF'S OFFICE, IS THAT CORRECT?

7 A. YES, MA'AM.

8 Q. AND AT THAT TIME HE ASKED YOU WHAT HAPPENED, IS
9 THAT CORRECT?

10 A. YES, MA'AM.

11 Q. ALRIGHT. AND YOU DID WRITE A STATEMENT FOR HIM?

12 A. YES, MA'AM.

13 Q. AND YOU TOLD HIM WHAT HAD HAPPENED?

14 A. YES, MA'AM.

15 Q. AND IN THAT STATEMENT, IN YOUR DISCUSSIONS WITH
16 MR. SHUMPERT, OR INVESTIGATOR SHUMPERT, EXCUSE
17 ME, YOU SAID THAT ONE PERSON CAME TO THE DOOR?

18 A. YES, MA'AM.

19 Q. HE WAS DARK SKINNED AND WORE BLUE?

20 A. YES, MA'AM.

21 Q. ALRIGHT. AND THAT'S THE ONLY DESCRIPTION YOU
22 GAVE?

23 A. CORRECT.

24 Q. ALRIGHT. YOU DIDN'T MENTION AT ALL THIS CHUBBY
25 PERSON THAT MAY HAVE COME IN?

1 A. NO, MA'AM.

2 Q. ALRIGHT. NOW, IN YOUR STATEMENT YOU ALSO TOLD
3 THE POLICE THAT SOMEBODY MIGHT HAVE BEEN FAMILIAR
4 BUT YOU DON'T REALLY REMEMBER WHO IT WAS AND YOU
5 DON'T THINK IT'S HIM. NOW, YOU DIDN'T DISCUSS
6 THAT ANY FURTHER, AM I CORRECT?

7 A. NO, MA'AM.

8 Q. DID YOU EVER TELL THE POLICE THE NAME OF THE
9 PERSON OR GIVE A DESCRIPTION OF THE PERSON THAT
10 YOU THOUGHT WAS FAMILIAR AND COULD HAVE BEEN
11 THERE?

12 A. NO, MA'AM.

13 Q. NOW, ON MARCH NINETEENTH YOU MET WITH
14 INVESTIGATOR SHUMPERT AGAIN, AM I RIGHT?

15 A. YES, MA'AM.

16 Q. AND AT THAT TIME YOU GUYS WENT OVER PHOTO
17 LINEUPS?

18 A. YES, MA'AM.

19 Q. DO YOU REMEMBER HOW MANY PHOTO LINEUPS HE SHOWED
20 YOU?

21 A. NO, I DO NOT REMEMBER.

22 Q. NOW, IN STATE'S EXHIBIT FIVE YOU CIRCLED THE
23 FIRST PERSON IN THIS, AM I CORRECT?

24 A. YES, MA'AM.

25 Q. ALRIGHT. NOW, UNDER OATH TODAY YOU SAID THAT

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1 THAT WAS THE CHUBBY PERSON YOU SAID, AND THAT
2 THAT'S WHAT YOU HAD PUT ON YOUR AFFIDAVIT, BUT
3 THAT'S NOT WHAT YOU TOLD THE POLICE, AM I
4 RIGHT?

5 A. CORRECT.

6 Q. WHAT YOU TOLD THE POLICE WAS, IT'S POSSIBLE THAT
7 HE'S A PERSON THAT ENTERED THE HOUSE, YOU DIDN'T
8 SEE HIS FACE?

9 A. CORRECT.

10 Q. OKAY. AND JUST TO REITERATE, THE LIGHTS WERE
11 VERY DIM?

12 A. CORRECT.

13 Q. YOU WERE FACE DOWN?

14 A. CORRECT.

15 Q. YOU WERE NERVOUS?

16 A. YES.

17 Q. YOU HAD A GUN POINTED AT YOU?

18 A. CORRECT.

19 Q. AND THERE'S NO REAL WAY FOR YOU TO BE SURE IF THE
20 PERSON YOU PICKED OUT OF THAT LINEUP IS A PERSON
21 THAT WAS AT THE APARTMENT, AM I RIGHT?

22 A. CORRECT.

23 MS. ULLMAN: I HAVE NO FURTHER QUESTIONS, YOUR
24 HONOR.

25 THE COURT: THANK YOU, MS. ULLMAN.

1 MR. PALMER.

2 MR. PALMER: THANK YOU, YOUR HONOR.

3 THE COURT: YES, SIR.

4 (NOTE: Blank lines on this page do not indicate any
5 part of record has been omitted. Headers on testimony
6 pages and hard page breaks between testimony are now
7 required by the Court. See next ensuing page for
8 sequential continuation of record.)

CROSS - ASHLEY R. PARSLEY BY MR. PALMER

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CROSS-EXAMINATION OF ASHLEY R. PARSLEY

BY MR. PALMER:

Q. WHAT KIND OF GUN DID YOU HAVE THAT NIGHT?

A. A SMITH AND WESSON PISTOL.

Q. WHAT CALIBER?

A. I DON'T KNOW.

Q. YOU DON'T KNOW?

A. NO.

Q. HOW MANY ROUNDS DID IT HOLD?

A. I DON'T KNOW.

Q. WHERE DID YOU GET IT?

A. FROM CHARLES PRINGLE.

Q. DO YOU KNOW HOW TO USE A GUN?

A. YES.

Q. HAVE YOU EVER SHOT A GUN BEFORE THAT NIGHT, HAVE
YOU EVER HELD A GUN BEFORE THAT NIGHT?

A. YES, SIR.

Q. WHAT KIND OF GUN?

A. I WAS IN BASIC TRAINING IN THE ARMY.

Q. REALLY?

A. YES, SIR.

Q. HOW LONG AGO WAS THAT?

A. THAT WAS IN MARCH OF TWO THOUSAND SEVEN.

Q. OKAY. SO, WHEN DID YOU GET OUT OF THE ARMY?

A. JUNE, TWO THOUSAND SEVEN.

1 Q. AND WHAT DID YOU DO AFTER THAT?

2 A. I WENT HOME.

3 Q. WHERE IS HOME?

4 A. IT'S NOT AROUND HERE.

5 Q. WELL, TELL ME WHERE IT IS.

6 SOLICITOR SORENSON: YOUR HONOR, I WOULD OBJECT.

7 SOLICITOR PASCOE: IT'S NOT RELEVANT.

8 SOLICITOR SORENSON: MAY WE APPROACH?

9 THE COURT: YES, SIR, YOU CAN APPROACH.

10 (Whereupon, a bench conference
11 is had out of the hearing of
12 the jury and court reporter.)

13 Q. HOW DID YOU MEET MR. PRINGLE?

14 A. AT LAY LOW'S.

15 Q. AT THE TIME YOU SAID YOU MET HIM THAT NIGHT YOU
16 DECIDED TO MOVE IN WITH HIM?

17 A. YES, SIR.

18 Q. AND AT WHAT POINT DID YOU BECOME AWARE THAT HE
19 WAS DEALING WITH MARIJUANA?

20 A. THAT NIGHT.

21 Q. SO THAT BECAME YOUR JOB, DIDN'T IT?

22 A. YES, SIR.

23 Q. AND WHEN YOU LIVED IN HIS APARTMENT HOW MANY
24 MARIJUANA SALES DID YOU MAKE?

25 A. I DON'T KNOW.

CROSS - ASHLEY R. PARSLEY BY MR. PALMER

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1 Q. HOW MUCH MONEY DID YOU MAKE?

2 A. I DON'T KNOW.

3 Q. HOW MANY PEOPLE DID YOU SELL MARIJUANA TO?

4 A. I DON'T REMEMBER.

5 Q. YOU HAD A GUN IN YOUR HAND?

6 A. YES, SIR.

7 Q. WHAT WERE YOU GOING TO DO WITH THE GUN?

8 A. IT WAS LIKE A ---

9 Q. YOU COULD ALWAYS ...

10 A. --- I WAS NOT SHOOTING IT, IT WAS TO PROTECT ME.

11 Q. FROM WHAT?

12 A. IF ANYBODY TRIED TO COME IN.

13 Q. SO, THAT WAS STANDARD PROCEDURE FOR YOU, TO OPEN
14 THE DOOR WITH A GUN IN YOUR HAND?

15 A. NO, SIR.

16 Q. DID YOU EVER SHOOT THAT PARTICULAR GUN?

17 A. NO, SIR.

18 Q. NOW, I AM GOING TO ASK YOU, STATE'S EXHIBIT
19 NUMBER THREE, RIGHT HERE, THIS ONE. NOW, YOU
20 REMEMBER BACK ON NOVEMBER TWENTY-THIRD WE WERE IN
21 THIS COURTROOM TOGETHER AND YOU DESCRIBED -- HOW
22 YOU TALKED ABOUT A LIGHT SKINNED GUY CAME TO THE
23 DOOR THAT NIGHT, MEDIUM BUILD, WITH LIGHT SKIN,
24 WITH TWISTIES, AND I ASKED YOU HOW DO YOU
25 DETERMINE IF SOMEONE IS LIGHT SKINNED?

1 A. NO.

2 Q. WELL, IF I SAID YOU ANSWERED, IT'S A COMPLEXION,
3 DO YOU HAVE ANY QUESTION ABOUT THAT?

4 A. NO.

5 Q. AND THEN IF I SAID, SO THAT WAS YOUR ANSWER? IS
6 IT A COMPLEXION, A TEXTURE OR A COLOR? AND YOU
7 ANSWERED IT WAS A COLOR, DO YOU AGREE?

8 A. YES, SIR.

9 Q. AND YOU DESCRIBED THIS INDIVIDUAL THAT CAME IN
10 THAT NIGHT AS MEDIUM BUILD, LIGHT SKINNED, --
11 WITH LIEUTENANT SHUMPERT?

12 A. YES, SIR.

13 Q. IT WAS A LIGHT ON, BUT THE ROOM WAS DIMLY LIT,
14 CORRECT?

15 A. YES, SIR.

16 Q. AND YOU REMEMBER I ASKED YOU ABOUT THAT ON
17 NOVEMBER TWENTY-THIRD OF THIS YEAR, AND I ASKED
18 YOU WHO ON THIS PAGE WAS LIGHT SKINNED, AND WHAT
19 WAS YOUR ANSWER?

20 A. NUMBER THREE.

21 Q. ANY OTHER PEOPLE YOU CONSIDERED LIGHT SKINNED ON
22 THIS PAGE?

23 A. NO, SIR.

24 Q. SO, YOUR TESTIMONY IS, THIS ONE YOU FIGURED IS
25 THE ONLY INDIVIDUAL THAT WAS CONSIDERED TO BE

CROSS - ASHLEY R. PARSLEY BY MR. PALMER

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1 LIGHT SKINNED. AND YOU REMEMBER WE TALKED ABOUT
2 THAT?

3 A. YES, SIR.

4 Q. AND THIS INDIVIDUAL YOU SAID CAME IN AND WANTED
5 TO BUY SOME DROE, AND THEN HE LEFT?

6 A. YES, SIR.

7 Q. AND YOU NEVER SAW THAT SAME GUY, THAT SAME
8 INDIVIDUAL AGAIN THAT NIGHT, DID YOU, OR ANYTIME
9 AFTER THAT, IS THAT CORRECT?

10 A. NO.

11 Q. AND THAT WAS YOUR TESTIMONY AS WELL ON NOVEMBER
12 TWENTY-THIRD?

13 A. YES, SIR.

14 Q. NOW, I ASKED YOU A COUPLE OF OTHER THINGS, AND I
15 AM GOING TO SHOW YOU ACTUALLY WHAT YOUR TESTIMONY
16 WAS.

17 MR. PALMER: YOUR HONOR, MAY I APPROACH THE
18 WITNESS?

19 THE COURT: YES, SIR.

20 Q. DO YOU HAVE ANY TROUBLE SEEING THAT?

21 A. NO, SIR.

22 Q. AND LOOK AT LINE FOUR. MY QUESTION WAS, "HOW
23 CLOSE DID YOU SAY YOU GOT TO HIM IN THE FEW
24 MINUTES HE WAS IN THE ROOM?" YOUR ANSWER WAS,
25 "NOT CLOSE."

1 A. I DON'T REMEMBER.

2 Q. YOU DON'T REMEMBER SAYING THAT?

3 A. NO.

4 Q. DO YOU HAVE ANY REASON TO BELIEVE THAT YOU DIDN'T
5 SAY THAT?

6 A. I DON'T REMEMBER.

7 Q. YOU DON'T REMEMBER?

8 A. I DON'T REMEMBER.

9 Q. AND THEN WHEN I ASKED YOU, "HOW LONG WAS HE
10 THERE?" AND YOU SAID, "NOT VERY LONG." DO YOU
11 REMEMBER SAYING THAT?

12 A. YES, SIR.

13 Q. AND THAT'S STILL YOUR TESTIMONY, THAT THE LIGHT
14 WAS DIM, YOU HAD NEVER SEEN THIS INDIVIDUAL
15 BEFORE, AND HE WASN'T THERE VERY LONG, DOES THAT
16 ABOUT SUM IT UP?

17 A. YES, SIR.

18 Q. AND THE ONLY GUY THAT YOU CONSIDER LIGHT SKINNED
19 ON THIS PAGE IS NUMBER THREE?

20 A. CORRECT.

21 Q. WHEN THERE WAS A SECOND KNOCK AT THE DOOR, THAT
22 WAS A DIFFERENT GUY, WASN'T IT?

23 A. YES, SIR.

24 Q. DARK SKINNED?

25 A. YES, SIR.

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1 MR. PALMER: THANK YOU.

2 THE COURT: THANK YOU, MR. PALMER. MR. MELLARD.

3 MR. MELLARD: MAY IT PLEASE THE COURT.

4 THE COURT: YES, SIR.

5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
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CROSS - ASHLEY R. PARSLEY BY MR. MELLARD

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CROSS-EXAMINATION OF ASHLEY R. PARSLEY

BY MR. MELLARD:

Q. YOU MET THIS DRUG DEALER AT A BAR?

A. YES, SIR.

Q. OKAY. AND YOU MOVED IN WITH THIS DRUG DEALER ON
THE SAME NIGHT THAT YOU MET?

A. YES, SIR.

Q. OKAY. AND YOU LIVED THERE ABOUT A WEEK BEFORE
THIS HAPPENED?

A. YES, SIR.

Q. AND YOU SOLD DRUGS DURING THAT WEEK?

A. YES, SIR.

Q. AND YOU CARRIED HIS PISTOL AROUND DURING THAT
WEEK?

A. YES, SIR.

Q. ALRIGHT, NOW, I BELIEVE MS. ULLMAN ASKED YOU IF
YOU WERE USING DRUGS. YOU'RE TELLING US YOU DON'T
USE DRUGS?

A. NO, I DO NOT USE DRUGS.

Q. YOU'VE NEVER USED DRUGS?

A. I HAVE, BUT NOT THEN.

Q. WELL, DID YOU USE DRUGS DURING THAT WEEK?

A. OH, YEAH, THAT WEEK.

Q. OKAY. AND WHAT DRUGS DID YOU USE EARLIER THAT
WEEK?

CROSS - ASHLEY R. PARSLEY BY MR. MELLARD

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1 A. MARIJUANA.

2 Q. MARIJUANA?

3 A. YES, SIR.

4 Q. ALRIGHT. AND DID YOU SMOKE THE DROE THAT WE'VE -

5 - -

6 A. NO, SIR.

7 Q. OKAY. SO WHERE DID YOU GET THIS MARIJUANA FROM
8 THAT YOU WERE USING?

9 A. CHARLES PRINGLE.

10 Q. OKAY. AND IS THAT WHY YOU MOVED IN WITH HIM
11 BECAUSE HE WAS GIVING YOU MARIJUANA?

12 A. NO, SIR.

13 Q. SO, YOU MET HIM AT A BAR, MOVED IN, BUT IT WASN'T
14 BECAUSE OF MARIJUANA?

15 A. CORRECT.

16 MR. MELLARD: ALRIGHT. THAT'S ALL.

17 THE COURT: THANK YOU, MR. MELLARD.

18 ALRIGHT, MR. KOGER.

19 (NOTE: Blank lines on this page do not indicate any
20 part of record has been omitted. Headers on testimony
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22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

CROSS-EXAMINATION OF ASHLEY R. PARSLEYBY MR. KOGER:

Q. MS. PARSLEY, YOU GAVE A STATEMENT SOON AFTER THE
INCIDENT, CORRECT?

A. YES, SIR.

Q. AND IT WAS A COUPLE OF HOURS AFTER THE INCIDENT?

A. YES, SIR.

Q. OKAY. I WANT YOU TO IDENTIFY THIS FOR ME.

A. YES, SIR.

Q. OKAY. IS THAT OUR STATEMENT?

A. YES, SIR.

THE COURT: DO YOU WANT TO MAKE ...

Q. OKAY. AND WHAT DATE WAS THAT SIGNED?

A. MARCH THIRTEEN.

Q. AND AT WHAT TIME?

A. TWO:TWENTY-FIVE A.M.

MR. KOGER: YOUR HONOR, I'D LIKE TO SUBMIT THIS
AS DEFENDANT'S EXHIBIT NUMBER ONE.

THE COURT: ANY OBJECTION?

MR. SORENSON: NO OBJECTION.

THE COURT: OKAY. IF YOU'D MARK THAT AS
DEFENDANT'S -- YOU REPRESENT MR. ...

MR. KOGER: MR. SHIVERS, YOUR HONOR.

THE COURT: OKAY. DEFENDANT SHIVERS' -- I GUESS
WE NEED TO DESIGNATE IT THAT WAY.

CROSS - ASHLEY R. PARSLEY BY MR. KOGER

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1 COURT REPORTER: YES, SIR.

2 THE COURT: DEFENDANT SHIVERS, NUMBER ONE.

3 (Defendant Shivers Exhibit One
4 marked and filed.)

5 Q. OKAY. MS. PARSLEY, CAN YOU READ THIS STATEMENT
6 FOR THE COURT -- THAT IS YOUR HANDWRITING,
7 CORRECT?

8 A. CORRECT.

9 Q. READ IT FOR ME.

10 A. "I, ASHLEY PARSLEY, AM NOT UNDER ARREST NOR AM I
11 BEING DETAINED FOR CRIMINAL OFFENSES, BECAUSE
12 SOME OF THE EVENTS THAT I'M ABOUT TO MAKE KNOWN,
13 WITHOUT BEING ACCUSED OR QUESTIONED ABOUT MY
14 CRIMINAL OFFENSES REGARDING THE FACTS THAT I AM
15 ABOUT TO STATE. I VOLUNTEER THE FOLLOWING
16 INFORMATION ON MY OWN FREE WILL FOR WHATEVER
17 PURPOSE IT MAY SERVE. I AM TWENTY-THREE YEARS
18 OLD AND - - -

19 Q. MS. PARSLEY, PLEASE SLOW DOWN A LITTLE BIT SO
20 THE COURT REPORTER CAN GET IT.

21 A. OKAY. "I AM TWENTY-THREE YEARS OF AGE, AND I
22 LIVE AT MARION, SOUTH CAROLINA, TWO NINE FIVE
23 SEVEN ONE. I WENT TO THE DOOR HOLDING A PISTOL
24 AND I OPENED IT FOR A DARK SKINNED DUDE WEARING
25 BLUE. I SAT THE PISTOL DOWN AND HE ASKED FOR A

1 NICK, SO WHILE I WAS OPENING THE DRAWER TO GET IT
2 THE DUDE PULLED OUT HIS GUN IN MY FACE AND TOLD
3 ME TO GET ON THE FLOOR. SO, I DID AS INSTRUCTED.
4 THEY STARTED RIPPING UP CHAIRS AND TALKING LOUD.
5 I WAS FACE DOWN ON THE FLOOR AND ALL OF A SUDDEN
6 I HEARD GUN SHOTS. THEN THEY LEFT WITH THE DOOR
7 OPEN, AND I CALLED NINE ONE ONE AND WAITED FOR
8 THE COPS TO GET THERE. I AM INNOCENT AND I DON'T
9 HAVE ANYTHING TO DO WITH THIS MURDER. PLEASE LET
10 ME GO HOME. CHARLES PRINGLE, A/K/A OLD SCHOOL,
11 WAS A GREAT MAN TO ME. I MET HIM AT LAY LOW'S IN
12 SUMMERVILLE LAST SUNDAY. HE TOOK ME IN HIS HOUSE
13 BECAUSE THE HOUSE I WAS LIVING AT HARLEYVILLE,
14 THE LIGHTS WENT OUT. I JUST DON'T UNDERSTAND WHY
15 SOMEONE WANTS TO KILL HIM. HE MADE SURE I ATE
16 EVERY DAY AND GAS WAS IN MY CAR, AND EVERYTHING
17 THAT WOULD MAKE ME FEEL AT HOME. THE DUDES THAT
18 SHOT HIM, ONE OF THEM LOOKED FAMILIAR BUT I DON'T
19 THINK IT'S HIM. I CAN'T BELIEVE I SAW SOMEONE
20 DIE. IT'S A VERY SCARY FEELING. I THOUGHT I WAS
21 GOING TO DIE TONIGHT BECAUSE IT WAS A GUN AT THE
22 BACK OF MY HEAD. I DON'T UNDERSTAND WHY THE
23 DIDN'T BOTHER ME. I PROMISE NOT TO BE INVOLVED
24 WITH ANYMORE PEOPLE THAT IS BAD. OLD SCHOOL WAS
25 MY FRIEND."

CROSS - ASHLEY R. PARSLEY BY MR. KOGER

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1 Q. OKAY. NOW, YOU WOULD AGREE, SINCE YOU JUST READ
2 THIS PARTICULAR STATEMENT, THAT THE DESCRIPTION
3 OF THE SECOND PERSON THAT CAME TO THE DOOR WAS
4 DARK SKINNED AND WEARING BLUE. CORRECT?

5 A. YES, SIR.

6 Q. OKAY. AND YOU MADE AN IDENTIFICATION IN A
7 LINEUP A COUPLE OF DAYS LATER, CORRECT?

8 A. YES, SIR.

9 Q. WOULD YOU SAY YOU MADE THAT IDENTIFICATION ON
10 MARCH NINETEENTH?

11 A. YES, SIR.

12 Q. OKAY. AND THAT WAS APPROXIMATELY SIX OR SEVEN
13 DAYS LATER?

14 A. YES, SIR.

15 Q. OKAY.

16 THE COURT: MR. KOGER, I DON'T MEAN TO INTERRUPT.
17 WHAT EXHIBIT IS THAT?

18 MR. KOGER: STATE'S EXHIBIT NUMBER FOUR.

19 THE COURT: OKAY, STATE'S NUMBER FOUR.

20 MR. KOGER: YES.

21 THE COURT: JUST SO I'LL HAVE IT STRAIGHT. THANK
22 YOU, SIR.

23 Q. OKAY. AND YOU WOULD AGREE IN DEFENDANT'S EXHIBIT
24 NUMBER ONE THAT YOU DID NOT MENTION THAT THE
25 PISTOL WAS A NINE MILLIMETER, CORRECT?

1 A. YES, SIR.

2 Q. OKAY. AND YOU WOULD AGREE THAT THESE FACTS RIGHT
3 HERE WAS CLOSER, THIS STATEMENT WAS CLOSER TO THE
4 EVENT HAPPENING, CORRECT?

5 A. YES, SIR.

6 Q. OKAY. NOW, DO YOU RECALL YOUR TESTIMONY BACK
7 FROM THE MOTIONS HEARING ON NOVEMBER TWENTY-
8 THIRD, AS FAR AS I ASKED YOU SEVERAL QUESTIONS
9 ABOUT SKIN COLOR, CORRECT?

10 A. YES, SIR.

11 Q. OKAY. AND DO YOU RECALL THAT I ASKED HOW YOU
12 WOULD CONSIDER YOUR SKIN COLOR?

13 A. YES, SIR.

14 Q. AND HOW WOULD YOU CONSIDER YOUR SKIN COLOR?

15 A. DARK SKIN.

16 Q. DO YOU RECALL, I ASKED YOU CONSIDERING
17 INVESTIGATOR SHUMPERT'S SKIN COLOR?

18 A. YES, SIR.

19 Q. AND HOW WOULD YOU CONSIDER HIS SKIN COLOR?

20 A. DARK SKIN.

21 Q. DO YOU RECALL ME ASKING YOU TO CONSIDER ATTORNEY
22 WISE'S SKIN COLOR?

23 A. YES, SIR.

24 Q. AND HOW WOULD YOU CONSIDER HIS SKIN COLOR?

25 A. FAIR SKIN.

CROSS - ASHLEY R. PARSLEY BY MR. KOGER

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1 Q. OKAY. AND DO YOU RECALL ME ASKING YOU ABOUT MY
2 DEFENDANT, MR. SHIVER'S, SKIN COLOR?

3 A. YES, SIR.

4 Q. AND HOW DID YOU CONSIDER HIS SKIN COLOR?

5 A. LIGHT SKIN.

6 Q. OKAY. NOW, YOU ALSO STATED THAT THERE WAS A DOG
7 IN THE HOUSE?

8 A. YES, SIR.

9 Q. DO YOU KNOW WHAT TYPE OF DOG IT WAS?

10 A. NOT RIGHT OFF.

11 Q. WAS IT A BIG DOG?

12 A. YES, SIR.

13 Q. WAS IT FOR PROTECTION?

14 A. YES, SIR.

15 Q. AND I THINK YOU STATED ON THE CROSS-EXAMINATION
16 FOR ATTORNEY PALMER THAT YOU DID NOT KNOW WHAT
17 TYPE OF GUN OR REVOLVER THAT YOU HAD WAS?

18 A. CORRECT.

19 Q. OKAY. DO YOU HAVE ANY TYPE OF KNOWLEDGE OF GUNS?

20 A. YES, SIR.

21 Q. OKAY. BUT YOU DIDN'T KNOW WHAT TYPE OF GUN THAT
22 WAS?

23 A. CORRECT.

24 Q. AND IT IS YOUR TESTIMONY HERE, IN STATE EXHIBIT
25 NUMBER FOUR, THAT NUMBER THREE IS A DARK SKIN

1 PERSON?

2 A. YES, SIR.

3 MR. KOGER: THANK YOU, I HAVE NO FURTHER
4 QUESTIONS.

5 THE COURT: THANK YOU, SIR.

6 ANYTHING ON REDIRECT?

7 MR. SORENSON: NO, SIR.

8 THE COURT: ALRIGHT. THANK YOU, MA'AM, YOU MAY
9 STEP DOWN. OKAY?

10 DO Y'ALL WANT TO TAKE A BREAK NOW, DO Y'ALL HAVE
11 A SHORT WITNESS? WHAT DO Y'ALL WANT TO DO?

12 SOLICITOR SORENSON: THAT'S FINE, YOUR HONOR.

13 THE COURT: YOU WANT TO TAKE A BREAK?

14 SOLICITOR SORENSON: THE NEXT WITNESS IS KIND OF
15 LENGTHY.

16 THE COURT: OKAY. ALRIGHT, LADIES AND GENTLEMEN,
17 WE ARE -- IT'S ABOUT NOON. I NOTICED THE FIRST DAY --
18 WHAT I'M GOING TO ASK YOU TO DO IS, WE ARE GOING TO
19 TAKE A BREAK BUT I'M GOING TO ASK Y'ALL TO BE BACK,
20 REPORT BACK TO THE JURY ROOM AT ONE:THIRTY. AGAIN, I
21 KNOW YOU'RE GOING TO GET TIRED OF HEARING THIS, NUMBER
22 ONE, DON'T TALK AMONG YOURSELVES ABOUT WHAT YOU'VE
23 HEARD, DON'T TALK TO ANYBODY ELSE. DON'T TRY AN READ
24 ANYTHING ABOUT THIS. OKAY? OR WATCH ANYTHING ON T.V.
25 OR LISTEN TO ANYTHING ON THE RADIO. SO, I'M GOING TO

CROSS - ASHLEY R. PARSLEY BY MR. KOGER

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1 EXCUSE Y'ALL AND ASK Y'ALL TO BE BACK IN THE JURY ROOM
2 AT ONE:THIRTY AND WE WILL PROCEED WITH THE TRIAL AT
3 THAT POINT. OKAY? THANK Y'ALL.

4 (Whereupon, the jury leaves
5 the courtroom and the following
6 takes place out of the presence
7 of the jury.)

8 BAILIFF: YOUR HONOR, ALL OF THE JURORS ARE OUT
9 OF THE COURTROOM.

10 THE COURT: THANK YOU, MA'AM. ANYTHING FROM THE
11 STATE BEFORE WE GO INTO RECESS?

12 SOLICITOR SORENSON: YES, SIR, YOUR HONOR.
13 COULD I PUT SOMETHING ON THE RECORD VERY BRIEFLY?

14 THE COURT: SURE.

15 SOLICITOR SORENSON: WITH REGARDS TO -- WE HAVE A
16 NUMBER OF SPECTATORS IN THE COURTROOM ON BOTH SIDES,
17 STATE AND DEFENSE. I JUST WANT TO INQUIRE, IS THERE
18 ANYTHING WITH REGARDS TO THE SAFETY OR WELL BEING OF
19 THE JURORS, ARE THEY BEING ESCORTED TO THEIR CARS IN
20 THE EVENING, OR ARE THEY BEING ASKED TO COME IN?

21 THE COURT: WELL, WE -- I ...

22 SOLICITOR SORENSON: THIS REALLY CAME UP TO ME
23 TODAY, I FOUND OUT AN INCIDENT THIS MORNING, THERE WAS
24 SOMETHING FOUND UNDERNEATH ONE OF THE BENCHES. IT WAS
25 AN INCIDENT DURING THE TRIAL TESTIMONY FROM ONE OF THE

1 SPECTATORS, AND I WOULD ASK IF THERE WAS ANY WAY WE
2 COULD HAVE THE JURORS ESCORTED TO THEIR VEHICLES AND
3 HAVE A DIFFERENT DOOR THAT THEY COME IN AND OUT OF IN
4 THE MORNING AND IN THE EVENING?

5 THE COURT: WE CAN ARRANGE THAT, CAPTAIN FELDER?

6 CAPTAIN FELDER: YES, SIR.

7 THE COURT: OKAY. WE WILL ARRANGE THAT. WE'LL
8 MAKE PROVISION FOR THAT.

9 SOLICITOR SORENSON: THANK YOU. AND THAT WILL --
10 LESS CHANCE OF CONTACT WITH EITHER SIDE, TOO.

11 THE COURT: RIGHT. OKAY. WE'LL JUST MAKE
12 ARRANGEMENTS. AND NO OBJECTION TO THAT FROM THE
13 DEFENDANTS, IS THERE?

14 MR. LACKEY: NO OBJECTION.

15 MS. ULLMAN: NO, SIR.

16 MR. PALMER: NO, SIR.

17 MR. MELLARD: ABSOLUTELY NOT.

18 MR. KOGER: NO OBJECTION.

19 THE COURT: ANYTHING FROM THE DEFENDANTS BEFORE
20 WE BREAK?

21 MR. LACKEY: NOTHING, YOUR HONOR.

22 THE COURT: ALRIGHT. WE'LL BE BACK AT ONE:THIRTY
23 THEN. WE'RE IN RECESS UNTIL ONE:THIRTY. THANK Y'ALL.

24 (Recess)

25 THE COURT: THE JURY'S ALL BACK IN?

1 BAILIFF: THEY JUST GO BACK IN.

2 THE COURT: JUST GOT BACK? OKAY.

3 MR. MELLARD: AND YOUR HONOR, BEFORE WE CALL THE
4 JURY BACK IN I HAVE A MOTION.

5 THE COURT: OKAY.

6 COURT REPORTER: JUST ONE MOMENT, PLEASE.

7 THE COURT: WE'LL GET EVERYBODY KIND OF - - -

8 MR. MELLARD: YES, SIR, I APOLOGIZE.

9 THE COURT: NO, NO, NO, I APPRECIATE IT, I'M NOT
10 COMPLAINING.

11 COURT REPORTER: I'M READY.

12 THE COURT: YOU'RE READY?

13 COURT REPORTER: EVERYBODY'S WAITING ON ME.

14 THE COURT: IS THE STATE READY TO PROCEED?

15 SOLICITOR SORENSON: YES, SIR.

16 THE COURT: AND LET'S SEE, MR. MELLARD, BEFORE WE
17 GOT STARTED YOU MENTIONED TO ME THAT YOU HAD A MOTION?

18 MR. MELLARD: YES, SIR.

19 THE COURT: YES, SIR, LET ME HEAR FROM YOU,
20 PLEASE SIR.

21 MR. MELLARD: LAST WEEK WHEN WE WERE TALKING
22 ABOUT THE TRIAL PROCEDURE, THE DEFENSE EXPRESSED SOME
23 CONCERNS ABOUT HAVING LAW ENFORCEMENT, A SIGNIFICANT
24 NUMBER OF LAW ENFORCEMENT IN THIS COURTROOM.

25 THE COURT: UH-HUH.

1 MR. MELLARD: AND I BELIEVE YOUR HONOR RULED THAT
2 YOU WOULD ALLOW OFFICERS TO SIT BEHIND THE DEFENDANTS,

3 - - -

4 THE COURT: RIGHT.

5 MR. MELLARD: --- BUT YOU PUT THEM IN PLAIN
6 CLOTHES. AND THE REASON YOU PUT THEM IN PLAIN CLOTHES
7 IS SO THEY WOULD BE NOT VERY CONSPICUOUS, AND THE
8 JURY, IF THE JURY WANTED TO THINK THEY WERE POLICE
9 OFFICERS THEY COULD, BUT IF THEY DIDN'T WANT TO -- THE
10 JURY WOULDN'T KNOW WHETHER THEY WERE POLICE OFFICERS.

11 THE COURT: CORRECT.

12 MR. MELLARD: YES, SIR. YOUR HONOR, TODAY WHEN
13 THE JURY WAS BEING ESCORTED OUT SOME OF THESE PEOPLE
14 WERE ESCORTING THE JURY OUT, - - -

15 THE COURT: OKAY.

16 MR. MELLARD: --- AND YOUR HONOR, YOU HAD TOLD
17 THE JURY I BELIEVE THAT, YOU KNOW, I BELIEVE THE
18 SOLICITOR HAD MADE A MOTION THAT THEY BE ESCORTED OUT
19 BY LAW ENFORCEMENT, AND SO THESE ARE THE LAW
20 ENFORCEMENT PEOPLE THAT ASSISTED IN ESCORTING THEM
21 OUT. THAT GOES AGAINST THE WHOLE POINT OF US PUTTING
22 THEM IN PLAIN CLOTHES. THE JURY NOW KNOWS THAT THESE
23 PEOPLE ARE POLICE OFFICERS. THE JURY NOW KNOWS THAT
24 THESE PEOPLE ARE SITTING BEHIND THE DEFENDANTS. I
25 BELIEVE IT SUBSTANTIALLY PREJUDICES THIS CASE, AND I

1 MOVE FOR A MISTRIAL, YOUR HONOR.

2 THE COURT: OKAY. I UNDERSTAND YOUR MOTION, AND
3 I UNDERSTAND WHAT YOU'RE GETTING AT, BUT -- AND I --
4 IT DIDN'T CROSS MY MIND THAT THE GENTLEMEN SITTING
5 BEHIND YOU WOULD BE HELPING OUT EVEN THOUGH I'M SURE
6 THAT IT WAS, YOU KNOW, MEANT TO BE HELPFUL. I THINK
7 THE WAY WE'VE GOT EVERYTHING SET UP, I'M GOING TO NOTE
8 YOUR REQUEST FOR A MISTRIAL BUT I AM GOING TO DENY IT.
9 I'LL NOTE YOUR OBJECTION TO MY RULING.

10 MR. MELLARD: YES, SIR, PLEASE DO.

11 THE COURT: OKAY, YES, SIR, AND YOUR OBJECTION IS
12 PRESERVED FOR THE RECORD.

13 YES, SIR?

14 SOLICITOR PASCOE: COULD I PUT SOMETHING ON THE
15 RECORD, YOUR HONOR?

16 THE COURT: YES, SIR.

17 SOLICITOR PASCOE: I WAS ASKING SOME OF THE
18 AGENTS WHETHER THEY HAD ESCORTED THE JURORS AND THEY
19 ALL TELL ME THAT THEY DID NOT. DID YOU, GREGG,
20 ANTHONY? THE ONLY PERSONS THAT THEY ESCORTED OUT WERE
21 THE VICTIM'S FAMILY. THEY DIDN'T EVEN ESCORT OUT ANY
22 OF THE JURORS IN THIS CASE.

23 THE COURT: OKAY. WELL, MR. MELLARD, YOU SAW
24 SOME OF THE JURORS - - -

25 MR. MELLARD: WELL, I SAW THEM ESCORTING A GROUP

1 OF PEOPLE OUT. IF THEY'RE TELLING THIS COURT THAT
2 THAT IS THE VICTIM'S FAMILY, THEN I WILL ACCEPT THAT,
3 BUT I SAW THEM ESCORTING A GROUP OF PEOPLE OUT AND I
4 JUST WANTED TO BRING THAT TO THE COURT'S ATTENTION.

5 THE COURT: OKAY. AND YOU THOUGHT THEY WERE
6 JURORS? OKAY. ALRIGHT, SIR.

7 MR. MELLARD: SO, IF THEY'VE DONE NO WRONG THEN
8 ...

9 THE COURT: OKAY. IF WE COULD JUST TRY AND MAKE
10 SURE -- I KNOW WE WANT TO KEEP THE JURY COMING IN AT
11 A, YOU KNOW, THROUGH A SEPARATE DOOR. WE'VE MADE
12 ARRANGEMENTS FOR THAT. AND YOU LADIES AND GENTLEMEN,
13 IF Y'ALL WILL, JUST, YOU KNOW, BE CAREFUL. I
14 APPRECIATE IT. OKAY? I APPRECIATE Y'ALL TRYING TO
15 HELP OUT THE VICTIM'S FAMILY AS WELL, BUT YOU KNOW,
16 WE'LL JUST KIND OF PROCEED AS WE ARE DOING. AND WE'VE
17 GOT THAT STRAIGHT THEN?

18 MR. MELLARD: YES, SIR.

19 THE COURT: OKAY. ANYTHING ELSE FROM ANY
20 DEFENDANTS?

21 MS. ULLMAN: NO, SIR.

22 THE COURT: NOTHING ELSE? OKAY. ALRIGHT.
23 ALRIGHT, IF YOU WILL CALL THE JURY BACK IN WE'LL GET
24 READY TO GET STARTED AGAIN.

25 (Whereupon, the jury enters

1 the courtroom and the following
2 takes place in the presence
3 of the jury.)

4 THE COURT: WOULD Y'ALL CALL YOUR NEXT WITNESS?

5 SOLICITOR SORENSON: THANK YOU, MAY IT PLEASE THE
6 COURT?

7 THE COURT: YES, SIR.

8 SOLICITOR SORENSON: THE STATE CALLS NATHANIEL
9 HUBBARD.

10 CLERK: PLACE YOUR LEFT HAND ON THE BIBLE, SIR,
11 AND RAISE YOUR RIGHT HAND.
12 (Whereupon, Nathaniel Hubbard
13 is duly sworn.)

14 CLERK: HAVE A SEAT AND STATE YOUR FULL NAME FOR
15 THE COURT.

16 WITNESS: NATHANIEL HUBBARD.

17 (NOTE: Blank lines on this page do not indicate any
18 part of record has been omitted. Headers on testimony
19 pages and hard page breaks between testimony are now
20 required by the Court. See next ensuing page for
21 sequential continuation of record.)

DIRECT - NATHANIEL HUBBARD BY SOL. SORENSON

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DIRECT EXAMINATION OF NATHANIEL HUBBARD

BY SOLICITOR SORENSON:

Q. GOOD AFTERNOON, MR. HUBBARD?

A. GOOD MORNING, OR GOOD AFTER, EXCUSE ME.

Q. WOULD YOU PLEASE TELL THE JURY WHERE IT IS THAT
YOU'RE EMPLOYED?

A. WITH ALLTEL WIRELESS.

Q. OKAY. AND HOW LONG HAVE YOU WORKED WITH ALLTEL
WIRELESS?

A. ROUGHLY ABOUT FIVE YEARS, JANUARY.

Q. OKAY. AND WHAT ARE YOUR CURRENT DUTIES AND
RESPONSIBILITIES THERE?

A. WELL, I'M A SALES MANAGER. I EMPLOY ROUGHLY
BETWEEN FIFTEEN AND SEVENTEEN SALES REPS. DAY TO
DAY OPERATIONS ARE, BASICALLY YOUR CELL PHONE
COMPANY, MAINTAINING RECORDS, SALES, JUST A
NUMBER OF THINGS, OPERATION OF A RETAIL STORE.

Q. OKAY. AND WHAT STORE IS IT THAT YOU WORK AT?

A. ORANGEBURG LOCATION.

Q. OKAY. THAT'S OVER NEAR THE MALL?

A. YES, SIR.

Q. THE PRINCE OF ORANGE MALL. AND AS PART OF YOUR
DUTIES HAVE ALSO BEEN DESIGNATED BY ALLTEL, BY
YOUR COMPANY YOU WORK FOR AS A RECORDS CUSTODIAN?

A. YES.

DIRECT - NATHANIEL HUBBARD BY SOL. SORENSON

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1 Q. OKAY. AND YOU'VE BEEN SENT HERE TO COME TESTIFY
2 WITH REGARDS TO SOME RECORDS HERE TODAY?

3 A. YES, SIR.

4 Q. OKAY. AND IF I COULD SHOW YOU WHAT HAS BEEN
5 MARKED AS STATE'S EXHIBITS THIRTY-FIVE, THIRTY-
6 SIX AND THIRTY-SEVEN. I ASK YOU IF YOU'VE HAD AN
7 OPPORTUNITY TO REVIEW THOSE RECORDS PRIOR TO
8 TODAY?

9 A. YES.

10 Q. OKAY. AND THOSE THREE SETS OF RECORDS THERE ARE
11 STATE'S THIRTY-FIVE, THIRTY-SIX AND THIRTY-SEVEN,
12 ARE THEY ALL KEPT IN THE REGULAR COURSE OF
13 BUSINESS WITH ALLTEL?

14 A. YES, SIR.

15 SOLICITOR SORENSON: YOUR HONOR, AT THIS TIME
16 WE'D OFFER STATE'S THIRTY-FIVE, THIRTY-SIX AND THIRTY-
17 SEVEN INTO EVIDENCE.

18 THE COURT: ANY OBJECTION, ANYTHING FROM DEFENSE?

19 MR. LACKEY: NO OBJECTION.

20 MR. WISE: NO OBJECTION, YOUR HONOR.

21 MR. PALMER: I HAVEN'T REALLY SEEN THEM.

22 THE COURT: OH, I'M SORRY, I THOUGHT Y'ALL HAD
23 SEEN THOSE. I APOLOGIZE.

24 MR. PALMER: I JUST WANT TO SEE WHICH ONES
25 THEY'RE ENTERING.

1 THE COURT: OH, OKAY.

2 MR. PALMER: NO OBJECTION

3 MR. MELLARD: NO OBJECTION.

4 MR. KOGER: NO OBJECTION.

5 THE COURT: OKAY, THANK YOU, SIR.

6 COURT REPORTER: DID YOU TAKE THE ID OFF?

7 SOLICITOR SORENSON: I HAVE NOT, I'LL DO IT RIGHT
8 NOW.

9 THE COURT: THERE BEING NO OBJECTION, STATE'S
10 EXHIBITS NUMBERS THIRTY-FIVE, THIRTY-SIX AND THIRTY-
11 SEVEN ARE ADMITTED INTO EVIDENCE.

12 (State's Exhibits Thirty-five, Thirty-six
13 and Thirty-seven marked and filed.)

14 Q. OKAY. LET ME START -- LET ME START AND KIND OF
15 GO BACKWARDS HERE ACTUALLY. STATE'S EXHIBIT
16 NUMBER THIRTY-SEVEN, WHAT IS THAT DOCUMENT?

17 A. THIS IS BASICALLY AN ACCOUNT THAT WE WOULD PULL
18 UP ON A DAY TO DAY BASIS TO VERIFY INFORMATION ON
19 THE ACCOUNT, TELEPHONE NUMBER [REDACTED]-2014,
20 DANIELLE MONROE. AND BASICALLY IT GIVES THE
21 STREET ADDRESS AND BASIC INFORMATION OF THE
22 ACCOUNT.

23 Q. OKAY. SO BASICALLY, THAT PHONE NUMBER, [REDACTED]-
24 2014 BELONGS TO A YOUNG LADY BY THE NAME OF
25 DANIELLE MONROE?

DIRECT - NATHANIEL HUBBARD BY SOL. SORENSON

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1 A. YES, SIR.

2 Q. OKAY. ALRIGHT, NOW STATE'S EXHIBIT THIRTY-FIVE,
3 TELL THE JURY WHAT THAT DOCUMENT IS?

4 A. BASICALLY, THIS IS A PREPAID ACCOUNT, SCREEN
5 SHOT, IT BELONGS TO TERIQUE WILSON, [REDACTED]-6062,
6 AND - - -

7 Q. AND IS THAT AN ADDRESS FOR MR. WILSON?

8 A. IT IS, [REDACTED] [REDACTED] OLD SIX HIGHWAY,
9 SANTEE, TWO NINE ONE ONE FIVE.

10 Q. OKAY. AND ALSO ATTACHED TO THAT I GUESS ARE THE
11 RECORDS, I BELIEVE IT'S -- I THINK THEY'RE FROM
12 MARCH TWELFTH TO MARCH FOURTEENTH OF TWO THOUSAND
13 TEN, - - -

14 A. YES, SIR.

15 Q. --- IS THAT CORRECT?

16 A. YES, SIR.

17 Q. ALRIGHT. AND IF YOU'LL HOLD ON TO THAT FOR ONE
18 SECOND. AND STATE'S EXHIBIT NUMBER THIRTY-SIX,
19 WHAT ABOUT THOSE RECORDS THERE, WHAT DO THEY GO
20 TO?

21 A. THIS IS ALSO A SCREEN SHOT OF A PREPAID ACCOUNT
22 BELONGING TO A PETEY CRECK, ADDRESS [REDACTED]
23 [REDACTED] ASHLEY AVENUE, ORANGEBURG, TWO NINE
24 ONE ONE FIVE, CELL PHONE NUMBER [REDACTED]-9288.

25 Q. NOW, IF I COULD BRIEFLY, JUST SO WE'LL BE ABLE TO

1 LATER ON KIND OF UNDERSTAND WHAT THESE RECORDS
2 ARE SHOWING, AND THESE RECORDS ALSO HAVE
3 BASICALLY THAT SAME TIME PERIOD, MARCH TWELFTH
4 THROUGH MARCH FOURTEENTH ATTACHED TO THEM, IS
5 THAT CORRECT?

6 A. YES, SIR, THEY DO.

7 Q. ALRIGHT. AND -- OKAY, I GIVE YOU STATE'S EXHIBIT
8 NUMBER THIRTY-SIX, AND I'M GOING TO HOLD ON TO
9 STATE'S EXHIBIT NUMBER THIRTY-FIVE. THESE
10 COLUMNS THAT ARE ON THE RECORDS, ARE THEY THE
11 SAME COLUMNS ON EACH SET OF RECORDS?

12 A. YES, SIR, THEY ARE.

13 Q. OKAY. IF YOU WOULD, IF I KIND OF GO THROUGH,
14 STARTING ON THE LEFT HAND SIDE, COULD YOU
15 DESCRIBE FOR THE JURY WHILE I HOLD THIS ONE UP
16 HERE KIND OF WHAT EACH COLUMN IS ON THESE
17 RECORDS?

18 A. OKAY. ON THE FAR LEFT THE ORIGINATOR, THAT IS
19 BASICALLY THE NUMBER THAT CALLED, THE MOBILE CELL
20 PHONE NUMBER, WHICH IS THE THIRD COLUMN OVER, AND
21 AS YOU CAN SEE, ALL THE WAY DOWN IT'S THE SAME
22 NUMBER BECAUSE THAT'S THE CELL PHONE THAT'S
23 INITIATING THE CALL. THE SECOND COLUMN WHICH
24 SAYS, DIAL DIGIT, THAT WOULD BE THE PHONE NUMBER
25 THAT WAS CALLED BY THE THIRD COLUMN, WHICH IS THE

DIRECT - NATHANIEL HUBBARD BY SOL. SORENSON

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1 CELL PHONE ITSELF.

2 Q. OKAY. NOW, THIS ONE UP HERE ON THE TOP OF THIS,
3 AND OBVIOUSLY THIS IS THE SAME AS I'M USING,
4 STATE'S EXHIBIT NUMBER THIRTY-FIVE, THIS TOP ROW
5 HERE HAS A SET OF DIAL DIGITS?

6 A. YES, SIR.

7 Q. SO, THAT WOULD BE THE NUMBER THAT THIS CELL PHONE
8 CALLED, IS THAT CORRECT?

9 A. YES, SIR.

10 Q. AND IF YOU GO DOWN TO THE THIRD COLUMN IT'S GOT
11 AN ORIGINATOR NUMBER?

12 A. RIGHT.

13 Q. SO, THAT WOULD BE THE NUMBER THAT CALLED THIS
14 CELL PHONE, IS THAT CORRECT?

15 A. YES, SIR, YES, SIR.

16 Q. AND IS THAT ACTUALLY KIND OF ALSO SHOWN OVER IN
17 THE FAR RIGHT HAND CORNER WHERE IT INDICATES
18 WHETHER IT'S AN OUTGOING OR AN INCOMING PHONE
19 CALL?

20 A. YES, SIR.

21 Q. OKAY. AND THEN, START AND END, THOSE ARE WHEN
22 THE CALL STARTED AND ENDED?

23 A. THAT IS, YES, SIR. DATE, TIME, AND DURATION OF
24 THE CALL.

25 Q. AND THE DURATION, I SEE, IS TYPICALLY A ONE OR A

1 TWO DIGIT NUMBER?

2 A. YES, SIR.

3 Q. IS THAT IN SECONDS OR ...

4 A. DAY IS, FOR EXAMPLE, WHERE IT SAYS, DURATION, IF
5 YOU LOOK AT IT, AND IT SAYS, TWO OR ONE, ONE
6 WOULD BE A ONE MINUTE CALL, TWO WOULD BE TWO
7 MINUTES. FOR EXAMPLE, IF IT WAS TWENTY MINUTES
8 IT WOULD SAY TWENTY MINUTES.

9 Q. OKAY. LET ME ASK YOU, IF I PLACED A PHONE CALL
10 TO YOU AND, AND THAT PHONE CALL ONLY LASTED TEN
11 SECONDS, WHAT'S GOING TO SHOW UP IN THAT COLUMN?

12 A. IT WOULD BE A ONE, IT WOULD COUNT AS A ONE MINUTE
13 CALL.

14 Q. OKAY. SO ANYTHING UP TO ONE MINUTE WOULD BE A
15 MINUTE?

16 A. YES, SIR.

17 Q. AND THEN ONCE IT CLICKS OVER A MINUTE, IT WOULD
18 GO TO - - -

19 A. TWO MINUTES.

20 Q. --- TWO MINUTES?

21 A. YES, SIR. EXCUSE ME.

22 SOLICITOR SORENSON: THANK YOU, MR. HUBBARD,
23 PLEASE ANSWER ANY QUESTION DEFENSE MIGHT HAVE.

24 THE COURT: ALRIGHT, MR. LACKEY; YOUR WITNESS.

25 MR. LACKEY: YOUR HONOR, I HAVE NO QUESTIONS OF

1 THIS WITNESS.

2 THE COURT: ALRIGHT, SIR.

3 MS. ULLMAN:

4 MS. ULLMAN: NO QUESTIONS.

5 THE COURT: OKAY. MR. PALMER?

6 MR. PALMER: NO QUESTIONS.

7 THE COURT: MR. MELLARD?

8 MR. MELLARD: NO QUESTIONS.

9 THE COURT: MR. KOGER?

10 MR. KOGER: I DON'T HAVE ANY QUESTIONS.

11 THE COURT: THANK YOU, SIR, I APPRECIATE YOU
12 COMING IN. YOU MAY STEP DOWN.

13 SOLICITOR SORENSON: MAY HE BE EXCUSED, YOUR
14 HONOR?

15 THE COURT: YES, HE MAY BE EXCUSED.

16 ALRIGHT, NEXT WITNESS.

17 SOLICITOR PASCOE: THE STATE CALLS PATRICK TYLER,
18 YOUR HONOR.

19 (Whereupon, Witness enters
20 the courtroom.)

21 CLERK: SIR, AS BEST YOU CAN, PLACE YOUR LEFT
22 HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

23 THE COURT: AS MUCH AS YOU CAN, THAT'S FINE.
24 (Whereupon, Patrick Tyler
25 is duly sworn.)

1 CLERK: YOU CAN HAVE A SEAT AND STATE YOUR FULL
2 NAME FOR THE COURT.

3 THE COURT: GET COMFORTABLE, MR. TYLER.

4 WITNESS: PATRICK TYLER.

5 THE COURT: OKAY.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

DIRECT - PATRICK TYLER BY SOL. PASCOE

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DIRECT EXAMINATION OF PATRICK TYLER

BY SOLICITOR PASCOE:

Q. GOOD AFTERNOON, PATRICK.

A. GOOD AFTERNOON.

Q. AND YOUR NAME IS PATRICK TYLER?

A. YES, SIR.

Q. I NEED YOU TO DO ME A BIG FAVOR AND SPEAK UP AS
LOUDLY AS YOU CAN. YOU'VE GOT KIND OF A SOFT
VOICE SOMETIMES. ALRIGHT?

A. YES, SIR.

Q. I DON'T KNOW IF THAT'S GOING TO DO ANY GOOD, BUT
YOU NEED TO SPEAK UP. ALRIGHT?

A. YES, SIR.

Q. HOW OLD ARE YOU, MR. TYLER?

A. SEVENTEEN.

Q. WHEN IS YOUR BIRTHDAY?

A. [REDACTED].

Q. SOS, BACK IN MARCH, ON MARCH THE TWELFTH, HOW OLD
WERE YOU, PATRICK?

A. SIXTEEN.

Q. WHERE ARE YOU CURRENTLY HAVING TO LIVE RIGHT NOW,
PATRICK?

A. BAMBERG DETENTION CENTER.

Q. AND IS THAT BECAUSE YOU'RE CHARGED WITH THE
MURDER, BURGLARY AND ARMED ROBBERY OF CHARLES

1 PRINGLE?

2 A. YES, SIR.

3 Q. AND EVEN THOUGH YOU WERE ONLY SIXTEEN YEARS OLD
4 AT THE TIME ARE YOU BEING TREATED AS AN ADULT?

5 A. YES, SIR.

6 Q. WHERE WERE YOU LIVING BACK IN MARCH OF THIS YEAR
7 BEFORE YOU GOT ARRESTED?

8 A. SANTEE, AND ASHLAND DRIVE.

9 Q. OKAY. SO, TWO DIFFERENT ADDRESSES?

10 A. YES, SIR.

11 Q. AND WHO DID YOU LIVE WITH WHEN YOU STAYED IN
12 SANTEE?

13 A. MY MOTHER.

14 Q. YOUR MOTHER?

15 A. MY MOTHER.

16 Q. OKAY. AND WHO DID YOU STAY WITH WHEN YOU STAYED
17 ON ASHLAND DRIVE?

18 A. MY GRANDMOTHER.

19 Q. OKAY. WHERE IS ASHLAND DRIVE, IS THAT -- GO
20 AHEAD?

21 A. BY BROOKDALE.

22 Q. BROOKDALE?

23 A. BY BROOKDALE SCHOOL.

24 Q. OKAY. SO, CLOSER TO THE CITY THAN SANTEE,
25 OBVIOUSLY?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. YES, SIR.

2 Q. AND IS YOUR MOM AND DAD PRESENT IN THE COURTROOM
3 TODAY, SEATED ON THE SECOND ROW?

4 A. YES, SIR.

5 Q. AND BECAUSE YOU'RE CHARGED WITH MURDER, ARMED
6 ROBBERY AND BURGLARY, DO YOU HAVE AN ATTORNEY?

7 A. YES, SIR.

8 Q. AND WHAT'S HIS NAME?

9 A. CARL GRANT.

10 Q. MR. CARL GRANT, AND YOUR ATTORNEY, IS HE IN THE
11 COURTROOM TODAY AS WELL?

12 A. YES, SIR.

13 Q. OKAY. PATRICK, TELL THE JURY WHERE YOU WERE
14 GOING TO SCHOOL BACK IN MARCH BEFORE ALL OF THIS
15 HAPPENED?

16 A. ORANGEBURG-WILKERSON.

17 Q. AND WHAT GRADE WERE YOU IN?

18 A. ELEVENTH.

19 Q. SO, YOU WERE SIXTEEN IN THE ELEVENTH GRADE?

20 A. YES, SIR.

21 Q. ON TARGET TO GRADUATE?

22 A. YES, SIR.

23 Q. AND DO YOU KNOW ALL FIVE OF THE DEFENDANTS SEATED
24 IN HERE TODAY?

25 A. YES, SIR.

1 Q. AND YOU KNEW ALL OF THEM BEFORE MARCH THE
2 TWELFTH?

3 A. YES, SIR.

4 Q. LET ME ASK YOU ABOUT THE FIRST ONE, CHRISTOPHER
5 COLEMAN, HOW DID YOU KNOW CHRISTOPHER COLEMAN?

6 A. I WENT TO SCHOOL WITH HIM.

7 Q. ARE ANY OF THESE DEFENDANTS YOUR AGE?

8 A. NO, SIR.

9 Q. ARE THEY OLDER OR YOUNGER THAN YOU?

10 A. THEY'RE OLDER.

11 Q. A LOT OF OLDER?

12 A. YES, SIR.

13 Q. WHAT DID CHRISTOPHER COLEMAN GO BY, WHAT NAME?

14 A. LITTLE CHRIS.

15 Q. HOW IS HE RELATED TO THE PERSON SEATED NEXT TO
16 HIM, RALPH COLEMAN?

17 A. THEY'RE BROTHERS.

18 Q. OKAY. AND TELL THE JURY HOW YOU KNEW RALPH
19 COLEMAN?

20 A. THROUGH MARIO.

21 Q. MARIO WHO?

22 A. SHIVERS.

23 Q. OKAY. AND WE'LL GET TO HIM IN A SECOND. WHERE
24 WERE RALPH AND CHRIS COLEMAN LIVING BACK IN
25 MARCH?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. ON WOODBINE.

2 Q. ON WOODBINE, IS THAT A STREET HERE IN ORANGEBURG?

3 A. YES, SIR.

4 Q. DO YOU KNOW THE DEFENDANT, WALTER HARRIS?

5 A. YES, SIR.

6 Q. HOW LONG HAVE YOU KNOWN WALTER HARRIS?

7 A. BASICALLY ALL OF MY LIFE.

8 Q. OKAY. SO, YOU KNEW HIM PRETTY WELL?

9 A. YES, SIR.

10 Q. WHERE DID HE LIVE BACK IN MARCH, USUALLY?

11 A. ON COLEMAN.

12 Q. AND WHAT NAME DID WALTER HARRIS GO BY?

13 A. PETE.

14 Q. DO YOU KNOW THE DEFENDANT, DANNY RYANT?

15 A. YES, SIR.

16 Q. AND TELL THE JURY HOW YOU KNOW DANNY RYANT?

17 A. I KNOW HIM BASICALLY ALL MY LIFE, TOO.

18 Q. AND WHAT NAME DID DANNY RYANT GO BY BACK IN MARCH
19 AND BEFORE THAT?

20 A. POKE.

21 Q. POKE? AND FINALLY, DO YOU KNOW THE DEFENDANT,
22 MARIO SHIVERS, SEATED AT THE END?

23 A. YES, SIR.

24 Q. AND TELL THE JURY WHAT NAME MARIO SHIVERS WENT
25 BY?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. LITTLE M.

2 Q. LITTLE M. AND HOW LONG HAVE YOU KNOWN MARIO
3 SHIVERS?

4 COURT REPORTER: LITTLE M?

5 SOLICITOR PASCOE: LITTLE M, YES, MA'AM.

6 A. FOR, LIKE, TWO YEARS.

7 Q. HOW OFTEN WOULD YOU HANG OUT WITH MARIO SHIVERS?

8 A. EVERY NOW AND THEN.

9 Q. HOW ARE, IF IN ANY WAY, ARE DANNY RYANT, POKE,
10 AND MARIO SHIVERS, LITTLE M, HOW ARE THEY
11 RELATED?

12 A. MARIO SHIVERS TALKS TO DANNY RYANT'S SISTER.

13 Q. OKAY. TALKS TO DANNY RYANT'S SISTER?

14 A. WELL, THAT'S HIS BABY'S MOTHER.

15 Q. OKAY. AND YOU TESTIFIED NONE OF THEM ARE YOUR
16 AGE, RIGHT?

17 A. YES, SIR.

18 Q. AND OF THE FIVE DEFENDANTS IS THERE ONE THAT YOU
19 WERE CLOSEST TO?

20 A. YES, SIR.

21 Q. WHICH ONE?

22 A. DANNY RYANT.

23 Q. NOW, I WANT TO ASK YOU ABOUT THE AFTERNOON OF
24 MARCH THE TWELFTH OF THIS YEAR. OKAY? WHO WERE
25 YOU HANGING OUT WITH THAT EARLY AFTERNOON AROUND

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 THREE, FOUR, FIVE O'CLOCK THAT FRIDAY AFTERNOON?

2 A. DARIUS GARDNER.

3 Q. OKAY. AND WHO IS DARIUS GARDNER?

4 A. A FRIEND.

5 Q. HOW DO YOU KNOW HIM?

6 A. HE GOES TO THE SAME SCHOOL.

7 Q. OKAY. O-W?

8 A. YES, SIR.

9 Q. WERE Y'ALL REAL GOOD FRIENDS BACK THEN?

10 A. YES, SIR.

11 Q. AND WHERE WAS DARIUS LIVING BACK IN MARCH?

12 A. AROUND THE SAME AREA AS MY MOTHER GRANDMOTHER
13 LIVES.

14 Q. OKAY. AND WHAT AREA IS THAT AGAIN?

15 A. BY BROOKDALE.

16 Q. BROOKDALE. AND WHAT DID THE TWO OF YOU, DARIUS
17 AND YOURSELF, DO THAT LATE AFTERNOON?

18 A. WE CHILLED, HANG OUT, SMOKED AND ...

19 Q. AND WHEN YOU SAY, SMOKED, WHAT WERE Y'ALL
20 SMOKING?

21 A. MARIJUANA.

22 Q. BOTH OF YOU?

23 A. YES, SIR.

24 Q. OKAY. AND WHERE DID THE TWO OF YOU END UP GOING
25 AROUND SEVEN:FIFTEEN, SEVEN:THIRTY THAT NIGHT?

1 A. ON WOODBINE.

2 Q. OKAY. AND WHOSE HOUSE WAS AT WOODBINE?

3 A. RALPH.

4 Q. RALPH COLEMAN, THE DEFENDANT?

5 A. YES, SIR.

6 Q. AND WHY DID YOU GO TO THAT HOUSE?

7 A. BECAUSE I HAD GOT A PHONE CALL FROM DANNY SAYING
8 MARIO SHIVERS HAD GUNS AND I HAD WANT TO GO SEE
9 THEM.

10 Q. YOU SAY, DANNY, DANNY RYANT?

11 A. YES, SIR.

12 Q. POKE?

13 A. YES, SIR.

14 Q. AND HOW DID YOU TALK TO DANNY RYANT, WAS IT FACE
15 TO FACE OR A PHONE CALL?

16 A. THROUGH A PHONE.

17 Q. AFTER YOU TALKED TO DANNY RYANT BY TELEPHONE, DID
18 YOU TALK TO ANYBODY ELSE BY TELEPHONE?

19 A. YES, SIR.

20 Q. AND WHO WAS THAT?

21 A. MARIO SHIVERS.

22 Q. OKAY. YOU WANTED TO FIND OUT WHERE HE WAS?

23 A. YES, SIR.

24 Q. AND THAT'S WHEN YOU WENT TO WOODBINE?

25 A. YES, SIR.

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 Q. WHOSE CAR DID Y'ALL TAKE TO GO TO THE WOODBINE
2 ADDRESS?

3 A. DARIUS'S MOTHER'S.

4 Q. LET ME SHOW YOU -- I'M GOING TO SHOW YOU WHAT'S
5 BEEN MARKED AS STATE'S EXHIBITS THIRTY-TWO AND
6 THIRTY-THREE.

7 SOLICITOR PASCOE: AND MY UNDERSTAND, THERE'S NO
8 OBJECTION TO PUTTING THESE INTO EVIDENCE, SO I CAN GO
9 AHEAD AND MARK THEM AS EVIDENCE, YOUR HONOR, IF THAT'S
10 ALRIGHT.

11 THE COURT: NO OBJECTION?

12 MR. LACKEY: NO OBJECTION.

13 MS. ULLMAN: NO OBJECTION.

14 MR. PALMER: NO OBJECTION.

15 MR. MELLARD: NO OBJECTION.

16 MR. KOGER: NO OBJECTION.

17 THE COURT: OKAY. ALRIGHT.

18 SOLICITOR PASCOE: DO YOU WANT ME TO JUST SCRATCH
19 THAT OUT AND PUT ...

20 COURT REPORTER: IF YOU WOULD TAKE OUT THE ID.
21 THIRTY-TWO AND THIRTY-THREE?

22 SOLICITOR PASCOE: THIRTY-TWO AND THIRTY-THREE,
23 YES, MA'AM.

24 THE COURT: ADMITTED INTO EVIDENCE WITHOUT
25 OBJECTION.

1 (State's Exhibits Thirty-two and Thirty-three
2 marked and filed.)

3 Q. TAKE A LOOK AT STATE'S EXHIBITS THIRTY-TWO AND
4 THIRTY-THREE, DO YOU RECOGNIZE THAT HOUSE?

5 A. YES, SIR.

6 Q. WHAT DO YOU RECOGNIZE THAT TO BE?

7 A. THAT IS RALPH'S HOME.

8 Q. OKAY. AND IT'S THE SAME ONE THAT YOU WENT TO GO
9 MEET UP WITH MARIO AT?

10 A. YES, SIR.

11 Q. OKAY. ON WOODBINE. OKAY, WHEN YOU AND DARIUS
12 WENT TO THE WOODBINE ADDRESS WAS ANYBODY ELSE BUT
13 YOU AND DARIUS IN THE CAR?

14 A. NO, SIR.

15 Q. WHEN Y'ALL GOT THERE WHO WAS AT THE HOUSE AT
16 WOODBINE?

17 A. RALPH AND MARIO.

18 Q. THE DEFENDANTS, RALPH COLEMAN AND MARIO SHIVERS?

19 A. YES, SIR.

20 Q. ANYBODY ELSE THERE WHEN YOU FIRST GOT THERE AT
21 WOODBINE?

22 A. NO, SIR.

23 Q. TELL THE JURY WHAT YOU, MARIO SHIVERS, RALPH
24 COLEMAN AND DARIUS DID WHILE YOU WERE AT RALPH'S
25 PLACE ON WOODBINE?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. WE HANG OUT, HAD A REGULAR CONVERSATION, SMOKED
2 MARIJUANA.

3 Q. ALL FOUR OF YOU?

4 A. YES, SIR. AND THAT WAS BASICALLY IT, AND JUST
5 TALKING ABOUT GIRLS, MARIJUANA, AND THAT'S WHEN
6 WE HAD GOT ON THE SUBJECT ABOUT THE ROBBERY, BUT
7 THAT WAS AFTERWARDS.

8 Q. OKAY. WELL, LET ME ASK YOU THIS, WAS THERE A
9 PARTICULAR PLACE IN THE HOUSE WHERE Y'ALL WERE
10 HANGING OUT, THE FOUR OF YOU?

11 A. YES, SIR.

12 Q. WHERE?

13 A. UNDER THE GARAGE.

14 Q. IS THAT DEPICTED IN STATE'S THIRTY-TWO?

15 A. YES, SIR.

16 Q. AND WAS IT JUST THE FOUR OF YOU AT THAT TIME?

17 A. YES, SIR.

18 Q. WHEN IT WAS THE FOUR OF YOU DID YOU SEE ANY GUNS,
19 WHILE DARIUS WAS STILL THERE?

20 A. YES, SIR.

21 Q. HUH?

22 A. YES, SIR.

23 Q. OKAY. WHO SHOWED YOU THE GUNS?

24 A. MARIO.

25 Q. AND WHAT KIND OF GUNS DID MARIO SHIVERS SHOW YOU?

1 A. TWO RIFLES AND A PISTOL.

2 Q. DO YOU REMEMBER WHAT KIND OF RIFLES THEY WERE?

3 A. A SKS, ONE HAD A KNIFE ON IT.

4 Q. ONE HAD A WHAT ON IT?

5 A. A KNIFE.

6 Q. OKAY. WHAT ABOUT THE PISTOL, DO YOU KNOW WHAT
7 KIND OF PISTOL IT WAS?

8 A. A NINE MILLIMETER.

9 Q. AND WHO DID THOSE GUNS BELONG TO, THE TWO SKS
10 RIFLES AND THE NINE MILLIMETER?

11 A. MARIO SHIVERS.

12 Q. SEATED RIGHT THERE IN THE COURTROOM?

13 A. YES, SIR.

14 Q. ON THE END? HOW LONG DID YOUR FRIEND, DARIUS,
15 END UP STAYING AT THE HOUSE ON WOODBINE?

16 A. LIKE FIFTEEN OR TWENTY MINUTES.

17 Q. AND WHY DID HE LEAVE?

18 A. BECAUSE HE SAID HE HAD SOMETHING TO DO.

19 Q. AND WHY DIDN'T YOU LEAVE WITH HIM?

20 A. I HAD WANTED TO CHILL, HANG OUT.

21 Q. DO YOU WISH YOU HAD GONE WITH HIM?

22 A. YES, SIR.

23 Q. AND WERE YOU SUPPOSED TO HANG OUT WITH DARIUS
24 THAT NIGHT?

25 A. YES, SIR.

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1 Q. SO, AFTER DARIUS LEFT WHO WAS HANGING OUT INSIDE
2 UNDER THAT SHED?

3 A. ME, RALPH AND MARIO.

4 Q. LET ME ASK YOU THIS, DID YOU EVEN KNOW THE
5 VICTIM, CHARLES PRINGLE, BACK IN MARCH?

6 A. NO, SIR.

7 Q. DID YOU KNOW ANYBODY BY THE NAME OF OLD SCHOOL?

8 A. NO, SIR.

9 Q. DID MARIO SHIVERS KNOW CHARLES PRINGLE BACK IN
10 MARCH?

11 A. YES, SIR.

12 Q. AND HOW DID MARIO KNOW CHARLES PRINGLE?

13 A. HIS FAMILY, ONE OF HIS FAMILY MEMBERS PURCHASED
14 WEED FROM HIM.

15 Q. OKAY. AND YOU TESTIFIED EARLIER YOU STARTED
16 TALKING ABOUT, WHEN Y'ALL STARTED -- LATER YOU
17 SAID, WE STARTED TALKING ABOUT THE ROBBERY. GO
18 INTO DETAIL WITH THE JURY ABOUT, WHO BROUGHT UP
19 THE TOPIC OF ROBBERY, WHO THE VICTIM WAS GOING TO
20 BE, AND WHAT WAS SAID?

21 A. MARIO HAD BROUGHT THE TOPIC AND WE WAS DISCUSSING
22 IT AMONG US THREE, SAYING THAT I WAS THE ONE
23 GOING TO GO IN THE HOUSE AND PURCHASE THE WEED
24 AND COME OUT, AND THEN THAT'S WHEN THE ROBBERY
25 WAS GOING TO TAKE PLACE.

1 Q. OKAY. AND YOU SAID, THE THREE OF US WERE
2 DISCUSSING IT. WHO WERE THE THREE PEOPLE?

3 A. ME, MARIO AND RALPH.

4 Q. SO, INITIALLY, AT THAT INSTANCE THE THREE PEOPLE
5 THAT WERE GOING TO GO COMMIT THE ROBBERY WERE YOU
6 THREE?

7 A. YES, SIR.

8 Q. WHILE Y'ALL WERE TALKING ABOUT IT IN THE SHED DID
9 Y'ALL HAVE TRANSPORTATION TO GET TO THE - - -

10 A. NO, SIR.

11 Q. --- TO OLD SCHOOL'S HOUSE?

12 A. NO, SIR.

13 Q. OKAY. HOW DID THAT END UP HAPPENING?

14 A. CHRIS AND, I GUESS HIS FRIEND HAD CAME OVER.

15 Q. OKAY. AND -- CHRIS COLEMAN?

16 A. YES, SIR.

17 Q. AND HIS FRIEND CAME OVER? WHAT KIND OF VEHICLE
18 WAS IT?

19 A. AN EXPLORER.

20 Q. OKAY. AN SUV?

21 A. YES.

22 Q. NOW, YOU TESTIFIED YOU KNEW CHRIS BACK THEN, BUT
23 DID YOU KNOW WHO CHRIS'S FRIEND WAS, THE DRIVER?

24 A. NO, SIR.

25 Q. HAD YOU EVER SEEN HIM BEFORE?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. NO, SIR.

2 Q. DO YOU REMEMBER ANYONE SAYING HIS NAME?

3 A. NO, SIR.

4 Q. DID YOU EVEN KNOW ANYONE BY THE NAME OF RONNIE
5 WASHINGTON BACK THEN?

6 A. NO, SIR.

7 Q. CAN YOU JUST DESCRIBE HIM FOR THE JURY, WHAT HE
8 LOOKED LIKE AS BEST YOU CAN REMEMBER?

9 A. HEAVY SET, HAD AN AFRO I THINK, AND LIGHT SKIN.

10 Q. AND HE WAS THE DRIVER OF THE VEHICLE?

11 A. YES, SIR.

12 Q. OKAY. DID YOU EVER REALLY GET A GOOD LOOK AT
13 HIM?

14 A. NO, SIR.

15 Q. OKAY.

16 COURT REPORTER: YES, SIR, OR NO, SIR?

17 A. NO, SIR.

18 Q. DID -- NOW, YOU TESTIFIED THAT CHRIS COLEMAN AND
19 THIS DRIVER SHOWED UP AT WOODBINE. DID THEY EVER
20 GET OUT OF THE VEHICLE?

21 A. NO, SIR.

22 Q. OKAY. LET ME SHOW YOU WHAT'S - - -

23 SOLICITOR PASCOE: AND THERE'S NO OBJECTION TO IT
24 BEING ADMITTED INTO EVIDENCE, YOUR HONOR, STATE'S
25 EXHIBIT TWENTY-EIGHT.

1 THE COURT: ALRIGHT, SIR, STATE'S EXHIBIT NUMBER
2 -- YOU SAID TWENTY-EIGHT?

3 SOLICITOR PASCOE: YES, SIR.

4 THE COURT: ADMITTED INTO EVIDENCE WITHOUT
5 OBJECTION.

6 COURT REPORTER: ADMITTED AS STATE'S TWENTY-
7 EIGHT.

8 (State's Exhibit Twenty-eight
9 marked and filed.)

10 Q. DOES STATE'S TWENTY-EIGHT LOOK FAMILIAR?

11 A. YES, SIR.

12 Q. WHAT DOES IT LOOK LIKE?

13 A. IT WAS THE EXPLORER THAT WE DRIVE TO THE VICTIM'S
14 HOUSE.

15 Q. OKAY. AND WHEN Y'ALL GOT INTO THE EXPLORER AND
16 LEFT WOODBINE, TELL THE JURY WHO SAT WHERE AND
17 WHAT Y'ALL WERE TALKING ABOUT?

18 A. IT WAS CHRIS AND A PASSENGER IN THE FRONT. I WAS
19 BEHIND THE DRIVER, RALPH WAS IN THE MIDDLE, AND
20 MARIO WAS BEHIND THE PASSENGER FRONT.

21 Q. OKAY. AND WHAT DID Y'ALL TALK ABOUT IN THE
22 VEHICLE?

23 A. HOW WE WAS PLANNING TO ROB OLD SCHOOL.

24 Q. OKAY. AND WHO WAS DOING MOST OF THE TALKING AND
25 THE PLANNING?

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1 A. MARIO.

2 Q. MARIO SHIVERS?

3 A. YES, SIR.

4 Q. AND WHAT WAS THE PLAN NOW THAT CHRIS AND THIS
5 OTHER PERSON, THE DRIVER WHO PICKED YOU UP?

6 A. FOR ME TO GO IN THERE AND BUY THE WEED, COME OUT,
7 AND THEY WAS GOING TO COME IN AND ROB HIM.

8 Q. WHO WAS SUPPLYING THE GUNS FOR THE ROBBERY?

9 A. MARIO.

10 Q. AND WERE THEY THE THREE WEAPONS THAT YOU
11 TESTIFIED ABOUT EARLIER TODAY?

12 A. YES, SIR.

13 Q. WHERE WERE THE GUNS WHEN Y'ALL GOT INTO THE
14 EXPLORER?

15 A. THEY WAS IN THE HATCH BACK.

16 Q. YOU SAY, HATCH BACK, I GUESS IT WOULD BE LIKE
17 BACK HERE, TRUNK HATCH?

18 A. YES, SIR.

19 Q. ON THE WAY TO CHARLES PRINGLE'S PLACE ON KINGS
20 STREET, DID Y'ALL END UP PICKING, GETTING
21 SOMEBODY ELSE INVOLVED IN THE ROBBERY?

22 A. YES, SIR.

23 Q. AND WHO WAS THAT?

24 A. WALTER HARRIS.

25 Q. OKAY. TELL THE JURY HOW Y'ALL ENDED UP, AND WHY

1 Y'ALL GOT WALTER HARRIS INVOLVED IN IT?

2 A. BECAUSE MARIO HAD SAID WE HAD NEED ANOTHER
3 PERSON. SO, I, THAT INSTANT I TELL THEM WALTER
4 HARRIS, CALL WALTER HARRIS.

5 COURT REPORTER: SO, I GUESS WHAT? I'M SORRY.

6 SOLICITOR PASCOE: HE SAID, THIS INSTANT, THAT
7 INSTANT HE SAID CALL WALTER HARRIS.

8 A. CALL WALTER HARRIS, AND THAT'S WHEN WE WAS
9 HEADING TO PICK UP HIM ON JAMISON AND BETWEEN
10 CAMPUS DRIVE.

11 Q. OKAY. AND WHAT DID WALTER HARRIS, WHAT NAME DOES
12 HE GO BY?

13 A. PETE.

14 Q. IS THAT THE NAME THAT MARIO USED WHEN HE SAID,
15 WE'RE GOING TO PICK UP PETE?

16 A. YES, SIR.

17 Q. OKAY. AND DID HE CALL PETE?

18 A. YES, SIR.

19 Q. AND WHERE DID Y'ALL PICK WALTER HARRIS UP AT?

20 A. ON JAMISON AND BETWEEN, AT THE CORNER OF CAMPUS
21 DRIVE.

22 MR. LACKEY: I'M SORRY, WHAT DID HE SAY?

23 Q. SAY IT AGAIN FOR ME.

24 A. JAMISON AND AT THE CORNER OF CAMPUS DRIVE.

25 Q. CAMPUS DRIVE?

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1 A. YES, SIR.

2 Q. CAMPUS DRIVE AND JAMISON?

3 A. YES, SIR.

4 Q. DID, DID THE DEFENDANT, WALTER HARRIS, HAVE A
5 WEAPON ON HIM WHEN Y'ALL PICKED HIM UP?

6 A. YES, SIR.

7 Q. TELL THE JURY WHAT KIND OF WEAPON HE HAD?

8 A. IT WAS A BLACK PISTOL.

9 Q. OKAY. DO YOU REMEMBER THE CALIBER -- DO YOU KNOW
10 THE CALIBER?

11 A. NO, SIR.

12 Q. JUST THAT IT WAS A BLACK PISTOL?

13 A. YES, SIR.

14 Q. SO, NOW THAT Y'ALL PICKED WALTER HARRIS UP, PETE,
15 - - -

16 A. YES, SIR.

17 Q. --- TELL THE JURY WHAT THE PLAN IS AS FAR AS
18 COMMITTING THE ROBBERY, BURGLARY, AND WHO IS
19 INVOLVED?

20 A. IT WAS, WELL, CHRIS, RALPH, MARIO, ME AND PETE,
21 WALTER.

22 Q. AND WHAT'S THE PLAN?

23 COURT REPORTER: ME AND PETE AND WALTER?

24 A. WELL, I MEANT TO SAY WALTER. WELL HIS NAME IS
25 WALTER.

1 SOLICITOR PASCOE: PETE, AS IN WALTER HARRIS.

2 PETE IS WALTER HARRIS.

3 COURT REPORTER: OH, OKAY.

4 Q. OKAY. AND TELL THE JURY WHAT THE PLAN WAS?

5 A. WE WAS GOING TO -- I WAS SUPPOSED TO GO AND BUY
6 THE WEED, LIKE I WAS SUPPOSED TO, AND IT WAS LIKE
7 I HAD WANTED THE WEED, AND THAT'S WHEN THEY WAS
8 GOING TO COME IN THERE AND ROB HIM. SO, AS WE
9 GOT TO THE VICTIM'S HOUSE PETE WENT IN THERE AND
10 SAID HE WAS GOING TO PEAK AT THE SCENE.

11 Q. OKAY.

12 A. AND THAT'S WHEN HE WENT AND BOUGHT THE WEED, HE
13 CAME BACK OUT, AND IT WAS, LIKE, HE AIN'T WANT TO
14 DO IT NO MORE BECAUSE HE HAD KNOW SOMEONE THAT
15 WAS IN THERE.

16 Q. OKAY. AND WHEN YOU SAY, PETE WENT IN AND BOUGHT
17 THE WEED, THAT'S WALTER HARRIS?

18 A. YES, SIR.

19 Q. OKAY. AND HE KNEW SOMEBODY THAT WAS IN THERE
20 WHEN HE WENT AND BOUGHT THE WEED?

21 A. YES, SIR.

22 Q. AND THE APARTMENT COMPLEX THAT Y'ALL WERE
23 TARGETING, WHERE CHARLES PRINGLE LIVED, IS IT ON
24 THE CORNER RIGHT THERE IN STATE'S EXHIBIT SIX?

25 A. YES, SIR.

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 Q. KIND OF POINT, WHEN Y'ALL FIRST GOT THERE TO BUY
2 -- WHEN WALTER HARRIS WENT IN TO BUY THE WEED,
3 WHERE WERE Y'ALL WOULD HAVE PARKED IN RELATION TO
4 THIS PICTURE FOR ME?

5 A. LIKE, ON THE SIDE OF THAT WHITE CAR.

6 Q. WAY OVER THERE?

7 A. YEAH.

8 Q. OKAY. ALRIGHT. SO, WALTER HARRIS GOES IN, BUYS
9 WEED, KNOWS SOMEBODY?

10 A. YES, SIR. HE CAME BACK OUT AND SAID THAT HE HAD
11 KNOW SOMEONE IN THERE SO HE AIN'T WANT TO DO IT
12 NO MORE, AND THAT'S WHEN WE WENT AND GOT DANNY
13 RYANT.

14 Q. OKAY. AND THAT'S DANNY RYANT, THE SECOND TO THE
15 END?

16 A. YES, SIR.

17 Q. KNOWN AS POKE?

18 A. YES, SIR.

19 Q. ALRIGHT. TELL US ABOUT HOW, WHOSE IDEA WAS IT TO
20 GET DANNY RYANT, AND HOW DID YOU GO ABOUT IT?

21 A. MARIO.

22 Q. MARIO SHIVERS?

23 A. YES, SIR.

24 Q. HOW DID YOU CONTACT DANNY RYANT?

25 A. I CALLED HIM ON THE CELL PHONE, MY CELL PHONE.

DIRECT - PATRICK TYLER BY SOL. PASCOE

317

1 Q. OKAY. SO, YOU CALLED HIM FROM YOUR CELL PHONE?

2 A. YES, SIR.

3 Q. AND DID Y'ALL PICK DANNY RYANT UP?

4 A. YES, SIR.

5 Q. TELL THE JURY WHERE Y'ALL PICKED DANNY RYANT UP
6 AT?

7 A. AT A NIGHT CLUB CALLED THE CORNER POCKET.

8 Q. AND HOW FAR APPROXIMATELY IS THE CORNER POCKET
9 FROM CHARLES PRINGLE'S APARTMENT?

10 A. APPROXIMATELY THREE BLOCKS.

11 Q. PRETTY CLOSE, THEN?

12 A. YEAH.

13 Q. OKAY. SO, HOW LONG DID IT TAKE FOR Y'ALL TO PICK
14 POKE UP, DANNY RYANT?

15 A. THREE MINUTES.

16 Q. NOW, WHEN Y'ALL PICKED MR. RYANT UP WHO EXPLAINED
17 TO HIM WHAT WAS GOING TO GO DOWN?

18 A. BASICALLY ALL OF US.

19 Q. OKAY. SO, YOU GET IN THE EXPLORER, YOU'RE GOING
20 TO CHARLES PRINGLE'S, WHO'S GOING TO GO IN AND
21 ROB AND BURGLARIZE CHARLES PRINGLE'S HOUSE?

22 A. ALL OF US.

23 Q. INCLUDING WALTER HARRIS?

24 A. YES, SIR.

25 Q. SO, WHAT'S THE FINAL PLAN NOW TO GO IN THERE AND

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 ROB CHARLES PRINGLE'S PLACE, WHAT -- ACTUALLY,
2 JUST TELL THE JURY WHAT Y'ALL DID?

3 A. WELL, WHEN WE GOT TO THE APARTMENT COMPLEX I HAD
4 WENT IN, ME AND RALPH HAD WENT IN, AND I WAS
5 PURCHASING SOME WEED.

6 Q. LET ME ASK YOU THIS, WHEN YOU AND RALPH COLEMAN
7 WENT IN TO PURCHASE THE WEED, WERE YOU ARMED WITH
8 A WEAPON AT THAT TIME?

9 A. NO, SIR.

10 Q. WAS RALPH COLEMAN ARMED WITH A WEAPON AT THAT
11 TIME?

12 A. YES, SIR.

13 Q. WHAT WEAPON DID RALPH COLEMAN HAVE?

14 A. WALTER HARRIS'S GUN.

15 Q. OKAY. THE BLACK GUN THAT WALTER HARRIS HAD?

16 A. YES, SIR.

17 Q. WHO GAVE MR. COLEMAN THAT GUN?

18 A. WALTER.

19 Q. OKAY. WALTER HARRIS?

20 A. YES, SIR.

21 Q. GO AHEAD, TELL THE JURY WHAT HAPPENED?

22 A. SO, WHEN I WAS PURCHASING THE WEED I HAD
23 PURCHASED MY WEED AND THEN THAT'S WHEN I WAS
24 ABOUT TO LEAVE OUT THE HOUSE LIKE I WAS TOLD,
25 THAT WAS WHEN RALPH PULLED HIS GUN OUT ON THE

1 FEMALE. AND WHEN I OPENED THE DOOR THAT'S WHEN
2 EVERYBODY CAME IN WITH THE GUNS.

3 Q. OKAY. SO, THE PERSON THAT PULLED THE GUN OUT ON
4 THE FEMALE WAS RALPH COLEMAN?

5 A. YES, SIR.

6 Q. AND WHO ELSE CAME IN THE HOUSE?

7 A. LITTLE CHRIS, MARIO, DANNY AND WALTER.

8 Q. DID CHRIS COLEMAN HAVE A WEAPON?

9 A. YES, SIR.

10 Q. WHAT WEAPON DID HE HAVE?

11 A. A CHROME PISTOL, THE NINE MILLIMETER.

12 Q. AND WHOSE NINE MILLIMETER CHROME PISTOL WAS THAT?

13 A. MARIO'S.

14 Q. MARIO SHIVERS? DID DANNY RYANT HAVE A WEAPON?

15 A. YES, SIR.

16 Q. WHAT WEAPON DID DANNY RYANT HAVE?

17 A. AN SKS.

18 Q. AND WHAT WEAPON DID MARIO SHIVERS HAVE?

19 A. AN SKS.

20 Q. DID WALTER HARRIS HAVE A GUN WHEN YOU ENTERED THE
21 APARTMENT?

22 A. NO, SIR.

23 Q. AND WHAT, IF ANYTHING, DID HE HAVE?

24 A. I CAN'T RECALL.

25 Q. AND ALL OF YOU ENTERED THE HOUSE?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. YES, SIR.

2 Q. OKAY. WHAT DID Y'ALL DO WITH THE VICTIM?

3 A. WALTER HARRIS TAPED HIM, TAPED HIS MOUTH UP.

4 Q. OKAY. AND WHAT DID WALTER HARRIS TAPE CHARLES
5 PRINGLE'S MOUTH UP WITH?

6 A. DUCT TAPE.

7 Q. AND DO YOU RECOGNIZE THE PERSON IN STATE'S
8 EXHIBIT EIGHT ALREADY IN EVIDENCE?

9 A. YES, SIR.

10 Q. OKAY. AND IS THAT THE VICTIM, CHARLES PRINGLE?

11 A. YES, SIR.

12 Q. AND DOES IT DEPICT THE DUCT TAPE THAT WALTER
13 HARRIS PUT OVER THE VICTIM'S MOUTH?

14 A. YES, SIR.

15 Q. OKAY. AT WHOSE DIRECTIONS WAS WALTER HARRIS
16 PUTTING THE DUCT TAPE ON THE VICTIM?

17 A. YOU SAID, IN WHOSE DIRECTION?

18 Q. I'M SORRY, WHO WAS TELLING WALTER HARRIS WHAT TO
19 DO?

20 A. BASICALLY EVERYBODY WAS TALKING AT THE SAME TIME,
21 SO ...

22 Q. NOW, YOU TESTIFIED ABOUT THE FOUR PEOPLE THAT HAD
23 WEAPONS, AND YOU TESTIFIED ABOUT WALTER HARRIS
24 PUTTING DUCT TAPE OVER THE VICTIM DURING THE
25 ROBBERY AND BURGLARY.

1 A. YES, SIR.

2 Q. WHAT HAPPENED NEXT?

3 A. AND THEN THAT'S WHEN WE WAS IN THE HOUSE AND
4 EVERYBODY WAS, LIKE, WHERE THE MONEY AND STUFF
5 WAS AT, AND WALTER SEARCHED THE ROOM, I SEARCHED,
6 AND THAT'S WHEN OLD SCHOOL WAS SAYING IT WAS
7 OUTSIDE. AND THEN, THAT'S WHEN I HEARD A GUN
8 SHOT, AND I GUESS THEY SHOT THE DOG. AND THAT'S
9 WHEN I WAS RUNNING OUT THE HOUSE, AND THAT'S WHEN
10 I HEARD GUN SHOTS.

11 Q. DID YOU LOOK AND SEE WHERE THE SHOTS WERE BEING
12 DIRECTED AND WHO WAS BEING SHOT?

13 A. NO, SIR, I WAS OUT THE DOOR.

14 Q. ANY IDEA HOW MANY SHOTS YOU HEARD?

15 A. LIKE, NINETEEN, TWENTY.

16 Q. AND WHAT WAS THE GIRL DOING DURING THIS WHOLE
17 TIME?

18 A. LAYING ON THE FLOOR.

19 Q. DID YOU KNOW THAT GIRL, ASHLEY PARSLEY, BEFORE
20 THAT NIGHT?

21 A. NO, SIR.

22 Q. WHAT WAS IT LIKE WHEN YOU HEARD THOSE SHOTS
23 RINGING OUT?

24 A. SCARED.

25 Q. AND WHAT HAPPENED AFTER Y'ALL, AFTER YOU RAN OUT

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1 OF THE APARTMENT, WHAT HAPPENED?

2 A. AND THAT'S WHEN I WAS RUNNING TO THE TRUCK, I
3 MADE IT TO THE TRUCK, AND THAT'S WHEN EVERYBODY
4 ELSE WAS BEHIND ME, THEY GOT IN THE TRUCK, AND
5 THAT'S WHEN DANNY RYANT WAS SAYING, MAN, YOU
6 KNOW, WHY Y'ALL HAD DID THAT, YOU AIN'T HAD TO DO
7 IT LIKE THAT. AND THEN, THAT'S WHEN, IT WAS,
8 LIKE, EVERYBODY JUST BE QUIET, DON'T SAY NOTHING
9 ABOUT IT. AND THEN THAT WAS, WALTER HARRIS WAS,
10 LIKE, DROP ME OFF HOME ON COLEMAN AVENUE. SO,
11 THAT'S WHEN WE RODE, WE DROPPED WALTER HARRIS
12 OFF, AND THAT'S WHEN I GOT OUT OF THE TRUCK AND
13 WENT IN MY DIRECTION.

14 Q. OKAY. AND LET'S JUST BACK UP ONE SECOND AND THEN
15 I WANT TO GET INTO WHEN YOU AND WALTER HARRIS GOT
16 DROPPED OFF. WHAT WAS THE INTENT OF YOU, MARIO
17 SHIVERS, CHRIS COLEMAN, RALPH COLEMAN, DANNY
18 RYANT, AND WALTER HARRIS WHEN Y'ALL WENT TO
19 CHARLES PRINGLE'S HOUSE, WHAT WERE Y'ALL GOING TO
20 DO?

21 A. TO ROB HIM FOR HIS WEED, MARIJUANA AND MONEY.

22 Q. ALRIGHT. NOW, TELL THE JURY WHO GOT DROPPED OFF
23 FIRST AFTER Y'ALL LEFT THE HOUSE?

24 A. WALTER HARRIS.

25 Q. AND WHERE DID HE GET DROPPED OFF AT?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. AT HIS RESIDENCE ON COLEMAN AVENUE.

2 Q. AND DID YOU STAY WITH THE OTHER DEFENDANTS AFTER
3 WALTER HARRIS GOT DROPPED OFF, DID YOU HANG OUT
4 WITH THEM THAT NIGHT?

5 A. NO, SIR.

6 Q. WHAT DID YOU DO?

7 A. I WENT IN MY DIRECTION.

8 Q. YOU SAY YOU WENT IN YOUR DIRECTION?

9 A. YEAH. I HAD GOT OUT AT WALTER HARRIS'S HOME AND
10 WENT WALKING IN MY DIRECTION.

11 Q. OKAY. AND DID YOU CALL ANYBODY WHEN YOU GOT OUT
12 OF THE VEHICLE AT WALTER HARRIS'S?

13 A. YES, SIR.

14 Q. AND WHO DID YOU CALL?

15 A. DARIUS GARDNER.

16 Q. AND HOW LONG APPROXIMATELY DID IT TAKE TO GET
17 FROM THE VICTIM'S APARTMENT WHEN Y'ALL WERE
18 RUNNING FROM THERE TO THE AREA WHERE WALTER
19 HARRIS LIVES?

20 A. LIKE, APPROXIMATELY FIVE MINUTES.

21 Q. OKAY. A PRETTY BRIEF AMOUNT OF TIME, THEN?

22 A. YEAH.

23 Q. YOU TESTIFIED YOU GOT OUT AND YOU CALLED DARIUS,
24 WHAT WAS THE WEATHER LIKE WHEN YOU GOT OUT OF THE
25 VEHICLE?

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1 A. RAINING.

2 Q. AND WHY DID YOU CALL DARIUS WHEN YOU GOT OUT OF
3 THE VEHICLE?

4 A. BECAUSE I HAD NEEDED A RIDE, I WAS WALKING IN THE
5 RAIN.

6 Q. OKAY. DID YOU TALK TO DARIUS GARDNER?

7 A. YES.

8 Q. OKAY. AND WHAT DID YOU ASK HIM TO DO?

9 A. TO GIVE ME A RIDE TO SANTEE, TO MY MOTHER'S
10 HOUSE.

11 Q. OKAY. DID HE COME PICK YOU UP AFTER YOU TALKED
12 TO HIM ON THE PHONE?

13 A. YES, SIR.

14 Q. OKAY. WHERE APPROXIMATELY IN THE NEIGHBORHOOD
15 DID HE PICK YOU UP AT?

16 A. LIKE, COLEMAN AND GOLF.

17 Q. AND HE GAVE YOU A RIDE TO SANTEE?

18 A. YES, SIR.

19 Q. DID Y'ALL TALK ON THE WAY TO SANTEE?

20 A. NO, SIR.

21 Q. DID YOU TELL HIM WHAT HAPPENED AT CHARLES
22 PRINGLE'S HOUSE?

23 A. NO, SIR.

24 Q. WHY NOT?

25 A. BECAUSE I AIN'T, HE DIDN'T NEED TO KNOW ANYTHING,

1 I WAS TOLD NOT TO SAY NOTHING.

2 Q. AND ABOUT HOW LONG DID IT TAKE HIM TO GET YOU
3 HOME THAT NIGHT, TO SANTEE?

4 A. ABOUT THIRTY MINUTES.

5 Q. DID DARIUS STAY WITH YOU WHEN HE DROPPED YOU OFF
6 AT SANTEE?

7 A. NO, SIR.

8 Q. DID YOU TRY CALLING HIM AGAIN LATER THAT NIGHT?

9 A. YES, SIR.

10 Q. AND WHY IS THAT?

11 A. I WAS TRYING TO MAKE SURE HE MADE IT HOME SAFE.

12 Q. WHY WOULD YOU, WAS THERE ANYTHING THAT MADE YOU
13 CONCERNED ABOUT TRAVEL THAT NIGHT? WHAT WAS THE
14 WEATHER LIKE?

15 A. OH, IT WAS RAINING.

16 Q. ALRIGHT. LET ME ASK YOU THIS, DID YOU HAVE
17 ANYMORE CONTACT WITH ANY OF THE FIVE DEFENDANTS
18 ON THAT NIGHT OF MARCH THE TWELFTH, AFTER THE
19 MURDER?

20 A. THAT NIGHT?

21 Q. THAT NIGHT.

22 A. NO, SIR.

23 Q. OKAY. DID YOU HAVE ANYMORE CONTACT WITH ANY OF
24 THE DEFENDANTS ON MARCH THE THIRTEENTH, OR
25 FOURTEENTH OR FIFTEENTH?

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1 A. YES, SIR.

2 Q. AND WHICH DEFENDANTS DID YOU HAVE CONTACT WITH ON
3 THOSE DAYS?

4 A. MARIO SHIVERS.

5 Q. ANYBODY ELSE?

6 A. I THINK DANNY RYANT, I'M NOT SURE.

7 Q. WHICH ONE DO YOU -- OR IF -- WHICH ONE DO YOU
8 KNOW YOU SPOKE WITH AFTER MARCH THIRTEENTH OR
9 FOURTEENTH?

10 A. MARIO.

11 Q. OKAY. AND HOW DID YOU SPEAK TO MARIO SHIVERS?

12 A. WE WAS TALKING ABOUT WHAT HAD HAPPENED, AND HE
13 WAS TELLING ME HOW MANY BULLETS WAS GONE OUT OF
14 HIS PISTOL, AND I WAS TOLD NOT TO SAY NOTHING.

15 Q. AND WHICH PISTOL WAS HIS?

16 A. THE NINE MILLIMETER.

17 Q. DID YOU TALK TO ANYONE ELSE OTHER THAN MR.
18 SHIVERS AFTER THE MURDER?

19 A. YOU MEAN, ANY OF MY CO-DEFENDANTS?

20 Q. YEAH, ANY OF THEM, ANY OTHER ONES?

21 A. YES, I THINK I TALKED TO DANNY RYANT.

22 Q. OKAY. DO YOU REMEMBER WHAT THAT CONVERSATION WAS
23 ABOUT?

24 A. WELL, NOT TO SAY NOTHING.

25 Q. OKAY. HOW MANY TIMES DO YOU THINK YOU WALKED TO

1 MR. SHIVERS?

2 A. ABOUT THREE OR FOUR TIMES.

3 Q. ALL BY PHONE?

4 A. YES, SIR.

5 Q. NEVER FACE TO FACE?

6 A. NO, SIR.

7 Q. DID YOU WANT TO HANG OUT WITH ANY OF THE
8 DEFENDANTS AFTER MARCH THE TWELFTH?

9 A. NO, SIR.

10 Q. OKAY. AND WHY IS THAT?

11 A. BECAUSE I WAS SCARED AND ...

12 Q. ALRIGHT, LET ME ASK YOU ABOUT MARCH THE
13 EIGHTEENTH. TELL THE JURY WHAT YOU ENDED UP
14 DOING ON THAT DAY, ON THURSDAY, MARCH THE
15 EIGHTEENTH, LESS THAN A WEEK AFTER THE MURDER OF
16 CHARLES PRINGLE?

17 A. I TURNED MYSELF IN..

18 Q. AND WHY DID YOU TURN YOURSELF IN TO THE POLICE?

19 A. BECAUSE I FELT LIKE THAT'S WHAT I HAD NEEDED TO
20 DO, AND I HEARD THE POLICE WAS LOOKING FOR ME.

21 Q. WHERE DID YOU GO TURN YOURSELF INTO?

22 A. ORANGEBURG COUNTY.

23 Q. OKAY. RIGHT THERE ON ELLIS AVENUE?

24 A. YES, SIR.

25 Q. AND WHO TOOK YOU TO THE SHERIFF'S OFFICE?

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1 A. MY MOTHER.

2 Q. YOUR MOTHER?

3 A. YES, SIR.

4 Q. DID YOU MEET WITH ANYBODY AT THE SHERIFF'S
5 OFFICE?

6 A. SHUMPERT.

7 Q. YOU DID, INVESTIGATOR SHUMPERT?

8 A. YES.

9 Q. OKAY. AND DID YOU COOPERATE AND GIVE
10 INVESTIGATOR SHUMPERT A STATEMENT THAT DAY?

11 A. YES, SIR.

12 Q. AND LET ME SHOW YOU SOMETHING TO REFRESH YOUR
13 MEMORY, I'M NOT EVEN GOING TO MARK IT, IF THAT'S
14 OKAY, JUST -- IS THAT THE ADVICE OF RIGHTS THAT
15 INVESTIGATOR SHUMPERT WENT OVER WITH YOU?

16 A. YES, SIR.

17 Q. THAT'S YOUR MIRANDA RIGHTS, RIGHT? AT WHAT TIME,
18 JUST TO REFRESH YOUR MEMORY, IT WAS ON MARCH THE
19 EIGHTEENTH THAT YOU ...

20 A. FOUR:FORTY-THREE.

21 Q. FOUR:FORYT-THREE IS WHEN YOU TALKED TO
22 INVESTIGATOR SHUMPERT?

23 A. YES, SIR.

24 Q. ABOUT THAT TIME. AND DID YOU TELL HIM ABOUT
25 EVERYBODY INVOLVED IN THE MURDER, ROBBERY AND

1 BURGLARY OF CHARLES PRINGLE?

2 A. YES, SIR.

3 Q. LET ME ASK YOU THIS, YOU KNEW WALTER HARRIS'S
4 FULL NAME BACK THEN, RIGHT?

5 A. YES, SIR.

6 Q. YOU KNEW MARIO SHIVERS'S FULL NAME BACK IN MARCH?

7 A. YES, SIR.

8 Q. WHY DIDN'T YOU TELL INVESTIGATOR SHUMPERT WHAT
9 THEIR FULL NAME WAS WHEN YOU FIRST GAVE YOUR
10 STATEMENT THAT DAY?

11 A. BECAUSE I WAS TOLD NOT TO SAY NOTHING.

12 Q. AND DID YOU MENTION DARIUS AT ALL TO INVESTIGATOR
13 SHUMPERT?

14 A. NO, SIR.

15 Q. AND WHY NOT?

16 A. BECAUSE HE DIDN'T HAVE NOTHING TO DO WITH IT.

17 Q. BUT YOU TOLD SHUMPERT THAT DAY THE NAMES OF THE
18 PEOPLE WHO WAS INVOLVED IN THE ROBBERY, CORRECT?

19 A. YES, SIR.

20 Q. DID ANYONE SHOW YOU ANY PHOTOGRAPHIC LINEUPS
21 THROUGHOUT THE WEEK TO ASK IF YOU RECOGNIZED
22 ANYBODY?

23 A. YES, SIR.

24 Q. I'M GOING TO SHOW YOU SOME PHOTOGRAPHIC LINEUPS
25 JUST FOR THE PURPOSES OF IDENTIFICATION. OKAY?

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 DO YOU RECOGNIZE STATE'S EXHIBIT SEVENTY-SIX?

2 A. YES, SIR.

3 Q. AND WHO DID YOU RECOGNIZE IN STATE'S EXHIBIT
4 NUMBER SEVENTY-SIX?

5 A. DANNY RYANT.

6 Q. OKAY. AND THAT'S PHOTOGRAPH NUMBER TWO?

7 A. YES, SIR.

8 Q. AND DID YOU PICK HIM OUT BECAUSE HE WAS INVOLVED
9 IN THE ROBBERY?

10 A. YES, SIR.

11 Q. DID YOU ALSO FILL OUT AN AFFIDAVIT ON STATE'S
12 EXHIBIT SEVENTY-SIX?

13 A. YES, SIR.

14 SOLICITOR PASCOE: AND AGAIN, THAT'S JUST FOR
15 IDENTIFICATION, WE'RE NOT PUTTING ANY OF THESE INTO
16 EVIDENCE.

17 (State's Exhibit Seventy-six,
18 Photographic lineup,
19 marked for identification only.)

20 Q. DO YOU RECOGNIZE STATE'S EXHIBIT SEVENTY-SEVEN?

21 A. YES, SIR.

22 Q. DID YOU PICK ANYBODY OUT IN STATE'S EXHIBIT
23 SEVENTY-SEVEN AS BEING INVOLVED IN THE ROBBERY
24 AND MURDER?

25 A. YES, SIR.

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 Q. WHICH ONE?

2 A. MARIO, NUMBER THREE.

3 Q. AND WHO IS NUMBER THREE?

4 A. MARIO SHIVERS.

5 Q. MARIO SHIVERS? AND DID YOU FILL OUT AN AFFIDAVIT
6 ABOUT PICKING OUT MARIO SHIVERS?

7 A. YES, SIR.

8 Q. OKAY. AND IS MARIO SHIVERS IN THE COURTROOM
9 RIGHT NOW?

10 A. YES, SIR.

11 Q. POINT HIM OUT AS BEST YOU CAN FOR THE JURY?

12 A. OVER THERE SITTING IN THE LAST SEAT.

13 Q. IN THE LAST SEAT?

14 A. UH-HUH.

15 COURT REPORTER: THAT'S FOR ID, TOO?

16 SOLICITOR PASCOE: JUST ID, YES, MA'AM, SEVENTY-
17 SIX AND SEVENTY-SEVEN.

18 (State's Exhibit Seventy-seven,
19 photographic lineup,
20 marked for identification only.)

21 Q. AND IS DANNY RYANT WHO YOU PICKED OUT AND WAS
22 INVOLVED IN THE ROBBERY, IS HE IN THE COURTROOM
23 TODAY?

24 A. YES, SIR.

25 Q. PICK HIM OUT FOR THE JURY.

DIRECT - PATRICK TYLER BY SOL. PASCOE

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1 A. SITTING BEHIND (Points toward defendants)

2 Q. RIGHT NEXT TO MARIO?

3 A. SECOND TO THE LAST.

4 Q. DO YOU SEE WALTER HARRIS, PETE, IN THE COURTROOM
5 TODAY?

6 A. YES, SIR.

7 Q. AND HE WAS INVOLVED IN THE ROBBERY AND MURDER?

8 A. YES, SIR.

9 Q. POINT HIM OUT FOR THE JURY?

10 A. (Points toward defendants)

11 Q. IS HE IN THE BLUE SHIRT?

12 A. YES, SIR.

13 Q. SITTING IN THE MIDDLE?

14 A. YES, SIR.

15 Q. NOW, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
16 STATE'S EXHIBIT SEVENTY-EIGHT - - -

17 SOLICITOR PASCOE: JUST FOR IDENTIFICATION, MS.

18 HARRY DOT, IT'S JUST GOING TO BE FOR ID, OKAY?

19 COURT REPORTER: YES, SIR.

20 THE COURT: WHAT'S THE NUMBER?

21 SOLICITOR PASCOE: SEVENTY-EIGHT, YOUR HONOR.

22 (State's Exhibit Seventy-eight,
23 photographic lineup,
24 marked for identification only.)

25 Q. WERE YOU ASKED TO SEE IF YOU RECOGNIZED ANYBODY

1 IN STATE'S EXHIBIT SEVENTY-EIGHT AS BEING
2 INVOLVED IN THE ROBBERY AND MURDER?

3 A. YES, SIR.

4 Q. DID YOU PICK ANYBODY OUT?

5 A. YES, SIR.

6 Q. WHICH ONE?

7 A. NUMBER ONE.

8 Q. AND WHO IS NUMBER ONE?

9 A. RALPH COLEMAN.

10 Q. AND YOU FILLED OUT AN AFFIDAVIT TO THAT EFFECT ON
11 STATE'S EXHIBIT SEVENTY-EIGHT?

12 A. YES, SIR.

13 Q. AND IS RALPH COLEMAN IN THE COURTROOM TODAY?

14 A. YES, SIR.

15 Q. POINT HIM OUT FOR THE JURY.

16 A. (Points toward defendants)

17 Q. IS HE THE ONE IN THE COAT AND TIE?

18 A. YES, SIR.

19 Q. BEHIND MS. ULLMAN, OR BEHIND THE FEMALE?

20 A. YES, SIR.

21 SOLICITOR PASCOE: AGAIN, THAT'S SEVENTY-EIGHT
22 JUST FOR ID, YOUR HONOR.

23 (State's Exhibit Seventy-nine,
24 photographic lineup,
25 marked for identification only.)

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1 Q. AND FINALLY, WITH REGARDS TO THE LINEUPS, I'M
2 GOING TO SHOW YOU STATE'S EXHIBIT SEVENTY-NINE
3 FOR IDENTIFICATION. DID YOU RECOGNIZE ANYBODY
4 FROM THIS LINEUP AS BEING INVOLVED IN THE ROBBERY
5 AND MURDER OF CHARLES PRINGLE?

6 A. YES, SIR.

7 Q. WHICH ONE?

8 A. NUMBER TWO.

9 Q. AND DID YOU PICK NUMBER TWO OUT?

10 A. YES, SIR.

11 Q. AND WHO IS NUMBER TWO?

12 A. CHRIS COLEMAN.

13 Q. AND YOU ALSO FILLED OUT AN AFFIDAVIT ON HIM AS
14 WELL?

15 A. YES, SIR.

16 Q. AND DO YOU SEE CHRISTOPHER COLEMAN WHO WAS
17 INVOLVED IN THE ROBBERY AND MURDER OF CHARLES
18 PRINGLE IN THE COURTROOM?

19 A. YES, SIR.

20 Q. POINT HIM OUT FOR THE JURY.

21 A. THE FIRST ONE.

22 Q. THE FIRST ONE?

23 A. YES, SIR.

24 Q. THE WHITE SHIRT?

25 A. YES, SIR.

1 SOLICITOR PASCOE: YOUR HONOR, I'M GOING TO --
2 BEFORE I FORGET, SINCE THEY'RE ID, MARK THEM ID.

3 COURT REPORTER: YES, SIR, AND GIVE ME TIME TO
4 PUT THOSE ON MY LIST, TOO.

5 SOLICITOR PASCOE: OKAY. OKAY. ARE YOU READY,
6 MS. HARRY DOT?

7 COURT REPORTER: I THINK SO, YES, SIR.

8 Q. OKAY. MR. TYLER, AFTER YOU GAVE YOUR STATEMENT
9 TO INVESTIGATOR SHUMPERT THAT DAY AND TOLD HIM
10 WHO WAS INVOLVED IN THE ROBBERY, DID YOU GET TO
11 GO HOME?

12 A. NO, SIR.

13 Q. OKAY. YOU WERE CHARGED WITH THE MURDER, ARMED
14 ROBBERY AND BURGLARY, FIRST, THAT DAY?

15 A. YES, SIR.

16 Q. WHERE DID YOU HAVE TO GO AT THAT TIME?

17 A. JUVE - DJJ.

18 Q. OKAY. WHY DID YOU GO TO DJJ?

19 A. BECAUSE I WAS A JUVENILE.

20 Q. YOU WERE ONLY SIXTEEN AT THE TIME?

21 A. YES, SIR.

22 Q. BUT AS YOU TOLD THE JURY, YOU'RE BEING TREATED AS
23 AN ADULT, YOU'RE NOT A JUVENILE, CORRECT?

24 A. YES, SIR.

25 Q. IN FACT, AFTER YOU TURNED SEVENTEEN WHERE DID YOU