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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-000211

STEPHEN C. STANKO #6022.....PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

APPENDIX
VOLUME 4 OF 9

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1 THEY DON'T HAVE TO PROVE BEYOND A REASONABLE
2 DOUBT AND THEY DON'T HAVE TO PROVE TO THE COURT BY
3 CLEAR AND CONVINCING EVIDENCE THAT HE ACTUALLY DID
4 IT. AND THAT'S WHY I WANTED YOU TO ADDRESS IT
5 BECAUSE I JUST WANT TO MAKE SURE I WAS READING THE
6 CASE LAW CORRECTLY BECAUSE QUITE FRANKLY IT SURPRISED
7 ME A LITTLE THAT THAT WAS IN FACT THE COURT'S
8 POSTURE, BUT IT'S THEIR POSTURE.

9 MR. DIGGS: WELL, CHARACTER EVIDENCE, IT'S GOT
10 TO BE ESTABLISHED BY SOME THRESHOLD BURDEN OF PROOF.
11 IT'S PREJUDICIAL AS MR. KELLY POINTS OUT --
12 PREJUDICIAL THEORY THE STATE HAS. THEY DON'T KNOW
13 WHAT HAPPENED IN THAT -- IN THAT HOME UP IN HORRY
14 COUNTY.

15 ALL THEY KNOW IS MR. TURNER IS DEAD. AND THE
16 FACTS HAVEN'T BEEN DEVELOPED, WE DON'T HAVE AN
17 EVIDENTIARY BASIS FOR THAT. AND THERE'S NO --
18 WITHOUT THAT, THERE'S NO WAY OF DETERMINING HOW, YOU
19 KNOW, WHAT CHARACTER TRAITS ARE PROVEN OR SUGGESTED
20 BY THAT PARTICULAR CASE BECAUSE THERE IS NO EVIDENCE
21 THAT'S BEEN DEVELOPED.

22 AND AS MR. KELLY POINTED OUT, WE CERTAINLY
23 HAVEN'T GONE UP THERE AND DEVELOPED EVIDENCE TO
24 DEFEND AGAINST THAT CASE. SO IT PUTS US IN A
25 POSITION--

1 THE COURT: WELL, I THINK IT'S PROBABLY GOING TO
2 BE A WAY TO SPLIT THIS BABY, AND I HAVEN'T DETERMINED
3 HOW TO DO IT YET. I THINK IT'S GOING TO BE A WAY TO
4 SANITIZE -- TO GIVE THE STATE WHAT IT WANTS AND GIVE
5 YOU ALL WHAT YOU WANT, TOO, BECAUSE I THINK THAT THEY
6 DO GET TO GET INTO SOME OF THE FACTS WHAT THEY ARE --
7 ALLEGE ARE ACTUALLY PREMEDITATION, AND THE FACT THAT
8 HE, YOU KNOW, GETTING BEYOND AT LEAST THIS ARGUMENT
9 THAT SOMEHOW THERE WAS JUST SUCH A CATASTROPHIC EVENT
10 THAT ACTED AS A TRIGGER TO HIM ACTING OUT, I THINK
11 THAT THEY MAY WELL BE ABLE TO GET INTO SOME OF THE
12 INCIDENTS THAT WOULD RELATE TO PREMEDITATION WITHOUT
13 ACTUALLY TALKING ABOUT HENRY TURNER'S MURDER.

14 MR. KELLY: JUDGE, THEY HAVE ALREADY SAID, MAYBE
15 ONE OF THESE, THAT IF IT'S A SERIAL SET OF KILLINGS,
16 DEATH. AND THAT'S WHAT'S GOING TO -- THE SOLICITOR
17 IS GOING TO STAMPEDE THIS JURY INTO BELIEVING THAT HE
18 MURDERED HENRY TURNER, AND THEN HE'S GOING TO SAY,
19 HE'S KILLED -- MURDERED TWO PEOPLE IN A ROW AND NOW
20 PUT HIM TO DEATH.

21 THE COURT: I DON'T THINK HE CAN ARGUE THAT.

22 MR. KELLY: YOU WATCH HIM.

23 THE COURT: WELL, IF I WERE TO LET IT IN, MR.
24 KELLY, HE WOULDN'T BE ABLE TO ARGUE THAT BECAUSE THE
25 SUPREME COURT PRECEDENCE IS VERY CLEAR THAT HE

1 CANNOT.

2 MR. KELLY: MA'AM, YOU CAN'T TAKE THE QUACK OUT
3 OF THE DUCK. HE DOESN'T EVEN HAVE TO ARGUE. ALL
4 HE'S GOT TO DO IS DANCE AROUND IT. ALL HE HAS TO DO
5 IS TO SHOW IT TO -- THEY WILL DO THE REST, BELIEVE
6 ME.

7 THE COURT: ANY FURTHER ARGUMENT REGARDING THE
8 ISSUE, MR. DIGGS?

9 MR. DIGGS: NO, YOUR HONOR.

10 THE COURT: MR. KELLY?

11 MR. KELLY: NO, MA'AM.

12 THE COURT: MR. HEMBREE?

13 MR. HEMBREE: I BELIEVE, YOUR HONOR, I HAVE SOME
14 MORE TIME TOMORROW TO ARGUE THIS POINT?

15 THE COURT: IF WE NEED MORE TIME TO ARGUE IT, WE
16 PROBABLY WILL -- THEN MAY NEED TO SKIP THAT --
17 WELL...

18 MR. HEMBREE: COME IN EARLY. IF YOU WANT TO
19 COME IN ABOUT NINE AND TAKE THIS MATTER UP FIRST?

20 THE COURT: NO, BECAUSE I NEED THAT TIME TO --
21 I'M GOING TO RESEARCH IT TONIGHT AND I USUALLY USE --
22 I USE BETWEEN 8:30 AND 9:30 TO TAKE CARE OF MY CHIEF
23 ADMINISTRATIVE RESPONSIBILITIES IN CHARLESTON BECAUSE
24 I DON'T GET A RESPITE FROM THOSE.

25 THEY NEED TO BE TAKEN CARE OF. AND SO I ALREADY

1 HAVE A STACK OF THINGS I NEED TO DEAL WITH IN THE
2 MORNING.

3 WHAT WE WILL DO -- BECAUSE THEN THAT ALLOWS ME
4 TO BE ABLE TO DEAL WITH YOU ALL DAY UNINTERRUPTED. I
5 HAVE TO TALK TO MY CLERK AND I HAVE TO DEAL WITH MY
6 SECRETARY AND I HAVE TO DEAL WITH A STACK OF THINGS
7 THAT ACCUMULATE ALL DAY LONG THAT NEED MY ATTENTION.

8 YOU SAID YOUR NEXT SEVEN WITNESSES DEAL WITH
9 THIS ISSUE?

10 MR. HEMBREE: YES, YOUR HONOR.

11 THE COURT: WHAT -- IF THE COURT EXCLUDES IT,
12 THEN WHAT WOULD YOUR NEXT SET OF WITNESSES BE?

13 MR. HEMBREE: YES, YOUR HONOR. IT WOULD GO
14 TO -- OUR NEXT WITNESSES WOULD GO TO MR. STANKO'S
15 CONDUCT OR HIS -- THE EVENTS THAT -- SURROUNDING HIM
16 IN COLUMBIA, IN AUGUSTA, HIS ARREST, AND VICTIM
17 IMPACT TESTIMONY.

18 THE COURT: ALL RIGHT. WE'RE GOING TO HAVE TO
19 DO A PROFFER ANY WAY. HOW LENGTHY ARE THOSE
20 WITNESSES REGARDING MR. TURNER?

21 MR. HEMBREE: I CAN MAKE -- I WOULD SAY AT LEAST
22 AN HOUR. I WOULD SAY AN HOUR. I CAN -- I MEAN,
23 BECAUSE IT'S A PROFFER, I CAN TIGHTEN IT UP.

24 THE COURT: WELL, I WANT YOU TO GIVE ME AN
25 HONEST ESTIMATE BECAUSE I'M -- I'M GOING TO HAVE TO

1 SCHEDULE AROUND...

2 MR. HEMBREE: ONE HOUR, YOUR HONOR. IF THIS IS
3 GOING TO -- LET ME SAY THIS, JUDGE. IF THIS IS GOING
4 TO -- I MEAN, I CAN PROFFER THESE WITNESSES IN AN
5 HOUR. IF THIS IS GOING TO BE A -- SIX MINUTES WITH A
6 WITNESS AND A 45 MINUTE CROSS-EXAMINATION ON A
7 PROFFER, THEN I CAN'T MAKE THAT -- I'M JUST SPEAKING
8 OF MYSELF.

9 THE COURT: YEAH. I NEED YOU TO GIVE ME AN
10 ESTIMATE BASED ON YOUR NEEDS, NOT THEIRS.

11 MR. HEMBREE: I UNDERSTAND. THANK YOU, YOUR
12 HONOR.

13 THE COURT: ARE THE WITNESSES TESTIMONY GOING TO
14 ELICIT -- ARE YOU GOING TO ELICIT FROM THE WITNESSES
15 ANYTHING OTHER THAN WHAT YOU REPRESENTED TO THE COURT
16 TODAY REGARDING THE MURDER OF MR. TURNER, THE ALLEGED
17 MURDER OF MR. TURNER?

18 MR. HEMBREE: YOUR HONOR, THAT IS THE -- THOSE
19 ARE THE HIGHLIGHTS OF THEIR TESTIMONY. I CANNOT SAY
20 WITH CERTAINTY THERE WON'T BE CERTAIN SMALL DETAILS
21 THAT WON'T COME IN TO TELL THE REST OF THE -- TO TELL
22 THE STORY, BUT ESSENTIALLY NO OTHER BAD ACTS, RIGHT,
23 THERE ARE NO OTHER CRIMES, THERE ARE NO -- WELL, HE'S
24 TAKEN MR. TURNER'S TRUCK, HE'S TAKEN MR. TURNER'S
25 GUN, IT'S RECOVERED, HE'S TAKEN MR. TURNER'S

1 CELLPHONE, THEN THE OTHER BAD ACTS RELATED TO THAT --
2 THAT SERIES OF CRIMES AS HE BEGINS HIS ESCAPE.

3 THE COURT: LET ME ASK THIS QUESTION OF THE
4 DEFENSE. WOULD THERE BE AN EXCEPTION TO THE SAME
5 LINE OF QUESTIONING THAT WAS ELICITED IN THE GUILT
6 PHASE WHICH IS TO ACTS OF PREMEDITATION?

7 MR. KELLY: YOU MEAN WITH DR...

8 THE COURT: TAKING OF THE CELLPHONE, TAKING OF
9 THE VEHICLE.

10 MR. KELLY: DR. CRAWFORD? WE HAVE NO -- WE HAVE
11 NO OBJECTION TO THE JURY KNOWING THAT HE HAD THE
12 VEHICLE THAT DIDN'T BELONG TO HIM OR A CELLPHONE THAT
13 DIDN'T BELONG TO HIM OR A PISTOL THAT DIDN'T BELONG
14 TO HIM.

15 WE DON'T WANT THEM TO KNOW IT'S HENRY TURNER'S.
16 THAT'S WHAT WE DON'T WANT. PLUS I WANT TO ASK THE
17 SOLICITOR, WHEN THE WATER GETS SHALLOW, DOES HE
18 INTEND ALSO TO PUT UP DR. CRAWFORD?

19 IS HE GOING TO BRING HER IN TO GIVE HER
20 TESTIMONY AS TO WHAT THE CLIENT TOLD HER? DOES HE
21 INTEND TO DO THAT AS WELL?

22 MR. HEMBREE: YOUR HONOR, I WILL DISCUSS WITH
23 MR. KELLY -- IF HE HAS SOME PERSONAL QUESTIONS FOR
24 ME, I WILL BE GLAD TO TAKE THOSE UP WITH HIM OUTSIDE
25 THE PRESENCE OF THE COURT.

1 YOUR HONOR, THERE -- THIS EVIDENCE, YOUR HONOR,
2 THIS EVIDENCE GOES DIRECTLY TO THE DEFENDANT'S
3 CHARACTER. THE -- ALL OF THE EVIDENCE REGARDING
4 HENRY TURNER'S MURDER GOES--

5 THE COURT: WELL, I UNDERSTAND THAT THAT'S YOUR
6 CONTENTION. BUT WHETHER IT ACTUALLY GOES TO IT OR
7 NOT IS A DECISION FOR THE COURT TO MAKE.

8 MR. HEMBREE: NO QUESTION ABOUT THAT, YOUR
9 HONOR.

10 THE COURT: AND I WILL THINK ABOUT THAT TONIGHT
11 AND DETERMINE WHETHER THAT IS IN FACT EVIDENCE
12 BECAUSE QUITE FRANKLY, ALTHOUGH THERE WILL BE SOME
13 ARGUMENT THAT IT IS RES GESTAE, IT REALLY ISN'T.
14 THEY ARE SEPARATE AND INDEPENDENT ACTS. THEY DON'T
15 NEED TO BE ALONG WITH ONE ANOTHER.

16 IN OTHER WORDS, YOU DON'T NEED MR. TURNER TO
17 JUST -- TO EXPLAIN TO THE JURY WHAT HAPPENED TO MS.
18 LING AND YOU DON'T NEED MS. LING TO EXPLAIN TO THE
19 JURY WHAT HAPPENED TO MR. TURNER.

20 MR. HEMBREE: NO, YOUR HONOR. THIS IS ONLY
21 ABOUT THE DEFENDANT'S CHARACTER. THAT'S THE REASON
22 FOR INTRODUCING THIS TESTIMONY.

23 IT'S -- IT'S NO DIFFERENT, YOUR HONOR, IT IS NO
24 DIFFERENT THAN INTRODUCING EVIDENCE OF A FIGHT AT THE
25 JAIL BETWEEN THE TIME THE DEFENDANT WAS ARRESTED AND

1 THE TIME -- THE TIME OF THE TRIAL. IT'S AS --
2 THERE'S NO DIFFERENCE WHATSOEVER EXCEPT IN THE -- IN
3 THE AREA OF MAGNITUDE. AND THERE'S ONE EXCEPTION--

4 THE COURT: YEAH, IT'S A LITTLE DIFFERENT. IT'S
5 VERY DIFFERENT IN VARIOUS ASPECTS--

6 MR. HEMBREE: -- WHAT I'M SAYING--

7 THE COURT: TALKING ABOUT A FIGHT AT THE JAIL, I
8 WOULDN'T EVEN NEED TO THINK ABOUT IT.

9 MR. HEMBREE: THAT'S WHAT I'M SAYING. IT'S A
10 QUESTION OF MAGNITUDE. IT'S NOT A QUESTION OF
11 ADMISSIBILITY. BUT YOUR HONOR, THE OTHER PART THAT
12 MAKES IT ALL THE MORE IMPORTANT IS BECAUSE OF THE
13 DEFENDANT -- THE THEORY THAT HAS BEEN ADVANCED BY THE
14 DEFENSE AND IS CONTINUING TO BE ADVANCED BY THE
15 DEFENSE THAT MR. STANKO SNAPPED. AND THIS DIRECTLY
16 BEARS--

17 THE COURT: YOU CAN REBUT THAT WITHOUT TALKING
18 ABOUT WHETHER IN FACT HE KILLED MR. TURNER I THINK,
19 BUT I'M GOING TO THINK ABOUT IT OVER TONIGHT.

20 MR. DIGGS: YOUR HONOR, WE NEVER USED THE WORD
21 SNAPPED, SO I WOULD OBJECT TO IT BEING
22 CHARACTERIZED--

23 THE COURT: WELL, I MEAN, THERE ARE MANY WAYS
24 YOU CAN CHARACTERIZE IT, BECAUSE CLEARLY THE
25 CHARACTERIZATION IS THAT HE IS ALBEIT LESS THAN

1 ETHICAL, MILD-MANNERED AND NON-VIOLENT UNTIL
2 TRIGGERED, AND THAT IS -- THAT IS BASICALLY THE
3 IMPLICATION.

4 AND THAT UNTIL THESE EVENTS HAPPENED THAT PUT
5 HIM IN A CORNER AND MAKE HIM FEEL THREATENED, HE
6 DOESN'T REACT. AND SO TO SOME EXTENT I CANNOT
7 PRECLUDE THE STATE FROM REBUTTING THAT.

8 THEY HAVE TO. BECAUSE WITH THE -- THE ACT OF
9 PREMEDITATION THAT THEY ARE TALKING ABOUT, THERE IS A
10 SITUATION WHERE THERE WASN'T A TRIGGER.

11 MR. DIGGS: BUT WE DON'T KNOW.

12 MR. KELLY: MA'AM, ALSO -- IT'S ANOTHER MATTER
13 TO US -- THIS IS THE SOLICITOR AGAIN TELLING YOU AND
14 US WHAT WE'RE DOING. I THINK THAT ONE OF THE
15 MITIGATING STATUTORY CIRCUMSTANCES IS -- IS THE STATE
16 OF MIND.

17 AND THERE'S NEW EVIDENCE COMING IN THAT DIDN'T
18 COME IN THE FIRST PHASE, AND THAT IS, LOOK AT WHAT
19 HE'S PUT IN HERE TODAY, IDA BROOKS, MR. LEE, THE
20 MR. JACKSON, THE -- MRS. -- WHAT'S HER NAME, BUCKNER
21 AS WELL.

22 ALL OF THESE HAVE TO DO WITH WHAT IS HIS STATE
23 OF HEALTH. JUST -- PLEASE, JUDGE, JUST BECAUSE THE
24 SOLICITOR SAYS IT'S THAT WAY DOESN'T CARRY.

25 THE COURT: WELL, I THINK YOU ALL KNOW AND I

1 THINK MY REPUTATION SPEAKS VOLUMES FOR ITSELF. THE
2 ONLY THING I'M GOING TO UPHOLD IS THE LAW. SO I'M
3 GOING TO STUDY, I'M GOING TO THINK ABOUT IT, I'M
4 GOING TO REFLECT ON IT AND I'M GOING TO MAKE A
5 DECISION AND MAKE A WELL-BALANCED DECISION.

6 AGAIN, I'M NOT AN ADVOCATE IN THIS TRIAL. I
7 DON'T HAVE -- YOU KNOW, ALTHOUGH I THINK WINNING IS A
8 MISNOMER, I DON'T KNOW THAT ANYBODY REALLY WINS IN A
9 TRIAL QUITE FRANKLY.

10 SO I MEAN, I DON'T HAVE ANYBODY TO REWARD OR
11 ANYBODY TO PUNISH, AND I'M NOT AN ADVOCATE. SO I'M
12 PROBABLY THE ONLY PERSON IN THIS ROOM WHO CAN SEE IT
13 COMPLETELY NEUTRAL AND SEE IT GLOBALLY FROM EVERY
14 PERSPECTIVE, AND THAT'S HOW I PLAN TO LOOK AT IT AND
15 I PLAN TO MAKE A DECISION BASED ON THAT PERSPECTIVE.

16 AND YOU ALL WILL HAVE -- I'M GOING TO THINK
17 ABOUT IT THIS EVENING, AND I ANTICIPATE HAVING A
18 DECISION FOR YOU IN THE MORNING. AND IF SOMETHING
19 SHOULD CAUSE ME TO DEVIATE FROM THAT COURSE, I
20 CERTAINLY WILL MAKE YOU WELL AWARE OF IT MUCH EARLIER
21 THAN US BEGINNING.

22 BUT AS YOU ALL KNOW, I'M GENERALLY HERE PRIOR TO
23 US BEGINNING COURT, SO IF WE NEED TO TALK, WE
24 CERTAINLY WILL DO THAT IN THE MORNING.

25 NOW, ALSO AS A HOUSEKEEPING MATTER, AND WE DID

1 NOT COVER THIS EARLY ON BECAUSE I ASSUMED IT WAS NOT
2 AN ISSUE, BUT SO THE RECORD CAN BE CLEAR, I ASSUME
3 THERE ARE NO JACKSON VERSUS DENO ISSUES, THERE ARE NO
4 ISSUES ABOUT STATEMENTS OR ANYTHING LIKE THAT WERE
5 EVER MADE; IS THAT CORRECT? AND I JUST NEED TO
6 KNOW--

7 MR. HEMBREE: NO, YOUR HONOR.

8 THE COURT: -- BE CLEAR FOR THE RECORD. AND OF
9 COURSE, THERE IS NO BIGERS ISSUES; CORRECT?

10 MR. HEMBREE: NO, YOUR HONOR.

11 MR. DIGGS: PARDON?

12 THE COURT: ID ISSUES, NEIL VERSUS BIGERS.

13 OKAY. ALL RIGHT. I WILL SEE YOU ALL IN THE MORNING.
14 HAVE A GOOD EVENING.

15 MR. KELLY: THANK YOU, MA'AM.

16 MR. DIGGS: THANK YOU, YOUR HONOR.

17 (COURT IN RECESS FOR THE EVENING.)

18 ***** AUGUST 15, 2006 *****

19 THE COURT: IS THE STATE READY TO PROCEED?

20 MR. HEMBREE: YES, YOUR HONOR.

21 THE COURT: IS THE DEFENSE READY TO PROCEED?

22 MR. DIGGS: YES, MA'AM.

23 THE COURT: OKAY. I AM STILL -- I HAVE

24 BASICALLY REACHED THE DECISION ABOUT THE

25 ADMISSIBILITY OF THE HENRY TURNER EVIDENCE, BUT OUT

1 OF AN ABUNDANCE OF CAUTION AND IN AN ATTEMPT TO MAKE
2 SURE THAT MY ANALYSIS IS ACCURATE, I WOULD LIKE SOME
3 MORE TIME TO DEAL WITH THE MATTER, AND I'D LIKE TO
4 PUSH FORWARD WITH THE TESTIMONY. ARE YOU ALL
5 PREPARED TO DO THAT?

6 MR. HEMBREE: YES, YOUR HONOR. WE'RE PREPARED
7 TO PRESS FORWARD WITH TESTIMONY. AM I TO UNDERSTAND
8 THAT WE'RE TO -- TO PRESS FORWARD WITH TESTIMONY
9 REGARDING THE HENRY TURNER...

10 THE COURT: NO, OTHER -- YEAH. WE'RE TO PRESS
11 FORWARD WITH THE ASSUMPTION THAT IT IS NOT GOING TO
12 BE ADMITTED UNTIL THE COURT MAKES A FINAL DECISION
13 REGARDING IT. AND I NEED TO KNOW IF YOU'RE PREPARED
14 TO DO THAT.

15 MR. HEMBREE: WE'RE PREPARED TO DO THAT, YOUR
16 HONOR.

17 THE COURT: OKAY. I NEED -- THERE ARE A COUPLE
18 MORE CASES THAT I FOUND THIS MORNING THAT I NEED TO
19 READ BEFORE I CAN MAKE A FINAL DECISION.

20 MR. HEMBREE: YOUR HONOR, WILL THERE BE AN
21 OPPORTUNITY FOR THE STATE TO BE HEARD ON THAT ISSUE?

22 THE COURT: OH, YEAH. I WILL GIVE YOU
23 ADDITIONAL TIME FOR ADDITIONAL ARGUMENT IF YOU'D
24 LIKE. I WILL GIVE YOU BOTH AN ADDITIONAL OPPORTUNITY
25 TO ADDRESS THE COURT WITH THAT, BUT I DIDN'T WANT TO

1 USE ANY MORE TIME THIS MORNING TO DO THAT WHEN WE CAN
2 BE DISPOSING OF OTHER WITNESSES.

3 MR. HEMBREE: THANK YOU, YOUR HONOR.

4 THE COURT: YOU'RE WELCOME. ALL RIGHT. YOU CAN
5 BRING IN THE JURY. WAIT ONE SECOND. I'M NOT READY
6 FOR THEM.

7 (WHEREUPON THERE WAS A PAUSE.)

8 THE COURT: IS THE STATE READY TO PROCEED?

9 MR. HEMBREE: YES, YOUR HONOR.

10 THE COURT: IS THE DEFENSE READY TO PROCEED?

11 MR. DIGGS: YES, YOUR HONOR.

12 THE COURT: PLEASE BRING IN THE JURY.

13 (JURY ENTERED THE COURTROOM AT 9:45 AM.)

14 THE COURT: YOU MAY BE SEATED. LADIES AND
15 GENTLEMEN, I HOPE THAT YOU ALL HAD A RESTFUL EVENING.
16 WE WILL NOW PROCEED WITH THE TRIAL. MR. HUMPHRIES,
17 YOU MAY PROCEED.

18 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

19 THE COURT: YOU'RE WELCOME.

20 MR. HUMPHRIES: THE STATE CALLS ERIN HARDWICK.

21 (WHEREUPON THERE WAS A PAUSE.)

22 MR. HUMPHRIES: MAY WE APPROACH, JUDGE?

23 THE COURT: YEAH.

24 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

25 THE COURT: LADIES AND GENTLEMEN, IF YOU WOULD

1 BEAR WITH US. IT SHOULD ONLY BE A FEW MORE MOMENTS.

2 (WHEREUPON THERE WAS A PAUSE.)

3 ERIN HARDWICK, AFTER
4 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE COURT: YOU MAY PROCEED.

6 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

7 THE COURT: YOU'RE WELCOME.

8 DIRECT EXAMINATION

9 BY MR. HUMPHRIES:

10 Q MS. HARDWICK, WHERE -- WHAT TOWN ARE YOU FROM HERE IN
11 SOUTH CAROLINA?

12 A I'M FROM LEXINGTON.

13 Q AND HOW ARE YOU EMPLOYED?

14 A I AM THE EXECUTIVE OF A TRADE ASSOCIATION.

15 Q LET ME TAKE YOU BACK TO APRIL 8TH, 2005. DO YOU
16 RECALL THAT DAY?

17 A I DO.

18 Q TELL THE JURY WHAT YOU WERE DOING SAY FROM THE EARLY
19 AFTERNOON ON.

20 A ON THAT AFTERNOON I WAS IN GREENVILLE. I WAS
21 ARRIVING BACK INTO COLUMBIA. I CALLED A GIRLFRIEND AND
22 ASKED HER IF SHE WOULD WANT TO -- IT'S FRIDAY AFTERNOON --
23 MEET FOR A DRINK AFTER WORK.

24 Q DID YOU DO THAT?

25 A WE DID THAT.

1 Q OKAY. WHERE DID YOU GO?

2 A WE WENT TO A BAR FAIRLY -- A UPSCALE BAR RESTAURANT
3 CALLED BLUE MARLIN.

4 Q AND WHERE IS THAT LOCATED?

5 A THAT'S IN DOWNTOWN COLUMBIA.

6 Q OKAY. ABOUT WHAT TIME DID YOU ARRIVE?

7 A I GOT THERE PROBABLY ABOUT 5:15.

8 Q OKAY. WAS YOUR GIRLFRIEND THERE AT THE TIME?

9 A SHE WAS ALREADY THERE.

10 Q OKAY. DID YOU GO IMMEDIATELY TO THE BAR AREA?

11 A WE DID.

12 Q OKAY. WHEN YOU GOT THERE, WERE THERE ANY OTHER
13 PATRONS THERE AT THE BAR?

14 A THERE WERE A COUPLE OF MEN SITTING AT THE BAR. IT
15 WAS A FAIRLY EMPTY PLACE AT THAT POINT.

16 Q OKAY. HOW WOULD YOU DESCRIBE THE MEN YOU SAW THERE?

17 A I'M SORRY?

18 Q THOSE TWO, THE TWO MEN THAT YOU SAW WHEN YOU FIRST
19 ARRIVED.

20 A DESCRIBE THEM?

21 Q PHYSICALLY.

22 A DARK. BOTH HAD DARK HAIR. ONE WAS DRESSED I GUESS
23 YOU'D CALL PROFESSIONALLY WITH A SUIT, GLASSES. THE
24 OTHER, YOUNGER, KIND OF A -- A TAN GUY.

25 Q OKAY. NOW, YOU WERE THERE TO MEET WITH YOUR FRIEND.

1 A CORRECT.

2 Q DID YOU ULTIMATELY BECOME ENGAGED IN ANY KIND OF
3 CONVERSATION WITH THOSE MEN?

4 A WE DID.

5 Q AND HOW DID THAT COME ABOUT?

6 A AS WE WERE -- MY GIRLFRIEND AND I JUST TALKING,
7 CHATTING, GIRL TALK, THE BAR STARTED FILLING UP, AND THE
8 INDIVIDUAL, THE MAN SITTING CLOSEST TO ME ENDED UP SITTING
9 RIGHT NEXT TO ME AND ENGAGING WITH BOTH OF US IN A
10 CONVERSATION, LIGHT, INFORMAL KIND OF CONVERSATION.

11 Q DID THAT INDIVIDUAL TELL YOU HIS NAME?

12 A NOT AT THAT POINT.

13 Q OKAY. DO YOU RECALL WHAT YOU WOULD HAVE TALKED ABOUT
14 AT THAT TIME?

15 A WE TALKED ABOUT A VARIETY OF THINGS. A COUPLE THINGS
16 THAT COME TO MIND OVER THE COURSE OF PROBABLY THE TWO
17 HOURS OR SO THAT WE WERE THERE, THAT HE WAS FROM NEW YORK,
18 THAT HE WAS ORIGINALLY FROM SOUTH CAROLINA, BUT HE WAS IN
19 REAL ESTATE DEVELOPMENT, COMMERCIAL REAL ESTATE
20 DEVELOPMENT, THAT HE WAS WORKING ON A REALLY BIG DEAL IN
21 DOWNTOWN COLUMBIA, THAT THERE WAS GOING TO BE A HIGH-RISE
22 BUILT AND THAT THEY HAD CLOSED ON THAT -- THAT -- THAT
23 INITIATIVE THAT DAY, AND HE WAS EXCITED ABOUT THAT.

24 HE SAID THAT HE HAD TO WORK THROUGH SOME POLITICAL
25 CONTACTS TO GET THAT DEAL DONE AND THAT SENATOR DAVID

1 THOMAS WAS ONE THAT HAD HELPED HIM CLOSE THAT -- THAT
2 DEAL.

3 Q AT SOME POINT IN TIME DID HE TELL YOU WHAT HIS NAME
4 WAS?

5 A HE NEVER ACTUALLY VERBALLY TOLD ME HIS NAME.

6 Q OKAY. DID HE TELL YOU HIS FIRST NAME?

7 A YES.

8 Q WHAT WAS HIS FIRST NAME?

9 A FIRST NAME WAS STEPHEN.

10 Q STEPHEN. AND IS THIS THE MAN WHO WAS DRESSED
11 PROFESSIONALLY WITH THE SUIT AND VEST?

12 A THAT'S CORRECT.

13 Q TELL US HOW THE EVENING WENT ON, HOW -- DID YOU
14 CONTINUE TO SPEAK WITH THIS INDIVIDUAL?

15 A YEAH. AS THE NIGHT -- IT WAS FRIDAY NIGHT, SO THIS
16 RESTAURANT GETS REALLY CROWDED OVER TIME. AND LIKE I SAID
17 EARLIER, WE GOT THERE ABOUT FIVE. AND ABOUT SEVEN MY
18 GIRLFRIEND'S DATE ARRIVED AND -- AND HE HUNG OUT WITH US
19 FOR A LITTLE WHILE, BUT THEY DECIDED THEY WANTED TO GO TO
20 DINNER SOMEWHERE ELSE, AND SO THEY LEFT.

21 I STILL HAD ABOUT A HALF A GLASS OF WINE LEFT AND I
22 DECIDED I'D JUST STAY, FINISH THAT, AND THEN -- THEN GO
23 HOME. SO I WAS THERE TALKING WITH THIS -- THIS
24 INDIVIDUAL, AND THERE WAS A LOT OF ENGAGEMENT WITH THE
25 BARTENDERS AND THE COCKTAIL WAITRESSES THAT WERE WORKING

1 AND PICKING UP DRINKS THERE.

2 HE WAS BUYING DRINKS FOR NOT ONLY THE BARTENDERS, HE
3 BOUGHT ME ANOTHER GLASS OF WINE. WE CONTINUED TO TALK. I
4 TOLD HIM I WAS GOING TO BE IN NEW YORK IN A FEW WEEKS.
5 HE'S LIKE, GIVE ME A CALL.

6 AND YOU KNOW, WE CONTINUED TO TALK ABOUT AN HOUR
7 PERHAPS AFTER MY FRIEND LEFT. I'D FINISHED MY GLASS OF
8 WINE. IT WAS TIME FOR ME TO GO HOME. AND SO I SAID, YOU
9 KNOW, IT'S TIME FOR ME TO GO. AND HE SAID, WELL, WE'RE
10 ALL HEADING OUT, WE'RE GOING OUT TO SOME OTHER BARS, WHY
11 DON'T YOU GO WITH US? AND I SAID, NO, SAID, IT'S TIME FOR
12 ME TO GO HOME.

13 SO HE PUT ON HIS JACKET -- LET ME WALK YOU OUT TO
14 YOUR CAR. AND SO WE WALKED OUT. AND HE SAID, WELL, LET
15 ME GET YOU A BUSINESS CARD BECAUSE WHEN YOU COME TO NEW
16 YORK, YOU KNOW, WE'D LIKE, YOU KNOW, GIVE ME A CALL.

17 SO HE -- WE WALKED OVER TO HIS VEHICLE AND HE
18 APOLOGIZED THAT HE WAS DRIVING A VEHICLE THAT WAS, YOU
19 KNOW, OLDER. IT WAS A PICK-UP TRUCK. THIS WAS SOMEBODY
20 HE SAID THAT WAS WORKING FOR HIM IN THIS DEVELOPMENT
21 PROJECT THAT HE HAD TO BORROW, HE COULDN'T GET THE RENTAL
22 CAR FROM THE AIRPORT THAT DAY, SO HE WAS JUST -- HE WAS
23 DRIVING A BORROWED CAR IS WHAT HE TOLD ME.

24 HE OPENED THE CAR -- THE TRUCK DOOR TO THE TRUCK, AND
25 WHEN THE LIGHT CAME ON IN THE TRUCK I COULD SEE THERE WERE

1 LOTS AND LOTS OF CLOTHES JUST PACKED INTO THE BACK OF THE
2 TRUCK, AND HE WAS KIND OF RUMMAGING LOOKING FOR HIS CARD
3 APPARENTLY, AND HE -- AND HE CAME BACK AND SAID, I CAN'T
4 FIND MY CARD, YOU HAVE A CARD, I COULD JUST, YOU KNOW,
5 GIVE YOU MY CONTACT INFORMATION.

6 SO I PULLED OUT A BUSINESS CARD. HE WROTE ON THE
7 BACK OF THE BUSINESS CARD HIS E-MAIL ADDRESS.

8 Q WHAT WAS HIS E-MAIL ADDRESS?

9 A I CAN'T REMEMBER THE WHOLE THING, BUT I DO REMEMBER
10 THAT IT WAS STANKO AT WHATEVER THE SUFFIX WOULD BE FOR
11 THAT PARTICULAR...

12 Q LET ME ASK YOU, DID YOU NOTE ANY INJURIES TO THIS
13 INDIVIDUAL?

14 A I DID. AND THANK YOU FOR REMINDING ME OF THAT.
15 DURING OUR DISCOURSE, YOU KNOW, TALKING AT THE BAR, IT DID
16 COME -- COME UP THAT HE HAD A BANDAGE ON HIS -- THE BACK
17 OF HIS RIGHT HAND.

18 AND THE WAY HE DESCRIBED THAT HE GOT THAT INJURY IS
19 THAT THE COOPER RIVER BRIDGE RUN, WHICH IS IN CHARLESTON
20 EVERY -- I THINK IT'S THE FIRST WEEKEND IN APRIL -- HAD
21 BEEN THE WEEKEND BEFORE, AND HE -- HE SAID THAT HE HAD RUN
22 IN THAT RUN AND HAD TAKEN A SPILL TOWARDS THE END OF IT
23 AND HAD INJURED HIS HAND.

24 Q AFTER -- AFTER THAT EVENING, FRIDAY EVENING, DID YOU
25 LATER LEARN WHO STEPHEN STANKO WAS?

1 A I DID. MUCH TO MY SURPRISE, ON MONDAY MORNING I WAS
2 GETTING READY FOR WORK. I HAD THE TODAY SHOW ON IN THE
3 NEXT ROOM. AND I HEARD THE NEWS ANNOUNCER ANN CURRY SAY
4 SOMETHING ABOUT STEPHEN STANKO WANTED FOR MURDER, SOUTH
5 CAROLINA, AND THAT -- THOSE WERE THE ONLY THREE THINGS I
6 REMEMBER.

7 AND IT CAUSED MY MEMORY TO JOG AND REMEMBER THE
8 E-MAIL ADDRESS AND -- AND MAKE THE CONNECTION BETWEEN THE
9 NAME THAT I HEARD ON TV AND THE NAME THAT WAS ON THAT
10 E-MAIL ADDRESS.

11 AND WHEN I GOT TO WORK THAT DAY, I CALLED MY
12 GIRLFRIEND WHO WAS WITH ME THAT FRIDAY NIGHT AND SAID, I
13 THINK THIS IS THE SAME PERSON THAT WE'RE HEARING ABOUT ON
14 TV.

15 AND SHE WENT ONLINE AND LOOKED, AND THERE WAS A
16 PICTURE OF THIS INDIVIDUAL ON THE WEBSITE OF A NEWSPAPER
17 AND SHE SAID, ERIN, THAT -- THAT IS INDEED THE SAME
18 PERSON, YOU NEED TO -- YOU NEED TO CALL SLED ABOUT THAT.

19 Q DID YOU?

20 A I DID.

21 Q AS A RESULT OF YOUR CALL TO SLED, DID YOU ULTIMATELY
22 PROVIDE A STATEMENT OR GO IN TO BE INTERVIEWED?

23 A YES.

24 Q BY LAW ENFORCEMENT?

25 A YES. SPENT ABOUT FOUR HOURS WITH THEM THAT DAY.

1 Q LET ME ASK YOU, DO YOU SEE THE INDIVIDUAL THAT YOU
2 WERE DRINKING WITH IN THE BAR AT THE BLUE MARLIN TODAY IN
3 THE COURTROOM?

4 A I DO.

5 Q WILL YOU POINT HIM OUT?

6 A THE FELLOW WITH THE WHITE SHIRT AND TIE (POINTED).

7 Q THANK YOU, MS. HARDWICK. ANSWER ANY QUESTIONS THE
8 DEFENSE MAY HAVE.

9 THE COURT: ANY CROSS-EXAMINATION OF THE
10 WITNESS?

11 MR. KELLY: YES, MA'AM.

12 THE COURT: YOU MAY PROCEED.

13 CROSS-EXAMINATION

14 BY MR. KELLY:

15 Q IS IT MS. HARDWICK?

16 A YES, SIR.

17 Q MS. HARDWICK, DURING THE TIME THAT YOU MET WITH
18 STEPHEN STANKO WHO YOU IDENTIFIED HERE IN THE COURTROOM,
19 DID HE EVER -- DID YOU FEEL THREATENED BY HIM IN ANY WAY?

20 A I DID NOT FEEL PHYSICALLY THREATENED BY HIM. HE --
21 HE REMINDED ME OF -- OF THE TYPICAL GUY WHO IS SORT OF
22 BRAGGING ABOUT, YOU KNOW, THINGS THAT HE WAS INVOLVED IN
23 AND SHOWING OFF HIS MONEY AND -- AND, YOU KNOW, JUST --
24 BUT I -- I DID NOT FEEL THREATENED.

25 Q IS IT FAIR TO SAY THAT HIS BEHAVIOR WAS JUST A MATTER

1 OF SELF-GRANDISEMENT (SIC), MAKING HIMSELF APPEAR TO BE AN
2 IMPORTANT PERSON TO IMPRESS YOU AND YOUR FRIEND?

3 A I THINK SO.

4 Q THANK YOU, MA'AM.

5 THE COURT: ANYTHING FURTHER?

6 MR. HUMPHRIES: NOTHING FROM THIS WITNESS.

7 THANK YOU, YOUR HONOR.

8 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
9 EXCUSED FROM THE STATE?

10 MR. HUMPHRIES: NONE FROM THE STATE.

11 THE COURT: FROM THE DEFENSE?

12 MR. DIGGS: NO, YOUR HONOR.

13 THE COURT: MA'AM, YOU'RE EXCUSED. YOU MAY CALL
14 YOUR NEXT WITNESS.

15 (WITNESS LEFT THE STAND.)

16 MR. HEMBREE: YOUR HONOR, THE STATE CALLS RYAN
17 COLEMAN TO THE WITNESS STAND.

18 RYAN COLEMAN, AFTER
19 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

20 THE COURT: YOU MAY PROCEED.

21 MR. HEMBREE: THANK YOU, YOUR HONOR.

22 DIRECT EXAMINATION

23 BY MR. HEMBREE:

24 Q MR. COLEMAN, YOU MIGHT WANT TO SCOOT UP JUST A BIT SO
25 YOU CAN SPEAK INTO THAT MICROPHONE.

1 A ALL RIGHT.

2 Q AND THE COURT REPORTER CAN GET EVERYTHING YOU SAY.

3 MR. COLEMAN, WHERE DO YOU LIVE?

4 A COLUMBIA, SOUTH CAROLINA.

5 Q AND WHAT TYPE OF WORK DO YOU DO?

6 A I WAIT TABLES AND BARTEND.

7 Q WHERE DO YOU BARTEND?

8 A BLUE MARLIN.

9 Q AND TELL US A LITTLE BIT ABOUT THE BLUE MARLIN.

10 A SEAFOOD RESTAURANT, IT'S PRETTY MUCH BEEN AROUND FOR
11 10 YEARS, KIND OF A LANDMARK RESTAURANT IN COLUMBIA.

12 Q AND WHERE IS IT LOCATED IN COLUMBIA?

13 A THINK THE EXACT ADDRESS IS 1200 LINCOLN STREET.

14 Q DOWN IN THE VISTA AREA?

15 A YES, SIR.

16 Q LOT OF RESTAURANTS--

17 A YES, SIR.

18 Q -- AND PLACES DOWN THAT WAY. NOW, HOW LONG HAVE YOU
19 WORKED AT THE BLUE MARLIN?

20 A AROUND TWO YEARS.

21 Q WERE YOU WORKING BACK ON APRIL THE EIGHTH, FRIDAY,
22 APRIL THE EIGHTH OF 2005?

23 A YES, SIR.

24 Q AND WHAT SHIFT WERE YOU WORKING THAT NIGHT?

25 A I WAS CLOSING BARTENDER THAT EVENING.

1 Q NOW, WHAT TIME WOULD YOU REPORT TO WORK IF YOU WERE
2 THE CLOSING BARTENDER?

3 A 6:00.

4 Q WHEN YOU ARRIVED AT WORK THAT NIGHT -- DID YOU GO TO
5 WORK AT SIX THAT NIGHT TO YOUR BEST RECOLLECTION?

6 A YES, SIR.

7 Q AND WHEN YOU ARRIVED AT WORK THAT NIGHT, DID YOU COME
8 INTO CONTACT WITH AN INDIVIDUAL THAT YOU WOULD LATER LEARN
9 WAS STEPHEN STANKO?

10 A YES, SIR.

11 Q TELL THIS JURY ABOUT MR. STANKO AND WHAT YOUR
12 IMPRESSIONS WERE WHEN YOU FIRST CAME INTO CONTACT WITH
13 HIM.

14 A WELL, HE WAS THERE WITH ONE OF OUR REGULARS, AND IT
15 WAS MASTER'S WEEK, SO HE JUST KIND OF BLENDED IN WITH
16 EVERYBODY ELSE. I MEAN, BECAUSE AUGUSTA IS SO
17 OVER-CROWDED DURING THAT WEEK, WE GET A LOT OF BUSINESS
18 PEOPLE THAT COME INTO -- COME INTO THE BLUE MARLIN AS
19 WELL, STAY IN COLUMBIA, EAT UP THERE, CLEAN-CUT,
20 WELL-DRESSED, YOU KNOW.

21 SO HE PRETTY MUCH BLENDED IN WITH ANYBODY ELSE THAT
22 WAS COMING IN THE RESTAURANT.

23 Q DID YOU TALK WITH HIM YOURSELF OR OVERHEAR
24 CONVERSATIONS HE WAS HAVING?

25 A YES, SIR.

1 Q TELL THE JURY A LITTLE BIT ABOUT THAT.

2 A NOTHING MUCH, IT WAS PRETTY MUCH JUST RANDOM MANNER.
3 LIKE I SAID, HE WAS THERE WITH ONE OF OUR REGULARS, VIC,
4 AND IT WAS JUST CASUAL CONVERSATION FOR THE MOST EVENING.
5 FOR THE MOST PART I'M BUSY BARTENDING, SO I'M RUNNING
6 AROUND DEALING WITH DIFFERENT PEOPLE ALL NIGHT, SO YOU
7 KNOW, JUST NOTHING TOO IN-DEPTH REALLY.

8 Q OKAY. DID YOU -- DID YOU FORMULATE ANY IMPRESSIONS
9 OF HIM AS YOU WATCHED HIM THROUGHOUT THE NIGHT?

10 A I MEAN, NOT SO MUCH, BUT HE JUST LOOKED LIKE
11 EVERYBODY ELSE THAT WAS IN THERE.

12 Q GOT YA. WELL-DRESSED?

13 A YES, SIR.

14 Q WELL-SPOKEN?

15 A YES, SIR.

16 Q HOW ABOUT -- HOW -- DID YOU KEEP HIS TAB THAT NIGHT?

17 A UH-HUH.

18 Q APPROXIMATELY HOW MUCH MONEY WOULD YOU SAY HE SPENT
19 IN THE BLUE MARLIN ON -- AT THE BAR THAT NIGHT?

20 A WITH OR WITHOUT THE TIP?

21 Q WELL, BOTH. HOW MUCH ON DRINKS AND HOW MUCH WITH
22 TIP?

23 A ON DRINKS AND FOOD PROBABLY AROUND \$180. ANOTHER 120
24 ON -- FOR THE TIP BECAUSE I SPLIT IT UP BETWEEN ME AND THE
25 OTHER BARTENDERS, SO AROUND \$300 TOTAL.

1 Q ABOUT \$300 TOTAL? SO HE WAS BUYING ROUNDS AND...

2 A WELL, HE WAS THERE FOR SIX HOURS. HE WAS THERE FROM
3 WHEN I CAME IN TILL WHENEVER I LOCKED UP, SO... HIM AND
4 VIC WERE THERE FOR PRETTY MUCH THE WHOLE SIX HOURS.

5 Q ALL RIGHT. NOW, AFTER Y'ALL LOCKED UP THAT NIGHT,
6 WHERE DID YOU GO?

7 A STATE STREET PUB.

8 Q AND WHERE IS IT LOCATED?

9 A IT'S PROBABLY ABOUT A MILE AWAY FROM THE BLUE MARLIN.
10 IT'S ON THE OTHER SIDE WITH THE -- ON THE OTHER SIDE OF
11 THE RIVER. IT'S FAIRLY CLOSE.

12 Q IN WEST COLUMBIA?

13 A WEST COLUMBIA, YES.

14 Q GOT YA. AND IS -- IS THAT KIND OF A REGULAR SPOT FOR
15 YOU? I MEAN, YOU HAVE SOME FRIENDS OVER THERE, YOU...

16 A I -- I GUESS. WE GO THERE EVERY NOW AND THEN.

17 Q GOT YA. NOW, DID DEFENDANT STANKO GO THERE, TOO?

18 A YES, SIR.

19 Q HE RIDE WITH YOU?

20 A NO, SIR.

21 Q DO YOU KNOW WHO HE RODE WITH?

22 A HE RODE WITH VIC.

23 Q VIC. WAS THAT THE REGULAR YOU MENTIONED--

24 A UH-HUH.

25 Q -- WAS THE GUY THAT WAS A REGULAR CUSTOMER OF YOURS

1 AT THE BLUE MARLIN?

2 A YEAH.

3 Q THAT HE HAD BEEN KIND OF HANGING OUT WITH?

4 A UH-HUH.

5 Q AND HOW LONG DID HE -- HOW LONG DID HE STAY OVER AT
6 THE STATE STREET PUB?

7 A TILL PROBABLY AROUND 3:30 IN THE MORNING I'M
8 GUESSING. IT WAS AROUND 4:00 WHEN I GOT HOME, SO...

9 Q HE LEFT A LITTLE BIT BEFORE YOU?

10 A UH-HUH.

11 Q NOW, DID YOU HAVE ANY IMPRESSIONS OF MR. STANKO BASED
12 ON HIS CONDUCT IN THE STATE STREET PUB?

13 A WELL, AFTER HE HAD BEEN DRINKING FOR A WHILE HE
14 STARTED ACTING A LITTLE OUT OF HAND.

15 Q IN WHAT WAY?

16 A HE BECAME MORE FOUL-TEMPERED, STARTED RUNNING OFF AT
17 THE MOUTH A LITTLE MORE.

18 Q AND I MEAN, RUNNING OFF AT THE MOUTH...

19 A WELL, HE GOT A LITTLE PROFANE FOR A WHILE. HE GOT IN
20 AN ARGUMENT WITH MY FRIEND NEIL AND HE WAS SITTING THERE,
21 YOU KNOW, TALKING ABOUT WHAT HE SUPPOSEDLY DID, HIS JOB
22 LINE AND STUFF LIKE THAT.

23 Q KIND OF BRAGGING?

24 A YEAH, PRETTY MUCH.

25 Q WHAT DID HE GET IN AN ARGUMENT WITH YOUR FRIEND NEIL

1 ABOUT?

2 A WELL, WE -- WE KIND OF STARTED TO CALL HIM OUT ON
3 STUFF THAT HE WAS SAYING. NEIL WAS QUESTIONING THE
4 INTEGRITY OF SOME OF THE -- THE STORIES HE WAS SAYING, AND
5 SO WE KIND OF EGGED IT ON TO SEE WHERE IT WOULD GO.

6 Q AND WHAT'S WHEN HE TURNED MORE--

7 A YEAH, HE GOT REALLY MAD.

8 Q HAD A TEMPER?

9 A UH-HUH.

10 Q DID HE EVER COMMIT ANY ACT OF VIOLENCE?

11 A ASIDE FROM GETTING IN NEIL'S FACE?

12 Q HE DIDN'T HIT ANYBODY; DID HE?

13 A NO.

14 Q DIDN'T SAY, I WANT TO GO OUTSIDE WITH YOU AND SETTLE
15 THIS OUT IN THE PARKING LOT; DID HE?

16 A OH, HE -- HE DEFINITELY SAID, YOU KNOW, I'LL KICK
17 YOUR ASS.

18 Q OKAY.

19 A SOMETHING LIKE THAT.

20 Q OKAY.

21 A BUT...

22 Q BUT DIDN'T DO ANYTHING?

23 A IT DIDN'T ESCALATE INTO ANYTHING FURTHER, NO.

24 Q DID THERE COME A -- A POINT IN TIME WHEN HE WAS
25 ACTUALLY THROWING MONEY?

1 A YEAH.

2 Q TELL THE JURY ABOUT THAT.

3 A WE HAD BEGUN TO QUESTION SOME OF THE THINGS HE WAS
4 SAYING. SOME OF THE STUFF WASN'T ADDING UP. HE STARTED
5 PULLING MONEY OUT OF HIS POCKET AND THROWING IT IN NEIL'S
6 FACE, USING PROFANITIES AT NEIL, YOU KNOW, JUST SAYING
7 I -- I HAVE GOT SUCH AND SUCH AMOUNT OF MONEY, I CAN, YOU
8 KNOW, BUY YOU OUT, WHATEVER, STUFF LIKE THAT.

9 Q WHAT DID -- WHAT HAPPENED TO THE MONEY THAT HE THREW
10 IN NEIL'S FACE?

11 A WE GAVE IT BACK TO HIM.

12 Q AND HE LEFT BEFORE YOU DID?

13 A UH-HUH.

14 Q WAS -- HE HAD NOT DRIVEN HIS CAR TO STATE STREET PUB?

15 A NO, SIR.

16 Q FAIR ENOUGH. AND THAT'S THE LAST YOU SAW OF
17 MR. STANKO?

18 A PRETTY MUCH.

19 Q PLEASE ANSWER ANY QUESTIONS THE DEFENSE COUNSEL MAY
20 HAVE FOR YOU.

21 THE COURT: ANY QUESTIONS FOR THE WITNESS?

22 MR. KELLY: YES, MA'AM.

23 THE COURT: YOU MAY PROCEED.

24 CROSS-EXAMINATION

25 BY MR. KELLY:

1 Q MR. COLEMAN, I DIDN'T GET THE ADDRESS WHERE YOU SAID
2 THE BLUE MARLIN WAS. WHAT STREET?
3 A IT'S LINCOLN STREET.
4 Q EXCUSE ME?
5 A LINCOLN.
6 Q LINCOLN?
7 A YES, SIR.
8 Q AND THAT'S IN COLUMBIA?
9 A YES, SIR.
10 Q AND DURING THE TIME THAT THIS PERSON THAT YOU WERE
11 TALKING ABOUT WAS IN THE BAR ON LINCOLN STREET, DID YOU
12 HAVE ANY COMPLAINTS TO YOU ABOUT HIS BEHAVIOR?
13 A NOT AT THAT POINT IN TIME, NOT EARLIER IN THE
14 EVENING.
15 Q AND DID YOU SEE ANYTHING ABOUT HIM WHILE YOU WERE AT
16 THE BLUE MARLIN DURING YOUR EMPLOYMENT THAT MADE YOU THINK
17 THAT HE WAS OTHER THAN JUST AN AVERAGE PERSON?
18 A NOT AT THAT POINT IN THE EVENING.
19 Q BUT DIDN'T YOU SAY THAT YOU WENT ACROSS THE RIVER
20 INTO LEXINGTON COUNTY?
21 A UH-HUH.
22 Q DID I HEAR YOU SAY THAT THAT WAS A STATES...
23 A STATE STREET.
24 Q STATE STREET?
25 A UH-HUH.

1 Q OKAY. AND THAT -- THAT THE PERSON THAT YOU HAD SEEN
2 THERE, RODE WITH, WAS IT VIC?

3 A UH-HUH.

4 Q OKAY. AND HOW MUCH -- HOW MUCH ALCOHOL DO YOU THINK
5 THIS PERSON HAD CONSUMED OVER THE PERIOD OF TIME FROM WHEN
6 YOU FIRST CAME ON WORK UNTIL THE LAST YOU SAW OF HIM?

7 A TALKING ABOUT THROUGH THE ENTIRE EVENING?

8 Q YEAH. THAT WOULD BE ABOUT NINE HOURS; WOULDN'T IT?

9 A YEAH.

10 Q SIX -- NINE OR 10 HOURS. HOW MUCH DO YOU THINK THE
11 MAN ACTUALLY CONSUMED?

12 A PRETTY DECENT AMOUNT CONSIDERING HE RAN UP AN
13 180-DOLLAR TAB AT THE BAR.

14 Q HE WAS ALSO BUYING DRINKS FOR OTHER PERSONS; CORRECT?

15 A YEAH, THAT'S CORRECT.

16 Q OKAY. AND HE WAS ALSO DRINKING AT THE STATE STREET
17 BAR?

18 A (NODDED.)

19 Q OKAY. AND WHAT WAS HE DRINKING, IF YOU RECALL?

20 A BEERS. I'M NOT SURE WHAT BRAND OF BEER HE WAS
21 HAVING. IT WAS BEER AND LIQUOR SHOTS AS WELL.

22 Q AND JUST GIVE ME SOME KIND OF ESTIMATE OF HOW MANY
23 SHOTS OF LIQUOR OR -- OR BEERS THAT YOU SAW THE MAN
24 ACTUALLY BUY.

25 A IF I HAD TO GUESS, PROBABLY FOUR OR FIVE BEERS, MAYBE

1 A ROUND OR TWO OF SHOTS.

2 Q OKAY. NOW, YOU SAY THAT HE WAS TELLING STORIES AND
3 THE STORY DIDN'T ADD UP--

4 A UH-HUH.

5 Q -- SO TO SPEAK.

6 A YEAH.

7 Q DO YOU RECALL ANY OF THESE STORIES?

8 A YEAH. WELL, HE -- HE CLAIMED TO HAVE GRADUATED FROM
9 THE CITADEL. IF YOU -- IF YOU KNOW ANYBODY WHOSE
10 GRADUATED FROM THE CITADEL, MOST OF THESE PEOPLE ARE --
11 ARE -- THEY WEAR THEIR RINGS. THAT'S -- THEY PRETTY MUCH
12 EARN THAT OVER FOUR YEARS.

13 ANYBODY I KNOW WHO HAS GRADUATED FROM THE CITADEL,
14 YOU PRETTY MUCH GO TO THE GRAVE WITH THAT THING ON. HE
15 DID NOT HAVE A CITADEL RING. WE STARTED QUESTIONING HIM
16 ABOUT THAT, HE GOT A LITTLE AGITATED.

17 THEN HE CLAIMED TO BE WORKING FOR A -- UBS. HE
18 CLAIMED IT WAS A PRIVATELY OWNED COMPANY WHICH IS TRADED
19 ON THE NEW YORK STOCK EXCHANGE. AND THE NEW YORK STOCK
20 EXCHANGE DID NOT TRADE -- TRADE TO PRIVATELY OWNED
21 COMPANIES.

22 Q YEAH.

23 A UH-HUH.

24 Q AND THOSE WERE SOME OF THE THINGS THAT HE WAS
25 QUESTIONED ABOUT?

1 A UH-HUH.

2 Q OKAY. THANK YOU, SIR.

3 THE COURT: ANY REDIRECT OF THE WITNESS?

4 MR. HEMBREE: NO, YOUR HONOR. NOTHING ON
5 REDIRECT.

6 THE COURT: ANY OBJECTION TO THE WITNESS BEING
7 EXCUSED FROM THE STATE?

8 MR. HEMBREE: NONE FROM THE STATE.

9 THE COURT: FROM THE DEFENSE?

10 MR. KELLY: NO, YOUR HONOR.

11 (WITNESS LEFT THE STAND.)

12 THE COURT: SIR, YOU'RE EXCUSED. YOU MAY CALL
13 YOUR NEXT WITNESS.

14 MR. HUMPHRIES: THE STATE CALLS DANA PUTNAM.
15 DANA PUTNAM, AFTER

16 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

17 THE COURT: YOU MAY PROCEED.

18 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

19 THE COURT: YOU'RE WELCOME.

20 DIRECT EXAMINATION

21 BY MR. HUMPHRIES:

22 Q DANA, WHERE DO YOU LIVE? IN WHAT TOWN?

23 A I LIVE IN AUGUSTA, GEORGIA.

24 Q HAVE YOU ALWAYS LIVED THERE?

25 A ABSOLUTELY. I WAS BORN AND RAISED IN AUGUSTA.

1 Q LET ME ASK YOU, WHAT DO YOU DO FOR A LIVING?

2 A I DO PUBLIC RELATIONS FOR AN ENVIRONMENTAL
3 NON-PROFIT.

4 Q AND IS THAT THERE IN AUGUSTA?

5 A THERE IN AUGUSTA, ON THE SOUTH SIDE.

6 Q BEING FROM AUGUSTA, I WOULD IMAGINE YOU KNOW A LITTLE
7 BIT ABOUT THE MASTER'S GOLF TOURNAMENT.

8 A YES, IT'S -- IT'S THE BIG TIME IN AUGUSTA AND IT IS A
9 WEEK-LONG CELEBRATION OF GOLF IN OUR TOWN. AND IT'S --
10 IT'S A TIME WHEN WE HAVE ALL EYES ON AUGUSTA, AND IT'S A
11 TIME TO BE PROUD OF AUGUSTA.

12 Q LET ME ASK YOU, A LOT OF PEOPLE COME INTO AUGUSTA AT
13 THAT TIME?

14 A ABSOLUTELY. WE'RE ALWAYS LOOKING FOR FAMOUS PEOPLE.

15 Q NOW, THE FOLKS THAT LIVE IN AUGUSTA -- LET ME ASK IT
16 SPECIFICALLY AS TO YOU. FIRST OF ALL, ARE YOU MARRIED?

17 A NO.

18 Q OKAY. ARE YOU WEARY OF FOLKS THAT COME IN FOR THE
19 MASTER'S TOURNAMENT, MEN THAT COME INTO THE MASTER'S
20 TOURNAMENT?

21 A WEARIED OF MARRIED MEN.

22 Q OKAY.

23 A A LOT OF THEM LIKE TO TAKE THEIR RINGS OFF AND SLIP
24 THEM IN THEIR POCKETS.

25 Q LET ME ASK YOU, DANA. DO YOU RECALL MASTER'S WEEK IN

1 APRIL OF 2005?

2 A YES.

3 Q LET ME TAKE YOU TO THAT SATURDAY NIGHT WHICH I
4 BELIEVE IS GOING TO BE THE NINTH. WHAT WERE YOU DOING
5 THAT NIGHT?

6 A ON SATURDAY NIGHT MY FRIEND KILIAN FROM CHARLOTTE HAD
7 COME INTO TOWN. I HAD BEEN -- MY BIRTH -- MY 30TH
8 BIRTHDAY WAS THE MONDAY OF THAT WEEK.

9 AND SO I HAD A FRIEND COMING INTO TOWN, AND I WAS
10 REALLY KIND OF TIRED BECAUSE WE HAD PAR THREE AND MAYOR'S
11 AND MASTER'S RECEPTION, AND DIDN'T REALLY WANT TO GO OUT,
12 BUT SHE WAS LIKE, OH, COME ON, AND SO WE WENT TO A MEXICAN
13 RESTAURANT AND HAD A COUPLE MARGARITAS AND THEN WE
14 PROCEEDED TO SURRY TAVERN.

15 Q SURRY TAVERN IS A LOCAL WATERING HOLE?

16 A YES. THEY HAVE A BLUES BAND THAT I LIKE TO HEAR, SO
17 I WAS EXCITED TO GO HEAR THE BAND.

18 Q PRETTY CROWDED WHEN YOU GOT THERE?

19 A PRETTY CROWDED. AND EVEN MORE CROWDED WITH THE
20 MASTER'S FOLKS IN TOWN.

21 Q SURE. WHEN YOU WALKED INTO THE BAR -- STARTING TO
22 SOUND LIKE A SONG -- BUT WHEN YOU WALK INTO THE BAR, DID
23 YOU SEE ANYTHING OR NOTE ANYTHING OF INTEREST OR ANY
24 PERSON OF INTEREST?

25 A THE MOMENT I WALKED INTO THE BAR I CAUGHT EYES WITH

1 WHO I LATER WAS INTRODUCED TO STEPHEN CHRISTOPHER. I
2 NOTICED HIM RIGHT AWAY, BUT I HAD TOLD MY FRIEND THAT I
3 WAS HER WING MAN AND THAT IT WAS ALL ABOUT HER THAT NIGHT,
4 AND--

5 Q TELL THE JURY WHAT A WING MAN IN...

6 A A WING MAN IS--

7 Q -- THE SINGLE WORLD IS.

8 A A WING MAN IS JUST SOMEONE THAT HELPS -- HELPS A
9 FRIEND MEET SOMEONE. YOU'RE JUST -- I WAS JUST THERE FOR
10 HER. AND -- BUT I HAD NOTICED HIM AND WE HAD MADE EYE
11 CONTACT.

12 BUT THE NIGHT WAS ABOUT HER, SO I WAS KIND OF
13 IGNORING HIM AND JUST TRYING TO ATTEND TO MY FRIEND,
14 AND -- AND THE MORE I ATTENDED TO HER OUT OF THE CORNER OF
15 MY EYE HE WAS STILL LOOKING AND KIND OF WAVING, AND I WAS
16 STILL IGNORING HIM.

17 AND -- AND THEN AT SOME POINT, ONE OF THE FRIENDS
18 THAT HE WAS WITH TOOK ME BY THE SHOULDERS AND TURNED ME
19 AROUND AND SAID, THIS IS STEPHEN.

20 Q LET ME ASK YOU. WHEN YOU FIRST NOTICED HIM, DID YOU
21 NOTICE HIM IN A GROUP OF PEOPLE?

22 A YES.

23 Q OKAY. MEN OR WOMEN?

24 A MEN.

25 Q WERE THEY ABOUT THE SAME AGE AS THIS STEPHEN

1 CHRISTOPHER OR WERE THEY YOUNGER?

2 A THEY WERE YOUNGER.

3 Q OKAY. AFTER HAVING BEEN INTRODUCED TO STEVE OR
4 STEPHEN, HOW DID THE REST OF THE EVENING GO?

5 A WELL, WHEN I WAS INTRODUCED TO HIM, HE WAS WEARING A
6 ROYAL BLUE SHIRT THAT SAID HOOTERS, AND SO I SAID, OH, SO
7 YOU WORK AT HOOTERS; DO YOU? AND HE WAS SITTING LIKE
8 THIS, AND I WAS LIKE, OH, THERE'S ONE OF THOSE MARRIED MEN
9 WITH THEIR -- HIDING OFF THEIR RING AS LONG AS THEY CAN.

10 AND SO I SAID, YOU WORK AT HOOTERS? AND HE SAID, NO,
11 I OWN -- I OWN HOOTERS, I OWN SEVEN OR EIGHT, AND I
12 CO-OWN -- I THINK I OWN EIGHT AND I CO-OWN NINE HERE IN
13 TOWN.

14 AND SO I ASKED HIM ABOUT THE HOOTERS PHILOSOPHY, AND
15 DO THEY REALLY GET A FREE BOOB JOB IF THEY WORK THERE. I
16 WASN'T IMPRESSED WITH HOOTERS.

17 Q I GOT YA. AND DID YOU MAKE THAT KNOWN TO HIM?

18 A YES.

19 Q HOW DID HE REACT TO THAT?

20 A HE -- HE SAID THAT IT WAS JUST BUSINESS AND HE GIVES
21 THE PEOPLE WHAT THEY WANT AND, YOU KNOW, THESE GIRLS ARE
22 JUST TRYING TO WORK THEIR WAY THROUGH SCHOOL AND MEN ARE
23 TRYING TO ENJOY THE HOOTERS GIRLS, AND -- BUT IT WAS
24 JUST -- IT WAS JUST BUSINESS.

25 HE'D BECOME AN ENTREPRENEUR OR -- WITH THE RESTAURANT

1 STUFF LATER. HE HAD A PHD.

2 Q TELL ME ABOUT THE EDUCATION HE TOLD YOU HE HAD.

3 A HE TOLD ME THAT HE HAD GONE TO THE CITADEL AND THEN
4 HE WENT TO NYU SYRACUSE, I BELIEVE, AND GOT A MASTER'S AND
5 THEN A PHD IN CHEMICAL ENGINEERING.

6 Q NOW, WAS -- WERE YOU SPENDING ANY MONEY THERE AT
7 SURRY TAVERN?

8 A I WASN'T. HE -- HE WAS SPENDING A LOT OF MONEY
9 BUYING ROUNDS FOR THE WHOLE TABLE OF GUYS THAT HE WAS
10 WITH, AND HE WAS LIKE, WHAT DO YOU WANT, AND PULLED OUT
11 THIS -- THIS JUST ROLL OF MONEY, AND HE WAS LIKE -- AND I
12 WAS LIKE, PUT YOUR MONEY AWAY, I'M NOT IMPRESSED WITH ALL
13 OF THAT.

14 Q DID YOU CONTINUE TO SPEAK WITH HIM OVER THE COURSE OF
15 THE EVENING?

16 A YES. HE -- HE ASKED ME TO DANCE, AND THEN HE -- HE
17 TOLD ME THAT HE WAS FROM MYRTLE BEACH BUT HE HAD GROWN UP
18 IN CHARLESTON, AND IN THE SUMMERS WHEN HE WAS AT THE
19 CITADEL HE USED TO LIFEGUARD AND ALSO TEACH SHAG LESSONS.

20 AND SO WHEN WE DANCED, I KIND OF THOUGHT THAT HE
21 WASN'T THAT GOOD AT SHAGGING TO BE A SHAGGING INSTRUCTOR,
22 BUT WE DID DANCE.

23 Q DID YOU HAVE FUN?

24 A YES.

25 Q LET ME ASK YOU, DANA. WAS THERE A CONNECTION MADE

1 THAT EVENING BETWEEN YOU AND STEPHEN?

2 A YES.

3 Q DID YOU NOTE ANY INJURIES ON HIM?

4 A YES. ON HIS RIGHT HAND HE WAS WEARING A BAND-AID.

5 Q DID YOU ASK HIM HOW THAT MIGHT HAVE OCCURRED?

6 A HE -- I DON'T REMEMBER IF I ASKED HIM, BUT HE TOLD ME
7 THAT HE WAS IN A FIGHT THE NIGHT BEFORE IN COLUMBIA. HE
8 WAS WITH HIS FRIENDS TODD BEXTON AND LAURA, HIS WIFE, WHO
9 TODD WAS A FRIEND FROM THE CITADEL AND LAURA WAS AN
10 ANESTHESIOLOGIST, HIS WIFE.

11 HE WAS OUT WITH THEM AND THEY WERE ALWAYS TRYING TO
12 SET HIM UP ON DATES -- AND THEY HAD SET HIM UP WITH A DATE
13 THAT HE -- SHE WASN'T BAD, BUT SHE WASN'T ANYTHING SPECIAL
14 I GUESS.

15 AND -- BUT WHILE HE WAS THERE, A DRUNK MAN KEPT KIND
16 OF BOTHERING HIS DATE AND TAPPED HER AND STOPPED AND, YOU
17 KNOW, THEN HE -- EVENTUALLY HE HAD ASKED THE MAN TO STOP
18 TWICE AND THE MAN SWUNG, SWUNG AT STEPHEN AND MISSED AND
19 THEN STEPHEN CAME BACK AND HIT HIM IN THE TOOTH.

20 Q THE TOOTH INJURED HIS HAND?

21 A YES, THE TOOTH INJURED HIS KNUCKLE.

22 Q NOW, HOW LONG DID Y'ALL STAY THERE?

23 A WE CLOSED OUT THAT EVENING. WE WERE HAVING A VERY
24 GOOD TIME AND -- AND I WAS ENJOYING THE BAND. IN FACT,
25 TOO TOO DIVINE, WHO IS THE SINGER IN THE BAND, HE HAD --

1 HE HAD TOLD ME THAT HE KNEW DAVID GEFFEN, SO--

2 Q WHO HAD TOLD YOU HE KNEW DAVID GEFFEN?

3 A STEPHEN.

4 Q OKAY.

5 A AND -- AND THAT, YOU KNOW, HE WAS A RECORD EXECUTIVE,
6 AND I WAS LIKE, OH, WELL YOU HAVE GOT TO MEET TOO TOO
7 BECAUSE I -- SHE'S GOT TO GET OUT OF AUGUSTA, SHE'S A
8 GREAT, GREAT SINGER.

9 AND SO WE LINGERED AND LINGERED TILL AFTERWARDS. AND
10 I INTRODUCED HER TO HIM SO THAT HE MIGHT COULD INTRODUCE
11 HER TO DAVID GEFFEN.

12 Q OKAY. WHERE DID YOU GO AFTER LEAVING THE SURRY
13 TAVERN?

14 A AFTER THE SURRY TAVERN WE WENT TO WAFFLE HOUSE.

15 Q DOESN'T EVERYBODY?

16 A YEAH.

17 Q WHO WENT TO THE WAFFLE HOUSE?

18 A MY TWO GIRLFRIENDS, KILIAN AND JENNA, AND THE GUYS
19 THAT -- THAT HE WAS WITH. I DON'T REMEMBER THEIR NAMES.

20 Q THAT'S ALL RIGHT. HOW DID YOU GET THERE?

21 A WE WENT IN JENNA, MY FRIEND, WHO WAS DRIVING US, WE
22 WENT IN HER CAR TO WAFFLE HOUSE.

23 Q OKAY. I TAKE IT YOU ATE AT WAFFLE HOUSE?

24 A YES.

25 Q WHO PAID FOR THE FOOD AT WAFFLE HOUSE?

1 A STEPHEN.

2 Q FOR Y'ALL?

3 A EVERYBODY, ALL -- THE WHOLE GROUP. I THINK TWO
4 TABLES. I THINK WE MIGHT HAVE TALKED TO A TABLE BEHIND --
5 HE MIGHT HAVE PAID FOR THEM, TOO, BUT I'M NOT SURE.

6 Q ABOUT WHAT TIME DO YOU THINK IT WOULD HAVE BEEN AT
7 THIS POINT?

8 A WEE HOURS OF THE MORNING, PROBABLY AFTER 2 AM.

9 Q OKAY. AND THIS IS GETTING ON INTO SUNDAY MORNING?

10 A YES.

11 Q AFTER YOU LEAVE THE WAFFLE HOUSE, WHERE DO YOU GO?

12 A WE GO BACK TO THE SURRY TAVERN PARKING LOT BECAUSE
13 STEPHEN WANTED TO DRIVE ME HOME.

14 Q AND WAS THAT OKAY WITH YOU AT THAT POINT?

15 A YEAH, BECAUSE MY FRIENDS WERE BEHIND ME IN THE --
16 THEY FOLLOWED US BACK TO MY HOUSE.

17 Q OKAY. HE DROVE YOU HOME?

18 A YES.

19 Q DO YOU RECALL -- IN HIS VEHICLE?

20 A YES.

21 Q WHAT WAS HIS VEHICLE AT THAT POINT?

22 A A BLACK TRUCK.

23 Q WHAT DID HE TELL YOU ABOUT THAT BLACK TRUCK?

24 A HE TOLD ME -- I'M NOT SURE IF HE TOLD ME THAT NIGHT.

25 Q OKAY.

1 A BUT HE TOLD ME THAT HE HAD -- HIS JAGUAR WAS IN
2 COLUMBIA AND THAT HE WAS DRIVING THE MECHANIC'S TRUCK.

3 Q OKAY. YOU GET TO YOUR HOUSE. WAS THE PLAN THEN FOR
4 HIM TO JUST DROP YOU OFF AND LEAVE?

5 A YES.

6 Q HOW DID THAT WORK OUT?

7 A WELL, HE DROPPED ME OFF -- OR WE GOT BACK TO MY HOUSE
8 AND MY FRIENDS WAVED GOODBYE AND IT SEEMED -- OR WE WENT
9 INSIDE MY HOUSE AND THEN IT WAS LIKE, WELL, YOU'RE REALLY
10 TOO -- YOU HAVE HAD TOO MUCH TO DRINK TO DRIVE.

11 Q THAT WAS -- YOU WERE TALKING TO HIM?

12 A YES.

13 Q AND WERE YOU GENUINELY CONCERNED ABOUT HIS CONDITION
14 AND DRIVING AT THAT POINT?

15 A YES.

16 Q OKAY. AS A RESULT OF THAT, WHAT HAPPENED?

17 A WE -- WE WERE BACK IN THE HOUSE AND WE SPENT SOME
18 TIME TOGETHER AND THEN HE WENT TO SLEEP ON MY COUCH.

19 Q WHERE DID YOU GO?

20 A I WENT TO MY BEDROOM.

21 Q ALL RIGHT. ONCE YOU GOT IN YOUR BEDROOM, WHAT DID
22 YOU DO? WHAT WERE YOU THINKING?

23 A WELL, AS I WAS GOING TO MY BEDROOM, I WAS LIKE, OH, I
24 DON'T -- I DON'T KNOW THIS PERSON, YOU KNOW, LIKE WHAT --
25 WHAT AM I DOING? AND SO I -- MY DOG NORMALLY SLEEPS IN

1 THE -- IN THE DEN, AND I TOOK HIS IRON DOG BED AND BROUGHT
2 IT IN MY ROOM AND BUTTED THE DOG BED AGAINST THE DOOR
3 THINKING THAT HE WOULD WAKE ME UP IF ANYTHING HAPPENED.

4 Q WELL, LET ME ASK YOU THIS. DID -- THIS IS EARLY
5 SUNDAY MORNING WHEN YOU GOT HOME. DID YOU HAVE ANY PLANS
6 FOR SUNDAY MORNING?

7 A I TOLD HIM AT SURRY TAVERN THAT NIGHT, AND I KEPT
8 SAYING -- AND I HAD HAD ENOUGH OF MASTER'S WEEK. IT'S FUN
9 AT FIRST, BUT THE MORE YOU CONTINUE IN THE AUGUSTA'S MARDI
10 GRAS, IT GETS TO BE WEARING.

11 AND AT SURRY I HAD SAID, I'M GOING TO -- I DON'T KNOW
12 ABOUT Y'ALL, BUT I'M GOING TO CHURCH TOMORROW.

13 Q WHAT CHURCH DO YOU ATTEND IN AUGUSTA?

14 A FIRST BAPTIST CHURCH OF AUGUSTA.

15 Q PRETTY BIG CHURCH?

16 A YES.

17 Q TELEVISED?

18 A TELEVISED, YES.

19 Q WHEN YOU WOKE UP SUNDAY MORNING, WAS STEPHEN STILL
20 THERE?

21 A YES.

22 Q OKAY. TELL US ABOUT SUNDAY MORNING.

23 A SUNDAY MORNING -- WELL, ACTUALLY SATURDAY NIGHT
24 STEPHEN HAD SAID, WELL, I'LL GO TO CHURCH WITH YOU. AND I
25 THOUGHT, WOW, THAT'S GREAT, HE'LL GO TO CHURCH WITH ME,

1 YOU KNOW, AND...

2 Q THAT APPEAL TO YOU?

3 A ABSOLUTELY.

4 Q OKAY.

5 A AND HE HAD TALKED ALL ABOUT HIS HONOR CODE AND ALL OF
6 THE HONOR AND TREAT, YOU KNOW, AT SURRY LIKE YOU'RE NOT
7 LIKE THE HOOTERS GIRLS. HE HAD KIND OF JUXTAPOSED ME TO
8 THEM.

9 Q DID THAT APPEAL TO YOU, TOO?

10 A ABSOLUTELY. SO -- SO WE WENT TO CHURCH ON SUNDAY.
11 HE TOOK A SHOWER AT MY HOUSE AND PUT ON A SUIT, AND I HAD
12 PUT MY DOG OUT IN THE BACK YARD AND HE HAD GOTTEN INTO
13 SOMETHING, SO I HAD TO BATHE MYSELF AND BATHE THE DOG, AND
14 THEN WE HEADED OFF TO CHURCH.

15 Q NOW, ANYTHING -- YOU REMEMBER ANYTHING EVENTFUL
16 HAPPENING AT CHURCH?

17 A WELL, HE HAD MENTIONED THE NIGHT BEFORE THAT HE WAS
18 CATHOLIC. AND WHEN WE GOT INTO CHURCH, HE WAS CROSSING AT
19 MOMENTS THAT I BELIEVE CATHOLICS MAKE THE CROSS, BUT IT
20 SEEMED LIKE -- I HAVE CATHOLIC FRIENDS WHO JUST DO THE
21 CROSS, BUT IT SEEMED LIKE IT WAS A GRAND -- I NOTE THAT
22 STOOD OUT TO ME.

23 AND I HAD TOLD HIM THAT WE -- I ALWAYS SIT IN THE
24 BACK ON THE LEFT SO THAT MY GRANDMOTHER CAN SEE ME ON TV
25 BECAUSE SHE DOESN'T ALWAYS GO, BUT SHE WILL WATCH IT ON

1 TV.

2 Q MAKE SURE YOU'RE AT CHURCH?

3 A YEAH.

4 Q OKAY. DO YOU REMEMBER WHAT THE SERMON WAS ON?

5 A SPIRITUAL SNAKE HANDLING AND DEALING WITH THINGS THAT
6 YOU DON'T WANT TO FACE.

7 Q AFTER CHURCH WHAT DID YOU DO?

8 A AFTER CHURCH WE WENT TO THE BOLL WEEVIL DOWNTOWN FOR
9 LUNCH. AND IT WAS EASIER TO GO IN THE DOWNTOWN DIRECTION
10 BECAUSE OF THE MASTER'S TRAFFIC.

11 Q OKAY. HOW WAS LUNCH?

12 A LUNCH WAS GOOD. WE -- AFTER -- AND THE BOLL WEEVIL
13 IS ON AUGUSTA'S RIVERWALK, SO WE WENT OUT ON THE RIVERWALK
14 AFTER LUNCH AND JUST WALKED AROUND.

15 Q NOW, HOW WAS HE TREATING YOU AT THIS POINT?

16 A WONDERFULLY. HE WAS VERY INSISTENT THAT HE OPEN
17 EVERY DOOR, EVEN THE CAR DOOR. I'M USED TO GENTLEMEN, BUT
18 NOT LIKE THAT. HE WOULD GET -- HE WOULD GET CROSS WITH ME
19 WHEN I OPENED MY DOOR. HE ALWAYS OFFERED HIS HAND AND HE
20 WANTED TO OPEN EVERY DOOR, EVEN THE CAR DOOR.

21 Q DID THAT AS WELL APPEAL TO YOU?

22 A YES.

23 Q THIS WALK ON THE RIVERWALK, WAS THAT A PLEASANT TIME?

24 A YEAH, IT WAS NICE. WE WERE LOOKING AT THE HOUSES ON
25 THE CAROLINA SIDE. THEY DON'T BUILD ON THE GEORGIA SIDE.

1 AND HE -- I WAS SAYING, THEY'RE ALL TOO BIG. AND I WORK
2 FOR AN ENVIRONMENTAL COMPANY, SO -- FOR A NON-PROFIT, SO
3 WE DON'T REALLY LIKE ALL THAT DEVELOPMENT ON THE RIVER,
4 BUT...

5 Q WAS THERE A POINT IN TIME THAT HE BEGAN TO EXPRESS
6 SOME FONDNESS OR INTEREST IN YOU THAT MIGHT CARRY BEYOND
7 THE WEEKEND?

8 A YES.

9 Q TELL ME ABOUT THAT.

10 A HE HAD MENTIONED THAT HE WAS -- HIS -- HIS -- HE HAD
11 HAD A BROKE -- I HAD HAD A BROKEN ENGAGEMENT THAT I TALKED
12 ABOUT AT HOOTERS, OR NOT AT HOOT -- I'M SORRY -- AT SURRY
13 TAVERN THE NIGHT BEFORE.

14 AND HE HAD HAD A BROKEN ENGAGEMENT, TOO, AND IT WAS
15 BECAUSE HE WAS MANAGING ALL OF THESE 17 HOOTERS, GOING
16 AROUND, AND HE WAS JUST ON THE ROAD TOO MUCH, AND HE WAS
17 WANTING TO DOWNSHIFT AND -- AND BE WITHIN A SMALLER
18 RADIUS.

19 AND HE WAS TALKING ABOUT CHECKER -- GOING INTO A
20 STRING OF CHECKERS HAMBURGER CHAIN HERE.

21 Q SELL THE HOOTERS, GO INTO CHECKERS?

22 A GO INTO CHECKERS AND KIND OF SLOW DOWN. HIS WHOLE
23 THING WAS DOWNSHIFTING. I'M WORKING TOO MUCH AND I LOST
24 THIS PERSON BECAUSE I WAS TOO BUSY, AND SO NOW I WANT TO
25 SLOW DOWN AND ENJOY.

1 Q DID HE COMMENT ON PERHAPS MOVING TO AUGUSTA?

2 A YES, HE DID. AND I WAS KIND OF LIKE, WHOA, HEY,
3 THAT'S -- YOU KNOW, I JUST -- WE JUST MET. BUT HE -- HE
4 WOULD SAY, YOU KNOW, I -- I WAS COMING HERE ANY WAY. SO
5 YOU KNOW, I MEAN, YEAH, I LIKE YOU AND IT MIGHT MAKE ME
6 COME A LITTLE SOONER, BUT I WAS COMING TO AUGUSTA ANY WAY.

7 Q OKAY. AFTER LUNCH AND AFTER THE WALK ON THE
8 RIVERWALK, WHAT DID Y'ALL DO NEXT?

9 A WE WENT BACK TO MY HOUSE AND CHANGED INTO CASUAL
10 CLOTHES. AND I HAD A FRIEND, LILLY, WHO HAD LEFT HER
11 SWEATER AT MY BROTHER'S HOUSE AT A MASTER'S PARTY EARLIER
12 IN THE WEEK, AND WE WENT TO RETURN THE SWEATER.

13 Q DID YOUR FRIEND THEN GET AN OPPORTUNITY TO MEET
14 STEPHEN?

15 A YEAH. I WAS EXCITED FOR HER TO MEET HIM BECAUSE I
16 WAS VERY EXCITED ABOUT HIM. HE WAS VERY CHARMING. AND
17 WHEN WE -- WHEN SHE WENT TO MEET HIM, HE JUST DIDN'T SAY
18 HARDLY ANYTHING AT ALL. AND SHE SAID, YOU KNOW, THAT HE
19 SEEMED KIND OF NERVOUS AND HE DIDN'T REALLY MAKE EYE
20 CONTACT.

21 Q DID THAT CONCERN YOU?

22 A NO BECAUSE I HAD BEEN IN RELATIONSHIPS BEFORE WHERE
23 THE PERSON WAS -- WAS THIS -- HAD A GREAT PERSONALITY WITH
24 ME AND THEN -- THEN WHEN HE WENT TO MEET OTHER PEOPLE, WAS
25 NOT -- HE SAVED THAT STUFF FOR ME.

1 Q AND SO YOU SORT OF GAVE HIM A BREAK ON THAT; DIDN'T
2 YOU?

3 A I GAVE HIM A BREAK.

4 Q GAVE HIM A LOT OF BREAKS; DIDN'T YOU?

5 A YES.

6 Q AFTER RETURNING THE SWEATER TO LILLY, WHAT DID Y'ALL
7 DO NEXT?

8 A WE CAME BACK TO MY HOUSE AND, YOU KNOW, WE MIGHT HAVE
9 STAYED AT MY HOUSE A LITTLE LONGER BEFORE WE WENT TO
10 LILLY'S BECAUSE THERE WAS ONE POINT WHERE WE JUST RELAXED
11 IN MY GUEST ROOM.

12 I HAVE A DAYBED IN THERE, AND WE JUST KIND OF LIKE --
13 JUST TOOK A NAP, LIKE JUST LAID DOWN AND JUST -- HIS MAJOR
14 COMMENT WAS JUST, OH, I'M SO RELAXED, I HAVEN'T BEEN THIS
15 RELAXED IN YEARS, I'M SLOWING, I'M SLOWING DOWN AND I'M
16 FINALLY DOWNSHIFTING AND YOU JUST RELAX ME SO MUCH.

17 AND IT WASN'T A -- IT WAS JUST A RELAXING SUNDAY NAP
18 ON A FULL BELLY AFTER WE'D BEEN UP LATE THE NIGHT BEFORE.

19 Q LET ME ASK YOU, Y'ALL WATCH ANY TV?

20 A NO.

21 Q LISTEN TO ANY RADIO?

22 A NO.

23 Q WHY NOT?

24 A WE WERE -- WE HAD GREAT CONVERSATION WHICH WAS GREAT
25 TO ME.

1 Q THAT APPEALED TO YOU, TOO; DIDN'T IT?

2 A YES.

3 Q TOUGH FOR A GUY NOT TO WATCH THE MASTER'S ON TV,
4 ISN'T IT, ON SUNDAY?

5 A YES, AND EVEN TOUGHER FOR A GUY NOT TO USE HIS
6 TICKET.

7 Q HAD HE PREVIOUSLY TOLD YOU HE HAD TICKETS FOR SUNDAY
8 MASTER'S?

9 A YES.

10 Q AND HE PASSED ON THAT TO SPEND TIME WITH YOU?

11 A YES. THAT WAS UNBELIEVABLE.

12 Q AND ALSO APPEALING TO YOU?

13 A YES.

14 Q HAD SIZED HIM PRETTY GOOD; DIDN'T YOU?

15 A YES.

16 Q THAT NIGHT, SUNDAY NIGHT, TELL US ABOUT THAT.

17 A SUNDAY NIGHT WE WENT TO LONESTAR STEAK BECAUSE I HAD
18 TOLD HIM THAT I LOVED STEAK MORE THAN ANYTHING, AND SINCE
19 I WAS SINGLE AND WASN'T DATING ANYONE, I HADN'T HAD STEAK
20 IN A WHILE.

21 SO WE WENT THERE. AND EVERYONE IN THE RESTAURANT
22 JUST SEEMED LIKE THEY JUST GRAVITATED TOWARDS US. AND HE
23 HAD SAID THAT, YOU KNOW, THEY ALL KNOW THAT I OWN HOOTERS.
24 AND ALL THE F AND B PEOPLE, FOOD AND BEVERAGE, ALL KNOW
25 EACH OTHER AND THAT, YOU KNOW, MAYBE THEY'LL COMP ME

1 SOMETHING OR -- THEY WERE ALL JUST TRIPPING OVER
2 THEMSELVES WAITING ON US IT SEEMED LIKE. AND SO WE HAD
3 STEAK. AND WE WENT BACK TO MY HOUSE.

4 Q ALL RIGHT. NOW, WHAT WAS THE PLAN ONCE YOU GOT BACK
5 TO YOUR HOUSE?

6 A THE PLAN ONCE WE GOT BACK TO MY HOUSE WAS FOR HIM TO
7 LEAVE, GO BACK TO COLUMBIA TO GET HIS CAR.

8 Q THAT'S WHAT HE TOLD YOU HE WAS GOING TO DO?

9 A UH-HUH.

10 Q HIS JAGUAR?

11 A HIS JAGUAR.

12 Q RIGHT. DID HE LEAVE THAT NIGHT?

13 A NO.

14 Q TELL THE JURY WHY.

15 A WE WERE IN MY LIVING ROOM WHEN SUDDENLY OUT OF
16 NOWHERE HE BROKE OUT IN A SWEAT FROM HEAD TO TOE. HE
17 LOOKED TERRIBLE. I -- AND I WAS LIKE, OH, YOU SHOULD SIT
18 DOWN, SIT DOWN.

19 AND I WENT INTO MY BATHROOM AND GOT WASHRAGS AND PUT
20 A COLD RAG ON HIS NECK AND A RAG ON HIS WRIST AND --
21 TRYING TO COOL HIM DOWN. AND I SAID, ARE YOU ALL RIGHT?
22 AND HE -- HE WAS LIKE, OH, OH, IT MUST BE MY HAND, MY
23 HAND, IT MUST BE INFECTED BECAUSE IT HIT THE GUY'S TOOTH.

24 AND HE HAD TOLD ME ALL THE STORIES ABOUT TODD AND
25 LAURA WHO HE WAS WITH IN COLUMBIA THE NIGHT BEFORE. AND

1 LAURA WAS A DOCTOR, SO I SAID, LET'S CALL LAURA, WE NEED
2 TO CALL LAURA, CALL THE DOCTOR.

3 AND HE SAID, NO, NO, TODD AND LAURA, THEY ARE
4 DRUNK -- WE'RE -- NO, I'LL GO TO THE HOSPITAL TOMORROW.

5 Q AND -- WELL, LET ME ASK YOU THIS. DID HE USE THE
6 PHONE, HIS CELLPHONE, WHILE HE WAS WITH YOU?

7 A YES.

8 Q HOW MUCH?

9 A VERY FREQUENTLY. HE RECEIVED PHONECALLS FROM HIS
10 MOTHER, FROM HIS FRIENDS, THERE WAS ALSO AN INTERCHANGE
11 WITH THE PEOPLE AT HOOTERS. ONE -- AND IT MUST HAVE BEEN
12 MONDAY NIGHT -- AT SOME POINT HE WAS -- HE HAD A VERY LONG
13 CONVERSATION WITH MANAGEMENT THERE WHERE SOMEONE HAD
14 HANDLED OR SOMEONE HAD HANDLED ONE OF THE GIRLS AND HE
15 SAID, OH, THEY DON'T HANDLE THE GIRLS, AND JUST A VERY
16 HEATED EXCHANGE AND HE TOLD THE MANAGER TO -- YOU JUST
17 TAKE THE DAY OFF AND YOU JUST THINK ABOUT THIS SITUATION,
18 BLAH, BLAH, BLAH, AND HE JUST WENT ON AND ON AND ON ON
19 THIS CELLPHONE CALL, AND SO I STEPPED INTO MY DINING ROOM
20 WHERE I HAD BIRTHDAY GIFTS FROM MONDAY, AND I WAS LIKE,
21 WELL, IF YOU'RE GOING TO SIT HERE ON THE PHONE, I'M GOING
22 TO DO SOME THANK YOU NOTES, AND HE JUST CONTINUED ON THIS
23 PHONE CONVERSATION.

24 AND THERE WERE -- LIKE REAL ESTATE OR SOMETHING,
25 OTHER CALLS, 30,000 HIGHER, LOWER, YOU KNOW, JUST BUSINESS

1 TALK ON THE CELLPHONE.

2 Q DID THE PHONE RING?

3 A NO. HE HAD IT ON VIBRATE.

4 Q WERE YOU ABSOLUTELY CONVINCED HE WAS ON THOSE CALLS?

5 A ABSOLUTELY POSITIVELY. IT -- IT DID NOT SOUND -- I
6 MEAN, THEY TOLD ME IN THE POLICE STATION ON TUESDAY THAT
7 HE HAD ONLY CALLED ME, AND I -- IT WAS CHILLING BECAUSE IT
8 WAS SO REAL. IT DID NOT SOUND CANNED.

9 IT -- YOU KNOW LIKE WHEN YOU'RE TALKING TO SOMEONE,
10 YOU TRY TO, OH, BUT, BUT, THIS, THAT, YOU KNOW, AND IT --
11 IT WAS ABSOLUTELY BELIEVABLE.

12 Q SUNDAY NIGHT. LET'S GO BACK. DID YOU INSIST THAT HE
13 STAY THAT NIGHT?

14 A YES.

15 Q BECAUSE OF HIS CONDITION?

16 A YES.

17 Q AND AGAIN, WAS THAT INITIALLY THE PLAN, THAT HE WERE
18 TO STAY THAT NIGHT?

19 A NO.

20 Q OKAY. WHERE DID YOU PUT HIM TO SLEEP THAT NIGHT?

21 A I PUT HIM ON THE DAYBED IN MY GUEST ROOM. AND IT HAS
22 AN IRON THING AROUND IT, AND HE HAD PROPPED HIS ARM UP ON
23 THE IRON LIKE -- WHEN I CAME BACK IN TO SAY GOODNIGHT, HE
24 WAS LIKE ALREADY ASLEEP AND HAD KIND OF PROPPED HIS ARM
25 UP.

1 Q WAS HE -- WAS HE SAYING ANYTHING AS HE WENT OFF TO
2 SLEEP?

3 A HE DID. HE KIND OF WOULD MUMBLE, YOU KNOW, LIKE, I
4 COULD -- I COULD FALL FOR YOU, I COULD FALL IN LOVE WITH
5 YOU.

6 Q AS HE WENT TO SLEEP?

7 A (NODDED).

8 Q ALL RIGHT. WELL, MONDAY MORNING -- YOU GOT A JOB?

9 A YES, I'VE GOT A JOB.

10 Q DID YOU HAVE TO GO TO IT?

11 A YES.

12 Q OKAY. HOW DID -- HOW DID MONDAY MORNING GO?

13 A SO MONDAY MORNING I GOT UP AND GOT READY FOR WORK AND
14 HE GOT DRESSED AND HE PUT THE SUIT ON THAT HE WORE TO
15 CHURCH AND HE SAID THAT HE HAD A LOT OF RUNNING AROUND TO
16 DO. WELL -- AND -- AND HE WAS GOING TO GO TO THE HOSPITAL
17 AND GET THE -- GET HIS HAND CHECKED OUT.

18 Q DID HE SEEM TO BE FEELING BETTER THAT MORNING?

19 A YES.

20 Q YEAH. OKAY. WHAT WERE YOUR PLANS?

21 A MY PLANS WERE TO GO TO WORK, AND THEN AFTER WORK --
22 WELL, MY JOB, ESPECIALLY DURING APRIL, IS TO PLAN EARTH
23 DAY FOR THE WHOLE CITY OF AUGUSTA AND I WAS ABOUT A WEEK
24 AND A HALF AWAY FROM EARTH DAY, AND I WAS GOING TO BE ON A
25 CABLE ACCESS SHOW, COMCAST CONNECT, THAT NIGHT, SO I

1 WOULD -- AND HE HAD SAID HE WAS GOING TO COME BACK AND WE
2 WERE GOING TO -- HE WAS ALSO GOING TO GO TO COLUMBIA AND
3 GET THE -- GET HIS JAG AND BRING IT BACK.

4 BUT I WAS GOING TO GO TO WORK. AND THERE MIGHT -- I
5 DON'T KNOW IF WE TALKED ABOUT LUNCH ON MONDAY MORNING OR
6 NOT, BUT I -- I THINK HE WAS GOING TO GO GET HIS HAND
7 CHECKED OUT AND THEN GO OUT TO LUNCH.

8 Q OKAY.

9 A AND THEN GO TO COLUMBIA AND COME BACK.

10 Q DID HE IN FACT COME TO SEE YOU MONDAY AROUND LUNCH
11 TIME?

12 A HE ACTUALLY SHOWED UP ABOUT AN HOUR BEFORE LUNCH
13 ABOUT 10, 10:30 OR SO WITH A ROSE. AND I WAS THRILLED TO
14 HAVE THE ROSE. I'VE NEVER GOTTEN FLOWERS FOR NO REASON.
15 AND THE CARD ON THE ROSE SAID, SOMETIMES THE SIMPLEST
16 THINGS ARE THE GREATEST THINGS OR THE GREATEST THINGS ARE
17 THE SIMPLEST THINGS OR SOMETHING LIKE THAT.

18 BUT I DIDN'T KNOW WHY HE CAME AN HOUR BEFORE, YOU
19 KNOW, AN HOUR BEFORE WE WERE GOING TO GO OUT TO LUNCH.
20 BUT IT WAS LIKE, WELL, HE -- HE'S REALLY INTERESTED.

21 Q DID Y'ALL GO TO LUNCH?

22 A YES.

23 Q ANYTHING -- WELL, LET ME ASK YOU THIS. AT THIS POINT
24 DID -- WERE YOU STARTING TO PUSH THE BRAKE A LITTLE BIT?

25 A YES.

1 Q ALL RIGHT. TELL THE JURY ABOUT THAT.

2 A HE WAS -- HE WAS COMING ON. HE WAS TALKING ABOUT,
3 YOU KNOW, OUR FUTURE TOGETHER. HE WAS TALKING ABOUT,
4 WELL, WHEN WE WENT TO RIVERWALK WHEN WE HAD LOOKED AT
5 HOUSES, YOU KNOW, HE HAD SAID, OH, WELL, I'VE -- YOU KNOW,
6 I KNOW JIM CORSON REALTY, JIM CORSON OWES ME ONE, I'M
7 GOING TO GET A HOUSE HERE.

8 AND I'M JUST LIKE, WHOA, WHOA, AGAIN, YOU KNOW, WE
9 JUST MET AND LET'S TAKE THINGS SLOW. AND SO OVER LUNCH I
10 TRIED TO KIND OF FIND OUT A LITTLE MORE ABOUT HIS
11 CHARACTER ALTHOUGH HE TALKED ABOUT HIS HONOR AND HIS TRUTH
12 AND ALL OF THAT FROM THE CITADEL.

13 BUT HE HAD ALSO TALKED ABOUT HEALTHY DIET AND ALL OF
14 THIS STUFF, AND I -- SO OVER LUNCH I SAID, WHY ARE YOU
15 GOING TO GO INTO THE CHECKERS HAMBURGER BUSINESS WHEN YOU
16 DON'T -- YOU DON'T CARE ABOUT HAMBURGERS?

17 AND HE SAID, OH, IT'S JUST BUSINESS. SO I SAID, I
18 KNOW THAT I'M MORE PASSIONATE ABOUT HAMBURGERS THAN YOU
19 ARE, I LOVE A GOOD HAMBURGER. AND HE JUST LAUGHED AND
20 SAID, HA HA, YOU'RE SO CUTE.

21 Q WHAT WAS THE PLAN FOR LATER THAT EVENING?

22 A THE PLAN FOR LATER THAT EVENING WAS FOR HIM TO COME
23 BACK OR GO TO COLUMBIA, GET THE CAR, GET THE JAG AND COME
24 BACK AND TAKE ME ON THE FINEST DATE TO THE FINEST
25 RESTAURANT.

1 BUT HE KNEW THAT HE WAS MAKING ME NERVOUS AND HE KNEW
2 THAT HE WAS PUSHING A LITTLE HARDER FOR A LONG-TERM
3 RELATIONSHIP THAN I WOULD HAVE WANTED, ALTHOUGH I WAS
4 INTERESTED.

5 Q SURE. NOW, YOU SAID YOU HAD TO GO APPEAR AT THE
6 LOCAL ACCESS CABLE SHOW ABOUT EARTH DAY. DID HE GO WITH
7 YOU THERE?

8 A NO.

9 Q OKAY. TELL THE JURY A LITTLE BIT ABOUT THAT
10 EXPERIENCE.

11 A WELL, I WAS WAITING TO GO ON AND I HAD -- IT USED TO
12 JUST BE EARTH DAY, BUT NOW IN AUGUSTA IT'S EARTH WEEK, AND
13 SO I HAD LIKE THREE OR FOUR DAYS TO TALK ABOUT IN A SHORT
14 TIME AND WAS GETTING READY TO GO ON THE AIR, AND FOX NEWS
15 WAS PLAYING AND THE MUGSHOT CAME UP.

16 BUT I -- IF YOU HAVE SEEN THAT PICTURE OF NICK NOLTI
17 WHEN HE GOT -- WHEN HE -- HIS -- NICK NOLTI'S MUGSHOT WITH
18 HAIR OUT LIKE THIS AND THE HAIR WAS OUT, GLASSES WERE
19 HUGE. AND I SAW LIKE STEPHEN, MYRTLE BEACH, AND I WAS
20 LIKE, THAT'S NOT MY -- THAT'S -- NO, STEPHEN IS TAN, THE
21 GLASSES, IT JUST -- IT WAS JUST A SECOND, LIKE STEPHEN?
22 AND THEN, NO, NO.

23 Q NOT YOUR STEPHEN?

24 A NOT -- NOT MY STEPHEN.

25 Q DID YOU GO TO DINNER THAT NIGHT?

1 A YES. AFTER THE SHOW I HAD HIM MEET ME AT MY HOUSE AT
2 ABOUT 8:15. SO WE MET AT MY HOUSE AND--

3 Q WHAT DID THAT JAG LOOK LIKE?

4 A HE WAS STILL IN THE TRUCK. BUT WE HAD A CONVERSATION
5 ABOUT EARLIER MY MOTHER HAD A 1976 JAGUAR AND THAT THEY
6 DON'T RUN WELL AT ALL. SHE USED TO CALL IT THE YARD
7 ORNAMENT BECAUSE IT WAS ALWAYS IN THE SHOP AND, YOU KNOW,
8 IF -- AN IMPORT CAR IS GOING TO COST MORE TO FIX AND BLAH,
9 BLAH, BLAH.

10 SO OF COURSE, THERE WAS SOMETHING MORE WRONG WITH THE
11 JAG THAN -- THAN THE MECHANIC COULD FIX.

12 Q YOU LET HIM SLIDE AGAIN?

13 A I LET HIM SLIDE.

14 Q SO WHAT DID YOU DO?

15 A WELL, WHEN WE GOT BACK, WENT AHEAD AND CHANGED INTO
16 MORE CASUAL CLOTHES AND -- AND HE SAID, NO, I'VE BEEN
17 THINKING. I'VE BEEN PUSHING YOU AND, YOU KNOW, WE LIKE
18 EACH OTHER, BUT I HAVE BEEN PUSHING YOU TOO HARD AND, YOU
19 KNOW, YOU'RE RIGHT, YOU ARE PASSIONATE ABOUT HAMBURGERS.

20 SO WHILE YOU WERE AT COMCAST, I WENT INTO HOOTERS AND
21 I TALKED TO THE COOK AND ASKED HIM WHAT WAS THE FINEST
22 HAM -- WHO HAD THE BEST HAMBURGER IN TOWN, AND THE COOK
23 SAID EITHER DAVID'S SPORTS PUB OR REINHART'S HAS THE BEST
24 HAMBURGER IN TOWN.

25 AND HE SAID, YOU CAN'T TAKE A DATE TO DAVID'S. AND I

1 SAID, NO, YOU CAN'T BECAUSE THEY CALL IT COOWEE ON THE --
2 ON THEIR SURVEILLANCE VIDEO THERE HAVING A HAMBURGER, THAT
3 WAS THE MAN THAT KILLED JESSICA LUNSFORD -- WAS ALSO
4 SWINGING THROUGH AUGUSTA ABOUT THE SAME TIME AS ALL OF
5 THAT, AND I SAID, ISN'T THAT JUST TERRIBLE WHAT HAPPENED
6 TO THAT LITTLE GIRL? AND HE WAS LIKE, YEAH, THAT'S --
7 THAT'S AWFUL. SO WE WENT TO REINHART'S.

8 Q ANYTHING -- ANYTHING SIGNIFICANT HAPPEN AT
9 REINHART'S? LET ME ASK YOU THIS. DID HE EVER GIVE YOU
10 ANY GIFTS?

11 A BEFORE WE WENT TO REINHART'S, WE WERE -- WE HAD
12 CHANGED INTO THE CASUAL CLOTHES, AND OUT OF HIS DUFFEL BAG
13 HE PULLED A GOLD BRACELET NOT IN A BOX, JUST PULLED IT
14 OUT.

15 AND HE'S LIKE, NOW, BEFORE YOU GET THE WRONG IDEA, I
16 KNOW YOU THINK I'M PRESSURING YOU, BUT I WANT YOU TO HAVE
17 THIS, I GOT IT FOR MY 16 YEAR OLD NIECE FOR CHRISTMAS, BUT
18 SHE DIDN'T LIKE IT. SHE DIDN'T LIKE IT.

19 AND I WAS LIKE, WELL, BUT STEPHEN, IT'S YELLOW GOLD
20 AND THE KIDS DON'T LIKE YELLOW GOLD. AND HE'S LIKE, WELL,
21 I NEVER -- I NEVER TAKE BACK JEWELRY AND -- I NEVER TAKE
22 IT BACK, SO I JUST HAVE IT, SO YOU CAN HAVE IT. AND SO I
23 LOVED IT AND I PUT IT ON AND WORE IT TO REINHART'S AND
24 WORE IT TO WORK THE NEXT DAY.

25 Q DID YOU COME TO FIND OUT WHOSE BRACELET IN FACT THAT

1 WAS?

2 A YES, I DID, AND IT DISGUSTED ME.

3 Q MONDAY NIGHT. DID HE STAY WITH YOU MONDAY NIGHT?

4 A NO. WE -- WE HAD GONE OUT TO -- TO REINHART'S AND
5 COME BACK TO MY HOUSE AND THEN WE SPENT MORE TIME
6 TOGETHER. BUT THE DEAL WAS THAT HE WAS LEAVING.

7 Q LET ME ASK YOU, DID Y'ALL DO ANYTHING SPECIAL
8 TOGETHER THAT MONDAY NIGHT?

9 A YES. WE -- WE SPENT SOME -- WE SPENT SOME TIME
10 KISSING AND THEN I STARTED TALKING ABOUT MY BROKEN
11 ENGAGEMENT FROM THE YEARS AGO AND THAT I HAD PRAYED FOR
12 GOD'S WILL IN MY -- IN THAT SITUATION AND THAT THROUGH A
13 SERIES OF EVENTS GOD'S WILL CAME FOR ME, AND -- AND SO WE
14 DECIDED TO PRAY TOGETHER FOR GOD'S WILL ON OUR
15 RELATIONSHIP.

16 Q WHOSE IDEA WAS THAT?

17 A I CAN'T REMEMBER, BUT WE PRAYED FOR US. WE PRAYED
18 FOR HIS BROTHER WHO HAD PASSED AWAY. WE PRAYED FOR MY
19 FRIEND, MY FRIEND'S BROTHER WHO HAD JUST BEEN DIAGNOSED
20 WITH TESTICULAR CANCER, AND IT WAS A VERY TENDER MOMENT
21 AND THAT WAS JUST WHAT I WANTED IN A PARTNER.

22 Q SOMEBODY YOU COULD PRAY WITH?

23 A YES.

24 Q DID STEPHEN ULTIMATELY LEAVE THAT EVENING?

25 A YES.

1 Q DID YOU HEAR FROM HIM AFTER HE LEFT?

2 A YES.

3 Q HOW SOON AFTER?

4 A HE -- PROBABLY 15 MINUTES OR SO HE WAS LIKE, I'M
5 STILL THINKING ABOUT YOU, AND I WAS LIKE, OH, YOU KNOW,
6 THANKS, AND THAT WAS IT. AND THEN A FEW MORE MINUTES
7 AFTER THAT HE CALLED AND HE SAID, YOU'RE NOT GOING TO
8 BELIEVE THIS, BLUE LIGHT, THEY PULLED ME OVER, I HAVE BEEN
9 PULLED OVER.

10 AND I WAS LIKE -- IT WAS LATE AND I WAS LIKE, OH MAN,
11 THAT'S JUST TOO BAD, BUT YOU'RE NOT STAYING AT MY HOUSE.
12 AND HIS TONE KIND OF WAS NOT AS -- AFTER HE GOT PULLED
13 OVER, HIS TONE WAS NOT AS SWEET AS IT HAD BEEN THE WHOLE
14 TIME.

15 Q NOW, DO YOU KNOW IF HE GOT PULLED OVER?

16 A I DON'T KNOW.

17 Q IT'S JUST WHAT HE TOLD YOU?

18 A THAT'S WHAT HE TOLD ME.

19 Q TOLD YOU HE WENT TO THE CITADEL, TOO; DIDN'T HE?

20 A YEAH.

21 Q THE NEXT MORNING, TUESDAY, DID YOU GO TO WORK?

22 A YES.

23 Q LET -- LET ME TALK ABOUT YOUR MAMA JUST A MINUTE IN A
24 NICE WAY. SHE'S IN THE COURTROOM? HAD YOUR MOM EXPRESSED
25 ANY CONCERNS ABOUT THIS NEW MAN IN YOUR LIFE?

1 A I THINK SHE WAS FEELING SOME CONCERN, BUT SHE HADN'T
2 QUITE EXPRESSED IT YET. WHEN WE WERE ON RIVERWALK, SHE
3 CALLED ME ON MY CELLPHONE, AND I WAS LIKE OH, IT'S MY MOM,
4 AND I MET SOMEBODY, MOM, I HAVE A NEW -- I HAVE A NEW
5 FRIEND, AND -- AND -- AND THE NIGHT THAT HE GOT SICK AT MY
6 HOUSE SHE SAID -- OR I SAID, MOM, HE'S -- HE'S SICK, I
7 CAN'T -- I CAN'T LET HIM GO, YOU KNOW, CAN'T LET HIM GO,
8 OR HE'S -- HE'S SICK, I'M GOING TO LET HIM LAY DOWN.

9 Q DID YOUR MOTHER -- HAD YOUR MOTHER EVER SEEN HIM?

10 A SHE HAD NEVER SEEN HIM.

11 Q TUESDAY MORNING WERE THE STORIES -- THE MEDIA
12 ACCOUNTS CONTINUING ABOUT STEPHEN STANKO?

13 A YES, AND MY MOTHER WAS FOLLOWING THAT. SHE -- AS I
14 WAS WALKING THE DOG BEFORE WORK, SHE SAID, DOES HE WEAR
15 GLASSES? IS HIS HAIRLINE KIND OF RECEDING? AND I WAS
16 LIKE, YEAH, YEAH, SO, YOU KNOW?

17 Q LET ME ASK YOU THIS WAY. DID YOU ULTIMATELY RECEIVE
18 A CALL FROM YOUR FRIEND TUESDAY MORNING?

19 A YES. MY MOTHER CALLED MY FRIEND LILLY WHO WE
20 RETURNED THE SWEATER TO HER, AND SHE WANTED LILLY TO CALL
21 ME SO IT WOULDN'T BE THIS PARENTAL, I TOLD YOU SO. AND
22 LILLY JUST SAID THAT I THINK THE PERSON THAT YOU HAVE BEEN
23 SEEING IS IN THE NEWSPAPER AND YOU NEED TO TURN TO PAGE 5B
24 AND LOOK AT THIS PICTURE.

25 Q LET ME ASK YOU. DID YOU HAVE A NEWSPAPER THERE WITH

1 YOU?

2 A NOT IN THE OFFICE.

3 Q WHAT DID YOU DO?

4 A MY BOSS DROVE ME TO A GAS STATION AND WE GOT A
5 NEWSPAPER AND TURNED OPEN TO THE PAGE.

6 Q WHAT DID YOU SEE?

7 A A PICTURE OF STEPHEN.

8 Q WAS IT A NEWER PICTURE?

9 A A NEWER PICTURE WITH REGULAR HAIR. THE GLASSES WERE
10 STILL A LOT BIGGER, BUT IT WAS STEPHEN.

11 Q NO QUESTION?

12 A NO QUESTION.

13 Q WHAT DID YOU DO THEN?

14 A MY -- MY BOSS HAS A FRIEND IN THE SHERIFF'S
15 DEPARTMENT, SO SHE TOOK ME IMMEDIATELY TO THE SHERIFF'S
16 DEPARTMENT AND THEY TOOK ME RIGHT -- RIGHT IN. AND I
17 TALKED TO THEM AND I WAS HYSTERICAL AT THAT POINT, AND SHE
18 JUST TOOK ME BY THE SHOULDER AND SAID, THIS IS YOUR JOB
19 TODAY, YOUR JOB TODAY IS TO CATCH THIS GUY. AND SO THEY
20 DECIDED TO WIRE MY CELLPHONE.

21 Q AND DID STEPHEN CALL YOU?

22 A YEAH, HE CALLED AND HE -- HE CALLED. WELL, HE HAD
23 CALLED THE OFFICE AND HE SAID THAT -- THE OFFICE
24 ADMINISTRATOR SAID YOUR CAR IS HERE BUT YOU'RE NOT HERE.
25 AND SO I SAID, YOU'RE NOT GOING TO BELIEVE THIS, I FORGOT

1 I HAD A MEETING, I WAS UP LATE KISSING ON YOU AND, YOU
2 KNOW, SO NOW I'M -- NOW I FORGOT ABOUT THIS MEETING AND MY
3 BOSS TOOK ME TO THE MEETING.

4 Q LET ME ASK YOU. YOU COOPERATED WITH LAW ENFORCEMENT?

5 A ABSOLUTELY.

6 Q AND ULTIMATELY AS A RESULT OF YOUR COOPERATION DID
7 YOU LEARN AT SOME POINT THAT DAY OF STEPHEN STANKO'S
8 ARREST?

9 A YES.

10 Q HOW DID THAT MAKE YOU FEEL?

11 A MADE ME FEEL GOOD THAT THEY GOT HIM. IT MADE ME FEEL
12 TERRIBLE THAT I -- THAT I FELL FOR IT. BUT I FELT LIKE I
13 WAS CHOSEN TO -- GOD CHOSE ME TO BRING HIM DOWN.

14 Q THANK YOU, DANA.

15 THE COURT: ANY CROSS-EXAMINATION OF THIS
16 WITNESS?

17 MR. KELLY: YES, MA'AM.

18 THE COURT: YOU MAY PROCEED.

19 CROSS-EXAMINATION

20 BY MR. KELLY:

21 Q DANA, YOUR BIRTHDAY WAS ON THAT MONDAY BEFORE YOU MET
22 STEPHEN ON SATURDAY?

23 A APRIL 4TH.

24 Q AND THAT HAD BEEN A CONTINUING BIRTHDAY PARTY RIGHT
25 ON THROUGH SATURDAY; RIGHT?

1 A YES.

2 Q AND A LOT OF DRINKING?

3 A YES.

4 Q AND HEAVY DRINKING ON THAT SATURDAY?

5 A ON THE SATURDAY.

6 Q RIGHT. AND STEPHEN WAS DRINKING HEAVILY AS WELL?

7 A SO IT SEEMED.

8 Q RIGHT. WELL, YOU WERE THERE. HE WAS OR APPARENTLY

9 HE WAS?

10 A YES.

11 Q SORT OF A ALCOHOLIC HAZE, SO TO SPEAK?

12 A SO TO SPEAK.

13 Q OKAY. AND THEN THE NEXT MORNING Y'ALL WENT TO

14 CHURCH?

15 A YES.

16 Q AND YOU EXPLAINED TO US THE HISTORY RIGHT UP UNTIL

17 THE TIME THAT HE WAS ARRESTED. AND YOU WERE ALONE WITH

18 HIM ON A NUMBER OF DIFFERENT OCCASIONS; CORRECT?

19 A YES.

20 Q DID YOU EVER FEEL THREATENED BY HIM IN ANY WAY?

21 A NO.

22 Q DID HE EVER SHOW ANY SIGNS OF VIOLENCE TO YOU OR

23 TOWARDS YOU?

24 A NO.

25 Q DID YOU -- DID YOU EVER SEE ANY VIOLENCE IN HIM AT

1 ANY TIME THAT YOU WERE THERE DIRECTED TOWARDS OTHERS
2 DURING THAT TIME?

3 A HE WAS ANGRY ON THE CELLPHONE CALL ABOUT THE -- THE
4 HOOTERS PERSON WHO HAD TOUCHED HIS WAITRESS. HE WAS
5 ANGRY.

6 Q AND IF HE WAS PRETENDING, HE WAS PRETENDING TO BE
7 INDIGNANT ABOUT WHAT WAS BEING REPORTED TO HIM; CORRECT?

8 A YES.

9 Q AND THE HISTORY OF YOU BEING WITH HIM WAS MAINLY WHAT
10 HE SAID TO YOU WAS SOMETHING THAT YOU ACCEPTED FROM HIM
11 AND WAS CONTINUING TO BE FAVORABLE DURING THAT TIME?

12 A YES.

13 Q ALL RIGHT. AND I THINK THAT WHEN YOU WERE -- GAVE
14 YOUR INTERVIEW TO SLED -- YOU REMEMBER THAT?

15 A YES.

16 Q I BELIEVE IN THAT INTERVIEW TOWARDS THE END OF IT YOU
17 SAY, HE -- YOU -- HE WAS THE MOST GENTLEMANLY MAN IN
18 CONDUCT THAT YOU HAD EVER MET IN YOUR LIFE.

19 A YES.

20 Q IS THAT TRUE?

21 A YES.

22 Q OKAY. AND DID -- DID -- AT ANY TIME DID YOU FEEL
23 THAT HE WAS TRYING TO TAKE SOMETHING FROM YOU OR MANEUVER
24 HIMSELF INTO A POSITION TO TAKE SOMETHING FROM YOU?

25 A NOT TO TAKE SOMETHING FROM ME.

1 Q NOT ANY -- I MEAN, THINGS MATERIAL IN ANY WAY?

2 A NO.

3 Q NO. THANK YOU, MA'AM.

4 THE COURT: ANY REDIRECT OF THE WITNESS?

5 MR. HUMPHRIES: NO, YOUR HONOR. THANK YOU.

6 THE COURT: ANY OBJECTION TO THE WITNESS BEING
7 EXCUSED?

8 MR. HUMPHRIES: NONE FROM THE STATE.

9 THE COURT: ANY FROM THE DEFENSE?

10 MR. KELLY: NONE, MA'AM.

11 THE COURT: MA'AM, YOU'RE EXCUSED.

12 MR. HUMPHRIES: CAN SHE STAY IN THE COURTROOM IF
13 SHE WISHES?

14 THE COURT: CERTAINLY.

15 MR. HUMPHRIES: THANK YOU.

16 (WITNESS LEFT THE STAND).

17 THE COURT: MADAM FOREMAN, LADIES AND GENTLEMEN,
18 YOU ALL HAVE BEEN SITTING A LITTLE OVER AN HOUR.
19 I'LL GIVE YOU A BRIEF MID-MORNING RECESS TO REFRESH
20 YOURSELVES.

21 DURING THIS BREAK PLEASE DO NOT DISCUSS THE CASE
22 IN ANY WAY AND PLEASE LEAVE YOUR NOTEPADS IN YOUR
23 SEAT. IF YOU NEED ANYTHING, PLEASE LET THE BAILIFFS
24 KNOW.

25 (JURY LEFT THE COURTROOM AT 11:12 AM.)

1 THE COURT: YOU MAY BE SEATED. WE'LL BE AT EASE
2 FOR ABOUT 10 MINUTES.

3 (WHEREUPON A RECESS WAS HAD.)

4 (WHEREUPON, STATE'S EXHIBIT NOS. 84-102 WERE
5 MARKED FOR IDENTIFICATION ONLY.)

6 THE COURT: IS THE STATE READY TO PROCEED?

7 MR. HEMBREE: THE STATE IS READY TO PROCEED,
8 YOUR HONOR.

9 THE COURT: IS THE DEFENSE READY TO PROCEED?

10 MR. KELLY: YES, MA'AM.

11 THE COURT: PLEASE BRING IN THE JURY.

12 MR. HEMBREE: THIS MIGHT BE THE TIME TO TAKE UP
13 THE MATTER OF THE TURNER MURDER.

14 THE COURT: ARE THOSE YOUR ONLY WITNESSES YOU
15 HAVE LEFT TO -- DEAL WITH THAT? WAIT ONE SECOND.
16 THEY ARE BRINGING IN THE JURY.

17 (WHEREUPON THERE WAS A PAUSE.)

18 MR. HEMBREE: ONE OF THE FOUR WITNESSES OTHER
19 THAN THE TURNER WITNESSES IS A CRIME SCENE SPECIALIST
20 FROM -- CRIME SCENE INVESTIGATOR FROM RICHMOND COUNTY
21 IN AUGUSTA. HE'S GOING TO TESTIFY AS TO THE ITEMS OF
22 EVIDENCE HE FOUND WHEN HE -- WHEN -- AFTER THE
23 DEFENDANT WAS ARRESTED IN AUGUSTA. NOW, WE CAN--

24 THE COURT: ONE OF THOSE THE GUN?

25 MR. HEMBREE: ONE OF THOSE IS THE GUN.

1 THE COURT: HE CAN TESTIFY TO THAT WITHOUT
2 MAKING REFERENCE TO MR. TURNER; CAN'T HE?

3 MR. HEMBREE: OH, THERE'S NO QUESTION ABOUT IT.
4 HE CAN TESTIFY TO THE TRUCK AND EVERYTHING IN THE
5 TRUCK WITHOUT TALKING ABOUT -- MAKING ANY REFERENCE
6 TO THE TURNER MURDER, AND I'VE INSTRUCTED HIM -- I
7 HAVE PREPARED HIM TO DO THAT.

8 THE COURT: IS HE YOUR NEXT WITNESS?

9 MR. HEMBREE: HE WOULD BE OUR SECOND WITNESS.

10 THE COURT: WHO IS YOUR NEXT WITNESS?

11 MR. HUMPHRIES: IS THE...

12 MR. HEMBREE: JASON WATSON, ARRESTING OFFICER IN
13 GEORGIA.

14 THE COURT: AND DOES HE HAVE -- DOES ANY OF HIS
15 TESTIMONY HAVE ANY REFERENCE ON THE OUTSTANDING
16 MOTION, ANY BEARING ON THE OUTSTANDING MOTION?

17 MR. HEMBREE: NO, YOUR HONOR.

18 THE COURT: OKAY. I ANTICIPATE THAT BY THE TIME
19 WE TAKE HIM, IT WILL BE TIME TO BREAK FOR LUNCH AT
20 WHICH TIME I INTEND TO RULE ON MR. TURNER'S ISSUE.

21 MR. HEMBREE: VERY GOOD. THANK YOU.

22 MR. HUMPHRIES: WE JUST WISH--

23 THE COURT: THAT WILL SQUARE US FOR THE REST OF
24 THE AFTERNOON.

25 MR. HUMPHRIES: WE'D JUST LIKE TO RESERVE OUR

1 VICTIM IMPACT UNTIL THE DECISION IS MADE REGARDING
2 THE OTHER--

3 THE COURT: CERTAINLY. NO, I'M NOT -- IT'S
4 ALMOST 12. WE TOOK A LITTLE EXTENDED BREAK BECAUSE
5 THE JURY WANTED TO TAKE A SMOKE BREAK AND I WANTED TO
6 GIVE THEM THE OPPORTUNITY TO DO THAT AND THEY ALSO
7 HAD SOME STRUCTURAL DELAYS.

8 BUT I ANTICIPATED THAT THE NEXT WITNESS WOULD
9 TAKE US THROUGH 12:30 WHICH IS GENERALLY THE TIME
10 THAT I LIKE TO BREAK FOR THE JURY BECAUSE THAT'S
11 GENERALLY WHEN THEIR LUNCH IS BROUGHT IN.

12 AND THEN I INTENDED HEARING ANY ADDITIONAL
13 ARGUMENT ON THE MOTION AND THEN I WAS GOING TO RULE.
14 AND THEN I FIGURED WE'D ALL BREAK FOR LUNCH AND THEN
15 RESUME IN WHICH CASE EVERYBODY WOULD KNOW WHERE THEY
16 STOOD AND THEY WOULD BE IN A POSITION TO ARRANGE
17 THEIR WITNESSES ACCORDINGLY.

18 MR. HEMBREE: AND YOUR HONOR, I THINK WE COULD
19 CALL JASON WATSON AS WELL AS DWAYNE PIPER. THEY ARE
20 BOTH FAIRLY SHORT WITNESSES. I'M SURE WE COULD GET
21 THAT IN BEFORE 12:30.

22 THE COURT: AND NEITHER OF THEM DEAL WITH
23 MR. TURNER?

24 MR. HEMBREE: WELL, DWAYNE PIPER IS THE CRIME
25 SCENE INVESTIGATOR, BUT AS I STATED HE'S--

1 THE COURT: YOU'VE INSTRUCTED HIM BASICALLY TO
2 SANITIZE HIS TESTIMONY?

3 MR. HEMBREE: YES, MA'AM.

4 THE COURT: OKAY. WILL HE BE MAKING REFERENCE
5 TO ANYTHING OTHER THAN THE GUN?

6 MR. HEMBREE: JUST ITEMS -- BASICALLY ITEMS THAT
7 ARE IN THE TRUCK THAT--

8 THE COURT: OKAY. WHERE HE DID AN INVENTORY
9 SEARCH, I WOULD ASSUME, OF THE VEHICLE?

10 MR. HEMBREE: THEY SEARCHED THE VEHICLE SUBJECT
11 TO A SEARCH WARRANT, BUT OBVIOUSLY IT WAS NOT --
12 PROBABLY UNNECESSARY BECAUSE THE DEFENDANT DIDN'T
13 HAVE STANDING TO OBJECT TO THE SEARCH--

14 THE COURT: THAT'S CORRECT BECAUSE HE DID NOT
15 OWN THE CAR.

16 MR. HEMBREE: BUT OUT OF AN ABUNDANCE OF CAUTION
17 THEY DID THAT.

18 THE COURT: WHAT ITEMS WOULD THEY BE TESTIFYING
19 TO THAT HE HAD IN HIS POSSESSION?

20 MR. HEMBREE: SOME PERSONAL ITEMS THAT INDICATE
21 STEPHEN STANKO WAS DRIVING THE VEHICLE, HAD HIS NAME
22 ON IT, THERE WERE ITEMS THAT HAD LAURA LING'S NAME ON
23 IT IN THE VEHICLE AS WELL. WE'LL AVOID THE ITEMS
24 THAT HAD TURNER'S NAME ON THEM.

25 THE COURT: WHAT ITEMS WOULD THOSE BE?

1 MR. HEMBREE: ONE ITEM IS A KEY RING WITH A FORD
2 MUSTANG ELECTRONIC DOOR OPENER.

3 THE COURT: THAT WOULD BE RELEVANT TO MS. LING
4 BECAUSE THAT I ASSUME WOULD BE THE KEYS TO THE
5 MUSTANG THAT WAS HERS.

6 MR. HEMBREE: CORRECT. AN EMPTY PACK OF BASIC
7 CIGARETTES--

8 THE COURT: THOSE ARE HIS.

9 MR. HEMBREE: -- IN THE LING RESIDENCE CRIME
10 SCENE. A RECEIPT FOR A SINGLE ROSE THAT HE PURCHASED
11 WHICH IS--

12 THE COURT: WOULD RELATE TO--

13 MR. HEMBREE: -- MS. PUTNAM'S TESTIMONY. A
14 TRAVEL BAG WITH SET OF KEYS THAT HAVE A KEY POD SCS,
15 STEPHEN C STANKO, ONE OF THESE KEYS STARTED--

16 THE COURT: THAT CERTAINLY WOULD BE ADMISSIBLE.

17 MR. HEMBREE: ANOTHER PACK OF BASIC CIGARETTES.
18 THE TRAVEL BAG WITH THE 357 TAURUS 357 MAGNUM
19 REVOLVER, WE'RE NOT GOING TO REFER TO THAT WITH
20 MR. TURNER IN ANY WAY, HOWEVER, IT DOES SHOW THAT THE
21 DEFENDANT--

22 THE COURT: I THINK CLEARLY HIM BEING FOUND WITH
23 THE PISTOL WOULD BE RELEVANT AND ADMISSIBLE, AND I
24 THINK HIS COUNSEL AGREED TO THEM ON YESTERDAY SO LONG
25 AS THERE'S NO REFERENCE TO MR. TURNER.

1 MR. HEMBREE: THANK YOU, YOUR HONOR.

2 THE COURT: YOU'RE WELCOME.

3 MR. HEMBREE: RECEIPT BOTH FROM STEPHEN STANKO
4 WRITTEN ON THE FRONT.

5 THE COURT: THAT CLEARLY WOULD BE ADMISSIBLE.

6 MR. HEMBREE: NOTEBOOK WITH LAURA LING
7 HANDWRITTEN INSIDE THE FRONT OF THE COVER.

8 THE COURT: AS WOULD THAT.

9 MR. HEMBREE: A GOOSE CREEK HIGH SCHOOL RING
10 WITH STEVE AND 1986 ENSCRIBED ON THE RING.

11 THE COURT: THAT CERTAINLY WOULD BE ADMISSIBLE.

12 MR. HEMBREE: AND THE TAN SUITCASE THAT WAS
13 IDENTIFIED BY [REDACTED] LING AS BEING THE SUITCASE
14 THAT THE DEFENDANT WAS PACKING WHEN SHE WAS--

15 THE COURT: THINK THAT'S--

16 MR. HEMBREE: -- UNCONSCIOUS. A BLACK VIEW
17 LEATHER CAMERA BAG THAT CONTAINS A BOX OF 45
18 WINCHESTER 38 SPECIAL CARTRIDGES.

19 THE COURT: THINK THOSE WOULD CERTAINLY BE
20 ADMISSIBLE.

21 MR. HEMBREE: AND FINALLY A METAL CARDHOLDER
22 WITH THE NAME STEPHEN C STANKO ON IT.

23 THE COURT: AS WOULD THAT.

24 MR. HEMBREE: AND YOUR HONOR, THAT WOULD BE THE
25 EXTENT OF THE ITEMS FROM THE VEHICLE THAT WE WOULD

1 SEEK TO ELICIT TESTIMONY ABOUT.

2 THE COURT: OKAY. AND OTHER THAN THE GUN AND
3 THE AMMO, WHAT WOULD THAT WITNESS HAVE TESTIFIED TO
4 REGARDING MR. TURNER?

5 MR. HEMBREE: HE WOULD HAVE TESTIFIED THAT THE
6 VEHICLE WAS REGISTERED TO HENRY TURNER.

7 THE COURT: I THINK -- I THINK THAT YOU ALL --
8 AND I WILL PERMIT YOU ALL TO ELICIT TESTIMONY THAT
9 THE VEHICLE IS NOT HIS, BUT MAKE NO REFERENCE TO
10 MR. TURNER.

11 MR. HEMBREE: THANK YOU, YOUR HONOR.

12 THE COURT: THAT GOES TO ACTS IN PROVOCATION AND
13 THE FACT THAT HE -- AND ACTS THAT HE WAS AWARE OF
14 WHAT HE WAS DOING AND THAT LEGALLY THERE WAS A
15 PROBLEM IN THAT HE MADE ATTEMPTS TO GET THE VEHICLE,
16 TO SWITCH OUT MS. LING'S VEHICLE FOR ANOTHER VEHICLE.

17 AND I THINK TO THE EXTENT THAT THAT IS
18 ADMISSIBLE, BUT JUST DON'T MENTION MR. TURNER. I
19 THINK THAT WILL THEN TAKE CARE OF THAT. OKAY.
20 READY?

21 MR. HEMBREE: THANK YOU, YOUR HONOR. YES, WE
22 ARE.

23 THE COURT: AND I ASSUME THE STATE HAS NO
24 EXCEPTION TO THE COURT'S GUIDANCE REGARDING THE
25 TESTIMONY OF THE WITNESS.

1 MR. KELLY: NO, MA'AM. THE ONLY THING THAT I
2 WOULD SAY ABOUT THE LIST OF THE ITEMS, I'D BE
3 CONCERNED OF ANY RECEIPT BOOK OR, YOU KNOW, A
4 NOTEBOOK. WE'D HAVE TO TAKE A LOOK AT IT, MAKE SURE
5 IT DOESN'T HAVE ANY REFERENCE TO MR. TURNER AS WELL
6 IN THE INTERIOR.

7 THE COURT: I DON'T THINK THEY ARE SEEKING TO
8 ADMIT THOSE ITEMS. THEY JUST WANT THE WITNESS TO
9 TESTIFY THAT HE INVENTORIED -- WHEN HE FOUND
10 MR. STANKO THAT HE HAD THESE ITEMS ON HIS PERSON.

11 MR. KELLY: IS THAT CORRECT?

12 MR. HEMBREE: WE DO NOT INTEND TO INTRODUCE THE
13 NOTEBOOK. THERE ARE SOME PHOTOGRAPHS WE INTEND TO
14 INTRODUCE SHOWING SOME OF THESE ITEMS. WE ALSO HAVE
15 THE ACTUAL RING THAT WAS LOCATED IN THE CONSOLE. WE
16 INTEND TO INTRODUCE IT AS WELL, SO I WILL BE GLAD TO
17 LET MR.--

18 THE COURT: JUST MAKE SURE THEY SEE THEM PRIOR
19 TO YOU SEEKING TO ADMIT THEM.

20 MR. HEMBREE: MIGHT BE BEST TO JUST DO THIS.

21 THE COURT: I THINK WE SHOULD GO AHEAD AND DO IT
22 NOW FOR EASE, SO THAT WE WON'T HAVE ANY INTERRUPTION.

23 (WHEREUPON THERE WAS A PAUSE.)

24 MR. KELLY: THANK YOU, MA'AM.

25 MR. HEMBREE: YOUR HONOR, MR. KELLY AND MR.

1 DIGGS HAVE INDICATED THAT THESE ITEMS WILL COME IN
2 WITHOUT OBJECTION. I WILL GO AHEAD AND PUT THESE
3 NUMBERS--

4 THE COURT: IF YOU COULD GO AHEAD AND GIVE THE
5 COURT REPORTER AN OPPORTUNITY TO NUMBER -- HAVE YOU
6 ALREADY--

7 MR. HEMBREE: I HAVE NUMBERED THEM, YOUR HONOR,
8 BUT SHE -- THEY'VE BEEN NUMBERED FOR IDENTIFICATION
9 PURPOSES, BUT--

10 THE COURT: IF YOU COULD GO AHEAD AND PUBLISH
11 THOSE NUMBERS.

12 MR. HEMBREE: I WILL, YOUR HONOR. STATE'S 84,
13 85, 87, 88, 89, 91, 92, 93, 94, 95, 69, 68, AND 96 AS
14 WELL AS STATE'S 102 IN EVIDENCE WITHOUT OBJECTION.

15 THE COURT: ADMITTED WITHOUT OBJECTION. IS THAT
16 CORRECT?

17 MR. DIGGS: YES, MA'AM.

18 THE COURT: AND THAT INCLUDED THE RING ALSO;
19 RIGHT?

20 MR. HEMBREE: THAT'S CORRECT, YOUR HONOR.

21 THE COURT: ALL RIGHT. IS THERE ANYTHING WE
22 NEED TO TAKE UP FURTHER BEFORE WE BRING IN THE JURY?

23 MR. HUMPHRIES: NOTHING FURTHER FROM THE STATE,
24 YOUR HONOR.

25 THE COURT: ANYTHING FURTHER FROM THE DEFENSE?

1 MR. DIGGS: NO, YOUR HONOR.

2 THE COURT: PLEASE BRING IN THE JURY.

3 (JURY ENTERED THE COURTROOM AT 12:05 PM.)

4 THE COURT: YOU MAY BE SEATED.

5 (WHEREUPON, STATE'S EXHIBITS 68, 69, 84, 85, 87,
6 88, 89, 91, 92, 93, 94, 95, 96, 102 WERE ADMITTED
7 INTO EVIDENCE.)

8 THE COURT: LADIES AND GENTLEMEN, I HOPE THAT
9 YOU ALL ENJOYED YOUR BREAK. WE WILL NOW RESUME WITH
10 THE TESTIMONY. YOU MAY PROCEED, MR. HUMPHRIES.

11 MR. HUMPHRIES: THANK YOU, YOUR HONOR. THE
12 STATE CALLS JASON WATSON.

13 JASON WATSON, AFTER BEING
14 DULY SWORN, TESTIFIED AS FOLLOWS:

15 THE COURT: YOU MAY PROCEED, MR. HUMPHRIES.

16 DIRECT EXAMINATION

17 BY MR. HUMPHRIES:

18 Q HOW ARE YOU EMPLOYED?

19 A I'M AN INVESTIGATOR WITH THE STATE OF GEORGIA
20 ASSIGNED TO THE US MARSHAL SERVICE, FUGITIVE TASK FORCE.

21 Q YOU WERE ASSIGNED TO THE US MARSHAL'S FUGITIVE TASK
22 FORCE; IS THAT CORRECT?

23 A YES, SIR.

24 Q AND LET ME ASK YOU, ON APRIL 12TH, 2005, WERE YOU
25 ALSO EMPLOYED WITH THE STATE AS AN INVESTIGATOR ASSIGNED

1 TO THE US MARSHAL'S FUGITIVE TASK FORCE?

2 A YES.

3 Q AROUND THAT TIME HAD YOU BECOME ENGAGED IN THE
4 ATTEMPTS TO APPREHEND THE DEFENDANT, STEPHEN C STANKO?

5 A YES.

6 Q GOING TO THAT DAY, WHICH IS THE 12TH OF APRIL, I
7 BELIEVE THAT TUESDAY, DID YOU HAVE AN OCCASION TO
8 APPREHEND AND MAKE THE ARREST OF THAT DEFENDANT, STANKO?

9 A YES, SIR. YES, SIR.

10 Q TELL THE JURY JUST BRIEFLY ABOUT HOW THAT WAS
11 ACCOMPLISHED.

12 A WELL, BASICALLY OUR TASK FORCE HAD RECEIVED
13 INFORMATION THAT THE DEFENDANT WAS IN THE AUGUSTA AREA. I
14 DON'T RECALL WHAT PARTS. I'M NOT VERY FAMILIAR WITH THE
15 CITY. WE ALSO HAVE A VEHICLE DESCRIPTION FOR THE
16 DEFENDANT HE COULD POSSIBLY BE OPERATING.

17 MYSELF ALONG WITH SEVERAL INVESTIGATORS FROM THE TASK
18 FORCE PROCEEDED TO THE AUGUSTA AREA AND BASICALLY
19 CONSOLIDATED VEHICLES, DOUBLED-UP, SO TO SPEAK, DROVE
20 AROUND THROUGH THE AREA.

21 IN THE VEHICLE THAT I WAS IN WE SPOTTED A VEHICLE
22 MATCHING THE DESCRIPTION IN THE PARKING LOT OF A STRIP
23 MALL, BELIEVE IT WAS A PARTY CITY OR MATTRESS ONE NEXT TO
24 A LOGAN'S ROADHOUSE, TOP RESTAURANT.

25 UPON ENTERING THE PARKING LOT AND RIDING BY THE

1 VEHICLE, THE TAG THAT WAS ON THE VEHICLE WAS ALSO MATCHING
2 THE TAG NUMBER THAT WE HAD AND THE DESCRIPTION.

3 Q OKAY. NOW, DID YOU THEN SET UP ON THE VEHICLE?

4 A YES, SIR.

5 Q OKAY. WHILE STAGING AROUND THE VEHICLE, DID YOU THEN
6 HAVE AN OCCASION TO SEE THE DEFENDANT, CHRISTOPHER --
7 STEPHEN CHRISTOPHER STANKO?

8 A YES, SIR.

9 Q TELL THE JURY HOW THE ARREST WENT DOWN.

10 A A SHORT TIME AFTER WE SET UP ON THE VEHICLE, I
11 BELIEVE HE WAS COMING FROM THE MATTRESS MART, THE
12 DEFENDANT WALKED OUT. WE IDENTIFIED HIM THROUGH PICTURES
13 THAT WE HAD RECEIVED THROUGH THE INFORMATION FROM THE
14 ORIGINAL INVESTIGATORS UP -- FOR THE DEFENDANT.

15 AS HE APPROACHED HIS VEHICLE OR THE VEHICLE IN
16 QUESTION, THERE WAS AN EMPTY PARKING SPOT RIGHT NEXT TO IT
17 AND IT WAS ON -- WE WERE WAITING FOR OTHER UNITS TO HELP
18 GET ON THERE TO HELP AFFECT THE ARREST.

19 AS HE APPROACHED THE VEHICLE, WE PULLED UP IN BETWEEN
20 THE DEFENDANT AND THE DEFENDANT'S VEHICLE AND JUMPED OUT
21 AND AFFECTED THE ARREST.

22 Q AND LET ME ASK YOU, WERE THERE ANY INCIDENTS RELATED
23 TO THAT ARREST OR WAS IT DONE WITH--

24 A UNEVENTFUL, SIR.

25 Q UNEVENTFUL?

1 A YES, SIR.

2 Q AND WAS HE THEN ULTIMATELY TURNED OVER TO ANOTHER
3 AGENCY?

4 A YES, SIR. I BELIEVE THE REST OF OUR UNITS INCLUDING
5 OUR LEAD INVESTIGATOR CAME OUT, AND BASICALLY AFTER THAT
6 WE WERE KIND OF OUT OF THE PICTURE.

7 Q YOU ACCOMPLISHED YOUR PURPOSE.

8 A YES, SIR. YES, SIR.

9 Q THANK YOU, SIR.

10 A YES, SIR.

11 Q ANSWER ANY QUESTIONS THE DEFENSE MAY HAVE.

12 THE COURT: YOU MAY PROCEED.

13 MR. KELLY: NO QUESTIONS.

14 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
15 EXCUSED FROM THE STATE?

16 MR. HUMPHRIES: NONE FROM THE STATE.

17 THE COURT: FROM THE DEFENSE?

18 MR. KELLY: NO, MA'AM.

19 THE COURT: SIR, YOU'RE EXCUSED.

20 THE WITNESS: THANK YOU, MA'AM.

21 THE COURT: YOU'RE WELCOME.

22 (WITNESS LEFT THE STAND.)

23 MR. HEMBREE: THANK YOU, YOUR HONOR. THE STATE
24 CALLS DWAYNE PIPER TO THE WITNESS STAND.

25 DWAYNE PIPER, AFTER

1 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

2 THE COURT: YOU MAY PROCEED.

3 DIRECT EXAMINATION

4 BY MR. HEMBREE:

5 Q INVESTIGATOR PIPER, WITH WHOM ARE YOU EMPLOYED?

6 A THE RICHMOND COUNTY SHERIFF'S OFFICE IN AUGUSTA,
7 GEORGIA.

8 Q IN WHAT CAPACITY?

9 A I AM THE SUPERVISOR FOR THE FORENSICS OR THE CRIME
10 SCENE UNIT.

11 Q AND IF YOU WOULD, PLEASE SHARE WITH THIS JURY THE
12 BENEFIT OF YOUR TRAINING AND EXPERIENCE IN THE AREAS OF
13 CRIME SCENE INVESTIGATION AND ANALYSIS.

14 A SURE. I JOINED THE SHERIFF'S OFFICE IN 1986 AFTER A
15 STINT IN THE MILITARY AND HAD IN-SERVICE COURSES THAT
16 LASTED A -- A LOT. BUT IN 1993 I WAS PROMOTED TO CRIMINAL
17 INVESTIGATIONS DIVISION BY THE CRIME SECTION.

18 SINCE THEN I HAVE HAD CRIMES IN PROGRESS, CRIMINAL
19 INVESTIGATIONS, INTERVIEWS AND INTERROGATIONS, HOMICIDE
20 INVESTIGATION, CRIMINAL PROFILING, EVIDENCE PRESENTATION,
21 BLOOD PATTERN ANALYSIS, CRIME SCENE TECHNICIAN,
22 PHOTOGRAPHY, FINGERPRINT CLASSIFICATION, LATENT PRINT
23 PROCESSING, LATENT PRINT DEVELOPMENT AND LATENT PRINT
24 IDENTIFICATION.

25 THERE'S ALSO A MACHINE CALLED THE AFIS MACHINE WHICH

1 IS THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.
2 YOU'VE PROBABLY SEEN ON TELEVISION WHERE YOU INSERT A --
3 AN UNKNOWN OR SUSPECT'S FINGERPRINTS AND DO DATABASE
4 SEARCHES FOR SUSPECT PRINTS OR KNOWN RECORDS, INK PRINTS,
5 AND THAT'S THE AFIS SYSTEM.

6 I'M A CERTIFIED OPERATOR OF THE AFIS SYSTEM AS WELL
7 AS A CERTIFIED TRAINER OF THAT SYSTEM. I HAVE HAD
8 INTERNSHIPS WITH THE MACON POLICE DEPARTMENT CRIME SCENE
9 UNIT. I HAVE HAD ADVANCED TRAINING AT THE FLORIDA
10 DEPARTMENT OF LAW ENFORCEMENT IN ORLANDO, FLORIDA. I HAVE
11 HAD TRAINING IN WAKE FOREST, NORTH CAROLINA. I HAVE--

12 Q LET ME ASK YOU THIS--

13 A I'VE TAUGHT--

14 Q I KNOW IT COULD GO ON.

15 A YES.

16 Q SOUNDS LIKE THERE'S A LOT OF MATERIAL THERE.

17 A YES.

18 Q LET ME ASK YOU THIS. HAVE YOU BEEN QUALIFIED IN
19 COURTS OF RECORD OF THIS STATE OR OTHER STATES TO TESTIFY
20 AS AN EXPERT IN THE FIELD OF CRIME SCENE INVESTIGATION AND
21 ANALYSIS?

22 A IN SUPERIOR COURT IN THE STATE OF GEORGIA AND CRIME
23 SCENE ANALYSIS, VARIOUS ASPECTS OF FINGERPRINT
24 IDENTIFICATION AND PROCESSING AND BLOOD PATTERN
25 INTERPRETATION.

1 Q ON HOW MANY OCCASIONS HAVE YOU BEEN SO QUALIFIED?

2 A SEVERAL OF THEM, FOR THE LAST SEVERAL YEARS.

3 MR. HEMBREE: YOUR HONOR, WE WOULD MOVE THAT
4 INVESTIGATOR PIPER BE QUALIFIED TO TESTIFY AS AN
5 EXPERT IN THE FIELD OF CRIME SCENE INVESTIGATION AND
6 ANALYSIS.

7 THE COURT: ANY OBJECTIONS OR QUESTIONS?

8 MR. KELLY: NONE.

9 THE COURT: SO ADMITTED. YOU MAY PROCEED.

10 BY MR. HEMBREE:

11 Q INVESTIGATOR PIPER, WERE YOU CALLED UPON ON FEBRUARY
12 (SIC) THE 14TH OF 2005 TO ASSIST IN THE EXECUTION OF A
13 SEARCH WARRANT ON A 1996, RIGHT, 1996 MAZDA PICK-UP TRUCK?

14 A I WAS.

15 Q AND YOU -- YOU COMPLETED THAT SEARCH WARRANT OR
16 EXECUTED THAT SEARCH WARRANT WITH OTHER OFFICERS, I
17 BELIEVE?

18 A RIGHT. INVESTIGATOR JAMES GORDON AND INVESTIGATOR
19 SHANNON MITCHELL BOTH OF WHOM WORK IN THE OFFICE WITH ME.

20 Q UNDERSTOOD. THEY -- YOU -- ACTUALLY YOU SUPERVISE--

21 A YES, I DO.

22 Q YOUR ROLE IN THE EXECUTION OF THAT SEARCH WARRANT I
23 BELIEVE WAS TO SERVE AS THE INVENTORY OFFICER.

24 A RIGHT. THEY HAD DONE OR THEY HAD COMPLETED A VEHICLE
25 INVENTORY PRIOR TO PROCESSING IT FOR LATENT OR UNDEVELOPED

1 FINGERPRINTS. AND AS THEY WERE COLLECTING THE EVIDENCE I
2 WAS WRITING DOWN EACH SPECIFIC ITEM AND THE LOCATIONS FROM
3 WHICH IT HAD BEEN OBTAINED.

4 Q VERY GOOD.

5 A NOW, I THEN PLACED THEM ON A PROPER PROCEDURE --
6 WELL, ANY PROPER RECEIPTS.

7 Q INVESTIGATOR PIPER, IF YOU'D TELL US -- I WANT TO
8 SHOW YOU STATE'S EXHIBITS 84 AND 85 IN EVIDENCE. AND IF
9 YOU WILL, TELL US WHAT YOU SEE THERE.

10 A THAT'S THE MAZDA 2300 PICK-UP THAT WAS IN OUR
11 SECURED -- ALARM SECURED VEHICLE PROCESSING BAY AS IT WAS
12 BEING PROCESSED.

13 Q VERY GOOD. THIS IS THE ONE YOU DID THE SEARCH
14 WARRANT ON?

15 A YES, SIR.

16 Q NOW, DID YOU INVESTIGATE WHETHER OR NOT MR. STANKO
17 WAS THE OWNER OF THIS VEHICLE?

18 A I DID.

19 Q AND WAS MR. STANKO THE OWNER OF THE VEHICLE?

20 A ABSOLUTELY NOT.

21 Q OKAY. NOW, I'M GOING TO JUST SORT OF WALK YOU
22 THROUGH -- YOU PRODUCED A REPORT AS PART OF YOUR INVENTORY
23 OF THE ITEMS IN THIS VEHICLE; CORRECT?

24 A RIGHT. YES, SIR.

25 Q AND I'M GOING TO TAKE YOU TO -- TAKE YOU TO THAT

1 REPORT AND HAVE YOU REFER TO THAT AND JUST SORT OF WALK
2 THROUGH A NUMBER OF ITEMS THAT YOU RECOVERED WITH YOU. I
3 WANT TO TAKE YOU TO PASSENGER SIDE FLOORBOARD, ITEM NUMBER
4 FOUR. IF YOU WOULD TELL THE JURY WHAT WAS RECOVERED.

5 A A KEY RING WITH NO KEYS WITH A FORD MUSTANG
6 ELECTRONIC DOOR LOCK AND TRUNK LOCK. IT'S ONE OF THOSE
7 SMALL ELECTRONIC DEVICES YOU PRESS TO UNLOCK THE CAR,
8 LOCK -- OR LOCK YOUR CAR, LIFT IT UP.

9 Q FOR A FORD MUSTANG?

10 A FOR A FORD MUSTANG, YES, SIR, AS WELL AS A YELLOW
11 FOLDING KNIFE--

12 Q I'M JUST GOING TO ASK YOU -- I WILL JUST ASK YOU
13 ABOUT NUMBER FOUR.

14 A OKAY. THAT WAS INCLUDED--

15 Q OKAY.

16 A -- THAT WAS ALL ON THE SAME KEY RING.

17 Q UNDERSTOOD. I APOLOGIZE.

18 A OKAY.

19 Q LET ME TAKE YOU -- STILL WITH THE PASSENGER SIDE
20 FLOORBOARD THERE WAS A PLASTIC GROCERY BAG WITH A NUMBER
21 OF ITEMS INSIDE; CORRECT?

22 A YES. YES, SIR.

23 Q I WANT TO TAKE YOU TO ITEM NUMBER H, AND TELL US WHAT
24 YOU FOUND IN THAT PLASTIC BAG.

25 A AN EMPTY PACK OF BASIC BRAND CIGARETTES.

1 Q AND I WANT TO TAKE YOU TO ITEM J. IF YOU WILL TELL
2 THE JURY WHAT YOU RECOVERED IN ITEM J.

3 A NOW AMANDA'S (SIC) BUDS AND FLOWERS RECEIPT 98102
4 DATED APRIL 11TH, 2005 FOR A SINGLE ROSE FROM AUGUSTA,
5 GEORGIA.

6 Q WHEREAS -- IT WAS A RECEIPT?

7 A RIGHT.

8 Q AND WHAT WAS THE NAME OF THE BUSINESS AGAIN?

9 A AMELIA'S BUDS AND FLOWERS.

10 Q WHERE WAS THAT BUSINESS LOCATED?

11 A IN AUGUSTA, GEORGIA.

12 Q AND WHAT -- AGAIN, WHAT WAS PURCHASED?

13 A A SINGLE ROSE.

14 Q AND WHAT WAS THE DATE OF THAT RECEIPT AGAIN?

15 A 04-11-05.

16 Q I'M GOING TO TAKE YOU TO THE PASSENGER SEAT AREA.

17 A OKAY.

18 Q AND ITEM NUMBER ONE, WHAT WAS LOCATED THERE?

19 A AN OZARK TRAIL CARRY BAG. HAD A BLUE TOWEL ON TOP OF
20 IT.

21 Q OKAY. AND I'M GOING TO REFER YOU TO STATE'S EXHIBIT
22 NUMBER 87 IN EVIDENCE.

23 A OKAY. THAT'S A PHOTOGRAPH OF THE BAG AND EMPTY PACK
24 OF BASIC CIGARETTES NEXT TO IT.

25 Q AND THE -- THIS IS THE OZARK BAG YOU REFERRED TO IN

1 THAT ITEM?

2 A YES, IT IS.

3 Q AND THAT WAS ON THE PASSENGER'S SEAT?

4 A RIGHT. THIS -- THE PERSPECTIVE OF THIS SHOT IS FROM
5 THE DRIVER'S SIDE DOOR. YOU CAN SEE THE ARMREST, REST --
6 ARMREST, THE CONSOLE, AND IT WAS JUST ON THIS SIDE.

7 Q OKAY. INSIDE THAT BAG -- I WANT TO TAKE YOU TO ITEM
8 NUMBER F. WHAT WAS LOCATED IN THAT BAG?

9 A A SET OF KEYS WITH A KEYPOD ESCRIBED WITH SCS AS WELL
10 AS A HALLMARK CARD, KROGER CARD, AND ONE OF THE KEYS THAT
11 HAD FIT THE MAZDA PICK-UP.

12 Q OKAY. THE KEY THAT IT -- WAS ON THE KEYPOD FIT THE
13 TRUCK?

14 A RIGHT. IT WAS AN AFTER-MARKET KEY ACCESS,
15 A-C-C-E-S-S, WHICH WAS AN AFTER-MARKET MANUFACTURER OF
16 KEYS, AND IT WAS ON THAT KEYPOD OR THE KEYCHAIN.

17 Q VERY GOOD. ITEM NUMBER THREE.

18 A PACK OF BASIC CIGARETTES, STILL HAD SIX INSIDE.

19 Q WHICH WE SAW IN THE PHOTOGRAPH?

20 A RIGHT.

21 Q I WANT TO TAKE YOU TO THE CENTER CONSOLE.

22 A OKAY.

23 Q ITEM NUMBER TWO. WHAT DID YOU LOCATE IN THE CENTER
24 CONSOLE AS ITEM NUMBER TWO?

25 A A CANVAS -- CONCOURSE IS THE BRAND -- A BLACK CANVAS

1 TRAVEL BAG.

2 Q AND I WILL SHOW YOU STATE'S EXHIBIT NUMBER 89 AND ASK
3 IF YOU CAN IDENTIFY -- THAT'S IN EVIDENCE -- ASK IF YOU
4 CAN IDENTIFY THAT FOR US.

5 A YES, SIR. THAT'S HOW IT WAS WHEN IT WAS FOUND BEFORE
6 ANYTHING WAS REMOVED.

7 Q VERY GOOD. NOW, SEVERAL ITEMS WERE LOCATED WITHIN
8 THIS BAG.

9 A YES, SIR.

10 Q LET ME ASK YOU ABOUT A FEW OF THOSE. BELIEVE I NEED
11 TO COME UP HERE TO YOU INSTEAD OF WALKING BACK AND FORTH.
12 LET ME TAKE YOU TO ITEM A.

13 A THAT'S A TAURUS 357 MAGNUM REVOLVER, STAINLESS STEEL
14 WITH BROWN GRIP, SERIAL NUMBER N NORA D DAVID 938108.
15 THERE WERE SIX CARTRIDGES OR UNSHOT, UNSPENT CARTRIDGES IN
16 THE WHEEL. FIVE WERE A WINCHESTER 38 SPECIALS, AND ONE
17 WAS AN RP38 SPECIAL.

18 A 357 MAGNUM CAN SHOOT .38 CALIBER AMMUNITION.
19 HOWEVER, A .38 CALIBER CAN'T SHOOT A 357.

20 Q INVESTIGATOR, LET ME SHOW YOU STATE'S 91 AND 92 AND
21 ASK YOU TO IDENTIFY THOSE TWO PHOTOGRAPHS FOR US.

22 A YES, SIR. THIS IS THE SAME FIREARM WITH THE SERIAL
23 NUMBER SHOWN AND THE OPEN CYLINDER WITH THE FIVE
24 WINCHESTER 1RP CARTRIDGE.

25 Q AND THIS HANDGUN WAS RECOVERED IN THIS CONCOURSE BAG?

1 A THIS IS THE EXACT SAME HANDGUN IN THAT BAG.

2 Q IT'S DEPICTED IN STATE'S EXHIBIT NUMBER 89?

3 A YES, SIR.

4 Q OTHER ITEMS THAT WERE RECOVERED IN THAT BAG THAT I'D
5 LIKE TO ASK YOU ABOUT, ITEM B. DESCRIBE WHAT ITEM B WAS.

6 A IT WAS A RECEIPT BACK. IT DIDN'T HAVE -- AS BEST I
7 CAN RECALL IT DIDN'T HAVE A BUSINESS NAME ON IT, BUT IT
8 WAS A RECEIPT BOOK WITH THE NAME STEPHEN STANKO AND THE
9 NUMBER EIGHT WRITTEN ON THE FRONT.

10 Q AND TAKE YOU TO ITEM E.

11 A CLASSIFY COLORS WHICH WAS THE MANUFACTURER OF THE
12 NOTEBOOKS, JUST A REGULAR NOTEBOOK WITH LAURA LING
13 HANDWRITTEN ON THE INSIDE COVER.

14 Q STILL IN THIS CENTER CONSOLE. LET ME ASK YOU ABOUT
15 ITEM NUMBER FIVE IN THE CENTER CONSOLE. WHAT DID YOU FIND
16 THERE?

17 A ITEM NUMBER FIVE IS A BLACK CENTER CONSOLE CARRIER
18 THAT HAD SEVERAL ITEMS INSIDE OF IT.

19 Q AND I'M SORRY. LET ME ASK YOU ABOUT ITEM B.

20 A OKAY. WITHIN ITEM -- WITHIN NUMBER FIVE A GOOSE
21 CREEK HIGH SCHOOL RING WITH STEVE INSCRIBED AND 1986
22 INSCRIBED.

23 Q LET ME SHOW YOU STATE'S NUMBER 88 IN EVIDENCE AND ASK
24 IF YOU CAN IDENTIFY THAT FOR US.

25 A THAT'S THE RING AND IT'S ACTUALLY MY FINGERS HOLDING

1 IT AS IN THE PHOTOGRAPH.

2 Q ALSO SHOW YOU STATE'S NUMBER 102 IN EVIDENCE AND ASK
3 YOU TO IDENTIFY THAT PIECE OF EVIDENCE.

4 A THAT'S THE SAME RING.

5 Q INVESTIGATOR PIPER, I'M GOING TO TAKE YOU TO THE
6 INTERIOR CARGO AREA. WELL, THAT WAS SORT OF BEHIND THE
7 TWO FRONT SEATS OF THE TRUCK?

8 A YES, SIR. IT WAS AN EXTENDED CAB AND THERE IS A SEAT
9 BACK THERE THAT MOST PEOPLE USE FOR -- OR JUST USING IT
10 FOR -- IN THIS CASE JUST FOR STORAGE.

11 Q AND I'LL ASK YOU TO TAKE A LOOK AT STATE'S EXHIBIT
12 NUMBER 93. ASK YOU TO IDENTIFY THAT FOR US.

13 A THAT IS A VIEW BRAND, V-I-E-W, BRAND CANVAS AND
14 LEATHER CAMERA BAG THAT WAS IN THE -- ACTUALLY YOU CAN SEE
15 THE CORNER OF THE SEAT WHERE IT WAS PLACED.

16 Q AND THAT WAS ITEM NUMBER EIGHT ON YOUR LIST?

17 A RIGHT. AND YOU CAN SEE THE -- A SUITCASE ON THE
18 UPPER RIGHT HAND CORNER, IT'S IN THE PHOTOGRAPH.

19 Q GOT YA. NOW, INSIDE THIS VIEW BAG.

20 A UH-HUH.

21 Q TAKE YOU TO ITEM A. WHAT DID YOU FIND?

22 A BOX OF WINCHESTER 38 SPECIAL CARTRIDGES. IT'S A 50
23 COUNT PACKAGE. 45 WERE IN. FIVE WERE MISSING.

24 Q SHOW YOU STATE'S 94 AND 95 IN EVIDENCE. CAN YOU
25 IDENTIFY THOSE, PLEASE?

1 A YES, SIR. IT'S JUST A PHOTOGRAPH OF THE BOX AND A
2 PHOTOGRAPH OF THE CARTRIDGES WITH FIVE MISSING, SAME --
3 SAME MANUFACTURER, GRAIN AND EVERYTHING AS THE CARTRIDGES
4 THAT WERE IN THE CYLINDER.

5 Q THE FIVE WINCHESTERS THAT WERE IN THE--

6 A YES, SIR.

7 Q -- IN THE GUN. WANT TO TAKE YOU BACK ON THE INTERIOR
8 CARGO AREA AGAIN TO NUMBER -- ITEM NUMBER SEVEN.

9 A OKAY.

10 Q AND ASK WHAT THAT -- WHAT THAT -- WHAT YOU FOUND
11 THERE.

12 A A TAN CANVAS JORDACHE SUITCASE THAT HAD SOME BLOOD
13 IMPACT SPATTER ON THE INSIDE, OPEN.

14 Q AND WHAT WAS INSIDE THAT SUITCASE?

15 A NINE NECKTIES, EIGHT PAIRS OF PANTS, 11 SHIRTS, FIVE
16 PAIRS OF BOXER SHORTS, AND 17 PAIRS OF SOCKS.

17 Q LET ME SHOW YOU STATE'S 69 -- EXCUSE ME -- 68 AND 69
18 IN EVIDENCE AND ASK YOU IF YOU RECOGNIZE THOSE.

19 A YES, SIR. ON 69 YOU CAN ACTUALLY SEE SOME OF THE
20 BLOOD -- BLOODSTAINS ON THE INSIDE LINER OF THE SUITCASE.
21 AND ITEM NUMBER 68 FOCUSES MORE ON THE CONTENTS AS THEY
22 WERE AS INSERTED.

23 Q AND FINALLY, INVESTIGATOR PIPER, I WILL TAKE YOU TO
24 ITEM NUMBER NINE THAT WAS LOCATED IN THE CARGO AREA.

25 A OKAY.

1 Q WHAT WAS THAT?

2 A A GREEN ATLANTIC DUFFEL BAG, HAD BLOOD SPATTER ON
3 THAT, WITH SEVERAL ITEMS INSIDE.

4 Q AND UNDER ITEM C DID YOU LOCATE A SHIRT?

5 A YES, SIR. THERE WAS A HOOTERS BAG WITH A BLUE WASH
6 CLOTH, A HOOTERS SHIRT, AND A PAIR OF SOCKS INSIDE.

7 Q I'LL SHOW YOU NUMBER 96 IN EVIDENCE.

8 A THAT'S THE HOOTERS SHIRT, YES.

9 Q AND FINALLY TAKING YOU TO ITEM J THAT WAS ALSO IN
10 THAT ATLANTIC DUFFEL BAG.

11 A IT'S A METAL BUSINESS CARD HOLDER WITH STEPHEN C
12 STANKO INSCRIBED AND STEPHEN STANKO BUSINESS CARDS
13 THEREIN.

14 Q THANK YOU VERY MUCH, INVESTIGATOR PIPER. PLEASE
15 ANSWER ANY QUESTIONS THE DEFENSE COUNSEL MAY HAVE FOR YOU.

16 A SURE.

17 MR. KELLY: NO QUESTIONS.

18 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
19 EXCUSED FROM THE STATE?

20 MR. HEMBREE: NONE FROM THE STATE.

21 THE COURT: FROM THE DEFENSE?

22 MR. KELLY: NO, MA'AM.

23 THE COURT: SIR, YOU'RE EXCUSED.

24 THE WITNESS: THANK YOU, MA'AM.

25 (WITNESS LEFT THE STAND.)

1 THE COURT: YOU'RE WELCOME. MADAM FORELADY,
2 LADIES AND GENTLEMEN, WE'RE GOING TO TAKE ADVANTAGE
3 OF THIS BREAK IN TESTIMONY AND ACTUALLY TAKE YOUR
4 TIME -- I'M GOING TO WAIT UNTIL YOU'RE DONE
5 PUBLISHING THE PHOTOS AND THEN I WILL GIVE YOU THE
6 INSTRUCTIONS. WE'LL BE AT EASE FOR JUST A MOMENT AS
7 YOUR OTHER MEMBERS REVIEW THE EXHIBITS.

8 (WHEREUPON THERE WAS A PAUSE).

9 THE COURT: MADAM FORELADY, LADIES AND
10 GENTLEMEN, WE'RE GOING TO TAKE ADVANTAGE OF THIS
11 BREAK IN TESTIMONY TO TAKE OUR LUNCHEON RECESS. DUE
12 TO THE GENEROSITY OF THE CLERK, YOUR LUNCH HAS BEEN
13 BROUGHT IN, AND I UNDERSTAND THAT IT IS A VERY
14 WONDERFUL MENU. THE LUNCHEON BREAK THIS AFTERNOON
15 WILL PROBABLY LAST AN HOUR.

16 THE LAWYERS AND I ARE NOT BREAKING FOR LUNCH
17 RIGHT NOW. THERE ARE SOME MATTERS OF LAW THAT WE
18 NEED TO TAKE UP THAT PROBABLY MAY WELL TAKE UP -- I'M
19 ESTIMATING MAY TAKE US 30 MINUTES BEFORE WE HAVE THE
20 OPPORTUNITY TO EAT.

21 SO IF YOUR LUNCHEON RECESS STRETCHES INTO AN
22 HOUR, PLEASE BE PATIENT WITH US. IF YOU NEED TO WALK
23 AROUND, PLEASE LET YOUR CUSTODIANS KNOW SO THAT THEY
24 CAN TAKE YOU OUTSIDE.

25 I KNOW THAT THAT ROOM GETS A LITTLE CRAMPED AND

1 CAN BE A LITTLE FRUSTRATING. SO PLEASE KNOW THAT
2 WE'RE WORKING AND THAT WE DO VALUE YOUR TIME.

3 DURING THE LUNCHEON RECESS PLEASE DO NOT DISCUSS
4 THE CASE IN ANY WAY AND PLEASE LEAVE YOUR NOTEPADS IN
5 YOUR SEATS, AND I HOPE THAT YOU ALL ENJOY YOUR LUNCH.
6 WE WILL SEE YOU AROUND 1:30. PLEASE GO WITH THE
7 BAILIFFS.

8 (JURY LEFT THE COURTROOM AT 12:30 PM.)

9 THE COURT: YOU MAY BE SEATED. IF YOU ALL WILL
10 GIVE ME ABOUT TWO MINUTES, WE'LL THEN PROCEED WITH
11 ANY ADDITIONAL ARGUMENT ON THE MATTER, THE
12 ADMISSIBILITY OF EVIDENCE REGARDING MR. TURNER.

13 (WHEREUPON THERE WAS A PAUSE.)

14 THE COURT: I'LL HEAR ANY ADDITIONAL ARGUMENT
15 REGARDING THE ADMISSIBILITY OF THE FACTS AND
16 CIRCUMSTANCES ATTENDANT TO THE ALLEGED MURDER OF MR.
17 TURNER.

18 MR. HEMBREE: I BELIEVE MR. KELLY WAS THE MOVING
19 PARTY, YOUR HONOR.

20 THE COURT: HE WAS, BUT I DON'T THINK HE'S
21 INDICATED TO THE COURT HE HAD ANY ADDITIONAL
22 ARGUMENT.

23 MR. HEMBREE: THANK YOU, YOUR HONOR.

24 THE COURT: THE STATE INDICATED IT DID.

25 MR. HEMBREE: YOUR HONOR, FIRST LET ME START BY

1 SAYING THE ANALYSIS ON THIS QUESTION, IT CAN'T BE
2 VIEWED IN THE SAME MANNER AS A LYLE ANALYSIS.

3 THE COURT: THAT'S CORRECT.

4 MR. HEMBREE: IT'S NOT THAT KIND OF A QUESTION.

5 THE COURT: IT'S NOT OFFERED FOR THAT BASIS.

6 MR. HEMBREE: NOT OFFERED FOR THAT PURPOSE AT
7 ALL. IT'S STRICTLY OFFERED FOR DETERMINING THE
8 CHARACTER, DECIDING WHAT THE CHARACTER OF THIS
9 DEFENDANT IS.

10 AND THE CASE LAW PERMITS THE STATE WIDE LATITUDE
11 IN OFFERING EVIDENCE ABOUT THE DEFENDANT'S CHARACTER.
12 THREE -- I WOULD CITE THREE CASES THAT ARE TO -- I
13 BELIEVE ARE DIRECTLY ON POINT FOR THE COURT'S
14 CONSIDERATION.

15 I BELIEVE WE PROVIDED THESE CASES TO THE DEFENSE
16 COUNSEL AS WELL AS TO THE COURT. THE FIRST, YOUR
17 HONOR, IS STATE VERSUS HOWARD. IN THIS CASE IT WAS
18 AN ARMED ROBBERY AND MURDER, A DEATH PENALTY CASE,
19 AND IN THE PENALTY PHASE THE STATE WAS PERMITTED TO
20 OFFER EVIDENCE OF 70 UNCHARGED ARMED ROBBERIES.

21 THE COURT: THEY WERE SUBJECT OF A CONVICTION --
22 OF A CONFESSION AFTER HE WAS MIRANDISED; CORRECT?

23 MR. HEMBREE: THAT'S CORRECT. THEY WERE SUBJECT
24 OF A CONFESSION. HOWEVER, THEY WERE -- THAT'S JUST
25 SIMPLY EVIDENCE OF THE CRIMES AND THEY WERE UNCHARGED

1 AND THEY WERE -- THEY HAD NOT BEEN PROSECUTED FOR
2 THOSE AS WELL AS THE MURDER CHARGE, SO THE STATE WAS
3 PERMITTED TO OFFER EVIDENCE ABOUT, YOU KNOW, A TIDAL
4 WAVE OF OTHER BAD ACTS THAT WERE -- THAT WERE
5 UNCHARGED AND WERE -- AND WERE NOT THE SUBJECT OF A
6 CONVICTION.

7 THE NEXT CASE, YOUR HONOR, WE HAD SUBMITTED THIS
8 EARLIER, IS STATE VERSUS GREEN. LIKEWISE, THIS
9 INVOLVES A NUMBER OF OTHER ARMED ROBBERIES, VERY
10 SIMILAR TO THE ARMED ROBBERY AND MURDER THAT OCCURRED
11 IN THE DEATH PENALTY CASE.

12 PRIMARILY THOUGH, THIS GREEN CASE STANDS FOR THE
13 PROPOSITION THAT THERE -- THERE IS REALLY NO
14 STANDARD, THERE'S NO CLEAR -- THE COURT CITED A --
15 CLEAR AND CONVINCING WAS NOT THE STANDARD, AND WHEN
16 YOU ARE TALKING ABOUT THE DEFENDANT'S CHARACTER, THAT
17 YOU REALLY -- YOU DID NOT HAVE TO OFFER EVIDENCE
18 SUFFICIENT TO MEET THE CLEAR AND CONVINCING LEVEL OF
19 EVIDENCE.

20 IT WAS HELD. AND OF COURSE, IT CITES STATE
21 VERSUS MIDDLETON, AND WE -- WE DO NOT OFFER THESE TO
22 SHOW AGGRAVATING CIRCUMSTANCES EITHER, SO THESE ARE
23 STRICTLY CONFINED TO HIS CHARACTER.

24 BUT JUDGE, THE CASE THAT IS THE MOST DIRECTLY ON
25 POINT THAT IS JUST LIKE THIS SET OF FACTS IS STATE

1 VERSUS MIDDLETON AND--

2 THE COURT: IT'S A LITTLE DIFFERENT, THOUGH,
3 ISN'T IT, BECAUSE SOMEONE WAS NOT MURDERED IN STATE
4 VERSUS MIDDLETON; WERE THEY?

5 MR. HEMBREE: YES, MA'AM.

6 THE COURT: THAT'S THE ONE AT THE -- AT THE --
7 WELL, I INTERRUPTED YOU. I APOLOGIZE. YOU MAY
8 CONTINUE.

9 MR. HEMBREE: YOUR HONOR, IN THIS CASE, STATE
10 VERSUS MIDDLETON, WHICH WAS OF COURSE TRIED IN
11 CHARLESTON COUNTY, THE TRIAL JUDGE WAS THE HONORABLE
12 RICHARD FIELDS. IT'S A STATE SUPREME COURT CASE IN
13 WHICH HE WAS AFFIRMED.

14 IN STATE VERSUS MIDDLETON THERE WAS AN INMATE
15 THAT ESCAPED AND WENT TO A -- HE GOT OFF THE ROAD
16 CREW. HE WENT TO A REST STOP, ASSAULTED A WOMAN AT
17 THE REST STOP, ULTIMATELY HE -- HE WENT TO -- HIKED
18 OR WENT TO A SMALL TOWN, SAW A LADY COMING DOWN A
19 PATH AND HE WAS -- HAD ARMED HIMSELF WITH A KNIFE, HE
20 MURDERED THE WOMAN AND ROBBED HER.

21 LATER THAT SAME DAY, LATER THAT SAME DAY HE ALSO
22 COMMITTED A RAPE AND MURDER OF A SECOND WOMAN.

23 THE COURT: HE CONFESSED TO BOTH OF THOSE;
24 CORRECT?

25 MR. HEMBREE: THAT'S CORRECT, YOUR HONOR, HE DID

1 CONFESS TO THOSE. BUT ONCE AGAIN, THIS IS MERELY
2 EVIDENCE OF THE CRIME THAT'S OCCURRED. THE
3 CONFESSION IS SIMPLY EVIDENCE MUCH LIKE THE VERY
4 EVIDENCE THAT WE INTEND TO ELICIT FROM THESE
5 WITNESSES REGARDING THE MURDER OF HENRY TURNER.

6 THE COURT: WELL, IN EACH OF THESE CASES THE
7 ONLY EVIDENCE WAS THEIR UNCORROBORATED CONFESSION;
8 CORRECT? AND THE SUPREME COURT SAID THAT THEY DIDN'T
9 NEED CORROBORATION, BUT THE FACT THAT THEY CONFESSED
10 TO THESE INCIDENTS AFTER HAVING BEEN MIRANDISED I
11 THINK IS FAIRLY PERSUASIVE TO THE SUPREME COURT.

12 THEY DIDN'T CALL ANY OTHER WITNESSES REGARDING
13 THE ACTUAL -- WELL, EXCEPT THE ONE WITH THE LADY WHO
14 WAS SHOT IN THE FACE AT THE SHOPPING MALL.

15 MR. HEMBREE: THEY CALLED A NUMBER OF WITNESSES
16 FROM THE FOLKS IN THE SHOPPING MALL. ESSENTIALLY
17 THEY CALLED ALL THE VICTIMS IN THOSE CASES.

18 YOUR HONOR, THE -- IN MY JUDGMENT, AND I
19 DON'T -- I HAVE NOT SEEN IN THESE CASES A -- A
20 SIGNIFICANT -- ANY SIGNIFICANCE IN THE FACT THAT THEY
21 WERE CONFESSIONS VERSUS OTHER EVIDENCE.

22 THERE WAS SOME DISCUSSION ABOUT WHETHER THE
23 CONFESSION COULD COME IN, WHETHER THEY WERE PROPERLY
24 MIRANDISED.

25 THERE WERE SOME SURROUNDING ISSUES ABOUT THE

1 CONFESSIONS, BUT NOT IN ANY ONE OF THOSE CASES DID
2 THE COURT SAY, WELL, BECAUSE THIS IS A CONFESSION,
3 WE'RE GOING TO ALLOW IT. HOWEVER, IF THEY HAD ONLY
4 JUST PRESENTED THE EVIDENCE IN THE CASE, WE WOULDN'T
5 HAVE ALLOWED IT.

6 THERE'S NO DISTINCTION BETWEEN THE TWO. I WOULD
7 SUBMIT WE HAVE THE EXACT SAME CIRCUMSTANCE HERE.
8 ALTHOUGH WE DON'T HAVE A CONFESSION, WE HAVE A --
9 YOUR HONOR, I WOULD SUBMIT WE'VE GOT EVIDENCE THAT --
10 THAT WOULD PROBABLY BE SUFFICIENT TO PROVE BEYOND A
11 REASONABLE DOUBT -- AND WE DON'T HAVE TO MEET THAT.

12 WE DON'T HAVE TO MEET THAT STANDARD. BUT IF
13 THAT'S THE COURT'S CONCERN AND THAT'S THE DISTINCTION
14 THE COURT FINDS WITH THE CONFESSION VERSUS OTHER
15 FORMS OF EVIDENCE, THEN WE'RE -- WE'RE CERTAINLY
16 WILLING TO MAKE A FULL -- A FULL PROFFER OF OUR
17 WITNESSES ON THAT ISSUE.

18 AND IF THE COURT FINDS THAT -- THAT -- FINDS
19 THAT A STANDARD IS NECESSARY, THEN WE'LL--

20 *THE COURT:* THAT'S NOT THE STANDARD. THAT'S NOT
21 WHAT THE SUPREME COURT SAID. THEY DO NOT REQUIRE
22 THAT. THEY DO NOT REQUIRE CLEAR AND CONVINCING
23 EVIDENCE.

24 *MR. HEMBREE:* CORRECT. SO THE FACT THAT IT
25 WAS -- THAT'S WHERE I'M MISUNDER -- OR I GUESS I

1 DON'T APPRECIATE THE DISTINCTION.

2 THE COURT: I THINK THAT EACH CASE STANDS ON ITS
3 OWN FACTS AND I THINK THAT YOU -- ANY COURT WOULD BE
4 REMISED IN NOT CONSIDERING THE FACTS AND
5 CIRCUMSTANCES OF EVERY CASE BECAUSE WE KNOW EACH OF
6 THEM ARE PECULIAR AND SPECIFIC TO EACH CASE, AND I
7 THINK THAT I WOULD BE REMISED IF I DID NOT LOOK AT
8 THE SPECIFIC FACTS AND CIRCUMSTANCES OF EACH OF THESE
9 CASES.

10 MR. HEMBREE: I DON'T DISAGREE WITH YOU, YOUR
11 HONOR. I JUST THINK--

12 THE COURT: THAT'S THE ONLY THING THAT I WAS --
13 THAT'S THE ONLY -- I WON'T USE THE WORD ISSUE BECAUSE
14 THAT REALLY WOULD NOT BE ACCURATE, BUT I THINK QUITE
15 FRANKLY ALL OF THESE CASES ARE VERY SIMILAR ON THOSE
16 POINTS.

17 MR. HEMBREE: AND THEY ARE CONSISTENT AND --
18 WELL, AND THEY ARE CERTAINLY CONSISTENT AS TO THE
19 PRINCIPLE UNDERLYING THE ADMISSIBILITY OF CHARACTER
20 EVIDENCE.

21 NOT ON ONE CASE DID THEY LIMIT THE INTRODUCTION
22 OF CHARACTER EVIDENCE MUCH LIKE THE CASE OF STATE
23 VERSUS OWENS THAT THE COURT REFERRED TO YESTERDAY.
24 THIS WAS THE GREENVILLE CASE WHERE THE MUCH -- YOU
25 KNOW, SIMILAR TO THIS SITUATION WHERE THE -- AFTER

1 THE GUILT PHASE THE DEFENDANT WENT BACK TO THE JAIL
2 AND COMMITTED A MURDER WHILE IN THE JAIL. NOW, I
3 THINK ALSO--

4 THE COURT: THAT'S A LITTLE DIFFERENT. WASN'T
5 THAT ADMITTED ON HIS ADAPTABILITY OR WAS THAT
6 ADMITTED ON HIS CHARACTER?

7 MR. HEMBREE: CHARACTER. THAT WAS ADMITTED ON
8 CHARACTER, YOUR HONOR. IT WAS -- NOW, THERE WAS
9 ANOTHER PROBLEM WITH THAT. THE PROBLEM IN THAT CASE
10 WAS THAT THE DEFENSE HAD NOT HAD AN ADEQUATE TIME TO
11 INVESTIGATE THAT SUBSEQUENT --

12 THE COURT: THAT'S CORRECT.

13 MR. HEMBREE: -- SO THERE WAS -- THERE WAS AN
14 ISSUE IN OWENS THAT LED TO ITS REVERSAL. HOWEVER,
15 THE -- THAT ISSUE WAS NOT THAT IT WAS IMPROPER
16 CHARACTER EVIDENCE.

17 THE COURT SPECIFICALLY FOUND IT WAS PROPER
18 CHARACTER EVIDENCE. THE PROBLEM WAS THAT THE DEFENSE
19 SHOULD HAVE BEEN ALLOWED AT THE TIME TO INVESTIGATE.

20 AND THAT'S ONE OTHER POINT I'D LIKE TO PUT ON
21 THE RECORD, YOUR HONOR, IN RESPONSE TO SOMETHING THAT
22 MR. KELLY REFERRED TO YESTERDAY. WE HAVE BEEN
23 PROVIDING DISCOVERY TO THE DEFENSE FOR MONTHS, MONTHS
24 AND MONTHS AGO.

25 BOTH MR. DIGGS AND MR. KELLY WERE PROVIDED WITH

1 ALL THE INFORMATION, THE ENTIRE FILE ON THE HENRY
2 TURNER MURDER. THE REASON THEY WERE PROVIDED WITH
3 THAT INFORMATION, OBVIOUSLY, IS THAT WE THROUGHOUT
4 INTENDED TO INTRODUCE THIS EVIDENCE IN THE PENALTY
5 PHASE -- IN THE PENALTY PHASE BASED ON THE HOLDINGS
6 IN MIDDLETON, HOWARD, AND GREEN.

7 SO IN ADDITION TO THAT, ABOUT A MONTH AGO WE HAD
8 AN IN LIMINE HEARING ON SOME OTHER MATTERS AND THAT
9 ISSUE CAME UP AND WE DISCUSSED AT THAT TIME AND MADE
10 IT VERY CLEAR TO BOTH MR. KELLY AND MR. DIGGS AND TO
11 THE DEFENDANT THAT WE INTENDED TO ELICIT THIS SORT OF
12 EVIDENCE IN THE PENALTY PHASE OF THE CASE.

13 MR. KELLY SEEMED TO BE YESTERDAY SURPRISED OR
14 DIDN'T SEE THIS COMING OR IMPLIED THAT HE DIDN'T --
15 DIDN'T -- YOU KNOW, HE WASN'T PREPARED TO GO FORWARD
16 ON THESE ISSUES, AND I -- I SIMPLY CAN'T UNDERSTAND
17 HOW HE COULD REACH THAT POSITION KNOWING THAT WE
18 PROVIDED HIM WITH DISCOVERY AND WE TOLD HIM THAT
19 WE'RE GOING TO DO IT A MONTH IN ADVANCE.

20 SO -- AND OF COURSE THAT TRIGGERED HIS FILING OF
21 THIS MOTION IN LIMINE, IT WAS FILED ON JULY 27TH, AND
22 WE HAD SOME THREE WEEKS SINCE THEN. DEFENSE COUNSEL
23 WOULD HAVE HAD MORE THAN AMPLE OPPORTUNITY TO
24 INVESTIGATE THIS.

25 IN THE OWENS CASE THE COURT SUGGESTED THAT HAD

1 THE DEFENSE COUNSEL GIVEN 24 HOURS TO INVESTIGATE THE
2 MURDER, THAT WOULD HAVE BEEN SUFFICIENT. SO I
3 JUST -- I PUT THAT ON THE RECORD BECAUSE I THINK IT'S
4 RESPONSIVE TO AN ISSUE THAT WAS IMPLIED.

5 AND I DON'T KNOW IF I'M MAKING THIS --
6 MISUNDERSTANDING MR. KELLY'S EFFORT AT THAT POINT IN
7 TIME.

8 YOUR HONOR, HIS PRINCIPLE IS WELL-FOUNDED. IT'S
9 CONSISTENT. WE SUBMIT THAT THE MOTION IN LIMINE
10 SHOULD BE DENIED AND THE STATE SHOULD BE PERMITTED TO
11 OFFER EVIDENCE OF HENRY TURNER'S MURDER.

12 TO DO OTHERWISE WOULD ASK THIS JURY TO
13 UNDERSTAND, TO JUDGE THIS DEFENDANT'S CHARACTER
14 WITHOUT PROBABLY THE MOST CRITICAL PIECE OF EVIDENCE
15 OR PORTION OF EVIDENCE THAT THEY COULD POSSIBLY HAVE
16 IN MAKING A JUDGMENT ABOUT HIS CHARACTER. IT WOULD
17 RESTRICT THEIR ABILITY--

18 *THE COURT:* ARE YOU SAYING THIS JURY DOES NOT
19 HAVE THE FULL PICTURE OF MR. STANKO'S CHARACTER AT
20 THIS POINT?

21 *MR. HEMBREE:* THAT'S CORRECT, YOUR HONOR. I DO.
22 I SUBMIT THAT BASED ON THE FACT THAT THIS WAS A
23 PREMEDITATED, VICIOUS ACT UPON AN OLD MAN WITHIN
24 HOURS OF THE OTHER MURDER.

25 *THE COURT:* I THINK THE JURY ALREADY BELIEVES

1 THAT ANYTHING HE DID WAS PREMEDITATED BASED ON THEIR
2 VERDICT IN THE GUILT PHASE.

3 MR. HEMBREE: THAT MAY BE, YOUR HONOR. HOWEVER,
4 THE DEFENSE CONTINUES TO TRY TO ADVANCE THIS THEORY
5 THAT HE'S, YOU KNOW, HE HAS THIS TRIGGER, THAT HE --
6 HE TURNS VIOLENT AND HE DOESN'T KNOW WHAT HE'S DOING
7 AND CAN'T CONTROL HIMSELF.

8 THE COURT: WELL, I THINK CLEARLY THE JURY HAS
9 ALREADY DETERMINED THAT HAS NO CREDIBILITY WITH THAT.

10 MR. HEMBREE: WELL, THEY MAY OR MAY NOT, JUDGE.
11 I DON'T KNOW WHAT EFFECT THE DEFENSE'S EFFORTS MAY
12 HAVE ON THEIR VIEW OF THIS DEFENDANT. HOWEVER, I
13 KNOW THAT NOT TO GIVE THEM THIS CENTRAL PIECE OF
14 EVIDENCE, ASK THEM TO MAKE THAT DECISION WITH A --
15 WITH A VERY RELATIVE, VERY IMPORTANT PART OF THE
16 STORY OF THIS DEFENDANT.

17 THE COURT: ANYTHING FURTHER?

18 MR. HEMBREE: NO, YOUR HONOR.

19 THE COURT: ANYTHING FURTHER FROM THE DEFENSE?

20 MR. DIGGS: NO, YOUR HONOR.

21 (WHEREUPON THERE WAS A PAUSE.)

22 THE COURT: I THINK WE ARE ALL VERY CLEAR AS TO
23 WHAT THE LAW REQUIRES. THE CONSTITUTION, OF COURSE,
24 DOES NOT PROHIBIT THE SENTENCING JURY FROM
25 CONSIDERING NONSTATUTORY AGGRAVATING CIRCUMSTANCES

1 WHICH RELATE TO THE CHARACTERISTIC OF THE DEFENDANT
2 OR THE CIRCUMSTANCES OF THE CRIME.

3 THAT, OF COURSE, IS BASED ON ZANT VERSUS
4 STEVENS. AND FOR THE COURT REPORTER'S BENEFIT THAT
5 IS SPELLED Z-A-N-T FOUND AT 462 US 862, 103 SUPREME
6 COURT 2733, 77 LAW EDITION EFFECTIVE 235 WHICH IS A
7 1983 US SUPREME COURT CASE.

8 IN ADDITION TO THE ADMISSION OF ANY EVIDENCE TO
9 PROVE ANY STATUTORY AGGRAVATING CIRCUMSTANCES THE
10 STATE MAY ALSO INTRODUCE EVIDENCE OF THE DEFENDANT'S
11 CHARACTERISTICS OR CERTAIN CHARACTERISTICS OF THE
12 CRIME IN AGGRAVATION OF PUNISHMENT, AND THAT OF
13 COURSE IS BASED ON STATE VERSUS SHAW.

14 FURTHER EVIDENCE CONCERNING ACTS OF MISCONDUCT
15 IS ADMISSIBLE AS CHARACTER EVIDENCE BASED ON STATE
16 VERSUS HYMAN. IN ADDITION, THE DEFENDANT'S
17 CONFESSION OF OTHER CRIMES WAS ADMISSIBLE AT THE
18 SENTENCING PHASE AS EVIDENCE OF HIS CHARACTER
19 NOTWITHSTANDING THE LACK OF CORROBORATING PROOF OF
20 THE CRIME'S CORPUS DELICTI BASED ON STATE
21 VERSUS HOWARD.

22 AND I AM ELIMINATING THE CITATIONS BECAUSE I
23 THINK THEY ARE ALL BLACK LETTER PRECEDENT AND WE ARE
24 ALL CLEAR AS TO THE CASES THAT I'M REFERRING TO.

25 EVIDENCE OF THE CIRCUMSTANCES OF PRIOR OFFENSES

1 SUBJECT TO CONVICTION ARE ADMISSIBLE IN AGGRAVATION
2 IN REFERENCE TO THE DEFENDANT'S CHARACTERISTICS. AND
3 THAT, OF COURSE, IS BASED ON STATE VERSUS SKIPPER.

4 GENERALLY I THINK WE ALL ARE AWARE OF BLACK
5 LETTER PRECEDENT THAT EVIDENCE OF A DEFENDANT'S
6 CHARACTER IS GENERALLY NOT ADMISSIBLE TO SHOW
7 CRIMINAL PROPENSITY OR TO DEMONSTRATE THE ACCUSED IS
8 A BAD PERSON.

9 AN EXCEPTION TO SOME EXTENT LIES IN A DEATH
10 PENALTY CASE IN -- AND IN MORE SPECIFICALLY THE
11 PENALTY PHASE OF A CASE BECAUSE IT IS DIFFERENT. AND
12 IT ALLOWS EVIDENCE OF OTHER CRIMES RELEVANT TO SHOW
13 THE DEFENDANT'S CHARACTER AND ADMISSION OF TESTIMONY
14 THAT A DEFENDANT HAS ATTEMPTED SIMILAR CRIMES THAT --
15 FOR WHICH HE IS ON TRIAL IS PROPER BECAUSE SUCH
16 TESTIMONY INDICATES THE DEFENDANT'S INDIVIDUAL
17 CHARACTERISTICS AND PREDISPOSITIONS TO COMMIT SIMILAR
18 CRIMES.

19 AND I THINK THAT'S CLEARLY EVIDENT IN THE
20 TESTIMONY THAT HAS BEEN ELICITED FROM MS. MCJENDON
21 AND THAT ENTIRE LINE OF TESTIMONY REGARDING THE
22 DEFENDANT'S -- NOW I'M REFERRING, OF COURSE, TO MY
23 REFERENCE TO HIS PRIOR CONVICTIONS WHICH HAVE ALREADY
24 BEEN ENTERED INTO THE RECORD.

25 AND THAT IS, OF COURSE, BASED ON STATE VERSUS

1 STEWART, STATE VERSUS SKIPPER, AND STATE VERSUS COON
2 AS WELL AS STATE VERSUS GREEN. OF COURSE, AND AS HAS
3 ALREADY BEEN APTLY POINTED OUT BY THE SOLICITOR, SUCH
4 EVIDENCE IS NOT ADMITTED -- OF COURSE, IF SUCH
5 EVIDENCE IS ADMITTED, THE COURT IS REQUIRED TO
6 PROPERLY LIMIT THE JURY'S CONSIDERATION OF SUCH
7 OFFENSES TO THE EVIDENCE OF THE DEFENDANT'S
8 CHARACTERISTICS AS THEY MAY BEAR LOGICAL RELEVANCE TO
9 THE CRIME.

10 AND THE DEFENDANT HAS ARGUED THAT IN ORDER FOR
11 SUCH EVIDENCE TO BE ADMITTED, THE STATE MUST PROVE BY
12 CLEAR AND CONVINCING EVIDENCE.

13 OUR SUPREME COURT, OF COURSE, HAS DISAGREED, HAS
14 INDICATED THAT SUCH EVIDENCE IS NOT LYLE TYPE
15 EVIDENCE AND IT IS NOT OFFERED FOR THAT PURPOSE. IT
16 IS OFFERED TO ESTABLISH -- IT IS NOT OFFERED TO
17 ESTABLISH GUILT BUT OFFERED TO -- AS EVIDENCE OF THE
18 DEFENDANT'S CHARACTER RELEVANT TO CAPITAL SENTENCING,
19 AND THAT IS BASED ON STATE VERSUS SHAW.

20 OF COURSE, WE ALL ARE AWARE THE PURPOSE OF THE
21 SENTENCING PHASE IN A CAPITAL TRIAL IS TO DIRECT THE
22 JURY'S ATTENTION TO THE SPECIFIC CIRCUMSTANCES OF THE
23 CRIME, CHARACTERISTICS OF THE OFFENDER, AND THAT IS
24 BASED ON STATE VERSUS LOCKLAIR, L-O-C-K-L-A-I-R, AND
25 STATE VERSUS OWENS.

1 THE EIGHTH AMENDMENT OF THE CONSTITUTION
2 REQUIRES CONSIDERATION OF THE CHARACTER AND THE
3 RECORD OF THE INDIVIDUAL OFFENDER AS A
4 CONSTITUTIONALLY INDISPENSABLE PART OF THE PROCESS OF
5 INFLECTING THE PENALTY OF DEATH.

6 IN THE PENALTY PHASE THE ADMISSION OF EVIDENCE
7 THAT THE DEFENDANT COMMITTED A SIMILAR CRIME IS
8 PROPER AS IT INDICATES A INDIVIDUAL'S
9 CHARACTERISTICS. AND THAT IS, OF COURSE, BASED ON
10 STATE VERSUS GEORGE AS WELL AS STATE VERSUS HOWARD
11 AND STATE VERSUS OWENS.

12 HOWEVER, THIS DOES NOT RELIEVE THE COURT OF ITS
13 RESPONSIBILITY PURSUANT TO RULE 403 WHICH PROVIDES
14 THAT RELEVANT EVIDENCE MAY BE EXCLUDED IF ITS
15 PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY THE
16 DANGER OF UNFAIR PREJUDICE.

17 CITING RULE 403, STATE VERSUS DICKERSON AND
18 STATE VERSUS OWENS. THE TYPE OF UNFAIR PREJUDICE
19 CONTEMPLATED BY THE RULES AND THE CASE LAW PROVIDE
20 EVIDENCE IS UNFAIRLY PREJUDICIAL IF IT HAS AN UNDUE
21 TENDENCY TO SUGGEST A DECISION ON AN IMPROPER BASIS
22 SUCH AS AN EMOTIONAL ONE. OF COURSE, AGAIN, THE
23 COURT RELIES ON STATE VERSUS DICKERSON AND STATE
24 VERSUS OWENS.

25 I HAVE REVIEWED EACH OF THE CASES THAT THE STATE

1 HAS ARGUED TO THE COURT AS WELL AS OTHER CASES THAT I
2 HAVE BEEN ABLE TO DISCERN IN MY OWN RESEARCH. AND I
3 THINK IT IS IMPORTANT THAT THE COURT LOOK AT THE
4 FACTS AND CIRCUMSTANCES OF EACH INDIVIDUAL CASE.

5 SO I THINK WE ARE CLEARLY AWARE THAT OUR SUPREME
6 COURT CERTAINLY LOOKS AT INDIVIDUAL FACTS AND
7 CIRCUMSTANCES OF EVERY CASE WHEN RENDERING A DECISION
8 BECAUSE EVERY CASE IS UNIQUE.

9 AND I'LL OF COURSE START WITH THE GREEN CASE
10 WHERE OTHER CRIMES WHICH WERE SIMILAR WERE ADMITTED.
11 EACH OF THOSE WERE PRIOR TO THE INCIDENT, ALTHOUGH
12 VERY SIMILAR.

13 AND ALTHOUGH NOT ADMITTED AS LYLE EVIDENCE, THEY
14 REALLY WERE IN SOME GREAT DEGREE LYLE EVIDENCE
15 BECAUSE IT DEALT WITH THIS GENTLEMAN'S PROPENSITY TO
16 COME UPON WOMEN IN A SHOPPING MALL AND TO SHOOT THEM
17 BASICALLY AND TO STEAL THEIR BELONGINGS.

18 SEVERAL OF THE WOMEN, HOWEVER, TESTIFIED IN THAT
19 CASE, OR AT LEAST ONE OF THEM DID NOT -- WAS NOT
20 KILLED AS A RESULT OF THE INCIDENT, BUT CERTAINLY WAS
21 PRESENT TO TESTIFY AND DID.

22 THE OWENS CASE, OF COURSE, DEALT WITH THE MURDER
23 THAT HAPPENED IN THE JAIL THAT THE DEFENDANT
24 COMMITTED BETWEEN THE GUILT PHASE AND THE PENALTY
25 PHASE.

1 AND OF COURSE, AS THE SOLICITOR HAS APTLY
2 POINTED OUT, WAS VERY -- WAS OVERRULED ON DIFFERENT
3 GROUNDS BECAUSE IT DEALT WITH THE FACT THAT HIS
4 COUNSEL HAD NOT HAD AN ADEQUATE OPPORTUNITY AND WAS
5 NOT AFFORDED AN ADEQUATE OPPORTUNITY TO FULLY
6 INVESTIGATE THE FACTS AND CIRCUMSTANCES OF THAT CRIME
7 BEFORE IT BEING PRESENTED TO THE JURY.

8 IN THE MIDDLETON CASE HE CONFESSED TO AN
9 ASSAULT, A MURDER, AND THE RAPE OF A SECOND WOMAN
10 WHICH HAPPENED LATER ON IN THE DAY AFTER THE EVENT
11 WHICH HE WAS ON TRIAL.

12 THE GEORGE CASE, OF COURSE, AGAIN, ANOTHER
13 CONFESSION REGARDING AN UNRELATED ROBBERY, ACTUALLY
14 70 ARMED ROBBERIES, AND HIS CONFESSION TO ANOTHER
15 UNRELATED MURDER.

16 AND I DO THINK IT IS IMPORTANT TO LOOK AT THE
17 FACTS AND CIRCUMSTANCES OF THOSE CASES BECAUSE I
18 THINK THEY ARE NOT IN OPPOSITE TO THE FACTS AND
19 CIRCUMSTANCES AS THEY ARE RELATED TO THE COURT IN
20 THIS CASE.

21 I HAVE SOME GRAVE CONCERN. I DO THINK IT IS
22 RELEVANT TO HIS CHARACTER. I HAVE NO DOUBT ABOUT
23 THAT. I THINK THAT UNDER AN EIGHTH AMENDMENT
24 ANALYSIS, CERTAINLY THE JURY WOULD BE ENTITLED TO
25 CONSIDER IT AS A PART OF THEIR PROCESS AS TO WHETHER

1 THEY SHOULD INFLICT THE DEATH PENALTY OR NOT.

2 IT IS CERTAINLY SIMILAR TO SOME EXTENT AND
3 CERTAINLY DOES POINT TO HIS INDIVIDUAL
4 CHARACTERISTICS.

5 AND AGAIN, AS I INDICATED, I THINK PURSUANT TO
6 AN EIGHTH AMENDMENT ANALYSIS IT CERTAINLY WOULD POINT
7 TO TESTIMONY WHICH INDICATES HIS INDIVIDUAL
8 CHARACTERISTICS AND PREDISPOSITION TO COMMIT SIMILAR
9 CRIMES.

10 HOWEVER, AS I INDICATED TO YOU ALL ON YESTERDAY,
11 IT STILL -- AND MAYBE I DIDN'T COMMUNICATE THIS AS
12 EFFECTIVELY AS I INTENDED -- THAT THE COURT STILL HAS
13 TO BALANCE THAT EVIDENCE. IT STILL HAS TO LOOK AT
14 ITS PROBATIVE VALUE, WHICH CLEARLY IT HAS PROBATIVE
15 VALUE AS OPPOSED TO THIS PREJUDICIAL EFFECT.

16 AND A PREJUDICIAL EFFECT, OF COURSE, IS
17 CONTEMPLATED AND HAS BEEN ARTICULATED IN MANY CASES,
18 TOO MANY, QUITE FRANKLY, FOR THE COURT TO SIMPLY GO
19 OVER FOR THE PURPOSE OF THIS DECISION -- SUGGEST A
20 DECISION ON AN IMPROPER BASIS SUCH AS AN EMOTIONAL
21 ONE, AND I HAVE NOT BEEN ABLE TO GET OVER THAT
22 HURDLE.

23 HOWEVER, I DO THINK IT IS FAIR TO THE STATE AND
24 ESPECIALLY IF THE DEFENSE STILL INTENDS TO FOLLOW ITS
25 STRATEGY AND ARGUE THAT HE WAS NOT IN CONTROL OF HIS

1 ACTIONS, THAT HE WAS NOT ABLE TO CONFORM HIS
2 BEHAVIOR, THAT CERTAIN INCIDENTS ACTED AS A TRIGGER
3 TO HIS BEHAVIOR ON THAT EVENING, I AM NOT GOING TO
4 PRECLUDE THE STATE FROM BEING ABLE TO PRESENT ACTS OF
5 PREMEDITATION BECAUSE I THINK THEY ARE RELEVANT AND I
6 THINK THAT IT -- IF THE DEFENSE IS GOING TO ARGUE AND
7 PURSUE THAT STRATEGY, THE STATE SHOULD NOT BE
8 HAMSTRINGED AND NOT ABLE TO PRESENT EVIDENCE OF
9 PREMEDITATION.

10 HOWEVER, I'M GOING TO DO THE BEST THAT I CAN TO
11 SPLIT THE BABY. I HATE THAT I HAVE TO USE THAT
12 ANALOGY, BUT IT'S THE BEST ONE THAT IS APPLICABLE IN
13 THIS SITUATION.

14 I AM GOING TO ALLOW THE STATE TO PRESENT
15 EVIDENCE OF PREMEDITATION, ACTS ON HIS PART TO
16 CONCEAL OR DESTROY EVIDENCE AND HIS AWARENESS OF WHAT
17 HE WAS DOING WAS WRONG AS WELL AS ANY ACTS THAT LED
18 UP TO HIM PREPARING FOR THE ACTS WHICH TOOK PLACE.
19 BUT HOWEVER, I'M NOT GOING TO ALLOW THEM TO PRESENT
20 ANY EVIDENCE REGARDING MR. TURNER'S MURDER.

21 AND WE WILL FOLLOW THE SAME LINES THAT WE HAVE
22 FOLLOWED WITH THE PREVIOUS WITNESS, THE GUN THAT WAS
23 FOUND, THE OTHER ITEMS THAT MAY BE FOUND, HAVING BEEN
24 FOUND IN HIS POSSESSION THAT WOULD RELATE TO ACTS OF
25 PREMEDITATION OR HIS KNOWING OR HIS CONSCIOUSNESS

1 THAT HIS ACTS WERE WRONG I THINK ARE CERTAINLY
2 RELEVANT FOR THE JURY TO CONSIDER.

3 BUT WHEN I LOOK AT THE -- AND I INDICATED TO YOU
4 ALL ON YESTERDAY IT'S MY JOB TO LOOK AT IT IN ITS
5 TOTALITY, AND THAT MY PERSPECTIVE IS FAR BROADER THAN
6 EVERYBODY ELSE'S BECAUSE I AM NOT AN ADVOCATE.

7 SO I GET TO SOME EXTENT TO BE NEUTRAL WHICH IS A
8 LUXURY, I AM CLEAR, AND I STRUGGLED WITH THIS A GREAT
9 DEAL LAST NIGHT BECAUSE I, YOU KNOW, A PENALTY PHASE
10 IS VERY DIFFERENT THAN A GUILT PHASE.

11 THERE'S A LOT MORE LATITUDE GIVEN IN A PENALTY
12 PHASE. BUT I ALSO HAD TO LOOK A LITTLE FURTHER
13 BEYOND TODAY. AND I HAD TO LOOK -- LOOK AT IT FROM
14 THE PREJUDICIAL ASPECT.

15 AND I COULD NOT GET BEYOND MY OWN ANALYSIS THAT
16 IT IS -- IT'S A SUBSTANTIAL LIKELIHOOD THAT THIS JURY
17 COULD DECIDE THAT A DEATH SENTENCE IS APPROPRIATE
18 SIMPLY BASED ON AN EMOTIONAL RESPONSE TO THE MURDER
19 OF MR. TURNER, AND THAT CONCERNS ME.

20 AND I THINK IT IS A LEGITIMATE CONCERN. AND I
21 THINK WHEN THE COURT IS WEIGHING PROBATIVE VERSUS
22 PREJUDICIAL, IT IS ONE THAT CANNOT ESCAPE ME. IT IS
23 ONE THAT I HAVE TO CONSIDER.

24 AND SO BASED ON THAT, TO SOME EXTENT I'M
25 SUSTAINING THE DEFENDANT'S MOTION IN LIMINE, BUT I'M

1 ALSO GOING TO ALLOW YOU, AS I INDICATED, TO PRESENT
2 EVIDENCE REGARDING ANY ACTS OF PREMEDITATION,
3 PREDISPOSITION, TO THE EXTENT THAT WE CAN SANITIZE IT
4 AND ELIMINATE ANY REFERENCE TO MR. TURNER.

5 AND IF I'M NOT CLEAR, YOU ALL OF COURSE, THEN
6 LET ME KNOW THAT AND I WILL DO MY -- THE BEST THAT I
7 CAN TO CLARIFY IT MORE FULLY FOR YOU.

8 MR. HEMBREE: AND YOUR HONOR, WE WOULD -- TO --
9 FOR PURPOSES OF CLARIFICATION, WE WOULD BE PERMITTED
10 TO DO THAT IN REPLY TO THE DEFENSE CASE IN
11 MITIGATION?

12 THE COURT: YOU, I GUESS... I DON'T KNOW THAT
13 YOU -- YOU ARE LIMITED TO THAT. DO YOU UNDERSTAND
14 WHAT I'M SAYING?

15 MR. HEMBREE: I APPRECIATE THAT. YES, YOUR
16 HONOR. I GUESS WHAT I HEARD YOU SAY IS THE DEFENSE
17 CONTINUES TO ADVANCE THIS...

18 THE COURT: NO, I ASSUME THEY ARE GOING TO
19 ADVANCE THAT THEORY. IF YOU LISTENED TO THEIR
20 CROSS-EXAMINATION, THAT'S THE THEORY THEY ARE IN FACT
21 ADVANCING. THEY HAVE NOT ABANDONED IT.

22 AND I DO NOT THINK THAT YOU SHOULD BE PRECLUDED
23 FROM PRESENTING EVIDENCE REGARDING HIS
24 PREDISPOSITION, PREMEDITATION, ACTS IN PREPARATION.

25 AND AS I'VE INDICATED, I HAVE ALLOWED YOU TO

1 TALK ABOUT THE ITEMS THAT WERE FOUND AND WHICH
2 CERTAINLY GIVES YOU AMPLE OPPORTUNITY TO ARGUE THOSE
3 ISSUES WITHOUT MENTIONING MR. TURNER.

4 BUT NOW, IN -- AND AGAIN, I GUESS I -- I ALSO
5 DID NOT SAY SOMETHING ELSE I INTENDED TO WHICH IS
6 CLEARLY WHEN YOU TRY MR. STANKO, AS YOU INTEND TO, ON
7 THE OFFENSE OF MR. TURNER'S MURDER, EVERYTHING THAT
8 HAS HAPPENED IN THIS COURT CAN -- CERTAINLY WILL BE
9 ADMISSIBLE I WOULD IMAGINE IN THE PENALTY PHASE --
10 AND I ASSUME YOU WILL SEEK TO INTRODUCE IT AND IN ALL
11 LIKELIHOOD IT WILL BE GRANTED.

12 OF COURSE, I CAN'T SPEAK FOR MY COLLEAGUES
13 BECAUSE I'M NOT CLAIRVOYANT, BUT BASED ON MY
14 UNDERSTANDING OF BLACK LETTER PRECEDENT, I CAN'T
15 IMAGINE THERE ARE MANY CIRCUMSTANCES THAT IT WOULD
16 NOT BE ADMISSIBLE, BUT IT'S A WHOLE DIFFERENT FACTUAL
17 SCENARIO.

18 AND ALSO MY PERSPECTIVE WOULD BE DIFFERENT HAD
19 ONCE MR. STANKO BEEN MIRANDISED, AND IT MAY BE -- BUT
20 AGAIN, I'M LOOKING INTO A HYPOTHETICAL THAT IS NOT
21 BEFORE ME, BUT HAD HE BEEN MIRANDISED AND MADE A
22 CONFESSION REGARDING MR. TURNER'S MURDER, THEN MY
23 PERSPECTIVE MIGHT BE A LITTLE DIFFERENT, BUT THAT IS
24 NOT THE FACT OR CIRCUMSTANCES.

25 I'M NOT CERTAIN WHETHER I STILL WOULD HAVE BEEN

1 STUCK WITH WEIGHING PROBATIVE VERSUS PREJUDICIAL
2 VALUE. BUT I THINK YOU'D BE LOOKING AT A WHOLE
3 DIFFERENT SET OF CIRCUMSTANCES HAD HE BEEN IN
4 CUSTODY.

5 MR. HEMBREE: I BELIEVE I UNDERSTAND THIS PART
6 OF YOUR RULING. BUT AGAIN, FOR PURPOSES OF
7 CLARIFICATION.

8 THE COURT: CERTAINLY.

9 MR. HEMBREE: YOU ARE ALLOWING US TO INTRODUCE
10 EVIDENCE OF PREMEDITATION OR ACTS THAT INDICATE--

11 THE COURT: PREPARATION.

12 MR. HEMBREE: -- PREPARATION.

13 THE COURT: ACTS THAT INDICATE HE WAS
14 CONSCIOUSLY AWARE WHAT HE DID WAS LEGALLY WRONG AND
15 MORALLY WRONG.

16 MR. HEMBREE: AND BUT -- WHEN YOU SAID WE CANNOT
17 INTRODUCE EVIDENCE ABOUT THE HENRY TURNER MURDER...

18 THE COURT: YOU CAN TALK ABOUT ALL THE THINGS
19 YOU FOUND IN HIS POSSESSION JUST AS THIS WITNESS DID,
20 THE GUN, THE LUGGAGE. I DON'T KNOW WHAT ELSE YOUR
21 WITNESSES ARE GOING TO TALK ABOUT AS TO THE MURDER.

22 MR. HEMBREE: I UNDERSTAND THE COURT'S RULING,
23 YOUR HONOR. I JUST WANTED TO MAKE SURE--

24 THE COURT: THE ALLEGED MURDER.

25 MR. HEMBREE: THE ALLEGED.

1 THE COURT: YOU STILL -- I MEAN, THE CASE LAW IS
2 VERY CLEAR. YOU DON'T HAVE TO PROVE IT BY CLEAR AND
3 CONVINCING EVIDENCE. IT IS NOT OFFERED FOR PURPOSES
4 OF LYLE. AND THAT IS NOT, OF COURSE, THE BASIS OF
5 THE COURT'S RULING.

6 MR. HEMBREE: THANK YOU, YOUR HONOR. APPRECIATE
7 THAT.

8 THE COURT: YOU'RE WELCOME. I KNOW THAT THAT
9 PROBABLY -- WELL...

10 MR. HEMBREE: WE TAKE EXCEPTION TO IT, BUT WE
11 JUST DISAGREE ABOUT--

12 THE COURT: CERTAINLY. I WOULD IMAGINE IT WOULD
13 TAKE EXCEPTION TO IT, AND THE COURT WOULD NOTE THAT
14 FOR PURPOSES OF THE RECORD, BUT AGAIN MY PERSPECTIVE
15 ON THIS IS A LITTLE LARGER THAN TODAY.

16 MR. HEMBREE: THANK YOU.

17 THE COURT: OKAY. WE'LL BE AT EASE. HAVE A
18 GOOD LUNCH. SEE YOU ALL AT -- HOW LONG DO Y'ALL...

19 (WHEREUPON THE COURT WAS IN RECESS FOR LUNCH.)

20 THE COURT: IS THE STATE READY TO PROCEED?

21 MR. HEMBREE: THE STATE'S READY TO PROCEED, YOUR
22 HONOR.

23 THE COURT: IS THE DEFENSE READY TO PROCEED?

24 MR. DIGGS: WE'RE READY, YOUR HONOR.

25 THE COURT: OKAY. BRING THE JURY IN.

1 (JURY ENTERED THE COURTROOM AT 1:57 AM.)

2 MR. DIGGS: YOUR HONOR, MAY WE APPROACH?

3 THE COURT: YOU MAY.

4 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

5 THE COURT: I'M SORRY. YOU ALL MAY BE SEATED.
6 I APOLOGIZE.

7 (WHEREUPON BENCH CONFERENCE CONTINUED.)

8 THE COURT: LADIES AND GENTLEMEN, I HOPE THAT
9 YOU ALL ENJOYED YOUR LUNCH. THE MATTERS OF LAW WE
10 HAD TO TAKE UP TOOK US A LITTLE BIT LONGER THAN 30
11 MINUTES, SO WE APPRECIATE YOU INDULGING US AND GIVING
12 US THE OPPORTUNITY TO HAVE LUNCH AS WELL.

13 IF YOU WOULD GIVE THE SOLICITOR YOUR ATTENTION.
14 YOU MAY PROCEED.

15 MR. HEMBREE: THANK YOU, YOUR HONOR. THE STATE
16 CALLS DR. KIM COLLINS TO THE WITNESS STAND.

17 DR. KIM COLLINS, AFTER
18 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE COURT: YOU MAY PROCEED.

20 MR. HEMBREE: THANK YOU, YOUR HONOR.

21 THE COURT: YOU'RE WELCOME.

22 DIRECT EXAMINATION

23 BY MR. HEMBREE:

24 Q AND DR. COLLINS, YOU WERE QUALIFIED SEVERAL DAYS AGO
25 IN THIS VERY COURTROOM TO TESTIFY -- QUALIFIED AS AN

1 EXPERT IN THE FIELD OF FORENSIC PATHOLOGY.

2 MR. HEMBREE: IS THERE ANY EXCEPTION TO HER
3 BEING -- THE QUALIFICATION CONTINUING?

4 MR. DIGGS: NO.

5 THE COURT: SO ADMITTED. YOU MAY PROCEED.

6 MR. HEMBREE: THANK YOU.

7 BY MR. HEMBREE:

8 Q DR. COLLINS, ONCE AGAIN, YOU'RE A FORENSIC
9 PATHOLOGIST AT MUSC?

10 A YES.

11 Q AND YOU CONDUCTED THE AUTOPSY ON THE VICTIM IN THIS
12 CASE, LAURA LING?

13 A YES, I DID.

14 Q HOW OLD WAS MS. LING?

15 A WE WERE INFORMED THAT SHE WAS 43 YEARS OLD.

16 Q AND YOU TESTIFIED -- YOU TESTIFIED FOR QUITE A WHILE
17 THE OTHER DAY ABOUT THE VARIETY OF INJURIES THAT HER BODY
18 SUSTAINED.

19 A YES.

20 Q DIFFERENT AREAS AND DIFFERENT TYPES?

21 A YES.

22 Q DR. COLLINS, TELL ME ABOUT -- DIDN'T REALLY TALK
23 ABOUT THIS. TELL ME ABOUT DEFENSIVE OR TELL THIS JURY
24 ABOUT DEFENSIVE INJURIES IN GENERAL, WHAT THAT IS, WHAT
25 THAT MEANS.

1 A DEFENSIVE INJURIES ARE THOSE INJURIES THAT ARE
2 SUSTAINED DURING A TYPE OF ALTERCATION, AND THOSE ARE
3 INJURIES THAT THE VICTIM HAS. AND THEY'RE IN TYPICAL
4 LOCATIONS THAT SOMEONE WOULD USE THEIR BODY TO WARD OFF
5 THE BLOW, WARD OFF THE GUNSHOT WOUND OR STAB WOUND.

6 AND SO THEY'RE USUALLY ON THE HANDS AS YOU'RE HOLDING
7 THE HANDS UP TO PROTECT YOURSELF, THEY'RE ON THE FOREARM,
8 AND ALSO WE SEE THEM ON THE BOTTOM OF THE FEET.

9 Q IN THIS CASE DID YOU INSPECT LAURA LING'S BODY FOR
10 DEFENSIVE INJURIES?

11 A INSPECT? YES, WE DID.

12 Q DURING THIS AUTOPSY. AND TELL US, DID YOU FIND ANY
13 INJURIES TO HER BODY THAT YOU WOULD CHARACTERIZE AS
14 DEFENSIVE BRUISING?

15 A AS LAST WEEK, SHE HAD EXTENSIVE BRUISING OVER HER
16 BODY. HOWEVER, NONE OF THESE WERE IN THE PATTERN OR THE
17 DISTRIBUTION OF DEFENSIVE WOUNDS, NONE OF THESE.

18 Q AND THAT WOULD BE -- A DEFENSIVE BRUISING YOU MIGHT
19 EXPECT TO FIND ON THE FOREARMS OR IN THIS AREA OF THE BODY
20 IF YOU WERE TRYING TO COVER UP OR GET AWAY FROM SOMEBODY?

21 A THAT'S CORRECT, ON THE FOREARMS. WITH STAB WOUND
22 CASES, WITH A KNIFE, WE TYPICALLY SEE DEFENSE WOUNDS ON
23 THE HAND AS THE VICTIM IS TRYING TO GRAB THE BLADE OR PUT
24 THEIR HAND UP AGAINST THE BLADE, AND WE DID NOT SEE ANY OF
25 THOSE.

1 Q NO DEFENSIVE WOUNDS AT ALL?

2 A NONE AT ALL.

3 Q NOW, LET ME ASK YOU ABOUT THE INJURIES THAT YOU
4 OBSERVED IN THE COURSE OF THE AUTOPSY. WERE THEY
5 INDICATIVE TO YOU OF TORTURE?

6 A YES, THEY WERE.

7 Q FIRST I WANT TO TAKE YOU TO THE -- THE INJURIES THAT
8 WERE SUSTAINED, BLUNT FORCE TRAUMA, THE BRUISING, THAT --
9 THAT NATURE OF INJURY.

10 A YES.

11 Q AND IF YOU WOULD DESCRIBE TO THIS JURY SPECIFICALLY
12 WHAT INJURIES -- WHY YOU DRAW THAT CONCLUSION BASED ON
13 THESE INJURIES.

14 A THESE INJURIES WERE PRE-MORTEM. THESE INJURIES DID
15 OCCUR BEFORE LAURA LING DIED. THEY WERE TO ALL PARTS OF
16 THE BODY IN DIFFERENT LOCATIONS, IN DIFFERENT PLANES OF
17 THE BODY. AND WHAT I MEAN BY THAT IS FRONT, BACK, LEFT,
18 RIGHT.

19 SO SHE HAD THEM IN DIFFERENT PLANES OF THE BODY AS
20 WELL AS IN THE DIFFERENT AREAS FROM HER HEAD, FRONT OF THE
21 HEAD, BACK OF THE HEAD, ON DOWN TO HER LOWER LEGS.

22 Q I WANT TO SHOW YOU STATE'S EXHIBIT NUMBER 100 FOR
23 IDENTIFICATION PURPOSES AND ASK IF YOU CAN IDENTIFY THAT
24 PHOTOGRAPH.

25 A THIS IS A PHOTOGRAPH THAT WAS TAKEN IN MY AUTOPSY

1 ROOM ON MY AUTOPSY TABLE WITH THE LABEL AS I DESCRIBED TO
2 YOU LAST WEEK FA05215, AND IT'S WHAT WE CALL A HEAD SHOT
3 WITH THE CLOTHES ON AS RECEIVED.

4 SO THIS IS HOW SHE APPEARED AS RECEIVED IN THE
5 AUTOPSY ROOM BEFORE WE HAD EXAMINED HER, UNDRESSED HER, OR
6 CLEANED HER.

7 Q THE CONDITION SHE WAS IN IMMEDIATELY AT --
8 IMMEDIATELY UPON BEING DELIVERED TO THE AUTOPSY ROOM AT
9 MUSC?

10 A THAT'S CORRECT.

11 Q AND WILL THIS -- WILL THIS PHOTOGRAPH ASSIST YOU IN
12 EXPLAINING YOUR TESTIMONY TO THIS JURY?

13 A YES.

14 MR. HEMBREE: YOUR HONOR, WE WOULD GO AHEAD AND
15 MOVE THIS INTO EVIDENCE AS STATE'S 100. CERTAINLY
16 SUBJECT TO THE PREVIOUS OBJECTIONS.

17 THE COURT: ADMITTED STATE'S EXHIBIT 100 SUBJECT
18 TO THE DEFENSE'S OBJECTION.

19 (WHEREUPON, STATE'S EXHIBIT 100 WAS ADMITTED
20 INTO EVIDENCE.)

21 BY MR. HEMBREE:

22 Q AND DR. COLLINS, IF YOU WILL DESCRIBE TO THIS JURY
23 THE INJURIES THAT ARE DEPICTED IN STATE'S EXHIBIT 100 THAT
24 ARE INDICATIVE OF TORTURE.

25 A THE FACE SHOT LOOKING AT THE FRONT OF HER FACE, HER

1 RIGHT FOREHEAD HAD A LARGE AREA OF BRUISING AS WELL AS
2 SEVERAL LACERATIONS, WHICH IS TEARING OF THE SKIN, DOWN TO
3 THE BONE OVER THE FACE, NOSE, CHEEK, LIPS AND CHIN. SHE
4 ALSO HAD A BROKEN NOSE. THE BONE BENEATH THE CUT IN THE
5 SKIN WAS FRACTURED.

6 Q DR. COLLINS, TELL ME ABOUT THE BRUISE TO THE HEAD,
7 THE BRUISING TO HER HEAD. WAS THAT A -- WHAT WAS THE --
8 HOW SUBSTANTIAL WAS THAT?

9 A THE BRUISING TO HER HEAD, NOT THE FACIAL BRUISING
10 THAT I JUST DESCRIBED, BUT SHE ALSO HAD A LARGE AREA OF
11 BRUISING ON THE BACK OF HER HEAD AS WELL AS ON THE RIGHT
12 SIDE OF HER HEAD.

13 THE BRUISING TO THE BACK OF HER HEAD -- GIVE ME ONE
14 MOMENT -- TO THE BACK OF HER HEAD WAS SEVEN AND A HALF
15 INCHES BY FOUR AND A HALF INCHES, SO THAT'S HOW LARGE THE
16 BRUISING WAS. AND TO THE RIGHT SIDE OF HER HEAD WAS
17 8 INCHES BY 5 INCHES.

18 Q AND HOW DID YOU DETERMINE THE SIZE OF THAT BRUISE?

19 A I MEASURED IT AFTER I REFLECTED THE SCALP OVER HER
20 SKULL.

21 Q SO THAT WAS -- YOU HAD TO -- THAT WAS--

22 A YEAH, WE -- TYPICALLY THE WAY THAT YOU EXAMINE AN
23 INDIVIDUAL'S SCALP, BECAUSE THEY HAVE HAIR AND IT'S OFTEN
24 DIFFICULT TO SEE THE SCALP, THE SKIN, IS THAT YOU CUT THE
25 SCALP FROM EAR TO EAR BEHIND THE HEAD AND THEN YOU REFLECT

1 THE SCALP FORWARD, AND THEREFORE YOU'RE LOOKING AT THE
2 UNDERSURFACE OF THE SCALP AND THE BACK OF THE HEAD OVER
3 THE SKULL BONE.

4 Q LET ME SHOW YOU STATE'S EXHIBIT 101 AND ASK IF YOU
5 CAN IDENTIFY THAT.

6 A THIS IS AS I DESCRIBED ALSO IN MY PREVIOUS TESTIMONY.
7 THIS IS A PICTURE OF LAURA LING'S HANDS THAT ARE BOUND BY
8 THE STRIPED NECKTIE BEHIND HER BACK IN THE LOWER BACK
9 REGION.

10 Q AND THIS IS THE CONDITION THAT SHE WAS IN WHEN SHE
11 WAS DELIVERED TO THE AUTOPSY ROOM AT MUSC?

12 A THAT'S CORRECT.

13 Q AND WOULD ASSIST YOU IN EXPLAINING YOUR TESTIMONY TO
14 THIS JURY?

15 A YES.

16 MR. HEMBREE: YOUR HONOR, LIKEWISE WE WOULD MOVE
17 STATE'S EXHIBIT 101 FOR IDENTIFICATION PURPOSES INTO
18 EVIDENCE SUBJECT TO THE PREVIOUS OBJECTION.

19 THE COURT: ADMITTED SUBJECT TO THE OBJECTION.

20 MR. HEMBREE: THANK YOU.

21 THE COURT: YOU'RE WELCOME.

22 (WHEREUPON, STATE'S EXHIBIT 101 WAS ADMITTED
23 INTO EVIDENCE.)

24 BY MR. HEMBREE:

25 Q FINALLY LET ME TAKE YOU TO ANOTHER AREA OF INJURY OR

1 NATURE -- TYPE OF INJURY. HAVE YOU LOOK AT STATE'S
2 EXHIBIT NUMBER 97 FOR IDENTIFICATION PURPOSES. DO YOU
3 RECOGNIZE THAT PHOTOGRAPH?

4 A YES, I DO. THIS IS A FRONT OF THE NECK VIEW. AND
5 WHAT'S DEPICTED ARE THE THREE INCISED OR STAB WOUNDS THAT
6 ARE TO HER NECK.

7 Q AND ONCE AGAIN, THIS PHOTOGRAPH WAS TAKEN IN -- WAS
8 TAKEN BY YOU IN THE COURSE OF YOUR AUTOPSY?

9 A THAT'S CORRECT, YES.

10 Q AND THIS WAS TAKEN, THOUGH, AFTER SHE HAD BEEN
11 CLEANED HAD -- YOU HAD CLEANED THE WOUND; IS THAT CORRECT?

12 A THAT'S CORRECT. AND ALSO DEPICTED IN THIS PHOTO IS A
13 LARGE AREA OF BRUISING ON HER LEFT CHEST SHOULDER REGION.

14 Q AND THIS WOULD ASSIST YOU IN EXPLAINING YOUR
15 TESTIMONY TO THIS JURY?

16 A YES.

17 MR. HEMBREE: YOUR HONOR, WE WOULD MOVE THIS IN
18 AS STATE'S EXHIBIT NUMBER 97.

19 THE COURT: SO ADMITTED SUBJECT TO THE
20 OBJECTION.

21 MR. HEMBREE: THANK YOU, YOUR HONOR.

22 (WHEREUPON, STATE'S EXHIBIT 97 WAS ADMITTED INTO
23 EVIDENCE.)

24 BY MR. HEMBREE:

25 Q NOW AGAIN, DESCRIBE TO ME HOW THIS INJURY IS

1 INDICATIVE OF TORTURE.

2 A THIS INJURY IS ALSO A PRE-MORTEM INJURY. WE CAN TELL
3 THE INDIVIDUAL WAS ALIVE AT THE TIME THAT THIS HAPPENED
4 JUST BY EXAMINING THE WOUNDS ON THE OUTSIDE AS WELL AS
5 UPON DISSECTION ON THE INSIDE. THESE THREE WOUNDS WERE
6 NOT FATAL.

7 HOWEVER, THEY DID -- AS YOU CAN SEE, THEY CUT THROUGH
8 THE SKIN AND INTO THE UNDERLYING TISSUE. SO THESE WOULD
9 BE PAINFUL. THEY WERE NOT -- THREE SEPARATE WOUNDS, THEY
10 WERE NOT THREE THAT WERE FROM THE SAME MOVEMENT OR THE
11 SAME INJURY. THEY ARE THREE SEPARATE WOUNDS.

12 Q AND THESE WOULD NOT HAVE CALLED INSTANT -- THIS WOULD
13 NOT HAVE CAUSED AN INSTANTANEOUS DEATH?

14 A IT WOULD NOT HAVE, NO.

15 Q AND FINALLY, DOCTOR, I TAKE YOU -- STAYING IN THE
16 AREA OF THE NECK, THE -- I BELIEVE THAT YOU TESTIFIED
17 EARLIER OR TESTIFIED A FEW DAYS AGO THAT THE ACTUAL CAUSE
18 OF DEATH IS ASPHYXIATION DUE TO STRANGULATION?

19 A YES, THAT'S CORRECT.

20 Q AND ARE THE INJURIES TO THE NECK AREA THAT RESULTED
21 FROM THE STRANGULATION INDICATIVE OF PHYSICAL TORTURE?

22 A YES, THEY ARE.

23 Q AND IF YOU WOULD, PLEASE SPECIFICALLY DESCRIBE WHY
24 THOSE INJURIES ARE INDICATIVE OF PHYSICAL TORTURE.

25 A ASIDE FROM THE THREE STAB WOUNDS ARE INCISED WOUNDS

1 ON THE NECK AND THE BRUISING I DESCRIBED, THERE WAS A
2 GREAT DEAL OF PRESSURE PUT TO THE NECK. AS I MENTIONED IN
3 PREVIOUS TESTIMONY, SHE HAD HEMORRHAGES OF THE EYES AND
4 THAT WAS SECONDARY TO THE PRESSURE ON BOTH SIDES OF HER
5 NECK WHICH CAUSED THE BLOODFLOW TO STOP AND THEREFORE THE
6 BLOOD BUILT UP IN HER FACIAL AREA AND CAUSED HEMORRHAGE IN
7 THE EYES.

8 AS THIS MOVEMENT OR ASSAULT IS TAKING PLACE, THE
9 INDIVIDUAL SQUEEZED ON HER NECK ON BOTH SIDES. UPON
10 DISSECTION UNDERNEATH THE SKIN I NOTED HEMORRHAGES INTO
11 THE MUSCLE OF EIGHT DIFFERENT MUSCLES THAT WERE PRESENT AS
12 WELL AS THE LARYNX OR VOICE BOX WAS CRUSHED, AND THIS IS
13 ALSO A GREAT AMOUNT OF FORCE BECAUSE AFTER THE AGE OF
14 ABOUT 30 TO 35 YEARS OLD, YOUR LARYNX OR YOUR VOICE BOX
15 CALCIFIES, IT BECOMES VERY, VERY HARD.

16 AND SO IN ORDER TO FRACTURE THAT IN BOTH SIDES, AS
17 WAS THE CASE WITH LAURA LING, THERE WAS A GREAT DEAL OF
18 FORCE PUT TO THE MUSCLES OF THE NECK AND TO THE NECK IN
19 ORDER TO CRUSH IT ON BOTH SIDES.

20 FURTHERMORE, UPON REMOVING THE NECK STRUCTURES, THERE
21 WAS HEMORRHAGE AROUND THE BACK BONES OF THE NECK. SO YOU
22 HAVE A GREAT AMOUNT OF FORCE TAKING PLACE WHILE SHE'S
23 STILL LIVING AND RESULTING IN THE DEATH IN THIS NECK AREA
24 ON BOTH SIDES.

25 Q AND ONCE AGAIN, THIS WOULD NOT RESULT IN AN IMMEDIATE

1 DEATH, THIS TYPE OF INJURY?

2 A NO. ASPHYXIATION OR CESSATION OR STOPPING YOUR
3 BREATHING OR YOUR BLOODFLOW WILL TAKE SEVERAL MINUTES TO
4 RESULT IN DEATH.

5 Q ALL THESE OPINIONS, DOCTOR, YOU HAVE OFFERED WITHIN A
6 REASONABLE DEGREE OF MEDICAL CERTAINTY?

7 A YES, THAT'S CORRECT.

8 Q THANK YOU, DOCTOR.. PLEASE ANSWER ANY QUESTIONS THE
9 DEFENSE COUNSEL MAY HAVE FOR YOU.

10 THE COURT: ANY QUESTIONS?

11 MR. KELLY: YES, MA'AM.

12 THE COURT: YOU MAY PROCEED.

13 MR. KELLY: WHERE IS THE EXHIBIT, MAY I ASK, OF
14 THE TIED HANDS?

15 BAILIFF: RIGHT BEHIND YOU.

16 CROSS-EXAMINATION

17 BY MR. KELLY:

18 Q DOCTOR, TAKE A LOOK AT THIS EXHIBIT. WHAT'S IT'S
19 NUMBER?

20 A 101.

21 Q DOES SHE HAVE INJURIES TO HER HANDS IN THAT PICTURE?

22 A YES, SHE DOES.

23 Q HOW DO YOU EXPLAIN THEM?

24 A I CAN'T. THERE ARE SMALL ABRASIONS THAT ARE --

25 EXCUSE ME -- A SMALL ABRASION IS PRESENT ON HER MIDDLE

1 FINGER. AN ABRASION IS A SCRATCH AS I JUST DESCRIBED
2 EARLIER.

3 Q NOW, YOU MADE OTHER PICTURES THAN THIS?

4 A YES, SIR.

5 Q AND IN THE OTHER PICTURES OR IN YOUR REPORTS, DO YOU
6 HAVE OTHER ABRASIONS THAN THIS SHOWN OR MARKED IN YOUR
7 RECORDS?

8 A YES, SIR.

9 Q AND HOW MANY?

10 A HOW MANY ABRASIONS?

11 Q ON HER HANDS, HOW MANY CUTS?

12 A YES, SIR. LET ME REFER TO MY RECORD. ON HER LEFT
13 THIRD FINGER SHE HAS ONE, THIRD FINGER, AND ON HER RIGHT
14 THIRD, FOURTH, AND FIFTH FINGER SHE HAS ONE EACH.

15 Q NOW, HOW MANY IS THAT ALTOGETHER?

16 A FOUR.

17 Q AND THEY ARE ALL ON WHICH HAND?

18 A ONE ON THE LEFT AND THREE ON THE RIGHT.

19 Q AND DO YOU KNOW IF SHE WAS RIGHT OR LEFT-HANDED?

20 A NO, SIR.

21 Q WELL, HOW DID SHE GET THEM?

22 A THEY ARE NONSPECIFIC. I CANNOT TELL BY AUTOPSY.

23 Q WELL, IF THEY ARE NONSPECIFIC, HOW DO YOU KNOW THAT
24 THEY ARE NOT DEFENSIVE WOUNDS?

25 A THEY ARE NOT IN THE USUAL PATTERN DESCRIBED AS

1 DEFENSIVE WOUNDS.

2 Q ARE THEY ON THE FINGERS? AS I SHOW YOU MY HAND, ARE
3 THEY ON THE FINGERS ON THE -- WHAT I CALL THE OUTSIDE OF
4 THE HANDS?

5 A FACING ME, YES.

6 Q AND IF YOU'RE BEATING ME AND I PUT MY HANDS UP LIKE
7 THIS, WHERE WILL THE INJURY BE ON MY FINGERS?

8 A ON YOUR -- WELL, DORSAL SURFACE, TOWARDS ME.

9 Q EXACTLY AS THEY WERE THERE?

10 A YES.

11 Q WHY WOULD THAT NOT THEN BE CHARACTERISTIC OF
12 DEFENSIVE WOUNDS?

13 A THEY ARE NOT CHARACTERISTIC BECAUSE THE WAY I DEFINED
14 THEM TO THE JURY EARLIER. THEY ARE NONSPECIFIC ABRASIONS
15 ON HER KNUCKLES.

16 Q I DIDN'T ASK YOU THAT. I ASKED YOU WITHIN YOUR
17 MEDICAL EXPERTISE WHY THESE CANNOT BE DEFENSIVE WOUNDS.
18 TELL ME WHY.

19 A I DID NOT SAY THEY COULD NOT BE DEFENSIVE WOUNDS. I
20 SAID THEY DID NOT FALL IN THE DEFINITION OF HOW I
21 EXPLAINED IT TO THE JURY.

22 Q WELL, EXCUSE ME, MA'AM. I THOUGHT YOU SAID SHE
23 DIDN'T HAVE ANY DEFENSIVE WOUNDS.

24 A NOT AS I DESCRIBED TO THE JURY WHAT WE TYPICALLY SEE
25 WITH DEFENSIVE WOUNDS, WITH BATTERY AND STAB WOUNDS.

1 Q WELL NOW, I THOUGHT YOU SAID THEY WERE TO THE HANDS
2 OR THE FOREARMS NORMALLY, EVEN ON THE BOTTOM OF THE FEET?

3 A I SAID THEY WERE TO THE FOREARM AND THEY CAN BE TO
4 THE HANDS IF SOMEONE IS GRABBING A KNIFE, AND WE ALSO LOOK
5 FOR THEM ON THE BOTTOM OF THE FEET.

6 Q WHAT IF I'M BEATING YOU WITH SOMETHING, A STICK OR AN
7 OBJECT, SOMETHING I HAVE IN MY BEDROOM, HOW ABOUT THEN?

8 A HOW ABOUT THEN WHAT?

9 Q IF I BEAT YOU AND YOU HAVE GOT YOUR HANDS UP LIKE
10 THIS AND YOU'RE COVERING YOURSELF LIKE THAT AND I'M
11 BEATING YOU OR I'M HURTING YOU WITH SOMETHING, WON'T THE
12 WOUNDS BE ON THIS SIDE OF MY HAND?

13 A IF I HAVE MY HANDS, SIR, IN THAT DIRECTION, YES, SIR,
14 THEY WILL BE.

15 Q OKAY. SO THESE COULD BE DEFENSIVE WOUNDS; CORRECT?

16 A IF THAT'S HOW SHE WAS TRYING TO DEFLECT A BLOW.

17 Q WELL, TELL ME HOW SHE DEFLECTED THE BLOWS AGAINST
18 HERSELF.

19 A I CAN'T TELL YOU FROM AUTOPSY.

20 Q WELL, TELL ME WHEN HER HANDS WERE TIED.

21 A WHEN THEY WERE TIED?

22 Q YES.

23 A I CAN'T TELL YOU FROM AUTOPSY.

24 Q WERE HER HANDS TIED PREVIOUS TO HER -- DAMAGE TO HER
25 HANDS OR AFTER?

1 A IT'S NONSPECIFIC. I CAN'T TELL.

2 Q WERE HER HANDS TIED PREVIOUS TO HER BEING BEATEN IN
3 THE FACE OR AFTER?

4 A I CAN'T TELL FROM AUTOPSY.

5 Q WERE HER HANDS TIED PREVIOUS TO HER NECK BEING CUT OR
6 AFTER?

7 A I CANNOT TELL FROM AUTOPSY.

8 Q WELL THEN, YOU CAN'T TELL THIS JURY THAT THOSE ARE
9 NOT DEFENSIVE WOUNDS; CORRECT?

10 A IF THEY WERE INFLICTED UPON HER DURING AN ALTERCATION
11 AND SHE WAS DEFENDING HERSELF, THEN IT WOULD FALL INTO A
12 TYPE OF DEFENSIVE WOUND?

13 Q WELL MA'AM, YOU'RE A DOCTOR; RIGHT?

14 A YES, SIR.

15 Q AND YOU'RE QUALIFIED AS AN EXPERT; CORRECT?

16 A YES.

17 Q WELL, THAT'S WHAT I'M TALKING ABOUT. I'M TALKING
18 ABOUT YOUR EXPERTISE. NOW, TELL ME WHAT ABOUT THESE
19 WOUNDS SHOW THAT THEY ARE NOT DEFENSIVE.

20 A AS I STATED EARLIER, I DID NOT SAY THEY WERE NOT
21 DEFENSIVE.

22 Q NO. WHAT YOU SAID WAS THEY WEREN'T DEFENSIVE BECAUSE
23 THEY WOULDN'T FIT SOMEONE GRABBING A KNIFE. THAT'S ONE
24 THING YOU SAID; ISN'T IT?

25 A NO. I SAID THAT I DID NOT INCLUDE THEM IN MY

1 DEFINITION OF DEFENSIVE WOUNDS WHEN I EXPLAINED TO THE
2 JURY. HOWEVER, I DID -- THEN SAID IF THEY WERE SUSTAINED
3 DURING AN ALTERCATION AND SHE USED THE BACK OF HER HANDS
4 TO DEFLECT A BLOW, THEN THEY WOULD FALL IN THAT
5 DEFINITION.

6 SO -- I WAS NOT THERE. SO IF YOU WANTED TO SAY THAT
7 WAS THE SCENARIO, THEN THEY WOULD BE DEFENSE WOUNDS.

8 Q WELL, THEN LET'S GET IT STRAIGHT WITH THE JURY. WHAT
9 ARE YOU SAYING TO THE JURY NOW?

10 A I'M SAYING SHE'S GOT NONSPECIFIC ABRASIONS ON HER
11 KNUCKLES. THESE ABRASIONS ON THE KNUCKLES ARE NOT ONES
12 THAT TYPICALLY FALL IN THE DEFINITION OF SOMEONE TALKING
13 ABOUT WHAT IS A DEFENSE WOUND DURING A BATTERY OR DURING A
14 STABBING.

15 Q WHY BATTERY? WHY ARE THESE WOUNDS INCONSISTENT WITH
16 DEFENSIVE WOUNDS DURING--

17 A I NEVER SAID THEY WERE INCONSISTENT WITH DEFENSIVE
18 WOUNDS.

19 Q WHAT DID YOU JUST SAY? I THOUGHT YOU WERE TELLING
20 THE JURY AGAIN THAT THEY WERE CONSISTENT?

21 A I MOST CERTAINLY DID NOT. I SAID IT DOES NOT FALL IN
22 THE DEFINITION. IF I WERE TEACHING OR WRITING OR TALKING
23 ABOUT DEFENSIVE WOUNDS, THESE WOULD NOT BE THE ONES YOU
24 DESCRIBE AS FALLING IN THAT CATEGORY.

25 THESE ARE ABRASIONS TO THE FINGERS SECONDARY TO BLUNT

1 FORCE TRAUMA. HOW THESE INJURIES OCCURRED I CANNOT TELL
2 YOU FROM AUTOPSY. I JUST -- CAN JUST TELL YOU THAT THE
3 DEFINITION OF THESE WOUNDS ARE ABRASIONS TO THE KNUCKLES.

4 Q WELL, THAT -- I DON'T KNOW. STRAIGHTEN ME OUT ON
5 THIS. IT SEEMS TO ME THAT YOU'RE TRYING TO CONVINCE THE
6 JURY SHE WAS TORTURED AND THAT ALL OF HER WOUNDS ARE
7 TORTURE WOUNDS INCLUDING THESE. IS THAT WHAT YOU'RE
8 DOING?

9 A I SAID THAT THE WOUNDS TO THE BODY THAT I DESCRIBED
10 OCCURRED PRE-MORTEM. AND IF THE DEFINITION OF TORTURE IS
11 SOMETHING THAT IS PAINFUL THAT OCCURS AND IS INFLICTED TO
12 THE BODY PRE-MORTEM, THEN THESE WOULD QUALIFY AS
13 TORTURE-TYPE WOUNDS.

14 Q BUT THEY COULD ALSO BE DEFENSIVE WOUNDS; COULDN'T
15 THEY?

16 A IF THEY OCCUR WHEN SHE IS TRYING TO DEFLECT A BLOW IN
17 DEFENSE OF HERSELF.

18 Q DO YOU HAVE ANY EVIDENCE THAT THAT'S NOT THE CASE?

19 A NO.

20 Q THEN IT COULD BE; COULDN'T IT?

21 A AS I STATED EARLIER, SHE WAS USING THE BACK OF HER
22 HANDS TO DEFLECT THE BLOW, THEY WOULD BE OCCURRING AS SHE
23 WAS TRYING TO DEFEND HERSELF.

24 Q OKAY. NOW, LET'S GET TO THE BEING TIED UP. CAN YOU
25 TELL THIS JURY IF SHE WAS TIED UP BEFORE ANY WOUNDS WERE

1 GIVEN HER? THAT SHE'S ASLEEP IN HER BED AND SHE'S TIED UP
2 AND THEN ALL OF THIS HAPPENS TO HER. CAN YOU TELL US THAT
3 AS A SCIENTIFIC FACT?

4 A NO.

5 Q OKAY. CAN YOU TELL US AT ANY TIME WHEN SHE'S TIED
6 UP, MAYBE SHE'S BEEN BEATEN IN THE FACE, THEN SHE'S TIED
7 UP. CAN YOU TELL US THAT?

8 A NO.

9 Q IN FACT, YOU CAN'T TELL THIS JURY ANYTHING ABOUT WHEN
10 SHE'S BEING TIED UP; CAN YOU?

11 A TIME-WISE, NO.

12 Q OKAY. BUT IF SHE WERE TIED UP AND THEN BEATEN IN
13 THIS WAY, THAT WOULD CLEARLY BE TORTURE; WOULDN'T IT?

14 A IF SHE WAS STILL ALIVE, YES.

15 Q WELL, YOU SAID IT WAS PRE-MORTEM.

16 A I SAID THE BEATING WAS PRE-MORTEM, YES.

17 Q WELL THEN, IF SHE WERE TIED UP AND THESE WOUNDS WERE
18 PRE-MORTEM, IT WOULD CLEARLY BE TORTURE; WOULDN'T IT?

19 A YES.

20 Q BUT THERE'S NO EVIDENCE THAT THAT'S THE CASE; IS
21 THERE?

22 A NOT AS FAR AS A TIMEFRAME OF WHEN THE NECKTIE WAS
23 PLACED AROUND HER WRIST.

24 Q ALL RIGHT. LET'S TALK ABOUT STRANGLING SOMEBODY.
25 OKAY? AND LET'S SAY YOU ARE BEING STRANGLED. OKAY?

1 A YES.

2 Q YOU'RE HAVING AN ALTERCATION WITH A FRIEND AND IT'S
3 GOTTEN OUT OF HAND FOR SOME REASON AND THEY HAVE GRABBED
4 YOU BY THE THROAT AND THEY INDEED DO STRANGLE THE LIFE OUT
5 OF YOU. OKAY?

6 A OKAY.

7 Q OKAY. WOULD THE -- WOULD THESE WOUNDS, I WILL CALL
8 THEM, ON LAURA LING BE SIMILAR TO THE ONES I'M
9 HYPOTHESIZING WITH YOU?

10 A NOT NECESSARILY.

11 Q WELL, LET'S SAY THAT I'M A BIG STRONG GUY AND I'M THE
12 ONE DOING THE STRANGLING. OKAY?

13 A YES.

14 Q WOULD -- COULD I BREAK YOUR LARYNX THAT WAY?

15 A IF YOU STRANGLE ME MANUALLY, YES.

16 Q WELL, LET'S GET TO IT. LET'S SAY I START WITH --
17 STRANGLE YOU AND THEN I LET YOU GO SO YOU CAN GAG A LITTLE
18 BIT, THEN I COME BACK AND I STRANGLE YOU SOME MORE.
19 THAT'S CLEARLY TORTURE; ISN'T IT?

20 A YES.

21 Q OKAY. YOU GOT ANY EVIDENCE THAT THAT HAPPENED?

22 A NO.

23 Q OKAY. ALL RIGHT. LET'S SAY THAT THE STRANGLING
24 TAKES PLACE ALL AT ONE TIME. OKAY?

25 A OKAY.

1 Q DOES THAT MEAN THAT EVERY STRANGLING IS A TORTURE?

2 A NO.

3 Q OKAY. SO IF THE STRANGLING HERE TOOK PLACE IN THE
4 ONE COMPLETE ACT, THAT WOULD NOT BE TORTURE; WOULD IT?

5 A THE -- ONLY THE STRANGLING? THE STRANGLING ALONE?
6 NO.

7 Q OKAY. ALL RIGHT. WHAT ELSE MAKES IT TORTURE?

8 A SHE HAS MULTIPLE INJURIES TO THE BODY THAT OCCURRED
9 BEFORE DEATH, MULTIPLE BEATINGS, THREE INCISED WOUNDS AND
10 THEN THE STRANGULATION.

11 Q UH-HUH. BUT THE -- WE DON'T KNOW OR IS THERE ANY
12 EVIDENCE OF WHEN THESE TAKE PLACE?

13 A PRE-MORTEM.

14 Q JUST PRE-MORTEM?

15 A YES.

16 Q OKAY. SO THE MERE STRANGLING EVIDENCE DOESN'T SHOW
17 TORTURE; DOES IT, MA'AM?

18 A THAT'S JUST THE CAUSE OF DEATH.

19 Q CORRECT. AND IN FACT, THE INJURIES ON THE HANDS
20 COULD BE DEFENSIVE WOUNDS; COULDN'T THEY?

21 A IF SHE WAS USING HER HANDS TO DEFLECT A BLOW.

22 Q THAT'S WHAT I ASKED YOU. THEY COULD BE.

23 A YES.

24 Q AND YOU SAY YES UNDER THOSE CIRCUMSTANCES.

25 A YES, UNDER THOSE CIRCUMSTANCES.

1 Q HAVE YOU SEEN CIRCUMSTANCES SUCH AS THAT BEFORE WHERE
2 THERE ARE WOUNDS TO THE HANDS AS THEY ARE HERE?

3 A YES.

4 Q AND HAVE THEY ALWAYS BEEN NON-DEFENSIVE FOR YOU?

5 A NO.

6 Q WELL, WHY ARE THESE NON-DEFENSIVE FOR YOU?

7 A I SAID EARLIER THEY COULD BE DEFENSE WOUNDS.

8 Q OKAY. AND IF THEY WERE DEFENSIVE WOUNDS, THEN SHE
9 WOULD BE DEFENDING HERSELF; CORRECT?

10 A OR SOMEONE ELSE, YES.

11 Q WELL, ONE OR THE OTHER?

12 A YES.

13 Q OKAY. AND AS SHE DOES THAT, SHE COULD RECEIVE
14 INJURY; COULD SHE NOT?

15 A YES.

16 Q AND DURING THAT FIGHT OR ALTERCATION WHICH WOULD
17 BE -- I THINK WE HAVE TO ASSUME, DO WE NOT, DOCTOR --
18 WOULD BE TO OVERCOME HER SINCE IT ENDS IN HER DEATH;
19 CORRECT?

20 A IT -- OVERCOME, YOU'RE SAYING TO KILL HER? YES.

21 Q IF SHE'S DEFENDING HERSELF, SHE'S ALIVE; CORRECT?

22 A YES.

23 Q AND THEN THE ATTACK WOULD BE ONE TO OVERCOME HER;
24 CORRECT? ISN'T THAT WHAT THE ATTACK IS ALL ABOUT?

25 A IF YOU'LL DEFINE OVERCOME, THEN WE'LL KNOW THAT WE'RE

1 TALKING ABOUT THE SAME WORD.

2 Q DISABLED HER SO SHE CAN NO LONGER RESIST.

3 A OKAY. I AGREE.

4 Q OKAY. YOU AGREE WITH THAT; DON'T YOU?

5 A YES.

6 Q OKAY. WELL, I JUST WANTED TO GET THAT STRAIGHT WITH
7 YOU. OKAY?

8 A YES.

9 Q THAT DIDN'T SEEM LOGICAL TO ME WHAT YOU WERE TELLING
10 THIS JURY.

11 A ON WHAT PART? IF YOU CAN REPEAT THAT.

12 Q WELL, THERE WEREN'T ANY DEFENSIVE WOUNDS. THAT'S
13 WHAT YOU TOLD THEM.

14 A NO, I TOLD THEM THERE WEREN'T ANY DEFENSIVE WOUNDS AS
15 DEFINED EARLIER.

16 Q WELL, WE WANT TO BE FAIR HERE; DON'T WE?

17 A YES, SIR.

18 Q AND WE WANT TO BE ACCURATE; DO WE NOT?

19 A YES, SIR.

20 Q OKAY. THIS FELLOW OVER HERE ON TRIAL, HE'S A CITIZEN
21 HERE; ISN'T HE?

22 A I DO NOT KNOW THAT.

23 MR. HEMBREE: YOUR HONOR, I OBJECT.

24 THE COURT: BASIS.

25 MR. HEMBREE: FORM OF THE QUESTION.

1 THE COURT: SUSTAINED. REPHRASE.

2 BY MR. KELLY:

3 Q DON'T WE ALL HAVE A RIGHT TO KNOW WHAT HAPPENED AS
4 BEST WE CAN DETERMINE IT?

5 A YES, SIR.

6 Q AND DON'T YOU HAVE A DUTY TO FAIRLY TELL US THE WHOLE
7 STORY?

8 A AND I HAVE, SIR, YES.

9 Q OKAY. WELL, YOU HAVE NOW.

10 A NO, SIR. I HAVE THE WHOLE TIME INCLUDING LAST WEEK.

11 Q DID I MISUNDERSTAND YOU WHEN I WAS SITTING OVER HERE?
12 I THOUGHT THAT YOU WERE TELLING THEM THERE ARE NO DEFENSE
13 WOUNDS.

14 A I BELIEVE YOU JUST MISUNDERSTAND ME, SIR. I SAID
15 THERE WERE NO WOUNDS AS I DEFINED TO THEM EARLIER AS WHAT
16 IS TYPICALLY IN FORENSIC MEDICINE DESCRIBED AS DEFENSE
17 WOUNDS.

18 Q IN THAT CASE, YOU WERE NOT GIVING THEM THE FULL
19 PICTURE OF WHAT COULD BE DEFENSIVE WOUNDS; WERE YOU?

20 A THAT IS INCORRECT.

21 Q WHY IS IT INCORRECT?

22 A BECAUSE I CAN STAY HERE ALL DAY AND DESCRIBE WOUNDS
23 THAT COULD BE DEFENSE WOUNDS. I AM TRYING TO EDUCATE THEM
24 ON WHAT I DO FOR A LIVING, AND THAT'S FORENSIC MEDICINE,
25 AND THE DEFINITION OF WHAT IS TYPICALLY USED FOR DEFENSE

1 WOUNDS.

2 Q WELL, LET'S GO THERE. WHAT IN THIS PICTURE THAT IS
3 PICTURED WITH WOUNDS TO HER HANDS DOES NOT FIT YOUR
4 DEFINITION OF DEFENSIVE WOUNDS?

5 A DEFENSIVE WOUNDS ARE A CERTAIN CATEGORY OF WOUNDS.
6 AS I DESCRIBED EARLIER, THESE WOUNDS ARE WHAT IS SEEN
7 TYPICALLY IN CASES OF BATTERY, GUNSHOT WOUNDS, OR
8 STABBING.

9 AND WHEN WE FIND THEM IN CERTAIN LOCATIONS, WE DO
10 DEFINE THEM AS DEFENSE WOUNDS. AND THAT'S JUST A
11 DIFFERENT TYPE OR A DIFFERENT CATEGORY OF WOUNDS, AND YOU
12 WILL HEAR THAT TERM. I DID NOT SEE THOSE PARTICULAR
13 WOUNDS IN THIS CASE.

14 Q IN OTHER WORDS, THOSE ARE NOT, THOSE CAN'T BE? ARE
15 YOU TELLING -- ARE YOU GOING BACK ON US NOW AND TURNING
16 AROUND IN YOUR OPINION?

17 A I DON'T THINK THAT THE JURY WOULD FEEL THAT I'M
18 TURNING AROUND ON MY OPINION.

19 Q I'M NOT INTERESTED IN WHAT YOU THINK ABOUT WHAT THE
20 JURY THINKS ABOUT YOUR OPINION. I WANT YOU TO ANSWER MY
21 QUESTION.

22 A WELL, I AM INTERESTED IN THAT THEY UNDERSTAND THE
23 MEDICINE AND THE SCIENCE. THESE ABRASIONS FROM THE
24 FINGERS ARE JUST THAT, THEY ARE NON-SPECIFIC ABRASIONS.
25 COULD THEY HAVE OCCURRED DURING AN ALTERCATION? SURE, OF

1 COURSE, AND I DID SAY THAT THAT WAS CONSISTENT WITH YOUR
2 SCENARIO.

3 HOWEVER, IF YOU'RE TRYING TO DEFINE WHAT A DEFENSIVE
4 WOUND IS IN FORENSIC MEDICINE, I HAVE GIVEN THAT TO THE
5 JURY. I HAVE BEEN HONEST AND I HAVE BEEN FAIR AND I AM
6 TRYING TO TEACH THE JURY.

7 Q WELL, I DON'T THINK SO, MA'AM, BECAUSE I ASKED YOU
8 THIS QUESTION.

9 MR. HEMBREE: I OBJECT--

10 THE COURT: SUSTAINED.

11 MR. HEMBREE: I OBJECT. THIS HAS BEEN ASKED AND
12 ANSWERED.

13 THE COURT: I'VE ALREADY SUSTAINED YOUR
14 OBJECTION.

15 MR. HEMBREE: THANK YOU.

16 THE COURT: ASKED AND ANSWERED AND BADGERING AND
17 ARGUMENTATIVE. REPHRASE.

18 THE WITNESS: THANK YOU.

19 BY MR. KELLY:

20 Q MA'AM, WHAT I ASKED YOU WAS, WHAT IS THERE ABOUT
21 THESE WOUNDS--

22 MR. HEMBREE: OBJECTION. ASKED AND ANSWERED.

23 BY MR. KELLY:

24 Q LET'S -- LISTEN TO MY QUESTION AND TELL ME IF YOU
25 ANSWERED THIS. WHAT IS THERE ABOUT THESE WOUNDS IN THIS

1 PICTURE THAT DOESN'T FIT YOUR DEFINITION THAT YOU KEEP
2 TALKING ABOUT AS BEING DEFENSIVE WOUNDS? AND THE ANSWER
3 IS, THERE ISN'T ANYTHING ABOUT THEM THAT DOESN'T FIT MY
4 DEFINITION.

5 MR. HEMBREE: OBJECTION.

6 THE WITNESS: WELL, IT DOESN'T FIT MY
7 DEFINITION.

8 THE COURT: THE OBJECTION IS SUSTAINED. THE
9 OBJECTION IS SUSTAINED. FORM OF THE QUESTION. PUT
10 IT IN THE FORM OF A QUESTION.

11 MR. KELLY: I HAVE NO FURTHER QUESTIONS FOR THIS
12 WITNESS.

13 THE COURT: ANY REDIRECT?

14 MR. HEMBREE: VERY BRIEFLY, YOUR HONOR.

15 REDIRECT EXAMINATION

16 BY MR. HEMBREE:

17 Q DR. COLLINS, REGARDLESS OF WHEN LAURA LING'S HANDS
18 WERE TIED BEHIND HER BACK WITH NECKTIES, REGARDLESS OF
19 WHEN THAT OCCURRED, DID THIS WOMAN SUFFER INJURIES THAT
20 ARE INDICATIVE OF PHYSICAL TORTURE?

21 A YES.

22 Q IN A VARIETY OF WAYS?

23 A YES, THAT'S CORRECT.

24 Q WHICH YOU HAVE ALREADY TESTIFIED TO?

25 A YES, SIR.

1 Q NOW, THESE ABRASIONS TO THE -- THE SCRATCHES TO THE
2 FINGERS, THESE -- THESE ABRASIONS, COULD THEY HAVE BEEN
3 CAUSED BY A PERSON WHOSE HANDS ARE TIED BEHIND THEIR BACK
4 BEING THROWN ONTO A FLOOR OR ROLLED ONTO THE FLOOR OFF OF
5 A BED?

6 A YES. THAT IS HOW I DESCRIBED EARLIER. THEY ARE
7 NON-SPECIFIC.

8 Q YOU DON'T KNOW. YOU CAN'T--

9 A THAT'S CORRECT.

10 Q -- THAT'S WHY YOU DESCRIBE THEM AS NON-SPECIFIC.

11 A YES.

12 Q COULD THEY HAVE BEEN CAUSED BY A PERSON WHO IS LAYING
13 ON THE FLOOR STILL ALIVE WITH THEIR HANDS BEHIND THEIR
14 BACK RUBBING THEIR HANDS TRYING TO GET LOOSE AND RUBBING
15 THEIR HAND AGAINST THE SURFACE OF THE FLOOR?

16 A YES.

17 Q THANK YOU, DOCTOR. I DON'T HAVE ANY FURTHER
18 QUESTIONS.

19 MR. KELLY: RE-CROSS?

20 RECROSS-EXAMINATION

21 BY MR. KELLY:

22 Q MA'AM, ARE ANY OF THESE WOUNDS TO THIS LADY'S HANDS
23 CUTS OR ARE THEY ALL RIPS AND TEARS?

24 A THEY ARE ABRASIONS. THERE ARE NO CUTS, NO SHARP
25 FORCE INJURIES.

1 Q YOU KNOW, IF I TAKE MY -- IF I TAKE MY HAND AND I HIT
2 IT DOWN ON THIS RIGHT HERE, WILL I GET THE SAME
3 ABRASION -- TYPE OF ABRASION THAT YOU'VE GOT THERE?

4 A YOU COULD.

5 Q OKAY. AND IF I WERE STANDING HERE LIKE THIS AND
6 SOMETHING LIKE THIS HIT ME RATHER THAN ME HITTING IT, I
7 COULD ALSO GET EXACTLY WHAT YOU'RE LOOKING AT THERE; ISN'T
8 THAT RIGHT?

9 A YES. THAT'S WHY THEY ARE NON-SPECIFIC.

10 Q SO WHAT YOU ARE REALLY TELLING US, COULD BE ONE,
11 COULD BE THE OTHER; CORRECT?

12 A YES, THEY ARE NON-SPECIFIC.

13 Q YOU FIND ANY FIBERS OR ANYTHING IN THESE WOUNDS?

14 A NO.

15 Q THANK YOU, MA'AM.

16 THE COURT: ANYTHING FURTHER FROM THE STATE?

17 MR. HEMBREE: NO, YOUR HONOR.

18 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
19 EXCUSED FROM THE STATE?

20 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

21 THE COURT: FROM THE DEFENSE?

22 MR. KELLY: NO, MA'AM.

23 THE COURT: THANK YOU, DOCTOR. YOU'RE EXCUSED.

24 (WITNESS LEFT THE STAND.)

25 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

1 MR. HEMBREE: THANK YOU, YOUR HONOR. THE STATE
2 CALLS REBECCA CAHLY TO THE WITNESS STAND.

3 REBECCA CAHLY, AFTER
4 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE WITNESS: MY NAME IS REBECCA CAHLY.

6 THE COURT: YOU MAY PROCEED.

7 MR. HEMBREE: THANK YOU, YOUR HONOR.

8 DIRECT EXAMINATION

9 BY MR. HEMBREE:

10 Q MS. CAHLY, LET ME GET YOU TO KIND OF SCOOT YOUR CHAIR
11 UP THERE TO THE MICROPHONE. MIGHT WANT TO -- SO YOU CAN
12 SPEAK INTO THE MICROPHONE. THANKS. MRS. CAHLY, WERE YOU
13 FAMILIAR WITH LAURA LING?

14 A SHE WAS A VERY CLOSE FRIEND.

15 Q WHERE DO YOU LIVE?

16 A MURRELLS INLET.

17 Q MURRELLS INLET?

18 A (NODDED.)

19 Q AND WHAT KIND OF WORK DO YOU DO?

20 A I'M RETIRED.

21 Q YOU'RE RETIRED? OKAY. WHAT TYPE OF WORK DID YOU DO
22 BEFORE YOU RETIRED?

23 A I USED TO OWN A GARDEN CENTER.

24 Q AND HOW LONG DID YOU HAVE THAT GARDEN CENTER?

25 A TEN YEARS.

1 Q IN THE MURRELLS INLET AREA?

2 A UH-HUH, ON THE HIGHWAY.

3 Q I LET YOU PUT A PLUG IN, BUT SINCE YOU'RE RETIRED,
4 DOESN'T REALLY MATTER. TELL THIS JURY HOW YOU GOT TO KNOW
5 LAURA LING.

6 A I USED TO WORK IN RADIO BROADCASTING. AND MY HUSBAND
7 AND I JUST WANTED TO MOVE FROM WHERE WE WERE LIVING, SO I
8 STARTED PUTTING IN APPLICATIONS AT RADIO STATIONS AROUND
9 THE COUNTRY AND ONE OF THEM WAS AT THE STATION THAT CHRIS
10 AND LAURA OWNED IN GEORGETOWN HERE, AND SO WE MOVED HERE
11 AND I WAS THE MORNING SHOW CO-HOST.

12 Q ALL RIGHT.

13 A MY JOB WAS TO LAUGH AT HIS STUPID JOKES.

14 Q LAUGH AT WHOSE STUPID JOKES?

15 A CHRIS'S STUPID JOKES. I WAS SUPPOSED TO LAUGH.

16 Q HOPE THEY PAID YOU WELL FOR THAT.

17 A NOT ENOUGH, NO.

18 Q NOT ENOUGH? AND HENCE THE GARDEN CENTER. YEAH. I
19 GOT YA.

20 A YEAH. WELL, THEY CHANGED FORMATS, AND I QUIT AND
21 STARTED THE GARDEN CENTER.

22 Q DIFFERENT KIND OF FERTILIZER. SOMETHING LIKE THAT?

23 A SOMETHING LIKE THAT, YEAH.

24 Q I GOT YA. THE -- WHAT DID LAURA DO AT THE RADIO
25 STATION AT THAT TIME? WHAT WAS HER JOB?

1 A SHE DIDN'T EXACTLY WORK THERE. SHE HAD A CELLULAR
2 PHONE STORE THAT WAS ON THE FIRST FLOOR AND THE RADIO
3 STATION WAS ON THE SECOND FLOOR. SO SHE HAD A DESK
4 DOWNSTAIRS, AND SHE WORKED THERE.

5 Q NOW -- AND HOW DID Y'ALL -- I MEAN, HOW DID Y'ALL
6 STRIKE UP A FRIENDSHIP? TELL US A LITTLE BIT ABOUT THAT.

7 A WELL, WE STARTED TALKING INSTEAD OF DOING OUR WORK
8 WHILE I STILL WORKED AT THE RADIO STATION, AND WE HAD THE
9 SAME SENSE OF HUMOR, WELL, UP...

10 Q WHAT KIND OF SENSE OF HUMOR?

11 A LAURA COULD TURN ANYTHING INTO A DIRTY JOKE.

12 Q OKAY.

13 A AND WE FOUND THAT OUR POLITICS WERE VERY SIMILAR AND
14 WE HAD SOME SIMILAR INTERESTS. AND THEN WHEN I QUIT AND I
15 STARTED THE GREENHOUSE, SHE STARTED SHOWING UP THERE TO
16 HELP ME.

17 SHE WOULD RIDE ONE OF HER KIDS' BIKES FROM LITCHFIELD
18 DOWN HIGHWAY 17 TO MURRELLS INLET, AND SHE WOULD JUST SHOW
19 UP. I DIDN'T, YOU KNOW, I DIDN'T ASK HER, BUT SHE WOULD
20 SHOW UP THERE AND SHE STARTED HELPING ME.

21 AND THERE WAS A HAMMOCK THERE, SO I DIDN'T ALWAYS DO
22 WORK UNTIL SHE GOT THERE, AND SHE WOULD SAY, WHY AREN'T
23 YOU DOING SOMETHING? LET'S TAKE UP SOME TIME.

24 Q AND DID -- I MEAN, WAS SHE PAID FOR THIS OR DID SHE
25 JUST COME BY TO HELP YOU OUT?

1 A ORIGINALLY SHE JUST CAME BY TO HELP ME OUT. I THINK
2 MOSTLY IT'S BECAUSE WHILE MIXING DIRT, PLANTING THE
3 PLANTS, YOU CAN TALK A LOT, AND THAT'S WHAT WE DID A LOT
4 OF, TALKING. SO LATER SHE BECAME A REAL EMPLOYEE AND I
5 PAID HER.

6 Q GOT YA. SO YOU HAD A FRIENDSHIP FOR HOW MANY YEARS?

7 A I MET HER 12 YEARS AGO.

8 Q TWELVE YEARS. WHAT WERE SOME OF HER LIKES? YOU GOT
9 TO TALK A LOT, YOU KNOW, YOU'RE OUT THERE PUTTING DIRT AND
10 PLANTS AND WATER. WHAT DID SHE LIKE TO DO?

11 A WELL, WE LIKED MUSIC. AND A LOT OF OUR MUSICAL
12 REFERENCES WERE THE SAME. SO IF SOMETHING REMINDED ME OF
13 A SONG, IT WOULD REMIND HER OF A SONG AT THE SAME TIME AND
14 WE WOULD START SINGING THE SONG, YOU KNOW, RIGHT IN THE
15 SAME VERSE THAT HAD TRIGGERED A MEMORY, AND WE WENT TO
16 CONCERTS TOGETHER. SHE WAS VERY GOOD AT SEWING, AND I
17 TRIED TO SEW.

18 Q SHE TRIED TO BEAT YOU?

19 A YEAH, SHE HAD A SURGER (SIC) AND SHE HAD A BIG FANCY
20 SEWING MACHINE. I HAD A TINY LITTLE SEWING MACHINE ABOUT
21 THE SIZE OF A LUNCHBOX.

22 Q YEAH. LET ME SHOW YOU THIS STOCKING AND ASK YOU
23 ABOUT THAT. JUST TELL ME ABOUT THAT, ABOUT THAT STOCKING.

24 A THE FIRST YEAR THAT WE WERE HERE I WAS STILL WORKING
25 AT THE RADIO STATION, AND WE WENT OVER TO THEIR HOUSE FOR

1 THANKSGIVING AND THESE WERE HANGING ON THE MANTLE. IT WAS
2 ONE FOR EACH OF THE KIDS, HAND MADE THEM. I WAS VERY
3 IMPRESSED. THAT'S A LOT OF WORK.

4 Q YEAH.

5 A I HAD WORKED IN THE SEWING DEPARTMENT AT WALMART.
6 AND SHE WORKED AT WALMART AT THE SAME TIME IN A DIFFERENT
7 AREA OF THE COUNTRY WHEN I DIDN'T KNOW HER, SO THAT WAS
8 ANOTHER THING THAT WE TALKED ABOUT. AND GOSH, THAT'S
9 JUST -- A HUNDRED HOURS WORK RIGHT THERE.

10 Q HAND-MADE? I MEAN HAND-SEWN?

11 A OH, YEAH. YEAH.

12 Q YOU--

13 A NEEDLEPOINT, YEAH. THAT'S... THAT'S ARTICULATE. I
14 COULDN'T DO IT.

15 Q YOU NEVER GOT TO THIS LEVEL?

16 A I WOULD NEVER TRY TO DO THAT. THAT WOULD BE -- THAT
17 WOULD BE ONE OF THOSE PROJECTS I'D GET THE FIRST COUPLE
18 LINES DONE AND I WOULD NEVER FINISH IT, IT WOULD BE SO
19 TIME CONSUMING.

20 Q PRETTY TEDIOUS?

21 A YEAH, BUT IT WAS FOR HER KIDS.

22 Q SOUNDS LIKE LAURA LIKED TO WORK?

23 A SHE WAS A HARD WORKER, YEAH. THE OTHER EMPLOYEES AT
24 THE GREENHOUSE WOULD -- THEY WOULD HATE DAYS THEY HAD TO
25 WORK WITH ME BECAUSE I WOULD WORK SO HARD AND THEY'D BE SO

1 TIREED.

2 I REMEMBER ONE WOMAN LEANING ON HER SHOVEL GOING,
3 WHOA, I WANT TO THANK YOU, HUH, FOR THIS CHARACTER
4 BUILDING EXPERIENCE TODAY, HUH, BECAUSE SHE WAS JUST
5 EXHAUSTED.

6 BUT ON THE DAYS WHEN LAURA CAME, I WOULD BE THE ONE
7 LEANING ON THE SHOVEL BECAUSE SHE WOULD JUST WORK ME TO
8 DEATH.

9 Q SO YOU'D WORK YOUR EMPLOYEES?

10 A OH, YEAH. THEY HATED WORKING WITH ME, YEAH.

11 Q BUT WHEN YOU WORKED WITH LAURA, SHE WORKED YOU TO--

12 A OH, YEAH. HALF A DAY AND--

13 Q -- TO THE POINT OF--

14 A -- I WAS DONE, YEAH. WE HAD TO GO GET LUNCH.

15 Q SO YOU MENTIONED THAT WHEN YOU WERE OVER THERE FOR
16 THANKSGIVING, DID Y'ALL -- DID Y'ALL DO THANKSGIVINGS
17 EVERY YEAR TOGETHER?

18 A NOT EVERY YEAR, BUT PRETTY REGULARLY. THERE WAS
19 ANOTHER COUPLE WE -- WE MOVED IN AROUND.

20 Q I GOT YA. AND THE -- YOU SAID THAT THERE WAS A
21 STOCKING FOR ALL THREE CHILDREN. WHO WERE LAURA'S KIDS?

22 A NICK AND ALEX AND [REDACTED].

23 Q AND WHO WAS THE OLDEST?

24 A NICK.

25 Q AND THEN ALEX?

1 A ALEX.

2 Q AND [REDACTED] IS THE BABY?

3 A YEAH.

4 Q NOW, DID YOU GET TO KNOW HER CHILDREN AS WELL?

5 A YEAH. I MET THEM SHORTLY AFTER I STARTED WORKING AT
6 THE RADIO STATION. SHE BROUGHT [REDACTED] IN ONE DAY AND
7 WENT AROUND BEHIND HER DESK, AND IT WAS KIND OF A RITUAL
8 THAT [REDACTED] WOULD GET A SHORT QUIZ, AND IF SHE GOT ALL
9 THE ANSWERS RIGHT, SHE WOULD GET CANDY, SO....

10 Q WELL, WHAT WAS THE SHORT QUIZ? WHAT WAS -- YOU TELL
11 ME ABOUT THE SHORT QUIZ THAT SHE WOULD GIVE [REDACTED]
12 BEFORE SHE GOT A PIECE OF CANDY.

13 A WELL, THERE WERE ONLY TWO QUESTIONS. THE FIRST ONE
14 IS, WHAT'S BETTER THAN PRETTY? AND THE CORRECT ANSWER IS
15 SMART. AND THE SECOND ONE IS, WHAT'S BETTER THAN MEN?
16 AND THE CORRECT ANSWER IS CHOCOLATE.

17 Q AND IF [REDACTED] GOT THOSE TWO RIGHT...

18 A SHE GOT CHOCOLATE.

19 Q GOT CHOCOLATE. THERE YOU GO. GOOD PLAN. NOW -- NOW
20 AT SOME POINT LAURA LEFT OR SHE WAS NO -- SHE WAS -- WAS
21 SHE A FULL-TIME EMPLOYEE FOR YOU?

22 A NO, SHE WAS NEVER A FULL-TIME EMPLOYEE.

23 Q JUST HELPING OUT?

24 A YEAH, SHE JUST CAME BY REALLY TO HELP AND THEN
25 SOMETIMES I PAID HER.

1 Q BUT THERE WAS A POINT IN TIME THAT SHE GOT -- SHE DID
2 GET A NEW JOB, KIND OF A DIFFERENT CAREER -- CAREER PATH
3 FOR HER?

4 A THE LIBRARY?

5 Q YEAH. AT THE LIBRARY.

6 A YEAH. I WAS A REFERENCE FOR THE LIBRARY.

7 Q ONE OF HER REFERENCES THAT--

8 A ONE OF HER REFERENCES FOR THE LIBRARY JOB, YEAH.

9 Q DO YOU REMEMBER ABOUT WHEN IT WAS SHE WENT TO WORK AT
10 THE LIBRARY?

11 A ABOUT THE MIDDLE OF OUR RELATIONSHIP I WOULD SAY. I
12 COULDN'T GIVE YOU A DEFINITE DATE. I REMEMBER THE WOMAN
13 CALLING ME FOR A REFERENCE, AND I TOLD HER THAT I TRUSTED
14 HER WITH MY GREENHOUSE, THAT WHEN I WENT OUT OF TOWN, YOU
15 KNOW, SHE WAS IN CHARGE OF MY GREENHOUSE AND SHE WAS IN
16 CHARGE OF MAKING ALL THE GREENHOUSE DECISIONS, SO...

17 SHE GOES, YOU'RE GOING TO BE REALLY MAD WHEN YOU GET
18 BACK AND THAT SIGN SAYS LAURA'S GREENHOUSE.

19 Q LAURA'S GREENHOUSE? SHE'S GOING TO TAKE OVER?

20 A SHE IS, YEAH. AND I WASN'T REALLY GOOD ABOUT MARKING
21 PRICES ON EVERYTHING. SO I TOLD HER JUST LOOK AT THE
22 PLANT, DECIDE WHAT IT'S WORTH, AND ACT LIKE IT'S YOUR
23 GREENHOUSE, SO...

24 Q SOUNDS LIKE SHE DID.

25 A SHE DID, YEAH.

1 Q SO MAYBE FIVE OR SIX, SEVEN YEARS AGO SHE WENT TO
2 WORK AT THE LIBRARY SOMETIME SAY ABOUT THE MIDDLE OF THE
3 TIME PERIOD--

4 A YEAH, SOMEPLACE -- YEAH, FIVE OR SIX YEARS AGO.

5 Q GOT YA. WHICH LIBRARY DID SHE GO TO WORK FOR?

6 A SHE DIDN'T WORK FOR SOCASTEE AT FIRST. IT WASN'T
7 OPEN. SHE WORKED I WANT TO SAY OUT IN CONWAY. THERE WAS
8 A JOB WHERE SHE USED TO MARK BOOKS I THINK AS THEY CAME IN
9 AND THEN SEND THEM OUT TO THE SEPARATE LIBRARIES. AND SHE
10 GOT HER MASTER'S IN LIBRARY SCIENCE. SHE WANTED TO WORK
11 IN THE UNIVERSITY LIBRARY SOME DAY.

12 Q WELL, LET ME SHOW YOU SOME PHOTOGRAPHS, A COUPLE OF
13 PHOTOGRAPHS. LET ME GET THESE MARKED FOR IDENTIFICATION
14 PURPOSES.

15 MR. HEMBREE: COURT'S INDULGENCE, YOUR HONOR.
16 WE HAVE TWO PHOTOGRAPHS THAT WE MOVE TO ADMIT WITHOUT
17 OBJECTION.

18 THE COURT: MARKED AND ADMITTED WITHOUT
19 OBJECTION.

20 (WHEREUPON, STATE'S EXHIBITS 103, 104 WERE
21 ADMITTED INTO EVIDENCE.)

22 BY MR. HEMBREE:

23 Q HER FIRST JOB AT THE LIBRARY, YOU SAID SHE WAS
24 WORKING SOMEWHERE OUT OF CONWAY?

25 A I THINK SO, YEAH. I DIDN'T EVER GO THERE.

1 Q AND YOU INDICATED THAT SHE -- THAT SHE GOT HER
2 MASTER'S IN...

3 A LIBRARY SCIENCE.

4 Q LIBRARY SCIENCE. YOU KNOW -- WELL, LET ME SHOW YOU
5 THIS, STATE'S EXHIBIT NUMBER 103 IN EVIDENCE AND ASK IF
6 YOU CAN TELL US ABOUT THAT.

7 A THAT'S HER GRADUATION FROM USC.

8 Q AND--

9 A HER CAP AND GOWN.

10 Q OKAY. DO YOU REMEMBER ABOUT WHEN IT WAS SHE
11 GRADUATED?

12 A IT WAS WHILE SHE WAS WORKING AT THE LIBRARY. THAT'S
13 ABOUT ALL I CAN TELL YOU. YOU KNOW, THERE WAS SO MANY
14 THINGS HAPPEN -- SO MANY THINGS HAPPENED OVER SUCH A LONG
15 PERIOD OF TIME THAT I JUST -- I NEVER HAD TO PUT DATES ON
16 THEM.

17 Q AND WELL, YOU KNOW, I UNDERSTAND THAT. SHE -- WELL,
18 LET ME ASK YOU THIS. SHE WENT BACK TO SCHOOL TO GET
19 THIS -- HER MASTER'S IN LIBRARY SCIENCE?

20 A YEAH.

21 Q NOW, WAS SHE DIVORCED AT THAT POINT?

22 A SHE WAS DIVORCED. SHE HAD THREE KIDS. SHE WAS
23 WORKING FULL-TIME. SHE WAS GOING TO SCHOOL FULL-TIME.

24 Q AND YOU SAID--

25 A AND SHE WORKED PART-TIME AT THE GREENHOUSE.

1 Q AND WORKING PART-TIME AT THE GREENHOUSE. TELL ME
2 ABOUT THE -- HER GRADUATION DAY. DID YOU GO TO
3 GRADUATION?

4 A I DIDN'T GO TO GRADUATION. SHE DIDN'T TELL ME IT WAS
5 COMING UP.

6 Q I GOT YA.

7 A AND THEN SUDDENLY SHE HAD GRADUATED AND I MISSED IT.

8 Q AND WHAT WAS HER OBJECTIVE? WHAT WAS HER DREAM?

9 A SHE WAS GOING TO WORK IN A COLLEGE LIBRARY, THE
10 UNIVERSITY. YOU HAVE TO HAVE A MASTER'S IN LIBRARY
11 SCIENCE TO DO THAT. AND THAT WAS HER GOAL ONCE THE KIDS
12 GOT OUT OF THE HOUSE THAT SHE FELT LIKE SHE COULD MOVE TO
13 A PLACE WHERE THERE WAS A UNIVERSITY.

14 Q GOT YA. SHE -- AND ULTIMATELY SHE WENT TO WORK AT
15 THE SOCASTEE LIBRARY?

16 A SHE DID. SHE DID A LOT OF -- SHE WAS INVOLVED IN A
17 LOT OF THE PLANNING FOR THE SOCASTEE LIBRARY.

18 Q SO SHE WAS KIND OF ON THE GROUND FLOOR. I MEAN,
19 THERE BEFORE--

20 A SHE WAS. SHE WAS VERY PROUD OF ALL THE WORK SHE HAD
21 DONE TO ORGANIZE THE SOCASTEE LIBRARY.

22 Q LET ME SHOW YOU STATE'S 104 THAT'S IN EVIDENCE
23 WITHOUT OBJECTION.

24 A SOCASTEE LIBRARY.

25 Q AND WHO IS THAT IN THE PICTURE WITH -- WITH LAURA?

1 A IT'S TRACY, HER BOSS.

2 Q NOW, WHEN THE SOCASTEE LIBRARY OPENED, DID SHE APPLY
3 FOR A JOB THERE?

4 A WELL, SHE -- YEAH, SHE HAD APPLIED FOR A -- A COUPLE
5 OF JOBS INSIDE THE LIBRARY SYSTEM. THEY WOULD PAY MORE
6 MONEY AND SHE COULD USE HER DEGREE. AND SHE GOT A --
7 REFERENCE LIBRARIAN WAS THE ONE SHE -- SHE GOT ON AT.

8 Q AND THIS IS AT THE DESK THERE AT THE SOCASTEE
9 LIBRARY? THAT'S WHAT WE ARE LOOKING AT?

10 A UH-HUH, YES. I THINK THAT'S HER REFERENCE LIBRARIAN
11 DESK.

12 Q THAT'S HER DESK WHERE SHE--

13 A WHERE SHE WOULD SIT.

14 Q WHERE -- THAT WAS HER POST?

15 A YES. YOU -- WHEN YOU WALK IN THE LIBRARY, IT'S RIGHT
16 IN FRONT OF YOU, SO YOU'D JUST WALK RIGHT UP TO HER AND
17 ASK HER QUESTIONS AND SHE LOOKS THEM UP ON HER COMPUTER OR
18 SHE TAKES YOU TO ONE OF THE OTHER COMPUTERS AND HELPS YOU
19 FIND THEM.

20 Q DID SHE LIKE HELPING FOLKS?

21 A SHE WAS VERY HELPFUL. SHE WAS VERY ENERGETIC. SHE'S
22 VERY ANIMATED. HAD A LOT OF ENERGY. ALWAYS LIKE THIS.

23 Q WELL, I MEAN DANCING AROUND AND STUFF?

24 A YEAH, EVERYTHING, EVERYTHING. MY SON WON THE
25 SPELLING BEE...

1 Q YEAH.

2 A TWO YEARS IN A ROW...

3 Q VERY PROUD OF HER CHILDREN, OBVIOUSLY?

4 A OH, YEAH. YEAH. BUT IT WAS EVEN SMALL STUFF, YOU
5 KNOW, THE SPRINKLES LANDED ON THE CUPCAKES, YOU KNOW,
6 ANYTHING. SHE DANCED ALL THE TIME.

7 Q TELL US -- TELL US ABOUT THE LAST OPPORTUNITY YOU HAD
8 TO SPEND TIME WITH YOUR FRIEND LAURA LING.

9 A WELL, WE SPENT A LOT OF TIME TOGETHER WHILE I WAS
10 PREGNANT AND AFTER THE BABIES WERE BORN.

11 Q DID YOU HAVE A TOUGH PREGNANCY?

12 A IT WAS HORRIBLE. I HAD LOST A LOT OF PREGNANCIES
13 BEFORE THAT, AND SHE HAD MISCARRIED, SO SHE WAS REALLY
14 HELPFUL WITH THAT. IT WAS ONE PREGNANCY IN PARTICULAR. I
15 MISCARRIED THE SAME PREGNANCY THREE TIMES, AND FINALLY
16 THEY HAD TO GIVE ME CHEMOTHERAPY TO KILL OFF WHAT WAS
17 LEFT.

18 I'D ANSWER THE PHONE, I WAS MISERABLE, AND SHE
19 WOULDN'T EVEN SAY HELLO. SHE'D JUST YELL, I LOVE YOU.
20 AND SOMETIMES [REDACTED] WOULD BE IN THE CAR AND I'D HEAR
21 HER YELL, WE LOVE YOU.

22 SO THAT'S BECOME A CATCH PHRASE AMONG EVERYBODY NOW.
23 WHENEVER YOU CALL SOMEBODY UP, WHEN THEY ANSWER THE PHONE
24 YOU HAVE TO YELL, I LOVE YOU. AND THAT'S -- ACTUALLY
25 PEOPLE MAGAZINE CAME DOWN RIGHT AFTER SHE WAS KILLED AND

1 THEY SAID, IF YOU COULD SAY ONE THING, WHAT WOULD IT BE?
2 I SAID TO CALL UP ALL YOUR FRIENDS AND YELL, I LOVE YOU,
3 BECAUSE I DIDN'T DO THAT FOR HER.

4 Q BUT SHE DID THAT -- SHE DID THAT -- THAT WAS A HABIT
5 SHE HAD?

6 A SHE -- YEAH. AND WHEN I WAS SO SICK -- THE TWINS
7 EVENTUALLY, TWICE AS SICK, TWICE AS BAD, AND I WAS A WHALE
8 THIS BIG. I COULD SET MY HAND RIGHT HERE. AND SHE WOULD
9 COME INTO MY HOUSE -- I COULDN'T GO ANYWHERE BECAUSE I
10 COULDN'T TOUCH THE PEDALS IN THE CAR VERY WELL.

11 I MEAN, I TRIED. I GOT AROUND. BUT SHE'D COME OVER
12 TO THE HOUSE AND PUT ME IN THE MUSTANG, DRIVE ME AROUND
13 WHEN SHE DID HER ERRANDS.

14 Q JUST TO GET YOU OUT OF THE HOUSE?

15 A GET ME OUT OF THE HOUSE, YEAH. I NEEDED IT.

16 Q DO YOU REMEMBER THE LAST TIME YOU SPENT TIME WITH
17 HER?

18 A WE TALKED ON THE PHONE A LOT. IT WAS A BUSY SEASON
19 AT THE GREENHOUSE AND WE WERE PLANNING ON GOING TO LUNCH
20 THE NEXT WEEK. SHE WAS GOING TO BABYSIT THE FOLLOWING
21 FRIDAY.

22 SHE HAD COME OVER AND BABYSIT BEFORE THAT A LITTLE
23 BIT, AND WE WERE GOOFING OFF WITH THE KIDS. IT WAS STILL
24 PRETTY SMALL. THAT'S ABOUT IT.

25 WE TALKED ABOUT SOME DIFFERENT THINGS ON THE PHONE,

1 YOU KNOW, IT WAS A SHORT VISIT. AND THEN LATER ON THE
2 PHONE, SHE'S LIKE, WELL, WE'RE GOING TO -- WE HAVE TO
3 GO -- WE HAVE TO GO TO LUNCH NEXT WEEK, WE HAVE TO TALK
4 ABOUT THESE THINGS. SO...

5 Q WHEN DID YOU LEARN THAT YOUR FRIEND HAD BEEN
6 MURDERED?

7 A A COUPLE OF DAYS AFTER SHE DIED. MY HUSBAND SAW IT
8 ON THE NEWS. MORE -- I FELT BETTER TO SEE JOHN FULMER GET
9 UP HERE AND SAY THAT HE HAD SEEN IT IN THE NEWSPAPER
10 BECAUSE THE FAMILY WAS SO UPSET AND REALLY WEREN'T CALLING
11 ANYBODY, AND WHEN I WENT OVER TO THE HOSPITAL, THEY
12 WOULDN'T LET ME IN. THE HOSPITAL WAS ALL LOCKED UP.

13 I WENT TO THE HOUSE FIRST THINKING -- BE ALL TAPED
14 OFF, BUT THEY WERE GONE BY THEN. AND THIS IS BEFORE I
15 KNEW ANYTHING HAD HAPPENED TO [REDACTED]. AND I WAS JUST
16 WORRIED, YOU KNOW.

17 I KNEW THAT ALEX AND CHRIS WERE IN NORTH CAROLINA AND
18 NICK WAS AWAY AT COLLEGE. AND I JUST THOUGHT, OH GOD,
19 WHERE'S [REDACTED]? THEY WOULDN'T LET ME IN.

20 Q IN WHAT WAY OR WAYS HAS THE LOSS OF YOUR FRIEND
21 AFFECTED YOUR LIFE?

22 A WELL, I WASN'T REALLY A PLEASANT SALESPERSON ANY
23 MORE, SO I QUIT MY JOB AND I FELL -- THAT WAS COMING ANY
24 WAY, REALLY. BUT IT JUST -- A HARD EVERY DAY. I FEEL
25 LIKE MY BONES HAVE TURNED TO JELLO AND I CAN'T WALK, BUT I

1 ALWAYS DO GET UP AND MOVE AROUND SOMETIMES.

2 I HAVE PANIC ATTACKS ESPECIALLY AT NIGHT. I GO IN
3 AND SLEEP ON THE FLOOR OF THE NURSERY TO MAKE SURE MY KIDS
4 ARE OKAY. TAKE SLEEPING PILLS.

5 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS THE DEFENSE
6 COUNSEL HAS FOR YOU.

7 MR. KELLY: NO QUESTIONS.

8 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
9 EXCUSED?

10 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

11 MR. KELLY: NO, MA'AM.

12 THE COURT: MA'AM, YOU'RE EXCUSED.

13 (WITNESS LEFT THE STAND.)

14 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

15 MR. HEMBREE: THANK YOU, YOUR HONOR. THE STATE
16 CALLS [REDACTED] LING TO THE STAND.

17 [REDACTED] LING, AFTER
18 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE COURT: YOU MAY PROCEED.

20 MR. HEMBREE: THANK YOU, YOUR HONOR.

21 THE COURT: YOU'RE WELCOME.

22 DIRECT EXAMINATION

23 BY MR. HEMBREE:

24 Q [REDACTED], I'M GOING TO GO AHEAD AND HAVE THESE --
25 SOME PHOTOGRAPHS MARKED FOR YOU REAL QUICK.

1 A OKAY.

2 MR. HEMBREE: YOUR HONOR, DEFENSE COUNSEL HAS
3 GRACIOUSLY ADMITTED THESE WITHOUT ANY EXCEPTION.

4 THE COURT: PUBLISH THE NUMBERS FOR THE RECORD
5 WHEN THE COURT REPORTER IS DONE.

6 MR. HEMBREE: THANK YOU, YOUR HONOR.

7 THE COURT: YOU'RE WELCOME.

8 (WHEREUPON, STATE'S EXHIBITS 105-110 WERE
9 ADMITTED INTO EVIDENCE.)

10 MR. HEMBREE: YOUR HONOR, THESE ARE STATE'S 105,
11 106, 107, 108, 109 AND 110.

12 THE COURT: ADMITTED WITHOUT OBJECTION.

13 MR. HEMBREE: THANK YOU, YOUR HONOR.

14 BY MR. HEMBREE:

15 Q [REDACTED], TELL US ABOUT YOUR MOM, WHAT YOU KNOW
16 ABOUT YOUR MOM GROWING UP.

17 A SHE WAS BORN OR SHE WAS RAISED IN GARLAND, TEXAS WITH
18 MY GRANDMA.

19 Q WHERE IS GARLAND IN TEXAS?

20 A IT'S THE SOUTH SIDE OF DALLAS.

21 Q OKAY.

22 A AND I WAS BORN IN WACO. AND SHE -- SHE WAS POPULAR
23 IN HIGH SCHOOL. SHE WAS ON STUDENT COUNCIL AND SHE WAS --
24 SHE WAS ACTIVE IN A LOT OF LIKE COMMITTEES AND A LOT OF
25 CLUBS, GROUPS AND STUFF, AND SHE -- SHE WAS ACTUALLY MISS

1 NORTH GARLAND LIKE HER JUNIOR, SENIOR YEAR IN HIGH SCHOOL.

2 Q SHE WENT TO NORTH GARLAND HIGH SCHOOL?

3 A I THINK -- THINK SO, YEAH.

4 Q SO SHE WAS -- SHE WAS A BEAUTY QUEEN, TOO?

5 A SHE WAS VERY PRETTY, VERY, VERY PRETTY.

6 Q REAL INVOLVED IN SCHOOL?

7 A YES.

8 Q WAS SHE A GOOD STUDENT?

9 A EXTREMELY GOOD STUDENT.

10 Q AND INVOLVED IN SPORTS?

11 A YES. YES.

12 Q LET ME -- I WILL SHOW YOU STATE'S 105 IN EVIDENCE AND

13 ASK IF YOU CAN -- JUST TELL US WHAT THAT'S A PICTURE OF.

14 A IT'S A PICTURE OF MY MOM ON HER SOFTBALL TEAM. SHE

15 PLAYED FOR THE VFW TEAM. AND SHE -- IT WAS AN AWKWARD

16 PHASE IT LOOKS LIKE, BUT SHE -- YEAH.

17 Q SO, THAT AN AWKWARD PHASE YOU SAID?

18 A THAT'S WHAT IT LOOKS LIKE.

19 Q SO THIS WOULDN'T HAVE BEEN THE YEAR SHE GOT ELECTED

20 MISS--

21 A NO. NO.

22 Q -- NORTH GARLAND?

23 A NO. NO.

24 Q NOW--

25 A SHE WAS A LITTLE BIT OF A LATE BLOOMER.

1 Q LITTLE BIT OF A LATE BLOOMER. GOT YA. SHE GRADUATED
2 FROM HIGH SCHOOL?

3 A YES, SHE DID.

4 Q AND DID SHE GO TO COLLEGE?

5 A YES, SHE DID. SHE WENT TO TEXAS A&M ACTUALLY AND SHE
6 GRADUATED WITH A DEGREE IN ENGLISH.

7 Q ENGLISH. NOW, AT SOME POINT SHE MET YOUR DAD.

8 A YES.

9 Q WELL, TELL US HOW THEY MET.

10 A AND I LOVE IT WHEN MY DAD TELLS ME THIS STORY. I
11 MADE HIM TELL ME ALL THE TIME. WELL, MY DAD WAS WORKING
12 IN COLLEGE STATION AT THIS RADIO STATION. MY DAD HAS BEEN
13 IN RADIO FOR YEARS AND YEARS AND YEARS, AND MY MOM WAS
14 WORKING AT LIKE A -- THE -- LIKE THE RIVAL RADIO STATION
15 IN THE AREA, LIKE THEIR COMPETITOR AND STUFF.

16 AND MY MOM HAD STOPPED BY THE RADIO STATION THAT MY
17 DAD WORKED AT TO PICK UP A COPY OF LIKE A REEL OF TAPE OR
18 SOMETHING LIKE THAT, AND MY DAD -- MY DAD KNEW THAT SHE
19 WAS FROM, YOU KNOW, THE RADIO STATION ACROSS TOWN AND SO
20 HE MADE HER WAIT FOREVER, HOURS AND HOURS AND HOURS.

21 HE COULD HAVE JUST GONE AND GOT IT, BUT HE SAW HER IN
22 THE LOBBY AND HE JUST -- HE JUST WAS LIKE OH, I WILL GET
23 TO IT WHEN I GET TO IT, AND SO HE MADE HER WAIT AND WAIT
24 AND WAIT.

25 AS I RECALL, HE ACTUALLY WENT OUT INTO THE LOBBY, YOU

1 KNOW, TO LET HER KNOW THAT, YOU KNOW, HE'LL HAVE IT RIGHT
2 OUT AS SOON AS HE CAN. AND I BELIEVE HE -- HE STEPPED ON
3 HER TOE DELIBERATELY AND MADE IT LOOK LIKE AN ACCIDENT.

4 AND I REMEMBER -- I REMEMBER HIM TELLING ME THAT
5 LATER ON SHE SAID THAT IT TOOK EVERYTHING SHE HAD TO NOT
6 JUST SCREAM. AND I MEAN, THIS IS, YOU KNOW, YOU KNOW,
7 SHE -- SHE WAS A FAIRLY ATTRACTIVE WOMAN AND MY DAD WAS
8 LIKE -- NOTICED THAT FIRST.

9 AND I THINK THAT HE, YOU KNOW, HE DEFINITELY -- BUT
10 IT WAS DEFINITELY, YOU KNOW, EVENTUALLY TOWARDS THE END OF
11 THE DAY THEY -- THEY -- SHE FINALLY GOT THE TAPE AND IT
12 WAS DEFINITELY AN UNFORGETTABLE ENCOUNTER, I GUESS.

13 BUT THE NEXT WEEK LIKE HER AND ONE OF HER FRIENDS
14 CALLED IN TO LIKE LEAVE COMMENTS AT THE RADIO STATION,
15 LIKE I GUESS THEY DID THAT, AND SHE LEFT THIS COMMENT
16 LIKE, SOMEBODY PLEASE TELL CHRIS LING TO STOP COMING TO
17 OUR RADIO STATION AND ASKING FOR A JOB, LIKE -- AND ALL OF
18 THIS STUFF.

19 AND IT WAS -- IT WAS -- THIS IS FUNNY. IT'S A FUNNY
20 STORY.

21 Q SO SHE GOT THE LAST LAUGH?

22 A YEAH, SHE DID, BUT MY DAD TELLS IT BETTER, YOU KNOW.
23 HE ALWAYS TELLS IT BETTER.

24 Q NOW, YOUR MOM AND DAD GOT MARRIED. AND WHERE DID
25 THEY LIVE AFTER THEY GOT MARRIED?

1 A AFTER THEY GOT MARRIED I KNOW THEY LIVED IN TEXAS FOR
2 A LITTLE BIT AND THEN I BELIEVE AFTER THAT THEY LIVED IN
3 RALEIGH. BUT MY BROTHER NICK WAS BORN IN ANOTHER PART OF
4 TEXAS, I THINK LIKE ST. PAULS OR SOMETHING, SOMETHING LIKE
5 THAT. I DON'T KNOW.

6 BUT HE WAS WORKING -- ME AND ALEX WERE BORN IN WACO,
7 SO AT SOME POINT OBVIOUSLY THEY HAD TO LIVE IN WACO. AND
8 MY MOM AND DAD, THEY MOVED TO RALEIGH. REALLY THE IDEA
9 WAS THAT LIKE THEY COULD MOVE AROUND AND STUFF LIKE THAT
10 WHEN THE KIDS WERE YOUNG, BUT ONCE THEY STARTED TO GET OLD
11 ENOUGH TO GO TO SCHOOL, MY MOM -- THEY AGREED THAT LIKE
12 SETTLE DOWN AND, YOU KNOW, FIND A STATIONARY SPOT.

13 Q KIND OF SOME -- LITTLE MORE STABILITY THAN THE RADIO
14 WORLD?

15 A BUILD A HOME AND RAISE KIDS.

16 Q YEAH. I GOT YA. AND THEY MOVED TO...

17 A AND THEY MOVED. MY DAD BOUGHT A RADIO STATION IN
18 GEORGETOWN AND HE OWNED THAT RADIO STATION AND WE MOVED
19 INTO A HOUSE IN -- AT FIRST WE LIVED IN LITCHFIELD ON A
20 HOUSE [REDACTED], AND THEN WE MOVED TO
21 [REDACTED] IN THE PAWLEYS.

22 AND THE REST IS HISTORY I GUESS. I STARTED GOING TO
23 WACCAMAW BACK IN LIKE CHARLES FELDMAN BEFORE KINDERGARTEN
24 AND BEEN THERE EVER SINCE.

25 Q THE -- SO Y'ALL -- ANY WAY, YOU MOVED TO GEORGETOWN

1 TO START SCHOOL HERE AND Y'ALL HAVE A HOUSE HERE AND
2 THAT'S...

3 A YEAH.

4 Q THAT'S -- WE ARE KIND OF UP TO THAT POINT.

5 A YUP.

6 Q I WANT TO SHOW YOU STATE'S -- STATE'S 106. AND TELL
7 ME IF YOU CAN TELL US ABOUT THAT PICTURE AND THAT -- THAT
8 EXPERIENCE.

9 A THIS IS A PICTURE OF ME AND MY MOM THAT I ACTUALLY --
10 I USUALLY KEEP NEXT TO MY BED. AND THIS IS THE DAY THAT
11 WE WENT TO THE BEACH. AND I'M SITTING IN THE SAND AND I'M
12 TRYING TO COPY MY MOM WHATEVER SHE'S DOING BECAUSE I
13 ALWAYS LOOKED UP TO HER EVEN AS A YOUNG KID, YOU KNOW,
14 YOU -- YOU ALWAYS LOOK UP TO YOUR PARENTS.

15 AND I'M SITTING THERE TRYING TO IMITATE MY MOM AT THE
16 BEACH. AND OBVIOUSLY I THINK I'M HAVING A LITTLE MORE FUN
17 WITH IT THAN SHE IS, BUT IT'S ONE OF MY FAVORITE PICTURES.

18 Q NOW, YOUR MOM WAS A TALENTED SEAMSTRESS?

19 A OH, SHE SO WAS. SHE -- SHE WOULD MAKE CLOTHES WHEN
20 WE WERE LITTLE, I MEAN, BECAUSE SHE WAS JUST SO AMAZINGLY
21 GOOD AT IT. AND -- AND IT -- SHE -- JUST ANYTHING,
22 REALLY.

23 SHE WOULD SEW LIKE ALL KINDS OF DIFFERENT STUFF AND
24 LIKE DIFFERENT LIKE, YOU KNOW, DECORATIONS AND ALL KINDS
25 OF THINGS.

1 Q CHRISTMAS STOCKINGS?

2 A EXACTLY. EXACTLY. YEAH.

3 Q I WILL SHOW YOU STATE'S 107. AND TELL ME ABOUT THAT
4 PICTURE.

5 A THIS IS HALLOWEEN. IT'S ME, NICK AND ALEX. NICK IS
6 BATMAN. ALEX IS ROBIN. AND I'M CATWOMAN. AND I'M DOING
7 MY VERY SCARY GRRR FOR THE CATWOMAN. AND THESE ARE ALL
8 COSTUMES THAT MY MOM MADE FOR US. SHE WAS SO INCREDIBLY
9 TALENTED.

10 I WISH THAT I HAD -- WISH THAT SHE -- I WOULD HAVE
11 ASKED HER TO TEACH ME HOW TO SEW AND STUFF BEFORE SHE
12 PASSED AWAY BECAUSE I -- I'M NOT VERY GOOD AT IT, YOU
13 KNOW, AND I DON'T KNOW TO USE SEWING MACHINES THE WAY SHE
14 DID, BUT SHE -- SHE WAS SO TALENTED.

15 Q NOW, WHERE DID YOUR MOM -- ULTIMATELY YOUR MOM AND
16 DAD GOT DIVORCED?

17 A YES, THEY DID.

18 Q NOW, WHERE DID YOU MOVE? WHERE DID Y'ALL LIVE AFTER
19 YOUR MOM AND DAD DIVORCED?

20 A AFTER MY MOM AND DAD DIVORCED, WE MOVED TO [REDACTED].
21 ME -- IT'S LIKE AT FIRST -- AT FIRST BEFORE LIKE ALL THE
22 LIKE ARRANGEMENTS LIKE FOR HER CUSTODY AND STUFF LIKE THAT
23 WERE ARRANGED, WE LIVED WITH MY DAD AND SHE LIVED IN AN
24 APARTMENT DOWN THE STREET THAT I USED TO RIDE MY BIKE TO
25 LIKE ALMOST EVERY DAY AFTER SCHOOL AND -- BUT AFTER LIKE

1 CUSTODY AND STUFF WAS ALL WORKED OUT, WE MOVED TO [REDACTED]
2 AND LIVED IN A HOUSE IN [REDACTED]
3 [REDACTED]

4 Q DID YOUR MOM STAY INTERESTED IN SPORTS EVEN AS AN
5 ADULT?

6 A YEAH, SHE -- YEAH, SHE -- I MEAN, SINCE ALL OF US
7 WERE PRETTY ACTIVE IN SPORTS, ESPECIALLY ALEX, LIKE WHEN I
8 WAS A -- WE USED TO PLAY TENNIS A LOT. BEFORE I PICKED UP
9 A RACQUET I WAS PLAYING LIKE T-BALL AND LIKE SOFTBALL AND
10 SOCCER AND ALL THIS.

11 Q LET ME SHOW YOU THIS ONE, STATE'S 109. WHAT IS THAT?

12 A THIS IS THE -- A LITTLE BASEBALL TEAM THAT I HAD
13 LIKE -- LIKE WHEN I WAS -- GOSH, I MUST HAVE BEEN LIKE --
14 I REMEMBER THE BIG HUGE GLASSES. HAD TO BEEN LIKE SECOND
15 GRADE.

16 SHE COACHED A LOT OF OUR LITTLE LIKE BASEBALL TEAMS,
17 LIKE THIS ISN'T THE ONLY ONE. SHE ALSO COACHED I THINK
18 LIKE TWO OR THREE OTHERS, LIKE BASEBALL TEAMS AND STUFF.

19 MY DAD WOULD ALWAYS COACH LIKE THE FOOTBALL TEAMS AND
20 LIKE -- AND WHENEVER I PLAYED LIKE SOFTBALL AND STUFF.
21 AND ACTUALLY I STILL GO TO SCHOOL WITH A LOT OF THESE
22 PEOPLE THAT -- THAT I PLAYED BASEBALL WITH.

23 Q AND YOU'RE THE ONE ON THE BACK ROW. YOU'RE THE ONE
24 ON THE BACK ROW WITH THE GLASSES?

25 A NO, THAT'S ASHLEY.

1 Q OH THAT'S -- YOU'RE ON...

2 A I'M THE SECOND FROM...

3 Q SECOND FROM THE LEFT?

4 A FROM THE LEFT, YEAH.

5 Q ALL RIGHT.

6 A MAN, I WAS A DORK.

7 Q AN AWKWARD TIME?

8 A IT WAS AN AWKWARD PHASE.

9 Q AN AWKWARD PHASE. ALL RIGHT. AND LET ME SHOW YOU
10 STATE'S 108.

11 A THIS WAS CHRISTMAS. WE ARE STILL LIVING IN OUR
12 [REDACTED] HOUSE WHICH WAS PROBABLY BEFORE MY
13 PARENTS GOT DIVORCED. AND IT'S SUCH A GOOD PICTURE.

14 AND I THINK THIS WAS THE YEAR THAT NICK GOT HIS DRUM
15 SET. HE WAS VERY, VERY TALENTED WITH THE DRUMS. AND --
16 AND I THINK THIS WAS THE YEAR THAT I GOT MY AMERICAN GIRL
17 DOLL THAT I HAD WANTED.

18 Q WHICH ONE DID YOU GET?

19 A I GOT SAMANTHA, BUT...

20 Q IS THAT THE DARK-HEADED ONE?

21 A YEAH. THIS WAS A GOOD CHRISTMAS, A VERY GOOD
22 CHRISTMAS.

23 Q THOSE ARE YOUR TWO BROTHERS AND YOUR MOM?

24 A YES.

25 Q NOW, AFTER MOM AND DAD DIVORCED, WHERE DID YOUR MOM

1 GO TO WORK?

2 A SHE -- AT FIRST -- AFTER MY PARENTS GOT DIVORCED, MY
3 MOM LIKE WHEN -- RIGHT AFTER THE DIVORCE MY DAD DECIDED TO
4 SELL THE RADIO STATION, SO MY MOM HAD SPENT YEARS AND
5 YEARS JUST TAKING CARE OF THE KIDS.

6 AND ONCE LIKE WE GOT OLD -- WE WERE ALL OLD ENOUGH TO
7 GO TO SCHOOL, SHE WOULD HELP OUT AT THE RADIO STATION.
8 BUT AFTER THE DIVORCE AND THEN THEY WERE GOING TO SELL THE
9 RADIO STATION, THERE WASN'T, YOU KNOW, WHAT WAS SHE GOING
10 TO DO.

11 SO SHE KIND OF WENT BACK TO BASICS. AND WHEN SHE WAS
12 IN HIGH SCHOOL SHE USED TO WORK AT A LIBRARY AND SHE LOVED
13 BOOKS AND SHE LOVED LEARNING AND SHE -- SHE WOULD LEAVE
14 LIKE, YOU KNOW, PILES OF BOOKS OUTSIDE MY BEDROOM DOOR
15 EVERY ONCE IN A WHILE AND JUST TO, YOU KNOW, SHE WOULD
16 NEVER LIKE -- SHE NEVER WOULD MAKE ME READ OR ANYTHING
17 LIKE THAT, BUT SHE, YOU KNOW, JUST IN CASE YOU WANTED TO,
18 YOU KNOW, HERE'S A BUNCH OF BOOKS AND -- AND...

19 Q SHE HAD HIGH EXPECTATIONS FOR YOU?

20 A YOU KNOW, WELL, I THINK SHE JUST WANTED TO ENCOURAGE
21 ME TO JUST EXPLORE AS MUCH AS I COULD. AND AT FIRST SHE
22 STARTED WORKING AT TECH SERVICES WITH LIKE -- WHILE SHE --
23 WHILE SHE WORKED TO GET HER MASTER'S DEGREE IN LIBRARY
24 SCIENCE.

25 THEY WERE BUILDING THE NEW SOCASTEE LIBRARY AND SHE

1 REALLY WANTED A POSITION, BUT SHE KNEW THAT, YOU KNOW,
2 THEY WOULDN'T HAVE HIRED HER WITHOUT A DEGREE IN LIBRARY
3 SCIENCE, SO SHE WORKED FULL-TIME AT TECH SERVICES MAKING
4 NEXT TO NOTHING, TAKING CARE OF US, ALL THREE OF US
5 BECAUSE NICK HADN'T LEFT FOR COLLEGE YET, AND WENT TO
6 SCHOOL TO GET HER MASTER'S DEGREE IN LIBRARY SCIENCE I
7 THINK.

8 BARELY -- IF THERE WAS ANYTHING THAT I LEARNED FROM
9 HER, IT WAS THAT, YOU KNOW, IF YOU REALLY WANT TO DO IT
10 AND YOU'RE WILLING TO WORK YOUR ASS OFF AND YOU REALLY,
11 REALLY WANT IT, YOU CAN DO IT. AND SHE DID. AND IT WAS
12 TOUGH, BUT SHE DID IT, AND SHE -- SHE WAS SO SUCCESSFUL,
13 SO SUCCESSFUL.

14 Q I'LL SHOW YOU STATE'S -- STATE'S 110. WHAT IS THAT?

15 A THIS IS HER GRADUATION FROM USC WHEN SHE GET HER
16 MASS -- WHEN SHE GOT HER MASTER'S DEGREE. THEY -- THERE'S
17 ALEX LOOKING LOST AS USUAL. THERE'S ME AND THERE'S MY
18 BROTHER WAY IN THE BACK WHO IS NOT PAYING ANY ATTENTION
19 WHATSOEVER, BUT...

20 Q THAT'S YOUR MOM RIGHT THERE?

21 A THAT'S MY MOM GETTING THE MASTER'S DEGREE.

22 Q HOW DID SHE DO ON HER GRADES?

23 A AMAZING. SHE DID A GREAT JOB. SHE -- SHE REALLY
24 DID. THANK YOU.

25 Q SHE CONTINUED WORKING AT THE LIBRARY?

1 A YEAH.

2 Q SHE WAS A REFERENCE LIBRARIAN?

3 A YES, SHE WAS. SHE -- SHE LOVED, JUST LOVED HELPING
4 PEOPLE.

5 Q WHAT ELSE DID SHE LIKE TO DO FOR FUN?

6 A WELL, SHE -- ME AND HER WOULD -- WE PLAYED TENNIS.
7 EVERY ONCE IN A WHILE WE'D GO OVER TO THE TENNIS COURTS.
8 THAT -- WAS BIG WITH TENNIS. AND EVEN MY DAD, LIKE WE'D
9 ALL THREE OF US GO, YOU KNOW, PLAY TENNIS.

10 AND SINCE IT WAS A BIG THING, SHE -- SHE -- OH GOSH.
11 I MEAN, SHE LOVED WATCHING MOVIES LIKE WITH US AND WE
12 LOVED GOING TO THE MOVIES, AND SHE -- SHE WAS JUST A VERY,
13 VERY OUTGOING PERSON, BUT SHE WAS ALSO VERY, VERY
14 CREATIVE.

15 THERE WERE SO MANY -- SO MANY TIMES THAT SHE WOULD --
16 I MEAN, FOR LIKE THE LIBRARY CHRISTMAS PARTY WOULD BE
17 MAKING LITTLE LIKE DECORATIONS AND STUFF. SHE -- SHE WAS
18 ALWAYS REALLY GOOD AT THAT.

19 Q NOW, YOU GROW UP AND -- TO BEING A TEENAGER.

20 A YES.

21 Q TEEN-AGED DAUGHTER.

22 A YES.

23 Q AND WITH A, YOU KNOW, MOTHERS AND TEEN-AGE DAUGHTERS
24 SOMETIMES HAVE HARD TIMES.

25 A YES. YES, THEY DO.

1 Q WAS IT -- DID THERE EVER COME A POINT IN TIME WHERE
2 YOU WERE JUST KIND OF HAVING A TOUGH TIME AS A TEEN-AGE
3 GIRL?

4 A YEAH, THERE WAS A TIME. MY OLDER BROTHER ALEX HAD
5 SOME BEHAVIORAL ISSUES. HE WAS DIAGNOSED WITH ASBERRY
6 (SIC) SYNDROME, AND WAS ACTUALLY ALSO DIAGNOSED --
7 ACTUALLY BIPOLAR, BUT HE -- WE -- WE JUST STRUGGLED AS A
8 FAMILY TO TRY AND, YOU KNOW, STICK TOGETHER AND MAKE
9 THINGS WORK BECAUSE IT WAS PRETTY DIFFICULT, YOU KNOW,
10 WITH HER GOING TO SCHOOL AND WORKING ALL THE TIME, LIKE
11 WORKING FULL-TIME AND ALEX WAS -- WHO HAD, YOU KNOW, HE
12 HAD SPECIAL NEEDS.

13 AND I GUESS I -- THERE WAS ONE SUMMER THERE WHEN I
14 WAS LIKE 13 OR 14 -- AND WELL ACTUALLY, IT -- YEAH, 14,
15 14. AND I -- I WAS JUST ANGRY AT THE WORLD AND JUST NOT A
16 HAPPY PERSON, JUST LOCKING MYSELF IN MY BEDROOM DURING THE
17 SUMMER AND I LIKE -- HANGING OUT IN THE SUNSHINE, JUST
18 LIKE THE DARK ROOM, AND I WAS JUST GLOOMY AND DIDN'T FEEL
19 LIKE TALKING TO ANYBODY, AND I JUST WENT THROUGH THIS LIKE
20 TWO MONTH PHASE IN THE SUMMER WHERE IT WAS JUST LIKE
21 ANYTHING YOU SAID, IT WAS WRONG AND I DIDN'T LIKE IT.

22 Q OKAY. YOU KIND OF GAVE YOUR MOM A HARD TIME?

23 A A LITTLE BIT, YEAH.

24 Q DID YOU -- DID YOU AT SOME POINT SORT OF RECOGNIZE
25 THAT THAT WASN'T THE BEST WAY TO BE?

1 A YEAH.

2 Q AND...

3 A YES, I DID.

4 Q WHAT DID YOU DO TO KIND OF MAKE AMENDS?

5 A I WROTE HER A LETTER BECAUSE I -- IT WAS REALLY HARD
6 FOR ME TO EXPRESS WHAT I WAS FEELING TO HER, YOU KNOW,
7 WHEN WE TALKED. AND I'M VERY GOOD AT THAT, WRITING,
8 AND -- SO ANY TIME THAT I HAD TROUBLE WITH EXPRESSING
9 VERBALLY, I WROTE HER A LETTER, AND -- AND THAT'S WHAT I
10 DID.

11 Q OKAY. GAVE HER THAT LETTER. AND HOW OLD WOULD YOU
12 HAVE BEEN, ABOUT A SOPHOMORE?

13 A IT WAS -- IT WAS RIGHT BEFORE -- IT WAS RIGHT BEFORE
14 MY SOPHOMORE YEAR.

15 Q YEAH.

16 A I WAS -- I WAS STILL 14. I DIDN'T TURN 15 UNTIL
17 OCTOBER, SO...

18 Q [REDACTED], WHAT HAPPENED TO THAT LETTER?

19 A MY MOM CARRIED IT AROUND IN THIS LIKE BIG BAG JUST
20 FULL OF JUST LIKE UNORGANIZED AND CHAOTIC PILE OF STUFF.
21 STUFF THAT SHE COULDN'T FIT IN HER PURSE SHE'D PUT IN THIS
22 BIG BAG. I MEAN, STUFF FROM WORK, STUFF FOR US. AND I
23 MEAN, JUST ANYTHING THAT WOULDN'T FIT IN HER PURSE SHE
24 WOULD JUST PUT IT IN THERE.

25 AND I WAS -- I SUPPOSE SHE -- THAT'S WHERE SHE PUT IT

1 TO CARRY IT AROUND WITH HER, BUT I -- I WAS LOOKING
2 THROUGH HER STUFF ONE DAY AND IT -- JUST SEEING WHAT WAS
3 IN THERE, AND SHE -- AND I FOUND IT.

4 Q YOU STILL HAVE IT?

5 A YES.

6 Q YOU WANT TO READ IT TO THE JURY?

7 A (NODDED.)

8 Q OKAY.

9 A I DON'T KNOW HOW MANY TIMES SHE READ IT. DEAR MOM.
10 I JUST WANTED TO TELL YOU HOW I HAVE BEEN FEELING LATELY
11 AND SINCE SOMETIMES I HAVE A HARD TIME DOING IT VERBALLY,
12 I FIGURED I WOULD WRITE IT DOWN AND HAVE YOU PONDER IT A
13 TAD BEFORE RESPONDING. PLUS IT'S JUST WAY COOLER THAN DR.
14 PHIL APPROVED SORT OF WAY OF EXPRESSING YOURSELF KIND OF
15 THING.

16 I KNOW THAT SOMETIMES I GET WHINY, A LITTLE MORE
17 RECENTLY THAN USUAL FOR TWO REASONS. I GUESS I THOUGHT A
18 WHILE BACK THAT BY THE TIME SCHOOL STARTED, ALEX WOULD NOT
19 ONLY BE IN A STABLE ENVIRONMENT LIKE HE IS NOW, BUT THAT
20 HIS HEALTH ISSUES WOULD BE UNDER CONTROL, TOO.

21 I'M SURE YOU HOPED FOR THIS, TOO, AND I HONESTLY
22 BELIEVE THAT WE HAVE COME A LONG WAY. WE'RE NOT THERE
23 YET, BUT I EXPECT THAT TIME IS A CRITICAL ISSUE IN
24 SITUATIONS LIKE THIS. RUSHING THE PROCESS WOULD DO MORE
25 HARM THAN GOOD, AND WE'VE REALLY COME TOO FAR FOR THAT.

1 THE SECOND REASON FOR MY -- LATELY IS THAT I'M
2 TRANSITIONING. I JUST STARTED MY SOPHOMORE YEAR IN HIGH
3 SCHOOL. I HAVE JUST GOTTEN CONFIRMED INITIATING A
4 SELF-DISCOVERY OF HOW TO STRENGTHEN MY FAITH, AND I'M
5 PLAYING TENNIS AGAIN. NICK IS GOING OFF TO COLLEGE.

6 I MEAN, TALK ABOUT CHANGE. THIS IS COMING FROM A
7 GIRL WHO NEEDS TO SPEND AN ENTIRE WEEK TO ADJUST FROM
8 DRINKING REGULAR MOUNTAIN DEW TO DIET.

9 YOU, HOWEVER, HAVE HANDLED EVERYTHING SO MUCH BETTER
10 THAN I GIVE YOU CREDIT FOR. I KNOW SOMETIMES I WILL SAY
11 HURTFUL THINGS ABOUT RESENTING YOU OR SOME OF YOUR
12 DECISIONS, BUT THE FACT IS I DON'T MEAN THEM. I'M SO VERY
13 PROUD OF YOU.

14 YOU HAVE BEEN SO VERY BRAVE THROUGH ALL OF THIS. I
15 TRIED TO PUT MYSELF IN YOUR POSITION SOMETIMES AND I
16 REALIZE HOW MUCH COURAGE IT TAKES FOR YOU TO GIVE
17 UNCONDITIONAL LOVE TO A CHILD EXPECTING NOTHING IN RETURN.
18 IT IS SOMETHING I WILL NEVER FORGET.

19 YOU'RE A HARD WORKER AND I WOULDN'T BE WHO I AM OR
20 MAKE THE DECISIONS THAT I HAD TO MAKE WITHOUT YOU BEING
21 OPEN, HONEST, AND LOVING.

22 I KNOW SOMETIMES YOU LIKE TO THINK I'M GREAT, BUT I'M
23 JUST A PRODUCT OF WHAT YOU MOLDED. I'M PROUD OF EACH AND
24 EVERY DECISION YOU HAVE MADE NOT JUST WITH ALEX, BUT IN
25 EVERY DAY LIFE, AND I SUPPORT YOU TO THE FULLEST.

1 YOU HAVE BEEN MY MOM AND ON SOME OCCASIONS EVEN MY
2 DAD, MY TENNIS MATE, MY FRIEND, MY MENTOR THROUGH THE GOOD
3 AND THE BAD. TO BE HONEST, I'M SURE WE HAVE GOT -- WE'VE
4 STILL GOT A LOT OF BAD AHEAD OF US, BUT JUST KNOW THAT I'M
5 GOING TO BE STICKING IT OUT THERE WITH YOU AND THAT I LOVE
6 YOU VERY MUCH. [REDACTED]

7 Q PLEASE ANSWER ANY QUESTIONS THE DEFENSE HAS.

8 MR. KELLY: NO QUESTIONS.

9 THE COURT: YOU MAY STEP DOWN.

10 (WITNESS LEFT THE STAND.)

11 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN
12 OF THE JURY, YOU ALL HAVE BEEN SITTING ABOUT AN HOUR
13 AND A HALF. I'M GOING TO GIVE YOU ALL A BRIEF BREAK
14 TO REFRESH YOURSELVES.

15 DURING THE BREAK PLEASE DO NOT DISCUSS THE CASE
16 IN ANY WAY. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEAT.
17 I ANTICIPATE WE'LL BE ABOUT 10 MINUTES.

18 (JURY LEFT THE COURTROOM AT 3:13 PM.)

19 THE COURT: YOU MAY BE SEATED. ANY ADDITIONAL
20 WITNESSES -- SORRY. MY TONGUE GOT -- HOW MANY
21 ADDITIONAL WITNESSES DOES THE STATE ANTICIPATE
22 CALLING?

23 MR. HEMBREE: THAT'S GOING TO CONCLUDE THE
24 STATE'S CASE IN CHIEF IN THE PENALTY PHASE.

25 THE COURT: HOW MANY WITNESSES DOES THE DEFENSE

1 ANTICIPATE CALLING?

2 MR. KELLY: MA'AM, I THINK THAT WE -- WE'RE NOT
3 PREPARED TO START TILL THE MORNING, BUT I THINK
4 PROBABLY TAKE A FULL-DAY, MA'AM. WE HAVE GOT A --
5 I'D SAY FROM PROBATION AND PAROLE PROBABLY FIVE
6 WITNESSES.

7 FROM THE BERKELEY COUNTY AREA THERE ARE ABOUT
8 THREE. FROM THE SOLICITOR'S OFFICE THERE ARE ABOUT
9 SIX. FROM HORRY COUNTY PD THERE'S ONE. FROM MYRTLE
10 BEACH PD THERE ARE TWO.

11 THERE ARE TWO WITNESSES, ONE OF THEM RATHER
12 LENGTHY, FROM THIS AREA RIGHT HERE, GEORGETOWN
13 COUNTY, EMPLOYED AROUND -- HORRY COUNTY, AND THEN
14 THAT'S WHAT I CALL THE SORT OF -- THAT SIDE OF THE
15 CASE.

16 AND THEN THERE MAY BE WITNESSES THAT -- TWO
17 OTHER MEDICAL WITNESSES. SO RATHER EXTENSIVE, JUDGE.
18 AND IF WE -- MY INVESTIGATORS, I WAS TALKING WITH
19 THEM AROUND LUNCH AND THAT'S WHEN I FOUND OUT THAT
20 THIS SIDE OF THE CASE MIGHT CONCLUDE BEFORE THE
21 AFTERNOON WAS OVER.

22 WE WERE -- DIDN'T ANTICIPATE THAT BECAUSE THE
23 SOLICITOR SAID TWO DAYS ON HIS CASE. AND I BELIEVE
24 THE ONLY PEOPLE THAT WE CAN CALL -- ALSO JUDGE, I
25 BELIEVE THERE ARE THREE FROM THE GEORGETOWN COUNTY

1 JAIL, AND THOSE MIGHT BE LATER. HAVE TO ASK MY
2 INVESTIGATOR IF THOSE ARE AVAILABLE.

3 BUT WE JUST DIDN'T ANTICIPATE BEING LESS THAN
4 TWO DAYS, JUDGE. THAT'S WHY WE DIDN'T HAVE THEM
5 LINED UP.

6 THE COURT: OKAY. IN THE INTEREST OF TIME,
7 WE'LL NEED TO SEE IF YOU CAN GET ANY LINED UP FOR
8 TODAY BECAUSE WE STILL HAVE TWO HOURS OR MORE OF
9 COURT TIME.

10 I ASSUME PEOPLE YOU'RE TALKING ABOUT FROM THE
11 DETENTION -- ARE FROM THE DETENTION CENTER?

12 MR. KELLY: YES, MA'AM.

13 THE COURT: SHOULD BE ABLE TO TRANSPORT THESE
14 PEOPLE. I DON'T SEE THAT AS AN IMPEDIMENT.

15 MR. KELLY: I WILL CERTAINLY ASK THEM, SEE WHAT
16 WE CAN DO, MA'AM, TO TRY TO.

17 THE COURT: I THINK IT'S JUST A MATTER OF YOU
18 GIVING ME THEIR NAMES FOR ME TO DIRECT THEY BE
19 TRANSPORTED. I DON'T SEE THAT AS ANY -- ANY GREAT
20 DELAY. HOW FAR IS THE DETENTION CENTER FROM THE
21 COURTHOUSE?

22 MR. KELLY: MA'AM, MY INVESTIGATOR CAN GIVE YOU
23 THE NAMES INTO THE RECORD.

24 THE COURT: PARDON ME?

25 MR. KELLY: MY INVESTIGATOR CAN GIVE YOU THE

1 NAMES INTO THE RECORD.

2 THE COURT: OKAY. ALSO WHILE WE ARE OUTSIDE OF
3 THE JURY'S PRESENCE, DOES THE STATE MEAN TO PROFFER
4 ANY TESTIMONY THAT -- REGARDING THE ALLEGED MURDER OF
5 MR. TURNER THAT THE COURT EXCLUDED OR IS THE SUMMARY
6 OF THE PROFFERED TESTIMONY SUFFICIENT THAT YOU GAVE
7 TO ME DURING LUNCH ON YESTERDAY?

8 MR. HEMBREE: YES, YOUR HONOR, IT'S SUFFICIENT.

9 THE COURT: I JUST WANTED TO ASK FOR CLARITY.

10 MR. KELLY: MA'AM, THOSE NAMES, IF YOU PLEASE --
11 MY INVESTIGATOR SAID WE CAN JUST CALL THEM,
12 THEY'RE -- EVERYBODY IS ON CALL WITH SOME REASONABLE
13 DEGREE TO BE -- SHIRLEASE MAYNARD, SERGEANT VICTORIA
14 JONES, CORPORAL MICHAEL STANLEY.

15 THE COURT: THESE ARE EMPLOYEES?

16 MR. KELLY: YES, MA'AM.

17 THE COURT: THEN IT SHOULD NOT BE A PROBLEM. I
18 HAD THE IMPRESSION -- I WAS WONDERING WHY YOU --
19 NEVER MIND. OKAY. AND WHO ELSE DID YOU INDICATE YOU
20 MIGHT BE WILLING TO HAVE TODAY?

21 YOU STILL HAVE TO MAKE YOUR ARGUMENT, YOUR
22 OPENING ARGUMENT BECAUSE YOU RESERVED IT UNTIL YOU
23 WERE READY TO PRESENT YOUR CASE.

24 MR. KELLY: YES, MA'AM. WE CAN MAKE OPENING
25 ARGUMENTS RIGHT NOW.

1 THE COURT: OKAY. THEN WHAT WE'LL DO IS -- I
2 KNOW THAT SMOKERS ON THE JURY ARE TAKING A SMOKE
3 BREAK. WE WILL TAKE A SHORT RECESS AFTER WHICH I
4 WILL ALLOW THE STATE TO REST IN THE PRESENCE OF THE
5 JURY, ALLOW YOU ALL TO MAKE YOUR OPENING STATEMENT,
6 AND THEN WE WILL BE READY TO PROCEED WITH THOSE
7 WITNESSES THAT YOU INDICATED, AND THAT SHOULD TAKE US
8 THROUGH THE AFTERNOON.

9 MR. KELLY: THANK YOU, MA'AM.

10 THE COURT: YOU'RE WELCOME. YOU KNOW WHAT ELSE?
11 WE ALSO NEED TO PUT THE PHOTO OBJECTION ON THE
12 RECORD, BUT WE WILL DO THAT AFTER THE BREAK.

13 (WHEREUPON A RECESS WAS HAD.)

14 THE COURT: IS THE STATE READY TO PROCEED?

15 MR. HEMBREE: YES, YOUR HONOR. THE STATE'S
16 READY.

17 THE COURT: IS THE DEFENSE READY?

18 MR. KELLY: MR. DIGGS I BELIEVE IS IN THE...

19 THE COURT: OH, I'LL WAIT FOR HIM.

20 MR. KELLY: BUT WE'RE READY.

21 THE COURT: OKAY.

22 (WHEREUPON THERE WAS A PAUSE.)

23 THE COURT: ALL RIGHT. IS THE DEFENSE READY TO
24 PROCEED?

25 MR. DIGGS: YOUR HONOR, WE HAVE A COUPLE OF

1 MOTIONS WE NEED TO MAKE BEFORE THE JURY COMES BACK.

2 THE COURT: OKAY. FIRST LET'S DEAL WITH THE
3 PHOTOGRAPH. WHAT MOTIONS WOULD THERE BE TO MAKE THAT
4 ARE APPLICABLE AT THIS STAGE--

5 MR. DIGGS: DIRECTED VERDICT ON THE--

6 THE COURT: YOU'RE ABSOLUTELY CORRECT. I'M SO
7 SORRY. MY BRAIN WAS... HAD GONE WAY FAR AHEAD.
8 FIRST I NEED TO DEAL WITH THE PHOTOGRAPH, HOWEVER,
9 THEN WE'LL DEAL WITH THOSE.

10 MR. DIGGS: YOUR HONOR, I BELIEVE THAT WAS
11 PHOTOGRAPH NUMBER 100.

12 THE COURT: GIVE ME ONE MOMENT, PLEASE. I
13 BELIEVE THERE ARE THREE PHOTOS YOU OBJECTED TO.

14 MR. DIGGS: YES, MA'AM. IT WAS THE...

15 THE COURT: THE HOLE IN THE NECK, THE PICTURE OF
16 HER FACE, AND THE PICTURE OF HER HANDS BOUND BEHIND
17 HER BACK.

18 MR. DIGGS: YES, MA'AM. ONE OF THEM WAS DOWN
19 WITH THE STATE'S EXHIBIT NUMBER 100. THAT WAS THE
20 CLOSE-UP OF MS. LING'S FACE. AND--

21 THE COURT: WAIT A SECOND. WE NEED TO LOCATE
22 THEM SO THAT---

23 MR. HEMBREE: YOUR HONOR--

24 THE COURT: -- TO WHICH EXHIBITS WE'RE REFERRING
25 TO.

1 MR. HEMBREE: THE THREE EXHIBITS IN QUESTION ARE
2 STATE'S 97, STATE'S 100, AND STATE'S 101.

3 MR. DIGGS: AND YOUR HONOR, BASICALLY--

4 THE COURT: WAIT ONE SECOND. I AM NOT READY TO
5 HEAR ARGUMENT. IF YOU COULD HAND THOSE PICTURES TO
6 ME, PLEASE.

7 MR. HEMBREE: YES, YOUR HONOR.

8 THE COURT: OKAY. PRIOR US TO BEGINNING THE
9 TESTIMONY OF DR. COLLINS THE STATE ASKED FOR A SIDE
10 BAR AND INDICATED THAT THEY WERE SEEKING TO INTRODUCE
11 STATE'S EXHIBIT 97, 100, AND 101, WHICH ARE -- 97 IS
12 A -- DEPICTS A CLEANSED WOUND POST-MORTEM ON THE
13 VICTIM, HER FACE AS SHE PRESENT -- I'M REFERRING TO
14 100 -- HER FACE AS IT PRESENTED AT THE MORGUE AFTER
15 BEING PICKED UP AND TRANSPORTED, AND 101 WHICH SHOWS
16 HER HANDS AND ARMS BOUND AS SHE WOULD HAVE PRESENTED
17 TO THE MEDICAL EXAMINER.

18 AND I INDICATED THAT YOUR OBJECTION WOULD BE
19 PRESERVED FOR THE RECORD, BUT THAT THE COURT WOULD
20 ADMIT THE PHOTOGRAPHS. SO I WOULD ASK THAT YOU MAKE
21 YOUR ARGUMENTS AS SUCCINCT TO PRESERVE -- PURPOSES TO
22 PRESERVE THE RECORD.

23 MR. DIGGS: YES, MA'AM. THANK YOU VERY MUCH.
24 WE OBJECTED TO THE PHOTOGRAPHS ON THE GROUNDS THAT
25 THEY WERE INFLAMMATORY, AND EVEN UNDERSTANDING THAT

1 THEY HAVE -- GENERALLY THAT THE PROSECUTION IS
2 GRANTED LATITUDE AT THIS STAGE, THOSE PHOTOGRAPHS,
3 HOWEVER, ONLY WOULD SERVE TO INFLAME THE JURY AT THIS
4 POINT BECAUSE EVIDENCE DEPICTED IN THAT PHOTOGRAPH OR
5 IN THOSE PHOTOGRAPHS WAS ALREADY IN THE RECORD TO
6 ADEQUATELY EXPLAIN TO THE JUROR, JURORS WHAT WAS
7 DEPICTED IN THE PHOTOGRAPH BOTH WITH RESPECT TO THE
8 CIRCUMSTANCES OF THIS CRIME AND THE CHARACTERISTICS
9 OF THE DEFENDANT.

10 AND FOR THOSE REASONS THE PHOTOGRAPHS ADDED
11 NOTHING TO THE PROBATIVE VALUE, YOUR HONOR,
12 ADDITIONAL PASSION AND PREJUDICE, AND THAT'S THE
13 BASIS FOR THE OBJECTION.

14 *THE COURT:* WOULD THE STATE LIKE TO RESPOND?

15 *MR. HEMBREE:* VERY BRIEFLY, YOUR HONOR. THE
16 PHOTOGRAPHS ARE RELEVANT TO THE ISSUES, AGGRAVATING
17 FACTORS OF KIDNAPPING ON THE HANDS TIED BEHIND THE
18 BACK AND TO THE FACTORS OF PHYSICAL TORTURE AS TO THE
19 CUT, THE CUT TO THE NECK AS WELL AS THE INJURIES TO
20 THE FACE.

21 DR. COLLINS TESTIFIED THAT BOTH OF THESE
22 INJURIES INDICATED THAT THEY WERE INDICATIVE OF
23 PHYSICAL TORTURE WHICH IS ONE OF THE AGGRAVATING
24 CIRCUMSTANCES THAT WE HAVE ALLEGED.

25 *THE COURT:* THE COURT INDICATED AT THAT TIME THE

1 PHOTOS WOULD BE ADMITTED PURSUANT TO STATE VERSUS
2 JOHNSON AND STATE VERSUS TODD AND STATE VERSUS
3 LANGLEY AS WELL AS STATE VERSUS KOHNARENS.

4 IN THE SENTENCING PHASE THE JURY MAY BE
5 PERMITTED TO SEE PHOTOGRAPHS WHICH DEPICT THE BODIES
6 OF THE MURDER VICTIM IN SUBSTANTIALLY THE SAME
7 CONDITION IN WHICH THE DEFENDANT LEFT THEM AS WELL AS
8 PHOTOGRAPHS ARE ADMISSIBLE IN AGGRAVATION AS THEY
9 DEMONSTRATE THE CIRCUMSTANCES FOR THE CRIME, AND
10 THAT'S PRESUMED -- STATE VERSUS GILBERT, STATE VERSUS
11 GREEN, STATE VERSUS GADSDEN AND STATE VERSUS WOOLSBY.

12 ALTHOUGH THE COURT IS REQUIRED TO BALANCE THE
13 PREJUDICIAL EFFECT OF THE PHOTOGRAPHS AND THEIR
14 PROBATIVE VALUE IN THE SENTENCING PHASE, THE SCOPE OF
15 PROBATIVE VALUE IS MUCH BROADER THAN IN THE GUILT
16 PHASE, AND THAT IS PURSUANT TO STATE VERSUS
17 KOHNARENS.

18 AND AGAIN, BASED ON STATE VERSUS SHAW,
19 PHOTOGRAPHS OF POST-MORTEM ABUSE ARE ADMISSIBLE.
20 WELL, ACTUALLY I REDACT THAT FOR THE RECORD. THAT
21 WOULD NOT BE FACTUALLY APPLICABLE IN THIS CASE.

22 IN ADDITION, ADMISSIBILITY OF PHOTOGRAPHS NOT
23 LIMITED -- ARE NOT LIMITED ONLY TO DEMONSTRATE AN
24 AGGRAVATING CIRCUMSTANCE IN THE CASE. AS I ALREADY
25 INDICATED, THEY ARE ADMISSIBLE TO DEPICT BODIES OF

1 VICTIM IN SUBSTANTIALLY THE SAME CONDITION AS IN
2 WHICH THE DEFENDANT LEFT THE BODY.

3 CLEARLY PHOTOGRAPHS 97, 100, AND 101 WOULD BE
4 ADMISSIBLE PURSUANT TO THAT CRITERIA. AND WHEN THE
5 COURT LOOKS AT BALANCING THE PREJUDICIAL EFFECT
6 AGAINST THEIR PROBATIVE VALUE, THE COURT WOULD FIND
7 THAT THEIR PROBATIVE VALUE IS SUBSTANTIALLY
8 OUTWEIGHED BY ANY POTENTIAL FOR PREJUDICIAL EFFECT,
9 AND TAKING INTO ACCOUNT THE FACT THAT THE -- IN THE
10 SENTENCING PHASE THE SCOPE OF THE PROBATIVE VALUE IS
11 MUCH BROADER.

12 AND QUITE FRANKLY, THE COURT WOULD NOT FIND THAT
13 THESE PHOTOGRAPHS, YOU KNOW, AND I HATE AGAIN TO
14 SOUND UNEMPATHETIC, BUT ON A SCALE OF ONE TO 10, THEY
15 PROBABLY ARE FIVE BASED ON WHAT I HAVE SEEN BEFORE,
16 REALLY PROBABLY CLOSER TO A THREE OR A TWO.

17 SO YOU KNOW, I HAVE SEEN FAR MORE GRUESOME
18 PHOTOGRAPHS. AND QUITE FRANKLY FOR THE PURPOSES FOR
19 WHICH THE STATE HAS SOUGHT TO INTRODUCE, THERE'S MORE
20 THAN SUFFICIENT BASIS FOR THEIR ADMISSION. YOUR
21 EXCEPTION IS NOTED FOR THE RECORD. GIVE THIS BACK
22 TO...

23 MR. DIGGS: THANK YOU, YOUR HONOR.

24 THE COURT: YOU'RE WELCOME. GIVE THOSE TO THE
25 COURT REPORTER FOR ME. ALL RIGHT. NOW, THE STATE IS

1 GOING TO REST?

2 MR. HEMBREE: YES.

3 THE COURT: OKAY. AND I WILL GIVE YOU AN
4 OPPORTUNITY TO REST IN THE PRESENCE OF THE JURY.

5 MR. DIGGS: SHOULD I GO AHEAD AND MAKE THAT
6 MOTION NOW BEFORE THEY COME BACK?

7 THE COURT: YES. I'D LIKE TO GO AHEAD AND DEAL
8 WITH IT NOW IF WE CAN OUTSIDE OF THEIR PRESENCE
9 INSTEAD OF HAVING TO TAKE THEM BACK AND FORTH.

10 MR. DIGGS: YES, MA'AM. THERE ARE FIVE
11 AGGRAVATING CIRCUMSTANCES THAT ARE IN THIS CASE. ONE
12 IS THE MURDER WAS COMMITTED WHILE IN THE COMMISSION
13 OF A CRIMINAL SEXUAL CONDUCT, AND OUR ARGUMENT WOULD
14 BE ON THIS CASE ON THIS PARTICULAR CIRCUMSTANCE,
15 NUMBER ONE, WOULD BE THAT MS. LING WAS MURDERED, ACTS
16 THAT RESULTED IN HER DEATH HAD ALREADY PRIMARILY BEEN
17 CONCLUDED BY THE TIME [REDACTED] HAD BEEN TAKEN FROM
18 HER ROOM AND BROUGHT INTO MS. LING.

19 THE COURT: IS IT YOUR CONTENTION THAT SHE WAS
20 DEAD PRIOR TO THE CSC TAKING PLACE?

21 MR. DIGGS: IT'S OUR CONTENTION THAT ALL OF THE
22 ACTS -- IF YOU GO BACK AND CONSIDER THE DOCTOR'S
23 TESTIMONY, THAT THE DEATH IN THIS CASE RESULTED FROM
24 A COMBINATION OF STRANGULATION AND BEING CUT.

25 THE COURT: AND BLUNT FORCE TRAUMA.

1 MR. DIGGS: YES, MA'AM, TO THIS AREA.

2 THE COURT: WELL, SHE ALSO TESTIFIED THAT THERE
3 WAS STRANGULATION DUE TO PETECHIAL HEMORRHAGE THAT
4 WAS EVIDENT IN HER EYE, THAT ALSO HER DEATH WAS
5 ATTRIBUTABLE TO BLUNT FORCE TRAUMA TO HER HEAD.

6 AND ALSO THERE'S TESTIMONY FROM [REDACTED] LING
7 THAT HER MOTHER WAS NOT DEAD PRIOR TO THE SEXUAL
8 OFFENSE BEING COMPLETED.

9 MR. DIGGS: RIGHT. BUT I--

10 THE COURT: THERE WERE OTHER ACTS OF VIOLENCE
11 DONE TO THE BODY WITHIN THE COURSE OF THE SEXUAL
12 ASSAULT.

13 MR. DIGGS: WELL, IF THE EVIDENCE -- OUR TAKE ON
14 THE EVIDENCE WOULD BE THAT THE REASONABLE INFERENCES
15 ARE THAT THE ACTS THAT HAD ULTIMATELY CAUSED THE
16 DEATH OF LAURA LING HAD BEEN ACCOMPLISHED BEFORE THE
17 SEXUAL ASSAULT BEGAN.

18 THE SEXUAL ASSAULT BEGAN AFTER MR. STANKO LEFT
19 THE PREMISES, SO TO SPEAK, WENT INTO A DIFFERENT AREA
20 OF THE HOUSE, AND THERE ACCORDING TO THE EVIDENCE
21 BEGAN THE ASSAULT.

22 AND SO THAT WOULD BE OUR INITIAL MOTION THAT
23 THIS PARTICULAR AGGRAVATING CIRCUMSTANCE WOULD BE
24 INAPPLICABLE TO THIS CASE BECAUSE TYPICALLY, YOUR
25 HONOR, THE -- THIS CIRCUMSTANCE WAS INITIALLY

1 CONTEMPLATED, I WOULD SUBMIT -- ONE OF THOSE
2 SITUATIONS WHERE THERE WAS A KIDNAPPING OF AN
3 INDIVIDUAL, SEXUAL ASSAULT OF THAT INDIVIDUAL, AND A
4 KILLING OF THAT INDIVIDUAL.

5 THE COURT: THE STATUTE SAY THAT?

6 MR. DIGGS: WELL, I WOULD ARGUE THAT TYPICALLY
7 THAT WOULD BE THE LEGISLATIVE INTENT. AND AS YOU
8 KNOW, THE STATUTE SHOULD BE NARROWLY CONSTRUED IN
9 CRIMINAL CASES IN THIS SITUATION--

10 THE COURT: STATUTES SHOULD BE GIVEN ITS PLAIN
11 AND ORDINARY MEANING; SHOULDN'T IT?

12 MR. DIGGS: IT SHOULD BE. BUT IF IT CAN BE
13 CONSTRUED WRONGLY -- NARROWLY, THE COURT SHOULD
14 CONSTRUE IT NARROWLY. YOUR HONOR--

15 THE COURT: LET ME ASK THE QUESTION. DOES THE
16 STATE WANT TO RESPOND TO EACH MOTION ON AGGRAVATING
17 CIRCUMSTANCES MADE OR DO YOU WANT TO WAIT AND ARGUE
18 THEM ALL AT ONE TIME?

19 MR. HUMPHRIES: ARGUE THEM ALL AT THE END, YOUR
20 HONOR.

21 THE COURT: MR. DIGGS, YOU MAY CONTINUE.

22 MR. DIGGS: THANK YOU, YOUR HONOR.

23 THE COURT: YOU'RE WELCOME.

24 MR. DIGGS: WITH RESPECT TO THE SECOND
25 AGGRAVATING CIRCUMSTANCE, THE MURDER WAS COMMITTED

1 WHILE IN THE COMMISSION OF A KIDNAPPING. THE --
2 AGAIN, THE DOCTOR TESTIFIED HE DIDN'T KNOW WHAT THE
3 SEQUENCE OF EVENTS WAS HERE.

4 WE DIDN'T KNOW WHEN THE BLOWS WERE INFLICTED,
5 WHEN THE BINDING OF MS. LING OCCURRED. AND SO
6 BECAUSE OF THE INABILITY TO EXPLAIN PRECISELY WHAT
7 HAPPENED HERE, WE'RE LEFT TO CONJECTURE WITH RESPECT
8 TO THE FACTS, THE UNDERLYING FACTS, THAT CONSTITUTE
9 KIDNAPPING WITH RESPECT TO MS. LING.

10 AND I WOULD SUGGEST AGAIN, AND I WOULD
11 RESPECTFULLY SUBMIT THAT THOSE ACTS WITH RESPECT TO
12 THE KIDNAPPING WHICH OCCURRED WITH RESPECT TO
13 MS. LING HAD BEEN COMPLETED BEFORE THE KIDNAPPING OF
14 [REDACTED], AND THAT BECAUSE OF THE AMBIGUITY OR THE
15 INABILITY TO DETERMINE PRECISELY WHAT HAPPENED, THAT
16 AGGRAVATING CIRCUMSTANCE WITH RESPECT TO THE MURDER
17 WOULD FAIL UNDER THE STATE'S EVIDENCE THEY PRESENTED
18 IN THIS CASE.

19 NUMBER THREE, THE MURDER COMMITTED WHILE IN THE
20 COMMISSION OF A ROBBERY WHILE ARMED WITH A DEADLY
21 WEAPON. THERE IS NO EVIDENCE OF A DEADLY WEAPON.
22 ORDINARY THINGS WERE USED HERE WITH RESPECT TO THE
23 COMMISSION OF THE MURDER.

24 THERE WAS A KNIFE USED, BUT AT THAT TIME WHEN
25 YOU LOOK AT THE EVIDENCE WITH RESPECT TO THE CAR, FOR

1 EXAMPLE, NOTHING WAS DONE AFTER THE FACT ALMOST AS AN
2 AFTERTHOUGHT I WOULD SUBMIT.

3 THE COURT: SHOULDN'T HAVE TO BE ALIVE FOR AN
4 ARMED ROBBERY TO TAKE PLACE.

5 MR. DIGGS: WELL, YOUR HONOR, I WOULD SUBMIT
6 THAT THE ROBBERY MEETS BY ITS MEANING, AND FROM THE
7 COMMON LAW THE WAY IT'S REFERENCED IN THE STATUTE,
8 ROBBERY IS TAKING BY FORCE FROM THE PRESENCE OF--

9 THE COURT: FORCE WOULD BE A PART--

10 MR. DIGGS: I'M SORRY?

11 THE COURT: TAKING KEYS BY FORCE WOULD BE A PART
12 OF THAT, WOULDN'T IT? WOULDN'T THAT CONSTITUTE
13 PHYSICAL TAKING AWAY OF THE KEYS? WOULD IT ALL BE
14 ONE CONTINUUM?

15 MR. DIGGS: WELL, IN THIS CASE, MR. STANKO
16 ROUTINELY HAD ACCESS TO THE CAR, AND SO FOR THIS
17 PARTICULAR PURPOSE--

18 THE COURT: I DON'T KNOW THAT I'M GOING TO TAKE
19 THAT ARGUMENT TO ITS LOGICAL CONCLUSION BECAUSE YOU
20 WOULD BE ARGUING WHILE SHE WAS BOUND THAT SHE
21 CONSENTED TO THE TAKING OF THE VEHICLE.

22 MR. DIGGS: NO. NO. WHAT I'M SAYING IS IT
23 DOESN'T FIT THE PATTERN FOR ROBBERY, AND IT -- THAT
24 WAS SOMETHING THAT WASN'T -- THAT DID NOT OCCUR
25 SUFFICIENTLY IN PROXIMITY IN TIME WITH THE MURDER,

1 CONSTITUTE MURDER IN THE COMMISSION OF A ROBBERY,
2 PURPOSE OF THE ASSAULT IS NOT TO STEAL -- THE CAR FOR
3 EXAMPLE, IS NOT ANY EVIDENCE TO SHOW THAT.

4 THE FACT THAT HE DID AFTER THE FACT WOULDN'T --
5 WOULDN'T BE SUFFICIENT TO COME WITHIN THE RESTRICTORS
6 OF THE AGGRAVATING CIRCUMSTANCES. THAT'S WHAT MAKES
7 A MURDER A CAPITAL MURDER AS OPPOSED TO A NON-CAPITAL
8 MURDER.

9 THAT PARTICULAR -- TAKING OF THE BRACELET, YOUR
10 HONOR, IS NOT SUFFICIENT EVIDENCE TO MAKE THIS
11 MURDER, THIS PARTICULAR MURDER, ESPECIALLY CRUEL, I
12 MEAN, WORTHY OF BEING DISTINGUISHED AND SET APART
13 FROM TAKING -- AND SO BASED ON THAT WE WOULD ASK FOR
14 A DIRECTED VERDICT ON THAT PARTICULAR AGGRAVATING
15 CIRCUMSTANCE.

16 THE SAME ARGUMENT WOULD BE APPLICABLE TO MURDER
17 COMMITTED IN THE COMMISSION -- WHILE IN THE
18 COMMISSION OF A LARCENY. WE HAD BASICALLY THE SAME
19 THINGS. WE KNOW -- WE UNDERSTAND THAT COMMON LAW
20 DIFFERENCE BETWEEN ROBBERY AND LARCENY.

21 AND I WOULD SUBMIT THE SAME ARGUMENT WOULD APPLY
22 TO BOTH OF THOSE PARTICULAR CIRCUMSTANCES. ALSO THE
23 PHYSICAL TORTURE, YOU -- YOU HEARD THE
24 CROSS-EXAMINATION CONDUCTED BY COUNSEL OF THE STATE'S
25 DOCTOR WITH RESPECT TO THE IDEA OF TORTURE.

1 THE DOCTOR WAS NOT ABLE TO GIVE US A FACTUAL
2 SCENARIO, ANY SPECIFICITY OF THE SEQUENCE OF THE
3 PARTICULAR ACTS THAT OCCURRED IN THIS CASE WHILE
4 IN -- CERTAIN CRIMINAL ACTS WERE PHYSICAL, DESIGNED
5 TO INFLICT PHYSICAL HARM AND TORTURE STANDS APART AS
6 A MEANS OF INTENDING TO CAUSE SPECIAL SUFFERING IN
7 ADDITION TO THE ACT OF DEATH, STRANGULATION WOULDN'T
8 RISE TO THE LEVEL OF TORTURE.

9 I WOULD SUBMIT THAT IT WOULD -- NECESSARILY, A
10 BATTERY, YOUR HONOR, EVEN THOUGH THE VICTIM WAS
11 BOUND, THAT IS NOT TORTURE WITHIN THE MEANING OF --
12 THE LEGISLATIVE MEANING OF THAT PARTICULAR
13 AGGRAVATING CIRCUMSTANCE.

14 TORTURING SOMEONE IS PUTTING THROUGH -- PUTTING
15 THEM THROUGH INTENTIONAL SUFFERING, AGONY, AND PAIN,
16 AND THAT KIND OF CONDITION BEFORE THE ACTUAL ACT
17 CAUSING THE DEATH HAS OCCURRED.

18 AND YOUR HONOR, THAT DIDN'T HAPPEN AT -- EVEN
19 UNDER THE STATE'S SCENARIO OF THE CASE THERE WAS AN
20 EXPLOSION OF ANGER BY -- OBVIOUSLY BY THIS DEFENDANT
21 TO -- RESULTED IN THE KILLING. THERE WAS NOT --
22 THERE WAS NO EVIDENCE--

23 THE COURT: THE STATE'S VERSION IS THAT IT WAS
24 PREMEDITATED, THAT HE BOUND WHILE SHE WAS SLEEPING,
25 THAT IT WAS HIS INTENTION TO KILL HER, HIS INTENTION

1 TO RAPE HER CHILD, AND IT WAS HIS INTENTION TO TAKE
2 EVERYTHING HE TOOK AND LEFT. I BELIEVE THAT IS THEIR
3 VERSION.

4 MR. DIGGS: RIGHT. BUT IT DOESN'T INCLUDE
5 TORTURE. SO THAT WOULD BE OUR BASIS FOR THE RECORD.

6 THE COURT: ANYTHING FROM THE STATE?

7 MR. HUMPHRIES: VERY BRIEFLY, YOUR HONOR. AS
8 RELATES TO THE FIRST -- THE AGGRAVATING CIRCUMSTANCE
9 THAT THE MURDER WAS COMMITTED WHILE IN THE COMMISSION
10 OF CRIMINAL SEXUAL CONDUCT IN ANY DEGREE, THERE IS
11 AMPLE EVIDENCE, AND IN FACT THE JURY HAS FOUND THAT A
12 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE WAS
13 COMMITTED BEYOND A REASONABLE DOUBT.

14 THAT EVIDENCE WAS INCORPORATED BY REFERENCE INTO
15 THIS PHASE AND IS A PART OF THIS RECORD FOR THE
16 PENALTY FOR THE PURPOSE OF SUPPORTING THAT FINDING.
17 OBVIOUSLY THE JURY HAS TO MAKE AN INDEPENDENT
18 FINDING, BUT THAT EVIDENCE IS PRESENT.

19 YOUR HONOR, AS TO THE MURDER HAVING BEEN
20 COMMITTED IN THE COMMISSION OF A KIDNAPPING, THERE
21 AGAIN IS AMPLE EVIDENCE IN THE SAME REGARD AS RELATES
22 TO BOTH VICTIMS, THAT THEY WERE BOTH BOUND.

23 THE TESTIMONY IN -- JUST RECOUNT VERY BRIEFLY --
24 THE TESTIMONY OF [REDACTED] LING WAS THAT THE MOTHER
25 WAS BOUND PRIOR TO HER DEATH. AND AGAIN, AS WE

1 ARGUED BEFORE THE DIRECTED VERDICT MOTION IN THE
2 GUILT PHASE, THE DEFENSE -- THE DEFENSE'S ARGUMENT
3 THAT THE KIDNAPPINGS SHOULDN'T STAND BECAUSE THEY
4 WERE A PART OF EITHER THE MURDER AND OR THE CRIMINAL
5 SEXUAL CONDUCT ARE COMPLETELY WITHOUT PERMIT.

6 AND I WON'T GO INTO THE -- TO THE ANALYSIS OF
7 THAT EXCEPT TO SAY THAT THEY ARE SEPARATE ACTS AND
8 NOT NECESSARY TO ACCOMPLISH EITHER OF THOSE TWO
9 OFFENSES, EITHER CRIMINAL SEXUAL CONDUCT OR THE
10 MURDER.

11 AGAIN, THERE IS AMPLE EVIDENCE OF BOTH OF THOSE,
12 OF THAT AGGRAVATING CIRCUMSTANCE BY VIRTUE OF THE
13 PRIOR CONVICTIONS INTO EVIDENCE WHICH HAS BEEN
14 INCORPORATED INTO THIS RECORD IN THE SENTENCING
15 PHASE.

16 AS RELATES TO ROBBERY, THE COURT IS OBVIOUSLY
17 ACCURATE WHEN IT -- WHEN IT SAYS THE VICTIM NEED NOT
18 BE ALIVE AT THE TIME OF THE COMPLETION OF THE ARMED
19 ROBBERY. ARMED ROBBERY IS A CONTINUING OFFENSE.

20 HE -- AND AGAIN, THERE IS EVIDENCE IN THE RECORD
21 OBVIOUSLY WHICH SUPPORTS THAT CHARGE AS WELL BY
22 VIRTUE OF THE CONVICTION.

23 AS RELATES TO THE AGGRAVATING CIRCUMSTANCE THAT
24 THE MURDER WAS COMMITTED WHILE IN THE COMMISSION OF A
25 LARCENY WITH USE OF A DEADLY WEAPON, OF COURSE THE

1 COURT HAS SAID IN ELKINS THAT IT IS NOT ERR FOR THE
2 TRIAL JUDGE TO SUBMIT ROBBERY WHILE ARMED WITH A
3 DEADLY WEAPON AND LARCENY WITH A DEADLY WEAPON. THEY
4 STAND ALONE BASED ON THE FACTS.

5 AND AGAIN, THERE IS AMPLE EVIDENCE I SUBMIT TO
6 THE COURT BASED ON THE EVIDENCE IN THE GUILT PHASE
7 THAT THE STATE HAS MET ITS BURDEN AT LEAST AT THIS
8 STAGE IN SUPPORTING THAT LARCENY WITH THE USE OF A
9 DEADLY WEAPON.

10 AS TO PHYSICAL TORTURE, THERE IS A -- THERE IS A
11 CHARGE -- THERE IS THE CHARGE WHICH IS APPROVED BY
12 THE SUPREME COURT IN REGARD TO AGGRAVATING
13 CIRCUMSTANCE OF PHYSICAL TORTURE OR MURDER WHILE IN
14 THE COMMISSION OF PHYSICAL TORTURE.

15 VERY BRIEFLY, THAT TORTURE OCCURS WHEN THE
16 VICTIM IS SUBJECTED TO SERIOUS PHYSICAL ABUSE BEFORE
17 DEATH. TORTURE OCCURS WHEN THE VICTIM IS SUBJECTED
18 TO AGGRAVATED BATTERY, AND IT GOES ON.

19 YOUR HONOR, THE EVIDENCE IN THIS RECORD IS -- IS
20 FULL OF TESTIMONY AND OTHER EVIDENCE WHICH SUPPORTS
21 THE STATE'S AGGRAVATING CIRCUMSTANCE IN THAT REGARD.
22 SHE WAS -- SHE WAS BEATEN BEFORE DEATH BASED ON THE
23 TESTIMONY OF [REDACTED] LING AND THE PATHOLOGIST.

24 THE PATHOLOGIST TESTIFYING THAT THEY WERE
25 PRE-MORTEM INJURIES, THAT THEY WERE INDEED PAINFUL,

1 AND THAT THERE WERE NUMEROUS WOUNDS WHICH -- WHICH
2 COULD HAVE -- WHICH COULD SUPPORT THAT, AND IN TOTAL
3 OBVIOUSLY SUPPORT THAT AGGRAVATING CIRCUMSTANCE.

4 I BELIEVE I HAVE ADDRESSED ALL OF THEM, YOUR
5 HONOR, UNLESS YOU SEE SOME LAPSE IN THAT BRIEF
6 ANALYSIS.

7 THE COURT: IN CONSIDERING A MOTION FOR DIRECTED
8 VERDICT THE COURT IS REQUIRED TO VIEW THE EVIDENCE IN
9 THE LIGHT MOST FAVORABLE TO THE STATE AND ALL
10 REASONABLE INFERENCES FROM THAT EVIDENCE.

11 THE COURT, OF COURSE, IS CONCERNED WITH THE
12 EXISTENCE OR NON-EXISTENCE OF EVIDENCE AND NOT ITS
13 WEIGHT. IT IS NOT FOR THE COURT TO ACT AS THE FACT
14 FINDER AND WHERE THE EVIDENCE IS CAPABLE AND
15 SUSCEPTIBLE OF MORE THAN ONE INFERENCE, AGAIN, THE
16 COURT IS CONCERNED WITH THE EXISTENCE OR
17 NON-EXISTENCE OF EVIDENCE AND NOT ITS WEIGHT.

18 AS REGARD TO THE DIRECTED VERDICT ON THE
19 AGGRAVATING CIRCUMSTANCE, MURDER WHILE IN THE
20 COMMISSION OF CRIMINAL SEXUAL CONDUCT IN THE FIRST
21 DEGREE, THE COURT WOULD FIND THAT IT IS AMPLY
22 SUPPORTED BY THE RECORD.

23 AGAIN, THE COURT IS CONCERNED WITH THE EXISTENCE
24 OR NON-EXISTENCE OF EVIDENCE AND NOT ITS WEIGHT. THE
25 DEFENDANT'S ARGUMENT GOES GREATLY AND ENCOURAGES THE

1 COURT TO WEIGH THE EVIDENCE. THAT IS NOT THE COURT'S
2 PREROGATIVE. THE COURT IS NOT THE FACT FINDER IN
3 EITHER STAGE OF THIS TRIAL.

4 CLEARLY THE TESTIMONY OF [REDACTED] LING WOULD
5 SUPPORT THAT FACTOR. HER TESTIMONY, WITHOUT GOING
6 INTO ALL OF THE SPECIFICS OF IT, INDICATES THAT WHILE
7 THE SEXUAL OFFENSE WAS TAKING PLACE THAT THE
8 DEFENDANT CONTINUED TO ASSAULT HER MOTHER WHICH
9 EVENTUALLY LED TO HER MOTHER'S DEATH.

10 AND AGAIN, I'M NOT GOING TO GO THROUGH EVERY
11 ELEMENT OF HER TESTIMONY. I DON'T THINK IT WOULD
12 SUIT US IN TERMS OF TIME NOR THAT THAT WOULD BE AN
13 EFFICIENT -- ON BEHALF OF THE COURT.

14 AND THE EVIDENCE HAS ALREADY BEEN INCORPORATED
15 FROM THE GUILT PHASE OF THIS TRIAL BY BOTH PARTIES IN
16 THIS PHASE OF THE TRIAL. I THINK WE ALL ARE FULLY
17 AWARE OF HER TESTIMONY.

18 THE MOTION FOR DIRECTED VERDICT REGARDING MURDER
19 IS COMMITTED WHILE IN THE COMMISSION OF KIDNAPPING,
20 THERE IS MORE THAN AMPLE EVIDENCE IN THE RECORD, BOTH
21 DIRECT AND CIRCUMSTANTIAL, TO SUPPORT THAT
22 AGGRAVATING CIRCUMSTANCE BEING SUBMITTED AND WOULD
23 NOT BE APPROPRIATE FOR THE COURT TO GRANT A DIRECTED
24 VERDICT.

25 AGAIN, IT'S NOT FOR THE COURT TO WEIGH EVIDENCE

1 BUT ONLY THE EXISTENCE OR NON-EXISTENCE OF EVIDENCE,
2 IT IS THE RELEVANT CRITERIA FOR THE COURT.

3 AND VIEWING THE EVIDENCE IN THE LIGHT MOST
4 FAVORABLE TO THE STATE, WHETHER SHE WAS BOUND BEFORE,
5 WHICH IS THEIR THEORY, OR BOUND AFTER OR BOUND
6 SOMETIME IN BETWEEN IS NOT A QUESTION FOR THE COURT
7 TO RESOLVE.

8 THERE IS MORE THAN AMPLE EVIDENCE IN THE RECORD
9 TO SUPPORT THAT SHE WAS BOUND PRIOR TO THE EVENTS
10 THAT TOOK PLACE THAT RESULTED IN HER DEATH. AND IN
11 ANY EVENT, THAT WOULD BE A JURY QUESTION.

12 AS TO THE THIRD MOTION REGARDING MURDER WHILE IN
13 THE COURSE OF A ROBBERY, THE USE OF A DEADLY WEAPON,
14 THE DEFENSE HAS ARGUED THAT ORDINARY OBJECTS ARE NOT
15 NECESSARILY CONSIDERED A DEADLY WEAPON. AND QUITE
16 FRANKLY, PRECEDENCE WOULD DISAGREE WITH THAT.

17 CASE LAW IS VERY CLEAR THAT HANDS, FIST, OR AN
18 ORDINARY OBJECT CAN BE CONSIDERED A DEADLY WEAPON.
19 THAT IS, OF COURSE, A FACTUAL ISSUE FOR THE JURY TO
20 DETERMINE WHEN WEIGHING THE EVIDENCE.

21 AND OF COURSE, THEY WERE GIVEN THAT CHARGE
22 DURING THE COURSE OF THE GUILT PHASE OF THE TRIAL.
23 AND IT IS UP TO THE JURY TO LOOK AT THE TOTALITY OF
24 THE CIRCUMSTANCES TO DETERMINE IF THEY FEEL THAT
25 THOSE ARE ORDINARY OBJECTS AS -- IS A DEADLY WEAPON,

1 AND CLEARLY A KNIFE COMES WITHIN THE LISTING FOR A
2 DEADLY WEAPON.

3 AGAIN, THERE IS SUFFICIENT EVIDENCE IN THE
4 RECORD THAT A KNIFE WAS USED. AND AGAIN, THE
5 DEFENDANT -- THE VICTIM IN THIS CASE DID NOT HAVE TO
6 BE ALIVE FOR A ROBBERY TO TAKE PLACE, AND THERE'S
7 MORE THAN SUFFICIENT EVIDENCE, DIRECT TESTIMONY, WITH
8 THAT [REDACTED] LING TO SUPPORT THAT AGGRAVATING
9 CIRCUMSTANCE BEING SUBMITTED, AT LEAST AT THIS STAGE
10 OF THE PROCEEDING.

11 AND THERE IS SUFFICIENT EVIDENCE THAT THE ACTS
12 WERE PREMEDITATED AND THAT IT WAS THE DEFENDANT'S
13 INTENTION TO REMOVE THE VEHICLE DURING THE COURSE OF
14 BEHAVIOR.

15 AGAIN, THE COURT IS CONCERNED WITH THE EXISTENCE
16 OR NON-EXISTENCE OF EVIDENCE AND NOT ITS WEIGHT. AND
17 THERE IS SUBSTANTIAL CIRCUMSTANTIAL AS WELL AS DIRECT
18 TESTIMONY THAT SUPPORT THAT AGGRAVATING CIRCUMSTANCE.

19 AS REGARD TO THE FOURTH MOTION WHICH DEALS WITH
20 THE MURDER COMMITTED WHILE IN THE PROCESS OF A
21 LARCENY, THE COURT WOULD FIND THAT THERE IS DIRECT
22 EVIDENCE AND SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE TO
23 SUPPORT -- IN THE LIGHT MOST FAVORABLE TO THE STATE
24 TO SUPPORT THIS AGGRAVATING CIRCUMSTANCE BEING
25 SUBMITTED.

1 AGAIN, THE COURT IS CONCERNED WITH EXISTENCE OR
2 NON-EXISTENCE OF EVIDENCE AND NOT ITS WEIGHT. AND
3 CERTAINLY THERE IS TESTIMONY IN THE FORM OF MS. LING
4 WHICH IS DIRECT TESTIMONY WHICH INDICATES THAT HE
5 TOOK THE BRACELET WITH FORCE, THAT BEING -- AND AS I
6 RECALL THE TESTIMONY CORRECTLY, IS ONCE HE REMOVED
7 THE BRACELET, HE ONCE AGAIN KICKED MS. LING IN THE
8 HEAD AND MADE SOME COMMENT ABOUT HER NOT DESERVING IT
9 OR DESERVING THE BRACELET OR EITHER KICKING

10 ██████████.

11 I DON'T WANT TO BE INACCURATE, SO I DON'T WANT
12 TO TRY TO RECALL THAT TESTIMONY OFF THE TOP OF MY
13 HEAD. BUT I THINK EVEN WITHOUT THAT, THERE IS MORE
14 THAN SUFFICIENT EVIDENCE IN THE RECORD TO SUPPORT
15 THAT AGGRAVATING CIRCUMSTANCE, AGAIN, BEING CONCERNED
16 WITH THE EXISTENCE OR NON-EXISTENCE OF EVIDENCE AND
17 NOT ITS WEIGHT.

18 AND AS REGARDS TO THE FIFTH MOTION WHICH IS
19 PHYSICAL TORTURE, THE COURT WOULD FIND THAT THERE'S
20 SUFFICIENT DIRECT TESTIMONY AS WELL AS CIRCUMSTANTIAL
21 EVIDENCE CONSIDERING THE EVIDENCE IN THE LIGHT MOST
22 FAVORABLE TO THE STATE TO SUPPORT A FINDING OF
23 PHYSICAL TORTURE.

24 THE ARGUMENT MADE BY THE DEFENSE REALLY ARE
25 FACTUAL ISSUES THAT GO TO WEIGHT. THE COURT IS

1 CONCERNED WITH EXISTENCE OR NON-EXISTENCE OF EVIDENCE
2 AND NOT ITS WEIGHT. I AM NOT THE FACT FINDER. IT'S
3 NOT MY PREROGATIVE TO WEIGH EVIDENCE.

4 WHETHER THE BINDING -- AND THAT -- THE TIME
5 PERIOD THE BINDING TOOK PLACE IS A FACTUAL ISSUE FOR
6 THE JURY YOU ARE FREE TO ARGUE TO THEM.

7 CERTAINLY DR. COLLINS' TESTIMONY CAN BE VIEWED
8 IN TWO DIFFERENT WAYS. BUT CLEARLY THERE IS
9 SUFFICIENT DIRECT TESTIMONY IN THE -- IN THAT MS.
10 LING AS WELL AS THE DOCTOR TO SUPPORT THAT THE --
11 THAT LAURA LING WAS BOUND PRIOR TO HER BEING BEATEN.

12 AND I THINK, QUITE FRANKLY, THE WAY THE DOCTOR
13 DESCRIBED THE BEATING WAS MORE THAN SUFFICIENT TO
14 COME WITHIN THE LEGISLATURE'S DEFINITION OF PHYSICAL
15 TORTURE WHICH IS SERIOUS PHYSICAL ABUSE BEFORE DEATH,
16 AND IS A FACTUAL ISSUE FOR THE JURY.

17 THEREFORE, THE COURT WOULD DENY ALL MOTIONS FOR
18 DIRECTED VERDICT BASED ON THE RECORD.

19 MR. DIGGS: THANK YOU, FOR ALLOWING US...

20 THE COURT: PARDON ME? I'M SORRY, MR. DIGGS. I
21 APOLOGIZE.

22 MR. DIGGS: I SAID THANK YOU FOR ALLOWING US TO
23 BE HEARD.

24 THE COURT: NOT A PROBLEM. THAT'S WHY I'M HERE.
25 ALL RIGHT. NOW, ARE THERE ANY OTHER MOTIONS THAT WE

1 NEED TO TAKE UP PRIOR TO PROCEEDING? I UNDERSTAND
2 THAT WE NEEDED TO DEAL WITH PHOTOGRAPHS, WHICH WE
3 HAVE DONE, DEALT WITH THE MOTIONS FOR DIRECTED
4 VERDICT.

5 IS THERE ANYTHING ELSE WE NEED TO TAKE UP PRIOR
6 TO PROCEEDING?

7 MR. HEMBREE: NOTHING FROM THE STATE, YOUR
8 HONOR.

9 THE COURT: ANYTHING FROM THE DEFENSE?

10 MR. KELLY: NO, MA'AM.

11 THE COURT: ALL RIGHT. PLEASE BRING IN THE
12 JURY.

13 (JURY ENTERED THE COURTROOM AT 4:26 PM.)

14 THE COURT: YOU MAY BE SEATED. LADIES AND
15 GENTLEMEN, I HOPE THAT YOU ENJOYED YOUR BREAK. WE
16 NOW RESUME. YOU MAY PROCEED.

17 MR. HEMBREE: IN THE CASE OF STATE OF SOUTH
18 CAROLINA VERSUS STEPHEN C STANKO, INDICTMENT
19 2005-GS-22-918, A SIX COUNT INDICTMENT FOR MURDER,
20 ASSAULT AND BATTERY WITH INTENT TO KILL, CRIMINAL
21 SEXUAL CONDUCT FIRST DEGREE, KIDNAPPING, KIDNAPPING
22 AND ARMED ROBBERY, THE STATE IN ITS CASE IN CHIEF IN
23 THE PENALTY PHASE RESTS.

24 THE COURT: IS THE DEFENSE READY TO PROCEED?

25 MR. KELLY: YES, MA'AM.

1 THE COURT: YOU MAY PROCEED.

2 MR. KELLY: THANK YOU, MA'AM.

3 THE COURT: YOU'RE WELCOME.

4 OPENING STATEMENT

5 MR. KELLY: LADIES AND GENTLEMEN OF THE JURY, I
6 GET TO TALK TO YOU AGAIN. I'M GOING TO TALK TO YOU
7 BRIEFLY NOW. MR. DIGGS AND I RESERVED OUR OPENING
8 FOR THIS PHASE UNTIL OUR CASE IN CHIEF IS COMING
9 FORWARD, AND THAT'S WHY I'M SPEAKING TO YOU NOW.
10 OKAY? AND I APPRECIATE YOU LISTENING TO ME.

11 WE'RE GOING TO PRESENT INFORMATION TO YOU, YOU,
12 THAT WE BELIEVE THAT YOU NEED TO KNOW IN ORDER TO
13 MAKE AN INFORMED DECISION. I AM GOING TO CALL TODAY
14 AFTER -- LET ME SAY, AFTER I GET THROUGH SPEAKING,
15 MR. DIGGS WILL SPEAK TO YOU.

16 BUT TODAY I'M GOING TO CALL THREE WITNESSES
17 BEFORE WE CLOSE FOR THE EVENING. I'M GOING TO CALL
18 CORPORAL MICHAEL STANLEY. I'M GOING TO CALL SERGEANT
19 VICTORIA JONES. AND I'M GOING TO CALL OFFICER
20 SHIRLEASE MAYNARD.

21 THESE ARE PEOPLE WHO WORK DOWN AT THE DETENTION
22 CENTER, IN THE GEORGETOWN DETENTION CENTER. THEY ARE
23 OFFICERS DOWN THERE. I'M GOING TO BRING THEM
24 FORWARD.

25 THEY ARE GOING TO GIVE TESTIMONY AS TO

1 MR. STANKO'S BEHAVIOR DOWN THERE IN THE DETENTION
2 CENTER SINCE THE TIME HE CAME HERE WHEN HE WAS
3 ARRESTED ON OR ABOUT APRIL THE 12TH OF LAST YEAR.

4 IN OTHER WORDS, YOU HAVE HEARD THAT HE WAS
5 ARRESTED IN AUGUSTA. SUBSEQUENT TO THAT, WITHIN A
6 FEW DAYS, HE CAME HERE. HE HAS BEEN HERE EVER SINCE.

7 ONE OF THE THINGS THAT YOU'LL WANT TO CONSIDER
8 IS HIS FUTURE DANGEROUSNESS. THAT'S ALWAYS SOMETHING
9 THAT COMES UP IN FRONT OF A JURY. AND THAT IS, IS
10 THE MAN A CONTINUING DANGER OF SOME TYPE?

11 AND THAT'S WHY WE BRING THESE OFFICERS UP TO LET
12 YOU KNOW AS TO WHAT HIS BEHAVIOR HAS BEEN. AND IT --
13 I HOPE IT WILL BE MEANINGFUL TO YOU.

14 NOW, I KNOW YOU MIGHT HAVE SOME STRONG FEELINGS
15 AT THIS POINT, BUT GIVE THEM UP FOR A WHILE BECAUSE
16 YOU HAVEN'T HEARD IT ALL. I'M GOING TO TELL YOU WHAT
17 YOU'RE GOING TO HEAR TOMORROW, AT LEAST WHAT I'M
18 PRESENTING.

19 MR. DIGGS WILL TALK TO YOU ABOUT THE PORTION OF
20 THE CASE THAT HE'S GOING TO PRESENT. I'M GOING TO
21 BRING A LADY HERE WHOSE NAME IS CONNIE PRICE. CONNIE
22 PRICE IS A RESIDENT I BELIEVE OF YOUR COUNTY. SHE
23 LIVES RIGHT NEAR THE LINE OF HORRY COUNTY AND
24 GEORGETOWN COUNTY.

25 SHE WAS ALSO CONNED BY STEPHEN STANKO. BUT THE

1 DIFFERENCE WITH HER IS THAT SHE RAISED THE ALARM.
2 SHE CALLED. YOU KNOW, STANKO WAS A PAROLEE WHEN HE
3 WAS RELEASED HERE, AND THAT MEANS HE WAS BEING
4 SUPERVISED BY THE DEPARTMENT OF PROBATION, PARDON,
5 AND PAROLE.

6 THAT'S WHAT THEY ARE CALLED, PROBATION, PARDON
7 AND PAROLE. AND YOU'RE GOING TO FIND OUT THAT SHE
8 MET MR. STANKO THROUGH THE LIBRARY. SHE'S A DISABLED
9 LADY. SHE'S BLIND IN ONE EYE AND SHE HAS SOME OTHER
10 PHYSICAL DIFFICULTIES, AND ALL THROUGH HER LIFE SHE
11 CALLED THE SOCASTEE -- WELL, WHEN SOCASTEE WAS
12 THERE -- SHE JUST LIVES DOWN THE STREET, BUT REALLY
13 SHE'S ALWAYS CALLED THE LIBRARY, AND LATELY THE
14 SOCASTEE LIBRARY WHEN SHE NEEDED INFORMATION.

15 SHE WILL TELL YOU WHY SHE NEEDED INFORMATION.
16 BUT BRIEFLY, HER MOTHER HAD DIED AND SHE NEEDED SOME
17 HELP WITH A PROBATE MATTER AND SHE WAS PUT WITH LAURA
18 LING AS THE RESEARCH LIBRARIAN, AND FROM LAURA LING
19 SHE MET STEPHEN STANKO AND WAS INTRODUCED TO STEPHEN
20 BY LAURA AND STEPHEN WAS TO HELP HER.

21 SHE FOUND THAT HE WAS NOT EFFECTIVE IN HIS HELP
22 FOR HER AND SHE BEGAN TO CHECK INTO IT. AND YOU'RE
23 GOING TO FIND OUT TOMORROW HOW SHE CHECKED INTO IT.
24 AND FINALLY SHE BEGAN TO COMPLAIN AND COMPLAIN TO
25 THIS EFFECT.

1 YOU'LL HAVE TO HEAR WHAT SHE SAYS, BUT TO THIS
2 EFFECT, I AM BEING CHEATED BY A MAN WHO SAYS HE'S
3 DOING LEGAL WORK FOR ME, BUT HE'S NOT. AND SHE
4 TRIED -- SHE CALLED LOCALLY TO TRY TO GET LOCAL HELP
5 JUST AS ANY CITIZEN WOULD DO.

6 I SUPPOSE YOU COULD CALL 9-1-1 IN AN EMERGENCY.
7 BUT OTHERWISE, WHO DO WE GO TO? WE GO TO MAYBE OUR
8 CLERK OF COURT. SHE CALLED THE CLERK OF COURT TO
9 FIND OUT WHAT TO DO IN ONE INSTANCE.

10 SHE WAS REFERRED TO THE SOLICITOR'S OFFICE. SHE
11 TALKED TO A NUMBER OF PEOPLE IN THE SOLICITOR'S
12 OFFICE AND COMPLAINED. AND SHE TALKED WITH PROBATION
13 AND PAROLE. SHE CALLED THE UNITED STATES MARSHAL.
14 SHE CALLED THE FBI, AND SHE CALLED SLED.

15 WHEN SHE COULDN'T GET ANY LOCAL ACTION, SHE WENT
16 FURTHER OUT. AND IN FACT, I'M BRINGING TO YOU THE US
17 MARSHAL THAT CALLED PROBATION AND PAROLE AT THE END
18 OF JANUARY AND TOLD THEM AND REPORTED TO THEM I'M
19 RECEIVE -- I RECEIVED MULTIPLE COMPLAINTS, MORE THAN
20 ONE CALL, OF A MAN NAMED STEPHEN STANKO WHO -- DON'T
21 YOU HAVE HIM DOWN THERE? AND THEY SAY THAT HE'S
22 MILKING PEOPLE, WOMEN, IN THE NEIGHBORHOOD.

23 AND IT'S -- I'M GOING TO SHOW YOU THE PARDON AND
24 PAROLE RECORDS THAT SHOWS THE ENTRY AS WELL. ALSO
25 YOU WILL LEARN THAT AT THAT TIME THERE HAD BEEN A

1 LETTER ISSUED FROM PROBATION AND PAROLE TELLING HIM
2 HE WAS FACING REVOCATION BECAUSE HE HADN'T BEEN
3 SHOWING UP.

4 AND THEN YOU'RE GOING TO I SUPPOSE WITH ME FIND
5 OUT WHY THEY DIDN'T DO ANYTHING. WELL, LET'S SEE.
6 END OF JANUARY, FEBRUARY, MARCH. EIGHT MORE DAYS.
7 THAT'S A MINIMUM OF 68 DAYS. THEN WE'RE GOING TO PUT
8 UP FOR YOU SOME PEOPLE THAT SHE CALLED AT HORRY
9 COUNTY PD.

10 NOW, THEY REFERRED HER OVER TO MYRTLE BEACH PD.
11 AND YOU'RE GOING TO FIND OUT THAT ON APRIL THE
12 FOURTH -- THAT'S THE MONDAY BEFORE THE MURDER, THAT
13 Y'ALL DECIDED WAS A MURDER AND ALL THE OTHER THINGS
14 YOU DECIDED -- SHE MADE AN APPOINTMENT TO MEET WITH
15 THE INVESTIGATOR WHO I BELIEVE HIS NAME IS BERTANG.
16 I'M BRINGING HIM IN FOR YOU.

17 AND ON THAT THURSDAY, THE DAY BEFORE LAURA LING
18 DIED -- AND SHE WENT THERE WITH HER BOYFRIEND, GARY
19 OWENS -- I'M ALSO GOING TO PRODUCE HIM FOR YOU -- AND
20 BERTANG DIDN'T WANT TO LISTEN TO THEM.

21 NOW, IF YOU RUN STEPHEN STANKO'S NAME THROUGH
22 NCIC, WHAT COMES UP IS THE RECORD YOU ALREADY KNOW
23 ABOUT, WHICH IS, HE BILKS PEOPLE IN THE SAME WAY THAT
24 SHE WAS COMPLAINING OF, PLUS KIDNAPPING, AND ASSAULT
25 AND BATTERY OF A HIGH AND AGGRAVATED NATURE. OKAY?

1 I'M GOING TO SHOW YOU AND SHE'S GOING TO TELL
2 YOU THAT SHE RAISED THE ALARM, AND LAURA LING WOULD
3 BE ALIVE TODAY IF SOMEBODY HAD JUST DONE WHAT THEY
4 SHOULD DO. THAT'S WHAT I'M GOING TO DO. OKAY?

5 THAT'S WHAT I'M GOING TO SHOW YOU. LAURA LING
6 WOULD BE ALIVE TODAY AND [REDACTED] LING WOULD BE
7 UNINJURED TODAY IF THEY HAD JUST DONE WHAT WE PAY
8 THEM TO DO. OKAY? AND THAT'S GOING TO BE UP TO 15
9 WITNESSES.

10 SHE ALSO CALLED AN ATTORNEY, LOCAL ATTORNEY.
11 AND WE'LL PUT HIM UP FOR YOU. AND YOU'LL FIND OUT
12 HOW HE -- WHAT HE HAD TO DO WITH PROBATION AND
13 PAROLE. OKAY? THAT'S WHAT IT'S ABOUT.

14 SHOULDN'T BE HERE TODAY. SHE WAS INTERVIEWED BY
15 THE SOLICITOR'S OFFICE. INVESTIGATOR STEVE BROWN
16 INTERVIEWED HER. I'M PUTTING HIM UP. OKAY?

17 AND YOU'LL HEAR WHAT HE SAID WHEN HE INTERVIEWED
18 HER. BUT NOBODY LISTENED TO HER. NOBODY SORTED OUT
19 THE PROBLEM. BUT LET ME TELL YOU SOMETHING. THEY
20 HAVE BEEN SORTING IT OUT EVER SINCE.

21 BUT THEY HAD PLENTY OF TIME. OKAY? THAT'S WHAT
22 YOU'RE GOING TO SEE. AND IF YOU -- WHEN I COME BACK
23 TO SEE YOU WHEN THIS IS OVER AND IF I HAVE
24 MISREPRESENTED IT TO YOU, YOU BE SURE TO TELL ME
25 RIGHT OFF THE BAT. OKAY? BECAUSE THAT'S WHAT

1 HAPPENED. ALL RIGHT?

2 NOW, AS FAR AS MR. DIGGS IS CONCERNED, HE'S
3 GOING TO SPEAK TO YOU NOW. BUT THAT'S WHAT'S COMING
4 ON. OKAY? TAKE A LOOK AT IT AND WEIGH IT FOR WHAT
5 IT'S WORTH AGAINST WHAT YOU HAVE ALREADY SEEN. OKAY?
6 BECAUSE IT'S IMPORTANT.

7 I HADN'T LIED TO YOU SO FAR AND I'M NOT LYING TO
8 YOU NOW. I'M TELLING YOU JUST THE WAY IT IS. IF YOU
9 DON'T FIND IT SHOCKING, YOU BE SURE TO TELL ME.

10 MR. DIGGS: MAY IT PLEASE THE COURT.

11 THE COURT: YES, SIR.

12 OPENING STATEMENT

13 MR. DIGGS: LADIES AND GENTLEMEN, YOU HAVE
14 DECIDED LAST WEEK THAT YOU DID NOT FIND STEPHEN
15 STANKO INSANE. THAT'S NOT THE ISSUE THAT WE'RE GOING
16 TO PURSUE NOW. WE PUT THAT TO REST.

17 BUT WHEN YOU THINK BACK ABOUT THE EVIDENCE,
18 THERE WERE A COUPLE OF THINGS THAT WERE KIND OF LEFT
19 UP IN THE AIR. DO YOU REMEMBER THE WITNESS DR.
20 SPICER AND DR. WU. OKAY? THEY WERE POLAR OPPOSITES.

21 WE ARE GOING TO TRY TO EXPLAIN A LITTLE BIT MORE
22 ABOUT HOW TWO, WE -- GIFTED PEOPLE, EXPERTS, CAN HAVE
23 SUCH OPPOSITE OPINIONS AND HOW ONE COULD BE IN A
24 POSITION WHERE HE WHEN -- EFFECTIVELY SAYING, I THINK
25 DR. WU IS OFF. WE'RE GOING TO TRY TO CLEAR THAT UP

1 FOR YOU. OKAY?

2 AND THERE'S ALSO THIS ISSUE HANGING OUT THERE
3 ABOUT THE BIRTH RECORDS. WE'RE GOING TO TRY TO TALK
4 ABOUT THAT A LITTLE BIT MORE. BECAUSE IN MY MIND I
5 HAVE QUESTIONS ABOUT WHETHER OR NOT THAT WAS FULLY
6 EXPLORED AND WHETHER OR NOT WE PRESENTED WHAT NEEDED
7 TO BE PRESENTED IN THAT RESPECT OF THE CASE.

8 IT DOESN'T HAVE TO HAVE ANYTHING TO DO WITH
9 INSANITY. AT THIS PHASE OF THE TRIAL HAVING -- HAD
10 YOU FOUND HIM INSANE, WE WOULDN'T BE HERE. BUT WE
11 ARE HERE. AND WE'RE GIVEN AN OPPORTUNITY BY THE LAW,
12 BY THE LEGISLATURE, BY THE SYSTEM, TO PRESENT ANY
13 EVIDENCE THAT WE BELIEVE JUSTIFIES A SENTENCE LESS
14 THAN DEATH, AND THAT'S WHAT WE'RE GOING TO DO.

15 WE WANT TO ADDRESS STEPHEN STANKO'S MENTAL STATE
16 NOT IN TERMS OF INSANITY BECAUSE YOU BELIEVE HE HAD
17 KNOWLEDGE OF RIGHT AND WRONG AT THAT TIME. BUT WAS
18 HE SUFFERING FROM SOME OTHER KIND OF MENTAL DEFECT
19 THAT DEPRIVES HIM OF THE ABILITY THAT ALL HEALTHY
20 PEOPLE HAVE TO MAKE INDEPENDENT DECISIONS IN A
21 HEALTHY KIND OF WAY OR, YOU KNOW, WHEN YOU TALK ABOUT
22 PREDISPOSITION, WELL, HE'S PREDISPOSED TO COMMIT
23 CRIMES.

24 IS THAT BECAUSE HE'S JUST BAD? HE JUST DECIDES
25 TO DO THAT? OR IS THERE SOMETHING HAPPENING IN HIS

1 PROCESS, MENTAL PROCESS, THAT'S NOT THE RESULT OF A
2 CHOICE BUT IS JUST THE WAY HE -- HIS BRAIN FUNCTIONS
3 AND OPERATES.

4 THAT'S WHAT WE'RE GOING TO EXPLORE. AND WHAT
5 WE'RE GOING TO SHOW YOU IS STEPHEN DOESN'T HAVE THAT
6 HEALTHY MENTAL APPARATUS THAT MOST PEOPLE -- MOST OF
7 US HAVE.

8 AND THAT, LADIES AND GENTLEMEN, NO MATTER HOW
9 HORRIBLE THESE CRIMES WERE IS A JUSTIFICATION WHY WE
10 IN THIS SOCIETY AT THIS TIME IN AMERICAN HISTORY
11 SHOULD NOT EXECUTE HIM BECAUSE OF THAT DEFECT THAT HE
12 HAS IN HIS HEAD AND THAT CONTRIBUTED TO HIS DECISION
13 TO DO THESE THINGS.

14 OUR ARGUMENT TO YOU IS GOING TO BE, BASED ON THE
15 EVIDENCE THAT WE ARE GOING TO SHOW, IS THAT IT IS A
16 MITIGATING FACTOR THAT LESSENS HIS DEGREE OF MORAL
17 AND CRIMINAL CULPABILITY. DOESN'T EXCUSE IT, BUT IT
18 IS A JUSTIFICATION TO SPARE HIS LIFE IN THIS
19 SITUATION.

20 AND I WOULD ASK YOU ALONG WITH MR. KELLY NOT TO
21 MAKE UP YOUR MIND YET ON WHAT THE PUNISHMENT SHOULD
22 BE IN THIS CASE UNTIL ALL OF THE EVIDENCE IS IN.
23 THANK YOU VERY MUCH.

24 *THE COURT:* YOU MAY PROCEED.

25 *MR. KELLY:* CALL CORPORAL MICHAEL STANLEY.

1 MICHAEL STANLEY, AFTER
2 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

3 THE WITNESS: MY NAME IS MICHAEL STANLEY,
4 S-T-A-N-L-E-Y.

5 THE COURT: YOU MAY PROCEED, MR. KELLY.

6 MR. KELLY: THANK YOU, MA'AM.

7 THE COURT: YOU'RE WELCOME.

8 DIRECT EXAMINATION

9 BY MR. KELLY:

10 Q CORPORAL STANLEY, I'M -- MY NAME IS GERALD KELLY.
11 HAVE YOU AND I EVER MET?

12 A DON'T BELIEVE SO, SIR.

13 Q I DON'T THINK SO EITHER.

14 THE COURT: SPEAK A LITTLE CLOSER TO THE
15 MICROPHONE. I APOLOGIZE.

16 THE WITNESS: DON'T BELIEVE SO, SIR.

17 THE COURT: THANK YOU.

18 BY MR. KELLY:

19 Q WE APPRECIATE YOU COMING TODAY.

20 A YOU'RE WELCOME.

21 Q AND WE SERVED YOU WITH A SUBPOENA; DIDN'T WE?

22 A YES, SIR.

23 Q AND WE THANK YOU FOR RESPONDING. NOW, CORPORAL
24 STANLEY, TELL THE JURY WHERE YOU ARE EMPLOYED.

25 A THE GEORGETOWN COUNTY DETENTION CENTER.

1 Q AND WHAT DO YOU DO THERE?

2 A I'M A CORRECTIONAL OFFICER.

3 Q ARE YOU THE SUPERVISOR DOWN THERE?

4 A SECOND IN COMMAND.

5 Q SIR?

6 A SECOND IN COMMAND.

7 Q SECOND IN COMMAND?

8 A YES, SIR.

9 Q HOW LONG HAVE YOU BEEN DOWN THERE?

10 A FOUR YEARS.

11 Q AND DID YOU SERVE ANYWHERE AS A POLICE OFFICER BEFORE

12 BEING WHERE YOU ARE NOW?

13 A NO, SIR.

14 Q SO THIS IS YOUR FIRST ASSIGNMENT, SO TO SPEAK?

15 A YES, SIR.

16 Q ALL RIGHT. AND DO YOU LIVE LOCALLY?

17 A YES, I DO.

18 Q NOW, WHAT DO YOU DO AS A SUPERVISOR?

19 A I SUPERVISE A TEAM OF EIGHT WITH THE INMATES, HOUSING

20 AREAS, SHAKEDOWNS, JAIL SEARCHES.

21 Q NOW, HAS STEPHEN STANKO BEEN DOWN AT YOUR JAIL FOR

22 ABOUT -- WELL, MORE THAN A YEAR I SUPPOSE?

23 A YES, SIR.

24 Q OKAY. AND DO YOU HAVE EVERY DAY CONTACT WITH HIM AS

25 A PRISONER?

1 A YES, SIR.

2 Q AND THAT'S WHAT I WANT TO ASK YOU ABOUT IS ABOUT
3 WHAT'S HE LIKE AS A PRISONER. HAVE YOU HAD ANY PROBLEMS
4 OR DIFFICULTIES WITH HIM?

5 A NO, SIR.

6 Q HAVE YOU HAD ANY MANAGEMENT PROBLEMS WITH HIM OF ANY
7 TYPE?

8 A NO, SIR.

9 Q HAS HE -- AND HAVE YOU HAD ANY PROBLEMS WITH HIM
10 BEING VIOLENT OR THREATENING IN ANY WAY?

11 A NO, SIR.

12 Q NOW, THAT JAIL DOWN THERE, IS IT -- IS IT ORGANIZED
13 INTO JAIL BLOCKS?

14 A YES, IT IS.

15 Q TELL US WHAT A JAIL BLOCK IS.

16 A WE HAVE -- A BLOCK IS FOR PROTECTIVE CUSTODY AND
17 MEDICAL INMATES. AND B BLOCK IS FOR BOND (SIC) FOR
18 INMATES. C BLOCK IS FOR FEMALE INMATES. AND D BLOCK IS
19 TWO HOUR LOCK-DOWN. F BLOCK IS MINIMUM. G BLOCK IS
20 MEDIUM. H BLOCK IS MAXIMUM.

21 Q WHAT IS IN A BLOCK?

22 A HAVE ABOUT -- WE HAVE ABOUT 30, 35 INMATES IN A
23 BLOCK.

24 Q AND HOW MANY CELLS IN A BLOCK?

25 A IN A BLOCK IS -- WHERE STANKO IS THAT IS EIGHT CELLS.

1 Q OKAY. AND HOW MANY PRISONERS USUALLY TO A CELL?

2 A TWO, SOMETIMES THREE.

3 Q ALL RIGHT. NOW, IN A CELLBLOCK SOMETIMES A GROUP
4 MIGHT WANT SOMETHING ACTED ON OR DONE. THAT IS A FREQUENT
5 HAPPENING AND A USUAL AND REGULAR HAPPENING IN A
6 CELLBLOCK; CORRECT?

7 A YES, SIR.

8 Q AND WHEN THEY DO THAT, THEY USUALLY HAVE--

9 MR. HUMPHRIES: OBJECTION. LEADING.

10 THE COURT: BASIS. LEADING?

11 MR. HUMPHRIES: YES, MA'AM.

12 THE COURT: SUSTAINED. LEADING. YOU MAY
13 REPHRASE.

14 BY MR. KELLY:

15 Q IF THEY DO THAT, DO THEY COMMONLY HAVE A
16 REPRESENTATIVE?

17 A YES, SIR.

18 Q AND WHAT DOES -- WHAT IS MEANT BY THE REPRESENTATIVE
19 FOR THEIR INTERESTS? WHO MIGHT THAT BE?

20 A WELL, USUALLY AN INMATE WILL COME FORWARD, A
21 GRIEVANCE, HAVE THE OTHER INMATES TO SIGN IT.

22 Q AND A GRIEVANCE DOESN'T NECESSARILY MEAN SOMETHING IS
23 BAD; DOES IT?

24 A NO, SIR. SOMETIMES THEY REQUESTING SPORTING EVENTS.

25 Q OKAY. SO IF THEY WANTED -- THEY HAVE -- DO THEY HAVE

1 REGULAR TIMES THAT THEY CAN WATCH TELEVISION FOR ANY
2 EVENT?

3 A YES, SIR.

4 Q WHAT WOULD THOSE BE, SIR?

5 A WELL, A BLOCK, PROTECTIVE CUSTODY BLOCK IS LOCKED
6 DOWN AT 4:30 FOR THE REST OF THE NIGHT, SO WHEN SPORTING
7 EVENTS COMES ON, THEY HAVE TO ASK TO GET APPROVAL FROM THE
8 CAPTAIN TO COME UP TO WATCH THE SPORTING EVENT.

9 Q IF THEY WANTED TO WATCH THE CAROLINA CLEMSON GAME AND
10 IT'S AFTER 4:30, THEY'D HAVE TO FILE A GRIEVANCE?

11 A YES, SIR.

12 Q AND NORMALLY, WHO WOULD -- WHO WOULD BRING THAT
13 GRIEVANCE UP TO YOU OFFICERS?

14 A A BLOCK, MR. STANKO.

15 Q MR. STANKO WOULD NORMALLY DO THIS?

16 A YES, SIR.

17 Q OKAY. AND HE'S -- HAS HE DONE THAT IN THE PAST?

18 A YES, SIR.

19 Q AND THAT -- THAT'S IN THE -- IN THE FORM OF A
20 PETITION ASKING FOR SOMETHING TO BE ALLOWED TO BE DONE
21 THAT'S NOT NORMALLY DONE?

22 A YES, SIR.

23 Q AND THEN WHO CONSIDERS THAT, TO SEE IF THEY GRANT IT?

24 A PROBABLY GIVE IT TO ONE OF MY OFFICERS, THEY'LL BRING
25 IT TO ME AND THE SERGEANT, THEN WE HAVE TO BRING IT TO THE

1 CAPTAIN, CAPTAIN BRANWASH (SIC).

2 Q THIS IS SORT OF LIKE THE -- WELL, IS THIS LIKE THE
3 CELL GOVERNMENT, SO TO SPEAK, IN BRINGING UP A PETITION?

4 A YES, SIR.

5 Q ALL RIGHT. THAT'S A COMMON AND REGULAR HAPPENING?

6 A YES, SIR.

7 Q AND MR. STANKO HAS DONE THAT?

8 A YES, SIR.

9 Q AND HAS -- HAVE YOU EVER HAD ANY PROBLEMS WITH HIS
10 BEHAVIOR WHEN HE'D DO THINGS LIKE THAT?

11 A NO, SIR.

12 Q HAS HE BEEN RESPECTFUL TO YOU?

13 A YES, SIR.

14 Q AND WHAT ABOUT OTHER OFFICERS OR PERSONS IN YOUR
15 PRESENCE?

16 A YES, SIR.

17 Q DOES HE FOLLOW THE RULES?

18 A YES, SIR.

19 Q AND HAS HE CAUSED ANY PROBLEMS THAT YOU KNOW OF?

20 A NO, SIR.

21 Q YOUR WITNESS.

22 THE COURT: ANY CROSS-EXAMINATION OF THE
23 WITNESS?

24 MR. HUMPHRIES: DON'T HAVE ANY QUESTIONS OF THE
25 SERGEANT. THANK YOU, SIR.

1 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
2 EXCUSED?

3 MR. KELLY: NONE, MA'AM.

4 MR. HUMPHRIES: NONE FROM THE STATE. THANK YOU.

5 THE COURT: SIR, YOU'RE EXCUSED. HAVE A GOOD
6 AFTERNOON. YOU MAY CALL YOUR NEXT WITNESS.

7 (WITNESS LEFT THE STAND.) .

8 MR. KELLY: SHIRLEASE MAYNARD.

9 SHIRLEASE MAYNARD,
10 AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE WITNESS: SHIRLEASE MAYNARD, M-A-Y-N-A-R-D.

12 THE COURT: MA'AM, IF YOU COULD ALSO SPELL YOUR
13 FIRST NAME FOR THE BENEFIT OF THE COURT REPORTER.

14 THE WITNESS: S-H-I-R-L-E-A-S-E.

15 THE COURT: THANK YOU. YOU MAY PROCEED, MR.
16 KELLY.

17 DIRECT EXAMINATION

18 BY MR. KELLY:

19 Q OFFICER MAYNARD, WHERE ARE YOU EMPLOYED, MA'AM?

20 A GEORGETOWN DETENTION CENTER.

21 Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

22 A ABOUT FIVE YEARS.

23 Q WERE YOU A LAW OFFICER PREVIOUS TO THAT TIME?

24 A NO, SIR.

25 Q WHAT IS YOUR -- WHAT ARE YOUR DUTIES DOWN THERE?

1 A TO WATCH OVER THE INMATES, TO MAKE SURE THEY ARE NOT
2 GETTING IN ANY TYPE OF TROUBLE, TO MAKE SURE THEY GET
3 THEIR MEDICAL AND GRIEVANCE, TO MAKE SURE, YOU KNOW, IF I
4 CAN'T DO IT, TO GET IN CONTACT WITH ONE OF MY SERGEANTS OR
5 THE CORPORAL. BASICALLY GOING THROUGH CHAIN OF COMMANDS
6 TO MAKE SURE THEY GET WHAT THEY NEED.

7 Q NOW, DID THEY -- HOW ARE THEY -- ARE THEY HOUSED IN
8 UNITS?

9 A YES, SIR.

10 Q AND IS A UNIT DIFFERENT FROM A CELLBLOCK OR ARE THEY
11 THE SAME?

12 A IT'S BASICALLY -- IT'S KIND OF DIFFERENT.

13 Q HOW IS IT DIFFERENT?

14 A BECAUSE IN THE CELLBLOCKS WE HAVE LIKE A1 AND A2, YOU
15 KNOW, THROUGH A8. AND A UNIT, I GUESS EVERYBODY BE OUT IN
16 THE UNIT, JUST GOT SEPARATE BED SPACES.

17 Q SO YOU -- A UNIT WOULD BE NOT -- WOULD NOT BE A
18 CELLBLOCK. IS THAT IT?

19 A YES, SIR.

20 Q AND HOW -- HOW -- AND IN A CELLBLOCK THEY'D HAVE THE
21 CELLS AND THEY'D BE JUST PARTICULAR TYPES OF PRISONERS TO
22 EACH BLOCK; CORRECT?

23 A YES, SIR.

24 Q AND HOW WAS THE UNIT DONE? HOW WERE THE BEDS? ARE
25 THEY IN A BIG ROOM OR HOW WAS THAT?

1 A IT'S AVERAGE. WE GOT ONE, TWO BEDS TO A ROOM.

2 Q ALL RIGHT. MA'AM. NOW, HAVE -- AND DURING THE TIME
3 THAT MR. STANKO HAS BEEN AT THE GEORGETOWN DETENTION
4 CENTER, YOU HAVE ALSO BEEN EMPLOYED THERE?

5 A YES, SIR.

6 Q AND THERE ARE TWO OFFICERS TO EVERY UNIT; IS THAT
7 CORRECT?

8 A THAT'S CORRECT.

9 Q AND ONE ON THE FLOOR AND ONE IN THE BOOTH?

10 A YES, SIR.

11 Q AND Y'ALL ROTATE; RIGHT?

12 A YES, SIR.

13 Q OKAY. SO Y'ALL SORT OF WATCHING THE FLOOR AND
14 WATCHING FROM THE BOOTH?

15 A YES, SIR.

16 Q OKAY. AND DURING THE TIME THAT YOU'VE BEEN ON THE
17 FLOOR WITH MR. STANKO BEEN THERE, HAVE YOU HAD ANY PROBLEM
18 WITH HIM?

19 A NO, SIR.

20 Q HAS HE -- HAS HE BROKEN ANY RULES THAT YOU KNOW OF?

21 A NO, SIR.

22 Q OR HAS HE THREATENED OR INJURED ANYBODY THAT YOU KNOW
23 OF?

24 A NO, SIR.

25 Q OKAY. AND THE SAME THING FROM THE BOOTH. IT'S

1 REALLY THE SAME. HE HASN'T -- HE'S DONE THE SAME WAY WITH
2 HIS -- HE HASN'T DONE ANYTHING, SO TO SPEAK?

3 A YES, SIR.

4 Q IS THAT RIGHT?

5 A UH-HUH.

6 Q OKAY. IF YOU TOLD HIM TO DO SOMETHING, WOULD HE
7 FOLLOW YOUR INSTRUCTIONS?

8 A YES, SIR.

9 Q AND HAVE YOU GIVEN HIM INSTRUCTIONS?

10 A YES, SIR.

11 Q AND--

12 A I WOULD TELL HIM IF -- IF I COULDN'T DO IT, I WOULD
13 GO THROUGH THE PROPER CHAIN OF COMMAND. I WOULD GET IN
14 CONTACT WITH MY SERGEANT. IF MY SERGEANT IS NOT THERE AT
15 THE TIME, I WILL CONTACT MY CORPORAL AND SEE WHAT HE CAN
16 DO, AND THEN I WILL LET HIM KNOW.

17 I TOLD HIM IF I COULDN'T DO IT, THEN I, YOU KNOW, I
18 GO THE PROPER CHAIN OF COMMAND TO TRY TO GET IT DONE.

19 Q AND WHEN -- WHEN YOU WOULD TELL AN INMATE, YOU COULD
20 INSTRUCT AN INMATE TO EITHER STAND HERE OR GO HERE OR THAT
21 TYPE OF THING--

22 A UH-HUH.

23 Q -- WHEN YOU DID THAT WAS -- WITH INMATE STANKO, DID
24 HE OBEY YOU?

25 A YES, SIR.

1 Q WAS HE COOPERATIVE WITH YOU?

2 A YES, SIR.

3 Q AND RESPECTFUL TO YOU?

4 A YES, SIR..

5 Q AND WAS HE RESPECTFUL TO OTHERS INCLUDING INMATES IN
6 YOUR PRESENCE?

7 A YES, SIR.

8 Q THANK YOU, MA'AM. I HAVE NO FURTHER QUESTION. YOUR
9 WITNESS.

10 THE COURT: ANY QUESTIONS FOR THE WITNESS?

11 MR. HEMBREE: NO, YOUR HONOR.

12 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
13 EXCUSED FROM THE STATE?

14 MR. HEMBREE: NO, YOUR HONOR.

15 THE COURT: FROM THE DEFENSE?

16 MR. KELLY: NO, MA'AM.

17 THE COURT: YOU'RE EXCUSED.

18 (WITNESS LEFT THE STAND.)

19 MR. KELLY: AND THANK YOU FOR COMING, MA'AM.

20 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

21 MR. KELLY: SERGEANT VICTORIA JONES.

22 VICTORIA JONES, AFTER
23 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

24 THE COURT: YOU MAY PROCEED.

25 DIRECT EXAMINATION

1 BY MR. KELLY:

2 Q SERGEANT JONES, HAVE YOU AND I EVER MET AND TALKED
3 TOGETHER BEFORE RIGHT NOW?

4 A NO, SIR.

5 Q AND YOU RESPONDED TO OUR SUBPOENA ASKING YOU TO COME
6 HERE TODAY. IS THAT CORRECT?

7 A YES, SIR.

8 Q I WANT TO THANK YOU FOR COMING AND RESPONDING TO THE
9 SUBPOENA. LET ME ASK YOU, MA'AM, WHERE ARE YOU PRESENTLY
10 EMPLOYED?

11 A GEORGETOWN COUNTY DETENTION CENTER.

12 Q AND YOUR RANK IS...

13 A SERGEANT.

14 Q HOW LONG HAVE YOU BEEN DOWN IN GEORGETOWN DETENTION?

15 A TEN YEARS.

16 Q AND BEFORE THAT WERE YOU A POLICE OFFICER?

17 A NO, SIR.

18 Q ALL RIGHT. AND HAVE YOU ALWAYS BEEN DOWN AT
19 GEORGETOWN DETENTION CENTER DURING THIS PART OF YOUR
20 CAREER?

21 A YES, SIR.

22 Q NOW, WHEN -- WHEN INMATE STANKO ENTERED YOUR
23 DETENTION FACILITY, WERE YOU -- DID YOU ASSIST IN THE
24 BOOKING PROCESS?

25 A YES, SIR.

1 Q AND WAS -- WHAT WAS HIS -- HOW -- WHAT WAS HE LIKE
2 WHEN HE CAME IN AT THAT TIME?

3 A HE WAS QUIET.

4 Q DID HE ANSWER ANY QUESTIONS THAT WERE MADE TO HIM?

5 A YES, SIR. HE ANSWERED THE QUESTIONS THAT IS USUALLY
6 ASKED IN THE BOOKING PROCESS.

7 Q AND WAS HE RESPECTFUL THEN?

8 A YES, SIR.

9 Q AND HE'S BEEN THERE OVER A YEAR NOW; CORRECT?

10 A YES, SIR.

11 Q AND YOU'RE ACTUALLY THE SUPERVISOR OF THE ENTIRE
12 SHIFT ON DUTY; RIGHT?

13 A YES, SIR.

14 Q OKAY. AND IF THERE ARE ANY FIGHTS OR EMERGENCIES,
15 YOU'RE -- YOU ARE NOTIFIED?

16 A YES, SIR.

17 Q AND SO YOU'RE UP THE CHAIN OF COMMAND, SO TO SPEAK?

18 A YES, SIR.

19 Q ANYTHING THAT HAPPENS THAT NEEDS TO BE KNOWN MUST BE
20 TOLD TO YOU?

21 A YES, SIR.

22 Q AND THAT -- THERE IS A RIGID PROCESS, ISN'T THERE, TO
23 JAIL THAT EVERYBODY FOLLOWS?

24 A YES, SIR.

25 Q OKAY. DO YOU PRETTY MUCH SEE INMATE STANKO EVERY

1 DAY?

2 A IT DEPENDS ON WHAT ACTIVITY WE MIGHT HAVE GOING ON,
3 BECAUSE I'M BASICALLY ALL OVER THE JAIL. I DON'T HAVE
4 LIKE SET POST ASSIGNMENT, SO I'M ABOUT THE FACILITY.

5 Q SO YOU MIGHT ACTUALLY SEE HIM SOME DAYS, SOME DAYS
6 NO?

7 A YES, THAT'S TRUE.

8 Q BUT IF THERE WERE ANY PROBLEMS WITH HIM, YOU WOULD
9 KNOW AND YOU'D KNOW ON THE DAY IT HAPPENED.

10 A YES, SIR.

11 Q OKAY. HAS HE ALWAYS BEEN RESPECTFUL TO YOU?

12 A YES, SIR.

13 Q AND HAS HE BEEN RESPECTFUL TO OTHERS IN YOUR
14 PRESENCE?

15 A YES, SIR.

16 Q IF YOU ASKED OR -- ASKED SOMETHING OF HIM OR DIRECTED
17 HIM TO DO SOMETHING AS AN INMATE, DOES HE RESPOND TO YOU,
18 DOES HE -- YOU BELIEVE HE SHOULD IN A FAVORABLE WAY?

19 A YES, SIR.

20 Q HAS HE EVER MADE A NUISANCE OF HIMSELF DOWN AT YOUR
21 JAIL?

22 A NO, SIR.

23 Q OKAY. HE EVER TRIED TO TAKE OVER AND BE BIGGIDY
24 (SIC) DOWN AT YOUR JAIL?

25 A NO, SIR.

1 Q HAS HE BROUGHT REQUESTS FROM THE INMATES THAT'S
2 USUALLY IN THE FORM OF A GRIEVANCE EITHER TO YOU OR UP
3 YOUR CHAIN OF COMMAND?

4 A YES, SIR.

5 Q DO THOSE -- HAVE THOSE IN THE PAST USUALLY HAD MERIT
6 TO THEM WHEN THEY REACHED EITHER YOU OR CAME UP THE CHAIN?
7 WHEN I SAY MERIT, DO YOU KNOW WHAT I MEAN BY THAT?

8 A NO, SIR.

9 Q WHAT I MEAN BY THAT, MA'AM, IS THAT IT'S NOT JUST
10 FRIVOLOUS, IT'S NOT JUST SOMETHING THAT DOESN'T NEED TO BE
11 THOUGHT ABOUT. IT'S SOMETHING THAT REALLY NEEDS TO BE
12 CONSIDERED AND A DECISION NEEDS TO BE MADE, HAS MERIT.

13 A UM, YES, IT DOES HAVE MERIT BY IT.

14 Q THANK YOU. AND WAS HE SORT OF THE VOICE OF THE
15 CELLBLOCK, SO TO SPEAK, FOR BRINGING GRIEVANCES UP THE
16 CHAIN?

17 A YES, SIR.

18 Q MA'AM, I WANT TO THANK YOU FOR GIVING YOUR TIME AND
19 COMING UP HERE. I HAVE NO FURTHER QUESTIONS. YOUR
20 WITNESS.

21 THE COURT: DO YOU HAVE ANY QUESTIONS FOR THE
22 WITNESS?

23 MR. HEMBREE: NO, YOUR HONOR.

24 THE COURT: MA'AM -- I WILL ASSUME THERE IS NO
25 OBJECTION TO THE WITNESS BEING EXCUSED--

1 MR. KELLY: NONE.

2 THE COURT: FROM THE STATE?

3 MR. HEMBREE: NO, YOUR HONOR.

4 THE COURT: FROM THE DEFENSE?

5 MR. KELLY: NO, MA'AM.

6 THE COURT: MA'AM, YOU'RE EXCUSED. THANK YOU.

7 (WITNESS LEFT THE STAND.)

8 THE COURT: WOULD COUNSEL APPROACH FOR ME,
9 PLEASE.

10 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

11 THE COURT: MADAM FORELADY, LADIES AND
12 GENTLEMEN, WE ARE GOING TO TAKE ADVANTAGE OF THIS
13 BREAK IN TESTIMONY AND TAKE OUR EVENING RECESS.
14 DURING THE BREAK PLEASE DO NOT DISCUSS THIS CASE
15 AMONG YOURSELVES.

16 PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. WE'LL
17 RESUME TESTIMONY IN THE MORNING AT 9:30. WE
18 ANTICIPATE HAVING A FULL DAY. HOPE THAT YOU ALL GET
19 SOME REST AND I HOPE THAT YOU ALL HAVE A WONDERFUL
20 EVENING AND WE WILL SEE YOU IN THE MORNING. GO WITH
21 THE BAILIFFS.

22 (JURY LEFT THE COURTROOM AT 5:01 PM.)

23 THE COURT: YOU MAY BE SEATED. IS THERE ANY
24 SECURITY IN THE JURY ROOM? YES, SIR. YOU INDICATED
25 THERE WAS A MOTION.

1 MR. HUMPHRIES: YOUR HONOR, THERE IS. AND WHAT
2 I'D LIKE TO DO AT LEAST AT THIS POINT IS RAISE THE --
3 SAID PERHAPS WE CAN -- I'M PREPARED TO ADDRESS IT AT
4 LEAST IN PART THIS EVENING, BUT BECAUSE IT'S IN THE
5 NATURE OF A MOTION IN LIMINE FOR WHICH WE HAVE NOT
6 BEEN GIVEN PRIOR NOTICE BECAUSE HE HAD NONE, PERHAPS
7 WE MIGHT NEED TO POSTPONE FULL ARGUMENT UNTIL IN THE
8 MORNING, BUT LET ME RAISE IT AT THIS POINT. THIS HAS
9 TO DO WITH THE PROPOSED WITNESSES BY THE DEFENDANT.

10 BASED ON THE DEFENSE'S OPENING, SPECIFICALLY MR.
11 KELLY'S OPENING, THAT HE INTENDS TO CALL NUMEROUS
12 WITNESSES, 15 WITNESSES, REGARDING A CONNIE PRICE AND
13 HER ATTEMPTS TO NOTIFY CERTAIN AGENCIES ABOUT THE
14 DEFENDANT'S CHEATING.

15 YOU KNOW, WE PREVIOUSLY TOLD THE COURT, AND WE
16 SINCERELY MEAN IT, ANY RELEVANT MITIGATING
17 CIRCUMSTANCE, WE NEVER OBJECTED TO. BUT IT IS
18 ABSOLUTELY IRRELEVANT AS TO THE DEFENDANT'S CHARACTER
19 OR CHARACTERISTICS WHAT ACTIONS OR INACTIONS SOMEONE
20 ELSE TOOK IN REGARD TO A COMPLAINT REGARDING HIS
21 CHEATING SOMEONE.

22 AND I DON'T ARGUE THAT WITHOUT ANY BASIS, YOUR
23 HONOR. THE COURT HAS FOUND ON NUMEROUS OCCASIONS
24 THAT THINGS THAT -- THAT DON'T RELATE DIRECTLY TO THE
25 DEFENDANT, HIS CHARACTER, OR THE CIRCUMSTANCES OF THE

1 CRIME, ARE NOT RELEVANT.

2 FOR INSTANCE, THE STATE VERSUS CHARPING -- CASE
3 I TRIED -- IN THAT CASE THE DEFENSE INTENDED TO
4 INTRODUCE THE SENTENCE OF THE CO-DEFENDANT WHO WAS
5 NOT A CAPITAL DEFENDANT.

6 THE COURT FOUND IN STATE VERSUS CHARPING IT IS
7 NOT RELEVANT HOW THE SOLICITOR'S OFFICE TREATED THAT
8 CO-DEFENDANT BECAUSE IT--

9 THE COURT: WASN'T HIS ARGUMENT THAT THE OTHER
10 PERSON GOT LESS THAN THEM AND THAT, YOU KNOW, THAT
11 THEY WERE NOT -- THEY WERE TREATED DISPARATELY,
12 THAT'S A DIFFERENT ARGUMENT--

13 MR. HUMPHRIES: WELL, IT -- I BELIEVE THERE'S A
14 CORRELATION, BUT THERE'S OTHERS.

15 THE COURT: OKAY.

16 MR. HUMPHRIES: STATE VERSUS ELMORE. IN THAT
17 CASE THE DEFENSE WANTED TO PUT UP EVIDENCE THAT THEY
18 HAD FAILED -- THAT THEY HAD INADEQUATELY INVESTIGATED
19 THE CAPITAL DEFENDANT'S CASE, AND THE COURT HELD THAT
20 IS NOT MITIGATING EVIDENCE.

21 THERE IS NOTHING ABOUT -- THERE IS NOTHING ABOUT
22 THESE ALLEGED INACTIONS OF OTHER AGENCIES FOR THIS
23 WOMAN'S COMPLAINTS THAT RELATE TO THE CHARACTERISTICS
24 OR CHARACTER OF THIS DEFENDANT OR THE CIRCUMSTANCES
25 OF THE CRIME.

1 AND IF THEY DON'T RELATE TO THE DEFENDANT'S
2 CHARACTER OR RECORD OR ANY OF THE CIRCUMSTANCES OF
3 THE OFFENSE, THEY ARE NOT RELEVANT. HITCHCOCK VERSUS
4 DUR, IT'S A 481 US 393, STATE VERSUS COOPER, 291
5 SOUTH CAROLINA 332, STATE VERSUS BELL, 305 SOUTH
6 CAROLINA 11. IT'S NOT RELEVANT.

7 SO I RAISE THAT AT THIS POINT. I MAY HAVE BEEN
8 ABLE TO HAVE ADDITIONAL -- IF WE HAD KNOWN, WE MAY
9 HAVE BEEN ABLE TO PROVIDE ADDITIONAL SUPPORT IN TERMS
10 OF CASE LAW. BE GLAD TO DO THAT OVER THE EVENING AND
11 PRESENT IT TO YOU IN THE MORNING.

12 BUT UNDER NO THEORY IS SOMEONE ELSE'S INACTION,
13 ALLEGED INACTION RELATE TO THIS DEFENDANT, HIS
14 CHARACTER, HIS RECORD, OR THE CIRCUMSTANCES OF THE
15 OFFENSE.

16 THE COURT: IS THERE ANY REAL DEFINITIVE LIST OF
17 MITIGATING CIRCUMSTANCES?

18 MR. HUMPHRIES: THERE IS A DEFINITION OF
19 MITIGATING CIRCUMSTANCES AND WHAT IS RELEVANT.

20 THE COURT: DOESN'T THE CASE LAW BASICALLY
21 SUPPORT THAT IS ANYTHING IS A MITIGATING CIRCUMSTANCE
22 ALMOST?

23 MR. HUMPHRIES: NO, MA'AM.

24 THE COURT: I MEAN, THAT THERE -- THAT THE COURT
25 SHOULD REALLY EXERCISE VERY LITTLE DISCRETION IN

1 LIMITING MITIGATING CIRCUMSTANCES?

2 MR. HUMPHRIES: NO, YOUR HONOR. THERE ARE
3 NUMEROUS CIRCUMSTANCES IN WHICH THE COURT HAS SAID
4 THERE ARE CERTAIN THINGS WHICH ARE NOT MITIGATING
5 CIRCUMSTANCES.

6 THE COURT: WELL, I AGREE. IN CHARPING, YOU
7 KNOW, THAT WAS NOT A MITIGATING CIRCUMSTANCE. HE
8 BASICALLY WAS SAYING, I'M BEING TREATED MORE HARSHLY
9 THAN SOMEONE ELSE. THAT'S NOT A MITIGATING
10 CIRCUMSTANCE.

11 HIS, YOU KNOW, THE SOLICITOR'S A CONSTITUTIONAL
12 OFFICER. HE CAN DECIDE OR SHE CAN DECIDE WHO THEY
13 WANT TO PURSUE, YOU KNOW, AND WHO THEY WANT TO SERVE
14 DEATH NOTICE ON SOMEONE. I MEAN, THAT'S CHARGING --
15 THAT'S ABOUT HOW YOU CHOOSE TO TREAT A DEFENDANT.
16 AND I AGREE THAT WOULD NOT BE A MITIGATING
17 CIRCUMSTANCE.

18 MR. HUMPHRIES: BE GLAD TO GIVE YOU A LIST. I
19 MEAN, THERE HAVE BEEN NUMEROUS INSTANCES IN WHICH THE
20 COURT HAS RULED THAT PROFFERED TESTIMONY IS NOT A
21 RELEVANT MITIGATING CIRCUMSTANCE.

22 THE COURT: SAY THAT ONE MORE TIME.

23 MR. HUMPHRIES: THERE HAVE BEEN NUMEROUS
24 INSTANCES WHERE THE SUPREME COURT HAS RULED THAT
25 PROFFERED TESTIMONY HAS NOT BEEN FOUND RELEVANT

1 MITIGATING CIRCUMSTANCES. STATE VERSUS GASKINS, 284
2 SOUTH CAROLINA 105, EVIDENCE OF A VICTIM'S BAD
3 CHARACTER IS NOT ADMISSIBLE IN MITIGATION.

4 THE COURT: THAT'S A WHOLE LINE OF DIFFERENT --
5 BASICALLY WHAT THEY WERE SAYING IN GASKINS IS THIS
6 PERSON WAS A THROW-A-WAY AND THEIR LIFE
7 WASN'T VALUABLE, AND THEREFORE THE DEATH PENALTY WAS
8 NOT WARRANTED.

9 AND THERE'S ANOTHER CASE ACTUALLY THAT DEALS
10 WITH THAT, TOO, DEALS WITH A PERSON WHO IS A DRUG
11 DEALER OR ACTUALLY WAS IN THE COURSE OF A DRUG DEAL
12 WHEN THEY WERE KILLED OR TRADING OFF SOME DRUGS OR
13 SOMETHING AND THAT SAME ARGUMENT WAS MADE AND THE
14 COURT SAID THAT'S NOT APPROPRIATE MITIGATING
15 CIRCUMSTANCE.

16 I WILL BE GLAD TO LISTEN, TO LOOK AT ANYTHING
17 YOU'D LIKE ME TO LOOK AT, READ ANYTHING YOU'D LIKE ME
18 TO LOOK AT. I AM, OF COURSE, ACUTELY FAMILIAR WITH
19 ALL THESE CASES, READ THEM BEFORE THE TRIAL STARTED,
20 BEEN READING THEM WHILE THE TRIAL WAS GOING ON, READ
21 THEM THIS WEEKEND AGAIN IN PREPARATION FOR THIS PHASE
22 OF THE TRIAL.

23 I WOULD ASK, HOWEVER, THAT YOU LIMIT WHATEVER
24 YOU ASK ME TO LOOK AT TO SOMETHING THAT IS FACTUALLY
25 SIMILAR TO THIS PARTICULAR CHARGE.

1 MR. HUMPHRIES: LET ME SAY THIS, YOUR HONOR.
2 THE VERY--

3 THE COURT: AND I UNDERSTAND YOUR -- THE GIST OF
4 YOUR ARGUMENT. THE GIST OF YOUR ARGUMENT IS THAT HE
5 CANNOT BASICALLY ARGUE THAT SOMEONE ELSE IS
6 PERSONALLY ACCOUNTABLE FOR HIS DECISIONS AND BUT FOR
7 THE STATE'S INACTION THAT HE WOULD NOT HAVE BEEN OUT
8 TO HURT SOMEONE.

9 CERTAINLY YOU CAN ARGUE THE OPPOSITE OF THAT
10 POSTURE WHICH IS BASED ON HIS OWN TESTIMONY THAT IT
11 WAS JUST INEVITABLE AND IT'S A MATTER OF TIME BEFORE
12 IT HAPPENS WHETHER HE WAS REVOKED ON HIS PROBATION OR
13 NOT.

14 MR. HUMPHRIES: I UNDERSTAND. WE'LL BE PREPARED
15 TO ARGUE IN THE MORNING, YOUR HONOR.

16 THE COURT: ANY PRECEDENT THAT YOU FEEL IS --
17 THAT YOU FEEL IS APPLICABLE THAT YOU WOULD LIKE FOR
18 ME TO REVIEW, IF YOU COULD MAKE SURE THAT YOU HAVE IT
19 HERE AT 9 SO THAT I HAVE THE ABILITY TO REVIEW IT IN
20 ADVANCE OF COURT.

21 AND ACTUALLY, IF YOU WOULD LIKE -- BECAUSE I
22 GENERALLY WORK IN THE EVENINGS, YOU CAN E-MAIL IT TO
23 MY LAW CLERK AND I WILL GET READY BEFORE I COME TO
24 COURT IN THE MORNING, WHICH IS PROBABLY THE BETTER
25 WAY TO HANDLE IT BECAUSE I WOULD PREFER TO HAVE READ

1 IT TONIGHT INSTEAD OF WAITING TO READ IT IN THE
2 MORNING.

3 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

4 THE COURT: YOU'RE WELCOME. DO YOU HAVE HER
5 E-MAIL ADDRESS?

6 MR. HUMPHRIES: WE DO, YOUR HONOR. THANK YOU.

7 THE COURT: WOULD YOU LIKE ANY -- TO MAKE ANY
8 ARGUMENT IN RESPONSE?

9 MR. KELLY: ONLY ONE POINT, MA'AM, AND THIS
10 WOULD BE IT. WHEN CONNIE PRICE COMPLAINED TO
11 ANYBODY, SHE WAS ALSO COMPLAINING ABOUT BIZARRE
12 BEHAVIOR OF THIS PERSON, NOT ONLY THAT IT WAS
13 ILLEGAL, BUT IT WAS -- SHE DESCRIBES IT TO THE
14 SOLICITOR'S INVESTIGATOR ON MAY THE EIGHTH, 2005, AS
15 INSANE IS THE WAY HE SAID, WHICH USUALLY DESCRIBES IT
16 AS BIZARRE BEHAVIOR.

17 AND SHE HAD MANY INSTANCES OF HIS BIZARRE
18 BEHAVIOR. SO IT REALLY SPEAKS ABOUT, ALSO MA'AM, TO
19 THE -- TO A WITNESS'S -- A MATERIAL WITNESS'S
20 KNOWLEDGE OF HIS CONDUCT. AND THAT'S CLEARLY--

21 MR. HUMPHRIES: THAT'S NOT -- THAT'S NOT THE
22 ISSUE. THAT HAPPENED AFTER THE EVENTS. WE DON'T
23 HAVE ANY ISSUES IN REGARD TO HER TESTIFYING IN THAT
24 REGARD. IT'S HER ACTIONS--

25 THE COURT: AS I UNDERSTAND YOUR MOTION IN

1 LIMINE, YOU OBJECT TO ANY LINE OF QUESTIONING OF THE
2 WITNESSES FROM PROBATION, THIS WITNESS AS WELL AS
3 OTHERS, WHO WOULD BASICALLY ARGUE THAT IF THEY HAD
4 DONE THEIR JOB THAT HE WOULD NOT HAVE BEEN ON THE
5 STREET, HE WOULD HAVE BEEN REVOKED, AND HE WOULD HAVE
6 NEVER BEEN IN THE POSITION TO INJURE MS. LING.

7 MR. HUMPHRIES: THAT'S CORRECT.

8 THE COURT: THAT IS THEIR ARGUMENT.

9 MR. KELLY: WELL, MA'AM, I DON'T KNOW EXACTLY
10 HOW TO PHRASE IT, BUT THIS LADY I THINK GOES TO HIS
11 CHARACTERISTICS BECAUSE SHE FOUND HIM SO EXTREME, SHE
12 WENT TO EXTREME LENGTHS TO REPORT IT, AND THAT'S
13 REALLY PART OF WHAT'S GOING ON HERE.

14 I UNDERSTAND THE BIG DOG ALWAYS BARKS, MA'AM,
15 BUT I THINK THE SOLICITOR HAS BEEN TELLING THESE
16 JURORS ALL ALONG THAT THERE IS NO EXCLUSIVE LIST OF
17 MITIGATING CIRCUMSTANCES. THAT'S ALL I HAVE HEARD
18 HIM TELL.

19 AND I DON'T KNOW WHAT THE LAW IS ON IT, BUT I
20 THOUGHT IT WAS TO GET EVERYTHING OUT IS WHAT I
21 THOUGHT IT WAS--

22 THE COURT: PARDON ME? I DIDN'T HEAR YOUR LAST
23 COMMENT.

24 MR. KELLY: I SAID, I THOUGHT THE WHOLE IDEA WAS
25 TO REALLY -- TO LET IT GET OUT, BUT MAY BE SOME LEGAL

1 HESITATION TO THAT. I DON'T KNOW WHAT IT IS MYSELF.

2 THE COURT: I THINK THE LAW IS VERY CLEAR THAT
3 THEY ARE NOT BOUND TO A SPECIFIC LIST OF MITIGATING
4 CIRCUMSTANCES, BECAUSE AS I UNDERSTAND THE LAW THERE
5 IS REALLY NO DEFINITIVE LIST OF MITIGATING -- AND THE
6 COURT IS ENCOURAGED, ESPECIALLY WHEN YOU'RE DEALING
7 WITH CAPITAL CASES, TO BE VERY BROAD IN YOUR -- OR IN
8 OUR INTERPRETATION OF MITIGATING CIRCUMSTANCES.

9 I -- IT IS THEIR STRATEGY. I THINK THAT IT IS
10 ONE THAT CAN BE REBUTTED. I THINK THAT IT'S A VERY
11 INTERESTING TACTIC THAT THE DEFENSE HAS DECIDED TO
12 PURSUE.

13 I DON'T KNOW IF IT'S GOING TO OPEN ANY DOORS. I
14 HAVEN'T THOUGHT THAT FAR AHEAD. CERTAINLY IF THERE'S
15 PRECEDENT THAT YOU ALL WANT ME TO CONSIDER, THAT I
16 CERTAINLY WILL LOOK AT THAT, AND YOU CAN GET IT TO ME
17 THIS EVENING AS I INDICATED, THAT WOULD BE BETTER FOR
18 ME BECAUSE THEN I CAN READ IT, I CAN DIGEST IT, AND
19 HAVE A VERY CLEAR OPINION ABOUT IT IN THE MORNING.

20 I AM NOT CERTAIN, HOWEVER, AT THIS POINT THAT I
21 WILL EXCLUDE IT. AND I THINK CERTAINLY THERE'S
22 ENOUGH ROOM FOR THE STATE TO ARGUE AGAINST IT. I
23 THINK QUITE FRANKLY THERE'S ENOUGH INFORMATION IN THE
24 CASE IN THE -- BOTH WHAT WAS PRESENTED IN THE GUILT
25 PHASE BY THE STATE AND THE DEFENSE THAT IT REALLY

1 DOESN'T MATTER WHETHER THEY -- YOU KNOW, AND I'M JUST
2 PLAYING DEVIL'S ADVOCATE.

3 IT REALLY DOESN'T MATTER WHETHER ANYBODY HEADED
4 THIS WOMAN'S COMPLAINTS. BASED ON THE PROFESSIONALS
5 WHO EXAMINED MR. STANKO, BOTH THOSE TESTIFYING FOR
6 HIM AND THOSE WHO HE PROBABLY WOULD PERCEIVE OR HIS
7 COUNSEL WOULD PERCEIVE TESTIFIED AGAINST HIS
8 POSITION, I DON'T KNOW THAT IT MAKES A DIFFERENCE.

9 THEIR TESTIMONY BASICALLY IS THAT HE IS A
10 PREDATOR AND IT'S JUST A MATTER OF TIME WHETHER HE
11 SPENT 10 YEARS IN JAIL AND GOT OUT AND DID IT OR
12 WHETHER HE SPENT TWO YEARS IN JAIL AND GOT OUT AND
13 DID IT.

14 AND QUITE FRANKLY, WHETHER PROBATION, PARDON,
15 AND PAROLE DID THEIR JOB, THEY HAVE NO CONTROL OVER
16 THE COURT. THEIR -- WOULD HAVE BEEN IRRELEVANT, YOU
17 KNOW. HOW MANY CIRCUIT COURT JUDGES ARE THERE, 49 OR
18 51?

19 I DON'T KNOW WHAT ANY OF THEM WOULD HAVE DONE.
20 I DON'T KNOW WHAT I WOULD HAVE DONE FACED WITH A
21 PAROLE, PROBATION REVOCATION ON THIS CASE.

22 SO TO SOME EXTENT IT'S REALLY SPECULATION,
23 ALTHOUGH I'M NOT CERTAIN THAT THERE'S ANY CASE LAW
24 THAT WOULD PRECLUDE THEM FROM ARGUING IT. BUT I
25 GUESS I PLAY DEVIL'S ADVOCATE TO SIMPLY SAY I DON'T,

1 YOU KNOW, THE WHOLE DEFINITION OF RELEVANCE IS DOES
2 IT MAKE A FACTUAL ISSUE MORE OR LESS PROBABLE.
3 THAT'S A VERY BROAD DEFINITION.

4 DOES IT MAKE A FACT OR ISSUE CONSEQUENCE IN
5 MITIGATION -- AND I'M PARAPHRASING IT MORE OR LESS
6 PROBABLE -- RESOLVE FACTUAL ISSUES SUBJECT TO -- YOU
7 ALL TO ARGUE.

8 BUT I WILL BE GLAD TO LOOK AT ANY PRECEDENCE YOU
9 ALL WANT ME TO REVIEW. PLEASE MAKE SURE THAT WE HAVE
10 IT THIS EVENING. TRY TO MAKE SURE -- ALTHOUGH I AM
11 NOCTURNAL, I MAKE NO BONES ABOUT IT, I PREFER TO GET
12 IT BEFORE 10:00 OR BEFORE NINE SO THAT I CAN HAVE
13 AMPLE TIME TO READ IT BEFORE -- GET ENOUGH SLEEP TO
14 FUNCTION TOMORROW. OKAY?

15 MR. KELLY: THANK YOU, MA'AM.

16 THE COURT: YOU'RE WELCOME. Y'ALL HAVE A GOOD
17 EVENING. SEE YOU IN THE MORNING.

18 (COURT IN RECESS FOR THE EVENING.)

19 ***** AUGUST 16TH, 2006 *****

20 THE COURT: IS THE STATE READY TO PROCEED?

21 MR. HUMPHRIES: YES, MA'AM. THE STATE'S READY,
22 YOUR HONOR.

23 THE COURT: IS THE DEFENSE READY TO PROCEED?

24 MR. DIGGS: YES, MA'AM.

25 THE COURT: OKAY. MR. KELLY, AND I'M NOT TRYING

1 TO PUT YOU ON THE SPOT, SO TO SPEAK. YOU HAD A
2 LITTLE SPILL LAST NIGHT I UNDERSTAND.

3 MR. KELLY: YES, MA'AM, I DID.

4 THE COURT: AND YOU FEEL FINE?

5 MR. KELLY: YES, MA'AM.

6 THE COURT: MAKE SURE, YOU KNOW, MY CONCERN FOR
7 YOU. I JUST WANT TO MAKE SURE YOU ARE FEELING OKAY.

8 MR. KELLY: YES, MA'AM. I WAS OVER AT THE
9 HOSPITAL ABOUT FOUR HOURS LAST NIGHT.

10 THE COURT: ALL RIGHT.

11 MR. KELLY: BUT I'M READY TO GO FORWARD.

12 THE COURT: OKAY. MR. STANKO, YOU UNDERSTAND
13 THAT MR. KELLY HAD A LITTLE SPILL LAST NIGHT.

14 THE DEFENDANT: YES, MA'AM.

15 THE COURT: DO YOU HAVE ANY CONCERNS ABOUT HIS
16 ABILITY TO REPRESENT YOU THIS MORNING?

17 THE DEFENDANT: AS LONG AS HE FEELS OKAY AND
18 HE'S PREPARED TO PROCEED, I'M ALL RIGHT.

19 THE COURT: OKAY. AND DO YOU HAVE ANY CONCERNS
20 WITH THE COURT GOING FORWARD THIS MORNING?

21 THE DEFENDANT: NO, MA'AM.

22 THE COURT: OKAY. I TRUST -- ONE THING I KNOW
23 ABOUT MR. KELLY IS WHAT HE REPRESENTS TO ME, HE IS A
24 MAN OF INTEGRITY. HE TELLS ME HE'S FINE, I TAKE THAT
25 AT FACE VALUE. I FEEL LIKE IF HE WASN'T WELL, HE

1 WOULD TELL ME.

2 THE DEFENDANT: YES, MA'AM.

3 THE COURT: OKAY. BUT I NEED TO MAKE SURE FROM
4 YOUR PERSPECTIVE THAT YOU FEEL THAT HE'S COMPETENT TO
5 GO FORWARD THIS MORNING AND TO REPRESENT YOU,
6 ZEALOUSLY REPRESENT YOUR INTERESTS.

7 THE DEFENDANT: JUDGE JEFFERSON, I AGREE WITH
8 YOUR STATEMENT.

9 THE COURT: I CAN'T HEAR YOU.

10 THE DEFENDANT: I WOULD AGREE WITH YOUR
11 STATEMENTS, AND I BELIEVE THAT MR. KELLY -- IF HE
12 SAYS HE'S PREPARED AND HE'S OKAY, I BELIEVE HIM.

13 THE COURT: OKAY.

14 THE DEFENDANT: I FEEL HE IS.

15 THE COURT: OKAY. I JUST WANTED TO MAKE SURE WE
16 COVERED THAT THIS MORNING BEFORE WE PROCEED.

17 THE DEFENDANT: YES, MA'AM.

18 THE COURT: YES, SIR. IT LOOKED LIKE YOU WERE
19 GOING TO STAND UP.

20 MR. HUMPHRIES: WELL, I WAS GOING TO WAIT FOR
21 YOU. JUDGE, I DON'T WANT TO ANTICIPATE THE COURT'S
22 RULING. I DID WANT TO STATE FULLY THE STATE'S
23 POSITION IN REGARD--

24 THE COURT: I'M GOING TO GIVE YOU THE ADDITIONAL
25 OPPORTUNITY TO ARGUE. Y'ALL DIDN'T SAY ANYTHING LAST

1 NIGHT -- I ASSUMED THERE WAS NOTHING YOU WANTED ME TO
2 READ.

3 MR. HUMPHRIES: NO, THERE'S NOT.

4 THE COURT: OKAY. IS THERE ANY ADDITIONAL
5 ARGUMENT REGARDING -- DID Y'ALL NEED SOME MORE TIME
6 TO TALK? BECAUSE I CAN GIVE YOU THAT IF YOU NEED IT.

7 MR. KELLY: NO, MA'AM.

8 THE COURT: OKAY. ANY ADDITIONAL ARGUMENT
9 REGARDING THE MOTION IN LIMINE TO EXCLUDE MITIGATING
10 FACTOR THAT -- AND I'M TRYING TO FIND A SUCCINCT WAY
11 TO REFER TO IT. I GUESS IT WOULD BE STATE'S INACTION
12 OR PROBATION'S INACTION.

13 MR. HUMPHRIES: THERE IS. I JUST WANT TO STATE
14 FOR THE RECORD, I MEAN, OUR POSITION FULLY. AGAIN,
15 NOT ANTICIPATING THE COURT'S RULING, BUT JUST FOR THE
16 PURPOSES OF THE RECORD.

17 I THINK -- I THINK IT IMPORTANT TO SAY FIRST OF
18 ALL WHAT THE STATE DOES NOT OBJECT TO. THE STATE
19 DOES NOT OBJECT TO THE TESTIMONY OF CONNIE PRICE.
20 REALLY, IN FULL, THAT IS THAT SHE -- FOR WHATEVER
21 ELSE SHE IS GOING TO TESTIFY TO -- BUT HER TESTIMONY
22 AS SPECIFICALLY RELATES TO HER LAY OPINION REGARDING
23 THE DEFENDANT'S MENTAL STATE.

24 CLEARLY I THINK THAT'S RELEVANT IN THIS
25 SENTENCING PHASE, AND THE FACT THAT SHE WAS SO

1 CONCERNED ABOUT NOT ONLY HIS -- HIS CONDUCT IN
2 RELATION TO HER, THAT IS THE CHEATING I BELIEVE SHE
3 DESCRIBES IT, BUT THAT -- AND SHE WAS CONCERNED ABOUT
4 HIS MENTAL STATE AND THAT'S WHY SHE CALLED THESE
5 PEOPLE. WE DON'T OBJECT TO THAT.

6 THE COURT: OKAY.

7 MR. HUMPHRIES: WHAT WE OBJECT TO IS THE CALLING
8 OF THE WITNESSES FROM PROBATION, FROM THE SOLICITOR'S
9 OFFICE, FROM THE POLICE DEPARTMENTS -- I BELIEVE
10 THOSE ARE ALL THE CATEGORIES -- AND CALLING THEM
11 TO -- TO TESTIFY ABOUT WHAT THEY DID OR DIDN'T DO IN
12 CONNECTION WITH THIS DEFENDANT AS RELATES TO THIS
13 CHEATING. THAT'S WHAT WE OBJECT TO.

14 THE RULE OF LAW, AND OF COURSE, THE COURT WELL
15 KNOWS IT, IS THAT A MITIGATING FACTOR, OR SAID
16 ANOTHER WAY, ANY ASPECT OF THE DEFENDANT'S CHARACTER
17 OR RECORD OR ANY OF THE CIRCUMSTANCES OF THE OFFENSE
18 THAT THE DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE
19 LESS THAN DEATH MUST BE SUBMITTED TO THE SENTENCING
20 JUDGE OR JURY.

21 AGAIN, THAT'S HITCHCOCK V DUGER AND A LONG LINE
22 OF SOUTH CAROLINA CASES. THAT IS THE RULE OF LAW.
23 AND THE STATE ACKNOWLEDGES, AS THIS COURT HAS SAID A
24 NUMBER OF TIMES, DEATH IS DIFFERENT.

25 BUT THAT'S WHAT'S SO -- SO UNIQUE ABOUT THIS

1 RULE OF LAW. THIS IS NOT A RULE OF LAW WHICH HAS
2 BEEN TRANSPORTED FROM CAPITAL -- NON-CAPITAL
3 LITIGATION TO CAPITAL LITIGATION. THIS IS A RULE
4 SPECIFIC TO CAPITAL LITIGATION. IT RECOGNIZES THAT
5 DEATH IS DIFFERENT. AND THEREFORE THIS RULE HAS BEEN
6 ESTABLISHED BY THE CASE LAW.

7 IN ORDER FOR EVIDENCE TO BE ADMISSIBLE, MUST BE
8 RELEVANT, AND RELEVANT EVIDENCE BY VIRTUE OF RULE 401
9 MEANS EVIDENCE HAVING ANY TENDENCY TO MAKE AN
10 EXISTENCE OF ANY FACT THAT IS CONSEQUENCE TO THE
11 DETERMINATION OF THE ACTION MORE PROBABLE OR LESS
12 PROBABLE THAN IT WOULD BE WITHOUT THE EVIDENCE.

13 THIS RULE SAYS IF HE -- IF THE ISSUES FOR THE --
14 THE -- THE ISSUES OF CONSEQUENCE ARE THE DEFENDANT'S
15 CHARACTER, HIS RECORD, OR ANY CIRCUMSTANCES OF THE
16 CRIME. THOSE ARE THE -- THE ISSUES, THE -- AND
17 PURSUANT TO RULE 401 ANY FACT IS OF CONSEQUENCE TO
18 THE DETERMINATION OF THE ACTION. THEY'RE CONFINED IN
19 THAT RESPECT.

20 ANY RELEVANT MITIGATING CIRCUMSTANCE MUST BE
21 SUBMITTED TO THE JURY. THERE ARE -- THERE ARE
22 CATEGORIES OF RELEVANT EVIDENCE WHICH THE RULES
23 PRECLUDE FROM BEING SUBMITTED TO A JURY.

24 HOWEVER, IF EVIDENCE IS NOT RELEVANT UNDER RULE
25 402, IT IS NOT ADMISSIBLE. THERE ARE NUMEROUS

1 INSTANCES OF THE COURT NOT ADMITTING EVIDENCE WHICH
2 IS NOT A RELEVANT MITIGATING FACTOR.

3 I WOULD CONCEDE THAT IN OUR RESEARCH WE HAVE
4 FOUND NO FACTUALLY IDENTICAL SITUATION TO THE
5 SITUATION PRESENTED HERE. JUST, YOU KNOW, JUST LIKE,
6 YOU KNOW, THERE'S NO CASE THAT SAYS EVIDENCE ABOUT
7 HOW EVIL OSAMA BIN LADIN IS IS NOT A MITIGATING
8 FACTOR.

9 THE REASON IS IT'S NOT BEEN PRESENTED. THE
10 REASON IT'S NOT BEEN PRESENTED IS BECAUSE IT DOESN'T
11 MEET THE RULE. WHEN WE DON'T HAVE A SPECIFIC
12 CIRCUMSTANCE OR A SPECIFIC FACTUAL PATTERN TO RELY ON
13 IN TERMS OF PRECEDENCE, WE HAVE TO LOOK AT THE
14 GENERAL RULE.

15 IN THIS CASE THERE IS NOTHING IN THE STATE'S
16 OPINION THAT IS RELEVANT TO THE DEFENDANT'S
17 CHARACTER, HIS RECORD, OR THE SPECIFIC CIRCUMSTANCES
18 OF THE CRIME WHEN WE TALK ABOUT THE ALLEGED STATE
19 INACTION PRIOR TO THE MURDER. IT IS NOT RELEVANT.
20 IT IS NOT ADMISSIBLE EVEN IF, AS THIS CASE IS, IT IS
21 A DEATH PENALTY CASE.

22 THE LAST THING I WANT TO SAY IN THAT REGARD,
23 YOUR HONOR, IS THIS. THAT IT IS VIOLATIVE OF THE
24 EIGHTH AMENDMENT BECAUSE IT'S AN ARBITRARY FACTOR
25 WHICH IS BEING INJECTED INTO THIS SENTENCING PHASE IN

1 THAT IN FACT IT IS NOT RELEVANT AS A MITIGATOR
2 BECAUSE IT DOES NOT RELATE TO HIS CHARACTER, HIS
3 RECORD, OR THE SPECIFIC INSTANCES--

4 THE COURT: TELL ME WHY IT DOESN'T RELATE TO HIS
5 RECORD WHEN WE ARE TALKING ABOUT PROBATION WHICH IS A
6 PART OF HIS RECORD, AND IT'S DIRECTLY A PART OF IT,
7 IT'S A PART OF HIS CONFINEMENT.

8 MR. HUMPHRIES: THERE IS NO QUESTION THAT HIS
9 PROBATION RECORD...

10 THE COURT: OR THEIR ACTION OR INACTION WITH HIM
11 AND HOW THEY TREATED HIM.

12 MR. HUMPHRIES: BECAUSE WHAT WE'RE DOING HERE IS
13 CASTING THE BLAME ON SOMEONE OTHER THAN THIS
14 INDIVIDUAL. HIS RECORD AS RELATES TO PROBATION, HOW
15 HE'S PERFORMED ON PROBATION, IS RELEVANT BECAUSE
16 THAT'S PART OF HIS RECORD.

17 BUT THEIR ACTION, THAT IS THE PROBATION AGENT'S
18 ACTION, AND OF COURSE NOT EVEN TALKING ABOUT THE
19 SOLICITOR'S OFFICE OR LAW ENFORCEMENT, BUT THE
20 PROBATION OFFICER'S ACTION IS NOT -- DOES NOT GO TO
21 INDIVIDUAL CHARACTERISTICS OF THIS DEFENDANT OR THE
22 SPECIFIC CRIME. THEIR ACTIONS, NO. HIS ACTIONS,
23 ABSOLUTELY.

24 AND IF HE'S PERFORMED WELL ON PROBATION, CLEARLY
25 THE STATE DOESN'T OBJECT TO THAT. BUT THE PROBATION

1 OFFICER'S ACTIONS DON'T HAVE ANYTHING TO DO WITH THIS
2 DEFENDANT'S CHARACTER, HIS INDIVIDUAL
3 CHARACTERISTICS, OR THIS CRIME.

4 THE COURT: ANYTHING FURTHER?

5 MR. HUMPHRIES: NO, YOUR HONOR. THANK YOU.

6 THE COURT: ANYTHING FROM THE DEFENSE?

7 MR. KELLY: YES, MA'AM.

8 THE COURT: YOU MAY PROCEED.

9 MR. KELLY: WE THINK THAT ANY PERSON WHO MET
10 WITH THE DEFENDANT SHOULD BE ALLOWED TO TESTIFY TO
11 HIS BEHAVIOR AND HIS STATE OF MIND.

12 THE COURT: BUT THEY DON'T OBJECT TO THE WOMAN
13 TESTIFYING. THEY CONCEDE THAT THAT WOULD BE
14 RELEVANT.

15 MR. KELLY: WE THINK THAT ANY PERSONS WHO MET OR
16 SPOKE WITH THESE PERSONS SHOULD BE ALLOWED TO TESTIFY
17 TO THOSE PERSON'S CONCERNS AND ESPECIALLY CONCERNS OF
18 THE DEFENDANT'S CRIMINAL CONDUCT AND ABNORMAL
19 BEHAVIOR.

20 IF, FOR INSTANCE, A CITIZEN WERE TO CONTACT
21 LET'S SAY A POLICE OFFICER AND SAY THAT THEY BELIEVED
22 THAT STANKO'S BEHAVIOR WAS ABNORMAL AND CRIMINAL AND
23 THE OFFICER TOOK NO ACTION, I THINK THAT WE WOULD
24 HAVE TO DETERMINE, IS THAT BECAUSE YOU THOUGHT IT WAS
25 NOT CRIMINAL OR ABNORMAL BEHAVIOR? IS THAT WHAT

1 WE'RE TALKING ABOUT HERE?

2 AND THERE WOULD HAVE TO BE SOME BASIS FOR THAT
3 IN FACT. SO THAT HAS TO DO WITH THE BEHAVIOR OF THE
4 DEFENDANT, HIS STATE OF MIND, AND THE REASONS FOR THE
5 ACTION OR INACTION BECAUSE THAT COULD ONLY BE BASED
6 ON THEIR ASSESSMENT THAT IT IS EITHER NOT ABNORMAL OR
7 NOT CRIMINAL.

8 AS TO THE PROBATION, MA'AM, THE PROBATION RECORD
9 IS A SHOWING OF HIS BEHAVIOR. AND IN THAT HE WOULD
10 BE CONFRONTED WITH REPORTS OF HIS BEHAVIOR AND HE
11 WOULD BE ACTING OR REACTING AT THAT TIME AND THAT
12 WOULD SHOW HIS BEHAVIOR.

13 IF THEY -- WHATEVER ACTION THEY CHOSE TO TAKE
14 WOULD BE AN INDICATION OF WHAT THEY THOUGHT OF HIS
15 BEHAVIOR. AND THEY SHOULD SURELY BE ACCESSIBLE TO
16 THE DEFENSE IN ORDER TO ASK THEM WHAT THEY CONSIDER
17 THAT BEHAVIOR TO BE IN RELATION TO THE ACTIONS THAT
18 THEY TOOK OF HIM.

19 AND SO WE DON'T THINK IT'S QUITE PURE AND
20 SIMPLE. ALSO, IT WOULDN'T ONLY BE CONNIE PRICE, BUT
21 IT WOULD BE ANY PERSON SUCH AS HER BOYFRIEND THAT WE
22 INTENDED TO PUT UP WHO ALSO MET WITH HIM ON DIFFERENT
23 OCCASIONS, AND THE PAROLE PEOPLE WHO MET WITH HIM.

24 AND TO GO FURTHER THAN THAT WOULD ME MYSELF,
25 MA'AM, WE THINK THAT IF THE REPORT OF CRIMINAL AND

1 ABNORMAL BEHAVIOR IS MADE TO THE SOLICITOR'S OFFICE
2 OR THE POLICE DEPARTMENT OR ANY OTHER OFFICIAL AGENCY
3 OF THE SYSTEM I CALLED AND THEY CHOSE NOT -- WHATEVER
4 ACTION THEY CHOSE TO DO, THEY -- IT WOULD BE A REASON
5 FOR THAT.

6 IF THEY DIDN'T THINK IT WAS CRIMINAL, THEY WOULD
7 TAKE NO ACTION. AND CERTAINLY THEY WOULD GIVE THE
8 CITIZEN WHATEVER ADVICE OR EXPLANATION. WE THINK
9 WE'VE GOT A RIGHT TO SHOW HIS BEHAVIOR AND WE THINK
10 WE'VE GOT A RIGHT TO HAVE ANY PERSONS SITUATED AS I
11 HAVE INDICATED TO GIVE US THEIR EVIDENCE AS TO WHAT
12 THEY THOUGHT THAT BEHAVIOR WAS AND HIS STATE OF MIND,
13 YOUR HONOR.

14 MR. HUMPHRIES: MAY I BRIEFLY RESPOND, YOUR
15 HONOR?

16 THE COURT: YES.

17 MR. HUMPHRIES: AGAIN, WE TAKE NO EXCEPTION TO
18 ANYBODY WHO PERSONALLY MET WITH THE DEFENDANT WHO
19 WOULD HAVE A PERSONAL OPINION, LAY OPINION, REGARDING
20 HIS MENTAL STATE. NO OBJECTION WHATSOEVER. THERE'S
21 A PROBATION AGENT THAT MET WITH HIM, FINE.

22 BUT WHATEVER WE HAVE TO DO IS KEEP IN CONTEXT
23 WHAT THE OPINION --

24 THE COURT: WELL, REALLY--

25 MR. HUMPHRIES: THE REASON THAT -- I'M SORRY.

1 THE COURT: THE COURT -- AND I DON'T MEAN TO
2 INTERRUPT YOU, BUT WE ARE SORT OF TALKING ABOUT TWO
3 VERY SEPARATE THINGS.

4 MR. HUMPHRIES: WE ARE.

5 THE COURT: REALLY THE THINGS THAT THEY ARE
6 SEEKING TO ADMIT ARE COMPLETELY ADMISSIBLE PURSUANT
7 TO LOCKET VERSUS OHIO. I MEAN, IT COMES CLEARLY
8 WITHIN THE DEFINITION OF MITIGATING CIRCUMSTANCES.

9 WHAT YOU'RE REALLY OBJECTING TO IS THE WAY HE'S
10 GOING TO ARGUE IT, AND THAT'S A WHOLE -- THAT'S --
11 THOSE ARE TWO VERY SEPARATE ISSUES. THE EVIDENCE ON
12 ITS FACE AS IT IS PRESENTED IS COMPLETELY WITHIN THE
13 AMBIT OF MITIGATING EVIDENCE.

14 HOW HE ARGUES IT, HOWEVER, IS A WHOLE DIFFERENT
15 ISSUE. AND WHAT YOU'RE REALLY OBJECTING TO IS HIM
16 ARGUING THAT SOMEBODY ELSE HAS RESPONSIBILITY FOR
17 MR. STANKO'S BEHAVIOR.

18 MR. HUMPHRIES: NO QUESTION.

19 THE COURT: THAT'S REALLY WHAT YOU'RE -- AND
20 THAT'S REALLY WHAT YOU'RE ARGUING AND THAT REALLY IS
21 ABOUT LIMITATION ON ARGUMENT, NOT LIMITATION ON
22 PRESENTATION OF EVIDENCE, BECAUSE THERE ARE LOTS OF
23 INFERENCES THAT CAN BE DRAWN FROM THE EVIDENCE AS IS
24 PRESENTED.

25 MR. HUMPHRIES: I CONCEDE THAT TO A POINT THAT

1 THAT IS EXACTLY WHAT MY CONCERNS ARE. AND WHAT I
2 BEGAN TO SAY IS WE DO HAVE TO LOOK AT THIS IN THE
3 CONTEXT IN WHICH IT WAS PRESENTED TO THE JURY, AND
4 THAT IS IF THESE PEOPLE HAD DONE THEIR JOB, LAURA
5 LING WOULD BE ALIVE TODAY.

6 THE COURT: WELL, I DON'T THINK MR. -- WHILE MR.
7 KELLY HAS ARGUED THAT, I DON'T THINK HE CAN ELICIT
8 THAT TESTIMONY. HE'S GOING TO BE CALLING THESE
9 WITNESSES ON DIRECT.

10 HE IS NOT GOING TO BE ASKING LEADING QUESTIONS.
11 THE TESTIMONY THAT HE WILL HAVE TO ELICIT BY ITS VERY
12 NATURE WILL DEAL WITH MR. STANKO'S CHARACTER AND HOW
13 HE PERFORMED ON PROBATION.

14 MR. HUMPHRIES: I'VE GOT NO PROBLEM WITH THAT.

15 THE COURT: YOU KNOW, WHAT YOU'RE REALLY
16 OBJECTING TO IS HOW HE MAY ARGUE IT IN CLOSING
17 ARGUMENT. THAT MAY BE ANOTHER ISSUE FOR ANOTHER
18 TIME.

19 MR. HUMPHRIES: I AGREE WITH THE EXCEPTION OF
20 THOSE PEOPLE THAT THEY CALL WHO HAD ONLY CONTACT WITH
21 MS. PRICE, NOT MR. STANKO. WE -- AGAIN, WE DON'T
22 OBJECT TO PEOPLE THAT HAD CONTACT WITH MR. STANKO OR
23 HAD SUPERVISORY INTEREST OVER MR. STANKO.

24 WE OBJECT TO THE CALLING OF THE SOLICITOR'S
25 OFFICE AND LAW ENFORCEMENT. IN PARTICULAR, THEY

1 DON'T HAVE ANY CONTACT WITH MR. STANKO.

2 THE COURT: WELL, I THINK TO SOME EXTENT IT
3 COULD BE ARGUED -- AND I'M NOT TRYING TO -- AGAIN,
4 I'M NOT AN ADVOCATE. I JUST HAVE TO LOOK AT IT FROM
5 THE SIDES OF THE SCALE.

6 MR. HUMPHRIES: I UNDERSTAND.

7 THE COURT: BUT WHAT THEY -- THEY, OF COURSE,
8 DID NOT ELICIT WHAT SOMEONE TOLD THEM.

9 MR. HUMPHRIES: OH, THERE'S NO QUESTION.

10 THE COURT: THAT WOULD BE HEARSAY. SO THE ONLY
11 THING THEY CAN ASK IS WHAT YOU DID AS A RESULT OF
12 YOUR CONTACT WITH THEM. I DON'T KNOW WHAT THOSE
13 ANSWERS ARE GOING TO BE. THEY MAY WELL HAVE REPORTED
14 IT TO SOMEONE ELSE. THEY MAY WELL HAVE SUGGESTED
15 SOME OTHER ACTION BE TAKEN.

16 AGAIN, I DON'T KNOW. I DON'T KNOW THEIR WHOLE
17 CONTEXT OF THEIR TESTIMONY. BUT I WILL TELL YOU THAT
18 I AM INCLINED TO ERR ON THE SIDE OF CAUTION. AND I
19 DON'T MEAN TO SOUND LIKE A BROKEN RECORD, BUT DEATH
20 IS DIFFERENT, AND HE'S ON TRIAL FOR HIS LIFE.

21 AND THE LAW -- AND I'M REFERRING TO UNITED
22 STATES SUPREME COURT PRECEDENT, BECAUSE OF COURSE,
23 ALL OF OUR CASE LAW IS BASED ON THOSE CASES, IS THAT
24 THE EIGHTH AND THE FOURTEENTH AMENDMENT REQUIRE THAT
25 THE SENTENCER IN -- BUT ALL THE RAREST KIND OF

1 CAPITAL CASE NOT BE PRECLUDED FROM CONSIDERING AS A
2 MITIGATING FACTOR ANY ASPECT OF A DEFENDANT'S
3 CHARACTER WHICH IS WHAT WE'RE TALKING ABOUT, THEIR
4 LAY OPINION AS TO HIS CHARACTER, OR HIS RECORD, WHICH
5 WE'RE TALKING ABOUT PROBATION WHICH IS A CONDITION OF
6 HIS CONFINEMENT THAT WOULD BE RELEVANT ON HIS RECORD,
7 OR ANY OF THE CIRCUMSTANCES OF THE OFFENSE THAT THE
8 DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE LESS
9 THAN DEATH.

10 THAT IS A VERY BROAD SENTENCE. AND WITHOUT, OF
11 COURSE, GOING THROUGH AN ENTIRE SUPREME COURT -- AND
12 I'M REFERRING TO US SUPREME COURT RECITATION, THEY
13 HAVE ALL BUT SAID, ALMOST ANYTHING IS A MITIGATING
14 FACTOR, THERE IS NO EXCLUSIVE LIST, AND WIDE LATITUDE
15 SHOULD -- IN OTHER WORDS, THE COURT SHOULD ERR ON THE
16 SIDE OF BEING MORE BROAD IN THAT CATEGORY THAN MORE
17 RESTRICTED IN THAT CATEGORY.

18 BUT AGAIN, REFERRING TO LOCKET VERSUS OHIO WHICH
19 IS FOUND AT 438 US 586, 98 SUPREME COURT 2954, IT'S A
20 1978 SUPREME COURT OPINION, INDICATES -- AND WHAT I
21 FOUND I -- I THINK PROBABLY MORE PERSUASIVE THAN
22 ANYTHING ELSE WHICH IS THAT THE BURDEN IS UPON THE
23 JURY TO WEIGH THE EVIDENCE SUBMITTED AND DETERMINE
24 WHETHER THE MITIGATING FACTOR EXISTS, AND IF SO, THE
25 SIGNIFICANCE TO BE AFFORDED IT.

1 SINCE THE STATUTORILY LISTED MITIGATING
2 CIRCUMSTANCES -- OF COURSE, THEY'RE REFERRING TO
3 THOSE IN THAT PARTICULAR CASE -- ARE NOT EXCLUSIVE,
4 BUT AS WE KNOW, OUR CASE LAW HAS TENDED TO LATCH ONTO
5 THAT TERM IN EVERY STATE -- SOUTH CAROLINA IS NOT
6 UNIQUE IN THAT REGARD -- IS NOT EXCLUSIVE.

7 AND THEN IT GOES ON TO TALK ABOUT THE
8 INSTRUCTIONS THAT THE COURT GIVES, OF COURSE BEING
9 MINDFUL TO MAKE SURE THAT ALTHOUGH WE HAVE SOME
10 LISTED, THAT THE JURY UNDERSTANDS THAT THERE IS NO
11 EXCLUSIVE LIST.

12 AND THEY CAN REALLY -- TO SOME EXTENT THE
13 COURT -- AND I'M REFERRING TO ME AS THE COURT -- HAS
14 BASICALLY BEEN INSTRUCTED THAT THE JURY SHOULD BE
15 INSTRUCTED THEY SHOULD LOOK AT THE ENTIRE RECORD, AND
16 ANYTHING THEY COULD POSSIBLY CONSIDER AS A MITIGATOR,
17 THEY'RE ALLOWED TO DO THAT.

18 BUT IT'S FOR THEM. AND AGAIN, WHAT I -- WHAT I
19 THINK IS MOST INSTRUCTIVE THAT THE BURDEN IS ON THE
20 JURY TO WEIGH THE EVIDENCE SUBMITTED AND THE BENCH
21 DETERMINE IF IN FACT IT HAS ANY VALIDITY.

22 AND AGAIN, AS I INDICATED, WE ARE TALKING ABOUT
23 TWO VERY DIFFERENT THINGS. WE ARE TALKING ABOUT THE
24 TESTIMONY ON ITS FACE THAT THEY WANT TO ELICIT COMES
25 SQUARELY WITHIN MITIGATING CIRCUMSTANCES.

1 HOW HE ARGUES IT, HOWEVER, IS ANOTHER ISSUE IN
2 AND OF ITSELF. AND I'M NOT CERTAIN THAT THERE IS ANY
3 PRECEDENT FOR ME TO RESTRICT THAT ARGUMENT.

4 OF COURSE, AS I INDICATED ON YESTERDAY,
5 YESTERDAY -- THERE ARE LOTS OF WAYS FOR THAT TO BE
6 REBUTTED BECAUSE TO SOME EXTENT IT'S ALL VERY
7 SPECULATIVE, YOU KNOW. AND AGAIN, I'M JUST PLAYING
8 DEVIL'S ADVOCATE.

9 WHAT IF HIS PROBATION OFFICER HAD DONE
10 SOMETHING? THERE ARE MANY WAYS PROBATION HANDLES
11 POTEN -- FIRST OF ALL, IN AND OF ITSELF IT WOULD NOT
12 BE A VIOLATION BECAUSE UNLESS HE WAS CHARGED WITH
13 SOMETHING, IT'S NOT A VIOLATION AND THEY DON'T HAVE
14 ANY RESPONSIBILITY TO DO ANYTHING.

15 THEY COULD HAVE HANDLED IT ADMINISTRATIVELY.
16 THERE'S NO GUARANTEE A JUDGE WOULD HAVE REVOKED HIM.
17 I MEAN, EVEN IF HE WERE CHARGED, THAT IS STILL NOT
18 THE BASIS TO REVOKE SOMEONE'S PROBATION.

19 SO, YOU KNOW, AND AGAIN I'M JUST PLAYING DEVIL'S
20 ADVOCATE. I THINK THAT THERE ARE VARIOUS EFFECTIVE
21 WAYS FOR THE STATE TO REBUT THAT IF THAT IN FACT IS
22 THE ARGUMENT.

23 SO I GUESS I SAY THAT TO SAY THAT I DON'T -- THE
24 STATE IS NOT PREJUDICED BY HIM ARGUING THESE THINGS.
25 I THINK THAT IT ALL BECOMES A FACTUAL ISSUE FOR THE

1 JURY TO SORT OUT AND FOR THEM TO DETERMINE WHETHER IN
2 FACT THERE IS -- WHETHER IN FACT THAT CONSTITUTES A
3 MITIGATING CIRCUMSTANCE AND WHETHER THEY FIND ANY
4 VALIDITY TO THAT ARGUMENT AND FOR THEM THEN TO GIVE
5 IT OR TO AFFORD IT THE WEIGHT THAT THEY THINK IT
6 SHOULD HAVE.

7 THE JURY MAY WELL DECIDE THERE IS NO WEIGHT TO
8 IT. I GUESS I'M JUST SAYING IT'S ALL A FACTUAL
9 ISSUE. AND THE COURT NEEDS TO BE VERY CAREFUL WHEN
10 IT STEPS INTO THE PROVINCE OF THE FACT FINDER, AND
11 I'M, YOU KNOW, I'M SORT OF -- NOT SORT OF, I'M THE
12 GATEKEEPER, LIKE THE HALL MONITOR.

13 AND SO I THINK UNDER THE DEFINITION THAT LOCKET
14 VERSUS OHIO AND ITS PROGENY HAS PROVIDED TO US, IT
15 CLEARLY WOULD BE ANY ASPECT OF HIS CHARACTER OR
16 RECORD AND ANY CIRCUMSTANCE OF THE OFFENSE THAT THE
17 DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE LESS
18 THAN DEATH, I THINK AT THIS POINT I WOULD BE
19 CONTRAYED (SIC) TO LET IT IN.

20 AND I AGREE WITH YOU. I MEAN, THERE'S ONLY ONE
21 DEFINITION OF RELEVANCE, BUT RELEVANCE IS A VERY FACT
22 SPECIFIC THING.

23 AND IN THIS CIRCUMSTANCE, BASED ON HOW THEY --
24 NOW, HOW HE INTENDS TO ARGUE IT, I DON'T KNOW. I
25 CAN'T ANTICIPATE. YOU KNOW, IT'S A FUNNY THING ABOUT

1 BEING A LAWYER. AND I PRACTICED LAW, SO I DON'T HAVE
2 TO SPECULATE ABOUT WHAT THAT IS ABOUT OR HOW A
3 LAWYER'S MIND WORKS BECAUSE I KNOW HOW THAT -- HOW
4 THAT CONFIGURATION TAKES PLACE.

5 MY MIND CHANGED MANY TIMES DURING THE COURSE OF
6 A TRIAL AS TO HOW I WAS TO ARGUE THINGS. I MAY HAVE
7 GONE INTO ONE STRATEGY, BUT YOU KNOW, YOU NEVER KNOW
8 WHAT WITNESSES ARE GOING TO SAY. YOU NEVER KNOW HOW
9 THINGS ARE GOING TO DEVELOP.

10 SO THAT'S A FLUID CONCEPT THAT CHANGES FROM
11 WITNESS TO WITNESS. AND YOU MAKE AN ASSESSMENT AT
12 THE END OF ALL OF THE EVIDENCE AS TO HOW YOU REALLY
13 ARE GOING TO ARGUE A CASE.

14 YOU JUDGE THE CREDIBILITY -- YOU JUDGE THE --
15 YOU GAUGE YOUR JURY AND YOU DECIDE HOW YOU'RE GOING
16 TO ARGUE THINGS. I MEAN, THAT'S JUST A FUNCTION OF
17 BEING AN ADVOCATE.

18 SO I DON'T KNOW HOW HE'S GOING TO ARGUE IT. BUT
19 I CAN SAY AT THIS THRESHOLD STAGE THAT THE EVIDENCE
20 HE'S SEEKING TO ELICIT COMES WITHIN THE DEFINITION OF
21 MITIGATING FACTOR.

22 MY CLERK AND I DID A LOT OF RESEARCH PRIOR TO
23 THIS TRIAL BEGINNING. WE, OF COURSE, CONSTANTLY
24 RESEARCHED DURING THE COURSE OF THIS TRIAL, AND WE
25 RESEARCHED THIS AGAIN LAST NIGHT.

1 AND YOU'RE CORRECT. THERE ARE NO CASES ON POINT
2 FROM THE UNITED STATES SUPREME COURT OR THE SOUTH
3 CAROLINA SUPREME COURT THAT DEAL WITH THIS ISSUE.

4 AND I THINK THAT IS SPECIFICALLY WHY THE SUPREME
5 COURT HAS TAKEN THE FACT THAT THERE IS NO EXCLUSIVE
6 LIST OF MITIGATORS AND IT RECOGNIZES THAT THESE ARE
7 CASE SPECIFIC AND THAT EVERY CASE IS DIFFERENT, AND
8 WHAT MAY BE A MITIGATOR IN ONE CASE MAY NOT BE A
9 MITIGATOR IN ANOTHER CASE.

10 BUT IT APPEARS THAT MOST OF THE THINGS, WHEN YOU
11 START TALKING ABOUT INADMISSIBILITY IN TERMS OF
12 MITIGATING FACTORS ARE, YOU KNOW, WHEN YOU START
13 TALKING ABOUT THINGS BEING CUMULATIVE OR, YOU KNOW,
14 WHEN THE COURT SAID -- HAS SAID IT'S NOT ERR TO
15 EXCLUDE IT, OR -- THE THINGS WE WERE TALKING ABOUT
16 YESTERDAY WITH STATE VERSUS CHARPING WHERE A
17 CO-DEFENDANT IS TREATED IN A WAY THAT A DEFENDANT
18 THINKS IS DISPROPORTIONATE OR CIRCUMSTANCES WHERE
19 THEY WANT TO PRODUCE STATISTICS THAT THE DEATH
20 SENTENCE IN THIS -- IN A PARTICULAR STATE HAS BEEN
21 MANDATED DISPROPORTIONATELY OR CIRCUMSTANCES WHERE
22 SOMEONE WANTS TO ARGUE RESIDUAL DOUBT OR WHERE YOU
23 WANT TO ARGUE -- I THINK WE WENT OVER IT LAST
24 NIGHT -- DEALT WITH POLYGRAPH TEST OR SOMETHING.

25 I MEAN, IT JUST SEEMED NONE OF WHAT WE'RE

1 TALKING ABOUT HOWEVER WOULD FALL INTO ANY OF THOSE
2 CATEGORIES, AND THAT HAS TO BE THE COURT'S BEST
3 GUIDANCE, BECAUSE ALTHOUGH THERE IS NOT A PARTICULAR
4 CASE ON POINT, YOU CAN KIND OF SEE THE AREA IN WHICH
5 THE SUPREME COURT IS GOING TO -- AND CATEGORIES OF
6 EVIDENCE.

7 AND BASED ON WHAT THEY ARGUE, THEY INDICATE TO
8 THE COURT THEY WANT TO ELICIT, IT DOESN'T FALL INTO
9 ANY OF THOSE CATEGORIES -- BROAD CATEGORIES I MIGHT
10 ADD -- AND I THINK IT WOULD COME WITHIN THE
11 DEFINITION.

12 IF YOU WANT TO -- OF COURSE, I'M SURE PRIOR TO
13 ARGUMENT WE WILL TAKE THIS UP AGAIN, BUT I THINK
14 BASED ON WHAT'S BEEN PRESENTED TO THE COURT AT THIS
15 POINT, I WOULD HAVE TO DENY THE STATE'S MOTION.

16 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

17 THE COURT: YOU'RE WELCOME.

18 MR. HUMPHRIES: PLEASE NOTE THE EXCEPTION.
19 THANK YOU VERY MUCH.

20 THE COURT: WE NOTE YOUR EXCEPTION FOR THE
21 RECORD. IS EVERYBODY READY TO PROCEED?

22 MR. HUMPHRIES: STATE'S READY, YOUR HONOR.

23 THE COURT: THE DEFENSE READY?

24 MR. KELLY: MA'AM?

25 THE COURT: YES, SIR.

1 MR. KELLY: THERE IS A MATTER OF HOUSEKEEPING.
2 WE ARE GOING TO NEED A FEW MINUTES TO SET UP I
3 BELIEVE THE COMPUTER AND --

4 THE COURT: OKAY.

5 MR. KELLY: -- AND THE SCREEN.

6 THE COURT: DO WE NEED I-T? WE PROBABLY DO. IF
7 YOU WILL GIVE US A MOMENT FOR US TO GET THEM UP HERE.
8 I WISH Y'ALL LET US KNOW THAT.

9 THE CLERK: THIS IS PLUG IN L-C...

10 (OFF THE RECORD DISCUSSION WAS HAD WITH THE
11 CLERK.)

12 MR. KELLY: I WAS JUST BEING TOLD BY MY
13 SOLICITOR -- MY INVESTIGATOR THAT OUR WITNESSES ARE
14 IN A SMALL ROOM. WE'VE GOT SIX OF THEM THERE NOW.
15 AND IT'S OVERHEATING FOR THEM AND IT'S UNCOMFORTABLE
16 FOR THEM.

17 THE COURT: WHERE ARE THEY, IN THE LIBRARY?

18 THE CLERK: NO. THERE'S A -- ONE OF THE
19 ATTORNEYS' CONFERENCE ROOM, THE LAW LIBRARY IS...

20 (OFF THE RECORD DISCUSSION WAS HAD BETWEEN THE
21 COURT AND THE CLERK.)

22 MR. HEMBREE: YOUR HONOR, THE VICTIM'S FAMILY --
23 I'M SORRY. I COULDN'T HELP BUT OVERHEAR YOU. THE
24 VICTIM'S FAMILY HAVE BEEN USING THAT -- THAT AS A
25 REST AREA AND...

1 THE COURT: THEN THEY NEED TO USE THE COURTROOM
2 AS A REST AREA. I'M NOT GOING TO HAVE THE WITNESSES
3 PACKED -- I MEAN, THAT'S -- I'M TRYING TO BE FAIR TO
4 EVERYBODY. THERE'S NO -- NONE OF THEM ARE
5 SEQUESTERED. THERE'S NO REASON THEY CAN'T BE IN THE
6 COURTROOM.

7 IT'S JUST FULLY -- SO WHY DON'T WE MAKE THAT
8 SHIFT BECAUSE I WOULD IMAGINE THE DEFENDANT SAYS --
9 INDICATED THEY HAVE OVER 20 WITNESSES, AND THAT ROOM
10 IS NOT GOING TO BE SUFFICIENT.

11 MR. KELLY: MA'AM, THEY ARE GOING TO BE ARRIVING
12 ALL THROUGH THE MORNING.

13 THE COURT: ALL RIGHT. NOW, DO WE NEED IT TO
14 SET UP THE EQUIPMENT?

15 (OFF THE RECORD DISCUSSION WAS HAD WITH THE
16 CLERK.)

17 MR. HEMBREE: YOUR HONOR, WE DIRECTED OUR VICTIM
18 WITNESS ADVOCATE --

19 THE COURT: I APPRECIATE YOU ACCOMMODATING US.

20 MR. HEMBREE: -- MOVING THE ACCOMMODATIONS WE
21 HAD FOR THE VICTIMS AND THE FAMILIES DOWN THE HALL.

22 THE COURT: OKAY. I APPRECIATE IT. ALL RIGHT.
23 NOW, DO WE NEED -- HOW LONG DO WE NEED TO SET UP
24 EQUIPMENT?

25 (WHEREUPON THERE WAS A PAUSE.)

1 MR. HUMPHRIES: WE DO HAVE THE CLERK OF COURT
2 FOR HORRY COUNTY OR ONE OF THE CLERKS OF HORRY, AND
3 SHE DOESN'T NEED THAT.

4 THE COURT: OKAY. WHY DON'T WE MOVE THIS OUT OF
5 THE WAY, DO AS MANY WITNESSES AS WE CAN WITHOUT IT,
6 AND AT THE BREAK WE WILL HAVE I-T COME AND SET IT UP.
7 I THINK THAT'S GOING TO TAKE A GOOD DEAL OF TIME.

8 MR. KELLY: IF I MAY.

9 THE COURT: YES, SIR.

10 MR. KELLY: WE HAVE AN EXTENDED WITNESS BACK
11 THERE. THAT WILL BE CONNIE PRICE. HER TESTIMONY
12 WILL BE EXTENDED. SO I MEAN, THERE IS AVAILABLE NOT
13 ONLY -- NOT ONLY--

14 THE COURT: THEN WHY DON'T WE GO WITH AS MANY
15 WITNESSES AS WE CAN THAT DON'T NEED THE EQUIPMENT AND
16 THEN WE'LL TAKE A BREAK AND THEN WE'LL GET THE
17 EQUIPMENT SET UP AND--

18 MR. KELLY: AT THIS TIME WE HAVE THREE.

19 THE COURT: OKAY. LET'S PROCEED THEN. THE JURY
20 HAS BEEN WAITING.

21 (OFF THE RECORD DISCUSSION WAS HAD BETWEEN THE
22 COURT AND THE CLERK.)

23 THE COURT: ABOUT AN HOUR WOULD YOU SAY?

24 MR. KELLY: AT LEAST, MA'AM.

25 THE COURT: OKAY.

1 MR. KELLY: MA'AM, HOW DO YOU WANT ME TO CALL
2 OUR WITNESSES? DO YOU WANT ME TO SEND A LIST BACK
3 AND...

4 THE COURT: YOU CAN GET A LIST. THAT WILL WORK.
5 ANYTHING BEFORE WE BRING IN THE JURY?

6 MR. HEMBREE: NO, YOUR HONOR.

7 THE COURT: ANYTHING FURTHER FROM THE DEFENSE?

8 MR. DIGGS: NO, YOUR HONOR.

9 MR. KELLY: NO, MA'AM.

10 THE COURT: PLEASE BRING IN THE JURY.

11 (JURY ENTERED THE COURTROOM AT 10:15 AM.)

12 THE COURT: LADIES AND GENTLEMEN, I HOPE THAT
13 YOU ALL HAD A RESTFUL EVENING. WE APOLOGIZE FOR THE
14 DELAY IN PROCEEDING THIS MORNING. NO ONE'S FAULT.
15 PLEASE DON'T HOLD IT AGAINST US.

16 WE HAD SOME MATTERS OF LAW WE HAD TO TAKE UP
17 THAT WERE CARRY-OVER FROM LAST NIGHT BECAUSE WE
18 STAYED AND WORKED A CONSIDERABLE AMOUNT OF TIME PAST
19 DISMISSING YOU ON YESTERDAY.

20 AND WE ALSO HAD JUST SOME LOGISTICAL MATTERS WE
21 HAD TO WORK OUT. SO PLEASE DON'T THINK WE TAKE YOUR
22 TIME FOR GRANTED. AND IT -- ALSO WHEN WE TAKE TIME
23 UP FRONT, IT ALLOWS US TO MOVE A LOT MORE SMOOTHLY AS
24 WE GO THROUGH THE PROCEEDINGS WITHOUT HAVING TO TAKE
25 A LOT OF BREAKS.

1 Q AND HOW LONG HAVE YOU BEEN EMPLOYED AT THE HORRY
2 COUNTY CLERK OF COURT'S OFFICE?

3 A FIFTEEN YEARS.

4 Q AND PRESENTLY WHAT ARE YOUR DUTIES THERE IN THAT
5 CLERK OF COURT'S OFFICE?

6 A I'M THE GENERAL SESSIONS COURT SUPERVISOR. I
7 SUPERVISE THE COURT AND ALL RELATED MATTERS TO DO WITH
8 COURT.

9 Q GENERAL SESSIONS COURT IS -- IN SOUTH CAROLINA,
10 THAT'S THE CRIMINAL COURT; ISN'T IT?

11 A YES, SIR.

12 Q THAT'S THE BIG COURT OF UNLIMITED JURISDICTION AND
13 THE SAME COURT WE'RE IN TODAY; RIGHT?

14 A YES, SIR.

15 Q AND IF -- IF I NEEDED TO KNOW SOMETHING ABOUT THE
16 DOCKET OR WHAT WAS GOING ON AND THERE WAS A RECORD DOWN
17 THERE, I'D CALL YOU; WOULDN'T I?

18 A YES, SIR.

19 Q WERE YOU WORKING IN THE CLERK'S OFFICE DURING THE
20 MONTHS OF MARCH AND APRIL OF 2005?

21 A YES, SIR.

22 Q ARE YOU FAMILIAR WITH A LADY WHOSE NAME IS CONNIE
23 PRICE?

24 A I HAVE TALKED WITH MS. PRICE ON THE PHONE.

25 Q OKAY. BUT YOU -- HAVE YOU EVER MET HER PERSONALLY?

1 A JUST A FEW MINUTES AGO.

2 Q BUT OTHER THAN THAT IT WAS BY TELEPHONE?

3 A JUST BY TELEPHONE.

4 Q OKAY. AND DID SHE CALL YOUR OFFICE TO SPEAK WITH
5 YOU?

6 A SHE CALLED MY OFFICE AND WAS DIRECTED TO MY
7 EXTENSION.

8 Q ALL RIGHT. TELL THE -- TELL THE JURY AS BEST AS YOU
9 REMEMBER WHAT IT IS SHE HAD TO SPEAK WITH YOU ABOUT.

10 MR. HEMBREE: OBJECTION, YOUR HONOR, HEARSAY.

11 THE COURT: SUSTAINED. HEARSAY. OFFERED FOR
12 ITS TRUTH. YOU MAY PROCEED. REPHRASE.

13 BY MR. KELLY:

14 Q AS A RESULT OF HER -- HER SPEAKING WITH YOU ON THE
15 TELEPHONE, WHAT DID YOU TELL HER OR SUGGEST TO HER?

16 A I SUGGESTED THAT SHE EITHER TALK TO A MAGISTRATE OR
17 THAT SHE TALK TO SOMEONE IN THE SOLICITOR'S OFFICE.

18 Q I DIDN'T HEAR THAT LAST PART.

19 A I SUGGESTED SHE EITHER TALK TO A MAGISTRATE'S OFFICE
20 OR SOMEONE IN THE SOLICITOR'S OFFICE.

21 Q AND DID YOU SUGGEST ANY PARTICULAR PERSON IN THE
22 SOLICITOR'S OFFICE SHE MIGHT SPEAK WITH?

23 A NO, SIR.

24 Q OKAY. AS A -- AS A RESULT OF SPEAKING WITH HER, DID
25 YOU ATTEMPT TO LOOK UP ANY INFORMATION THAT YOU THOUGHT

1 MIGHT HAVE BEEN HELPFUL TO HER AT THAT TIME?

2 A I CHECKED TO SEE IF MR. STANKO HAD A CRIMINAL RECORD

3 IN HORRY COUNTY.

4 Q YOU CHECKED TO SEE IF MR. STANKO HAD A CRIMINAL

5 RECORD IN HORRY COUNTY?

6 A YES, SIR.

7 Q OKAY. AND DID YOU CHECK ANYTHING ELSE BESIDES THAT

8 TO HELP HER?

9 A NO, SIR.

10 Q OKAY. CAN YOU TELL THE JURY ABOUT WHEN THAT WOULD

11 HAVE BEEN THAT YOU GAVE THIS INFORMATION TO CONNIE PRICE?

12 A I'M NOT SURE THE DATES. I KNOW IT WAS BEFORE ANY OF

13 THE OTHER THINGS CAME TO PASS. IT WAS -- BECAUSE THE NAME

14 WAS NOT FAMILIAR TO ME.

15 Q WELL, BY THINGS COMING TO PASS, YOU MEAN THE MURDER

16 OF LAURA LING AND--

17 A RIGHT.

18 Q -- AMONG OTHERS?

19 A RIGHT.

20 Q AND YOU KNOW IT WAS BEFORE THAT TIME?

21 A YES, SIR.

22 Q AND WHY DID YOU SAY YOU KNEW IT WAS BEFORE THAT TIME?

23 A BECAUSE HIS NAME WAS NOT FAMILIAR TO ME.

24 Q OKAY. THANK YOU, MA'AM. I HAVE NO FURTHER

25 QUESTIONS. EXCUSE ME. WAIT JUST A MOMENT, MA'AM.

1 THE COURT: CERTAINLY.

2 (DEFENSE CONFERRING).

3 BY MR. KELLY:

4 Q WHEN YOU DID CHECK TO SEE IF MR. STANKO HAD A
5 CRIMINAL RECORD IN YOUR COUNTY, WHAT DID YOU FIND?

6 A NOTHING.

7 Q YOU FOUND NO INFORMATION ABOUT HIS CRIMINAL HISTORY?

8 A NO, SIR.

9 Q ARE YOU ABLE -- LET ME ASK YOU, ARE YOU ABLE IN YOUR
10 OFFICE TO ACCESS INFORMATION ON PAROLEES OR PROBATIONERS
11 IN YOUR COUNTY OR ANY OTHER COUNTY?

12 A I CAN CHECK THE MAGISTRATE'S OFFICE OR THE JAIL
13 SCREEN, BUT I DID NOT GO THAT FAR.

14 Q ALL RIGHT. THANK YOU, MA'AM. YOUR WITNESS.

15 MR. HEMBREE: WE HAVE NO QUESTIONS FOR THIS
16 WITNESS, YOUR HONOR.

17 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
18 EXCUSED FROM THE STATE?

19 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

20 THE COURT: FROM THE DEFENSE?

21 MR. KELLY: NO, MA'AM.

22 THE COURT: MA'AM, YOU'RE EXCUSED.

23 THE WITNESS: THANK YOU.

24 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

25 (WITNESS LEFT THE STAND.)

1 MR. KELLY: WE'D CALL CONNIE PRICE.

2 CONNIE PRICE, AFTER
3 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

4 THE WITNESS: P-R-I-C-E.

5 THE COURT: YOU MAY PROCEED.

6 DIRECT EXAMINATION

7 BY MR. KELLY:

8 Q CONNIE, PLEASE SPEAK INTO THAT MICROPHONE AND PUT IT
9 CLOSER TO YOU IF YOU NEED TO SO WE CAN ALL HEAR YOU.

10 A OKAY.

11 Q YOUR NAME IS CONNIE PRICE?

12 A YES.

13 Q NOW CONNIE, I HAVE MET WITH YOU ON A NUMBER OF
14 OCCASIONS; HAVEN'T I?

15 A YES, SIR.

16 Q AND YOU HAVE ALSO MET WITH MY INVESTIGATORS; HAVEN'T
17 YOU?

18 A YES, SIR.

19 Q AND I HAVE -- I HAVE SPOKEN TO YOU ABOUT THE HISTORY
20 THAT YOU HAVE WITH STEPHEN STANKO.

21 A YES.

22 Q AND HAVE I EVER ATTEMPTED TO PUT INTO YOUR MIND ANY
23 WORDS OR THOUGHTS THAT WERE NOT YOUR OWN?

24 A NO, SIR.

25 Q NOW, I WANT YOU TO SPEAK TO THE JURY BECAUSE THEY ARE

1 THE LADIES AND GENTLEMEN TO WHOM WE'RE SPEAKING TODAY.
2 CONNIE, TELL US A LITTLE BIT ABOUT YOURSELF. WHERE DO YOU
3 LIVE?

4 A I LIVE IN SOCASTEE, 5208 LEE LANE, RIGHT OFF 77.

5 Q AND SPEAK INTO THAT MICROPHONE THERE. YOU CAN -- IT
6 WILL ADJUST. THIS LADY WILL ADJUST IT FOR YOU.

7 (WHEREUPON THERE WAS A PAUSE.)

8 Q ALL RIGHT. LET'S TRY THAT. SEE IF I CAN HEAR YOU.

9 A I LIVE AT 5208 LEE LANE IN SOCASTEE.

10 Q IN SOCASTEE?

11 A SOCASTEE, YES, SIR.

12 Q AND WHO DO YOU LIVE WITH?

13 A MYSELF. GARY STAYS WITH ME, GARY OWENS.

14 Q GARY OWENS IS YOUR -- IS YOUR FRIEND?

15 A RIGHT. CORRECT. MY FIANCEE.

16 Q AND HOW OLD ARE YOU, CONNIE?

17 A I'M 47.

18 Q AND HOW FAR DID YOU GO IN SCHOOL?

19 A I FINISHED HIGH SCHOOL.

20 Q AND WHERE DID YOU GO TO HIGH SCHOOL?

21 A WELL, I WENT TO SCHOOL -- MY FATHER WAS IN THE
22 MILITARY, SO I GRADUATED IN ALABAMA.

23 Q HOW LONG HAVE YOU LIVED HERE IN THIS AREA?

24 A SINCE 1992. MY FAMILY IS FROM HERE.

25 Q AND CONNIE, DO YOU HAVE ANY PHYSICAL DISABILITIES?

1 A YES, I DO.

2 Q AND WHAT ARE THEY, PLEASE MA'AM?

3 A WELL, I'M BLIND IN MY RIGHT EYE. I HAVE ATROGENIC
4 INJURIES AND DISABILITIES. I WAS BURNED, I DEVELOPED
5 STAFF AND GANGRENE FROM NOT BEING TREATED FOR THE BURN.
6 THAT'S THE BIGGEST ONE.

7 Q NOW, REMEMBER TO SPEAK UP. AS I UNDERSTAND IT, YOU
8 SAID YOU'RE BLIND IN YOUR RIGHT EYE?

9 A BLIND IN MY RIGHT EYE, YES, SIR.

10 Q AND THEN YOU SAID SOMETHING ELSE THAT I MISSED.

11 A ATROGENIC INJURY, DISABILITIES. I WAS INJURED BY A
12 DOCTOR, DOCTOR BURNED ME, I DEVELOPED STAFF, GANGRENE.

13 Q SO YOU HAD SOME SERIOUS HEALTH INJURIES AND YOU HAVE
14 A DISABILITY OF BLINDNESS IN ONE EYE?

15 A YES.

16 Q CORRECT?

17 A YES.

18 Q NOW, DO YOU LIVE NEAR THE SOCASTEE LIBRARY?

19 A YES, I DO.

20 Q OKAY. AND DID YOU HAVE AN OCCASION TO CALL THE
21 SOCASTEE LIBRARY IN NOVEMBER OF 2004?

22 A YES.

23 Q AND WHY DID YOU CALL THE LIBRARY, CONNIE?

24 A I WAS CALLING THE LIBRARY TO -- I OFTEN HAD CALLED
25 THE LIBRARY TO -- FOR LEGAL, DOING LEGAL RESEARCH, TRYING

1 TO LOOK UP LAWS AND STUFF AT THE TIME. MY MOTHER HAD
2 PASSED AWAY IN SEPTEMBER OF -- OF 2004, SEPTEMBER 3RD,
3 2004.

4 I WAS TRYING TO LOOK UP LEGAL RESEARCH, DO LEGAL
5 RESEARCH FOR HER ESTATE AND FOR MY MEDICAL MALPRACTICE
6 CASE, MY APPEALS.

7 Q NOW CONNIE, WAS THAT ANY -- WAS THAT A NORMAL COURSE
8 FOR YOU TO CALL THE LIBRARY FOR HELP?

9 A YES.

10 Q AND TELL THE JURY WHY YOU WOULD NORMALLY CALL THE
11 LIBRARY FOR HELP.

12 A WELL, BECAUSE I AM BLIND AND THEY WOULD OFTEN HELP ME
13 WITH WORDS AND TO DO RESEARCH, TO LOOK UP STUFF. I DON'T
14 DRIVE, SO... THAT WAS A BIG HELP.

15 Q YOU DON'T DRIVE AT ALL THEN?

16 A NO, SIR.

17 Q ALL RIGHT. WHEN YOU CALLED THE LIBRARY, WHO DID YOU
18 TALK WITH AT THE LIBRARY AT THAT TIME?

19 A I'M NOT SURE WHAT HER NAME WAS, THE LADY THAT
20 ANSWERED THE PHONE. I BELIEVE HER NAME WAS DEBBIE. I'M
21 NOT POSITIVE. SHE LET ME SPEAK WITH LAURA. I SPOKE WITH
22 LAURA. WE SPOKE A LONG TIME. SHE -- I WAS TELLING HER
23 EVERYTHING THAT WAS GOING ON, AND SHE WAS TRYING TO HELP
24 ME. SHE WAS VERY HELPFUL.

25 STEPHEN HAD CAME IN. SHE SAID, MY BOYFRIEND JUST

1 CAME IN, HE'S AN ATTORNEY, WOULD YOU BE INTERESTED IN
2 TALKING TO HIM? I BELIEVE HE COULD HELP YOU. OF COURSE,
3 I -- I WAS VERY GRATEFUL. I NEEDED HELP, YOU KNOW,
4 ANYWHERE I COULD GET IT.

5 Q AND DID YOU SPEAK WITH STEPHEN STANKO AT THAT TIME?

6 A NO. THAT WAS THE 16TH OF NOVEMBER. WE MET THE NEXT
7 MORNING ON THE 17TH AT JOE'S RESTAURANT. IT WAS RIGHT
8 DOWN FROM MY HOUSE. WE MET THE NEXT MORNING ON THE 17TH
9 OF NOVEMBER.

10 Q WHEN YOU SAY WE MET, WHO MET AT -- WHAT WAS THE NAME
11 OF THE RESTAURANT?

12 A IT'S CALLED JOE'S KITCHEN THERE IN SOCASTEE.

13 Q JOE'S KITCHEN.

14 A SOCASTEE.

15 Q CONNIE, WHO MET AT JOE'S KITCHEN ON THE 17TH?

16 A WHO?

17 Q YES, WHO WAS THERE?

18 A GARY AND I MET STEPHEN.

19 Q AND GARY'S LAST NAME IS WHAT?

20 A OWENS, O-W-E-N-S.

21 Q ALL RIGHT. NOW, WHAT TRANSPIRED AT THAT MEETING?

22 A WE TALKED ABOUT ALL OF MY LEGAL PROBLEMS, AND STEPHEN
23 AGREED TO -- TO HELP ME, TO REPRESENT ME, TO -- I HAD A
24 MEDICAL MALPRACTICE CASE, TRYING TO DO MY APPEALS. I HAD
25 MY MOTHER'S ESTATE THAT I WAS TRYING TO FIGURE OUT, AND HE

1 AGREED TO HELP ME WITH ALL OF THAT.

2 Q AND DID Y'ALL COME TO SOME KIND OF AGREEMENT AT THAT
3 TIME?

4 A YOU MEAN A FINANCIAL AGREEMENT?

5 Q YES.

6 A AT THAT TIME NOT -- NO, WE DIDN'T AT THAT TIME.

7 Q OKAY. NOW, I'M GOING TO LEAVE THAT TIME, WHICH IS IN
8 NOVEMBER, AND I'M GOING TO GO ALL THE WAY TO APRIL THE
9 EIGHTH OR NINTH. DID YOU MAKE A 9-1-1 CALL THEN?

10 A I MADE A 9-1-1 CALL FRIDAY NIGHT, THAT WOULD HAVE
11 BEEN THE EIGHTH.

12 Q AND WHAT WAS THE OCCASION FOR MAKING THE 9-1-1 CALL?

13 A I HAD SEEN STEPHEN ON THE NEWS, THAT THEY WERE
14 LOOKING FOR HIM, AND I KNEW THAT HE HAD TOLD ME HE WAS
15 GOING TO COLUMBIA. AND I CALLED HIM AND TOLD THEM, I
16 DON'T KNOW IF -- THIS IS WHERE HE SAID HE WAS GOING.

17 Q SO THAT WAS A CALL TO 9-1-1 TO GIVE THEM INFORMATION
18 ABOUT A FUGITIVE THAT WAS ON -- PICTURED ON TV?

19 A YES, SIR.

20 Q AND YOU RECOGNIZED THAT AS STEPHEN STANKO?

21 A YES, SIR.

22 Q NOW, LET'S GO BACK TO NOVEMBER AGAIN. AND LET'S TALK
23 ABOUT THE HISTORY BETWEEN YOU AND STEPHEN STANKO UNTIL THE
24 9-1-1 CALL, OKAY?

25 A OKAY.

1 Q AND HELP US OUT HERE, CONNIE, TO HELP US UNDERSTAND.
2 HOW OFTEN DID YOU MEET WITH STEPHEN STANKO?

3 A HE WAS -- HE CAME TO MY HOUSE ALMOST EVERY DAY FOR
4 SIX MONTHS.

5 Q THAT WOULD BE FROM NOVEMBER, DECEMBER, JANUARY,
6 FEBRUARY, MARCH, ALL THE WAY INTO APRIL?

7 A YES.

8 Q OKAY. AND WHAT WAS HE -- WHAT -- WHAT WAS HE DOING
9 FOR YOU AS TO -- AS FAR AS, WAS HE GENERATING PAPERS FOR
10 YOU OR WHAT WAS HE DOING?

11 A YES, LEGAL DOCUMENTS.

12 Q AND WHEN DID Y'ALL FIRST PAY HIM MONEY?

13 A I BELIEVE THE DATE WAS AROUND FEBRUARY THE 16TH MAYBE
14 OR THE 17TH. I'D HAVE TO LOOK AT THE DOCUMENT, THE
15 RECEIPT.

16 Q SO YOU THINK IT WAS FEBRUARY AND AROUND 14TH, 15TH OR
17 16TH?

18 A WELL, THAT'S WHEN WE ACTUALLY GAVE HIM A CHECK. WE
19 HAD GAVE HIM CASH BEFORE THAT.

20 Q OKAY. AND WHAT WAS THE CASH THAT YOU HAD GIVEN HIM
21 FOR? WHAT WAS HE TO DO IN RETURN?

22 A HE WAS GOING TO FILE A CIVIL COMPLAINT FOR ME TO DO
23 WITH THE MEDICAL MALPRACTICE CASE THAT I HAD HAD THAT --
24 THAT I LOST.

25 Q AND TO YOUR KNOWLEDGE DID HE EVER DO THAT?

1 A TO MY KNOWLEDGE HE NEVER DID THAT.

2 Q OKAY. AND DID YOU BECOME -- EVER BECOME DISSATISFIED
3 WITH HIS LACK OF ACTION?

4 A YES, I DID.

5 Q TELL THE JURY ABOUT HOW AND WHEN YOU BECAME
6 DISSATISFIED WITH HIS LACK OF ACTION.

7 A WELL, AT CHRISTMAS TIME -- BY CHRISTMAS TIME NOTHING
8 WAS REALLY HAPPENING AS FAR AS, YOU KNOW, PRODUCING THE
9 DOCUMENTS THAT HE SAID HE WOULD PRODUCE OR ANYTHING.
10 NOTHING WAS HAPPENING.

11 AND AFTER THE HOLIDAYS, I -- I CALLED MR. IRBY WALKER
12 AND -- BECAUSE STEPHEN HAD SAID THAT HE WORKED FOR IRBY
13 WALKER. HE SAID THAT HE WORKED FOR TIMOTHY KOLB. HE SAID
14 THAT HE WORKED FOR HARRY DEVOE. AND HE ALSO TOLD ME THAT
15 HE WORKED FOR -- DID CONTRACT WORK FOR HARRY PAVILACK.

16 WELL, I CALLED HARRY PAVILACK'S OFFICE BECAUSE I WAS
17 CHECKING ON HIM TO -- BECAUSE NOTHING WAS HAPPENING,
18 NOTHING -- NO DOCUMENTS, NO NOTHING.

19 Q DID YOU FIND BY THOSE CALLS THAT ANY OF THESE PEOPLE
20 KNEW HIM?

21 A THEY TOLD ME AT HARRY PAVILACK'S OFFICE THAT THEY DID
22 NOT KNOW HIM. IRBY WALKER IN CONWAY, THE ATTORNEY THAT I
23 CALLED, HE TOLD ME THAT STEPHEN DID GOOD WORK. HE -- I
24 WAS CONCERNED AND -- I TOLD HIM I WAS CONCERNED BECAUSE HE
25 WASN'T PRODUCING ANY DOCUMENTS, HE WASN'T, YOU KNOW,

1 GIVING ME OUR MONEY BACK.

2 AND I TOLD HIM THAT, YOU KNOW, I KNOW IT'S NOT A LOT
3 OF MONEY, BUT TO ME IT IS. AND HE SAID, WELL, IT IS A LOT
4 OF MONEY BUT HE DOES GOOD WORK AND HE DID GOOD WORK FOR
5 HIM. SO I THOUGHT THAT THAT WAS -- YOU KNOW, THAT IT WAS
6 TRUE, THAT HE -- WHAT HE SAID TO ME WAS TRUE, SO I
7 BELIEVED MR. WALKER.

8 Q SO AT THAT TIME BY INQUIRIES YOU HAD BEEN TEMPORARILY
9 SATISFIED?

10 A I'M SORRY. WHAT?

11 Q YOU WERE TEMPORARILY SATISFIED AT THAT POINT BY WHAT
12 YOU HEARD?

13 A YES.

14 Q LET ME ASK YOU THIS. DID PREVIOUS TO THIS TIME OR
15 ABOUT THIS TIME DID MR. STANKO EVER GIVE YOU ANY KIND OF
16 PROBATE PAPERS OR WILLS THAT HE CLAIMED TO HAVE TO DO WITH
17 YOUR CASE?

18 A HE DID, BUT THEY WERE NOT -- THEY WERE NOT RIGHT
19 DOCUMENTS. THEY WERE NOT THE RIGHT KIND OF -- THEY
20 WEREN'T LIKE THEY SHOULD HAVE BEEN.

21 Q JUST TELL THE JURY HOW YOU KNEW THAT THEY COULDN'T
22 POSSIBLY BE RIGHT.

23 A WELL, FOR EXAMPLE, TO DO WITH MY MOTHER AND MY
24 GRANDPARENT'S ESTATE, ONE EXAMPLE, ONE OF THE DOCUMENTS
25 THAT HE PRODUCED THAT WE WERE GOING TO FILE WITH THE

1 COURT, AT THE TOP IT HAD, COUNTY OF CONWAY. JUST SEVERAL
2 MISTAKES THAT I KNEW, YOU KNOW, WASN'T RIGHT.

3 THEY WERE NOT CLOCKED BY THE CLERK. I KNEW THAT THEY
4 HAD TO BE, YOU KNOW, CLOCKED BY THE -- THE CLERK FOR THEM
5 TO BE FILED IN THE COURTHOUSE. THAT'S...

6 Q SO THEY DIDN'T HAVE ANY CLERK'S TIME STAMP ON THEM?

7 A NO.

8 Q AND ONE OF THEM HE -- EVEN HAD CONWAY AS THE COUNTY--

9 A YES.

10 Q -- ON IT OVER THE HEADING?

11 A YES, SIR.

12 Q OKAY. DID HE GIVE YOU WILLS THAT HE SAID HAD TO DO
13 WITH YOUR GRANDPARENTS?

14 A YES, SIR. YES.

15 Q AND DID THEY?

16 A WELL, HE -- THEY WEREN'T RIGHT. HE DIDN'T EVEN HAVE
17 MY GRANDFATHER'S NAME RIGHT. THE NAMES WEREN'T RIGHT.
18 THE -- THE INFORMATION ON THEM WAS -- JUST WASN'T RIGHT.

19 Q WELL, DID YOU CONFRONT MR. STANKO ABOUT THIS?

20 A YES, I DID.

21 Q TELL US ABOUT THAT. HOW WAS HE -- WHAT DID YOU SAY
22 AND HOW DID HE REACT?

23 A WELL, I JUST TOLD HIM, THIS ISN'T RIGHT, THAT ISN'T
24 RIGHT, AND HE -- HE TRIED TO FIX THEM. HE PRODUCED MORE
25 DOCUMENTS. AND THEY STILL WEREN'T RIGHT, BUT THEY WERE

1 NOT AS WRONG AS THEY WERE, BUT THEY WEREN'T RIGHT.

2 Q ALL RIGHT. LET'S MOVE FORWARD TO ALONG ABOUT MARCH
3 THE EIGHTH. WAS MARCH THE EIGHTH A SIGNIFICANT DATE IN
4 YOUR HISTORY WITH STANKO?

5 A YES.

6 Q TELL THE JURY HOW AND WHY.

7 A WELL, MARCH THE EIGHTH STEPHEN PRODUCED A DOCUMENT TO
8 ME, AN ORDER TO RESCIND, AND THIS DOCUMENT -- DOCUMENT
9 WAS -- HE PRODUCED THIS DOCUMENT OUT OF A DOCUMENT THAT
10 HAD CAME OUT OF MY CIVIL CASE WHICH WAS A DOCUMENT FROM
11 THE SOLICITOR'S OFFICE GIVING THE DOCTOR, DR. DAVID
12 CROLLEY WHO BURNED ME, PTI, PRETRIAL INTERVENTION.

13 Q WHAT WAS THERE ABOUT THIS DOCUMENT THAT -- THAT
14 DISTURBED YOU BESIDES WHAT YOU'RE NOW SAYING? WAS THERE
15 SOMETHING ABOUT IT THAT DISTURBED YOU?

16 A WELL, IT -- IT -- THE WHOLE DOCUMENT DISTURBED ME.
17 IT WAS -- ALONG WITH THAT PAPER HE ALSO HAD BROUGHT ME THE
18 COMPLAINT THAT HE HAD COMPOSED OR DREW UP TO BE FILED WITH
19 THE SOLICITOR'S OFFICE, AND IN IT HE WAS NAMING THAT WE
20 WERE GOING TO SUE THE SOLICITOR'S OFFICE, BLAKE MARTIN,
21 ALL THE PEOPLE INVOLVED, THAT WERE INVOLVED IN MY CASE TO
22 DO WITH THIS ILLEGAL PTI THAT THIS DOCTOR HAD RECEIVED FOR
23 HIS DRUG CHARGES, AND HE HAD BEEN ARRESTED FOR DRUGS.

24 Q AND WHO HAD SIGNED THESE DOCUMENTS APPARENTLY?

25 A WAS THE JUDGE VICTOR RAWL HAD SIGNED THE LEGITIMATE

1 DOCUMENT THAT WAS IN MY FILE. I WASN'T SUPPOSED TO --
2 WHAT I UNDERSTAND -- TO EVER SEEN -- HAVE SEEN THIS
3 DOCUMENT. BUT IT WAS IN -- LEFT IN MY MEDICAL MALPRACTICE
4 PAPER BY ACCIDENT, SO I'M TOLD.

5 Q CONNIE, DID YOU SEE ANYTHING PECULIAR ABOUT THE
6 SIGNATURES OF JUDGE RAWL?

7 A YES, I -- I LOOKED AT THEM AND YOU COULD SEE THAT
8 THEY -- IT WAS NOT HIS SIGNATURE, THAT IT WAS -- IT WAS A
9 FORGERY ON...

10 Q ALL RIGHT. I'M GOING TO ASK THIS LADY TO BRING YOU
11 THREE DOCUMENTS. OKAY? TAKE A LOOK AT THEM AND JUST TELL
12 US DO YOU RECOGNIZE THE THREE DOCUMENTS.

13 A YES, I DO.

14 Q AND DOES EACH ONE OF THOSE DOCUMENTS HAVE A SIGNATURE
15 THAT -- ON IT BY A JUDGE?

16 A YES, SIR, THEY DO.

17 Q AND WHAT'S THE -- WHAT IS THE JUDGE -- THE NAME
18 THAT'S ON EACH OF THE DOCUMENTS?

19 MR. HUMPHRIES: YOUR HONOR, IF -- ONLY IF THE
20 DOCUMENT SHOULD BE PRESENTED AS EVIDENCE -- WE DON'T
21 MIND IF THEY BE PUBLISHED. IF THEY ARE NOT GOING TO
22 BE PRESENTED AS EVIDENCE, OBVIOUSLY COULDN'T BE
23 PUBLISHED.

24 MR. KELLY: WE'D ASK TO ENTER THEM IN AT THIS
25 TIME.

1 THE COURT: MARKED AND ADMITTED WITHOUT
2 EXCEPTION. GIVE THEM TO -- MADAM BAILIFF, PLEASE
3 GIVE THEM TO THE COURT REPORTER SO THEY CAN BE
4 MARKED.

5 (WHEREUPON, DEFENDANT'S EXHIBITS 28, 29 AND 30
6 WERE ADMITTED INTO EVIDENCE.)

7 MR. KELLY: MAY THE WITNESS COME DOWN?

8 THE COURT: CERTAINLY.

9 BY MR. KELLY:

10 Q CONNIE, COME DOWN AND BRING THOSE DOCUMENTS WITH YOU,
11 MA'AM.

12 A SURE.

13 Q LET'S SHOW THEM TO THE JURY. OKAY? JUST PICK ANY
14 ONE OF THEM. NO, DON'T HAND THEM TO THE JURY. LET'S JUST
15 TAKE ONE. HAND THEM TO ME. LET'S GO THROUGH THEM SO THE
16 JURY CAN LOOK AT THEM. ALL RIGHT.

17 NOW, THIS DOCUMENT HERE WHICH IS A MOTION FOR
18 PRODUCTION OF DOCUMENTS AND THINGS UPON LAND AND ENTRY FOR
19 COPY AND INSPECTION AND TRANSFER OF POSSESSION. THAT'S
20 DEFENDANT'S EXHIBIT NUMBER 28; CORRECT?

21 A CORRECT.

22 Q OKAY. LET'S JUST LET THE JURY SEE THE FRONT SIDE OF
23 IT. NOW, WHAT'S -- WHOSE NAME IS ON THIS AS THE JUDGE?

24 A A VICTOR RAWL.

25 Q A VICTOR RAWL. AND NOW, WHAT DATE IS ON THIS

1 DOCUMENT?

2 A USE THAT...

3 Q SURE. TAKE MINE.

4 A THE DATE IS THE EIGHTH DAY OF DECEMBER, 2004.

5 Q THE EIGHTH DAY OF DECEMBER, 2004. AND FROM WHOM DID
6 YOU RECEIVE THIS DOCUMENT?

7 A FROM STEPHEN STANKO.

8 Q AND DOES IT HAVE A CLERK'S STAMP ON IT?

9 A NO.

10 Q OKAY. SO THIS IS DECEMBER, 2004.

11 A YES.

12 Q NOW, THAT WOULD BE -- AND LET'S SEE WHAT DATE IN
13 DECEMBER. DECEMBER THE EIGHTH. SO THIS WOULD BE JUST
14 ABOUT THREE WEEKS AFTER YOU FIRST MET HIM; RIGHT?

15 A UH-HUH.

16 Q OKAY. SPEAK UP SO--

17 A YES.

18 Q -- THEY CAN HEAR YOU. ALL RIGHT. LET'S TAKE A LOOK
19 AT -- AND LOOK AT THIS SIGNATURE RIGHT HERE.

20 A RIGHT.

21 Q LEAVE IT OPEN, MA'AM. OKAY. NOW, HERE IS EXHIBIT --
22 DEFENDANT'S EXHIBIT NUMBER 29. THIS IS AN ORDER TO
23 RESCIND; CORRECT?

24 A YES.

25 Q OKAY. AND THIS WAS -- IT WAS TO RESCIND AN ORDER FOR

1 THE DESTRUCTION OF ARREST RECORDS; RIGHT?

2 A YES, IT IS.

3 Q OKAY. AND WHOSE NAME IS THIS SUPPOSED TO BE?

4 A ARTHUR RAWL.

5 Q YEAH. IT SAYS A VICTOR RAWL--

6 A YES.

7 Q -- UNDER IT. AND WHAT'S THE DATE? GOING TO GIVE
8 YOU--

9 A MARCH 8.

10 Q IT'S MARCH THE EIGHTH. OKAY. AND THAT'S THE DATE WE
11 ARE TALKING ABOUT. MARCH THE EIGHTH.

12 A RIGHT.

13 Q AND NOW LET'S LOOK AT THIS ONE. THIS IS AN ORDER FOR
14 THE DESTRUCTION OF ARREST RECORDS. AND WHAT IS THE --
15 THIS IS ANOTHER ONE BY PRESIDING CIRCUIT JUDGE VICTOR
16 RAWL; CORRECT?

17 A CORRECT.

18 Q OKAY. AND THIS ONE IS FOR -- AN ORDER THAT THE
19 RECORDS BE DESTROYED. SO THIS ONE TO RESCIND THIS ORDER
20 WAS GIVEN TO YOU BY WHOM?

21 A STEPHEN.

22 Q AND THIS ONE CAME OUT OF -- OF YOUR MEDICAL FILE?

23 A MY -- MY CIVIL CASE.

24 Q OKAY. SO YOU HAD THIS DOCUMENT HERE WHICH IS I SEE
25 18TH OF MARCH, AND THIS IS 19. I SEE A NINE HERE. WHAT

1 WOULD THIS DATE BE?

2 A I HAVE NO IDEA.

3 Q BUT IT WOULD -- IT WOULD HAVE BEEN PREVIOUS TO ALL
4 THESE?

5 A IT WOULD BE PREVIOUS.

6 Q AND YOU HAD THIS ONE IN YOUR POSSESSION IN THE CASE
7 YOU WERE ASKING STEPHEN TO HELP YOU WITH?

8 A CORRECT.

9 Q ALL RIGHT. DID YOU COMPARE THESE YOURSELF, YOU
10 AND...

11 A ME -- GARY AND I DID.

12 Q OKAY. AND WHAT DID YOU THINK?

13 A WELL, I SEEMED TO THINK IT WAS NOT THE SIGNATURE, THE
14 LEGITIMATE ONE.

15 Q ALL RIGHT. THAT THIS ONE HERE WAS NOT A LEGITIMATE
16 SIGNATURE. THAT'S THE MOTION FOR PRODUCTION OF THINGS?

17 A CORRECT.

18 Q AND IT WAS EIGHTH OF DECEMBER?

19 A CORRECT.

20 Q AND WHAT ABOUT THIS ONE, THIS MARCH THE EIGHTH, DID
21 YOU THINK IT LOOKED MORE LIKE THE ORIGINAL SIGNATURE THAT
22 YOU KNEW WAS RIGHT OR WHAT?

23 A I THOUGHT THIS ONE WAS CLOSER.

24 Q BUT DID YOU THINK IT WAS A FORGERY, TOO?

25 A I DID THINK IT WAS A FORGERY.

1 Q OKAY. LET'S GIVE THESE TO THE JURY SO THEY CAN LOOK
2 AT THE SIGNATURES IF THEY WANT TO. AND YOU CAN GO BACK UP
3 AND SIT DOWN.

4 A ALL RIGHT.

5 Q CONNIE, WHAT DID YOU DO? YOU THOUGHT IT WAS A
6 FORGERY. WHAT DID YOU DO ABOUT IT?

7 A WELL, I -- I STARTED CALLING THE AUTHORITIES BECAUSE
8 I WAS CONCERNED. BY THIS TIME STEPHEN WAS ACTING PRETTY
9 BIZARRE.

10 Q TELL ME WHAT THAT -- TELL THE JURY, YOU SAID STEPHEN
11 WAS ACTING CRAZY AND BIZARRE?

12 A CRAZY AND BIZARRE.

13 Q WHAT WAS HE DOING THAT WAS CRAZY AND BIZARRE?

14 A WELL, HE WOULD ALWAYS -- FOR EXAMPLE, WE WAS -- AGREE
15 ON A TIME THAT HE WOULD COME TO MY HOUSE TO MEET.

16 Q I CAN'T HEAR YOU, CONNIE. SPEAK INTO THAT
17 MICROPHONE, PLEASE MA'AM.

18 A ALL RIGHT. I'M SORRY. STEPHEN AND I ALWAYS -- HE
19 WOULD AGREE, WELL, I'LL COME TO YOUR HOUSE, FOR EXAMPLE,
20 10:00, 11:00, 1:00, WHATEVER TIME WE AGREED ON. WELL, HE
21 NEVER WOULD SHOW UP AT THAT TIME.

22 HE WOULD CALL ME USUALLY ABOUT AN HOUR BEFORE AND SAY
23 HE'S AT DIFFERENT PLACES, GEORGETOWN, CONWAY, COLUMBIA,
24 DIFFERENT PLACES. AND THEN 20 MINUTES LATER HE WOULD BE
25 OUT IN MY DRIVEWAY CALLING ME, TELLING ME I'M OUT IN THE

1 YARD, COME OUTSIDE. THAT WAS BIZARRE.

2 AND THAT WAS GETTING -- THAT WAS GETTING TO BE AN
3 EVERY DAY THING. HIS BEHAVIOR WAS JUST GETTING MORE AND
4 MORE CRAZY. HE WOULD MAKE UP STORIES ABOUT -- LIES RATHER
5 ABOUT WHY HE WAS LATE.

6 ONE DAY HE CAME TO MY HOUSE LATE. HE HAD BANDAIDS ON
7 HIS ARMS AND ON HIS BODY, AND HE TOLD ME THAT HE WAS LATE
8 BECAUSE HE HAD TO GO TO THE DOCTOR. HE WAS SHOWING ME
9 A -- SOMETHING THAT HE HAS HERE BEHIND HIS EAR OR
10 WHATEVER, A -- SOME KIND OF GROWTH.

11 AND THE BANDAIDS THAT HE -- HE SAID THAT'S -- THAT'S
12 ONE REASON WHY HE WAS -- HE WAS SICK. AND HE HAD TO GO TO
13 THE DOCTOR. HE WAS SHOWING ME THE BANDAIDS, AND THE
14 BANDAIDS WERE NOT EVEN STUCK ON HIS ARM.

15 THEY WEREN'T EVEN -- THEY WERE JUST -- THEY WERE JUST
16 ON HIM. THEY WERE JUST -- THEY WEREN'T EVEN STUCK. HE
17 SAID THAT THEY HAD STUCK HIM WITH NEEDLES, TAKEN BLOOD,
18 BUT IT WAS JUST BIZARRE. I MEAN, YOU COULD TELL OBVIOUSLY
19 THAT HE HADN'T BEEN TO A DOCTOR. HE JUST HAD THE BANDAIDS
20 STUCK ON HIS ARM.

21 Q WELL NOW CONNIE, WOULD YOU -- WHAT YOU SAID TO THE
22 JURY IS THAT HE WOULD SAY HE WAS--

23 MR. HUMPHRIES: I'M GOING TO OBJECT, YOUR HONOR,
24 AS TO THE FORM OF THE QUESTION.

25 THE COURT: PLEASE REPHRASE.

1 MR. HUMPHRIES: THANK YOU.

2 BY MR. KELLY:

3 Q DID YOU SAY TO US THAT HE WOULD--

4 MR. HUMPHRIES: I OBJECT TO THE FORM OF THE
5 QUESTION.

6 THE COURT: IS THE OBJECTION LEADING?

7 MR. HUMPHRIES: YES IT IS, YOUR HONOR.

8 THE COURT: SUSTAINED. LEADING. YOU MAY
9 REPHRASE.

10 BY MR. KELLY:

11 Q WHAT WAS THIS AGAIN THAT WAS SO BIZARRE ABOUT HIS
12 CALLS AND THEN APPEARING? WHAT WAS THAT THAT WAS SO
13 STRANGE ABOUT THAT?

14 A WELL, HE WOULD SAY I'M GOING TO BE THERE AT 1:00 AND,
15 YOU KNOW, IT WAS GETTING TO THE POINT WHERE YOU -- YOU
16 NEED TO GIVE ME MY DOCUMENTS OR YOU NEED TO GIVE US OUR
17 MONEY BACK.

18 AND HE WOULD SAY, OH, I'M GOING TO BE THERE AT 1:00,
19 WE ARE GOING TO FILE YOUR COMPLAINT, WE'RE GOING TO DO
20 THIS, WE'RE GOING TO DO THAT. 12:00 HE WOULD CALL AND
21 SAY, OH, I'M IN CONWAY OR I'M IN -- WHEREVER HE'D SAY HE
22 WAS. AND HE DID THIS REPEATEDLY.

23 AND THEN 10, 20 MINUTES LATER HE'D BE OUT IN THE
24 DRIVEWAY WANTING ME TO COME OUTSIDE. THAT WAS BIZARRE. I
25 MEAN, YOU KNOW.

1 Q AND CONWAY IS HOW FAR FROM YOUR HOUSE?

2 A WELL, I DON'T REALLY KNOW. I'M GUESSING 15, 20 MILES
3 MAYBE. I'M GUESSING. I DON'T KNOW.

4 Q SO YOU CAME TO THIS TIME WHEN YOU GOT THESE
5 DOCUMENTS, AND THEN I THINK YOU TOLD US YOU BEGAN MAKING
6 CALLS.

7 A YES.

8 Q OKAY. WHY DID YOU BEGIN MAKING CALLS AGAIN?

9 A BECAUSE OF HIS BEHAVIOR, IT WAS SO BIZARRE AND IT WAS
10 GETTING MORE BIZARRE, AND THE DOCUMENTS THAT HE WAS
11 PRODUCING AND THE THINGS THAT HE WAS SAYING TO ME.

12 Q OKAY.

13 A THE LIES.

14 Q DID YOU CALL DONNA WILLIAMS, THE CLERK OF COURT OVER
15 IN HORRY?

16 A YES, I DID.

17 Q WHAT DID YOU SAY TO HER?

18 A I TOLD HER THAT -- WHAT HE, YOU KNOW, HOW I HAD MET
19 STEPHEN, WHAT HE WAS DOING FOR ME, THE WAY HE WAS ACTING,
20 THE DOCUMENTS THAT HE WAS PRODUCING, THAT I FELT LIKE
21 SOMEBODY NEEDED TO LOOK AT -- TAKE TWO MINUTES AND LOOK AT
22 WHAT THIS MAN IS DOING AND WHAT HE'S SAYING.

23 Q AS A RESULT OF SPEAKING WITH DONNA WILLIAMS, WHAT --
24 WHO -- WHAT DID YOU DO OR WHO DID YOU CALL?

25 A I CALLED THE SOLICITOR'S OFFICE.

1 Q DO YOU REMEMBER WHO YOU SPOKE WITH AT THE SOLICITOR'S
2 OFFICE?

3 A THE FIRST TIME I SPOKE WITH HEATHER -- I BELIEVE IT'S
4 TOLAR.

5 Q HEATHER TOLAR. OKAY. AND AS A -- AND WHAT DID YOU
6 TELL HER?

7 A THE SAME THING I TOLD DONNA, THAT THIS MAN WAS -- WAS
8 ACTING THIS WAY AND THAT HE WAS PRODUCING THESE DOCUMENTS
9 AND SAYING THESE THINGS AND THAT I FELT LIKE IT WAS
10 GETTING WORSE EVERY DAY.

11 Q DID YOU -- DID YOU TELL HER THAT YOU BELIEVED THAT HE
12 WAS DOING -- HIS BEHAVIOR WAS ILLEGAL?

13 A YES. I TOLD HER THAT I -- HE WAS PRODUCING THIS
14 DOCUMENT, THIS DOCUMENT CONCERNS YOUR OFFICE, AND HE'S
15 TELLING ME THAT WE'RE GOING TO SUE ALL OF YOU.

16 Q AND INDEED DID STEPHEN STANKO PRODUCE A PAPER TO YOU
17 LATER WHICH SHOWED THAT HE WAS INDEED SUING THE -- THOSE
18 PEOPLE, THE SOLICITOR'S OFFICE?

19 A YES, HE DID.

20 Q AND SO YOU SAID TO TOLAR THAT THIS -- THIS HAD TO DO
21 WITH YOUR OFFICE?

22 A YES.

23 Q THESE PAPERS.

24 A YES.

25 Q DID YOU ALSO SAY TO HER ANYTHING ABOUT THE

1 STRANGENESS OF HIS BEHAVIOR?

2 A YES, I DID.

3 Q AND AS A RESULT OF THAT, WHO DID YOU CALL AND WHAT
4 DID--

5 A SHE TOLD ME I COULD CALL THE PROBATION--

6 MR. HUMPHRIES: OBJECTION, YOUR HONOR, AS TO
7 WHAT MRS. TOLAR MIGHT HAVE SAID.

8 THE COURT: OBJECTION SUSTAINED.

9 BY MR. KELLY:

10 Q CONNIE, DON'T TELL ME WHAT SHE SAID, OKAY? JUST TELL
11 ME -- NO MATTER WHAT SHE SAID, DON'T TELL ME. THAT WOULD
12 BE HEARSAY. JUST TELL ME AS A RESULT OF YOUR CONVERSATION
13 WITH HER, WHAT DID YOU DO OR WHO DID YOU CALL?

14 A I CALLED PROBATION OFFICE, PROBATION AND PAROLE
15 OFFICE.

16 Q SO YOU CALLED -- AND ALL OF THIS WAS AROUND MARCH THE
17 EIGHTH?

18 A YES.

19 Q OKAY. AND WHO DID YOU TALK TO AT THE PROBATION
20 OFFICE?

21 A WELL, I TRIED TO SPEAK WITH MARY ANN ADAMS. I SPOKE
22 WITH A RANDY WORRELL I BELIEVE HIS NAME IS. I SPOKE WITH
23 AMY, THE EIGHTH OF -- DUTY AGENT ON CALL. I SPOKE WITH
24 TARA KING, THE SUPERVISOR.

25 Q AND DID YOU SPEAK WITH THEM ALL ON THAT ONE DAY OR

1 WAS IT -- WAS THAT DIFFERENT DATES?

2 A I SPOKE TO THEM ALL ON THAT DAY AND I ATTEMPTED AFTER
3 THAT TO CALL BACK.

4 Q OKAY. AND WHAT DID YOU TELL THEM, HE -- DID YOU --
5 EACH ONE OF THEM, WHAT DID YOU TELL THEM?

6 A THE SAME THING, THAT, YOU KNOW, THIS MAN IS DOING
7 THIS, HE IS SAYING THESE THINGS, HE'S PRODUCING THESE
8 DOCUMENTS TO ME, AND THEY TOLD ME THEY KNEW NOTHING ABOUT
9 HIM.

10 Q AS A RESULT OF THE CONVERSATION WITH THEM, ARE YOU --
11 DO YOU BELIEVE THAT THEY DIDN'T KNOW ANYTHING ABOUT HIM?

12 A THAT'S WHAT THEY TOLD ME.

13 Q NOTHING?

14 A THAT'S WHAT THEY TOLD ME.

15 Q AND WHO DID YOU TALK WITH THERE AT THE PROBATION?

16 A I SPOKE WITH A -- THE DUTY AGENT ON CALL, AMY. I
17 SPOKE WITH -- I INSISTED ON SPEAKING WITH HER SUPERVISOR,
18 WHICH WAS TARA KING. I SPOKE WITH A RANDY WORRELL I THINK
19 HIS NAME IS. I WROTE IT DOWN. AND I ATTEMPTED TO SPEAK
20 TO MARY ANN ADAMS, BUT I DIDN'T GET TO.

21 Q DID YOU EVER SPEAK WITH MARY ADAMS LATER ABOUT THIS
22 SAME STEPHEN STANKO BEHAVIOR?

23 A AFTER THE -- AFTER EVERYTHING HAD HAPPENED.

24 Q AFTER THE MURDER OF LAURA LING?

25 A YES.

1 Q DID YOU GET ANY SATISFACTION OR RESPONSE THAT YOU
2 WERE SATISFIED FROM THE PROBATION OR FROM THE SOLICITOR'S
3 OFFICE UP TO THIS POINT ABOUT YOUR COMPLAINTS ABOUT
4 STEPHEN?

5 A NO. NOBODY WANTED TO LISTEN.

6 Q DID -- WELL NOW, YOU WEREN'T GETTING VERY FAR THERE;
7 WERE YOU?

8 A NO.

9 Q DID YOU GIVE UP?

10 A NO.

11 Q WHAT DID YOU DO NEXT?

12 A I ATTEMPTED -- I CALLED SLED. I CALLED THE US
13 FEDERAL MARSHAL, I CALLED THE ALCOHOL, TOBACCO AND
14 FIREARMS, I CALLED DEA. I CALLED PRETTY MUCH EVERYBODY I
15 COULD THINK OF AND -- ANYBODY I COULD THINK OF.

16 Q LET'S TALK ABOUT THE US MARSHAL'S OFFICE. HOW IS IT
17 THAT YOU CHOSE TO CALL THEM?

18 A WELL, ACTUALLY I HAVE A COUSIN THAT LIVES IN OHIO AND
19 SHE -- SHE WAS KIND OF AWARE -- SHE WAS AWARE OF WHAT WAS
20 GOING ON. SHE TOLD ME THAT HER--

21 MR. HUMPHRIES: OBJECTION WHAT SHE MIGHT HAVE
22 SAID.

23 THE COURT: SUSTAINED. HEARSAY. DO NOT SAY
24 WHAT ANYBODY TOLD YOU. YOU CAN ONLY STATE WHAT YOU
25 DID AS A RESULT OF THE CONVERSATION.

1 THE WITNESS: OKAY. SORRY.

2 BY MR. KELLY:

3 Q SO LET ME ASK YOU, CONNIE, YOU CALLED YOUR COUSIN IN
4 OHIO?

5 A CORRECT.

6 Q AND YOU HAD BEEN TALKING TO HER ABOUT THIS SAME--

7 A SITUATION.

8 Q -- SITUATION. AND AS A RESULT OF THAT CONVERSATION
9 WITH HER, WHO DID YOU CALL?

10 A THE US FEDERAL MARSHALS.

11 Q AND WHAT -- WHERE WAS THE OFFICE THAT YOU CALLED?
12 WHAT TOWN OR CITY?

13 A COLUMBIA.

14 Q OKAY. AND DID YOU GET SOMEBODY ON THE PHONE?

15 A ACTUALLY I DID.

16 Q AND DID YOU TELL THEM -- OR JUST TELL ME WHAT DID YOU
17 TELL THEM?

18 A THE SAME THING THAT I HAD TOLD THE SOLICITOR'S
19 OFFICE, THE PROBATION OFFICE.

20 Q AND...

21 A EVERYBODY ELSE.

22 Q THAT HAD TO DO WITH THIS ILLEGAL BEHAVIOR?

23 A YES, AND THE DOCUMENTS THAT HE WAS PRODUCING AND THE
24 WAY HE WAS ACTING.

25 Q AND ALSO THIS ABNORMAL OR STRANGE BEHAVIOR AS WELL?

1 A YES.

2 Q ALL RIGHT. NOW, DID YOU TALK WITH ANYBODY IN THE
3 FBI?

4 A YES.

5 Q DID -- AS A RESULT OF -- DID -- WERE YOU SATISFIED
6 WITH THAT CONVERSATION WITH THEM?

7 A NO.

8 Q AND AS A RESULT OF TALKING WITH THEM, DID YOU CALL
9 ANYBODY IN PARTICULAR?

10 A WELL, I CALLED -- I STARTED AGAIN AND I CALLED THE
11 HORRY COUNTY POLICE AND I SPOKE WITH TWO LADIES. I SPOKE
12 WITH AN OFFICER WHO LET ME SPEAK TO A SPECIALIST WHO -- I
13 ENDED UP SPEAKING WITH DETECTIVE BERTANG, I THINK IS HIS
14 NAME, I'M NOT SURE HOW TO PRONOUNCE THAT CORRECTLY -- WITH
15 MYRTLE BEACH DETECTIVES, I BELIEVE HE WAS HOMICIDE
16 DETECTIVES, CRIMINAL INVESTIGATION DETECTIVE.

17 Q ALL RIGHT. NOW, LET'S TALK ABOUT THAT FOR JUST A
18 MINUTE. OKAY? THEN WE'LL COME BACK TO IT AGAIN.

19 A OKAY.

20 Q YOU -- DID YOU MAKE AN APPOINTMENT TO MEET WITH THE
21 INVESTIGATOR BERTANG AT MYRTLE BEACH POLICE DEPARTMENT?

22 A MADE AN APPOINTMENT WITH TO MEET WITH DETECTIVE
23 BERTANG AT THE MYRTLE BEACH AIR FORCE -- ON THE AIR FORCE
24 BASE AT THE MYRTLE BEACH ANNEX POLICE DEPARTMENT.

25 Q AND WHEN -- DO YOU REMEMBER THE DATE AND OR THE DAY

1 THAT YOU MADE THE APPOINTMENT?

2 A THE DAY I MADE THE APPOINTMENT NOT RIGHT OFF THE TOP
3 OF MY HEAD, BUT I DO KNOW THAT I HAD AN APPOINTMENT WITH
4 MR. MEACHUM AT THE SOLICITOR'S OFFICE AND THEY HAD CALLED
5 AND CANCELED IT BECAUSE THEY SAID THAT HE WAS IN --
6 INVOLVED WITH A MURDER TRIAL OR A BIG TRIAL AND THAT HE
7 COULD NOT SEE ME UNTIL THE 18TH.

8 Q CONNIE, WE'LL COME TO THAT, TOO; OKAY?

9 A OKAY.

10 Q BUT LET'S -- LET'S GO BACK. LET'S JUST GO WITH
11 MYRTLE BEACH FIRST. DID YOU GO TO THE APPOINTMENT?

12 A YES. YES.

13 Q AND WHO WENT TO THE APPOINTMENT WITH YOU?

14 A GARY.

15 Q AND WHAT WAS -- WHAT TIME DID YOU ARRIVE FOR THE
16 APPOINTMENT?

17 A I BELIEVE IT WAS ABOUT 9:00.

18 Q THAT'S IN THE MORNING?

19 A IN THE MORNING.

20 Q AND WAS THAT THIS PLACE YOU JUST DESCRIBED WHICH WAS
21 AT THE -- YOU CALLED IT THE AIR FORCE ANNEX?

22 A THAT'S WHAT THEY CALLED IT, YES.

23 Q AND YOU -- AND DID YOU MEET WITH A PERSON AT THAT
24 MYRTLE BEACH PD ANNEX?

25 A YES.

1 Q WHAT WAS HIS NAME?

2 A DETECTIVE BERTANG.

3 Q AND WHAT -- WHAT DAY OF THE WEEK WAS THIS?

4 A WAS ON A THURSDAY.

5 Q THURSDAY. AND WHAT HAPPENED THE NEXT DAY?

6 A THE MURDERS.

7 Q THE MURDERS HAPPENED THE NEXT DAY.

8 A YES.

9 Q THIS WAS THE DAY, THE MORNING BEFORE THE MURDER?

10 A THE SEVENTH OF APRIL.

11 Q AND THAT WOULD MAKE IT THE MORNING TWO DAYS BEFORE
12 YOU MADE I GUESS THE 9-1-1 CALL?

13 A YES.

14 Q OKAY. SO AT 9:00 OR ABOUT THAT TIME, YOU MET WITH
15 THE -- IN MYRTLE BEACH WITH THE INVESTIGATOR BERTANG.
16 THAT'S BEFORE THE MURDERS THAT TOOK PLACE THE NEXT
17 MORNING; CORRECT?

18 A YES, CORRECT.

19 Q AND DID YOU TELL -- DID YOU ACTUALLY MEET FACE TO
20 FACE WITH BERTANG?

21 A YES, I DID.

22 Q ALL RIGHT. WHEN YOU WENT INTO THE BUILDING, YOU WENT
23 IN WITH -- WITH GARY OWENS?

24 A CORRECT.

25 Q GARY HAD DRIVEN YOU THERE?

1 A YES.

2 Q AND WHEN YOU GO IN, WHO WAS THE FIRST PERSON YOU SAW
3 WHEN YOU WENT IN?

4 A WHEN YOU GO INTO THE BUILDING THERE IS A -- LIKE A
5 RECEPTION DESK AND THERE'S AN OFFICER, LADY OFFICER, WAS
6 THERE.

7 Q AND WHAT'S THE SHAPE OF THE RECEPTION DESK?

8 A IT'S ROUND, KIND OF LIKE ROUND.

9 Q KIND OF ROUND DESK?

10 A YES.

11 Q DESCRIBE THE LADY AT THE DESK THAT YOU SAW.

12 A SHE WAS A BLACK LADY, I'M GUESSING MAYBE 40, EARLY
13 40'S, HER AGE, SHOULDER LENGTH HAIR, KIND OF HEAVY-SET.

14 Q AND DID SHE ASK YOU TO DO ANYTHING PREVIOUS TO
15 MEETING WITH THE INVESTIGATOR?

16 A I BELIEVE I REMEMBER SHE -- I HAD TO SIGN A LOG --
17 LIKE A LOG-IN PAPER FOR AN APPOINTMENT BECAUSE I HAD AN
18 APPOINTMENT.

19 Q WERE YOU ABLE TO SPELL THE INVESTIGATOR'S NAME
20 YOURSELF?

21 A NO. I WASN'T EVEN SURE THAT I PRONOUNCED IT RIGHT.

22 Q DID ANYBODY TELL YOU HOW TO SPELL IT?

23 A THE LADY DID.

24 Q OKAY. NOW, AFTER YOU DID THAT, WHERE DID YOU AND
25 GARY GO?

1 A WE -- THERE'S CHAIRS IN THE HALL AND WE SAT THERE IN
2 THE HALL FOR A FEW MINUTES, AND THEN DETECTIVE BERTANG
3 CAME OUT OF THE DOOR AND GOT US AND WE WENT TO THE BACK TO
4 A ROOM.

5 Q DESCRIBE HIM TO US. WHAT DID HE LOOK LIKE?

6 A HE HAD BROWN HAIR. I DON'T KNOW. I'M GUESSING HOW
7 TALL HE WOULD BE. HE'S KIND OF TALLER THAN ME AND I'M
8 KIND OF TALL, I GUESS MAYBE 5'7, 5'8, I'M GUESSING,
9 PROBABLY 135, 45 POUNDS I'M GUESSING. KIND OF -- KIND OF
10 BALDING A LITTLE BIT.

11 Q AND DID HE INTRODUCE HIMSELF TO YOU BY HIS NAME?

12 A DETECTIVE BERTANG.

13 Q AND WHERE DID YOU AND GARY GO WITH DETECTIVE BERTANG?

14 A WE WALKED THROUGH THE DOOR THAT HE CAME OUT OF. WE
15 WENT TO THE LEFT AND WENT INTO A BIG ROOM WITH A LONG
16 TABLE.

17 Q YOU WENT INTO A ROOM WITH A LONG TABLE.

18 A WAS TALKING.

19 Q WHERE DID -- WHERE DID DETECTIVE BERTANG SIT AT THE
20 TABLE?

21 A AT THE END OF THE TABLE, AT THE HEAD OF THE TABLE.

22 Q AND DID -- AND WHERE DID YOU SIT IN RELATION TO HIM?

23 A EXCUSE ME. LIKE RIGHT NEXT TO HIM.

24 Q AND WHERE DID GARY SIT?

25 A NEXT TO ME.

1 Q AND DID YOU TAKE WITH YOU PAPERS TO SHOW--

2 A YES.

3 Q -- INVESTIGATOR BERTANG?

4 A YES.

5 Q AMONG THOSE PAPERS WERE THESE PAPERS THAT WE JUST
6 SHOWED THE JURY, WERE THEY AMONG THOSE PAPERS?

7 A YES.

8 Q DID AT ANY TIME INVESTIGATOR BERTANG TAKE FROM YOU
9 AND MAKE COPIES OF ANY OF THE PAPERS YOU BROUGHT?

10 A NO.

11 Q WHAT DID -- WHAT DID DETECTIVE BERTANG HAVE WITH HIM
12 WHEN YOU SAW HIM AND HE WAS IN THE ROOM? DID HE HAVE ANY
13 KIND OF OBJECTS OR ITEMS WITH HIM?

14 A I THINK HE HAD LIKE A LITTLE LEATHER TRI-FOLDING --
15 THANK YOU SO MUCH. EXCUSE ME. HE HAD LIKE A LEATHER --
16 NOT LIKE A BRIEFCASE, IT WAS LIKE...

17 Q CONNIE, SPEAK INTO THAT MICROPHONE. YOU CAN TURN IT,
18 YOU KNOW, SO IT WILL GO WITH YOU, SO TO SPEAK.

19 A LIKE A LEATHER -- IT'S NOT LIKE A BRIEFCASE, BUT JUST
20 A LEATHER CARRIER PAY -- THING.

21 Q DID INVESTIGATOR BERTANG TAKE ANY NOTES THAT YOU SAW
22 DURING YOUR TIME IN SPEAKING WITH HIM?

23 A I THINK HE MAY HAVE WROTE MY NAME DOWN. I THINK I'D
24 SEEN HIM SCRIBBLE SOMETHING, BUT THERE WAS...

25 Q DID YOU TALK TO HIM ABOUT STEPHEN STANKO?

1 A YES, I TRIED TO.

2 Q YOU TRIED TO?

3 A TRIED TO.

4 Q TELL THE JURY WHAT, I TRIED TO, MEANS.

5 A WELL, HE DIDN'T REALLY -- HE TOLD ME THAT I'M -- HE
6 SAID, I'M SORRY--

7 MR. HUMPHRIES: OBJECTION TO WHAT--

8 THE COURT: SUSTAINED, HEARSAY. MA'AM, YOU
9 CANNOT SAY WHAT SOMEONE TOLD YOU. YOU CAN ONLY SAY
10 WHAT YOU DID --

11 MR. KELLY: LET ME--

12 THE COURT: -- AS A RESULT OF THE CONVERSATION.

13 MR. KELLY: LET ME ASK YOU -- EXCUSE ME, MA'AM.

14 BY MR. KELLY:

15 Q LET ME ASK IT THIS WAY. WERE YOU SATISFIED THAT THE
16 INVESTIGATOR WAS INVESTIGATING YOUR CLAIMS THAT YOU WERE
17 TRYING TO MAKE?

18 A NO. NO.

19 Q DID HE TELL YOU HE WAS GOING TO FIND OUT--

20 MR. HUMPHRIES: OBJECTION, YOUR HONOR.

21 THE COURT: SUSTAINED. HEARSAY.

22 BY MR. KELLY:

23 Q AS A RESULT OF YOUR SPEAKING WITH HIM, DID YOU
24 BELIEVE HE WAS GOING TO INVESTIGATE STEPHEN STANKO AND
25 WHAT YOUR CLAIMS WERE?

1 A NO. I KNEW HE WASN'T.

2 Q AS RESULT OF THAT, IF YOU HAD FOLLOWED HIS ADVICE,
3 WHO WOULD YOU HAVE THEN GONE TO SEE?

4 A BACK TO THE SOLICITOR'S OFFICE.

5 Q WHICH WAS BACK WHERE YOU CAME FROM, I SUPPOSE.

6 A BACK WHERE I STARTED FROM, YES.

7 Q HOW LONG DID YOU TALK WITH INVESTIGATOR BERTANG?

8 A I THINK ABOUT 30, 35 MINUTES, MAYBE A LITTLE MORE
9 BECAUSE I WASN'T GOING AWAY THAT EASY.

10 Q DID -- DID INVESTIGATOR BERTANG EVER GET BACK WITH
11 YOU ABOUT YOUR COMPLAINT?

12 A NO. NO.

13 Q AS A RESULT OF TALKING WITH INVESTIGATOR BERTANG DID
14 YOU FILL OUT ANY COMPLAINT THERE IN THE OFFICE AT THAT
15 TIME?

16 A NO.

17 Q WHAT DID YOU THINK ABOUT THAT?

18 A I THOUGHT THAT I WAS GETTING THE RUN-AROUND LIKE I
19 HAD BEEN GETTING. THAT'S WHAT I THOUGHT.

20 Q DID YOU SEE ANY OTHER -- DID ANY OTHER OFFICERS ON
21 THE MYRTLE BEACH PD TALK TO YOU AT THAT TIME?

22 A NO.

23 Q DID THE INVESTIGATOR TAKE FROM YOU ANY WRITTEN
24 INFORMATION CONCERNING THE WHEREABOUTS OF STEPHEN STANKO?

25 A NO. NO.

1 Q YOU KNEW WHERE HE LIVED; CORRECT?

2 A YES.

3 Q AND HAD YOU EVER BEEN TO THE HOME THAT STEPHEN STANKO
4 LIVED AT IN MURRELLS INLET?

5 A YES.

6 Q SO YOU KNEW WHERE HE LIVED?

7 A YES.

8 Q DID INVESTIGATOR BERTANG TAKE DOWN THE TELEPHONE
9 NUMBER YOU HAD FOR STEPHEN STANKO?

10 A NO.

11 Q DID YOU FEEL THAT INVESTIGATOR BERTANG HAD RESPONDED
12 IN ANY WAY TO YOUR COMPLAINTS ABOUT STEPHEN STANKO?

13 A NO, I DIDN'T.

14 Q ALL RIGHT. NOW WE'LL BACK UP A LITTLE BIT FROM THAT
15 DAY. OKAY? NOW, ARE YOU SURE THAT -- THAT YOU'RE TELLING
16 THAT THIS WAS THE DAY BEFORE LAURA LING'S MURDER?

17 A I'M POSITIVE.

18 Q AND YOU HAD MADE AN APPOINTMENT YOU SAY TO MEET THERE
19 ON THAT DAY?

20 A YES.

21 Q AND DID YOU MAKE IT EARLIER THAT WEEK?

22 A I BELIEVE IT WAS AROUND -- YES. YES, I BELIEVE.

23 Q WHAT DAY OF THE WEEK DO YOU THINK THAT YOU MADE THE
24 APPOINTMENT?

25 A I BELIEVE THAT WAS GOING TO BE AROUND THE FOURTH.

1 Q AND THAT WOULD BE A MONDAY?

2 A I -- I THINK SO.

3 Q SO YOU THINK IT WAS THE MONDAY BEFORE YOU ACTUALLY
4 WENT THERE?

5 A RIGHT, BECAUSE I DIDN'T WANT TO HAVE TO WAIT UNTIL
6 THE 18TH TO -- TO MEET WITH MR. MEACHUM. I WASN'T GOING
7 TO WAIT THAT LONG.

8 Q OKAY. I'M GOING TO GET TO MR. MEACHUM. OKAY? BUT
9 NOW I WANT TO TALK ABOUT WHY YOU MADE THAT APPOINTMENT.
10 WAS THAT APPOINTMENT MADE TO MEET WITH INVESTIGATOR
11 BERTANG AS A RESULT OF YOUR CONVERSATION WITH ANYONE?

12 A YES. WHEN THEY CALLED TO CANCEL MY APPOINTMENT WITH
13 MR. MEACHUM, I -- I WASN'T GOING TO WAIT. I NEEDED TO
14 TALK TO SOMEBODY ABOUT -- I FELT LIKE I NEEDED TO TALK TO
15 SOMEBODY ABOUT THE WAY STEPHEN WAS BEHAVING.

16 Q ALL RIGHT. WE WILL TALK ABOUT MEACHUM. WHO IS
17 MEACHUM?

18 A HE WAS A SOLICITOR.

19 Q AT THAT TIME HE WAS A WHAT?

20 A SOLICITOR.

21 Q AND WHERE WAS HIS OFFICE?

22 A CONWAY.

23 Q AND WAS IT AT -- WHERE THE SOLICITORS' OFFICES ARE?

24 A YES.

25 Q HOW HAD YOU COME TO MAKE AN APPOINTMENT WITH

1 MR. MEACHUM PREVIOUS TO THE FOURTH--

2 A WELL, I CALL--

3 Q -- WHEN YOU MADE THE APPOINTMENT WITH BERTANG. HOW
4 DID YOU MAKE -- HOW DID THAT HAPPEN, CONNIE?

5 A BECAUSE I HAD CALLED THE SOLICITOR'S OFFICE ABOUT
6 STEPHEN.

7 Q TELL US HOW MANY -- TELL US THE PEOPLE THAT YOU
8 TALKED TO IN THE SOLICITOR'S OFFICE AND MADE COMPLAINTS
9 ABOUT STEPHEN STANKO'S BEHAVIOR AND HIS CRIMINAL ACTIVITY.

10 A ALL THE PEOPLE I TALKED TO?

11 Q YES.

12 A I TALKED TO SANFORD GRAVES. I--

13 Q SANFORD? LET'S TALK ABOUT HIM FOR JUST A MINUTE.
14 DID YOU SAY SANFORD GRAVES?

15 A YES.

16 Q WHAT WAS HE OR WHO WAS HE?

17 A WELL, AT THE TIME I DIDN'T REALLY KNOW. I THOUGHT HE
18 WAS ASSISTANT OR A SOLICITOR OR SOMETHING. I DIDN'T
19 REALLY KNOW. BUT I FOUND OUT LATER HE WAS A SOLICITOR, I
20 BELIEVE. I SPOKE--

21 Q YOU TALKED WITH HIM ON THE TELEPHONE?

22 A YES.

23 Q WHAT DID YOU TELL HIM?

24 A THE SAME THING I'D BEEN TELLING EVERYBODY ELSE.

25 Q AS A RESULT OF THAT, WHAT DID YOU -- DID YOU DO

1 ANYTHING AS A RESULT OF TALKING WITH HIM?

2 A NO.

3 Q OKAY. WHO ELSE DID YOU TALK WITH THERE?

4 A I SPOKE WITH MELISSA GERARD.

5 Q WHO IS MELISSA GERARD?

6 A I'M NOT REALLY SURE. I THINK SHE'S AN ASSISTANT TO
7 SOMEBODY. MR. MEACHUM'S...

8 Q YOU THINK SHE'S MR. MEACHUM'S ASSISTANT?

9 A I BELIEVE SO. YES.

10 Q WHO MADE THE APPOINTMENT FOR YOU TO MEET WITH
11 MR. MEACHUM?

12 A I BELIEVE THAT WAS EITHER HEATHER OR MELISSA.

13 Q AND WHO ELSE BESIDES MR. MEACHUM, MELISSA GERARD, AND
14 SANFORD GRAVES DID YOU SPEAK WITH AT THE SOLICITOR'S
15 OFFICE?

16 A I SPOKE WITH WILLA MAE.

17 Q WHO?

18 A A WILLA MAE.

19 Q WILLA MAE.

20 A I SPOKE WITH A NIGENT (SIC) BLACK.

21 Q NIGEL (SIC) BLACK.

22 A I HAVE IT IN MY NOTES.

23 Q LET'S TALK ABOUT MR. MEACHUM. YOU SAY HE GAVE YOU AN
24 APPOINTMENT TO MEET WITH HIM PREVIOUS TO MEETING WITH
25 BERTANG.

1 A YES.

2 Q WHAT HAPPENED TO THAT APPOINTMENT?

3 A THEY CANCELED IT.

4 Q WHO CANCELED IT?

5 A I BELIEVE IT WAS MELISSA THAT MAY HAVE CALLED AND
6 CANCELED IT OR IT COULD HAVE BEEN HEATHER. SOMEBODY
7 CALLED -- ONE OF THE TWO OF THEM CALLED AND SAID THAT THEY
8 WERE GOING TO HAVE TO RESCHEDULE IT. I WAS VERY UPSET
9 ABOUT THAT.

10 Q DID YOU TELL THEM YOU WERE UPSET?

11 A YES, I DID.

12 Q AND DID YOU -- DID YOU TELL THEM AGAIN ABOUT WHAT IT
13 WAS THAT WAS SO IMPORTANT TO YOU?

14 A YES, I DID.

15 Q AT THAT TIME WHAT WAS IT THAT WAS SO IMPORTANT TO
16 YOU?

17 A WELL, I MEAN, STEPHEN WAS ACTING MORE AND MORE
18 BIZARRE, CRAZY, DOING CRAZY THINGS, SAYING CRAZIER STUFF.

19 Q WHEN DO YOU THINK, CONNIE, THIS FIRST APPOINTMENT
20 WITH SOLICITOR MEACHUM, WHEN DO YOU THINK THAT WAS MADE?

21 A WELL, I KNOW THAT I SEEN -- I DID MEET WITH HIM ON
22 THE 18TH. AND WHEN THEY CALLED, IT WOULD HAVE BEEN TWO
23 WEEKS BEFORE THE 18TH, WHENEVER THAT WAS.

24 Q TALKING ABOUT THE 18TH AFTER LAURA LING WAS MURDERED?

25 A THAT'S APRIL, YES, SIR.

1 Q OKAY. AND YOU THINK IT HAD TO BE -- IT WAS BEFORE
2 SHE WAS MURDERED THAT YOU HAD THE FIRST APPOINTMENT?

3 A YES. YES, IT WAS.

4 Q WELL, THAT MAKES SENSE; DOESN'T IT? A LOT OF PEOPLE
5 TALKED TO YOU ABOUT STANKO AFTER LAURA LING'S MURDER;
6 DIDN'T THEY?

7 A YES.

8 Q THE SOLICITOR HIMSELF TALK WITH YOU ABOUT STANKO?

9 A YES, HE KNEW.

10 Q MR. HUMPHRIES HIMSELF TALKED WITH YOU ABOUT STANKO?

11 A YES, HE DID.

12 Q INVESTIGATOR STEPHEN BROWN TALKED WITH YOU ABOUT
13 STANKO?

14 A YES, HE DID.

15 Q AND THIS WAS ALL AFTER LAURA LING WAS MURDERED?

16 A YES.

17 Q NOT BEFORE?

18 A NOT BEFORE.

19 Q DID -- DID ANY OF THESE SOLICITORS THAT YOU NAMED
20 THAT YOU HAD TALKED TO PREVIOUS TO LAURA LING'S MURDER
21 TALK -- YOU TALK TO ANY OF THEM AFTER HER MURDER?

22 A I DON'T THINK SO, NO.

23 Q IS -- AS A RESULT OF TALKING WITH ANY OF THESE
24 PEOPLE, WERE ANY CHARGES EVER FILED AGAINST STEPHEN
25 STANKO?

1 A I THINK THAT THERE WAS -- I MADE A POLICE REPORT IN
2 REGARDS TO THE MONEY THAT HE HAD TAKEN FROM US OR FROM
3 GARY RATHER, AND ON THE POLICE REPORT IT SAYS FORGERY AND
4 OBTAINING GOODS THROUGH FALSE PRETENSE.

5 Q IS THAT BEFORE OR AFTER THE MURDER OF LAURA LING?

6 A THE POLICE REPORT WAS AFTER.

7 Q AFTER?

8 A YES, SIR.

9 Q NO REPORTS BEFORE?

10 A NO, SIR.

11 Q DID -- DID -- AS A RESULT OF TALKING WITH ANY OF
12 THESE PEOPLE WE TALKED TO, DID YOU ATTEMPT TO MAKE ANY
13 REPORT OTHER THAN SPEAKING TO THEM AND COMPLAINING TO
14 THEM?

15 A THERE WAS NO REPORT, NO. NO.

16 Q WHAT DID YOU THINK ABOUT THIS THAT WAS TAKING PLACE?

17 A YOU MEAN ABOUT STEPHEN OR ABOUT NOBODY LISTENING?

18 Q ABOUT NOBODY LISTENING.

19 A I DIDN'T KNOW WHAT TO THINK. I DIDN'T KNOW WHO ELSE
20 TO CALL. I DIDN'T KNOW WHAT ELSE TO DO.

21 Q WELL, WHEN LAURA LING WAS MURDERED, THERE WASN'T
22 ANYTHING ELSE TO DO; WAS THERE?

23 A NO.

24 Q IS THAT RIGHT?

25 A THAT'S RIGHT.

1 Q ALL RIGHT. NOW, LET'S TALK ABOUT STEPHEN'S -- YOU
2 SAID IT WAS BECOMING MORE AND MORE BIZARRE.

3 A YES.

4 Q OKAY.

5 A YES.

6 Q ALL RIGHT. LET'S TALK -- LET'S TELL THE JURY ABOUT
7 THAT. LET'S START WITH THE DAY BEFORE OR THE -- THE --
8 BEFORE LAURA LING'S MURDER OR THE DAY BEFORE THAT,
9 WHICHEVER WAS THE LAST TIME THAT YOU SAW OR SPOKE WITH
10 STEPHEN STANKO BEFORE IT APPEARED ON THE TV LAURA LING IS
11 DEAD. TELL US ABOUT IT.

12 A WELL, I CAN TELL YOU WEDNESDAY, THE WEDNESDAY BEFORE
13 THAT BECAUSE THE WEEK THAT THIS HAPPENED, THESE MURDERS
14 HAPPENED, WAS MY -- MY NIECE TIFFANY, SHE'S IN A
15 WHEELCHAIR, AND IT WAS HER FIRST JUNIOR SENIOR PROM, AND I
16 HAD TOLD STEVE -- STEPHEN NOT TO -- THAT I REALLY DIDN'T
17 WANT TO HAVE TO DEAL WITH ALL OF THIS THAT WEEK, THAT I
18 WAS WANTING TO FOCUS MY ATTENTION ON MY NIECE BECAUSE--

19 Q LET ME INTERRUPT YOU. YOU SAID TO HIM, I DON'T WANT
20 TO FOCUS MY ATTENTION ON ALL THIS. WHAT WAS THE, ALL
21 THIS, THAT YOU DIDN'T WANT TO BE BOTHERED WITH AT THAT
22 TIME?

23 A HIM COMING TO MY HOUSE, HIM CALLING ME ALL THE TIME.

24 Q AND SO YOU TOLD HIM. AND WHAT -- AND THEN -- NOW
25 TELL US WHAT HAPPENED.

1 A WELL, WEDNESDAY HE -- HE KEPT TELLING ME THAT HE HAD
2 MY PACKAGE. THIS WAS A PACKAGE THAT HE HAD BEEN SAYING
3 THAT HE HAD FOR A WHILE. I DIDN'T BELIEVE THIS PACKAGE
4 EXISTED. I DIDN'T BELIEVE PRETTY MUCH EVERYTHING HE WAS
5 TELLING ME AT THIS POINT.

6 HE HAD TOLD ME THAT JOHN EDWARDS, THE MAN WHO WAS
7 RUNNING FOR PRESIDENT, WAS GOING TO BE HELPING US ON MY
8 CASE WHICH -- WHEN HE TOLD US THAT, I'M LIKE, THE MAN THAT
9 RUNS -- THAT WAS RUNNING FOR PRESIDENT? I -- I DIDN'T
10 REALLY BELIEVE THAT. I WAS -- WHY WOULD HE WANT TO HELP
11 ME?

12 THIS PACKAGE WAS SUPPOSED TO BE A CONTRACT THAT WAS
13 SIGNED FROM MR. EDWARDS AND HIS LAW FIRM. IT WAS SUPPOSED
14 TO BE ALL THESE LEGAL DOCUMENTS AND THAT HE WAS WAITING ON
15 THIS PACKAGE FROM FEDERAL -- FROM FEDERAL EXPRESS FROM
16 MR. EDWARDS.

17 WELL, THAT WEDNESDAY AFTERNOON HE CALLED ME, STEVE
18 DID, AND SAID, I HAVE YOUR PACKAGE. THIS WAS -- WELL,
19 ACTUALLY IT WAS IN THE EVENING. I SAID, STEVE, IF YOU
20 HAVE MY PACKAGE, YOU PUT MY PACKAGE ON THE PORCH, I'M
21 FIXING -- I'M PREPARING MY DINNER, I'M NOT COMING OUTSIDE.

22 I WAS A LITTLE BIT ANGRY WITH HIM. HE WAS
23 PERSISTENT. I TOLD HIM STEVE, YOU KNOW WHAT, I HAVE HAD
24 IT, I'M GOING -- I HAVE AN APPOINTMENT IN THE MORNING WITH
25 THE DETECTIVES, AND IF THEY WILL LISTEN, I'M GOING TO TELL

1 THEM EVERYTHING I KNOW, EVERYTHING I CAN, IF THEY'LL
2 LISTEN.

3 AND OF COURSE, HE WAS UPSET WITH ME. I DIDN'T REALLY
4 CARE. I WAS UPSET, YOU KNOW. I HAD BEEN THROUGH SO MUCH.

5 Q SO YOU TOLD HIM, I'VE GOT AN APPOINTMENT TOMORROW AND
6 IF THEY ARE GOING TO LISTEN TO ME, I'M GOING TO TELL
7 THEM--

8 A EXACTLY.

9 Q -- ON YOU?

10 A ON YOU.

11 Q AND IN FACT, THE NEXT DAY AFTER YOU WOULD HAVE HAD
12 THE MEETING, DID HE CALL YOU?

13 A YES.

14 Q AND WHAT DID HE ASK YOU ABOUT THE MEETING?

15 A HE WAS VERY CONCERNED WHAT I HAD TALKED TO THE
16 DETECTIVE ABOUT, WAS VERY UPSET WITH ME. HE WAS JUST --
17 HE WAS UPSET. HE WAS ANGRY WITH ME.

18 Q NOW, DID YOU TELL HIM THEN THAT -- JUST WHAT YOU TOLD
19 US, THAT YOU DIDN'T GET ANY SATISFACTION, OR WHAT DID YOU
20 SAY?

21 A PRETTY MUCH, KIND OF, YEAH. I DIDN'T REALLY WANT HIM
22 TO KNOW THAT BECAUSE I DIDN'T THINK THAT WAS THE SMART
23 THING TO TELL HIM.

24 Q BUT THE DAY BEFORE YOU PUT HIM RIGHT IN HIS FACE, I'M
25 GOING TO GO TALK TO THEM.

1 A YES, I DID.

2 Q NOW, WHERE WERE YOU WHEN YOU TOLD HIM THAT?

3 A IN MY HOUSE.

4 Q IN YOUR HOUSE?

5 A IN MY HOUSE.

6 Q AND YOU WERE TALKING ON THE PHONE?

7 A YES.

8 Q DID YOU EVER ALLOW STEPHEN STANKO TO COME INTO YOUR
9 HOUSE?

10 A NEVER. NEVER.

11 Q WHY DIDN'T YOU ALLOW STEPHEN STANKO TO COME INTO YOUR
12 HOUSE?

13 A WELL, I DIDN'T KNOW HIM THAT WELL, YOU KNOW, TO BEGIN
14 WITH. I DON'T LET STRANGE PEOPLE IN MY HOUSE. DIDN'T
15 REALLY TRUST HIM.

16 Q DID YOU TRUST HIM OR DID YOU -- YOU DON'T LET PEOPLE
17 IN YOUR HOUSE?

18 A EXACTLY. HE ALWAYS WANTED TO COME INTO MY HOUSE.
19 THERE WAS ONE DAY IN PARTICULAR THAT WE WERE OUTSIDE IN MY
20 DRIVEWAY. HE WAS -- WE WERE TALKING ABOUT HE WAS GOING TO
21 FILE MY -- MY CIVIL COMPLAINT.

22 HE WAS SITTING IN THE CAR, IN THE MUSTANG. HE TOLD
23 ME HE NEEDED TO GET INTO MY HOUSE TO CHECK MY WIRING.

24 Q YOUR WIRING?

25 A MY WIRING. I'M LIKE, YOU'RE KIDDING ME; RIGHT?

1 WHAT'S THAT GOT TO DO WITH THE CIVIL CASE? THAT -- THAT'S
2 CRAZY. OH, HE TOLD ME, I NEED TO GET IN, CHECK YOUR
3 WIRING TO MAKE SURE IT'S UP TO CODE.

4 Q UP TO CODE?

5 A YEAH.

6 Q HAD YOU EVER ASKED HIM TO CHECK ANYTHING UP TO CODE
7 ON YOUR PROPERTY?

8 A NO.

9 Q WHAT DID YOU THINK ABOUT THAT WHEN HE SAID THAT?

10 A I THOUGHT HE WAS CRAZY.

11 Q WHAT -- WHAT ELSE DID HE DO AROUND YOUR PROPERTY THAT
12 MADE YOU THINK HE'S CRAZY?

13 A WELL, THERE WAS JUST DAYS BEFORE THAT, EARLY ONE
14 MORNING ABOUT 7:00, WHICH STEPHEN NEVER CALLED ME THAT
15 EARLY, HE HAD CALLED ME, WAS TALKING ON THE PHONE, AND IT
16 JUST SEEMED LIKE HE WAS TRYING TO KEEP ME ON THE PHONE.
17 AND I HAD TOLD HIM THAT I WAS TRYING TO DO MY HAIR, WHICH
18 I WAS.

19 AND I WAS ON THE PHONE TALKING TO HIM AND SOMETHING
20 WAS BANGING ON MY DOOR. WELL, IT WAS GARY. MY POODLE --
21 I HAVE A LITTLE POODLE THAT MY MOTHER GAVE ME. MY POODLE
22 WAS OUT IN THE ROAD.

23 WE BELIEVED THAT STEVE HAD OPENED THE SIDE -- THE
24 BACK -- MY BACK YARD IS FENCED IN. THE GATE HAD BEEN
25 OPENED SOMEHOW. WE BELIEVE STEVE DID IT. WE BELIEVE THAT

1 STEVE WAS IN OUR BACK YARD IN MY GREENHOUSE.

2 WE BELIEVE THAT STEVE STOLE A BOAT, A -- THE GAS CAN
3 THAT GOES TO A BOAT MOTOR TO GARY'S BOAT. HE LOVES TO
4 FISH. HIS BOAT MOTOR, GAS CAN THAT GOES WITH IT. WE
5 BELIEVE THIS ALL HAPPENED AT THE SAME TIME.

6 Q NOW CONNIE, YOU DIDN'T HAVE ANY DIRECT EVIDENCE THAT
7 HE'D ACTUALLY DONE THAT; CORRECT?

8 A CORRECT.

9 Q BUT YOU HAD REACHED A PLACE THAT YOU DISTRUSTED HIM
10 SO MUCH YOU SUSPECTED?

11 A EXACTLY, YES.

12 Q DIDN'T HE KNOW THAT YOU FELT THIS WAY ABOUT HIM, THAT
13 YOU WERE TRYING TO TURN HIM AWAY?

14 A YOU WOULD -- I THOUGHT SO, BUT EVIDENTLY HE DIDN'T.

15 Q WELL, DID YOU -- DID YOU EVER JUST TELL HIM FRANKLY
16 WHAT YOU FELT ABOUT WHAT WAS GOING ON?

17 A I DID THAT WEDNESDAY NIGHT, I DID. I WAS VERY UPSET
18 AND I LET HIM KNOW WHAT I THOUGHT.

19 Q DO YOU HAVE -- YOU RAISE PLANTS?

20 A I DO RAISE PLANTS.

21 Q YOU HAVE STAGHORN FERNS?

22 A YES, I DO.

23 Q TELL THE JURY ABOUT STANKO AND THE STAGHORN FERNS.

24 A ON THE SATURDAY THAT GARY AND I WENT TO LAURA, HIS
25 HOUSE, WHOSE EVER HOUSE, WE WERE GOING TO WORK ON THE

1 COMPUTER ON MY CASE. WE GOT TO THE HOUSE. WE DID OUR
2 WORK. AND WHEN GARY AND I WERE LEAVING, WE WERE ON THE
3 PORCH, AND I'M GUESSING THIS -- I MEAN, HE TOLD US THAT IT
4 WAS HIS HOUSE. IT'S HER HOUSE NOW. I GUESS I KNOW THAT.

5 BUT ON THE PORCH THERE WAS FLOWERS. AND I -- I LOVE
6 FLOWERS. I HAVE HIM LEMON TREES, LIME TREES, ALL KINDS OF
7 FLOWERS. I RAISE FLOWERS. HE MADE A COMMENT ABOUT HE
8 USED TO RAISE STAGHORN FERNS WHICH WAS KIND OF -- STRUCK
9 ME A LITTLE ODD BECAUSE THEY'RE KIND OF A RARE THING.

10 I MEAN, AS FAR AS I KNOW THEY'RE RARE. DON'T KNOW
11 TOO MANY PEOPLE WHO HAS THEM OR RAISES THEM. AND WHEN --
12 I HAVE ONE IN MY GREENHOUSE. AT THAT TIME IT WAS JUST A
13 BABY AND I WAS TRYING TO, YOU KNOW, NURTURE IT ALONG.

14 HE MADE THAT COMMENT, GARY AND I BOTH THOUGHT, YOU
15 KNOW, HE'S BEEN IN OUR GREENHOUSE BECAUSE YOU JUST
16 DON'T -- YOU JUST DON'T RUN ACROSS A STAGHORN FERN
17 BECAUSE, YOU KNOW -- THAT COMMON.

18 Q AND THAT COMMENT MADE YOU SUSPICIOUS?

19 A YES.

20 Q AND YOU WERE ALREADY SUSPICIOUS OF HIM?

21 A YES.

22 Q LET ME ASK YOU SOMETHING NOW. DO YOU REMEMBER ALONG
23 ABOUT MARCH THE 31ST?

24 A YES.

25 Q ALL RIGHT. NOW, MARCH THE 31ST IS ABOUT A WEEK

1 BEFORE LAURA LING WAS MURDERED. IS THAT CORRECT?

2 A YES.

3 Q OKAY. DID YOU TAKE A TRIP WITH STEPHEN STANKO THEN?

4 A YES.

5 Q ALL RIGHT. I WANT TO TALK TO YOU ABOUT BEFORE THE
6 TRIP. OKAY?

7 A OKAY.

8 Q AND I WANT TO TALK WITH -- YOU TOLD THE JURY ABOUT
9 THE PACKAGE. OKAY?

10 A YES.

11 Q ALL RIGHT. WHERE WAS THIS PACKAGE SUPPOSED TO BE
12 COMING FROM?

13 A IT WAS SUPPOSED TO BE COMING FROM MR. JOHN EDWARDS.
14 HE WAS GOING TO BE HELPING OR HE WAS GOING TO BE
15 REPRESENTING ME IN MY CIVIL CASE.

16 Q AND WHAT WAS IN THE PACKAGE?

17 A SUPPOSED TO BE THE SIGNED DOCUMENTS FOR
18 REPRESENTATION, ALL THE LEGAL DOCUMENTS THAT, YOU KNOW,
19 YOU SIGN AND YOU DO WHEN YOU HAVE A -- WHEN YOU GET A
20 LAWYER, YOU HAVE A LAWSUIT.

21 Q AND BY THE WAY, ALL THIS BEHAVIOR THAT WE'VE JUST
22 BEEN TALKING ABOUT, IS THIS WHAT YOU WERE TRYING TO TELL
23 THE INVESTIGATOR BERTANG?

24 A YES.

25 Q OKAY. NOW LET'S GO BACK TO THE PACKAGE. THE --

1 MR. EDWARDS WOULD HAVE BEEN IN WHAT STATE?

2 A NORTH CAROLINA.

3 Q OKAY. BUT DID -- WERE YOU EVER TOLD BY STANKO HE WAS
4 IN MYRTLE BEACH?

5 A YES.

6 Q AND WAS THAT PREVIOUS TO MARCH 31ST?

7 A YES.

8 Q ALL RIGHT. WHO WAS SUPPOSED TO BE WITH MR. EDWARDS
9 IN MYRTLE BEACH?

10 A A SENATOR, UM, I CAN'T THINK OF HIS -- THOMAS,
11 SENATOR THOMAS, AND A MAN FROM -- MIKE SOMEBODY FROM 60
12 MINUTES. AT ONE POINT IT WAS SUPPOSED TO BE SOMEBODY FROM
13 I THINK 48 HOURS. BUT I DO KNOW THAT THIS MIKE PERSON WAS
14 WITH THEM A LOT ACCORDING TO STEVE.

15 Q ACCORDING TO STEVE. AND WHAT WERE THEY -- ACCORDING
16 TO STEVE, WHAT -- WAS JUDGE RAWL WITH THEM, TOO?

17 A YES, JUDGE RAWL WAS, TOO.

18 Q SO WAS SENATOR THOMAS, IT WAS MR. EDWARDS, IT WAS
19 JUDGE RAWL, IT WAS 48 HOURS, AND MIKE FROM 60 MINUTES?

20 A YES.

21 Q AND HE HAD REPRESENTED MIKE WAS WITH HIM A LOT. AND
22 WHAT WERE THEY ALL DOING DOWN IN MYRTLE BEACH ACCORDING TO
23 HIM?

24 A WELL, IF WE UNDERSTOOD HIM RIGHT AT THE BEGINNING,
25 THEY WERE THERE TO HELP WITH MY CASE WHICH WE FOUND PRETTY

1 INCREDIBLE. BUT THEN THEY WERE THERE -- AS IT WENT ON
2 STEVE SAID THEY WERE THERE TO -- THEY WERE WORKING ON GARY
3 RIDGEWAY'S CASE.

4 Q AND DID YOU BELIEVE THAT?

5 A WELL, I DIDN'T REALLY THINK MUCH ABOUT THAT BECAUSE,
6 YOU KNOW, HE WORKED ON SOMEBODY ELSE'S CASE, OKAY, MAYBE,
7 YOU KNOW, DID CONCERN ME THAT CASE THAT -- I DIDN'T
8 BELIEVE IT REALLY.

9 Q DID -- DID THERE COME A TIME WHEN THERE WAS A TRIP UP
10 TO EDWARDS' OFFICE IN CHARLOTTE WAS CONTEMPLATED?

11 A YES.

12 Q TELL THE JURY ABOUT THAT.

13 A WELL, I HAD TOLD STEVE THAT HE NEEDS TO, YOU KNOW, WE
14 WANT OUR MONEY BACK OR WE WANT OUR DOCUMENTS, WE NEED TO
15 DO SOMETHING. HE SAID, WE'RE GOING TO GO TO CHARLOTTE
16 BECAUSE WE NEVER -- IT NEVER HAPPENED THAT MR. EDWARDS --
17 EVERYTHING HE SAID ABOUT MR. EDWARDS WASN'T HAPPENING.

18 EITHER HE WAS GOING TO REPRESENT ME OR HE WASN'T. I
19 WANTED TO KNOW. STEVE SAID, WELL, WE'RE GOING TO GO TO
20 HIS OFFICE BECAUSE THEY HAD BEEN HERE TO MYRTLE BEACH AND
21 THEY HAD TO GO BACK TO CHARLOTTE BECAUSE OF THIS GARY
22 RIDGEWAY'S CASE, AN APPEAL OR SOMETHING.

23 AND HE SAID WE WOULD GO THERE AND MEET MR. EDWARDS
24 AND SIGN THE PAPERS AND DO EVERYTHING THAT NEEDS TO BE
25 DONE. WELL, OF COURSE, THAT DIDN'T HAPPEN. WE -- GARY

1 AND I WERE SUPPOSED TO GO WITH HIM.

2 IT WAS ON A THURSDAY. IT WAS EARLY IN THE MORNING.

3 HE WAS THERE AT MY HOUSE AROUND 9:00 OR MAYBE A LITTLE

4 BEFORE TO PICK ME UP. I WAS READY. HE WAS UPSET WITH ME

5 BECAUSE GARY -- GARY DIDN'T GO. GARY GOT SICK THROUGH THE

6 NIGHT AND WASN'T ABLE TO GO.

7 Q DID Y'ALL DRIVE, YOU AND STANKO DRIVE UP THE ROAD

8 TOWARDS WHAT YOU THOUGHT WAS CHARLOTTE?

9 A YES, WE DID.

10 Q BUT YOU DIDN'T GO THERE; DID YOU?

11 A NO, WE DIDN'T.

12 Q AND WHY -- WHAT REASON DID STANKO GIVE YOU THAT WE'RE

13 NOT GOING TO KEEP ON GOING?

14 A WELL, HE WAS TALKING ON THE CELLPHONE TO TWO

15 DIFFERENT PEOPLE, BECAUSE I COULD HEAR THE PEOPLE. I

16 DON'T KNOW WHO THEY WERE. HE SAID THAT THEY WERE

17 MR. EDWARDS AND MR. THOMAS. I DON'T KNOW. I DON'T

18 BELIEVE SO.

19 WE DROVE A LONG WAY. HE JUST -- WHEN HE -- HE SAID

20 THAT THE APPOINTMENT WAS GOING TO HAVE TO BE RESCHEDULED.

21 Q GOING TO HAVE TO BE RESCHEDULED. AND Y'ALL TURNED

22 AROUND AND CAME BACK?

23 A TURNED AROUND AND CAME BACK.

24 Q WHAT DID YOU THINK OF THAT BEHAVIOR?

25 A WELL, I JUST THOUGHT THAT WAS NORMAL FOR HIM BECAUSE

1 IT'S USUALLY -- I MEAN, HE LIED SO MUCH.

2 Q NOW, THAT WAS AROUND MARCH THE 31ST?

3 A YES, I BELIEVE SO.

4 Q THAT WOULD HAVE BEEN A WEEK BEFORE LAURA LING'S
5 MURDER?

6 A RIGHT.

7 Q AND WAS IT ALSO THIS THAT YOU WERE ATTEMPTING TO TELL
8 INVESTIGATOR BERTANG?

9 A YEAH, BUT I DIDN'T GET THAT FAR.

10 Q DIDN'T GET THAT FAR.

11 A NO.

12 Q WAIT JUST A MOMENT, PLEASE MA'AM.

13 (WHEREUPON THERE WAS A PAUSE.)

14 Q I WANT TO ASK YOU ABOUT THE MONDAY BEFORE LAURA LING
15 DIED. OKAY?

16 A OKAY.

17 Q I THINK THAT YOU TOLD US THAT THAT WAS THE MONDAY
18 THAT YOU MADE YOUR APPOINTMENT WITH BERTANG.

19 A I BELIEVE SO.

20 Q AND DID YOU ALSO CALL OTHER PEOPLE THAT MONDAY
21 MORNING?

22 A I DON'T THINK I DID BECAUSE I HAD AN APPOINTMENT.

23 Q WHO REFERRED YOU, DO YOU BELIEVE, OVER TO BERTANG?
24 WHAT AGENCY?

25 A WELL, I HAD CALLED THE HORRY COUNTY POLICE AGAIN AND

1 TOLD THEM, THE PEOPLE WHO ANSWERED THE PHONE AND TOLD THE
2 OFFICER WHEN THEY PUT THE OFFICER ON THE PHONE, AND THEN
3 HE PUT ANOTHER OFFICER ON THE PHONE, A SPECIALIST ON
4 SOMETHING, AND I TOLD HIM, AND THAT'S HOW I GOT THE
5 APPOINTMENT AT MYRTLE BEACH.

6 Q AS A RESULT OF SPEAKING WITH PERSONS AT HORRY COUNTY
7 PD, YOU THEN CALLED MYRTLE BEACH; CORRECT?

8 A YES, SIR. YES, SIR.

9 Q NOW CONNIE, DID ANYBODY EVER LISTEN TO YOU UNTIL MY
10 INVESTIGATORS FOUND YOU?

11 A NO, THEY DID NOT.

12 Q CONNIE, WE'VE TALKED ABOUT A LOT OF THINGS TODAY;
13 RIGHT?

14 A YES, WE HAVE.

15 Q AND WE'VE TALKED ABOUT -- IS THERE ANYBODY THAT YOU
16 CALLED TO COMPLAIN TO THAT WE HAVEN'T GONE OVER?

17 A I DON'T THINK SO.

18 Q IS THERE ANYTHING STRANGE OR OUTRAGEOUS ABOUT HIS
19 BEHAVIOR THAT WE HAVEN'T TOUCHED ON TODAY?

20 A I -- I DON'T THINK SO. I THINK WE GOT IT PRETTY WELL
21 COVERED.

22 Q OKAY. HAVE YOU FINALLY BEEN ABLE TO TELL WHAT
23 HAPPENED?

24 A I THINK SO.

25 Q CONNIE, TELL ME SOMETHING. FROM WHEN YOU FIRST MET

1 HIM UNTIL YOU -- UNTIL LAURA LING'S MURDER WAS REPORTED ON
2 TV, AND YOU CALLED 9-1-1, WAS THERE A PROGRESSION IN HIS
3 BEHAVIOR?

4 A YES, THERE WAS.

5 Q TELL THE JURY ABOUT -- TELL THE JURY WHAT THE
6 PROGRESSION WAS. HOW WOULD HE START OUT? DID YOU THINK
7 HE WAS CRAZY WHEN YOU FIRST MET HIM?

8 A NO, I DIDN'T. AT FIRST I -- WHEN I FIRST SEEN HIM I
9 THOUGHT, WELL, HE'S A LAWYER. HE LOOKS LIKE A LAWYER.
10 HE'S DRESSED LIKE A LAWYER. HE ACTS LIKE A LAWYER. HE
11 TALKS LIKE A LAWYER.

12 AS TIME WENT ON, I -- HE -- I MEAN, THERE WAS JUST --
13 YES, HIS BEHAVIOR BECAME MORE AND MORE BIZARRE.

14 Q WAS IT OBVIOUS FOR ANYBODY TO SEE WHO WOULD LOOK AT
15 HIM?

16 A I BELIEVE SO. IT WAS VERY OBVIOUS TO US.

17 Q I'VE GOT ONE LAST QUESTION FOR YOU. DID YOU EVER TRY
18 TO CALL LAURA LING AT THE LIBRARY TO TELL HER?

19 A YES, I DID.

20 Q WERE YOU ABLE TO DO THAT?

21 A NO, I WASN'T.

22 MR. KELLY: NO FURTHER QUESTIONS. YOUR WITNESS.

23 THE COURT: WE'RE GOING TO TAKE A BREAK. MADAM

24 FORELADY, LADIES AND GENTLEMEN, YOU ALL HAVE BEEN

25 SITTING SINCE A LITTLE BEFORE -- SINCE ABOUT 9:40 AND

1 IT IS NOW 11:34. I'M GOING TO GIVE YOU A BRIEF
2 MORNING BREAK.

3 DURING THE BREAK PLEASE DO NOT DISCUSS THE CASE
4 WITH ANY -- AMONG YOURSELVES. PLEASE LEAVE YOUR
5 NOTEPADS IN YOUR SEATS. AND IF YOU NEED ANYTHING,
6 PLEASE LET THE BAILIFFS KNOW. WE WILL BE AT EASE FOR
7 ABOUT 10 MINUTES.

8 (JURY LEFT THE COURTROOM AT 11:34 AM.)

9 THE COURT: MA'AM, I NEED YOU TO STAY WHERE YOU
10 ARE. THANK YOU.

11 (JURY CONTINUED LEAVING THE ROOM.)

12 THE COURT: YOU MAY BE SEATED. MA'AM, YOU MAY
13 STEP DOWN, BUT PLEASE DO NOT DISCUSS YOUR TESTIMONY
14 DURING THIS BREAK WITH ANYONE. WE'LL BE AT EASE FOR
15 ABOUT 10 MINUTES.

16 (WHEREUPON COURT WAS IN RECESS.)

17 THE COURT: IS THE STATE READY TO PROCEED?

18 MR. HUMPHRIES: YES, YOUR HONOR.

19 THE COURT: IS THE DEFENSE READY TO PROCEED?

20 MR. KELLY: YES, MA'AM.

21 THE COURT: PLEASE, IF THE WITNESS WOULD RE-TAKE
22 THE STAND.

23 THE COURT: MA'AM, IF YOU WOULD RE-TAKE THE
24 WITNESS STAND.

25 (WITNESS RESUMED THE STAND.)

1 THE COURT: I WOULD REMIND YOU YOU'RE STILL
2 UNDER OATH. PLEASE BRING IN THE JURY.

3 (JURY ENTERED THE COURTROOM AT 12:05 PM.)

4 THE COURT: LADIES AND GENTLEMEN, I HOPE THAT
5 YOU ENJOYED YOUR BREAK. WE WILL NOW RESUME WITH THE
6 CROSS-EXAMINATION OF THE WITNESS. YOU MAY PROCEED.

7 MR. HUMPHRIES: MAY IT PLEASE THE COURT.

8 THE COURT: YES, SIR.

9 CROSS-EXAMINATION

10 BY MR. HUMPHRIES:

11 Q GOOD MORNING, MS. PRICE.

12 A HI.

13 Q YOU REMEMBER ME?

14 A UH-HUH. YES.

15 Q WE HAVE SPOKEN?

16 A YES, WE HAVE.

17 Q YOU -- YOU TESTIFIED THAT YOU MET DEFENDANT STANKO
18 FAIRLY EARLY ON IN NOVEMBER--

19 A NOVEMBER.

20 Q -- WASN'T IT?

21 A YES.

22 Q AND NOW, YOU TOLD THIS JURY THAT MS. LING TOLD YOU HE
23 WAS A LAWYER?

24 A YES.

25 Q SHE -- YOU LATER LEARNED HE WAS -- WAS HOLDING

1 HIMSELF OUT AS A PARALEGAL; IS THAT CORRECT? DO YOU
2 RECALL HAVING TOLD INVESTIGATOR BROWN THAT, THAT YOU LATER
3 LEARNED---

4 A LATER LEARNED -- LATER ON, YES.

5 Q SURE. AND YOU WERE ASKING HIM TO ASSIST YOU IN A
6 NUMBER OF MATTERS REALLY, LEGAL MATTERS.

7 A YES.

8 Q THE PROBATE OF YOUR MOTHER'S ESTATE?

9 A YES.

10 Q YOU HAD ALREADY HAD A MEDICAL MALPRACTICE LAWSUIT IN
11 WHICH YOU DID NOT RECOVER; IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q OKAY. SO HE WASN'T HELPING YOU WITH THE MEDICAL
14 MALPRACTICE LAWSUIT.

15 A YES, HE WAS.

16 Q OF COURSE, YOU HADN'T RECOVERED. HE WAS HELPING YOU
17 WITH THE APPEAL?

18 A WITH THE APPEAL.

19 Q OH, OKAY. ALL RIGHT. AND YOU WERE ALSO ENTERTAINING
20 A LEGAL MALPRACTICE LAWSUIT AGAINST THE LAWYER WHO
21 REPRESENTED YOU IN THE MEDICAL MALPRACTICE LAWSUIT.

22 A YES.

23 Q OKAY. HE WAS GOING TO HELP YOU WITH THAT?

24 A YES.

25 Q OKAY. NOW, WHEN -- WHEN YOU FIRST MET DEFENDANT

1 STANKO, YOU WERE SATISFIED WITH THE MANNER IN WHICH HE WAS
2 ASSISTING YOU, WERE YOU NOT, AT THE BEGINNING?

3 A AT THE BEGINNING, YES.

4 Q GAVE HIM MONEY, SO...

5 A YES.

6 Q AND YOU DIDN'T GIVE HIM MONEY RIGHT AT THE BEGINNING.
7 YOU GAVE IT TO HIM SOME TIME LATER; DID YOU NOT?

8 A YES.

9 Q WHEN DID YOU GIVE IT TO HIM?

10 A THE CASH OR THE CHECK?

11 Q LET'S TALK ABOUT THE CHECK RIGHT NOW.

12 A I BELIEVE THE FIRST CHECK WAS AROUND FEBRUARY 15TH,
13 17TH, SOMETHING LIKE THAT.

14 Q WHAT ABOUT AFTER THAT? HOW MANY OTHER CHECKS DID
15 YOU--

16 A JUST ONE OTHER CHECK, \$400.

17 Q AND WHEN WAS THAT?

18 A I'D HAVE TO LOOK.

19 Q IT WAS AFTER FEBRUARY, THOUGH, 15TH OR 16TH WHATEVER
20 IT WAS?

21 A I BELIEVE IT WAS.

22 Q OKAY. AND YOU HAD GIVEN HIM SOME CASH BEFORE THAT?

23 A YES.

24 Q SO IT'S FAIR TO SAY, IS IT NOT, THAT EVEN IN FEBRUARY
25 AND PERHAPS EVEN SOME TIME AFTER THAT, YOU WERE SATISFIED

1 ENOUGH IN CONNECTION WITH WHAT HE WAS DOING WITH YOU TO
2 GIVE HIM MONEY. IS THAT FAIR?

3 A WELL, AFTER MR. WALKER TOLD ME THAT HE DID GOOD WORK,
4 I -- I, YEAH -- YEAH, THAT'S FAIR.

5 Q NOW, OF COURSE, HE LIED TO YOU RIGHT FROM THE
6 BEGINNING; DIDN'T HE?

7 A YEAH.

8 Q FROM THE VERY BEGINNING?

9 A FROM THE VERY BEGINNING.

10 Q THAT DIDN'T CHANGE; DID IT?

11 A NO.

12 Q THE LYING. HE TOLD YOU HE OWNED ALL SORTS OF STUFF;
13 DIDN'T HE?

14 A YES, HE DID.

15 Q PLANES, BOATS?

16 A JAGUAR, RACING HORSES, A BOAT.

17 Q HE TOLD YOU THAT RIGHT UP FRONT; DIDN'T HE?

18 A PRETTY MUCH, YEAH.

19 Q PRETTY MUCH. OKAY. LET'S -- OF COURSE, YOU
20 CHARACTERIZED THE DEFENDANT'S MENTAL STATE OR HIS
21 BEHAVIOR, LET'S SAY BEHAVIOR, AS BIZARRE AND CRAZY.

22 A YES.

23 Q OKAY. AND YOU SAID THAT THAT PROGRESSED, THAT IT GOT
24 WORSE?

25 A YES.

1 Q OF COURSE, HE LIED TO YOU RIGHT FROM THE BEGINNING.

2 A YES.

3 Q BUT YOU TESTIFIED BEFORE THIS JURY THAT ONE OF THE
4 THINGS THAT YOU CONSIDERED BIZARRE WAS HE LIED TO YOU.

5 A WELL, NOT -- I'M NOT USED TO BEING LIED TO LIKE THAT,
6 YEAH.

7 Q OH, I UNDERSTAND. SURE. WELL, NO ONE LIKES TO BE
8 LIED TO.

9 A YEAH.

10 Q SO THAT DIDN'T CHANGE. HE'S -- HE LIED IN THE
11 BEGINNING. HE LIED AT THE END.

12 A YES.

13 Q RIGHT. OKAY. AND THE OTHER THING I BELIEVE YOU TOLD
14 THIS JURY ABOUT -- ABOUT HIS CONDUCT THAT CHARACTERIZED
15 THIS BIZARRE BEHAVIOR WAS THAT HE AGREED TO A TIME TO MEET
16 YOU.

17 A YES.

18 Q AND HE DIDN'T SHOW UP AT THE APPOINTED TIME.

19 A NO.

20 Q HE CALLED.

21 A YEAH, HE'D CALL.

22 Q SAID HE WASN'T GOING TO BE THERE.

23 A YES.

24 Q SAID HE WAS DOING SOMETHING, GONE SOMEWHERE, GONE TO
25 COLUMBIA, GONE--

1 A YES.

2 Q -- TO CONWAY.

3 A YES.

4 Q AND THEN HE WOULD SHOW UP LATER?

5 A RIGHT.

6 Q AND BASED ON THAT CONDUCT AND THE LIES, YOU BELIEVED
7 THAT HIS BEHAVIOR HAD BECOME MORE BIZARRE OR CRAZY?

8 A WELL, NOT JUST BASED ON THAT, BUT YES.

9 Q WELL, THAT'S WHAT I'M ASKING.

10 A YES.

11 Q IS THERE ANYTHING IN ADDITION TO NOT SHOWING UP FOR
12 APPOINTMENTS ON TIME AND CONTINUALLY LYING THAT YOU BASE
13 YOUR OBSERVATION THAT HE WAS ACTING CRAZY AND BIZARRE?

14 A THE DOCUMENTS THAT HE WAS PRODUCING.

15 Q THE DOCUMENTS. THESE -- THESE DOCUMENTS. YOU WERE
16 EVEN ABLE TO SEE THROUGH THEM; WERE YOU NOT?

17 A YEAH. YES.

18 Q WEREN'T VERY WELL DONE. THEY WEREN'T VERY WELL DONE;
19 WERE THEY?

20 A NO.

21 Q BUT OF COURSE, YOU HAD HIM CONTINUE TO WORK FOR YOU
22 EVEN AFTER HE PRODUCED TO YOU DEFENDANT'S 28, 29 AND 30.
23 HE CONTINUED TO BASICALLY BE IN YOUR EMPLOY OR REPRESENT
24 YOU AT LEAST IN...

25 A YES.

1 Q HE DID. SO HIS BEHAVIOR AT THAT POINT WASN'T SO
2 CRAZY THAT YOU FELT LIKE YOU NEEDED TO TERMINATE THE
3 BUSINESS RELATIONSHIP BETWEEN THE TWO OF YOU?

4 A NO. IF HE WOULD HAVE GIVE US OUR MONEY BACK, WE
5 WOULD HAVE -- WOULDN'T HAVE HAD ANY -- WOULDN'T HAVE HAD A
6 REASON TO HAVE ANYTHING ELSE TO DO WITH HIM.

7 Q WELL, SURE. DID YOU ASK FOR YOUR MONEY BACK?

8 A YEAH.

9 Q WHEN DID YOU ASK FOR YOUR MONEY BACK?

10 A WELL, PRETTY MUCH ALL ALONG. YOU EITHER GIVE ME MY
11 MONEY BACK OR YOU CAN GIVE ME MY DOCUMENTS.

12 Q THERE WE GO. OKAY. AND THAT'S WHAT I WAS GETTING
13 AT. GIVE ME MY MONEY BACK OR GIVE ME MY DOCUMENTS, MY
14 PACKAGE.

15 A THE WORK.

16 Q RIGHT. THE WORK. THE WORK THAT HE WAS TO HAVE DONE
17 ON YOUR BEHALF.

18 A RIGHT, YES.

19 Q AND THAT'S REALLY THE WAY IT WORKS WITH LAWYERS;
20 ISN'T IT?

21 A I--

22 Q YOU EITHER GIVE ME MY RETAINER BACK OR GIVE ME THE
23 WORK YOU'VE DONE FOR ME AND LET ME GO ON TO ANOTHER ONE.

24 A EXACTLY.

25 Q IT WAS BASED ON YOUR TESTIMONY THAT IN MARCH, THE

1 FIRST WEEK OR SO OF MARCH, YOU STARTED CALLING AROUND
2 ABOUT DEFENDANT STANKO.

3 A RIGHT, A LOT.

4 Q A LOT. SURE. OH, THERE'S NO QUESTION ABOUT THAT.
5 YOU CALLED DONNA WILLIAMS FROM THE CLERK OF COURT?

6 A YES.

7 Q DO YOU REMEMBER IF YOU CALLED HEATHER TOLAR FIRST OR
8 SANFORD GRAVES FIRST?

9 A I KNOW THAT I SPOKE WITH HEATHER FIRST, I BELIEVE.

10 Q OKAY.

11 A BEFORE I -- I DON'T THINK I EVEN -- I DON'T KNOW. I
12 CAN'T REMEMBER. I DO KNOW I SPOKE WITH HEATHER IN DETAIL
13 A GREAT BIT THE FIRST CONVERSATION THAT WE HAD.

14 Q OKAY. IN FACT, YOU TALKED TO ABOUT SIX PEOPLE AT THE
15 SOLICITOR'S OFFICE?

16 A AT LEAST.

17 Q AT LEAST. YOU HAVE TESTIFIED YOU TALKED TO THREE
18 PEOPLE AT THE PROBATION OFFICE.

19 A YES.

20 Q RIGHT? YOU SAY THAT YOU TALKED TO SLED.

21 A YES.

22 Q WHO DID YOU TALK WITH THEN?

23 A I DON'T KNOW. I DON'T REMEMBER. HE WASN'T VERY
24 RECEPTIVE. HE DIDN'T REALLY WANT TO HEAR WHAT I HAD TO
25 SAY.

1 Q OKAY. CALLED ALCOHOL, TOBACCO, AND FIREARMS?

2 A YES.

3 Q AND DO YOU KNOW WHAT ALCOHOL, TOBACCO, AND FIREARMS
4 DOES?

5 A WELL, I KNEW THAT THEY WERE LAW ENFORCEMENT. I
6 FIGURED, HEY, NOBODY ELSE WOULD DO ANYTHING, MAYBE THEY
7 WILL.

8 Q OKAY. YOU KNOW WHAT ATF STANDS FOR?

9 A ALCOHOL, TOBACCO, AND FIREARMS.

10 Q DO YOU HAVE ANY COMPLAINTS ABOUT DEFENDANT STANKO AS
11 RELATES TO ALCOHOL, TOBACCO, AND FIREARMS?

12 A NO.

13 Q OKAY. DEA. YOU CALLED THE DEA. DO YOU REMEMBER TO
14 WHOM YOU SPOKE AT THE DEA?

15 A NOT RIGHT OFF, BUT I PROBABLY HAVE IT IN MY NOTES
16 BECAUSE I TRIED TO...

17 Q THAT'S OKAY. DO YOU KNOW WHAT DEA STANDS FOR?

18 A DRUG ENFORCEMENT AGENCY.

19 Q DRUG ENFORCEMENT. DID YOU HAVE ANY COMPLAINTS IN
20 REGARD TO DEFENDANT STANKO AS RELATES TO DRUGS?

21 A NO.

22 Q YOU CALLED THE FBI?

23 A YES, SIR.

24 Q MIGHT BE GETTING A LITTLE CLOSER THERE.

25 A I THOUGHT SO.

1 Q YEAH. WHO DID YOU TALK WITH THERE?

2 A WELL, I -- I CALLED SPECIFICALLY WANTING TO SPEAK TO

3 DAVID FORD.

4 Q DAVID...

5 A DAVID FORD.

6 Q UH-HUH.

7 A BECAUSE I KNEW -- I HAD SPOKEN TO HIM IN THE PAST. I

8 KNEW OF DAVID FORD. OF COURSE, I DIDN'T GET HIM.

9 Q RIGHT.

10 A BUT I -- I DON'T REMEMBER THE OFFICER, THE AGENT OR

11 WHATEVER, I DON'T REMEMBER HIS NAME RIGHT OFF, BUT I'M

12 SURE I HAVE IN MY NOTES.

13 Q CALLED HORRY COUNTY POLICE DEPARTMENT.

14 A YES.

15 Q ON MORE THAN ONE OCCASION?

16 A YES, SIR.

17 Q AND YOU CALLED, MADE AN APPOINTMENT WITH INVESTIGATOR

18 BERTANG?

19 A YES.

20 Q YOU -- YOU WERE FRIGHTENED OF THE DEFENDANT; WEREN'T

21 YOU?

22 A NOT REALLY FRIGHTENED. I DIDN'T WANT TO BE IN THE

23 CAR WITH HIM ALONE, JUST THE TWO OF US.

24 Q OF -- WHY?

25 A I DIDN'T TRUST HIM.

1 Q DIDN'T TRUST HIM TO DO OR NOT DO, WHY?

2 A WELL, I GUESS YOU COULD SAY, YEAH, AT ONE POINT I
3 BECAME SCARED OF HIM.

4 Q AND IN FACT, ON THAT TRIP TO CHARLOTTE, WHICH WAS IN
5 LATE MARCH--

6 A YES.

7 Q -- YOU NOTICED HE HAD A KNIFE IN THE VEHICLE WITH
8 HIM; DID YOU NOT?

9 A I BELIEVE IT WAS A KNIFE. I'M NOT POSITIVE, BUT YES.

10 Q YOU TOLD US IT WAS A KNIFE.

11 A I SAID I BELIEVE IT WAS A KNIFE.

12 Q YEAH. AND THAT MADE YOU VERY ANXIOUS; DID IT NOT?

13 A THAT MADE ME SCARED.

14 Q RIGHT. CERTAINLY.

15 A YEAH.

16 Q CERTAINLY. YOU WERE ALONE IN THE VEHICLE WITH HIM.

17 A YES.

18 Q AND IN FACT, WHEN HE SAID HE COULDN'T GET THE
19 APPOINTMENT WITH THE TWO ESTEEMED SENATORS, YOU WERE MORE
20 THAN HAPPY TO TURN BACK AROUND AND GO HOME; WEREN'T YOU?

21 A YES, I WAS.

22 Q THE TIME HE WANTED TO COME INTO YOUR HOUSE TO CHECK
23 OUT THE WIRING, WAS HE ANGRY WITH YOU AT THAT TIME?

24 A I DON'T -- IF HE WAS, HE DIDN'T -- DIDN'T SHOW IT.

25 Q DIDN'T APPEAR TO BE ANGRY WITH YOU?

1 A NO.

2 Q YOU DIDN'T WANT HIM IN YOUR HOUSE?

3 A NO. HE WASN'T GETTING IN MY HOUSE.

4 Q MA'AM?

5 A HE WASN'T GETTING IN MY HOUSE.

6 Q AND WHY?

7 A BECAUSE I DIDN'T TRUST HIM.

8 Q DIDN'T TRUST HIM?

9 A DIDN'T WANT HIM IN MY HOUSE, TO BE IN MY HOUSE ALONE

10 WITH ME.

11 Q WHY?

12 A I WASN'T GOING TO GIVE HIM ANY OPPORTUNITIES.

13 Q TO... DO WHAT?

14 A TO DO ANYTHING.

15 Q LIKE...

16 A HARM ME.

17 Q OKAY. AND I'M NOT -- I'M NOT TRYING TO PUSH YOU.

18 I'M JUST -- I'M TRYING TO TAKE IT TO ITS LOGICAL

19 CONCLUSION.

20 A I DON'T KNOW THAT HE WOULD HAVE, BUT--

21 Q SURE.

22 A -- I WASN'T GOING TO GIVE HIM A CHANCE.

23 Q CERTAINLY. OF COURSE, YOU HAD -- YOU HAD SEEN HIM,

24 YOU HAD HAD AT LEAST A BUSINESS RELATIONSHIP WITH HIM

25 OVER, WHAT, SIX, SIX MONTHS?

1 A SIX MONTHS, YEAH.

2 Q ON AN ALMOST DAILY BASIS?

3 A ALMOST DAILY BASIS.

4 Q YOU HAVE LET OTHER FOLKS IN YOUR HOME THAT YOU HAVE

5 KNOWN LESS TIME; HAVEN'T YOU?

6 A NO, NOT REALLY.

7 Q REALLY?

8 A NOT REALLY.

9 Q YOU'VE LET NO ONE ELSE IN YOUR HOME THAT YOU HAVE

10 KNOWN LESS THAN SIX MONTHS?

11 A WELL, I'M SURE THAT I HAVE, BUT I REALLY DON'T HAVE

12 THAT MANY PEOPLE THAT COME TO MY HOUSE.

13 Q I UNDERSTAND. BUT THERE WAS A REASON WHY YOU DIDN'T

14 WANT STEPHEN STANKO IN YOUR HOME.

15 A YES, SIR.

16 Q LET'S TALK ABOUT THE WEDNESDAY, OKAY, WHEN YOU WERE

17 GETTING -- YOUR NIECE WAS IT--

18 A YES.

19 Q -- READY TO GO TO THE PROM.

20 A YES.

21 Q FIRST PROM.

22 A YES.

23 Q AND THAT'S A BIG DAY.

24 A YES.

25 Q AND DESPITE ALL THIS TROUBLE YOU HAD HAD WITH STEPHEN

1 STANKO AND HIM NOT DELIVERING THE DOCUMENTS THAT YOU
2 REQUESTED, THAT ONE DAY--

3 A UH-HUH.

4 Q -- YOU SAID, NOT TODAY, I'M FOCUSING ALL MY ATTENTION
5 ON MY NIECE, NOT TODAY.

6 A YES.

7 Q NOW, ALSO ON THAT DAY, DIDN'T YOU -- DIDN'T YOU TELL
8 DEFENDANT STANKO IF HE DIDN'T BRING YOU YOUR MONEY OR YOUR
9 PACKAGE, YOU WERE GOING TO THE POLICE?

10 A YEAH.

11 Q YOU DID?

12 A YES.

13 Q THAT DAY?

14 A YES.

15 Q WEDNESDAY, WHICH IS GOING TO BE THE SIXTH?

16 A RIGHT.

17 Q RIGHT. OKAY.

18 A WELL, ACTUALLY I TOLD HIM I WAS GOING TO THE POLICE,
19 I HAD AN APPOINTMENT, AND IF THEY WOULD LISTEN TO ME, I'M
20 GOING TO TELL THEM.

21 Q NO QUESTION ABOUT THAT.

22 A NO QUESTION ABOUT THAT.

23 Q TWO DAYS BEFORE LAURA LING'S MURDER?

24 A YES, SIR.

25 Q HIS TIME WAS RUNNING OUT WITH YOU; WASN'T IT?

1 A YES.

2 Q NOW, YOU DID TALK WITH HIM, THAT IS THE DEFENDANT,
3 THAT NEXT DAY AFTER YOU SPOKE WITH INVESTIGATOR BERTANG?

4 A YES.

5 Q AND SURELY YOU -- YOU DIDN'T TELL DEFENDANT STANKO
6 THAT THE INVESTIGATOR HAD NOT LISTENED TO YOU OR DIDN'T
7 CARE WHAT YOU WERE SAYING?

8 A WELL, KIND OF SORT OF I DID BECAUSE I WAS UPSET THAT
9 HE DIDN'T LISTEN TO ME, AND, YEAH, KIND OF -- I DID.

10 Q OKAY. LET ME GET THIS RIGHT. YOU HAVE TOLD
11 DEFENDANT STANKO THAT YOU WERE GOING TO THE POLICE, YOU
12 WERE DONE WITH HIM AND YOU WERE GOING TO LAY IT ALL OUT
13 AND HE WAS GOING TO BE IN BIG TROUBLE.

14 A WELL, I DON'T KNOW IF HE WAS GOING TO BE IN BIG
15 TROUBLE BECAUSE SO FAR NOBODY...

16 Q WELL, I UNDERSTAND THAT, BUT THAT'S THE MESSAGE YOU
17 INTENDED TO CONVEY TO DEFENDANT STANKO; ISN'T IT?

18 MR. KELLY: OBJECTION.

19 THE COURT: BASIS.

20 MR. KELLY: THE LADY WAS EXPLAINING HER ANSWER
21 AND HE INTERRUPTED HER. HE SAID, I UNDERSTAND THAT,
22 BUT ALLOW HER TO FINISH WHAT SHE WAS SAYING.

23 THE COURT: I OVERRULE THE OBJECTION. MA'AM,
24 YOU ARE -- JUST SO YOU UNDERSTAND, YOU CAN FULLY
25 EXPLAIN YOUR ANSWERS. IS THERE ANYTHING MORE YOU

1 NEEDED TO EXPLAIN REGARDING YOUR LAST ANSWER?

2 THE WITNESS: I FORGOT THE QUESTION.

3 THE COURT: DO YOU NEED HIM TO REPEAT THE
4 QUESTION FOR YOU?

5 THE WITNESS: YES, MA'AM.

6 THE COURT: YOU CAN REPEAT THE QUESTION.

7 MR. HUMPHRIES: JUDGE, I'M NOT SURE I REMEMBER
8 THE QUESTION EXACTLY THE WAY I PHRASED IT AT THIS
9 POINT.

10 BY MR. HUMPHRIES:

11 Q NO QUESTION THAT YOU INTENDED TO EXPRESS TO DEFENDANT
12 STANKO THAT YOU WERE GOING TO THE POLICE AND YOU WERE
13 GOING TO LAY IT ALL OUT AND HE WAS GOING TO BE IN BIG
14 TROUBLE.

15 A RIGHT.

16 Q NOW, ARE YOU TELLING THIS JURY WHEN YOU TALKED TO HIM
17 ON THURSDAY THAT YOU SORT OF LET HIM OFF THE HOOK AND
18 SAID, I TOLD THE INVESTIGATOR BUT HE DIDN'T SEEM TO CARE?

19 A WELL, NOT NECESSARILY. I TOLD HIM THAT I TALKED TO
20 HIM AND JUST BECAUSE HE DIDN'T WANT TO LISTEN DIDN'T MEAN
21 THAT THAT WAS GOING TO STOP ME.

22 Q OKAY.

23 A AND IT WOULDN'T HAVE.

24 Q WELL--

25 A I KNEW THERE WAS SOMETHING WRONG WITH HIM.

1 Q AND JUST SO WE CAN GET THE TIMELINE STRAIGHT. YOU
2 TALKED TO INVESTIGATOR STEVE BROWN ON MAY FOURTH OF '05,
3 LESS THAN A MONTH AFTER LAURA LING'S DEATH; DID YOU NOT?

4 A THAT SOUNDS ABOUT RIGHT.

5 Q YOU HADN'T TALKED TO ANYBODY ELSE AT THAT POINT; HAD
6 YOU?

7 A UM, NO.

8 Q HE WAS THE FIRST ONE THAT YOU WERE ABLE TO TELL YOUR
9 STORY TO; ISN'T THAT RIGHT?

10 A WHEN I CALLED HIM, YEAH.

11 Q RIGHT. AND THEN SUBSEQUENTLY YOU MET WITH BOTH THE
12 SOLICITOR AND ME?

13 A YES.

14 Q DID WE LET YOU TELL YOUR WHOLE STORY?

15 A PRETTY MUCH.

16 Q NOW, THERE WAS A POINT IN WHICH YOU THOUGHT THE
17 DEFENDANT WAS ACTUALLY PRESSURING YOU; ISN'T THAT TRUE?

18 A I DON'T KNOW. WHAT DO YOU MEAN?

19 Q HE WAS BOTHERING YOU.

20 A BOTHERED ME, YES.

21 Q AND YOU FELT LIKE HE WAS PRESSURING YOU.

22 A I FELT LIKE HE WAS BOTHERING ME.

23 Q OF COURSE, YOUR OPINION ABOUT LAURA LING WAS THAT SHE
24 WAS SWEET AND NICE, AND YOU JUST WANTED TO CALL AND THANK
25 HER ABOUT THAT. ISN'T THAT WHAT YOU TOLD INVESTIGATOR

1 BROWN?

2 A WELL, THE DAY -- THE DAY THAT WE -- THE DAY THAT WE
3 MET STEPHEN, WE WENT TO THE LIBRARY AFTER MEETING HIM
4 ACTUALLY BECAUSE GARY HAD CHECKED OUT SOME BOOKS AND
5 NEEDED TO RETURN THEM, AND HE GOT A NEW LIBRARY CARD, AND
6 I WAS GOING TO THANK LAURA BUT SHE WAS IN A COMPUTER CLASS
7 I THINK IT WAS, AND I LEFT A NOTE WITH THE LADY AT THE
8 FRONT DESK AND I -- I ASSUME SHE GAVE IT TO HER. I DON'T
9 KNOW.

10 Q BUT THAT WAS THE GIST OF THE NOTE, THAT YOU WERE
11 THANKFUL AND...

12 A YES, I WAS THANKFUL BECAUSE AT THAT TIME I THOUGHT I
13 HAD SOME HELP.

14 Q THE -- THE ENTIRE PROBLEM THAT YOU HAD WITH STEPHEN
15 STANKO WAS YOU HAD PAID HIM FOR SOME SERVICES.

16 A YES.

17 Q AND HE HAD NOT LIVED UP TO YOUR EXPECTATION IN REGARD
18 TO THOSE SERVICES.

19 A WELL, THAT WAS MY BIGGEST CONCERN.

20 Q SURE. AND YOU KNEW THAT HE WAS OR AT LEAST HELD
21 HIMSELF OUT AT THAT POINT AS A PARALEGAL AND NOT A LAWYER;
22 IS THAT TRUE?

23 A LATER ON, YES, THAT'S TRUE.

24 Q SURE. SO BASICALLY YOUR DISSATISFACTION WITH
25 DEFENDANT STANKO WAS HE WASN'T DOING THE JOB YOU EXPECTED.

1 A YES.

2 Q OKAY. AND THAT'S THE CONCERN THAT YOU EXPRESSED TO
3 INVESTIGATOR BERTANG, THAT YOU HAD PAID HIM MONEY, THAT HE
4 WASN'T DOING THE JOB THAT YOU EXPECTED.

5 A WELL, DETECTIVE BERTANG -- I DIDN'T GET THAT FAR
6 BECAUSE HE TOLD ME -- WHEN I TRIED TO SHOW HIM THOSE
7 DOCUMENTS AND HE TOLD ME--

8 Q WELL, WE CAN'T -- YOU CAN'T TALK ABOUT WHAT HE TOLD
9 YOU.

10 MR. KELLY: OBJECTION.

11 THE COURT: OVERRULED. SHE'S STILL -- EVEN
12 THOUGH THE QUESTION AND THE WAY IT WAS FORMED, I DO
13 NOT BELIEVE THE QUESTION WAS INTENDED TO ELICIT
14 HEARSAY. SHE STILL CANNOT SAY WHAT HE SAID TO HER.
15 IT WOULD NOT BE AN APPROPRIATE RESPONSE.

16 MA'AM, YOU CANNOT SAY WHAT ANYONE SAID TO YOU
17 EXCEPT FOR THE DEFENDANT.

18 MR. KELLY: MA'AM, GIVEN THAT INSTRUCTION, SHE
19 WOULD STILL HAVE THE OPPORTUNITY TO GO FORWARD--

20 THE COURT: CERTAINLY, AND I'M GOING TO ALLOW--

21 MR. KELLY: -- IN HER EXPLANATION AND NOT BE CUT
22 OFF BY THE SOLICITOR.

23 THE COURT: I'M GOING TO ALLOW HER TO RESPOND TO
24 THE QUESTION ASKING HER -- INCLUDING HEARSAY AND THE
25 ANSWER.

1 MR. KELLY: THANK YOU, MA'AM.

2 THE COURT: YOU'RE WELCOME. MA'AM, WITH THAT
3 INSTRUCTION, YOU MAY RESPOND TO THE QUESTION.

4 THE WITNESS: WHAT WAS THE QUESTION?

5 THE COURT: WOULD YOU LIKE US TO REPEAT IT FOR
6 YOU?

7 THE WITNESS: I'M SORRY.

8 BY MR. HUMPHRIES:

9 Q AND THAT'S THE CONCERN YOU EXPRESSED TO INVESTIGATOR
10 BERTANG, THAT YOU HAD PAID HIM MONEY AND THAT HE WASN'T
11 DOING THE JOB YOU EXPECTED.

12 A NO, I DIDN'T. DIDN'T GET TO DO THAT.

13 Q DIDN'T EVEN GET THAT FAR.

14 A NO.

15 Q BUT THAT WAS YOUR COMPLAINT IN A NUTSHELL?

16 A YES.

17 Q OKAY. OF COURSE, YOU DON'T -- WELL, YOU'RE NOT A
18 LAWYER.

19 A NO.

20 Q NOTHING WRONG WITH THAT. YOU'RE NOT A POLICE
21 OFFICER.

22 A NO.

23 Q AND YOU DON'T KNOW WHETHER A SITUATION WHERE YOU'VE
24 RETAINED SOMEONE'S SERVICES AND THEY'VE FAILED TO PERFORM
25 ADEQUATELY, WHETHER THAT CONSTITUTES A CRIMINAL OFFENSE OR

1 NOT; DO YOU?

2 A I DON'T KNOW, NO.

3 Q RIGHT.

4 A NO.

5 Q YOU DID TALK WITH THE MEDIA AFTER LAURA LING'S
6 MURDER; DID YOU NOT?

7 A YES. EXCUSE ME.

8 Q DEFENDANT STANKO TOLD YOU THAT HE HAD WRITTEN A BOOK.

9 A YES.

10 Q TOLD YOU THAT HE WAS THINKING ABOUT WRITING A BOOK
11 ABOUT YOUR SITUATION AS WELL; DIDN'T HE?

12 A YES, SIR.

13 Q YOU'RE NOT WRITING A BOOK; ARE YOU?

14 A NO.

15 Q OKAY. ISN'T IT TRUE, MS. PRICE, THAT YOU THOUGHT
16 THAT DEFENDANT STANKO, AFTER HAVING LEARNED ALL YOU HAD IN
17 REGARD TO LAURA LING AND WHILE HE WAS ON THE LOOSE, DIDN'T
18 YOU EXPRESS CONCERNS TO A NUMBER OF FOLKS THAT YOU FELT
19 YOU WOULD BE THE NEXT ONE THAT HE KILLED?

20 A WELL, I FELT LIKE HE WAS ANGRY WITH ME, YES. I WAS
21 CONCERNED ABOUT THAT, YES.

22 MR. HUMPHRIES: BEG THE COURT'S INDULGENCE. I
23 DON'T HAVE ANY FURTHER QUESTIONS. THANK YOU.

24 THE COURT: ANY REDIRECT FOR THE WITNESS?

25 REDIRECT EXAMINATION

1 BY MR. KELLY:

2 Q CONNIE, HAVE YOU EVER LET MY INVESTIGATORS COME INTO
3 YOUR HOUSE?

4 A NO.

5 Q YOU HAVEN'T. DO YOU HAVE ANIMALS?

6 A YES, I DO.

7 Q WHAT KIND OF ANIMALS DO YOU HAVE?

8 A I HAVE A POODLE, I HAVE A -- I DON'T KNOW REALLY WHAT
9 KIND OF DOG HE IS. HE WAS MY DAUGHTER'S WHEN HE WAS A
10 PUPPY, AND I DON'T KNOW THAT HE'LL BITE ANYBODY, BUT I'M
11 NOT GOING TO GIVE HIM THE CHANCE. YOU KNOW, HE'S KIND OF
12 MY GUARD DOG, WATCH DOG.

13 Q IS IT -- IS IT YOUR POLICY OR YOUR -- YOUR HABIT
14 THAT -- TO BE PRIVATE AND KEEP PEOPLE OUT OF YOUR HOUSE?
15 IS THAT YOUR HABIT OF DOING THINGS?

16 A IF I DON'T KNOW THEM, YES.

17 Q THANK YOU, MA'AM. DON'T HAVE ANY FURTHER QUESTIONS.

18 THE COURT: ANY OBJECTION TO THE WITNESS BEING
19 EXCUSED FROM THE STATE?

20 MR. HUMPHRIES: NONE FROM THE STATE.

21 THE COURT: FROM THE DEFENSE?

22 MR. KELLY: NO, MA'AM.

23 THE COURT: MA'AM, YOU'RE EXCUSED.

24 (WITNESS LEFT THE STAND.)

25 THE COURT: YOU MAY PROCEED.

1 MR. KELLY: WE MAY PROCEED, MA'AM?

2 THE COURT: JUST AS A REMINDER TO THE GALLERY,
3 PLEASE MAKE SURE THAT ALL OF YOUR CELLPHONES OR OTHER
4 ELECTRONIC DEVICES ARE IN THE OFF POSITION. THAT
5 MEANS THAT THEY SHOULD NOT BE ON VIBRATE. THEY
6 SHOULD NOT BE ON ANY TYPE OF REMINDER. IF THEY GO
7 OFF, THEY WILL BE CONFISCATED BY SECURITY.

8 MR. KELLY: MRS. DEWITT OF HUMAN RESOURCES.

9 THRESLA DEWITT, AFTER BEING DULY
10 SWORN, TESTIFIED AS FOLLOWS:

11 THE COURT: SPELL YOUR FIRST NAME FOR THE
12 BENEFIT OF THE COURT REPORTER.

13 THE WITNESS: T-H-R-E-S-L-A.

14 THE COURT: YOU MAY PROCEED.

15 DIRECT EXAMINATION

16 BY MR. KELLY:

17 Q MA'AM, MY NAME IS GERALD KELLY. HAVE YOU AND I EVER
18 MET?

19 A NO, SIR, WE HAVE NOT.

20 Q AND HAVE WE EVER TALKED ON THE TELEPHONE TOGETHER?

21 A NO.

22 Q BUT YOU HAVE TALKED WITH DALE DAVIS, MY INVESTIGATOR?

23 A I'M SORRY?

24 Q THE -- VICKY CHILDS, MY INVESTIGATOR?

25 A YES.

1 Q AND WHERE DO YOU WORK, MA'AM?

2 A WITH THE HORRY COUNTY HUMAN RESOURCES DEPARTMENT.

3 Q AND WHAT'S YOUR POSITION THERE?

4 A ASSISTANT DIRECTOR OF HUMAN RESOURCES.

5 Q HOW LONG HAVE YOU BEEN THERE?

6 A TWENTY-EIGHT YEARS.

7 Q YOU'RE VERY FAMILIAR WITH THAT, THEN; AREN'T YOU?

8 A YES.

9 Q AND I WANT YOU TO TAKE A LOOK AT A DOCUMENT THAT I'M

10 HOLDING. JUST TELL ME DO YOU RECOGNIZE IT. WILL YOU DO

11 THAT FOR ME?

12 A SURE.

13 Q OKAY. IS -- MA'AM, IT HAS THREE PAGES. PLEASE LOOK

14 AT ALL THREE PAGES.

15 A OKAY. OKAY.

16 Q DO YOU RECOGNIZE THAT DOCUMENT?

17 A I DO.

18 MR. KELLY: SHOW IT TO THE SOLICITOR, PLEASE

19 MA'AM. I'D OFFER IT INTO EVIDENCE.

20 MR. HEMBREE: YOUR HONOR, THIS DOCUMENT HAS NOT

21 BEEN PROVIDED--

22 THE COURT: NO SPEAKING OBJECTIONS. IS THERE AN

23 OBJECTION TO THE DOCUMENT?

24 MR. HEMBREE: NO, YOUR HONOR. THERE'S NO

25 OBJECTION.

1 THE COURT: MARKED AND ADMITTED WITHOUT
2 OBJECTION SUBJECT TO THE -- THE WITNESS BEING ABLE TO
3 IDENTIFY THE DOCUMENT.

4 MR. HEMBREE: YOUR HONOR, WE WOULD LIKE TO
5 OBTAIN A COPY OF THAT.

6 THE COURT: CERTAINLY. WE WILL MAKE SURE THAT
7 WE HAVE THAT PRIOR TO CROSS-EXAMINATION OF THE
8 WITNESS.

9 BY MR. KELLY:

10 Q AND MRS. DEWITT, YOU SAID YOU DID RECOGNIZE THE
11 DOCUMENT; CORRECT?

12 A YES.

13 (WHEREUPON, DEFENDANT'S EXHIBIT 31 WAS ADMITTED
14 INTO EVIDENCE.)

15 COURT REPORTER: THANK YOU.

16 THE COURT: YOU'RE WELCOME.

17 BY MR. KELLY:

18 Q GIVE IT TO THE WITNESS, PLEASE MA'AM. MRS. DEWITT,
19 PLEASE TAKE ANOTHER LOOK AT IT. TELL THE JURY WHAT IT IS.

20 A IT IS AN ACTIVE NOTICE OF ELECTION THAT EMPLOYEES
21 USUALLY COMPLETE IF THEY WANT TO ADD OR DELETE A FAMILY
22 MEMBER FROM THEIR INSURANCE COVERAGE.

23 Q IT'S A DOCUMENT THAT WHO COMPLETES?

24 A OUR EMPLOYEES, ANY EMPLOYEE IN THE WORK FORCE.

25 Q AND WHAT FORCE WOULD THAT BE, MA'AM?

1 A HORRY COUNTY GOVERNMENT.

2 Q AND IN THIS CASE WHAT EMPLOYEE ARE WE TALKING ABOUT?

3 A LAURA LING.

4 Q DID SHE FILL THAT OUT IN YOUR OFFICE IN ORDER TO DO
5 JUST WHAT YOU SAID, ADD SOMEBODY ONTO HER HEALTH
6 INSURANCE?

7 A YES, SHE DID.

8 Q AND IS THAT WHAT THAT DOCUMENT REFLECTS?

9 A YES, IT DOES.

10 Q AND ATTACHED TO THAT DOCUMENT IS A STATEMENT BY LAURA
11 LING AS A THIRD PAGE?

12 A YES.

13 Q IS IT SIGNED BY HER?

14 A YES, IT IS.

15 Q AND WHAT IS THE DATE ON THAT, MA'AM?

16 A I'M SORRY?

17 Q IS THERE A DATE ON IT?

18 A YES. IT'S JANUARY 28TH, 2005.

19 Q READ THE -- READ THE BODY OF THE DOCUMENT TO THE
20 JURY, PLEASE MA'AM.

21 A TO WHOM IT MAY CONCERN. STEPHEN CHRISTOPHER STANKO,
22 DATE OF BIRTH 1-13-68, AND I HAVE BEEN LIVING TOGETHER AT
23 3960 MURRELLS INLET ROAD, MURRELLS INLET, SOUTH CAROLINA,
24 29576 AS COMMON LAW MAN AND WIFE SINCE JANUARY 1, 2005.
25 SINCERELY, LAURA LING.

1 Q AND THIS DOCUMENT WOULD HAVE EFFECTIVELY ADDED
2 STEPHEN STANKO TO HER INSURANCE. IS THAT WHAT IT WOULD
3 DO?

4 A YES, IT DOES.

5 Q AND IT -- AS A RESULT OF THAT, HE WOULD BE ABLE TO
6 GET INSURED BENEFITS AND HEALTH?

7 A YES.

8 Q AND WOULD THAT INCLUDE MENTAL HEALTH?

9 A YES. THERE ARE MENTAL HEALTH BENEFITS, YES.

10 Q OKAY. THANK YOU, MA'AM. PLEASE GIVE THIS LADY THE
11 DOCUMENT. WE'LL PUBLISH IT TO THE JURY.

12 THE COURT: PRIOR TO PUBLISHING THE DOCUMENT I
13 NEED TO GIVE THE SOLICITOR AN OPPORTUNITY TO REVIEW
14 THIS DOCUMENT FOR CROSS-EXAMINATION PURPOSES AFTER
15 WHICH IT WILL BE PUBLISHED TO THE JURY.

16 MR. KELLY: THANK YOU, MA'AM.

17 MR. HEMBREE: THANK YOU, YOUR HONOR.

18 THE COURT: DO YOU NEED ADDITIONAL TIME TO
19 PREPARE FOR CROSS-EXAMINATION OR ARE YOU PREPARED TO
20 PROCEED?

21 MR. HEMBREE: I'M PREPARED TO PROCEED, YOUR
22 HONOR.

23 THE COURT: YOU MAY PROCEED.

24 CROSS-EXAMINATION

25 BY MR. HEMBREE:

1 Q HEY, MRS. DEWITT.

2 A HOW ARE YOU?

3 Q I'M DOING FINE.

4 A GOOD.

5 Q LET ME ASK YOU ABOUT THIS -- THIS METHOD OR I GUESS
6 PROCESS OF ADDING SOMEONE TO YOUR HEALTH INSURANCE POLICY.
7 AND I DON'T -- I JUST DON'T UNDERSTAND -- I SHOULD KNOW
8 THESE POLICIES AND PROCEDURES, I SUSPECT, BUT I'M NOT THAT
9 FAMILIAR WITH THEM.

10 IN A SITUATION, JUST SORT OF HYPOTHETICALLY, IF A
11 PERSON IS IN A SITUATION, THEY ARE A COUNTY EMPLOYEE AND
12 THEY WISH TO ADD SOMEONE TO THEIR INSURANCE, ANOTHER
13 ADULT, YET THEY ARE NOT MARRIED TO THAT ADULT, HOW WOULD
14 THEY GO ABOUT ACCOMPLISHING THAT?

15 A THEY -- JUST AS SHE DID, WE HAVE TO -- THEY HAVE TO
16 PROVIDE DOCUMENTATION, NOTARIZED DOCUMENTATION, THAT THEY
17 ARE LIVING TOGETHER OR DECLARED AS COMMON LAW MAN AND
18 WIFE.

19 Q OKAY. SO THIS IS A PROCEDURE THAT HAS BEEN USED
20 PREVIOUSLY TO ACCOMPLISH THAT SAME OBJECTIVE?

21 A YES, IT IS.

22 Q I UNDERSTAND. AND IF THAT QUESTION WERE TO BE PUT TO
23 YOU OR SOMEONE IN YOUR DEPARTMENT, HOW DO I DO THIS, IS
24 THIS THE PROCEDURE THAT YOU WOULD ADVISE THEM TO FOLLOW?

25 A YES.

1 Q AND DO YOU -- WERE YOU INVOLVED IN ADVISING MS. LING
2 SPECIFICALLY OR--

3 A NO, I WAS NOT.

4 Q SOMEONE ELSE IN YOUR DEPARTMENT MAY HAVE?

5 A YES.

6 Q UNDERSTOOD. NOW, LET ME ASK YOU ABOUT ITEM 26 ON
7 THIS DOCUMENT. IT SAYS DEPENDENT LIFE. SPOUSE.

8 A UH-HUH.

9 Q AND I BELIEVE THERE'S A -- LET ME SHOW YOU THIS. YOU
10 HAVE A COPY OF THAT THERE?

11 A YEAH.

12 Q YES, MA'AM. AND IT SHOWS HERE THAT THERE IS A
13 COVERAGE LEVEL OF \$20,000 IN LIFE INSURANCE.

14 A CORRECT.

15 Q AND THAT \$20,000 IN LIFE INSURANCE BASED ON THIS
16 DOCUMENT WOULD GO TO THE PERSON LISTED AS SPOUSE; CORRECT?

17 A THIS PARTICULAR INSURANCE COVERAGE IS ON THE PERSON
18 SHE HAS ADDED AS HER SPOUSE.

19 Q OKAY. NOW, DOES SHE HAVE ANY LIFE INSURANCE ON
20 HERSELF?

21 A YES, SHE DID.

22 Q OKAY. AND DID SHE LIST A BENEFICIARY FOR HER LIFE
23 INSURANCE?

24 A YES, SHE DID.

25 Q WHO WAS THAT?

1 A HER CHILDREN.

2 Q VERY GOOD. THANK YOU, MA'AM. I DON'T HAVE ANY
3 FURTHER QUESTIONS.

4 A OKAY.

5 THE COURT: ANY REDIRECT OF THE WITNESS?

6 MR. KELLY: ONLY THIS, MA'AM.

7 REDIRECT EXAMINATION

8 BY MR. KELLY:

9 Q MRS. DEWITT, YOU RESPONDED HERE BY OUR SUBPOENA. IS
10 THAT CORRECT?

11 A YES.

12 Q MA'AM, I WANT TO THANK YOU FOR COMING HERE AND GIVING
13 US YOUR TIME.

14 A YOU'RE WELCOME.

15 MR. KELLY: I HAVE NOTHING MORE.

16 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
17 EXCUSED FROM THE STATE?

18 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

19 THE COURT: FROM THE DEFENSE?

20 MR. KELLY: NO, MA'AM.

21 THE COURT: MA'AM, YOU'RE EXCUSED.

22 THE WITNESS: THANK YOU.

23 (WITNESS LEFT THE STAND.)

24 THE COURT: YOU'RE WELCOME. HAS THE STATE
25 COMPLETELY REVIEWED THE DOCUMENT, THE EXHIBIT?

1 MR. HEMBREE: YES.

2 THE COURT: GIVE THEM TO THE JURY.

3 MR. HEMBREE: YES. I WILL GIVE THEM TO THE
4 JURY, YOUR HONOR.

5 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

6 MR. KELLY: MR. FULMER.

7 THE COURT: SIR, IF YOU WOULD COME TO THE
8 WITNESS STAND AND BE SWORN.

9 JOHN FULMER, AFTER
10 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE WITNESS: JOHN FULMER, F-U-L-M-E-R.

12 THE COURT: YOU MAY PROCEED.

13 DIRECT EXAMINATION

14 BY MR. KELLY:

15 Q MR. FULMER, MY NAME IS GERALD KELLY. HAVE YOU AND I
16 EVER MET?

17 A NO, SIR.

18 Q I BELIEVE YOU AND I NEVER EVEN TALKED TOGETHER; HAVE
19 WE?

20 A NO, SIR.

21 Q BUT YOU HAVE SPOKEN WITH MY INVESTIGATOR, DALE DAVIS?

22 A YES, SIR.

23 Q AND I WANT TO THANK YOU FOR RESPONDING TO OUR
24 SUBPOENA. TELL THE JURY WHERE YOU WORK.

25 A I'M A PRINCIPAL AT GOOSE CREEK HIGH SCHOOL.

1 Q HOW LONG HAVE YOU BEEN THE PRINCIPLE AT GOOSE CREEK
2 HIGH SCHOOL?

3 A WELL, I BEEN PRINCIPLE SINCE '96. I HAVE BEEN THERE
4 SINCE 1973, FOOTBALL COACH, AND THEN IN '81 I BECAME
5 ASSISTANT PRINCIPLE.

6 Q WERE YOU THE ASSISTANT PRINCIPLE WHEN STEPHEN STANKO
7 WAS AT THE HIGH SCHOOL?

8 A YES, SIR.

9 Q AND DO YOU REMEMBER HIM AS A STUDENT?

10 A I -- I REMEMBER STEVE.

11 Q TELL US A LITTLE BIT ABOUT WHAT YOU REMEMBER HIM AS.

12 A STEVE WAS A -- WAS A GOOD STUDENT. ACADEMICALLY HE
13 WAS INVOLVED IN BETA CLUB AND SCIENCE CLUB AND JUST A
14 ACTIVE SCHOOL CITIZEN, NEVER IN ANY TROUBLE IN SCHOOL AT
15 ALL, JUST A GOOD COLLEGE PREP LEVEL STUDENT.

16 Q NOW, HE -- HAVE YOU LOOKED THROUGH HIS PROGRESS
17 REPORTS BEFORE YOU CAME UP HERE WHEN HE WAS -- WHEN HE WAS
18 A STUDENT?

19 A YES, SIR.

20 Q AND IS THERE ANYTHING DEROGATORY ABOUT HIM IN THOSE
21 PUBLISHED REPORTS?

22 A NO, SIR, NOTHING.

23 Q WAS HE ALSO AN ATHLETE AT YOUR SCHOOL?

24 A STEVE PLAYED FOOTBALL I THINK EARLY IN HIS YEARS. I
25 DON'T THINK HE FINISHED UP AS A SENIOR DOING THAT, BUT I

1 BELIEVE HE PLAYED FOOTBALL.

2 Q SIR, CAN YOU SEE THIS, THIS PICTURE THAT'S UP BEFORE
3 THE JURY?

4 A NO, SIR. I CAN'T SEE IT.

5 Q CAN YOU STEP DOWN?

6 THE COURT: IF YOU LOOK THIS DIRECTION, YOU CAN
7 SEE MINE.

8 MR. HUMPHRIES: YOUR HONOR, FOR THE RECORD --
9 JUST FOR THE RECORD--

10 THE WITNESS: I BETTER LOOK AT SOMETHING BIG.

11 THE COURT: OKAY. YES, SIR.

12 MR. HUMPHRIES: THE STATE'S HAD THE OPPORTUNITY
13 TO VIEW THESE PHOTOGRAPHS ALONG WITH SOME OTHERS AND
14 WE AGREE TO THEIR ADMISSION BEFORE THIS JURY IF THEY
15 ARE OFFERING THEM FOR ADMISSION.

16 THE COURT: DO WE HAVE THEM NUMBERED ALREADY?

17 MR. KELLY: MA'AM, IF -- WE ARE GOING TO PUT IN
18 A DISK I UNDERSTAND--

19 THE COURT: OKAY.

20 MR. KELLY: -- FOLLOWING THIS, AND AT THAT
21 TIME--

22 MR. HUMPHRIES: WE HAVE NO EXCEPTION TO THAT,
23 YOUR HONOR.

24 THE COURT: OKAY. YOU MAY PROCEED.

25 BY MR. KELLY:

1 Q MR. PRINCIPLE, DO YOU RECOGNIZE WHAT THIS IS A
2 PICTURE OF, DO YOU THINK?

3 A YES, SIR. THIS IS THE JV FOOTBALL TEAM.

4 Q NOW, THE JURY IS BEHIND YOU. TELL THEM WHAT THAT IS.

5 A JUNIOR VARSITY FOOTBALL TEAM IS A TEAM MADE UP
6 BASICALLY OF NINTH AND TENTH GRADE. THAT'S THE FEEDER
7 PROGRAM FOR THE VARSITY FOOTBALL TEAM.

8 Q AND DO YOU SEE STEVE'S -- I DON'T KNOW IF YOU SEE HIS
9 PICTURE, BUT DO YOU SEE HIS NAME THERE AS BEING A MEMBER?

10 A I SEE HIS NAME, BUT THE PICTURE'S KIND OF FUZZY.

11 Q ALL RIGHT, SIR. AND THANK YOU SO MUCH.

12 A ALL RIGHT.

13 Q OKAY. NOW I'M GOING TO SHOW SOME -- SOME OTHER
14 PICTURES. OKAY?

15 A OKAY.

16 Q IF YOU CAN'T SEE THEM, JUST STEP RIGHT DOWN HERE BY
17 THE JURY BECAUSE THEY'LL BE ABLE TO HEAR YOU WHEN YOU TALK
18 TO THEM. I THINK THE JUDGE -- LET'S TAKE A LOOK AT IT.
19 SEE WHAT YOU SEE -- SEE WHAT YOU SEE IN THESE PICTURES.
20 CAN YOU SEE THESE?

21 A THAT'S THE YEARBOOK.

22 Q THAT'S THE YEARBOOK?

23 A OF '85, YEAH.

24 Q AND LET ME HAND THIS -- HAVE THIS HANDED TO YOU OR
25 JUST COME TO ME IF YOU WOULD, PLEASE. AND TELL ME IF YOU

1 RECOGNIZE IT FIRST OF ALL.

2 A YES, SIR, YEARBOOK.

3 Q AND LET THE -- LET THE SOLICITOR TAKE A LOOK AT IT AS
4 WELL. OKAY?

5 MR. KELLY: I OFFER THIS FOR IDENTIFICATION.
6 WOULD YOU HAND IT TO THIS LADY WHO IS TAKING DOWN
7 EVERYTHING YOU'RE SAYING?

8 THE COURT: IS THERE A -- IS THERE -- ARE THERE
9 PHOTOS ON THERE, ON THIS DISK?

10 MR. KELLY: YES, MA'AM.

11 THE COURT: SO YOU NEED TO MARK IT FOR ID?

12 MR. KELLY: IT WON'T BE NECESSARY, MA'AM. WE
13 WON'T PUT IT IN THEN.

14 THE COURT: OKAY. IF IT'S THE SAME PHOTOS, I
15 DON'T KNOW THAT SHE NEEDS TO MARK IT FOR ID. SO WE
16 ARE NOT GOING TO MARK IT. THE SAME PHOTOS ARE ON
17 THIS--

18 BY MR. KELLY:

19 Q LET ME SHOW YOU ANOTHER -- EXCUSE ME, MA'AM.

20 THE COURT: OKAY.

21 BY MR. KELLY:

22 Q LET ME SHOW YOU ANOTHER PICTURE.

23 A STEPHEN STANKO.

24 Q AND JUST STEP BACK SO THE JURY CAN SEE AROUND YOU A
25 LITTLE BIT SO THEY GET A CHANCE -- THAT WOULD BE A PICTURE

1 OF STEVE WHEN HE WAS A JUNIOR?

2 A YES, SIR.

3 Q IS THAT PRETTY MUCH THE WAY YOU REMEMBER HIM?

4 A YES, SIR.

5 Q OKAY. AND HERE?

6 A HE'S IN THE SPANISH -- HE WAS IN THE SPANISH CLUB.

7 THAT'S STEVE AND SOME OTHER MEMBERS OF THE SPANISH CLUB

8 AND THE RIGHT HAND BOTTOM IS HIS SPANISH TEACHER.

9 Q UH-HUH.

10 A WHO LOOKS LIKE A STUDENT.

11 Q DOES LOOK LIKE A YOUNG STUDENT ACTUALLY. AND THIS?

12 A THAT'S THE JETS CLUB, JUNIOR ENGINEERING TECHNOLOGY,
13 AND STEVE WAS A MEMBER OF THAT, SITTING ON THE FRONT ROW.

14 Q EXPLAIN TO ME WHAT THIS IS, THE JETS. WHAT IS THAT?

15 A IT WAS BASICALLY GOOD MATH AND PHYSICS STUDENTS WHO
16 HAD A -- HAD FORMED A CLUB. AND I THINK YOU HAVE ONE OF
17 THE SPONSORS OF THAT CLUB HERE TODAY.

18 Q AND THESE STUDENTS WOULD BE THOSE WHO EXCELLED AT
19 PARTICULAR MATHEMATICS?

20 A YES.

21 Q DO YOU RECOGNIZE ANY OF THESE OTHER STUDENTS BESIDES
22 STEVE?

23 A YES, SIR. I THINK THAT'S EDDIE HOUSE UP ON THE TOP
24 LEFT.

25 Q AND WHAT--

1 A THAT'S -- HOLCOMB NEXT TO HIM. I BELIEVE THAT'S
2 KELLY NICHOLS ON THE BOTTOM FRONT.

3 Q NOW, THOSE THREE THAT YOU NAMED, DID THE POTENTIAL
4 THEY SHOWED HERE DEVELOP IN THE FUTURE FOR THEM OR DO YOU
5 KNOW?

6 A WELL, EDDIE IS A COLONEL IN THE ARMY. HE WENT TO
7 WEST POINT. I DON'T KNOW WHAT HOLCOMB IS NOW. KELLY
8 NICHOLS IS A SCHOOL TEACHER IN DORCHESTER TWO.

9 Q AND THIS, SIR?

10 A THAT'S THE BETA CLUB PICTURE WHICH STEVE WAS A
11 MEMBER.

12 Q WHAT IS THE BETA CLUB?

13 A BETA CLUB IS A -- AN HONOR CLUB, ACADEMIC CLUB
14 THAT -- MAIN GOAL IS SERVICE TO THE SCHOOL AND THE
15 COMMUNITY.

16 Q AND THE NEXT ONE, SIR?

17 A THAT'S THE PROM PICTURE.

18 Q AND--

19 A THAT'S STEVE. I DON'T KNOW THE--

20 Q EXCUSE ME?

21 A -- YOUNG LADY.

22 Q LET'S GO BACK TO THAT. I INTERRUPTED YOU.

23 A I SAID I DON'T RECOGNIZE THE YOUNG LADY.

24 Q OKAY, SIR.

25 A THAT'S '86 YEARBOOK.

1 Q THIS WOULD BE -- IF YOU KNOW, WOULD THAT BE
2 MR. STANKO'S SENIOR YEARBOOK?

3 A THAT'S WHEN HE WAS A SENIOR AT GOOSE CREEK.

4 Q OKAY.

5 A THAT'S HIS SENIOR PICTURE IN THE YEARBOOK.

6 Q SENIOR PICTURE. AND THAT'S THE '86 YEAR -- IS THAT
7 WHAT'S THERE BESIDE HIM ON THIS PICTURE, I SUPPOSE? AND
8 THE NEXT ONE?

9 A BETA CLUB. NUMBER 86 BETA CLUB, YES.

10 Q AND THE JETS AGAIN?

11 A YOU COULD SEE THAT ORGANIZATION GREW. IT WAS A...
12 THIS IS A HOMECOMING WHERE STEPHEN WAS CHOSEN TO BE AN
13 ESCORT. HOMECOMING CONTESTANTS ARE CHOSEN BY SENIOR
14 FOOTBALL PLAYERS AND THEN THEIR ESCORTS ARE CHOSEN BY
15 EITHER THE -- THE YOUNG LADY PROBABLY.

16 Q SO THAT WOULD BE WHY HE'S PICTURED HERE?

17 A YEAH. THAT'S -- THAT'S A BEAUTY PAGEANT FOR MISS
18 FRESHMAN, SOPHOMORE, AND JUNIOR. AND MISS L'ESPIRIT WHICH
19 IS THE NAME OF THE YEARBOOK. STEPHEN WAS AN ESCORT HERE.
20 I'M -- I IMAGINE THAT THE SPONSOR OF IT, OF THE MISS
21 L'ESPIRIT PAGEANT CHOSE STEVE AS AN ESCORT.

22 Q AND THAT'S -- WHAT -- DO YOU RECOGNIZE THIS PICTURE?

23 A I DON'T -- I DON'T RECOGNIZE THAT. I KNOW IT'S IN
24 THE BACK OF THE YEARBOOK, BUT I DIDN'T KNOW HIM AT THAT
25 TIME.

1 Q SO THIS WOULD BE A PICTURE OF THE -- PROBABLY THE
2 YEAR--

3 A YES.

4 Q -- TYPE OF PICTURE THEY PUT IN?

5 A YES, SIR.

6 Q OKAY. ALL RIGHT. THANK YOU, SIR. IF YOU WOULD TAKE
7 YOUR CHAIR BACK. I THINK THAT'S ALL THE PICTURES. BUT
8 I'D LIKE TO ASK YOU A FEW MORE QUESTIONS. WHAT WAS
9 STEPHEN LIKE OR DO YOU KNOW? WHAT WAS HIS ATTITUDE WHEN
10 HE WAS INTERESTED IN WANTING TO PURSUE SOMETHING?

11 A STEVE, PRETTY DRIVEN WHEN HE WANTED -- WHEN HE REALLY
12 WANTED SOMETHING.

13 Q DRIVEN MEANING WHAT EXACTLY?

14 A SIR?

15 Q DRIVEN MEANING WHAT, PERSISTENT?

16 A WELL, YOU KNOW, STICK WITH IT, I'M GOING TO TRY TO
17 GET THIS NO MATTER WHAT.

18 Q DID YOU KNOW THAT -- ABOUT HIS APPLICATION TO THE AIR
19 FORCE ACADEMY?

20 A YES, SIR. I KNEW HE APPLIED TO THE AIR FORCE
21 ACADEMY.

22 Q AND DID YOU KNOW THAT HIS REACTION WHEN HE WAS -- DID
23 NOT--

24 A SECOND HANDEDLY I KNEW THAT HE WAS UPSET BY SOME OF
25 HIS FRIENDS--

1 MR. HEMBREE: OBJECTION, YOUR HONOR. THAT'S
2 HEARSAY.

3 THE COURT: SUSTAINED. HEARSAY.

4 BY MR. KELLY:

5 Q JUST FROM YOUR OWN KNOWLEDGE, MR. FULMER, REALLY...

6 A SIR?

7 Q FROM YOUR OWN KNOWLEDGE, SIR, RATHER THAN FROM
8 SOMEONE ELSE, WHAT DID -- HIS REACTION WOULD HAVE BEEN NOT
9 TO BE ACCEPTED IN THE AIR FORCE ACADEMY? DID YOU KNOW
10 YOURSELF?

11 A I DON'T KNOW WHAT HIS REACTION WAS, SIR. I -- YOU
12 KNOW, I KNEW HE WAS REJECTED AND I WOULD ASSUME HE WOULD
13 HAVE BEEN UPSET, BUT I DON'T -- I DON'T KNOW THAT FROM
14 STEVE.

15 Q THANK YOU, SIR. NOW, WAS HE EVER KNOWN TO BE VIOLENT
16 AT ALL WHEN YOU KNEW HIM BACK IN THE--

17 A NOT IN HIGH SCHOOL.

18 Q DID -- LET ME ASK YOU, I'M GOING TO ASK YOU TO LOOK
19 AT SOME DOCUMENTS. JUST TELL ME DO YOU RECOGNIZE THEM.
20 THAT'S ALL I WANT TO KNOW AT THIS POINT. OKAY?

21 A OKAY. THIS IS FROM COLLEGE BOARD. THIS IS SAT
22 REPORT. THE PART OF HIS CUMULATIVE RECORD WITH HIS GRADES
23 ARE...

24 Q NOW, THIS WOULD BE DOCUMENTS FROM YOUR SCHOOL?

25 A YES, SIR. THIS IS A TRANSCRIPT.

1 Q THANK YOU.

2 MR. KELLY: PLEASE MA'AM, SHOW IT TO THE
3 SOLICITOR, IF YOU WOULD FOR ME. I'D ASK THAT THEY BE
4 ENTERED.

5 MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

6 THE COURT: MARKED AND ADMITTED WITHOUT
7 OBJECTION. PLEASE GIVE THEM TO THE COURT REPORTER SO
8 THAT SHE CAN MARK THEM.

9 (WHEREUPON, DEFENDANT'S EXHIBITS 32, 33 AND 34
10 WERE ADMITTED INTO EVIDENCE.)

11 MR. KELLY: GIVE THEM TO THE WITNESS, PLEASE
12 MA'AM.

13 BY MR. KELLY:

14 Q MR. FULMER, WHAT ARE THOSE? WHAT DO THOSE RECORDS
15 REFLECT ABOUT STEPHEN'S...

16 A WELL, THEY -- REFLECTS HIS ACADEMIC SUCCESS. YOU
17 KNOW, THEY -- IT'S NOTED THAT HE WAS A GOOD COLLEGE PREP
18 STUDENT. AND I NOTICE THAT HE WAS ALSO IN HONORS, SOME
19 HONORS CLASSES, TAKING PRE-CAL, PHYSICS, AND COURSES THAT
20 WOULD LEAD, YOU KNOW, TO GOING AND GETTING INTO COLLEGE.

21 THAT WAS -- HIS TRANSCRIPT WOULD REFLECT. SAT. HE
22 TOOK THE SAT THREE TIMES, ONCE AS A JUNIOR AND TWICE AS A
23 SENIOR. LET'S SEE. HIS BEST COMPOSITE SCORE WOULD HAVE
24 BEEN 1160.

25 Q IS THAT A GOOD SCORE?

1 A IT'S -- IT'S A GOOD SCORE. IT WAS A BETTER SCORE IN
2 '86 THAN IT IS NOW BECAUSE THE SAT HAS BEEN RESTRUCTURED,
3 BUT IT'S A GOOD SCORE.

4 Q CAN YOU TELL FROM THOSE DOCUMENTS WHERE HE RANKED
5 WHEN HE GRADUATED CLASS?

6 A HE WAS 15TH OUT OF 300.

7 Q OVERALL, MR. FULMER, AS YOU KNEW HIM AS A STUDENT,
8 WAS HE A STUDENT WHO WAS A BENEFIT TO THE SCHOOL AND
9 PEOPLE AROUND HIM OR NOT?

10 A YES, SIR. HE WAS A BENEFIT TO THE SCHOOL. HE WAS A
11 GOOD SCHOOL CITIZEN. I MEAN, HE WAS A MODEL STUDENT IN
12 HIGH SCHOOL.

13 Q MR. FULMER, I KNOW THIS HAS BEEN A JOURNEY FOR YOU
14 AND TAKING TIME OUT, AND I APPRECIATE YOU COMING HERE.
15 THANK YOU SO VERY MUCH.

16 MR. KELLY: WE HAVE NO FURTHER QUESTIONS FOR
17 THIS WITNESS.

18 THE COURT: ANY CROSS-EXAMINATION FOR THE
19 WITNESS?

20 MR. HEMBREE: VERY BRIEFLY, YOUR HONOR.

21 THE COURT: YOU MAY PROCEED.

22 CROSS-EXAMINATION

23 BY MR. HEMBREE:

24 Q HOW YOU DOING, MR. FULMER?

25 A HI.

1 Q LET ME SEE THOSE DOCUMENTS IF I MAY. AND MR. FULMER,
2 IT INDICATES HERE THAT STEPHEN STANKO'S DATE OF BIRTH IS
3 JANUARY THE 13TH OF 1968?

4 A THAT'S WHAT IT SAYS.

5 Q YES, SIR. AND HE WOULD HAVE GRADUATED IN 1986, IN
6 ROUGHLY MAY OR JUNE OF 1986?

7 A YES, SIR, JUNE OF '86.

8 Q JUNE OF '86. THAT WOULD PUT HIM 18 YEARS OLD I
9 BELIEVE WHEN HE GRADUATED.

10 A YES, SIR.

11 Q NOW, DID YOU HAVE ANY TROUBLE WITH HIM AT ALL DURING
12 HIS SOPHOMORE YEAR?

13 A NOT THAT I RECOLLECT.

14 Q OKAY. HOW ABOUT DURING HIS JUNIOR YEAR? GOOD
15 STUDENT?

16 A NOT THAT I RECOLLECT ANY TROUBLE.

17 Q GOT YA. GOOD GRADES WHEN HE WAS A SOPHOMORE?

18 A I HADN'T LOOKED AT THAT, BUT I SAW IN THAT
19 TRANSCRIPT.

20 Q GOT YA. HERE. I...

21 A EIGHTY-FIVE, 94, 94, 90, 96, THAT'S PRETTY GOOD TO
22 ME.

23 Q GOOD GRADES WHEN HE'S A SOPHOMORE?

24 A YES, SIR.

25 Q NO -- NO EVIDENCE THAT HE MISBEHAVED WHEN HE'S A

1 SOPHOMORE?

2 A NO, SIR.

3 Q GOOD GRADES WHEN HE'S A JUNIOR?

4 A GOOD GRADES WHEN HE WAS A JUNIOR.

5 Q NO EVIDENCE THAT HE MISBEHAVED WHEN HE WAS A JUNIOR?

6 A NO, SIR.

7 Q GOOD GRADES WHEN HE WAS A SENIOR?

8 A GOOD GRADES WHEN HE WAS A SENIOR.

9 Q AND NO EVIDENCE THAT HE MISBEHAVED WHEN HE WAS A
10 SENIOR?

11 A NO EVIDENCE.

12 Q INVOLVED IN LOTS OF ACTIVITIES?

13 A LOTS OF ACTIVITIES.

14 Q INVOLVED IN SOME SPORTS, SOMETHING--

15 A WELL, EARLY ON.

16 Q EARLY ON HE HAD SOME --

17 A YES, SIR.

18 Q -- HE WAS INVOLVED IN SOME SPORTS. NOW, AND THEN I
19 GUESS LASTLY HE -- IN HIS LAST YEAR, GRADE 12, WHAT DOES
20 CP MEAN, WHAT DOES THAT--

21 A COLLEGE PREP.

22 Q COLLEGE PREP COURSE. HE TOOK A COLLEGE PREP
23 PSYCHOLOGY COURSE; DIDN'T HE?

24 A YES.

25 Q SCORED A 95. WHAT KIND OF A GRADE IS THAT?

1 A THAT'S AN A.

2 Q THANK YOU, MR. FULMER. I DON'T HAVE ANY FURTHER
3 QUESTIONS.

4 THE COURT: ANY REDIRECT?

5 MR. KELLY: NO, MA'AM. THANK YOU FOR COMING.
6 WE'D PUBLISH THESE DOCUMENTS TO THE JURY.

7 THE WITNESS: THANK YOU.

8 THE COURT: THANK YOU, SIR. YOU'RE EXCUSED.

9 (WITNESS LEFT THE STAND.)

10 MR. HEMBREE: YOUR HONOR, I WAS GOING TO SAVE
11 MR. KELLY THE TRIP.

12 THE COURT: THANK YOU. YOU MAY CALL YOUR NEXT
13 WITNESS.

14 MR. KELLY: MA'AM?

15 THE COURT: YOU MAY PROCEED.

16 MR. KELLY: A MRS. WENZ.

17 MINNIE WENZ, AFTER
18 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE WITNESS: MY NAME IS MINNIE CLARICE WENZ,
20 W-E-N-Z.

21 THE COURT: YOU MAY PROCEED.

22 DIRECT EXAMINATION

23 BY MR. KELLY:

24 Q MRS. WENZ, MY NAME IS GERALD KELLY. HAVE WE EVER
25 MET?

1 A NO, WE HAVE NOT.

2 Q I DON'T BELIEVE WE HAVE EVER EVEN SPOKEN ON THE
3 TELEPHONE; HAVE WE?

4 A NO, WE HAVE NOT.

5 Q BUT YOU MET WITH MY INVESTIGATOR, DALE DAVIS, I
6 THINK?

7 A YES, I DID.

8 Q AND I WANT TO TELL YOU I APPRECIATE YOU COMING. I
9 ISSUED YOU A SUBPOENA; DIDN'T I?

10 A YES, YOU DID.

11 Q AND HOW FAR DID YOU COME TODAY? WHERE ARE YOU COMING
12 FROM?

13 A IT'S ABOUT 80 MILES.

14 Q NOW MA'AM, ARE YOU STILL A TEACHER NOW?

15 A YES, I AM.

16 Q TELL ME WHERE YOU ARE TEACHING NOW.

17 A I TEACH AT GOOSE CREEK HIGH SCHOOL.

18 Q HOW LONG HAVE YOU BEEN THERE?

19 A THIS IS MY 26TH -- NO, 28TH YEAR AT GOOSE CREEK.

20 Q AND WHAT DO YOU TEACH THERE?

21 A I TEACH CHEMISTRY AND PHYSICS.

22 Q AND YOU HAVE BEEN -- HOW LONG HAVE YOU BEEN TEACHING
23 SCIENCE, FOR HOW LONG?

24 A TOTAL OF 34 YEARS. THIS IS MY 34TH YEAR.

25 Q SO YOU -- YOU'RE -- YOU HAVE BEEN A HIGH SCHOOL

1 SCIENCE TEACHER REALLY ALL YOUR CAREER?

2 A YES.

3 Q ALL RIGHT. DO YOU REMEMBER STEPHEN STANKO AS A
4 STUDENT?

5 A YES, I DO.

6 Q WAS HE -- WAS HE IN YOUR CLASSES?

7 A YES, HE WAS.

8 Q AND WERE YOU THE TEACHER WHO WAS SPONSOR, I SUPPOSE
9 YOU MIGHT CALL IT, OF THE SCIENCE CLUB?

10 A YES, I WAS.

11 Q AND WHAT -- DO YOU REMEMBER WHAT CLASSES STEPHEN HAD
12 WITH YOU?

13 A HE WAS IN MY PHYSICS CLASS FOR SURE AND I THINK MY AP
14 CHEMISTRY, ADVANCED PLACEMENT CHEMISTRY. AND I DON'T
15 REMEMBER IF I HAD HIM FOR CHEMISTRY ONE HONORS OR NOT.

16 Q ALL RIGHT. WHAT KIND OF A STUDENT WAS HE?

17 A HE WAS AN EXCELLENT STUDENT.

18 Q WHAT WAS HIS BEHAVIOR LIKE?

19 A EXCELLENT BEHAVIOR, VERY WELL-MANNERED.

20 Q DID YOU EVER HAVE ANY REASON TO COMPLAIN OF HIS
21 BEHAVIOR TO HIM OR TO ANYBODY ELSE BACK IN--

22 A NO. NO.

23 Q THANK YOU. DID ANYBODY EVER COMPLAIN TO YOU OF HIS
24 BEHAVIOR BACK THEN?

25 A NO.

1 Q WHAT ABOUT HIS -- HIS ACTIVITIES IN HIS CLASSES? WAS.
2 HE A -- A CLASS FOLLOWER OR A CLASS LEADER? WHAT KIND OF
3 PERSON WAS HE?

4 A HE WAS A LEADER.

5 Q AND HOW WOULD HE MANIFEST -- MANIFEST THAT TO YOU AT
6 THAT TIME?

7 A WHEN WE -- I MEAN, HE WAS INVOLVED IN ACTIVITIES. HE
8 WAS ACTIVE IN THE -- IN THE ODYSSEY OF THE MIND, THE
9 COMPETITION THAT WE GENERALLY DID, AND IN THE SCIENCE
10 CLUB, AND IN CLASS HE WAS -- HE JUST DID WHAT HE WAS
11 SUPPOSED TO.

12 Q WAS HE -- WHAT WAS HE -- HIS MANNERS LIKE?

13 A OH, EXCELLENT MANNERS, ALWAYS -- ALWAYS EXCELLENT
14 MANNERS.

15 Q WAS HE RESPECTFUL TO YOU?

16 A ALWAYS.

17 Q WAS HE RESPECTFUL TO HIS PEERS THAT -- HIS
18 CLASSMATES?

19 A IN EVERYTHING I SAW, YES.

20 Q AND YOU ALSO SAW HIM -- AND I WILL CALL IT JUST A
21 SOCIAL SETTING AS FAR AS THE CLUB IS CONCERNED?

22 A YES.

23 Q AS WELL AS IN THE CLASSROOM?

24 A PARDON ME?

25 Q AS WELL AS IN THE CLASSROOM?

1 A YES, I DID.

2 Q AND HE WAS EQUALLY ONE WAY AS IN THE OTHER?

3 A YES, HE WAS.

4 Q DID HE -- DID HE EVER VISIT YOUR HOME?

5 A YES, HE DID.

6 Q AND ON MORE THAN ONE OCCASION?

7 A I THINK -- YES.

8 Q AND HOW WAS HE WHEN HE VISITED YOUR HOME?

9 A SAME THING, VERY MANNERLY, NEVER A PROBLEM, EXCELLENT

10 BEHAVIOR.

11 Q DID YOU EVER MEET HIS PARENTS?

12 A NO, I DID NOT.

13 Q NOT EVEN IN LOCAL COMPETITIONS WHERE HE MIGHT BE

14 COMPETING HIMSELF?

15 A NO.

16 Q DID THE SCIENCE CLUB COMPETE AS A CLUB?

17 A BE -- THE COMPETITION, ODYSSEY OF THE MIND THAT --

18 THAT WAS NOT DONE THROUGH THE SCIENCE CLUB. I DID THAT AS

19 AN EXTRA LIKE PROJECT FOR MY CLASSES.

20 Q HE WAS INVOLVED IN THE ODYSSEY OF THE MIND PROJECT?

21 A YES, HE WAS.

22 Q FOR ONE OR MORE YEARS?

23 A I WAS ONLY THE SPONSOR FOR HIS SENIOR YEAR.

24 Q AND YOU DIDN'T SEE HIS PARENTS DURING THOSE

25 COMPETITIONS?

1 A NO, I DID NOT.

2 Q HOW DID THE COMPETITIONS GO FOR STEPHEN THAT WERE --
3 AND THE OTHER STUDENTS IN THAT GROUP? DID THEY DO WELL?

4 A YEAH. AS FAR AS I REMEMBER, I THINK THEY DID.

5 Q DID -- DID STEPHEN ENJOY BEING IN SCHOOL OR WAS
6 SCHOOL SOMETHING HE APPEARED TO ENJOY?

7 A HE APPEARED TO.

8 Q OKAY. WE'RE LOOKING AT A PICTURE HERE. IT'S MRS.
9 WENZ; IS THAT RIGHT?

10 A WENZ.

11 Q WENZ. AND MRS. WENZ, CAN YOU SEE THIS SCREEN FROM
12 WHERE YOU ARE?

13 MR. HUMPHRIES: AND YOUR HONOR, JUST FOR THE
14 RECORD THE STATE'S HAD AN OPPORTUNITY TO VIEW THESE
15 IMAGES AS WELL AND WE DON'T EXPECT TO THEIR BEING
16 ADMITTED INTO EVIDENCE -- I UNDERSTAND WITH THE
17 DISPLAY OR AFTER THE PRESENTATION.

18 BY MR. KELLY:

19 Q CAN YOU SEE, MRS. WENZ?

20 A I CAN -- NO, I CAN'T REALLY SEE IT.

21 Q PLEASE STEP DOWN AND COME OVER HERE TO WHERE THE JURY
22 BEGINS, AND SEE IF YOU CAN SEE A LITTLE BETTER.

23 A OKAY. DON'T WANT TO GET IN YOUR WAY.

24 Q JUST GET TO A PLACE -- CAN YOU SEE IT?

25 A YES, I CAN NOW.

1 Q WHAT IS THAT?

2 A THAT'S AN ARTICLE FROM THE PAPER, LOOKS LIKE THE
3 HANAHAN PAPER WHICH IS THE TOWN NEXTDOOR TO GOOSE CREEK,
4 AND THAT SHOWS THAT GROUP WITH ME WITH THE ODYSSEY OF THE
5 MIND TROPHY THAT WE WON.

6 Q THAT'S YOU IN THE MIDDLE?

7 A YES, THAT'S ME.

8 Q AND THAT'S STEPHEN OVER YOUR SHOULDER?

9 A YES, OVER MY RIGHT SHOULDER. THERE IT IS.

10 Q THAT'S A CLOSER PICTURE?

11 A YES.

12 Q SO YOU WON A TROPHY?

13 A YES, WE DID.

14 Q THAT WAS FROM THE COMPETITION YOU HAD? IS THAT WHAT
15 THAT WAS, THAT TROPHY, FOR THAT?

16 A YES. YES, SIR.

17 Q THIS -- WHAT IS THIS PICTURE?

18 A THIS PICTURE IS IN MY SCIENCE LAB AND IT'S THE SAME
19 GROUP OF GUYS WITH ONE ADDITIONAL STUDENT, AND THEY'RE
20 AGAIN HAMMING IT UP WITH THEIR TROPHY BECAUSE THEY WERE
21 VERY PROUD.

22 Q YES, MA'AM. AND THAT'S IN YOUR LAB THAT YOU HAD. IS
23 THAT WHERE THAT IS?

24 A YES. THAT'S IN MY SCIENCE LAB.

25 Q THANK YOU, MA'AM. AND THIS PICTURE?

1 A THAT WAS THE AWARDS -- ONE OF THE AWARDS CEREMONIES
2 AND THEY WERE RECEIVING THEIR TROPHY AT THAT POINT.

3 Q WHAT COMPETITION WAS THAT FOR, DO YOU REMEMBER? CAN
4 YOU EXPLAIN TO US OR GET SOME IDEA OF WHAT THEY WERE
5 INVOLVED IN?

6 A THE ODYSSEY OF THE MIND WAS A -- A COMPETITION WHERE
7 THEY HAD TO ACTUALLY PHYSICALLY DO SOMETHING LIKE -- AND I
8 THINK THEY BUILT A STRUCTURE I THINK TO HOLD WEIGHTS. AND
9 THEY DID THAT AND THEN THEY HAD A LITTLE QUESTION AND
10 ANSWER THING WHERE THEY HAD TO DO THAT ALSO. AND THEY
11 WORKED AS A TEAM. IT WAS DEFINITELY A TEAM ENDEAVOR.

12 Q AND WAS -- WAS STEPHEN A -- AT THAT TIME WAS HE A
13 TEAM PLAYER, A TEAM MEMBER TYPE OF PERSON?

14 A VERY MUCH SO.

15 Q AS MUCH AS THE OTHER CHILDREN?

16 A YES, SIR.

17 Q WHAT'S THAT?

18 A THAT'S THE FRONT DOOR OF MY HOME. AND THEY HAD
19 DROPPED BY TO VISIT AND I TOOK A PICTURE.

20 Q WAS THERE AN OCCASION FOR THIS OR WAS THIS JUST TO
21 SAY HELLO TO YOU?

22 A I REALLY DON'T REMEMBER.

23 Q BUT IT IS YOUR HOME?

24 A YES, IT IS.

25 Q THANK YOU, MA'AM. AND THIS?

1 A THAT'S JUST ANOTHER PICTURE, AND THAT ONE MUST HAVE
2 BEEN AROUND CHRISTMAS BECAUSE I SEE DECORATIONS ON THE
3 MANTLE, AGAIN IN MY HOME, AND THEY HAD COME BY TO VISIT.

4 Q AND WHERE IS STEPHEN IN THE PICTURE?

5 A HE'S SITTING ON THE LEFT SIDE OF THE SOFA.

6 Q WAS HE A WELCOMED PERSON IN YOUR HOUSE?

7 A YES, SIR, HE WAS.

8 Q THANK YOU. AND THIS, MA'AM? LET ME SHOW YOU
9 SOMETHING. LET ME SHOW YOU AN ITEM AND SEE IF YOU CAN
10 IDENTIFY IT AS IN RELATION PERHAPS TO THIS PHOTOGRAPH.
11 JUST TELL ME IF YOU RECOGNIZE IT.

12 A YES, I DO.

13 Q AND LOOK AT BOTH SIDES OF IT, MRS. WENZ. SHOW IT TO
14 THE SOLICITOR, PLEASE.

15 MR. KELLY: SOLICITOR--

16 MR. HEMBREE: I HAD A CHANCE TO SEE IT.

17 BY MR. KELLY:

18 Q OKAY. I DON'T WANT TO PUT THIS IN EVIDENCE, BUT WHAT
19 IS IT?

20 A THIS IS A -- A BLOCK C. I WENT TO CLEMSON, AND THEY
21 ALL KNEW THAT. AND IT HAS, THE GANG, '86, GOOSE CREEK
22 HIGH SCHOOL NEEDLEPOINTED, AND IT WAS NEEDLEPOINTED BY ONE
23 OF THE STUDENTS -- ONE OF THE STUDENTS IN THAT PICTURE'S
24 MOTHER, RANDY BISHOP'S MOM.

25 AND ON THE BACK IT SAYS, FOR ALL THE WONDERFUL TIMES,

1 LOVE, FRIENDSHIP, AND PATIENCE THAT YOU HAVE SHOWN US,
2 LOVE AND FRIENDSHIP ALWAYS, AND THEN IT'S SIGNED BY MAYBE
3 10 PEOPLE FROM MY CLASS INCLUDING STEVE.

4 Q THIS WAS A GIFT TO YOU?

5 A YES, IT WAS.

6 Q AND DOES THIS PICTURE THAT WE SEE UP HERE, DOES THAT
7 SHOW THE BACK OF THIS? IS THAT WHAT THAT IS?

8 A YES, SIR, IT DOES.

9 Q OKAY. THIS -- LOOK AT THESE TWO PICTURES.

10 MR. KELLY: AND ANY OBJECTION TO THEM
11 SUBSTITUTING THIS ITEM?

12 MR. HEMBREE: THERE'S NO OBJECTION FROM THE
13 STATE, YOUR HONOR.

14 THE COURT: MARKED AND ADMITTED WITHOUT
15 OBJECTION.

16 BY MR. KELLY:

17 Q MA'AM, THOSE DO REPRESENT THAT?

18 A YES, THEY DO.

19 Q THANK YOU, MA'AM. RETURN TO YOUR SEAT.

20 (WHEREUPON, DEFENDANT'S EXHIBIT 35 WAS ADMITTED
21 INTO EVIDENCE.)

22 MR. KELLY: PUBLISH THIS. GIVE THEM THE
23 PICTURE.

24 (WHEREUPON THERE WAS A PAUSE).

25 BY MR. KELLY:

1 Q MA'AM, I DO HAVE ONE OTHER THING I'D LIKE YOU TO LOOK
2 AT AND SEE IF YOU CAN IDENTIFY, THE TEXT OF THIS.

3 A I THINK THAT WAS ON A CARD OR MAYBE THAT WAS JUST A
4 LETTER THEY WROTE OR A NOTE, AND IT WAS FROM STEVE AND ED,
5 EDDIE HOUSE, AND OTHER STUDENTS, AND THAT I THINK IS
6 STEVE'S HANDWRITING.

7 Q AND WOULD YOU READ IT TO US? IT'S TO YOU; ISN'T IT?

8 A YES, IT IS TO ME.

9 Q READ IT TO US IF WOULD YOU, PLEASE MA'AM.

10 A WE KNOW THAT MORE TIMES WE ARE ROYAL PAINS AND ACHES
11 AND MAYBE WE REALLY ARE SOMEWHAT SCARED OF THE WORLD THAT
12 WE'RE ABOUT TO VENTURE INTO. THANK YOU FOR ALL THAT YOU
13 HAVE PUT UP WITH. WE NEVER MEANT TO BRING ANY HURT OR
14 HEARTACHE TO YOU AND WE HOPEFULLY NEVER WILL.

15 YOU ARE THE FINEST TEACHER, WOMAN, AND ADULT THAT
16 ANYONE COULD EVER KNOW. WE WILL NEVER FORGET YOU AND I
17 HOPE YOU ALWAYS REMEMBER OUR BETTER TIMES. WE LOVE YOU,
18 STEVE, ED, AND THE GANG.

19 Q THANK YOU. THIS IS THE CARD, BY THE WAY, MA'AM,
20 WHERE YOU RETURN -- THINK WE DO HAVE THAT -- DO YOU
21 REMEMBER THAT -- IS THAT ON THE CARD?

22 A AND THEN THE SIGNATURES IN THERE, TOO.

23 Q YES, MA'AM. THANK YOU, MA'AM. NOW, WAS -- WHAT WAS
24 STEVE LIKE ACADEMICALLY? WAS HE -- DID HE EXCEL
25 ACADEMICS?

1 A I'M SORRY?

2 Q DID HE EXCEL?

3 A OH, YES. HE DID EXCEL ACADEMICALLY. HE WAS VERY
4 BRIGHT AND WORKED VERY HARD ALSO. WASN'T THAT HE GOOFED
5 OFF.

6 Q WHAT DID YOU THINK HIS POTENTIAL WAS AT THAT TIME?

7 A HE HAD A TREMENDOUS POTENTIAL. HE COULD HAVE -- HE
8 COULD HAVE GONE INTO ANY FIELD THAT HE WISHED. I THOUGHT
9 HE COULD.

10 Q AND YOU CHARACTERIZE HIM AS A HARD WORKER?

11 A YES, SIR.

12 Q DID HE TURN HIS ASSIGNMENTS IN ON TIME?

13 A OH, YES, SIR.

14 Q AND DID HE DO THE ARDUOUS TASK THAT A -- DEMANDED OF
15 A STUDENT BY THEIR TEACHERS?

16 A YES. YES, SIR.

17 Q AND HE DIDN'T SHIRK OR TURN AWAY FROM THE HARD WORK
18 OF IT AT THAT TIME?

19 A NO, SIR.

20 Q MA'AM, LET ME THANK YOU AGAIN FOR COMING UP HERE AND
21 TALKING WITH US.

22 THE COURT: ANY QUESTIONS FOR THE WITNESS?

23 MR. HEMBREE: JUST ONE, YOUR HONOR.

24 CROSS-EXAMINATION

25 BY MR. HEMBREE:

1 Q MRS. WENZ, GOOD AFTERNOON.

2 A GOOD AFTERNOON.

3 Q BASED ON DEFENDANT STANKO'S CONDUCT AROUND YOU, THE
4 WAY HIS -- HE WAS COURTEOUS?

5 A YES, SIR.

6 Q WELL-BEHAVED?

7 A YES, SIR.

8 Q YOU -- YOU SAID IT MUCH BETTER THAN I CAN. I WON'T
9 TRY TO RE-CHARACTERIZE IT. I MEAN, IT SOUNDS LIKE THAT
10 HIS MOM AND DADDY DID A GOOD JOB RAISING HIM.

11 A IT WOULD APPEAR THAT WAY, YES, SIR.

12 Q THANK YOU, MA'AM.

13 THE COURT: ANY REDIRECT?

14 MR. KELLY: NO, MA'AM.

15 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
16 EXCUSED?

17 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

18 THE COURT: FROM THE DEFENSE?

19 MR. KELLY: NO, MA'AM.

20 THE COURT: MA'AM, YOU'RE EXCUSED.

21 THE WITNESS: THANK YOU.

22 (WITNESS LEFT THE STAND.)

23 MR. KELLY: WE'D CALL WANDA--

24 THE COURT: I'M GOING TO BREAK FOR LUNCH.

25 MR. KELLY: YES, MA'AM.

1 THE COURT: MADAM FORELADY, LADIES AND
2 GENTLEMEN, WE ARE GOING TO TAKE ADVANTAGE OF THIS
3 BREAK IN TESTIMONY TO TAKE OUR LUNCHEON RECESS. I'M
4 NOT CERTAIN WHETHER YOUR LUNCH HAS ARRIVED.

5 I INITIALLY WAS ADVISED IT WOULD ARRIVE AT 1:30,
6 AND IT IS NOW 1:17, SO THAT GIVES YOU A LITTLE TIME
7 TO STRETCH YOUR LEGS, TAKE A SMOKE BREAK IF YOU
8 DESIRE, AND THEN HOPEFULLY WITHIN A SHORT TIME PERIOD
9 YOUR LUNCH WILL ARRIVE.

10 DURING THIS BREAK PLEASE DO NOT DISCUSS THE
11 CASE. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. AND
12 IF YOU NEED ANYTHING, PLEASE LET THE BAILIFFS KNOW.
13 WE WILL PROBABLY BE AT EASE A LITTLE SHY OF AN HOUR,
14 GIVE OR TAKE.

15 (WHEREUPON THE JURY LEFT THE COURTROOM AT
16 1:18 PM.)

17 THE COURT: YOU MAY BE SEATED. LET ME ASK A
18 QUESTION RIGHT QUICK. MR. KELLY, HOW LONG IS YOUR
19 NEXT WITNESS THAT YOU ARE ABOUT TO CALL?

20 MR. KELLY: MA'AM, WE HAVE ONE MORE OF THESE
21 TEACHERS WHICH SHOULD BE A SHORT ONE.

22 THE COURT: YOU KNOW WHAT, WE MIGHT NEED TO GO
23 AHEAD -- I WAS JUST ADVISED THAT THE JURY'S LUNCH MAY
24 NOT COME UNTIL A QUARTER OF TWO, AND I HATE FOR THEM
25 TO BE SITTING -- WHY DON'T WE JUST GIVE THEM A MOMENT

1 TO REFRESH THEMSELVES AND THEN WE'LL GO AHEAD AND
2 CALL THAT WITNESS, AND THEN BY THEN THEIR LUNCH
3 SHOULD HAVE ARRIVED.

4 MR. KELLY: THEN THEY CAN ALL GO BACK TOGETHER.

5 THE COURT: YEAH, WHY DON'T WE DO THAT. WE WILL
6 TAKE LIKE A FIVE MINUTE RECESS AND THEN WE'LL PUSH
7 FORWARD WITH THAT WITNESS.

8 (WHEREUPON A RECESS WAS HAD.)

9 THE COURT: IS THE DEFENSE READY TO PROCEED?

10 MR. KELLY: YES, MA'AM.

11 THE COURT: IS THE STATE READY TO PROCEED?

12 MR. HEMBREE: YES.

13 THE COURT: WHO IS THE NEXT WITNESS GOING TO BE?

14 MR. KELLY: THIS IS A LADY NAMED WANDA BROOKS.

15 AND JUDGE, IF WE CAN GET THROUGH HER -- THROUGH,
16 WE'VE GOT SOMEBODY FROM THE US MARSHAL'S OFFICE. WE
17 CAN SQUEEZE THEM IN AND GET THEM OUT.

18 THE COURT: WE WILL TRY. WHAT HAPPENED WAS
19 APPARENTLY THE ORDER WAS CHANGED MID-STREAM AND IT
20 JUST DELAYED THE ARRIVAL OF THEIR LUNCH. SO AS SOON
21 AS IT GETS HERE, I'M GOING TO BREAK SO THAT IT'S
22 STILL HOT.

23 MR. KELLY: OKAY, MA'AM.

24 THE COURT: IF YOU ALL WILL JUST WATCH YOUR STEP
25 GOING OUT. I DON'T WANT YOU ALL TO TRIP ON ANY OF

1 THOSE CORDS.

2 (JURY ENTERED THE COURTROOM AT 1:32 PM.)

3 THE COURT: I HOPE YOU ALL ENJOYED YOUR BREAK.
4 WE APOLOGIZE FOR THE DELAY IN THE ARRIVAL OF YOUR
5 LUNCH. THE CLERK HAS BEEN SO VERY ORGANIZED AND SO
6 VERY GENEROUS, I TELL YOU.

7 I'VE PROBABLY HELD COURT IN I'M THINKING ABOUT
8 23 OR 24 COUNTIES THROUGHOUT SOUTH CAROLINA. AND AS
9 ANYONE KNOWS, THE CLERK OF COURT IS THE JUDGE'S BEST
10 FRIEND. THEY CAN MAKE YOUR LIFE VERY DIFFICULT AND
11 THEY CAN MAKE IT VERY EASY.

12 AND I'M HAPPY TO SAY THAT EVERY CLERK I'VE EVER
13 ENCOUNTERED HAS MADE MY LIFE VERY EASY. AND MS. ALMA
14 IS PROBABLY AT THE TOP OF THE LIST. SHE HAS JUST
15 BEEN EXCELLENT THE ENTIRE WEEK.

16 AND I UNDERSTAND THAT THE LUNCH ORDER WAS
17 CHANGED TO SOME EXTENT, AND SO THAT HAS DELAYED ITS
18 ARRIVAL. SO INSTEAD OF YOU ALL SITTING IN THE ROOM
19 WAITING, WE ARE GOING TO TRY TO PUSH AHEAD WITH THE
20 TESTIMONY.

21 AND I FIGURED YOU ALL WOULD NOT MIND. BUT WHAT
22 I HAVE TOLD THE ATTORNEYS IS THAT AS SOON AS YOUR
23 LUNCH ARRIVES WE WILL BREAK SO THAT WE CAN MAKE SURE
24 YOUR LUNCH IS HOT SO THAT YOU CAN ENJOY IT.

25 AND AGAIN, WE APPRECIATE YOU ALL INDULGING US.

1 WE WILL RESUME TESTIMONY. YOU MAY CALL YOUR NEXT
2 WITNESS.

3 MR. KELLY: WE WOULD CALL WANDA BROOKS.

4 THE COURT: MA'AM, IF YOU WOULD COME AROUND TO
5 THE WITNESS STAND AND BE SWORN. THE BAILIFF WILL
6 ASSIST US.

7 WANDA BROOKS, AFTER
8 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

9 THE WITNESS: WANDA REED BROOKS, B-R-O-O-K-S.

10 THE COURT: AND IF YOU COULD SPELL YOUR MIDDLE
11 NAME FOR HER BECAUSE THERE'S SEVERAL WAYS TO SPELL...

12 THE WITNESS: R-E-E-D.

13 THE COURT: THANK YOU. YOU MAY PROCEED.

14 DIRECT EXAMINATION

15 BY MR. KELLY:

16 Q MA'AM, MY NAME IS GERALD KELLY. YOU AND I HAVE NEVER
17 MET; HAVE WE?

18 A NO, SIR.

19 Q AND -- BUT YOU HAVE MET AND YOU HAVE TALKED WITH MY
20 INVESTIGATOR, DALE DAVIS?

21 A YES, SIR.

22 Q OKAY. I'M GOING TO ASK YOU A FEW QUESTIONS. I
23 APPRECIATE YOU COMING HERE SO VERY MUCH. YOU ARE A
24 YOUTH -- DO YOU STILL LIVE NOW ACROSS FROM THE STANKO
25 FAMILY?

1 A YES, SIR.

2 Q AND HOW LONG HAVE YOU LIVED ACROSS FROM THE STANKO
3 FAMILY?

4 A THEY MOVED IN WHEN STEVE WAS IN MIDDLE SCHOOL, SO I'M
5 NOT QUITE SURE THE YEARS. LET'S SEE.

6 Q SO HE WOULD HAVE BEEN IN THE SIXTH OR THE SEVENTH
7 GRADE?

8 A YES, SIR.

9 Q AND DID YOU HAVE CHILDREN ALSO AT THAT TIME?

10 A YES, SIR.

11 Q WHAT AGE WERE YOUR CHILDREN?

12 A THEY WERE -- MY OLDEST ONE IS NINE YEARS YOUNGER THAN
13 STEVE, AND MY YOUNGEST ONE -- I MEAN, MY SECOND ONE IS 10
14 YEARS YOUNGER THAN STEVE.

15 Q AND YOUR CHILDREN ARE BOYS OR GIRLS?

16 A I HAVE ONE BOY AND TWO GIRLS.

17 Q AND DO YOU REMEMBER WHEN THE STANKOS MOVED IN?

18 A YES, SIR.

19 Q AND THEY PREVIOUSLY LIVED DO YOU KNOW WHERE?

20 A THEY LIVED ON THE NAVAL WEAPONS STATION WHICH IS
21 MENRIB (SIC). IT'S A -- FOR MILITARY PERSONNEL TO LIVE.

22 Q AND THAT WOULD BE DOWN IN THE CHARLESTON AREA, MA'AM?

23 A IT'S RIGHT THERE IN GOOSE CREEK, NOT TOO FAR.

24 Q AND SO THIS WAS A -- WHERE YOU LIVED, THAT WAS THE
25 CEDRICK OR LITTLEBROOK SUBDIVISION?

1 A YES, SIR.

2 Q IS THAT SORT OF LIKE A SUBURBAN SUBDIVISION?

3 A YES, SIR.

4 Q AND DO YOU REMEMBER STEPHEN FROM THAT TIME?

5 A YES, SIR, I DO.

6 Q HOW ABOUT HIS BROTHER, JEFF?

7 A YES.

8 Q AND HIS SISTER, CINDY I BELIEVE?

9 A YES, SIR.

10 Q YOU REMEMBER THOSE CHILDREN?

11 A YES, SIR.

12 Q AND THEY WERE ALL LIVING ACROSS THE STREET AT THE
13 TIME THE STANKOS MOVED IN?

14 A YES, SIR.

15 Q AND WERE THEY THE THREE CHILDREN THAT WERE LIVING
16 THERE OR WERE THERE OTHERS?

17 A WHEN THEY MOVED IN, THE THREE OF THEM MOVED IN, THEY
18 HAD A SON BILLY, BUT HE CAME -- I'M NOT SURE WHEN HE CAME,
19 BUT THEY WERE THERE FOR A WHILE BEFORE BILLY CAME OVER.
20 BUT HE DIDN'T LIVE WITH THEM.

21 Q IS BILLY THE TROUBLED ONE OF THE CHILDREN AT THAT
22 TIME?

23 A FROM WHAT I UNDERSTOOD, YES, SIR.

24 Q AND DID -- DID STEVE COME OVER TO YOUR HOUSE A GOOD
25 DEAL?

1 A YES, SIR.

2 Q AND WAS HE WELCOMED IN YOUR HOME?

3 A YES, SIR.

4 Q AND DID HE COME OVER WITH HIS BROTHER JEFF AS WELL?

5 A YES, SIR.

6 Q AND DID CINDY EVER COME OVER?

7 A NO, SIR.

8 Q JUST THE BOYS?

9 A YES, SIR.

10 Q OKAY. AND WOULD THEY PLAY GAMES WITH YOUR FAMILY?

11 A YES, SIR.

12 Q AND HOW ABOUT BASEBALL AND FOOTBALL?

13 A YES, SIR. THEY WOULD PLAY FOOTBALL OUT ON THE

14 STREET. MY HUSBAND WOULD ALSO PLAY OUT THERE. AND THEY

15 PLAYED BASEBALL IN THE FRONT YARD.

16 Q AND DID THEY PLAY WELL TOGETHER?

17 A OH, YES, SIR. WELL...

18 Q YOU HAD A SWIMMING POOL THERE AS WELL?

19 A I DID, YES, SIR.

20 Q AND DID YOU ALLOW THEM TO USE YOUR POOL?

21 A YES, SIR.

22 Q AND WERE THEY WELL-BEHAVED?

23 A OH, YES, SIR.

24 Q AND STEPHEN WAS WELL-BEHAVED?

25 A YES, SIR.

1 Q AND I SUPPOSE IF HE WERE IN THE SIXTH GRADE, HE WOULD
2 BE ABOUT 12 YEARS OLD?

3 A UH-HUH.

4 Q AND SO YOU SAW HIM ALL THE WAY THROUGH HIGH SCHOOL?

5 A YES, SIR.

6 Q WERE THEY COMFORTABLE IN YOUR HOME -- AND AS YOU CAN
7 SEE?

8 A I FELT LIKE THEY WERE, YES, SIR.

9 Q AND WERE YOU COMFORTABLE IN HAVING THEM THERE?

10 A YES, SIR.

11 Q DID STEPHEN PLAYED WITH YOUR CHILDREN A GOOD BIT?

12 A YES, SIR. HE PLAYED MAINLY BASEBALL WITH MY SON AND
13 MY HUSBAND AND SOME OF THE OTHER KIDS IN THE NEIGHBORHOOD.

14 Q WAS HE EVER AGGRESSIVE TO YOUR FAMILY OR TO YOUR
15 CHILDREN OR HURT ANY CHILDREN IN ANY WAY?

16 A NO, SIR.

17 Q DID THEY EVER TALK TO -- STEPHEN OR HIS BROTHER EVER
18 TALK MUCH ABOUT THEIR PARENTS?

19 A NO, SIR.

20 Q EVEN THOUGH THEY WERE ACROSS THE STREET?

21 A NO, SIR, NEVER. NO.

22 Q IN FACT, DURING THE ENTIRE TIME FROM WHEN THEY MOVED
23 IN TILL HE GRADUATED, THAT DIDN'T HAPPEN?

24 A NO. WHEN THEY WERE AT THE HOUSE, WE NEVER TALKED
25 GOOD OR BAD ABOUT THE PARENTS.

1 Q DID IT SEEM THAT THE HOUSE ACROSS THE STREET WHERE
2 THE STANKOS LIVED THAT EVERYTHING WAS NORMAL IN THE WORLD
3 OR WAS IT DIFFERENT FROM THAT?

4 A WELL, IT WAS DIFFERENT FROM MY HOME.

5 Q HOW WAS IT DIFFERENT?

6 A WELL, WE WERE ALWAYS -- WE WERE FRIENDLY. WE
7 WELCOMED PEOPLE INTO OUR HOME. YOU KNOW, IT -- THE FIRST
8 TIME YOU VISIT YOU'RE COMPANY. THE SECOND TIME YOU'RE A
9 FRIEND. AND YOU JUST MAKE YOURSELF AT HOME, MORE OR LESS.
10 I MEAN, WE'RE THAT TYPE OF PEOPLE. IT WAS...

11 Q SO YOU ENJOYED YOUR NEIGHBORS?

12 A YES, SIR.

13 Q AND IF YOUR NEIGHBORS WANTED TO BE FRIENDS WITH YOU
14 AND BECOME CLOSE, THEN THEY COULD?

15 A YES, SIR.

16 Q HOW ABOUT WITH THE STANKOS?

17 A DIDN'T SEEM LIKE THEY WERE -- I NEVER SAW MANY OF THE
18 BOYS' FRIENDS AT THE HOUSE. AS FAR AS OTHER FRIENDS, I,
19 YOU KNOW, THERE WASN'T VERY MANY VISITORS.

20 Q LET ME SHOW YOU SOME PICTURES. IF YOU WILL STEP DOWN
21 OFF THE WITNESS STAND AND COME OVER TOWARDS THE JURY BOX.

22 A RIGHT. (COMPLIED.)

23 Q YEAH. RIGHT HERE WHERE THIS LADY IN THE BLOUSE IS
24 SEATED. AND SEE THIS SCREEN?

25 A YES, SIR.

1 Q OKAY. HOW ABOUT THIS ONE. SEE THIS ARTICLE?

2 A YES, SIR.

3 Q CREEK ALLSTARS TAKE SECOND PLACE. DO YOU REMEMBER
4 THIS TIME IN STEPHEN'S LIFE WHEN HE WAS PLAYING BASEBALL?

5 A I'M NOT QUITE SURE IF IT WAS ACTUALLY THE ALLSTARS,
6 BUT I REMEMBER WHEN HE DID PLAY BASEBALL. THAT WAS THE
7 ONE SPORT HE LOVED.

8 Q HE LOVED THAT SPORT?

9 A UH-HUH.

10 Q AND DID YOU WATCH HIM PLAY?

11 A WE WENT TO ONE GAME. I THINK THAT WAS ALL. BUT I
12 HAD LITTLE CHILDREN. WE DIDN'T GET TO TOO MANY GAMES.

13 Q AND BASEBALL WAS SOMETHING HE PLAY WITH YOUR CHILDREN
14 AND WITH YOUR HUSBAND?

15 A YES, SIR.

16 Q OKAY. THE NEXT ONE. WHO IS THAT?

17 A THAT'S HIS MOTHER.

18 Q AND THE NEXT ONE.

19 A THAT'S HIS FATHER.

20 Q THAT'S HIS FATHER.

21 A UH-HUH.

22 Q THANK YOU, MA'AM.

23 MR. HUMPHRIES: YOUR HONOR, I -- THE SAME
24 CIRCUMSTANCES. WE'VE VIEWED THOSE PHOTOGRAPHS AND
25 DON'T EXPECT TO THEIR BEING ADMITTED INTO EVIDENCE.

1 BY MR. KELLY:

2 Q NOW, THERE WAS A BROTHER NAMED BILLY; WASN'T THERE?

3 A YES, SIR.

4 Q DID YOU EVER MEET BILLY?

5 A ONLY -- HE ONLY CAME OVER A COUPLE OF TIMES.

6 Q WHAT HAPPENED TO BILLY?

7 A HE DIED IN A FIRE.

8 Q HOW DID THAT AFFECT YOUNG JEFF AND STEVE?

9 A THEY SHOWED VERY LITTLE EMOTION ABOUT ANYTHING. IT
10 WAS JUST LIKE EVERYTHING WAS SUPPRESSED, YOU KNOW. I
11 MEAN, IT WAS LIKE THEY HAD GONE INTO A DEPRESSION TYPE,
12 YOU KNOW, IT WAS...

13 Q DID BILLY GET ALONG WITH HIS DADDY?

14 A WELL, THE ONE CONVERSATION I HAD WITH HIM HE SAID
15 THAT HE--

16 MR. HUMPHRIES: WE'RE GOING TO OBJECT, YOUR
17 HONOR, TO HEARSAY.

18 THE COURT: SUSTAINED. HEARSAY.

19 MR. HUMPHRIES: THANK YOU, YOUR HONOR.

20 THE COURT: MA'AM, DO NOT REPEAT WHAT ANYONE
21 SAID TO YOU OTHER THAN THE DEFENDANT.

22 THE WITNESS: OKAY.

23 THE COURT: YOU CAN ONLY SAY WHAT YOU DID AS A
24 RESULT OF THOSE CONVERSATIONS.

25 THE WITNESS: OKAY.

1 BY MR. KELLY:

2 Q YOU CAN TELL ME JUST A YES OR NO AS FAR AS YOU KNOW.

3 DID HE GET ALONG WITH HIS FATHER?

4 A NO, SIR.

5 Q HE DID NOT? DID YOU KNOW ABOUT STEPHEN TRYING TO GET
6 INTO THE AIR FORCE ACADEMY?

7 A YES, SIR.

8 Q DID HE TALK TO YOU ABOUT IT?

9 A OH, YES, SIR.

10 Q AND DID YOU -- YOU KNEW ABOUT WHEN HE DIDN'T GET IN?

11 A YES, SIR.

12 Q HOW DID THAT AFFECT HIM?

13 A WELL, HE WAS VERY UPSET BECAUSE THAT WAS THE ONE GOAL
14 I THINK THAT HE REALLY WANTED TO ACCOMPLISH IN LIFE WAS TO
15 GET TO THE AIR FORCE ACADEMY, AND HE DIDN'T GET THERE.

16 Q DID TO YOUR KNOWLEDGE HIS PARENTS ENCOURAGE HIM TO GO
17 ON WITH HIS EDUCATION?

18 A HE -- HE DIDN'T SAY, YOU KNOW, ABOUT GOING ANYWHERE
19 ELSE. THAT WAS THE ONLY PLACE.

20 Q DID HE HAVE POTENTIAL IN YOUR EYES TO GO ON IN THE
21 WORLD AND TO SUCCEED AT THAT TIME?

22 A YES, SIR.

23 Q WHAT WAS HE LIKE?

24 A VERY WELL-MANNERED. I TRUSTED HIM WITH MY CHILDREN.
25 HE WOULD COME OVER AND THEY'D GO -- HE'D TAKE THEM OUT IN

1 THE SWIMMING POOL. THERE WAS EVEN ONE INCIDENT WHEN MY
2 YOUNGEST DAUGHTER GOT HURT AND I HAD TO TAKE HER TO THE
3 HOSPITAL.

4 JEFF WENT WITH ME AND STEVE STAYED AT THE HOME WITH
5 MY OTHER TWO CHILDREN UNTIL MY HUSBAND GOT HOME FROM WORK.

6 Q SO HE WAS -- HE HELPED YOU?

7 A YES, SIR.

8 Q AND YOU TRUSTED HIM?

9 A YES, SIR.

10 Q AND THE TRUST AT THAT TIME WAS BORNE OUT BY HIS
11 BEHAVIOR AT THAT TIME?

12 A YES, SIR.

13 Q WAS HIS FATHER A STRICT DISCIPLINARIAN TO YOUR
14 KNOWLEDGE WITH THESE CHILDREN OF HIS?

15 A YES, SIR.

16 Q AND DID THAT IN YOUR EYES AS THE NEIGHBOR HAVE A
17 BENEFICIAL EFFECT ON HIM OR NOT?

18 A I'M NOT SURE.

19 Q THE STRICTNESS OF THE FATHER, WAS THAT GOOD FOR HIM
20 IN YOUR EYES?

21 A NOT TO THE EXTENT, I DON'T THINK, NO.

22 Q WAS MR. STANKO'S BEHAVIOR EVER UNUSUAL TO YOUR...

23 A SEVERAL TIMES.

24 Q HOW?

25 A WELL, ON THE FOURTH OF JULY OR ON NEW YEARS EVE HE

1 WOULD TURN THE PORCH LIGHT OFF IN FRONT OF THEIR HOUSE.
2 AND IF A FIRECRACKER WENT IN THE YARD, HE JUST WENT
3 BERSERK AND YELLED AT THE KIDS, YOU KNOW, FOR SOMETHING
4 THAT MOST CHILDREN NORMALLY DO ON NEW YEARS OR FOURTH OF
5 JULY.

6 Q WAS HE A YELLING KIND OF A MAN?

7 A HE WAS AT THAT TIME. OTHER, YOU KNOW, I DIDN'T SEE
8 HIM THAT OFTEN OTHER...

9 Q HOW ABOUT -- HOW ABOUT AS FAR AS HIS -- HIS
10 INTELLIGENCE AND HIS ABILITIES HIMSELF? HAD YOU EVER BEEN
11 ABLE TO MEASURE THE FATHER'S ABILITIES AT ALL?

12 A HE -- TO ME HE WAS A VERY INTIMIDATING PERSON. AND
13 HE -- HIS -- HOW SMART HE WAS, HE USED THAT I FELT. YOU
14 KNOW, HE WAS -- HE WAS A VERY SMART PERSON.

15 Q BUT HE MISUSED HIS INTELLIGENCE?

16 A I THINK, YEAH, SOMETIMES.

17 Q MORE OF A WEAPON THAN AS A -- THAN AS A GIFT TO
18 OTHERS.

19 A YES, SIR.

20 Q DID YOU EVER SEE MR. STANKO EVER INVOLVED WITH ANY OF
21 HIS CHILDREN'S SPORTS INCLUDING HIS SON?

22 A NO, SIR.

23 Q ARE HIS PARENTS STILL LIVING?

24 A YES, SIR.

25 Q THEY STILL LIVE ACROSS THE STREET FROM YOU?

1 A YES, SIR.

2 Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY
3 QUESTIONS THE SOLICITOR HAS.

4 MR. HUMPHRIES: I DON'T HAVE ANY QUESTIONS.
5 THANK YOU.

6 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
7 EXCUSED?

8 MR. HUMPHRIES: NONE FROM THE STATE.

9 THE COURT: FROM THE DEFENSE?

10 MR. KELLY: NO, MA'AM.

11 THE COURT: MA'AM, YOU'RE EXCUSED. THANK YOU.
12 (WITNESS LEFT THE STAND.)

13 MR. KELLY: WE CAN SQUEEZE ONE MORE IN, MA'AM.

14 THE COURT: MADAM CLERK, IS THEIR LUNCH HERE?

15 MR. KELLY: WE WOULD CALLED THEDUS MAYO OF THE
16 UNITED STATES JUSTICE DEPARTMENT US MARSHAL SERVICE.

17 THEDUS GERONICA MAYO,
18 AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

19 THE WITNESS: MY NAME IS THEDUS GERONICA MAYO.
20 MY NAME IS MY LAST NAME IS SPELLED M-A-Y-O.

21 THE COURT: AND IF YOU COULD SPELL YOUR FIRST
22 NAME FOR THE BENEFIT OF THE COURT REPORTER AS WELL AS
23 MIDDLE.

24 THE WITNESS: FIRST NAME T-H-E-D-U-S, MIDDLE
25 NAME, G-E-R-O-N-I-C-A.

1 THE COURT: THANK YOU. YOU MAY PROCEED.

2 DIRECT EXAMINATION

3 BY MR. KELLY:

4 Q MRS. MAYO, MY NAME IS GERALD KELLY. HAVE YOU AND I
5 EVER MET?

6 A NO.

7 Q BUT I THINK YOU TALKED WITH ONE OR MORE OF MY
8 INVESTIGATORS; CORRECT?

9 A CORRECT.

10 Q AND YOU WORK WHERE?

11 A I WORK FOR THE US MARSHAL SERVICE IN COLUMBIA, SOUTH
12 CAROLINA.

13 Q AND YOU RESIDE THERE, TOO?

14 A THAT'S CORRECT.

15 Q OKAY. AND HOW LONG HAVE YOU WORKED FOR THE US
16 MARSHAL SERVICE?

17 A TWENTY YEARS.

18 Q AND WHAT'S YOUR JOB THERE, YOUR JOB DESCRIPTION?

19 A I AM AN ADMINISTRATIVE SUPPORT ASSISTANT TO OPERATION
20 INTERCEPT, WHICH IS A FUGITIVE TASK FORCE WITH A PURPOSE
21 OF LOCATING AND APPREHENDING FUGITIVES, AND MY JOB IS THE
22 ADMINISTRATIVE END. I COMPILE ALL THE NECESSARY
23 PAPERWORK.

24 Q AND DID YOU HAVE OR WERE YOU INVOLVED IN ANY TYPE OF
25 LAW ENFORCEMENT BEFORE YOUR 20 YEARS THAT YOU HAVE BEEN

1 SERVING HERE?

2 A YES.

3 Q YOU DID? WHAT WAS IT?

4 A I'M SORRY. REPEAT THAT.

5 Q YOU HAVE BEEN UP THERE AT THE MARSHAL SERVICE FOR 20
6 YEARS, MA'AM?

7 A TWENTY YEARS.

8 Q BEFORE THAT WERE YOU IN LAW ENFORCEMENT?

9 A YES.

10 Q WHAT DID YOU DO?

11 A I WAS A DEPUTY SHERIFF FOR A LITTLE OVER SEVEN YEARS.

12 Q WHAT COUNTY?

13 A THAT WAS IN ORLEANS COUNTY IN NEW ORLEANS.

14 Q ALL RIGHT, MA'AM. DO YOU RECALL THAT ON OR ABOUT
15 JANUARY THE 26TH OR THEREABOUT IN 2005 THAT YOU RECEIVED A
16 CALL OF SOME TYPE CONCERNING A STANKO, STEPHEN STANKO?

17 A YES.

18 Q AND WAS IT A MAN OR WOMAN WHO CALLED YOU? DO YOU
19 KNOW? DO YOU RECALL?

20 A DO I HAVE TO SAY?

21 THE COURT: YES, MA'AM. YOU HAVE TO ANSWER THE
22 QUESTION AND ANSWER IT TO THE BEST OF YOUR ABILITY.

23 BY MR. KELLY:

24 Q WHETHER IT WAS A MAN OR A WOMAN, WHO CALLED YOU?

25 A (NO VERBAL RESPONSE.)

1 Q IS THERE SOME REASON YOU DON'T WANT TO TELL ME?

2 A THERE IS A REASON.

3 Q WHAT IS THE REASON?

4 A THE -- THE CALLER EXPRESSED GREAT, GREAT FEAR OF
5 THEIR IDENTITY BEING KNOWN UNDER -- ANY CLUES BEING GIVEN
6 ABOUT THEIR IDENTITY.

7 Q LET ME ASK YOU THESE QUESTIONS WITHOUT YOU REVEALING
8 ANY IDENTITY. DO YOU KNOW THE IDENTITY OF THE CALLER?

9 A YES.

10 Q BUT YOU, IN ORDER TO PROTECT THE IDENTITY OF THE
11 CALLER AS THEY REQUESTED YOU, YOU ASKED NOT TO REVEAL IT
12 TODAY. CORRECT?

13 A CORRECT.

14 Q WELL THEN, I'LL CERTAINLY RESPECT THAT. TELL ME WHAT
15 THE CALLER TOLD YOU.

16 MR. HEMBREE: OBJECTION, YOUR HONOR. HEARSAY.

17 THE COURT: SUSTAINED. HEARSAY.

18 BY MR. KELLY:

19 Q WELL, DID THE CALL--

20 THE COURT: UNLESS YOU CAN PROVE TO THE COURT IT
21 IS NOT BEING OFFERED FOR ITS TRUTH.

22 MR. KELLY: I WILL APPROACH IT THIS WAY.

23 THE COURT: OKAY. WHY DON'T WE -- I PROBABLY
24 NEED TO HEAR IT EN CAMERA IN ANY EVENT. MADAM
25 FORELADY, LADIES AND GENTLEMEN, WE HAVE A MATTER OF

1 LAW I NEED TO TAKE UP OUTSIDE OF YOUR PRESENCE VERY
2 BRIEFLY--

3 MR. KELLY: MA'AM, EXCUSE ME. I DON'T -- WHAT
4 MATTER OF LAW? I WILL JUST SIMPLY GO AHEAD.

5 THE COURT: OH, DO YOU WANT -- I THOUGHT YOU
6 SAID YOU WANTED TO APPROACH. I MISUNDERSTOOD.

7 MR. KELLY: NO, MA'AM. I MISS -- I DIDN'T SAY
8 THAT. I SAID I WOULD APPROACH THE QUESTION--

9 THE COURT: OH, I APOLOGIZE. I MISUNDERSTOOD
10 YOU.

11 MR. KELLY: YES, MA'AM.

12 THE COURT: WE'LL PROCEED WITH QUESTIONING. YOU
13 MAY REPHRASE.

14 BY MR. KELLY:

15 Q DID THIS PERSON CALL YOU ONCE OR MORE THAN ONCE?

16 A MORE THAN ONCE.

17 Q AND AS A RESULT OF THE CALLS TO YOU, WHAT DID YOU DO?

18 A I DID SOME RESEARCH ABOUT THE DEFENDANT.

19 Q AND HOW DID YOU DO THAT RESEARCH, MA'AM?

20 A I DID IT -- DID IT ON MY NATIONAL COMPUTER SYSTEM.

21 Q YES, MA'AM. WOULD THAT BE THE NCIC OR -- WAS THAT
22 THE PROGRAM THAT YOU WERE LOOKING AT?

23 A YES, THAT WAS THE PROGRAM.

24 Q AND THE -- AS A RESULT OF WHAT THE CALLER TOLD YOU,
25 YOU WENT INTO YOUR INFORMATION BANKS THAT WERE AVAILABLE

1 TO YOU AND LOOKED UP STEPHEN C. STANKO; CORRECT?

2 A CORRECT.

3 Q AND WHAT DID YOU FIND ABOUT STEPHEN C STANKO?

4 A WELL, I FOUND THAT IT WAS NOT A CASE FOR OUR TASK
5 FORCE WHATSOEVER. BUT BASED ON THE INFORMATION I HAD
6 RECEIVED, I -- MY POLICY -- OUR POLICY THEN IS JUST TO
7 PASS THE INFORMATION ON TO ANY OTHER AGENCY WHO MIGHT HAVE
8 JURISDICTION OR HAVE A SPECIAL INTEREST.

9 AND BASED ON THE INFORMATION I HAD RECEIVED, I
10 BELIEVED STEPHEN STANKO TO BE UNDER SUPERVISION BY THE
11 STATE, SOUTH CAROLINA. SO I PROBABLY CALLED THE MAIN
12 OFFICE IN COLUMBIA AND WAS REFERRED TO THE OFFICE IN
13 CONWAY.

14 Q YES, MA'AM.

15 A AND THEN I CALLED CONWAY TO GIVE THE INFORMATION THAT
16 I HAD RECEIVED FROM THE CALLER.

17 Q AND THIS WOULD HAVE BEEN RIGHT ABOUT JANUARY THE
18 26TH?

19 A ABOUT I THINK -- I THINK THAT.

20 Q SO YOU WENT IN AND IDENTIFIED STEPHEN STANKO AS TO
21 WHERE HE ACTUALLY WAS OFFICIALLY; CORRECT?

22 A NO, I DIDN'T FIND ANY -- I DIDN'T KNOW WHERE HE WAS
23 EXCEPT FOR WHAT I RECEIVED VIA TELEPHONE. BUT BECAUSE OF
24 THE INFORMATION I RECEIVED VIA TELEPHONE, I HAD AN IDEA OF
25 WHERE HE WAS.

1 Q I UNDERSTAND.

2 A UH-HUH.

3 Q SO WHO DID YOU CALL?

4 A LIKE I SAID, I -- WELL, I ENDED UP CALLING CONWAY
5 FINALLY, BUT I PROBABLY BEGAN WITH THE PROBATION
6 HEADQUARTERS IN -- IN COLUMBIA.

7 Q AND DID YOU THINK THAT THEY -- AS A RESULT OF
8 CONTACTING THE SOUTH CAROLINA DEPARTMENT OF PROBATION,
9 PARDON, AND PAROLE IN COLUMBIA, YOU THEN CALLED CONWAY?

10 A THAT'S CORRECT.

11 Q AND WHO DID YOU CALL AND WHAT -- WHAT AGENCY DID YOU
12 CALL IN CONWAY?

13 A I CALLED THE OFFICE OF PROBATION AND PAROLE, AND I --
14 I DIDN'T ASK FOR ANYONE IN PARTICULAR. I GAVE HIS NAME
15 AND SAID I WANTED TO SPEAK WITH WHOMEVER WAS HANDLING HIS
16 CASE.

17 Q AND DID THEY GIVE YOU SOMEONE TO WHOM YOU SPOKE?

18 A THAT'S CORRECT.

19 Q WHO IS THAT PERSON?

20 A I DON'T KNOW. I DON'T RECALL.

21 Q DID YOU UNDERSTAND THEM TO BE A CASE WORKER OF HIS?

22 A THAT'S CORRECT, I DID.

23 Q OKAY. AND WHAT DID YOU TELL THEM?

24 MR. HEMBREE: OBJECTION, YOUR HONOR. THIS IS --
25 WELL...

1 THE COURT: BASIS OF THE OBJECTION.

2 MR. HEMBREE: THE BASIS OF THE OBJECTION IS
3 HEARSAY BECAUSE THE SOURCE OF THE--

4 THE COURT: IS THE OBJECTION HEARSAY?

5 MR. HEMBREE: THE OBJECTION IS HEARSAY.

6 THE COURT: THE QUESTION IS WHAT DID SHE TELL
7 THEM. THAT'S NOT HEARSAY. WHAT THEY SAID IN
8 RESPONSE, HOWEVER, WOULD BE, AND I WILL HAVE TO
9 ADDRESS THAT IF THAT IN FACT BECOMES AN ISSUE.

10 BUT AT THIS MOMENT SHE CAN ANSWER WHAT SHE SAID.
11 OVERRULED. MA'AM, YOU MAY ANSWER THE QUESTION.

12 BY MR. KELLY:

13 Q WHAT DID YOU TELL -- DON'T TELL ME WHAT THEY TOLD
14 YOU, BUT TELL ME WHAT YOU TOLD THEM.

15 A I SAID THAT STEPHEN STANKO APPEARED TO BE CONTROLLING
16 THE LIBRARY OF SOCASTEE LIBRARY AND THE LIBRARIAN. I SAID
17 THAT THERE WAS SOME PATRONS IN THE LIBRARY WHO WERE
18 FEARFUL OF HIM.

19 I SAID THAT HE PRESENTED HIMSELF AS AN ATTORNEY, AN
20 INVESTOR, OR A -- AN INVESTIGATOR FOR VARIOUS LAW FIRMS,
21 AND THAT HE EVEN AT TIMES WORE HANDCUFFS FROM HIS
22 WAISTBAND.

23 I TOLD THEM THAT HE HAD FULL CONTROL OF LAURA LING'S
24 OFFICE, COMPUTER EQUIPMENT, ET CETERA, AND WAS IN THERE ON
25 ALMOST A DAILY BASIS CONDUCTING SOME TYPE OF BUSINESS OR

1 RESEARCH AND HAD TO BE UNDISTURBED.

2 I -- I TOLD THEM THAT HE WAS OFFERING HIMSELF AS A --
3 OFFERING TO REPRESENT LEGALLY MEMBERS OF THE COMMUNITY IN
4 EXCHANGE FOR RETAINER FEES.

5 I TOLD THEM THAT HE HAD ALREADY EXPRESSED TO AT LEAST
6 ONE PERSON THAT HE HAD RESEARCHED THEIR HOLDINGS THROUGH
7 SOME LOCAL COMPUTER SYSTEM AND KNEW WHAT PROPERTIES THEY
8 OWNED AND WHAT TAX BRACKET THEY WERE IN, AND FOR A FEE HE
9 COULD REDUCE THEIR TAXATION.

10 I SAID THAT MY SOURCE OF INFORMATION WAS EXTREMELY,
11 EXTREMELY AFRAID, AND THAT NOTHING I COULD SAY COULD SEEM
12 TO ALLEVIATE ANY OF THE CALLER'S FEARS, AND -- BUT I
13 HAD -- I HAD TOLD THE CALLER THAT, OKAY, IF -- IF STEPHEN
14 STANKO IS A -- IS A CON ARTIST, THAT GENERALLY THEY
15 WOULD -- A CON ARTIST WOULD NOT BE -- DID NOT REPRESENT
16 PHYSICAL HARM. BUT -- SO NOTHING I DID COULD -- NOTHING I
17 SAID COULD ALLEVIATE THE CALLER'S FEARS.

18 AND CONVERSATION LASTED SEVERAL MINUTES. I DON'T
19 REMEMBER ALL I SAID, BUT I JUST TRIED TO CONVEY THAT
20 PERHAPS THIS PERSON WAS DANGER TO THE COMMUNITY.

21 Q SO YOU TRIED TO CONVEY TO THE PERSON TO WHOM YOU
22 SPOKE AT CONWAY PROBATION, PARDON, AND PAROLE, YOU GOT
23 A -- I HAVE GOT A REPORT I'M GIVING TO YOU, YOU HAVE GOT A
24 DANGEROUS CHARACTER--

25 MR. HEMBREE: YOUR HONOR, I OBJECT. IT'S

1 LEADING.

2 THE COURT: SUSTAINED. LEADING. YOU MAY
3 REPHRASE.

4 BY MR. KELLY:

5 Q WERE YOU ATTEMPTING TO RAISE THE ALARM WITH THEM?

6 MR. HEMBREE: OBJECT, YOUR HONOR. LEADING.

7 THE COURT: SUSTAINED. LEADING. YOU MAY
8 REPHRASE.

9 BY MR. KELLY:

10 Q WHAT WERE YOU INTENDING TO DO? I KNOW YOU DID YOUR
11 DUTY, MA'AM, BUT WHAT WERE YOU TRYING TO DO?

12 A WELL, I GET CALLS LIKE, YOU KNOW, CALLS FROM THE
13 PUBLIC ALL THE TIME, AND SOMETIMES THEY JUST -- I -- I
14 NEVER KNOW THE FULL CREDIBILITY OF THE CALLER ANY WAY. SO
15 I JUST CONVEY INFORMATION, AND I EXPECT -- I KNOW WHAT I
16 EXPECT. I DON'T KNOW WHAT THEY WANT TO DO, BUT I KNOW
17 WHAT I EXPECT.

18 Q WHAT DID YOU EXPECT IN THIS CASE WHEN YOU MADE
19 THIS...

20 A WELL, I EXPECTED THAT THE PROBATION OFFICER TO AT
21 LEAST TAKE A LOOK AT WHAT I HAD REPORTED. AND I EVEN
22 RECALL SAYING THAT IF YOU WANT TO FIND HIM, IF THE
23 INFORMATION I'M GIVING YOU IS CORRECT, JUST GO TO THE
24 LIBRARY.

25 SO I EXPECTED THAT -- THAT HIS FILE WOULD BE

1 CAREFULLY SCRUTINIZED AND THAT HE WAS -- SPECIAL ATTENTION
2 WOULD BE PAID TO HIM TO SEE IF IN FACT HE DID REPRESENT A
3 DANGER TO THE COMMUNITY.

4 Q DID THIS PERSON OR ANYBODY ELSE AT THAT PROBATION,
5 PARDON, AND PAROLE OFFICE IN CONWAY EVER CALL YOU BACK?

6 A NO.

7 Q DID ANY OFFICER OF LAW ENFORCEMENT IN THE STATE OF
8 SOUTH CAROLINA EVER CALL YOU BACK ON THIS ISSUE?

9 A NOT -- NO, NOT AT THAT -- NOT ABOUT THIS, NO. NO.
10 MUCH LATER WE GOT INTO SOMETHING ELSE.

11 Q AFTER LAURA LING'S MURDER THEN YOU GOT A CALL?

12 A WELL, I -- I -- WELL, THE CASE WAS TURNED OVER TO MY
13 OFFICE PERIOD I THINK BY THE -- BY LOCAL AUTHORITIES
14 BECAUSE IT APPEARED THAT HE HAD LEFT THE JURISDICTION AND
15 THE CASE WAS TURNED OVER, PERIOD.

16 BUT I DIDN'T GET A SPECIFIC -- OR I NEVER RECEIVED A
17 PHONECALL ABOUT MY PHONECALL IF THAT'S WHAT YOU'RE ASKING.
18 NO.

19 Q ABSOLUTELY. THAT IS WHAT I'M ASKING.

20 A OKAY. NO.

21 Q THAT WAS AN EYE-OPENER, WASN'T IT, WHEN THE STANKO
22 CASE ACTUALLY CAME ACROSS YOUR DESK IN YOUR OFFICE AFTER
23 YOU HAD MADE THIS REPORT IN JUNE OR JULY; WASN'T IT?

24 MR. HEMBREE: OBJECTION, YOUR HONOR. IT'S
25 LEADING.

1 THE COURT: SUSTAINED. LEADING. YOU MAY
2 REPHRASE.

3 BY MR. KELLY:

4 Q WHAT WAS YOUR REACTION WHEN THE STANKO CASE OF MURDER
5 AND FLIGHT AND RAPE AND KIDNAPPING CAME TO YOUR OFFICE?
6 WHAT WERE YOU -- WHAT WAS YOUR REACTION TO THAT?

7 A I'M NOT SURE I CAN DESCRIBE IT.

8 Q TRY TO DESCRIBE IT.

9 A WELL, I JUST SAID, YOU KNOW, WELL, THAT'S HIM. WHEN
10 I -- WHEN I GOT THE PAPERWORK, I SAID, THAT'S HIM, THAT'S
11 HIM, THAT'S THE GUY. WAIT. WAIT. NO. FIRST -- WHEN IT
12 WAS FIRST COMING THROUGH, I CAN -- JUST GLANCED AT IT. I
13 WAS ON MY WAY OUT OF THE OFFICE OR SOMETHING.

14 ABOUT LESS THAN FIVE MINUTES LATER I CAME BACK TO THE
15 OFFICE AND EVERYTHING WAS IN, AND I -- AND THAT'S WHEN I
16 REACTED THAT WAY, SAID, OH MY LORD, THAT'S HIM, THAT'S
17 HIM.

18 AND SO I IMMEDIATELY PLACED A CALL TO THE LIBRARY
19 BECAUSE I DID NOT KNOW AT THAT TIME WHO THE VICTIMS WERE
20 FOR SURE, AND SO I CALLED TO ASK FOR LAURA AND WAS TOLD
21 SHE WOULD NOT BE IN THAT DAY.

22 AND I THINK THAT'S WHEN IT -- I -- WELL, FROM THIS
23 POINT ON I DID NOT WORK IT. I HAD NOTHING ELSE TO DO WITH
24 THE CASE. SOMEONE ELSE TOOK IT OVER. I GUESS MY CHAIN OF
25 COMMAND FELT IT WAS BEST THAT I NOT.

1 AND SO I JUST MADE SURE I HANDLED OTHER THINGS SO
2 THAT -- I HANDLED OTHER CASES SO SOMEONE ELSE COULD DEVOTE
3 THEMSELVES TO THE STEPHEN STANKO CASE.

4 Q AND MAY I ASK, WAS THE DECISION OF YOUR CHAIN OF
5 COMMAND TO LET OTHERS HANDLE THIS CASE BASED ON
6 INFORMATION THAT YOU GAVE TO THEM OF YOUR PREVIOUS
7 INVOLVEMENT? DO YOU KNOW?

8 MR. HEMBREE: YOUR HONOR, I OBJECT. CALLS FOR
9 SPECULATION.

10 THE COURT: SUSTAINED. SPECULATION, UNLESS YOU
11 CAN LAY THE APPROPRIATE FOUNDATION TO THE QUESTION.
12 BY MR. KELLY:

13 Q MA'AM, I SURE DO APPRECIATE YOU COMING DOWN HERE.

14 A THANK YOU.

15 Q HAS ANYBODY BESIDES MY INVESTIGATORS EVER TRIED TO
16 FIND OUT FROM YOU THIS INFORMATION?

17 A I TALKED TO ATTORNEYS -- GENERAL COUNSEL AT THE
18 DEPARTMENT OF JUSTICE IN WASHINGTON DC AND I TALKED TO THE
19 US ATTORNEY'S OFFICE IN COLUMBIA. AND IT WAS JUST
20 GENERALLY, YOU KNOW, LIKE ANY OTHER CASE. THEY TOLD ME,
21 JUST MAKE SURE YOU ARE TRUTHFUL WHEN YOU TAKE THE STAND.

22 Q AND THAT WAS AFTER THE FACT THAT LAURA LING HAD BEEN
23 MURDERED, WASN'T IT, THAT YOU TALKED TO THEM?

24 A YES. YES. YES.

25 Q AND MA'AM, LET ME GET THIS DATE STRAIGHT NOW. WAS IT

1 JANUARY 26TH OR THEREABOUTS OF 2005?

2 A I'M SURE IT WAS.

3 Q AND DO YOU RECALL THAT LAURA LING -- LAURA LING'S
4 MURDER WAS IN APRIL THE EIGHTH OF THE SAME YEAR?

5 A YES.

6 MR. KELLY: I HAVE NO FURTHER QUESTIONS. YOUR
7 WITNESS.

8 THE COURT: ANY QUESTIONS FOR THE WITNESS?

9 MR. HEMBREE: YES, YOUR HONOR.

10 THE COURT: YOU MAY PROCEED.

11 CROSS-EXAMINATION

12 BY MR. HEMBREE:

13 Q MRS. MAYO, GOOD AFTERNOON.

14 A HELLO.

15 Q A COUPLE OF QUESTIONS. THE -- YOU INDICATED OR I
16 BELIEVE YOU INDICATED IN YOUR DIRECT TESTIMONY THAT WHEN
17 THIS SOURCE OR THIS CALLER CALLED INTO YOUR OFFICE WITH
18 THIS CONCERN, THAT YOU -- THAT YOU EXPLAINED TO THAT
19 SOURCE THAT THIS GUY WAS A CON MAN AND THAT TYPICALLY CON
20 MEN AREN'T VIOLENT, THEY ARE NOT DANGEROUS. IS THAT
21 CORRECT?

22 A OKAY.

23 Q TRIED TO CALM HER DOWN?

24 A SORT OF. THE FIRST -- BASED ON WHAT -- THE
25 INFORMATION THE CALLER GAVE ME, I CONCLUDED THAT -- THAT

1 HE WAS A CON MAN. OKAY. AND AT THAT TIME I DID -- I
2 DIDN'T DO THE RESEARCH UNTIL LATE -- LATER AFTER THE CALL.

3 Q RIGHT. BUT -- AND MAYBE I JUST MISUNDERSTOOD WHAT
4 YOU SAID.

5 A OKAY.

6 Q BUT AT SOME POINT I THOUGHT I HEARD YOU SAY THAT YOU
7 TRIED TO -- DID YOU TRY TO TELL THIS PERSON--

8 A UH-HUH.

9 Q -- THAT, YOU KNOW, CON MEN -- YOU KNOW, SETTLE DOWN,
10 CON MEN USUALLY AREN'T VIOLENT, YOU DON'T NEED TO BE SO
11 SCARED?

12 A THAT'S -- THAT'S WHAT I DID, YES.

13 Q OKAY. THAT WAS THE ADVICE YOU GAVE HER BASED ON YOUR
14 EXPERIENCE WITH CON MEN --

15 A YES.

16 Q -- LOTS OF CALLS ABOUT CON MEN THAT THE US MARSHAL
17 SERVICE GETS ALL THE TIME?

18 A YES.

19 Q UNDERSTAND. THANK YOU, MRS. MAYO.

20 THE COURT: ANY REDIRECT OF THE WITNESS?

21 MR. KELLY: YES, MA'AM.

22 THE COURT: YOU MAY PROCEED.

23 REDIRECT EXAMINATION

24 BY MR. KELLY:

25 Q WELL NOW, WHEN YOU CALLED PROBATION, PARDON, AND

1 PAROLE OFFICE IN CONWAY AND AFTER HAVING LOOKED UP STANKO,
2 DID YOU KNOW WHAT HIS RECORD WAS?

3 A I KNEW -- YES. I -- I COULD -- WELL, YES AND NO,
4 BECAUSE BASED ON INFORMATION I HAD RECEIVED
5 TELEPHONICALLY, THERE WAS SOME CONFLICT BETWEEN WHAT I
6 FOUND IN NCIC AND WHAT I HAD FOUND TELEPHONICALLY, BUT
7 I -- I HAD A -- ENOUGH.

8 Q DID YOU KNOW THAT HE HAD BEEN CONVICTED OF
9 KIDNAPPING, ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
10 NATURE, AS WELL AS BREACHES OF TRUST AND FRAUDULENT TAKING
11 OF PROPERTY? DID YOU KNOW ALL OF THAT?

12 A YES, I KNEW THAT BY THE TIME I SPOKE WITH PROBATION
13 AND PAROLE.

14 Q AND IS IT YOUR BELIEF THAT CERTAINLY SINCE HE WAS ON
15 PAROLE WITH THEM, THEY KNEW IT AS WELL?

16 A OH, YES, I -- I HAD TO THINK SO BECAUSE OF THE LAST
17 CONVICTION WAS FOR THOSE OFFENSES, AND SO QUITE NATURALLY
18 I ASSUME THAT THOSE WERE THE SAME CHARGES THAT HE WAS
19 BEING SUPERVISED ON, SAME CASE THAT HE WAS BEING
20 SUPERVISED ON.

21 Q WELL, DID -- DID THAT -- DOES THAT HISTORY THAT YOU
22 KNEW OF THEN, HISTORY OF HIS CONVICTIONS SOUND LIKE YOUR
23 NON-VIOLENT, AVERAGE CON MAN AT THAT POINT?

24 A NOT AT ALL.

25 MR. KELLY: I HAVE NOTHING FURTHER OF THIS

1 WITNESS.

2 THE COURT: ANY FURTHER QUESTIONS OF THE
3 WITNESS?

4 MR. HEMBREE: NO, YOUR HONOR.

5 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
6 EXCUSED?

7 MR. HEMBREE: NONE FROM THE STATE.

8 MR. KELLY: NONE, MA'AM.

9 THE COURT: MA'AM, YOU'RE EXCUSED.

10 THE WITNESS: THANK YOU.

11 THE COURT: YOU'RE WELCOME.

12 MR. KELLY: AND THANK YOU, MA'AM.

13 THE WITNESS: THANK YOU.

14 (WITNESS LEFT THE STAND.)

15 THE COURT: MADAM FORELADY, LADIES AND
16 GENTLEMEN, YOUR LUNCH HAS JUST ARRIVED. WE'RE GOING
17 TO BREAK FOR OUR LUNCHEON RECESS. DURING THE BREAK
18 PLEASE DO NOT DISCUSS THE CASE. PLEASE LEAVE YOUR
19 NOTEPADS IN YOUR SEAT, AND I WILL ADVISE YOUR
20 CUSTODIANS WHEN WE WILL BE RESUMING COURT.

21 (JURY LEFT THE COURTROOM AT 2:09 PM.)

22 THE COURT: IS THERE ANYTHING BEFORE WE BREAK
23 FOR LUNCH FROM THE STATE?

24 MR. HEMBREE: NOTHING FROM THE STATE.

25 THE COURT: FROM THE DEFENSE?

1 MR. KELLY: NO, MA'AM.

2 THE COURT: ALL RIGHT. ENJOY YOUR LUNCH. I
3 ASSUME IT WILL PROBABLY BE 40 MINUTES OR SO DEPENDING
4 ON HOW LONG IT TAKES THE JURY TO REFRESH THEMSELVES.

5 MR. KELLY: THANK YOU, MA'AM.

6 THE COURT: YOU'RE WELCOME. THANK YOU. MR.
7 KELLY, IF YOU NEED ANYTHING, YOU LET US KNOW.

8 MR. KELLY: YES, MA'AM. I WILL. THANK YOU.

9 (COURT WAS IN RECESS FOR LUNCH.)

10 THE COURT: IS THE STATE READY TO PROCEED?

11 MR. HEMBREE: YES, YOUR HONOR.

12 THE COURT: IS THE DEFENSE READY TO PROCEED?

13 MR. DIGGS: YES.

14 THE COURT: IF WE COULD -- IS THERE A REASON
15 THAT'S TURNED THAT WAY? OH, FOR THE JURY TO COME IN?

16 MR. DIGGS: IT'S GOING TO BE USED NOT IN THE
17 FIRST WITNESS BUT THE SECOND WITNESS, AND THE FIRST
18 WITNESS WILL BE VERY BRIEF.

19 THE COURT: OKAY. THAT SORT OF...

20 MR. DIGGS: DO YOU WANT ME TO MOVE IT AROUND?

21 THE COURT: WHERE IT'S AT RIGHT NOW REALLY
22 OBSTRUCTS MY VIEW OF THE COURTROOM, AND I -- YOU CAN
23 MOVE IT BACK THIS WAY IF YOU WANT, OR IS THAT GOING
24 TO CAUSE YOU ALL ANGST? PERFECT. THAT WORKS
25 PERFECTLY.

1 MR. KELLY, ARE YOU COMFORTABLE WHERE YOU ARE OR
2 DO YOU WANT TO MOVE BACK TO THE END WHERE YOU WERE
3 BEFORE?

4 MR. KELLY: MA'AM, IT'S JUST ONE SHORT WITNESS.

5 THE COURT: OKAY.

6 MR. KELLY: I MOVED HERE BEFORE I KNEW HE WOULD
7 COME IN.

8 THE COURT: NO, I WANT TO MAKE SURE YOU'RE
9 COMFORTABLE.

10 MR. KELLY: MA'AM, I AM COMFORTABLE.

11 THE COURT: OKAY. ALL RIGHT. BRING IN THE
12 JURY. I ASSUME THERE'S NOTHING WE NEED TO TAKE UP
13 BEFORE WE BRING IN THE JURY?

14 MR. HEMBREE: NOTHING FROM THE STATE, YOUR
15 HONOR.

16 THE COURT: OKAY. YOU CAN BRING IN THE JURY,
17 MADAM BAILIFF.

18 BAILIFF: THANK YOU.

19 THE COURT: YOU'RE WELCOME. THANK YOU.

20 (JURY ENTERED THE COURTROOM AT 3:28 PM.)

21 THE COURT: YOU MAY BE SEATED. LADIES AND
22 GENTLEMEN, I HOPE THAT YOU ALL HAD AN ENJOYABLE
23 LUNCH. WE WILL NOW RESUME WITH TESTIMONY. YOU MAY
24 PROCEED.

25 MR. KELLY: ATTORNEY TIMOTHY MEACHUM.

1 TIMOTHY MEACHUM, AFTER BEING DULY
2 SWORN, TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION

4 BY MR. KELLY:

5 Q MR. MEACHUM, I'M GERALD KELLY AND I THINK YOU AND I
6 JUST MET FOR THE FIRST TIME TODAY; IS THAT CORRECT?

7 A YES, SIR.

8 Q AND YOU ARE AN ATTORNEY AT LAW?

9 A THAT'S CORRECT.

10 Q AND HOW ARE YOU NOW EMPLOYED?

11 A RIGHT NOW I TEACH GOVERNMENT AT COASTAL CAROLINA
12 UNIVERSITY. I AM NOW RETIRED. AND I ALSO WORK AT THE
13 WELLNESS CENTER.

14 Q WHERE WERE YOU EMPLOYED DURING THE YEAR 2005 DURING
15 THE MONTHS FROM JANUARY UNTIL APRIL THE EIGHTH OF 2005?

16 A AT THE SOLICITOR'S OFFICE OF THE 15TH JUDICIAL
17 CIRCUIT.

18 Q AND WHAT WERE YOUR DUTIES?

19 A PROSECUTION OF CRIMINAL CASES.

20 Q LET ME ASK YOU TO LOOK AT THIS DOCUMENT, PLEASE. AND
21 TELL ME, IN YOUR -- DO YOU RECOGNIZE THAT?

22 A YES, SIR, I DO. I DO RECOGNIZE IT. YES, SIR.

23 Q PLEASE SHOW IT TO THE SOLICITOR.

24 MR. KELLY: I ASK IT BE ENTERED.

25 MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

1 THE COURT: IT'S MARKED AND ADMITTED WITHOUT
2 OBJECTION.

3 (WHEREUPON, DEFENDANT'S EXHIBIT 36 WAS ADMITTED
4 INTO EVIDENCE.)

5 THE COURT: IT'S MARKED WITHOUT OBJECTION. YOU
6 MAY CONTINUE.

7 BY MR. KELLY:

8 Q SHOW IT -- GIVE IT TO THE WITNESS, PLEASE. SIR,
9 IDENTIFY THIS FOR THE JURY.

10 A THIS IS THE ON CALL OR CORROBORATIVE CASE MANAGEMENT
11 SCHEDULE FOR SOLICITORS IN HORRY COUNTY.

12 Q AND IT WOULD BE FOR THE TIME PERIOD HERE FROM THE
13 BEGINNING OF JANUARY 205 (SIC) THROUGH THE 13TH OF
14 OCTOBER 205; CORRECT?

15 A YES, IT DOES. IT BEGINS JANUARY THE SEVENTH THROUGH
16 OCTOBER 13TH, 2005. THAT'S CORRECT.

17 Q NOW, THE ATTORNEYS IN THE SOLICITOR'S OFFICE ARE
18 LISTED THERE AS REPRESENTING CONSECUTIVE WEEKS OF THE
19 YEAR; IS THAT CORRECT?

20 A YES. YES, SIR.

21 Q AND WHAT DOES THAT MEAN?

22 A OUR ON CALL SCHEDULE OR WHEN CASES WOULD COME IN, WE
23 WOULD GO ON CALL, AND THEN THE NEXT ATTORNEY FOR THE
24 SUBSEQUENT WEEK WOULD TAKE THE ON CALL. AND THOSE CASES
25 WOULD BE THE CASES WE ADOPTED IN THE SOLICITOR'S OFFICE.

1 Q I NOTICE IN THE YEAR 2005 THE FIRST TIME THAT YOU
2 WERE ON CALL WAS THE WEEK OF MARCH THE 18TH THROUGH THE
3 24TH; IS THAT CORRECT?

4 A YES, SIR, THAT'S CORRECT.

5 Q AND WHAT DOES THAT MEAN YOUR DUTIES WOULD HAVE BEEN
6 AT THAT TIME?

7 A AT THE TIME WE ATTENDED BOND -- BOND COURT HEARINGS
8 IN HORRY COUNTY, HORRY COUNTY DETENTION CENTER. AND IN
9 ADDITION TO THAT WE SERVED AS ON CALL SOLICITORS TO ANSWER
10 QUESTIONS FROM LAW ENFORCEMENT AND ALSO SOME QUESTIONS
11 FROM THE GENERAL PUBLIC, DEPENDING UPON WHAT THE QUESTION
12 WAS.

13 Q AND THEN AFTER THAT, THE NEXT TIME THAT YOU'RE ON THE
14 LIST IS JUNE THE THIRD THROUGH JULY.

15 A YES, SIR, THAT -- THAT'S CORRECT.

16 Q AND THEN AGAIN IN AUGUST.

17 A YES, SIR.

18 Q DO YOU REMEMBER A CITIZEN NAMED CONNIE PRICE?

19 A I DO REMEMBER A CITIZEN CONNIE -- CONNIE PRICE.

20 Q AND TELL US HOW YOU WERE CONTACTED BY CONNIE PRICE
21 DURING THIS CALENDAR YEAR.

22 A WHAT I RECALL WAS THAT I SCHEDULED AN APPOINTMENT
23 WITH MS. PRICE TO TALK TO HER ABOUT A FORGERY CASE.
24 EITHER I RESCHEDULED -- HAD TO RESCHEDULE THAT APPOINTMENT
25 OR MY ASSISTANT RESCHEDULED THAT APPOINTMENT BECAUSE I WAS

1 IN COURT THAT DAY AND MET WITH HER SOME TIME IN APRIL IN
2 THE OFFICE.

3 Q THAT SOME TIME IN APRIL WOULD HAVE BEEN AFTER THE
4 MURDER OF LAURA LING; CORRECT?

5 A YES, SIR.

6 Q BUT THE FIRST APPOINTMENT WITH HER WOULD HAVE BEEN
7 PREVIOUS TO THAT EVENT; CORRECT?

8 A I DON'T KNOW THAT.

9 Q DO YOU HAVE ANY RECORD OF HER CALL?

10 A I DO NOT.

11 Q DO YOU THINK THAT IT WOULD HAVE BEEN--

12 A NOT IN MY POSSESSION I DO NOT.

13 Q EXCUSE ME?

14 A NOT IN MY POSSESSION I DO NOT.

15 Q WOULD THERE BE SUCH A RECORD?

16 A THERE COULD HAVE BEEN A NOTATION ON THE FILE IF SHE
17 CALLED WITH THE DATE, I PROBABLY WOULD HAVE MADE A
18 NOTATION ON THE FILE, BUT I DO NOT HAVE CUSTODY OF THOSE
19 FILES.

20 Q IF SHE HAD BEEN CALLING YOU TO DISCUSS STEPHEN STANKO
21 WITH YOU, THERE WOULD HAVE BEEN NO FILE IN YOUR OFFICE;
22 CORRECT?

23 A THAT'S CORRECT, YES, SIR.

24 Q AND DID YOU EVER SPEAK WITH HER AND DETERMINE WHAT
25 SHE WANTED TO TALK TO YOU ABOUT?

1 A I DID SPEAK WITH HER IN PERSON ON APRIL -- IN APRIL
2 LATE, MID-APRIL SOMETIME.

3 Q WELL, AT THAT TIME THE NAME OF STEPHEN STANKO WAS
4 WELL KNOWN TO YOUR OFFICE; RIGHT?

5 A YES, SIR. YES, SIR.

6 Q AND DID YOU EVER TALK TO HER PREVIOUS TO THE -- TO
7 APRIL THE EIGHTH AND DETERMINE THAT SHE WANTED TO SPEAK TO
8 YOU ABOUT STEPHEN STANKO PERHAPS AMONG OTHER ISSUES?

9 A I -- I DO NOT RECALL THAT.

10 Q DID YOU HAVE A SECRETARY?

11 A WE HAVE LEGAL ASSISTANTS.

12 Q AND DID YOU HAVE A PERSONAL LEGAL ASSISTANT YOURSELF?

13 A THE LEGAL ASSISTANTS WORK FOR THE SOLICITOR'S OFFICE,
14 BUT THEY ARE UNDER THE DIRECTION OF THE PARTICULAR
15 ASSISTANT SOLICITOR, YES.

16 Q AND WOULD THERE BE ANYONE IN PARTICULAR IN THAT
17 OFFICE WHO WOULD HAVE TAKEN, MAKE A NOTATION THAT -- THAT
18 A CITIZEN HAD CALLED YOU ABOUT A PARTICULAR ISSUE?

19 A YES. THAT WOULD BE A LEGAL ASSISTANT IF I WAS NOT IN
20 THE OFFICE, THAT'S CORRECT.

21 Q WHO WOULD THAT BE?

22 A THAT WOULD BE MELISSA GERARD.

23 Q MELISSA GERARD. DID -- IF I UNDERSTAND YOU CORRECTLY
24 YOU'RE SAYING THAT YOU DID HAVE AN APPOINTMENT WITH CONNIE
25 PRICE BUT YOU REALLY DIDN'T KNOW WHAT SHE WANTED AND

1 DIDN'T MEET WITH HER UNTIL AFTER THE DEATH OF LAURA LING;
2 IS THAT CORRECT?

3 A THAT'S MY RECOLLECTION, YES, SIR.

4 Q I HAVE NO FURTHER QUESTIONS.

5 THE COURT: ANY QUESTIONS FOR THE WITNESS?

6 MR. HEMBREE: VERY BRIEFLY, YOUR HONOR.

7 THE COURT: YOU MAY PROCEED.

8 CROSS-EXAMINATION

9 BY MR. HEMBREE:

10 Q MR. MEACHUM, YOU DID MEET WITH CONNIE PRICE.

11 A I DID.

12 Q AND DID SHE -- WITHOUT TELLING ME WHAT SHE SAID TO
13 YOU, DID SHE -- WAS SHE GIVEN A FULL OPPORTUNITY TO RELATE
14 HER STORY TO YOU?

15 A YES, SIR.

16 Q AND THIS MEETING TOOK -- DO YOU RECALL HOW LONG IT
17 TOOK?

18 A APPROXIMATELY 30 MINUTES TO AN -- PROBABLY ABOUT AN
19 HOUR.

20 Q OKAY. NOW, DID SHE PROVIDE DOCUMENTS TO YOU?

21 A SHE DID.

22 Q AND WHAT DID YOU DO ONCE YOU HAD -- ONCE YOU HAD
23 INTERVIEWED MS. PRICE AND HAD TAKEN -- AND SHE'D GIVEN YOU
24 COPIES OF HER DOCUMENTS; CORRECT?

25 A THAT'S CORRECT.

1 Q WHAT ACTION DID YOU TAKE?

2 A AT THAT TIME I TOLD HER THAT STEPHEN STANKO -- THE
3 CASE WAS BEING PROSECUTED BY YOU AND I GAVE HER THE NAME
4 OF STEVE BROWN, AN INVESTIGATOR IN OUR OFFICE WHO IN TURN
5 TOOK A STATEMENT FROM HER.

6 Q OKAY. SO YOU KIND OF TURNED THE WHOLE THING OVER TO
7 STEVE BROWN IN THE SOLICITOR'S OFFICE?

8 A YES, SIR, WHICH WOULD HAVE BEEN OUR PROCEDURE.

9 Q VERY GOOD. THANKS. THANKS VERY MUCH, MR. MEACHUM.

10 REDIRECT EXAMINATION

11 BY MR. KELLY:

12 Q MR. MEACHUM, YOU DIDN'T TAKE ANY DOCUMENTS OF CONNIE
13 PRICE BEFORE LAURA LING'S DEATH; DID YOU?

14 A NO, SIR.

15 Q DID YOU TURN HER OVER TO STEVE BROWN, INVESTIGATOR,
16 BEFORE LAURA LING'S DEATH?

17 A NO, SIR. MR. KELLY, I DON'T -- I DON'T RECALL
18 ACTUALLY HAVING CONVERSATIONS WITH HER DIRECTLY. I THINK
19 I RESCHEDULED AN APPOINTMENT OR MS. GERARD RESCHEDULED THE
20 APPOINTMENT.

21 Q AND THE ANSWER TO MY QUESTION IS NO?

22 A NO, SIR.

23 Q AND EVEN THOUGH IT WAS RESCHEDULED FROM YOUR OFFICE,
24 THERE IT WAS NO RECORD OF HER WANTING TO SPEAK TO YOU
25 ABOUT STEPHEN STANKO?

1 A NOT IN MY CUSTODY THERE WAS NOT.

2 Q BUT AFTER LAURA LING'S DEATH YOU KNEW THAT--

3 A I CERTAINLY DID, YES, SIR.

4 Q AND YOU LISTENED TO HER CLOSELY; DIDN'T YOU?

5 A YES, SIR. SHE SET THE APPOINTMENT FOR A FORGERY
6 CASE, AND AT THE TIME SHE BROUGHT THE ADDITIONAL DOCUMENTS
7 IN CONCERNING STEPHEN STANKO.

8 Q BUT NOT BEFORE LAURA LING'S MURDER?

9 A NO. NO, SIR. THAT WAS AFTER.

10 Q NO FURTHER QUESTIONS.

11 THE COURT: ANYTHING FURTHER?

12 MR. HEMBREE: NO, YOUR HONOR.

13 THE COURT: ANY EXCEPTION TO THE WITNESS BEING
14 EXCUSED FROM THE STATE?

15 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

16 THE COURT: FROM THE DEFENSE?

17 MR. KELLY: NO, MA'AM. WE'D ASK TO PUBLISH THE
18 EXHIBIT TO THE JURY.

19 THE COURT: SIR, YOU MAY BE EXCUSED. THANK YOU.

20 (WITNESS LEFT THE STAND.)

21 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

22 MR. DIGGS: YOUR HONOR, WE WOULD CALL JOSEPH WU.

23 DR. JOSEPH WU, AFTER
24 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

25 THE COURT: YOU MAY PROCEED.

1 MR. DIGGS: YOUR HONOR, WE WOULD AGAIN OFFER DR.
2 WU AS AN EXPERT IN PSYCHIATRY AND PET SCAN ANALYSIS.

3 THE COURT: ANY EXCEPTION, QUESTIONS OR
4 OBJECTIONS TO HIM BEING QUALIFIED AS AN EXPERT?

5 MR. HEMBREE: YOUR HONOR, I'D LIKE TO SEE DR.
6 WU'S CV. I'M SURE THAT I'M NOT GOING TO HAVE ANY
7 OBJECTIONS, BUT I DID WANT TO -- I CAN PROBABLY CUT
8 TO THE CHASE IF I JUST SEE HIS...

9 THE COURT: DO YOU HAVE A COPY OF YOUR CV, DR.
10 WU?

11 THE WITNESS: I HAVE A ELECTRONIC COPY. I DON'T
12 HAVE A HARD COPY THAT IS ON ME AT THIS TIME.

13 THE COURT: OKAY.

14 MR. DIGGS: YOUR HONOR, I WAS JUST -- I DON'T
15 HAVE IT WITH ME. I THOUGHT IT WAS IN THE FILE.

16 THE COURT: WE HAVE ONE. JUST A MOMENT. BEAR
17 WITH US.

18 (PAUSE WHILE MR. HEMBREE VIEWS DOCUMENT).

19 (MR. HEMBREE AND MR. DIGGS CONFERRING).

20 MR. HEMBREE: YOUR HONOR, WE WOULD AGREE THAT
21 DR. WU IS AN EXPERT IN THE FIELD OF PSYCHIATRY.
22 HOWEVER, THERE IS NO RECOGNIZED SUB-SPECIALTY IN THE
23 FIELD OF PET SCAN ANALYSIS.

24 THE COURT: AND WHAT AREA ARE YOU SEEKING TO
25 HAVE HIM--

1 MR. DIGGS: PET SCAN ANALYSIS. YOUR HONOR, I
2 WILL LAY A FOUNDATION. AND WE WOULD SUBMIT A
3 RECOGNIZED SPECIALTY WOULDN'T BE NECESSARY.

4 THE COURT: WELL, WE'RE SORT OF CROSSING MY LINE
5 ON SPEAKING OBJECTIONS. SO IF Y'ALL WOULD APPROACH.
6 THANK YOU.

7 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

8 THE COURT: YOU MAY PROCEED.

9 DIRECT EXAMINATION

10 BY MR. DIGGS:

11 Q DR. WU, DO YOU HAVE ANY EXPERIENCE IN PET SCAN
12 ANALYSIS?

13 A YES.

14 Q WOULD YOU GIVE US AN OVERVIEW OF WHAT THAT EXPERIENCE
15 IS, PLEASE SIR?

16 A YES. I'M A -- PUBLISHED APPROXIMATELY 50 PAPERS THAT
17 HAD USED PET SCAN ANALYSIS.

18 Q FIFTY PAPERS?

19 A YES, APPROXIMATELY 50 PAPERS.

20 Q BEFORE WE GET THERE, WHY DON'T WE TELL THE COURT WHAT
21 YOUR PRESENT JOB IS AT THE UCI BRAIN CENTER.

22 A YES, I AM THE CLINICAL DIRECTOR FOR THE UNIVERSITY OF
23 CALIFORNIA IRVINE BRAIN IMAGING CENTER, AND I--

24 Q NOW, WHAT -- WHAT DOES A BRAIN IMAGING CENTER DO?

25 A THE BRAIN IMAGING CENTER USES PET SCANS AND ANALYSIS

1 OF PET SCANS TO EVALUATE CLINICAL BRAIN PROBLEMS THAT
2 PATIENTS MAY HAVE.

3 Q ALL RIGHT. HOW MANY PET SCANS HAVE YOU EITHER
4 ADMINISTERED OR OVERSEEN OR CONDUCTED?

5 A I HAVE BEEN INVOLVED IN THE ADMINISTRATION AND
6 INTERPRETATION OF APPROXIMATELY 5000 BRAIN PET SCANS.

7 Q AND OVER HOW LONG A PERIOD OF TIME?

8 A I HAVE BEEN INVOLVED WITH THE ADMINISTRATION OF AND
9 INTERPRETATION OF BRAIN PET SCANS FOR APPROXIMATELY 20
10 YEARS.

11 Q IS THERE ANYTHING ELSE THAT YOU KNOW OF THAT CAN MAKE
12 YOU MORE KNOWLEDGEABLE ABOUT THE USE OF PET SCANS OR HOW
13 THAT -- THE PET SCAN IMAGING PROCESS AND HOW TO INTERPRET
14 THE RESULTS?

15 A WELL, I THINK THAT THE BEST WAY OF IT TO -- THROUGH
16 EXPERIENCE, AND I HAVE 20 YEARS OF -- WITH THOUSANDS OF
17 BRAIN PET SCANS AND I HAVE ANALYZED THROUGH MULTIPLE
18 MEANS, BOTH CLINICALLY AND RESEARCH-WISE, AND HAVING THESE
19 ANALYSIS SUBJECTED TO INDEPENDENT PEER REVIEW.

20 Q ALL RIGHT. LET'S GO OVER THAT AGAIN. WHAT IS
21 INDEPENDENT PEER REVIEW? WHAT DOES THAT MEAN? AND TELL
22 US WHAT ITS SIGNIFICANCE IS.

23 A WELL, INDEPENDENT PEER REVIEW MEANS THAT OTHER
24 SPECIALISTS IN THE FIELD OF PET SCAN ANALYSIS REVIEW THE
25 MANUSCRIPTS, ARTICLES AND BOOK CHAPTERS THAT I HAVE

1 WRITTEN IN WHICH I HAVE USED PET SCAN ANALYSIS AND HAVE
2 INDEPENDENTLY DETERMINED THAT THE ANALYSIS IS APPROPRIATE
3 AND WORTHY OF BEING PUBLISHED.

4 AND THIS IS THE QUALITY CONTROL THAT THE FIELD HAS.
5 IT'S THROUGH INDEPENDENT PEER REVIEW.

6 Q OKAY. AND TELL US AGAIN HOW MANY ARTICLES YOU HAVE
7 HAD PUBLISHED IN THIS PARTICULAR TOPIC.

8 A I HAVE HAD APPROXIMATELY 50 ARTICLES ON BRAIN PET
9 SCAN AND ANALYSIS THAT HAVE BEEN PUBLISHED.

10 Q NOW, HAVE YOU ALSO HAD AN OPPORTUNITY TO SERVE AS A
11 PEER REVIEWER?

12 A YES. I HAVE BEEN A PEER REVIEWER FOR SOME OF THE TOP
13 JOURNALS IN THE FIELD OF MEDICINE AND NEUROSCIENCE IN THE
14 FIELD OF BRAIN IMAGE ANALYSIS, AND SO I HAVE BEEN ASKED BY
15 EDITORS TO ANONYMOUSLY AND INDEPENDENTLY REVIEW OTHER
16 SCIENTISTS AND DOCTORS' ARTICLES THAT INVOLVE BRAIN IMAGE
17 ANALYSIS TO DETERMINE IF IT WAS SCIENTIFICALLY
18 APPROPRIATE.

19 AND IN ADDITION, I HAVE ALSO BEEN ASKED TO BE ON THE
20 NATIONAL INSTITUTE OF HEALTH SCIENTIFIC REVIEW COMMITTEE
21 TO LOOK AT BRAIN IMAGE ANALYSIS.

22 AS A MATTER OF FACT, I HAVE BEEN INVITED BY THE
23 NATIONAL INSTITUTE OF HEALTH TO SERVE ON THE NIH
24 SCIENTIFIC PEER REVIEW COMMITTEE MEETING THIS OCTOBER, AND
25 MY RESPONSIBILITY AT THE SCIENTIFIC REVIEWER FOR THE

1 FEDERAL GOVERNMENT WILL BE BRAIN IMAGE ANALYSIS REVIEW.

2 Q SO YOU CONSULT -- WHEN THE US GOVERNMENT WANTS TO
3 KNOW ABOUT THE CURRENT METHODOLOGY AND TECHNOLOGY IN PET
4 SCANS AND BRAIN SCANS, THEY CONSULT WITH AMONG OTHERS
5 YOURSELF?

6 A THAT'S CORRECT. I HAVE BEEN SELECTED BY THE US
7 FEDERAL GOVERNMENT NATIONAL INSTITUTE OF HEALTH TO BE ONE
8 OF THE REVIEWERS OF THIS SCIENTIFIC COMMITTEE THAT REVIEWS
9 OTHER SCIENTISTS' GRANTS THAT INVOLVE BRAIN IMAGE
10 ANALYSIS.

11 Q ALL RIGHT. AND SO YOU HAVE RECEIVED GRANT MONEY FROM
12 THE NIH, NATIONAL INSTITUTE OF HEALTH?

13 A YES. I HAVE RECEIVED OVER A MILLION DOLLARS WORTH OF
14 FUNDING FROM THE NATIONAL INSTITUTE OF HEALTH THAT INVOLVE
15 BRAIN IMAGE ANALYSIS.

16 MR. DIGGS: YOUR HONOR, WE WOULD OFFER DR. WU AS
17 AN EXPERT IN THE AREA OF PET SCAN ANALYSIS.

18 THE COURT: ANY QUESTIONS OR OBJECTIONS?

19 MR. HEMBREE: NO OBJECTIONS, YOUR HONOR.

20 THE COURT: SO ADMITTED. YOU MAY PROCEED.

21 BY MR. DIGGS:

22 Q NOW DR. WU, YOUR OPINION IN THIS CASE IS THAT STEPHEN
23 STANKO SHOWED AN ABNORMAL PET SCAN; CORRECT?

24 A YES.

25 Q AND YOU'RE AWARE THAT THERE ARE OPINIONS IN THE

1 RECORD IN THIS TRIAL THAT DIFFER FROM YOURS?

2 A YES.

3 Q LET'S TALK ABOUT HOW YOU WOULD EXPLAIN HOW THOSE
4 DIFFERENCES COULD OCCUR.

5 A YES.

6 Q ALL RIGHT. WHAT DO WE HAVE HERE? WOULD THE
7 POWERPOINT HELP YOU EXPLAIN YOUR TESTIMONY BETTER TO THE
8 JURY?

9 MR. HEMBREE: YOUR HONOR, I OBJECT TO THIS LINE
10 OF TESTIMONY AS PITTING.

11 MR. DIGGS: NO...

12 THE COURT: THE LINE OF QUESTIONING IS -- WELL,
13 APPROACH. I'M GOING TO OVERRULE THE OBJECTION BUT
14 WITH SOME INSTRUCTIONS.

15 MR. DIGGS: THANK YOU, YOUR HONOR.

16 (WHEREUPON A BENCH CONFERENCE WAS HELD.)

17 THE COURT: MADAM FORELADY, LADIES AND
18 GENTLEMEN, I HAVE A MATTER OF LAW I NEED TO TAKE UP
19 WITH THE ATTORNEYS. IT SHOULD BE VERY BRIEF. PLEASE
20 DO NOT DISCUSS THE CASE DURING THE BREAK AND PLEASE
21 LEAVE YOUR NOTEPADS IN YOUR SEATS.

22 (JURY LEFT THE COURTROOM AT 3:50 PM.)

23 THE COURT: YOU MAY BE SEATED. THERE HAS BEEN
24 AN OBJECTION INTERPOSED BY THE STATE TO MR. DIGGS'
25 LINE OF QUESTIONING AND I WILL REPEAT THE QUESTION AS

1 ASKED BY MR. DIGGS. IF YOU'LL BEAR WITH ME ONE
2 MOMENT.

3 THE LINE OF QUESTIONING THAT TOOK PLACE WAS, NOW
4 DR. WU -- IT JUMPS UP EVERY TIME SHE STARTS TYPING.
5 NOW, DR. WU, YOUR OPINION IN THIS CASE IS THAT
6 STEPHEN STANKO SHOWED AN ABNORMAL PET SCAN; CORRECT?
7 YES.

8 AND YOU'RE AWARE THAT THERE ARE OPINIONS IN THE
9 RECORD IN THIS TRIAL THAT DIFFER FROM YOURS. YES.
10 LET'S TALK ABOUT HOW YOU WOULD EXPLAIN HOW THOSE
11 DIFFERENCES COULD OCCUR.

12 AND HIS ANSWER WAS, YES. ALL RIGHT. THEN HE
13 WENT ON TO TALK ABOUT EXPLAINING IT WITH THE
14 POWERPOINT, AND MR. HEMBREE OBJECTED. BASIS OF THE
15 OBJECTION WAS PITTING.

16 THE COURT DID NOT AT THAT TIME SUSTAIN THE
17 OBJECTION BUT WAS GOING TO GIVE THE PARTIES SOME
18 ADDITIONAL INSTRUCTION AS TO HOW THE QUESTIONS NEEDED
19 TO BE PHRASED.

20 IN REFLECTION AND UPON REVIEWING THE LINE OF
21 QUESTIONING, I'M GOING TO SUSTAIN THE OBJECTION. IT
22 IS BY ITS VERY NATURE PITTING. AND THE DEFINITION OF
23 PITTING AND THE REASON IT IS IMPROPER LIES IN THE
24 NATURE OF THE QUESTION ITSELF.

25 IT'S THE TYPE OF QUESTION THAT DOES NOT CALL FOR

1 AN ANSWER. IT IS A TYPE OF QUESTION WHICH REQUIRES A
2 WITNESS TO EXPLAIN THE TRUTHFULNESS OR TESTIMONY IN
3 AN ADVERSE WITNESS.

4 I UNDERSTAND THAT YOU WANT DR. WU TO TESTIFY.
5 THAT DOES NOT CAUSE ME ANY CONCERN. I THINK HE IS
6 ENTITLED TO TESTIFY. I THINK HE'S ENTITLED TO TALK
7 ABOUT HOW HE THINKS MR. STANKO'S BRAIN FUNCTIONS.

8 HE IS ENTITLED TO REVIEW HOW -- WHAT HIS
9 PERCEPTIONS ARE AND HIS EXPERT OPINION REGARDING HIS
10 INTERPRETATION OF MR. STANKO'S PET SCAN.

11 BUT ANY QUESTIONS THAT RELATE TO HIM COMMENTING
12 ON THE TRUTHFULNESS OR TESTIMONY OF AN ADVERSE
13 WITNESS IS BY ITS VERY NATURE PITTING, AND I'M GOING
14 TO SUSTAIN THE OBJECTION.

15 NOW, YOU CAN REPHRASE IT TO ELICIT THE TESTIMONY
16 I ASSUME YOU'RE TRYING TO ELICIT. AND THERE'S A WAY
17 TO DO IT, JUST NOT THE WAY YOU PHRASED IT.

18 MR. DIGGS: WHAT I'M GETTING AT IS NOT WITH
19 RESPECT TO THE WITNESS'S TRUTHFULNESS AT ALL. WHAT
20 WE'RE TALKING ABOUT IS HIS METHODOLOGY AND THE WAY HE
21 WENT ABOUT--

22 THE COURT: YOU DIDN'T ASK THE QUESTION THAT
23 WAY.

24 MR. DIGGS: OKAY. THANK YOU.

25 THE COURT: BECAUSE THE WAY YOU PHRASED IT WAS

1 PITTING.

2 MR. DIGGS: I UNDERSTAND.

3 THE COURT: BECAUSE YOU DID -- THE QUESTION BY
4 ITS VERY NATURE ELICITED -- AND WHEN YOU SAY, YOU'RE
5 AWARE THAT THERE IS TESTIMONY THAT IS DIFFERENT FROM
6 YOURS.

7 MR. DIGGS: NO, YOUR HONOR. IT WAS AN OPINION
8 THAT WAS DIFFERENT.

9 THE COURT: TESTIMONY IS -- IT'S SWORN
10 TESTIMONY.

11 MR. DIGGS: IT'S NOT HIS TRUTHFULNESS. I MEAN,
12 I DON'T UNDERSTAND HOW HE CAN BE UNTRUTHFUL ABOUT
13 WHAT AN OPINION IS. WHAT YOU CAN BE IS WRONG ABOUT
14 HOW YOU REACH IT.

15 THE COURT: THAT'S WHAT --

16 MR. HEMBREE: AND YOUR HONOR--

17 THE COURT: I DON'T CARE HOW YOU PHRASE IT OR
18 CUT IT, MR. DIGGS, AND I'M NOT GOING TO WASTE A WHOLE
19 LOT OF TIME DEBATING IT BECAUSE I HAVE RULED AND I'VE
20 GIVEN YOU YOUR INSTRUCTION.

21 WHEN YOU -- WHEN YOU ARE ASKING A WITNESS TO
22 EXPLAIN THE TRUTHFULNESS OF THE TESTIMONY OF AN
23 ADVERSE WITNESS, IT'S PITTING. AND JUST STAY AWAY
24 FROM IT.

25 THERE'S A WAY FOR YOU TO PHRASE AND TO ELICIT --

1 I HAVE NO PROBLEM WITH YOU TALKING ABOUT DR. WU'S
2 METHODOLOGY, HOW HE REACHED HIS METHODOLOGY, WHY HE
3 REACHED THE CONCLUSIONS THAT HE REACHED. I THINK
4 THAT IS ALL FERTILE GROUND AND YOU CAN EXPLORE IT.
5 JUST STAY AWAY FROM PITTING.

6 AND QUITE FRANKLY, IT WAS DONE A LOT IN THE
7 GUILT PHASE AND NOBODY OBJECTED. AND I EXPLAINED TO
8 YOU ALL IT WAS NOT MY JOB TO OBJECT. IF NO ONE
9 INTERPOSES AN OBJECTION, I'M NOT GOING TO INTERPOSE
10 MYSELF INTO THE QUESTIONING.

11 I ASSUME IF YOU ALL LET IT COME IN, THERE WAS A
12 REASON AND THERE WAS A STRATEGIC REASON, SO I STAY
13 OUT OF IT.

14 MR. HEMBREE: YOUR HONOR, THERE'S JUST TO TAKE
15 -- I DON'T KNOW IF YOU SEE THIS OR NOT.

16 THE COURT: I CAN SEE IT.

17 MR. HEMBREE: BUT EVEN -- I MEAN, THE SLIDES
18 THAT DR. WU IS OFFERING TO THE JURY SAYS, DR. SPICER.
19 I MEAN, THERE'S -- HE IS -- HE IS CLEARLY--

20 THE COURT: PITTING.

21 MR. HEMBREE: -- PITTING AGAINST DR. SPICER.

22 MR. DIGGS: YOUR HONOR, WAIT A MINUTE --

23 MR. HEMBREE: -- AND FURTHERMORE, YOUR HONOR, WE
24 HAVE NOT BEEN PROVIDED THESE DOCUMENTS IN DISCOVERY,
25 SO I HAVE NO IDEA WHAT WE'RE GOING TO BE LOOKING AT

1 HERE AND WHAT THEY'RE GOING TO BE OFFERING TO THIS
2 JURY IN THE DOCUMENTS.

3 *THE COURT:* OKAY. IF IT'S A FOUNDATIONAL
4 MATTER, YOU NEED TO PROVIDE HIM WITH WHAT YOU PLAN TO
5 USE BECAUSE HE'S ENTITLED TO--

6 *MR. DIGGS:* WELL, YOUR HONOR, WHAT WE HAD
7 PLANNED TO USE WAS THE DISK THAT DR. SPICER USED.
8 AND WE HAVE ASKED FOR IT FOR THREE DAYS AND IT
9 HASN'T -- I HAVE BEEN PROMISED DAY AFTER DAY AFTER
10 DAY THAT IT WAS GOING TO COME. IT HASN'T.

11 SO FINALLY I GOT A TELEPHONE NUMBER FOR DR.
12 SPICER.

13 *THE COURT:* SIR, IS YOUR ANSWER THAT THEY
14 ALREADY HAVE WHAT YOU ARE GOING TO USE?

15 *MR. DIGGS:* YES. WELL, THEY CERTAINLY -- THEY
16 HAVEN'T SEEN THE POWERPOINT BECAUSE DR. WU--

17 *THE COURT:* IF YOU HAVE IN ANY WAY MODIFIED IT,
18 THEY ARE ENTITLED TO IT. IT'S A REPORT THAT YOU PLAN
19 TO USE--

20 *MR. DIGGS:* IT'S NOT A REPORT, YOUR HONOR, WITH
21 ALL DUE RESPECT.

22 *THE COURT:* IT'S A POWERPOINT. IT'S A REPORT.

23 *MR. DIGGS:* IT'S A POWERPOINT.

24 *THE COURT:* THEY'RE ENTITLED TO IT UNDER THE
25 RULES.

1 MR. DIGGS: ALL RIGHT.

2 THE COURT: YOU ARE GOING TO PROVIDE IT TO THEM.

3 MR. DIGGS: ALL RIGHT.

4 THE COURT: I'M GOING TO GIVE THEM THE
5 OPPORTUNITY TO REVIEW IT. WE'RE GOING TO BE AT EASE
6 AND THEN WE'LL TALK ABOUT IT JUST A LITTLE FURTHER.

7 MR. DIGGS: YOU WANT TO --

8 THE COURT: THANK YOU.

9 MR. DIGGS: WE DON'T HAVE A HARD COPY. HE WILL
10 HAVE TO RUN IT.

11 THE COURT: YOU CAN LOOK AT IT RIGHT HERE IN THE
12 COURTROOM WHERE IT IS.

13 MR. HEMBREE: THANK YOU. BE GLAD TO.

14 THE COURT: DR. WU, YOU MAY STEP DOWN. PLEASE
15 DON'T DISCUSS YOUR TESTIMONY. I DON'T WANT YOU
16 SITTING THERE FEELING LIKE YOU'RE ON THE HOT SEAT.

17 MR. DIGGS: YOUR HONOR, HE'S GOING TO HAVE TO
18 SWITCH THE PAGES.

19 THE COURT: THAT'S FINE. IF YOU ALL NEED HIS
20 ASSISTANCE IN DOING IT, THAT'S FINE. I HAVE NO
21 PROBLEM WITH THAT.

22 (WHEREUPON THERE WAS A PAUSE.)

23 MR. HEMBREE: JUDGE JEFFERSON --

24 THE COURT: WE'RE STILL AT EASE. GIVE ME AN
25 OPPORTUNITY TO REVIEW WHAT THE DEFENSE...

1 MR. HEMBREE: WELL, JUST AFTER REVIEWING THE
2 SLIDES -- THE SLIDES -- MANY OF THE SLIDES,
3 PARTICULARLY IN THE LAST--

4 THE COURT: ARE YOU MAKING ADDITIONAL ARGUMENT?

5 MR. HEMBREE: I GUESS I'M MAKING ADDITIONAL
6 ARGUMENT, YOUR HONOR.

7 THE COURT: HAVE TO WAIT. WE ARE STILL AT EASE
8 UNTIL WE ARE BACK IN SESSION AND THEN I WILL HEAR
9 ANYTHING YOU HAVE TO SAY.

10 (WHEREUPON THERE WAS A PAUSE.)

11 MR. DIGGS: YOUR HONOR?

12 THE COURT: I'M NOT READY TO HEAR ADDITIONAL
13 ARGUMENT. I WILL LET YOU KNOW WHEN I AM.

14 (WHEREUPON THERE WAS A PAUSE.)

15 THE COURT: BE GLAD TO HEAR ANY ADDITIONAL
16 ARGUMENT NOW THAT THE STATE HAS HAD THE OPPORTUNITY
17 TO REVIEW THE POWERPOINT. YOU MAY PROCEED.

18 MR. HEMBREE: YES, YOUR HONOR. WE'VE REVIEWED
19 THE POWERPOINT. APPROXIMATELY THE FIRST QUARTER TO
20 THIRD OF THE POWERPOINT HAS TO DO DIRECTLY WITH DR.
21 SPICER'S ANALYSIS AND DR. WU USING THESE SLIDES TO
22 CONTRADICT DR. SPICER'S ANALYSIS.

23 WE WOULD -- WE WOULD MOVE IN LIMINE THAT THIS BE
24 RESTRICTED, THAT THIS IS AN IMPROPER LINE OF
25 QUESTIONING BECAUSE IT'S PITTING.

1 I ASKED -- ALTHOUGH WE DIDN'T TAKE A PROFFER, I
2 EVEN -- I ASKED DR. WU WHAT THE PURPOSE OF THE SLIDES
3 WERE FOR, IF THAT WAS TO ADDRESS DR. SPICER'S -- DR.
4 SPICER'S OPINIONS, AND HE WAS VERY FORTHRIGHT AND
5 INDICATED ON THE SLIDES THAT DID ADDRESS THOSE WHICH
6 ONES DID.

7 AND I WOULD HAVE TO GO BACK THROUGH THEM AGAIN
8 TO TELL YOU -- YOU KNOW, I DIDN'T NUMBER THEM AT THE
9 TIME. I'M JUST HAVING TO LOOK AT THEM KIND OF ON THE
10 FLY. BUT I KNOW THAT WE CAN LOCATE THOSE AND MAYBE
11 START THE PRESENTATION AFTER THAT SLIDE -- THOSE
12 SLIDES ARE PRESENTED.

13 YOUR HONOR, THE REST OF THE SLIDES HAVE TO DO
14 WITH DR. WU'S OPINION ON THE FRONTAL LOBE DAMAGE. WE
15 SEE SOME OF THE SLIDES THAT HE SHOWED IN THE FIRST
16 PRESENTATION AS WELL AS SOME ADDITIONAL SLIDES, IN
17 ADDITION, SOME OF HIS CONCLUSIONS AS A RESULT OF HIS
18 ANALYSIS OF THAT FRONTAL LOBE DAMAGE AND WHAT THAT
19 MEANS.

20 IT'S ESSENTIALLY THE SAME TESTIMONY THAT WE HAVE
21 HEARD IN THE FIRST PHASE. IT'S JUST PACKAGED A
22 LITTLE DIFFERENTLY. I DON'T OBJECT TO THAT BASED
23 ON -- BASED ON MY OBJECTION, PITTING.

24 I DON'T KNOW -- OF COURSE, WE DON'T -- I DON'T
25 HAVE ANY OBJECTION TO THAT LINE OF QUESTIONING AT

1 THIS POINT IN TIME. BUT ONE OTHER -- THAT'S THE
2 EXTENT OF MY ARGUMENT, JUDGE.

3 ONE OTHER JUST SORT OF MATTER TO PUT ON THE
4 RECORD ABOUT DR. SPICER'S DVD THAT HE HAD THESE
5 IMAGES ON. AND MR. DIGGS IS CORRECT. HE HAS
6 REQUESTED THAT AND WE HAD REQUESTED THAT.

7 IT WAS TO BE -- AND WE -- WE -- KNOWING THAT
8 THERE WAS A SENSE OF URGENCY ON THIS, WE INVITED MR.
9 DIGGS AND HIS FOLKS TO GO TO CHARLESTON, SEND
10 SOMEBODY DOWN TO CHARLESTON AND PICK IT UP.

11 DR. SPICER HAD IT THERE. SAID, YOU CAN COME TO
12 MY HOUSE OR COME TO MY OFFICE AND PICK IT UP OR I
13 WILL FEDERAL EXPRESS IT TO YOU, AND IT WAS SUPPOSED
14 TO HAVE BEEN FEDERAL EXPRESSED BACK HERE TODAY. I
15 KNOW THAT. WE HAVE ALL BEEN WAITING ON IT TODAY. IT
16 JUST HASN'T ARRIVED.

17 SO I JUST SAY ALL THAT TO SAY THAT IT'S NOT SOME
18 EFFORT ON THE PART OF THE STATE TO, YOU KNOW, NOT
19 PROVIDE IT OR SEE THAT IT DOESN'T GET PROVIDED TO MR.
20 DIGGS.

21 WE'VE ALLOWED HIM A NUMBER OF DIFFERENT WAYS TO
22 OBTAIN THAT. IT JUST HASN'T GOTTEN HERE BY FEDERAL
23 EXPRESS.

24 THE COURT: ANY FURTHER ARGUMENT REGARDING THE
25 MOTIONS?

1 MR. DIGGS: YOUR HONOR, ARE YOU SPEAKING TO ME?

2 THE COURT: YES, SIR.

3 MR. DIGGS: WHAT WE WANT TO DO WITH THIS WITNESS
4 IS TO POINT OUT THAT DR. SPICER USED A PARTICULAR
5 KIND OF SOFTWARE IN HIS ANALYSIS IN ORDER TO PRODUCE
6 THE IMAGES THAT HE SHOWED IN THIS COURT DURING THE
7 TRIAL AND UPON WHICH HE BASED AN OPINION AS TO THE
8 NORMAL STATE OF THE -- OR THE NORMAL PET SCAN OF
9 MR. STANKO.

10 WE ARE NOT TRYING TO CHALLENGE IN ANY WAY THE
11 TRUTHFULNESS OF DR. SPICER'S TESTIMONY, BUT ONLY
12 SPEAK TO THE METHODOLOGY THAT WAS USED IN WHETHER OR
13 NOT IT WAS IN THIS WITNESS'S OPINION VALID IN ORDER
14 TO PRODUCE--

15 THE COURT: TRUTHFULNESS BY ITS VERY NATURE?
16 YOU'RE SAYING HIS METHODOLOGY WAS FLAWED IN SOME WAY.
17 THAT'S VORACITY. THAT'S TRUTHFULNESS. THAT'S
18 BELIEVABILITY AND CREDIBILITY. I DON'T THINK THEY
19 GET AROUND IT.

20 MR. DIGGS: WELL, YOUR HONOR, MAKE A PROFFER--

21 THE COURT: DO YOU WANT TO TALK ABOUT -- IF
22 YOU -- I DON'T HAVE A PROBLEM WITH YOU HAVING HIM
23 WITHIN THE AREA OF HIS KNOWLEDGE TESTIFYING ABOUT THE
24 DIFFERENT METHODOLOGIES THAT PEOPLE USED WITHOUT
25 COMMENTING ON THE TRUTHFULNESS OF DR. SPICER'S.

1 MR. DIGGS: HOW ABOUT IF I PHRASE IT THIS WAY.
2 ARE YOU FAMILIAR WITH THE SOFTWARE THAT WAS USED BY
3 DR. SPICER TO INTERPRET THE MUSC DATA? AND HE CAN
4 ANSWER. AND THEN I WOULD ASK HIM, IS THAT AN
5 APPROPRIATE USE FOR THAT SOFTWARE.

6 THE COURT: SEE, THAT'S THE TRUTHFULNESS ISSUE.
7 I THINK THAT YOU CAN -- I THINK THAT YOU CAN TALK TO
8 HIM ABOUT THE METHODOLOGIES THAT ARE USED. I DON'T
9 HAVE A PROBLEM WITH THAT.

10 I DON'T HAVE A PROBLEM WITH YOU TALKING TO HIM
11 ABOUT HOW HE INTERPRETS MR. STANKO'S PET SCAN AND
12 WHAT HIS OPINIONS ARE REGARDING THAT, YOU KNOW. BUT
13 IF YOU WANT TO START TALKING ABOUT -- IF YOU WANT TO
14 IMPEACH DR. SPICER'S CREDIBILITY AND YOU WANT TO
15 IMPEACH THE METHODOLOGY HE USED, YOU NEED TO HAVE HIM
16 HERE.

17 MR. DIGGS: WE'VE JUST ISSUED A SUBPOENA FOR
18 HIM.

19 THE COURT: AND YOU CAN ASK HIM ALL ABOUT HIS
20 METHODOLOGY, AND I'M CERTAIN DR. WU WILL--

21 MR. DIGGS: THANK YOU.

22 THE COURT: -- GIVE YOU ALL THE INFORMATION YOU
23 NEED TO DO IT.

24 MR. DIGGS: WE WILL DO THAT. THANK YOU.

25 THE COURT: I THINK THAT IS THE PROPER WAY TO DO

1 IT. BUT YOU KNOW, AND I'M NOT, YOU KNOW, I FEED
2 EVERYBODY OUT THE SAME SPOON. Y'ALL HAVE BEEN WITH
3 ME NOW JUST SHY OF THREE WEEKS. AND, YOU KNOW,
4 PITTING IS PITTING.

5 AND WHENEVER YOU ASK ANYONE TO COMMENT ON THE
6 TRUTHFULNESS OF SOMEONE ELSE'S TESTIMONY -- AND I
7 DON'T CARE HOW YOU PHRASE IT.

8 WHEN YOU SAY, WAS THIS THE METHODOLOGY DR.
9 SPICER USED, IS THIS THE SOFTWARE HE USED, IS THAT A
10 CORRECT USAGE FOR IT -- BY THE VERY NATURE OF USING
11 THE WORD, CORRECT USAGE, THAT -- THAT BRINGS INTO
12 PLAY VORACITY, BELIEVABILITY, AND CREDIBILITY, AND
13 THAT'S PITTING.

14 NOW, IT'S -- THINK IT'S RESOLVED IF YOU ARE
15 GOING TO BRING DR. SPICER BECAUSE I THINK YOU CAN
16 TALK TO HIM ALL DAY LONG ABOUT THE METHODOLOGY HE
17 USED AND IMPEACH IT IF THAT IS YOUR DESIRE.

18 MR. DIGGS: ALL RIGHT. AND I WOULD ASK DR. WU
19 REMAIN IN TOWN UNTIL AFTER THAT'S OVER AND I CAN PUT
20 HIM--

21 THE COURT: WELL, THAT'S UP TO YOU. I DON'T
22 HAVE ANY CONTROL OVER--

23 MR. DIGGS: AND YOUR HONOR, CAN YOU ASSIST US IN
24 DELIVERING THAT SUBPOENA? CAN WE HAVE IN SOME WAY
25 THE SHERIFF'S OFFICE IN CHARLESTON COUNTY TO DELIVER

1 THAT SUBPOENA TODAY?

2 *THE COURT:* I HAVE NO CONTROL OVER IT. I HAVE
3 NO HANDLE IN THAT DEPARTMENT. I DO NOT KNOW WHAT
4 THEIR SCHEDULE IS FOR THE SERVICE OF PROCESS, AND I
5 WOULD SUGGEST YOU CONTACT THEM. THEY DON'T ASK TO
6 CONTROL MY COURTROOM AND I DON'T ASK TO CONTROL THEIR
7 DEPARTMENT.

8 I AM CERTAIN, HOWEVER, THAT THEY WILL DO ALL
9 THAT THEY CAN TO ASSIST YOU BECAUSE THEY ARE
10 EXTREMELY ACCOMMODATING.

11 *MR. DIGGS:* YOUR HONOR, WE WANT TO MAKE A
12 PROFFER WHILE THE JURY IS OUT, IF I MAY.

13 *THE COURT:* CERTAINLY. YOU MAY PROCEED.

14 BY MR. DIGGS:

15 Q DR. WU, ARE YOU FAMILIAR WITH THE TYPE OF SOFTWARE
16 THAT WAS USED BY DR. SPICER IN ORDER TO ARRIVE AT HIS
17 OPINION IN THIS CASE?

18 A YES.

19 Q WHAT KIND OF SOFTWARE DID HE USE?

20 A THE SOFTWARE THAT DR. SPICER USED WAS A SOFTWARE
21 CALLED HERMES BRASS SOFTWARE, BRAIN REGISTRATION AND
22 ANALYSIS SOFTWARE SUITE.

23 Q AND WHAT ARE THE RECOMMENDED USES BY THE MANUFACTURER
24 FOR THAT SOFTWARE?

25 A WELL, THE RECOMMENDED USE OF THIS SOFTWARE IS USED

1 WITH A DATABASE, A COMPLEX SOFTWARE. THAT DATABASE IS
2 COMPOSED OF INDIVIDUALS AT REST. AND SO SINCE
3 MR. STANKO'S PET SCAN WAS NOT A PET SCAN DONE AT REST, IT
4 WAS AN ACTIVATED PET SCAN, IT WILL BE AN INVALID
5 COMPARISON TO USE A BRASS SOFTWARE WITH AN AT REST
6 DATABASE TO COMPARE THAT TO A PET SCAN OF A CLINICAL
7 SUBJECT UNDER AN ACTIVATED STATE.

8 THESE ARE -- ARE APPLES AND ORANGES. AND -- AND THEY
9 CANNOT BE PROPERLY COMPARED BECAUSE THEY'RE DONE IN TWO
10 DIFFERENT CONDITIONS.

11 Q WHAT KIND OF CONDITIONS ARE RECOMMENDED FOR USE WITH
12 THE HERMES SOFTWARE?

13 A FOR THE HERMES SOFTWARE IN ORDER TO USE THIS TO
14 COMPARE A CLINICAL INDIVIDUAL, THAT CLINICAL INDIVIDUAL'S
15 PET SCAN HAS TO BE ACQUIRED FROM THE SAME CONDITION AS THE
16 CONTROL DATABASE.

17 Q NOW, IN THE HERMES DATABASE, WHAT ARE CONTROL
18 CONDITIONS?

19 A THE CONTROL CONDITIONS WERE SUBJECTS AT REST.

20 Q OKAY. AND BY, AT REST, CAN YOU DESCRIBE THAT FOR ME?

21 A WELL, AT REST WOULD MEAN THAT THEY'RE NOT ENGAGED IN
22 ANY ACTIVATION PROCEDURE SUCH AS A COMPUTERIZED
23 PERFORMANCE -- CONTINUANCE PERFORMANCE TEST. THEY ARE
24 BASICALLY ASKED TO LIE IN A ROOM AND -- AND WITHOUT ANY
25 FORM OF STIMULATION OR -- THAT IS PROVIDED TO THEM BY THE

1 EXPERIMENTER.

2 Q NOW, WHAT WERE THE CONDITIONS FOR MR. STANKO DURING
3 HIS PET SCAN OR AT THE TIME OF HIS PET SCAN?

4 A MR. STANKO DURING THE TIME OF HIS PET SCAN WAS
5 UNDERGOING A CONTINUOUS PERFORMANCE TEST WHICH IS A
6 ACTIVATION TASK WHICH IS MARKEDLY DIFFERENT FROM A PET
7 SCAN ACQUIRED UNDER A REST STATE OR CONDITION.

8 Q NOW, IN PRODUCING THE PET SCAN IMAGE THAT'S BEEN
9 INTRODUCED INTO EVIDENCE IN THIS CASE FROM YOU, THAT YOU
10 PRODUCED AT OUR REQUEST, DID YOU USE HERMES SOFTWARE?

11 A NO, I DID NOT USE HERMES SOFTWARE.

12 Q WHAT DID YOU USE?

13 A WELL, I USED SOFTWARE CALLED AVINCI TO LOOK AT THE
14 IMAGE, AND THIS IS A DICOM VIEWER SOFTWARE.

15 Q NOW, IN FACT, DOES IT HAVE A DATABASE WITH IT?

16 A AVINCI DOES NOT COME WITH A DATABASE.

17 Q OKAY. AND SO YOUR TEST, HOWEVER, DID HAVE A
18 DATABASE; DID IT NOT?

19 A WE HAVE NORMAL CONTROLS AT OUR CENTER THAT WERE
20 ACQUIRED UNDER A CONTINUANCE PERFORMANCE TEST CONDITION.

21 Q ARE THOSE TIGHTLY CONTROLLED, THOSE CONDITIONS?

22 A YES, THEY ARE.

23 Q SO THAT YOUR DATABASE -- YOUR -- YOU'RE SURE THAT THE
24 DATABASE CONTAINS ONLY IMAGES THAT ARE CONSISTENT AND IN
25 CONFORMITY WITH THE PROCEDURES THAT WERE USED IN

1 MR. STANKO'S CASE AT MUSC?

2 A YES. AND THE DATABASE THAT CONTROLS THAT WE COMPARED
3 MR. STANKO'S IMAGE TO WERE ACQUIRED UNDER THE SAME KIND OF
4 ACTIVATION CONDITION OF A CPT AND SO ARE DIRECTLY
5 COMPARABLE.

6 MR. DIGGS: YOUR HONOR, THAT WOULD BE BASICALLY
7 THE SHOWING. AND AGAIN--

8 THE COURT: QUITE FRANKLY, MOST OF WHAT YOU
9 ASKED YOU CAN ASK IN THE PRESENCE OF THE JURY. YOU
10 JUST CAN'T MAKE ANY REFERENCE TO DR. SPICER OR HIS
11 CONCLUSIONS OR ASK THE WITNESS TO JUDGE THE
12 CREDIBILITY OR THE VORACITY OF THE WITNESS.

13 MR. DIGGS: WELL, NO, I'M NOT.

14 THE COURT: YOU'RE NOT LISTENING.

15 MR. DIGGS: I AM. LET ME PHRASE IT THIS WAY.

16 THE COURT: NO. LET ME TELL YOU. AND I NEED
17 YOU TO LISTEN TO ME VERY CAREFULLY. OKAY? FOCUS.
18 ALL RIGHT.

19 MR. DIGGS: YES, MA'AM. ALL RIGHT.

20 THE COURT: ALL RIGHT. YOU CAN ASK HIM ALL THE
21 QUESTIONS YOU JUST ASKED WITH THE EXCEPTION OF -- YOU
22 CAN ASK HIM ABOUT THE SOFTWARE THAT WAS USED, THE
23 DIFFERENT KINDS THAT ARE USED, AND THE METHODOLOGY.

24 YOU CAN ASK HIM WHETHER MR. STANKO'S PET SCAN
25 WAS TAKEN WHEN HE WAS AT REST OR WHETHER -- THE

1 CONDITIONS THAT YOU TALKED ABOUT.

2 YOU CAN -- THE ONLY QUESTION THAT RAISES MY
3 CONCERN WAS ABOUT THE INVALID COMPARISON OF THE
4 CLINICAL SUBJECT. AND I HAVE TO LOOK BACK AT THE
5 REALTIME TO TELL YOU EXACTLY THE QUESTION THAT
6 CONCERNED ME. JUST GIVE ME A MOMENT.

7 BUT OTHER THAN THAT, YOU CAN ASK ALL THOSE
8 QUESTIONS. YOU -- WE DIDN'T EVEN NEED TO DO A
9 PROFFER. NONE OF THOSE QUESTIONS IN MY ESTIMATION
10 ARE PITTING.

11 MR. DIGGS: WELL, THERE WERE TWO QUESTIONS
12 SPECIFICALLY ABOUT THE SOFTWARE THAT DR. SPICER USED.
13 AND IF THE STATE WOULD STIPULATE--

14 THE COURT: YOU CAN ASK ABOUT THE SOFTWARE
15 WITHOUT MAKING REFERENCE TO DR. SPICER. YOU CAN ASK
16 HIM ABOUT THE METHODOLOGY.

17 MR. DIGGS: YOUR HONOR--

18 THE COURT: YOU CAN SIMPLY ASK IS THERE A TYPE
19 OF SOFTWARE CALLED -- AND I -- WHAT LOOKS LIKE
20 HERMES, BUT I KNOW THAT'S NOT HOW IT'S PRONOUNCED. I
21 DON'T HAVE A PROBLEM WITH THAT.

22 THE PROBLEM IS WHEN YOU DRAW THE COMPARISON AND
23 YOU ASK HIM TO ASK IF SOMEONE ELSE'S TEST RESULTS ARE
24 VALID OR NOT.

25 MR. DIGGS: I ASKED HIM IF IT WAS A VALID USE OF

1 THE SOFTWARE.

2 THE COURT: WELL, QUITE FRANKLY, THERE'S SOME
3 FOUNDATION PROBLEMS WITH THAT, TOO.

4 MR. DIGGS: WELL, I CAN CERTAINLY LAY THE
5 FOUNDATION FOR IT.

6 THE COURT: WHEN YOU WERE ASKING ABOUT WHETHER
7 OR NOT A -- WHETHER ANOTHER DOCTOR'S ANALYSIS WAS
8 VALID AND HOW THEY PERFORMED IT AND WHETHER IT'S
9 VALID, AND THEY HAVE ALREADY TESTIFIED, AND YOU KNOW
10 THEY ARE ADVERSE AND YOU KNOW THAT'S THE SUBJECT OF
11 THEIR OPINION AND YOU PLAN TO CALL THEM ANY WAY, IT'S
12 PITTING. STAY AWAY FROM IT.

13 THE REST OF THE QUESTIONS I DON'T HAVE ANY
14 PROBLEM WITH. YOU ASK HIM ALL DAY LONG. I DON'T
15 THINK THERE'S ANYTHING RUN AFOUL OF THE EVIDENTIARY
16 RULE.

17 MR. DIGGS: WELL, THE REASON I BROUGHT DR. WU
18 HERE WAS TO GET TESTIMONY IN THE RECORD ABOUT THIS
19 PARTICULAR SOFTWARE AND HOW IT IS TO BE PROPERLY
20 USED.

21 THE COURT: YOU CAN TALK TO HIM ABOUT THAT
22 WITHOUT MAKING ANY REFERENCE TO DR. SPICER OR THE
23 CREDIBILITY OF DR. SPICER'S TESTIMONY.

24 MR. DIGGS: NOW, HERE IS--

25 THE COURT: AND YOU JUST DID THE VERY THING.

1 MR. DIGGS: HERE'S WHAT I'M RECOMMENDING AS
2 OPPOSED TO HAVING TO SUBPOENA DR. SPICER TO COME HERE
3 FROM CHARLESTON TO SIMPLY STIPULATE THAT THE HERMES
4 BRASS WAS THE TYPE OF SOFTWARE THAT HE USED IN HIS
5 ANALYSIS.

6 THE COURT: I DON'T THINK THE STATE'S GOING TO
7 DO THAT.

8 MR. DIGGS: WELL YOUR HONOR, HE JUST TOLD ME
9 THAT THIS MORNING.

10 THE COURT: I DON'T KNOW WHAT Y'ALL DISCUSSED.
11 I WAS NOT A PARTY TO THAT. UNLESS IT WAS REDUCED TO
12 A WRITTEN STIPULATION OR PLACED ON THE RECORD, IT'S
13 NOT ENFORCEABLE.

14 MR. DIGGS: WELL, THEN WE WILL SUBPOENA HIM AND
15 BRING HIM IN TOMORROW.

16 THE COURT: IT'S SIXTY-FIVE MILES. IT TAKES AN
17 HOUR. HE WILL BE ALL RIGHT. AND I DOUBT WE PROBABLY
18 NEED TO SUBPOENA HIM. IF YOU CALL HIM, HE'LL
19 PROBABLY JUST COME.

20 MR. DIGGS: WELL, YOUR HONOR, THE LAST THREE
21 DAYS I HAVE ASKED FOR INFORMATION. IN FACT, I WOULD
22 ASK YOUR HONOR TO TELL THE STATE TO PROVIDE ME WITH
23 THE INFORMATION THAT DR. SPICER HAD WHEN HE PRESENTED
24 HIS TESTIMONY. THAT'S ALL I WANT TO DO.

25 THE COURT: THE STATE IS REQUIRED TO GIVE TO YOU

1 WHAT THEY HAD IN THEIR POSSESSION. THEY'VE
2 REPRESENTED TO THE COURT -- AND I HAVE NO REASON TO
3 QUESTION IT -- THAT THEY HAVE BEEN WAITING FOR IT THE
4 SAME WAY YOU HAVE BEEN WAITING FOR IT.

5 I CANNOT REQUIRE THEM TO TURN OVER SOMETHING
6 THEY DON'T HAVE PHYSICALLY IN THEIR POSSESSION AND
7 WHERE THEY HAVE INDICATED TO THE COURT THAT THEY
8 ATTEMPTED TO GET. I DON'T KNOW WHY YOU ALL JUST
9 DIDN'T HAVE HIM LEAVE IT WHEN HE WAS HERE TO BEGIN
10 WITH.

11 MR. DIGGS: WELL, BECAUSE HE HAD IT ON HIS
12 COMPUTER HARD DRIVE.

13 THE COURT: WELL--

14 MR. DIGGS: AND TO BE HONEST WITH YOU--

15 THE COURT: -- GOT CDR'S. I MEAN, THERE'S A
16 WALMART RIGHT DOWN THE STREET. I'M SURE SOMEBODY IN
17 THE BUILDING HAS A CD REWRITE--

18 MR. DIGGS: YOUR HONOR, BECAUSE DR. SPICER WAS A
19 REPLY WITNESS, I DIDN'T KNOW ABOUT HIM IN ADVANCE. I
20 HAD NO KNOWLEDGE THAT HE WAS GOING TO TESTIFY OR
21 ABOUT WHAT HE WAS GOING TO TESTIFY.

22 THE COURT: NOR -- YOU'RE NOT ENTITLED TO.

23 MR. DIGGS: WELL, THAT'S WHY I'M ASKING NOW.

24 THE COURT: BUT I'M NOT GOING TO GO IN CIRCLES
25 ABOUT IT. THIS IS NOT A DIALOGUE BETWEEN YOU AND THE

1 COURT. YOU ALL COULD HAVE GOT THAT INFORMATION FROM
2 HIM WHEN HE WAS HERE. HE WAS HERE FOR A LONG AMOUNT
3 OF TIME.

4 MR. DIGGS: YOUR HONOR, HE'S AN EXPERT AND I'M
5 NOT. I WOULD JUST POINT OUT--

6 THE COURT: MR. DIGGS? MR. DIGGS. I'M NOT
7 GOING TO -- I'VE RULED. NOT A TWO WAY DIALOGUE. I
8 DON'T KNOW WHAT THE CIRCUMSTANCES WERE NOR DO I AT
9 THIS MOMENT BELIEVE THEY ARE CRUCIAL TO ANY DECISION
10 THAT I HAVE MADE.

11 HE WAS A REBUTTAL WITNESS. THEY HAD NO DUTY TO
12 TELL YOU HE WAS GOING TO BE HERE OR THAT HE WAS GOING
13 TO TESTIFY OR WHAT THE SUBSTANCE OF HIS TESTIMONY WAS
14 GOING TO BE.

15 NOW, HAVING SAID THAT, HE WAS HERE FOR A LONG
16 TIME. THERE'S NOTHING THAT PRECLUDED YOU OR THE
17 STATE, AND THAT WAS MY PONDER. I'M NOT PLACING THE
18 ONUS ON ANYONE.

19 EITHER ONE OF YOU COULD HAVE GOTTEN A COPY OF
20 WHAT HE HAD. IT'S SIMPLY A MATTER OF GETTING A
21 REWRITE DISK, WHETHER IT'S ON HIS HARD DRIVE OR NOT
22 AND HAVING IT COPIED BEFORE HE LEFT.

23 HINDSIGHT IS ALWAYS 20/20. AND WHEN YOU'RE
24 DEALING WITH A DOCTOR WHO HAS A VERY BUSY SCHEDULE, I
25 KIND OF DOUBT WE'RE AT THE TOP OF HIS FOOD CHAIN

1 RIGHT NOW.

2 IN ANY EVENT, I -- BASED ON WHAT THE STATE HAS
3 REPRESENTED TO ME, AND I HAVE NO REASON TO DOUBT
4 THAT, THERE IS NOT ANY DELIBERATE ATTEMPT TO KEEP
5 THIS INFORMATION FROM YOU.

6 THEY HAVE BEEN STRUGGLING TO GET IT THE SAME WAY
7 YOU HAVE BEEN. AND IT'S MY UNDERSTANDING YOU NOW
8 HAVE IT AND THEY DON'T. IS THAT CORRECT?

9 MR. DIGGS: I HAVE WHAT?

10 THE COURT: THAT YOU HAVE HIS INFORMATION AND
11 THEY DO NOT.

12 MR. DIGGS: I HAVE THE...

13 THE COURT: IS THAT CORRECT?

14 MR. DIGGS: THE NAME OF THE SOFTWARE. I DON'T
15 HAVE THE IMAGES THAT HE PRODUCED.

16 THE COURT: SO NEITHER OF YOU HAVE HIS IMAGES AT
17 THIS POINT. IS THAT CORRECT?

18 MR. HEMBREE: THAT'S CORRECT, YOUR HONOR. WE
19 ARE WAITING--

20 THE COURT: HE INDICATED THEY WOULD BE HERE BY
21 FEDERAL EXPRESS TODAY; IS THAT CORRECT?

22 MR. HEMBREE: THAT'S CORRECT.

23 THE COURT: SO THEN AS SOON AS YOU GET THEM, YOU
24 WILL TURN THEM OVER TO MR. DIGGS.

25 MR. HEMBREE: THAT'S CORRECT.

1 THE COURT: CORRECT?

2 MR. DIGGS: YOUR HONOR, JUST FOR THE RECORD,
3 THAT'S NOT GOING TO BE TIMELY. I HAVE GOT MY WITNESS
4 HERE TODAY FROM CALIFORNIA. HE WAS SUPPOSED TO LEAVE
5 HERE AT 4:00 TO GET ON A FLIGHT. BUT WE'LL MOVE ON.

6 THE COURT: THE LOGISTICS OF DR. WU'S TRAVEL IS
7 WITHIN YOUR CONTROL.

8 MR. DIGGS: THANK YOU.

9 THE COURT: AND YOU KNOW, I'M GOING TO MAKE A
10 COMMENT AND I HOPE THAT YOU TAKE IT TO HEART. I KNOW
11 THE TEMPERS ARE RUNNING HIGH. I KNOW THAT YOU ALL
12 FEEL YOU HAVE A LOT AT STAKE IN THIS TRIAL. I'M
13 EXTREMELY ACCOMMODATING. PLEASE DON'T TEST IT.
14 OKAY?

15 SO WHY DON'T WE TAKE A FEW MINUTES, YOU COLLECT
16 YOURSELF, STEP BACK, GET A LITTLE PERSPECTIVE, AND
17 THEN WE'LL CONTINUE.

18 AND IN THE MEANTIME, IF THE STATE WOULD CHECK TO
19 SEE IF THEY HAVE RECEIVED THE INFORMATION FROM THE
20 DOCTOR OR IF YOU COULD CALL HIS OFFICE AND SEE WHAT
21 THE TIMING WILL BE ON THE RECEIPT OF THAT
22 INFORMATION.

23 AND FOR THE RECORD, THE COURT IS MAKING AN
24 AFFIRMATIVE FINDING THAT THE STATE HAS NOT IN ANY WAY
25 ACTED DILATORY IN TURNING THE INFORMATION OVER TO THE

1 DEFENSE, THAT THEY ACTED TIMELY IN RESPONSE TO THE
2 DEFENSE'S REQUEST.

3 AND THE COURT HAS FOUND NO -- NO REASON TO
4 QUESTION WHAT'S BEEN REPRESENTED BY THE STATE. AND
5 THE FACT THAT EVERYONE HAS HAD SORT OF A HINDSIGHT
6 DECISION TO GET THIS INFORMATION DOES NOT IN ANY WAY
7 MAKE THE STATE'S RESPONSE UNTIMELY.

8 MR. HEMBREE: THANK YOU, YOUR HONOR.

9 THE COURT: YOU'RE WELCOME. WE WILL BE AT EASE
10 FOR A FEW MOMENTS. DR. WU, YOU MAY STEP DOWN. DON'T
11 DISCUSS YOUR TESTIMONY. THANK YOU, SIR.

12 (WITNESS LEFT THE STAND.)

13 (WHEREUPON A RECESS WAS HAD.)

14 THE COURT: IS THE STATE READY TO PROCEED?

15 MR. HEMBREE: YES.

16 THE COURT: IS THE DEFENSE READY? IS
17 AVAILABILITY--

18 MR. DIGGS: YOUR HONOR, WE LEFT A MESSAGE.
19 WEREN'T ABLE TO GET A TELEPHONE ANSWER BY HIM, BUT WE
20 LEFT--

21 THE COURT: WELL, YEAH. IT'S 5:00. I FIGURE
22 IT'S A STATE INSTITUTION. THEY'VE PROBABLY GONE
23 HOME.

24 MR. HUMPHRIES: WE LOCATED DR. SPICER'S HOME
25 PHONE NUMBER AS WELL AS THE CELLPHONE NUMBER AS WELL

1 AS PROVIDED BOTH TO THE DEFENSE.

2 THE COURT: PERFECT. LET'S TRY TO SEE WHAT DR.
3 SPICER'S SCHEDULE IS. I SUSPECT HE'LL ACCOMMODATE US
4 WITHOUT A SUBPOENA.

5 (JURY ENTERED THE COURTROOM AT 5:00 PM.)

6 THE COURT: LADIES AND GENTLEMEN, YOU MAY BE
7 SEATED. WE APPRECIATE YOUR PATIENCE. WE WILL NOW
8 RESUME WITH THE TESTIMONY OF DR. WU. YOU MAY PROCEED
9 WHEN YOU'RE READY.

10 MR. DIGGS: THANK YOU, YOUR HONOR.

11 THE COURT: YOU'RE WELCOME.

12 BY MR. DIGGS:

13 Q DR. WU, HOW DOES ONE GO ABOUT READING THE PET SCAN
14 DATA ONCE THAT DATA HAS BEEN GATHERED BY THE PET SCAN?

15 A WELL, THERE ARE SEVERAL WAYS THAT ONE CAN REVIEW A
16 SCAN. ONE OF THEM IS -- WHICH IS THE MOST COMMON WAY --
17 IS TO RELY ON CLINICAL EXPERIENCE WITH SPECIFIC IMAGING OR
18 BALANCING QUESTION.

19 SO, FOR EXAMPLE, I HAVE REVIEW 5000 PET SCANS OF
20 NEUROPSYCHIATRIC INDIVIDUALS DOING THE CPT OR THE
21 ACTIVATION TASK, SO I HAVE, YOU KNOW, OVER A DOZEN YEARS
22 OF EXPERIENCE LOOKING AT THAT SPECIFIC TYPE.

23 Q ALL RIGHT. NOW, YOU'RE ASKING ABOUT -- YOU MENTIONED
24 THE CPT.

25 A YES.

1 Q WHAT DO YOU MEAN BY THAT?

2 A WELL, THE CPT TASK -- THERE ARE TWO BASIC WAYS THAT
3 THE SCAN CAN BE DONE.

4 Q OKAY.

5 A ONE OF THEM IS A RESTING STATE WHERE THE SUBJECT IS
6 JUST RESTING WITHOUT ANY TASK, AND THE OTHER IS WHEN
7 THEY'RE ASKED TO DO SOME TYPE OF ACTIVATION TASK. AND
8 THIS IS KIND OF LIKE A DIFFERENCE BETWEEN A RESTING EKG
9 AND A TREADMILL STRESS TEST.

10 Q OKAY. NOW, IN MR. STANKO'S CASE, WHEN HE WENT DOWN
11 AND HAD HIS PET SCAN DONE, WHAT STATE WAS HE IN?

12 A HE WAS IN AN ACTIVATED STATE WHICH WOULD BE LIKE A
13 TREADMILL STRESS TEST.

14 Q ALL RIGHT. AND OF COURSE, THAT WAS DONE -- TELL US
15 AGAIN, REFRESH OUR MEMORIES IF YOU WOULD WHAT WE DID IN
16 THIS CASE, IF YOU KNOW, OR WHAT WAS DONE WITH MR. STANKO
17 TO PRODUCE THAT ACTIVATED STATE.

18 A WELL, I HAVE ON THE SCREEN HERE AN EXAMPLE OF WHAT WE
19 DID DURING AN ACTIVATION--

20 Q OKAY.

21 A -- FOR THE JURORS, AND SO BASICALLY DURING THIS
22 ACTIVATED -- ACTIVATION TASK THE CLINICAL SUBJECT IS ASKED
23 TO PRESS A BUTTON WHENEVER A ZERO COMES ON THE SCREEN.
24 AND THIS IS ONE VARIATION OF DOING PET SCANS AS OPPOSED TO
25 ANOTHER VARIATION WHICH IS JUST TO HAVE THE SUBJECTS LYING

1 DOWN IN A DARK ROOM WITHOUT DOING ANY TASK.

2 Q WHY WOULD IT MATTER? WHY WOULD YOU WANT TO HAVE A
3 PET SCAN DONE WITH AN ACTIVATION PROCESS OCCURRING?

4 A WELL, THE REASON WHY AN ACTIVATION PROCESS WOULD BE
5 SUPERIOR TO A RESTING PROCESS ACCORDING TO THE LITERATURE
6 IS THAT DURING A RESTING STATE, WHICH IS THE WAY MOST
7 CENTERS IN THE COUNTRY DO IT, AND -- IT -- YOU HAVE WHAT
8 WE CALL GREATER VARIABILITY, THAT IS MORE NOISE, BECAUSE
9 DURING A RESTING STATE THERE'S NO ASSIGNED TASK THAT THE
10 BRAIN HAS TO THINK ABOUT.

11 AND SO THE BRAIN CAN'T THINK OF NOTHING. THE BRAIN
12 HAS TO THINK OF SOMETHING. AND SO IF YOU'RE NOT ASKED TO
13 DO A SPECIFIC TASK BY THE DOCTOR, YOUR BRAIN WILL LAST --
14 WHATEVER TASK YOU THOUGHT ABOUT WILL BE IMPORTANT, AND SO
15 YOU WANT TO HAVE A LOT OF VARIATION IN WHAT PEOPLE THINK
16 ABOUT.

17 AND SO THIS CREATES WHAT WE CALL A LOT OF NOISE WHICH
18 MAKES IT HARDER TO DETECT CLINICAL DIFFERENCES.

19 AND THERE ARE A LOT OF LEARNED TREATISES AND PEER
20 REVIEWED MEDICAL ARTICLES WHICH SHOW THAT AN ACTIVATION
21 TASK WHERE YOU HAVE AN ASSIGNED TASK ACTUALLY HAS A LOT
22 LESS NOISE THAN A -- A RESTING TASK WHICH IS -- AND SO
23 THAT -- THIS WOULD BE -- RESULT IN A BETTER SCAN.

24 AND SO THERE ARE ACTUALLY STUDIES THAT HAVE BEEN
25 PUBLISHED, FOR EXAMPLE IN 1993 WHICH SHOW THAT AN

1 ACTIVATION SCAN HAS IMPROVED RELIABILITY OVER RESTING
2 SCAN, AND THIS STUDY IN 2003 BY CHAN (SIC) IN WHICH IT'S
3 SHOWN THAT AN ACTIVATION SCAN IS MORE ACCURATE AT
4 DETECTING BRAIN ABNORMALITIES THAN A RESTING SCAN.

5 SO FOR EXAMPLE, WHEN IT IS DIFFICULT TO DETECT A
6 DIFFERENCE WITH SUBJECTS AT REST, ONE CAN DETECT A
7 DIFFERENCE BECAUSE IT'S LESS NOISE. AND SO IT'S KIND OF
8 LIKE IF YOU'RE TRYING TO SEE A PICTURE OR LISTEN TO A
9 RADIO SOUND, IF THERE'S A LOT OF STATIC IN THE BACKGROUND,
10 IT MAY BE HARD TO IDENTIFY THE TUNE.

11 BUT IF THERE'S LESS STATIC IN THE BACKGROUND, IT MAY
12 BE EASIER TO IDENTIFY THE TUNE OR TO HEAR WHAT THE
13 ANNOUNCER IS SAYING.

14 AND SO THE SAME THING IS TRUE WITH BRAIN SCANS. AND
15 SO IF YOU USE AN ACTIVATION TASK, IT'S KIND OF LIKE
16 REDUCING THE STATIC ON A RADIO SO THAT YOU CAN GET A
17 CLEARER SIGNAL.

18 Q ALL RIGHT. NOW, IN MR. STANKO'S CASE, DR. EINHORN
19 WENT DOWN AND ACCOMPANIED MR. STANKO DURING THAT EXAM.
20 AND TELL US ONCE AGAIN WHAT HIS ROLE WAS IN THAT
21 PROCEDURE.

22 A DR. EINHORN'S ROLE WAS TO ADMINISTER THE ACTIVATION
23 TASK TO MR. STANKO DURING THE PET SCAN. AND SO DR.
24 EINHORN RAN THIS BASIC TASK, THIS BASIC ACTIVATION TASK
25 WHERE THE SUBJECT HAD TO PRESS A SPECIFIC KEY OR BUTTON

1 WHENEVER THE SPECIFIC SIGNAL APPEARED.

2 AND SO THAT WAS DR. EINHORN'S ASSIGNED RESPONSIBILITY
3 DURING THE PET SCAN.

4 Q OKAY. SO -- AND THAT TEST WAS NOT A TEST THAT'S
5 SIMPLY ARBITRARILY MADE UP. TELL US HOW THAT TEST WAS
6 DEvised AND HOW IT WAS TESTED AND ACCEPTED INTO THE
7 PRACTICE OF YOUR AREA OF EXPERTISE.

8 A WELL, THIS IS A TEST THAT'S BEEN USED MOSTLY BY
9 IMAGING CENTERS THAT HAVE A LOT OF EXPERIENCE WITH
10 NEUROPSYCHIATRIC PATIENTS. AND SO, FOR EXAMPLE, IRVINE
11 AND MT. SINAI SCHOOL OF MEDICINE IN NEW YORK AND WAKE
12 FOREST UNIVERSITY AND OTHERS WITH DR. FRANK WOODS HAD USED
13 THIS KIND OF CPT OR CONTINUANCE PERFORMANCE TEST TASK
14 BECAUSE IT'S BEEN FOUND TO BE ESPECIALLY USEFUL FOR
15 LOOKING AT PATIENTS WITH NEUROPSYCHIATRIC DISORDERS SUCH
16 AS DEVELOPMENTAL BRAIN PROBLEMS, BRAIN INJURY, AND SO THIS
17 HAS BEEN SOMETHING THAT HAS BEEN DEVELOPED IN THE FIELD OF
18 BRAIN IMAGING WITH SPECIALISTS IN THE AREA OF
19 NEUROPSYCHIATRY.

20 NOW, OTHER TYPES OF PET IMAGERS WHO DON'T HAVE A LOT
21 OF EXPERIENCE WITH NEUROPSYCHIATRY GENERALLY DON'T USE THE
22 ACTIVATION TASK. THEY GENERALLY JUST HAVE THE SUBJECT
23 LYING AT REST BECAUSE IT'S EASIER AND BECAUSE FOR THINGS
24 LIKE BRAIN TUMORS YOU DON'T REALLY NEED AN ACTIVATION
25 TASK.

1 IT'S ONLY WHEN YOU'RE DEALING WITH NEUROPSYCHIATRIC
2 PROBLEMS THAT REQUIRE THE ABILITY TO HAVE A GREATER SIGNAL
3 DETECTION CAPABILITY THAT YOU NEED THE SUPERIOR
4 PERFORMANCE THAT AN ACTIVATED TASK PROVIDES IN TERMS OF
5 DETECTING BRAIN ABNORMALITIES.

6 Q ALL RIGHT. NOW, LET ME GO BACK AND ASK YOU, CAN YOU
7 SHOW US WHAT THE DATA LOOKED LIKE FROM MUSC?

8 A YES. WELL, THE DATA FROM MUSC WAS IN WHAT WE CALL A
9 DICOM IMAGE FILE AND--

10 Q DICOM IMAGE FILE?

11 A YES, A DICOM IMAGE FILE. AND SO BASICALLY IT LOOK --
12 LET'S SEE HERE... SO IT LOOKS LIKE THIS. SO THIS IS A WAY
13 THAT IMAGE LOOKS. IT'S A SERIES OF NUMERICAL FILES.

14 Q AND IF YOU OPEN ONE OF THOSE FILES, WHAT DOES IT LOOK
15 LIKE?

16 A NOW, IN ORDER TO OPEN THAT FILE ONE NEEDS WHAT WE
17 CALL A DICOM VIEWER. AND SO -- HERE. SO THIS IS WHAT HIS
18 IMAGE LOOKS LIKE WITH A DICOM VIEWER. WE'RE ABLE TO TAKE
19 THOSE MATHEMATICAL IMAGE FILES AND LOOK IN IT WITH THIS
20 TYPE OF SOFTWARE.

21 Q NOW, IN THIS SOFTWARE CAN YOU MOVE THAT AND GO
22 THROUGH THE ENTIRE SCAN?

23 A YES. SO WHAT WE CAN DO IS THAT I -- YOU CAN
24 MANIPULATE THE SOFTWARE BY SLICING THROUGH LIKE THIS OR WE
25 CAN SLICE SO -- SO WHAT I'M DOING HERE IS I AM MOVING DOWN

1 TRANSAXIALLY LIKE THIS SO THAT IF YOU LOOK ON THE LEFT
2 HAND COLUMN YOU WILL NOTICE YOU'RE LOOKING AT SLICES AT
3 DIFFERENT LEVELS.

4 AND SO -- AND THEN WE CAN ALSO MOVE ACROSS WHAT WE
5 CALL SAGGITAL. SO THIS IS ANOTHER WAY OF LOOKING AT IT.
6 SO IF YOU LOOK AT THE RIGHT HAND COLUMN, YOU'RE SEEING
7 DIFFERENT SAGGITAL VIEWS. AND THEN YOU CAN ALSO MOVE WHAT
8 WE CALL CHROMALLY (SIC) WHICH IS MOVING THIS WAY, SO THAT
9 WE'RE GOING FROM FRONT TO BACK. SO THESE ARE MULTIPLE
10 WAYS OF LOOKING AT THE DATA.

11 Q OKAY. NOW, CAN YOU LOOK AT -- WHEN YOU LOOKED AT
12 THIS DATA -- AND DID YOU LOOK AT THIS TYPE OF IMAGE WHEN
13 YOU INITIALLY CAME ON TO THIS CASE?

14 A YES. I LOOKED AT THE DICOM IMAGE FILE--

15 Q AND SO YOU BASICALLY LOOKED AT THESE IMAGES?

16 A YES, THAT'S CORRECT.

17 Q NOW, AT THAT TIME YOU KNEW THAT MR. STANKO HAD BEEN
18 ENGAGED IN A CONTINUANCE PERFORMANCE TEST AT THE TIME OF
19 THE SCAN; IS THAT CORRECT?

20 A YES. I WAS FULLY AWARE OF THAT BECAUSE THAT HAS BEEN
21 THE -- THE STANDARD TASK THAT I AS A NEUROPSYCHIATRIST WHO
22 SPECIALIZE IN BRAIN IMAGING HAVE USED FOR ALMOST 20 YEARS,
23 AND SO I HAVE EXTENSIVE EXPERIENCE LOOKING AT THIS WITH
24 NORMAL CONTROLS, WITH SCHIZOPHRENICS, WITH TRAUMATIC BRAIN
25 INJURY, ALL POINT TO THIS ACTIVATION TASK.

1 Q OKAY. AND THIS IS ALL INVOLVED WITH NEUROPSYCHIATRIC
2 CASES; IS THAT CORRECT?

3 A YES. AND AS A NEUROPSYCHIATRIST AND -- WHO
4 SPECIALIZES IN TRYING TO UNDERSTAND WHAT HAPPENED IN THE
5 BRAIN OF PEOPLE WITH SCHIZOPHRENIA, WITH TRAUMATIC BRAIN
6 INJURY, WE FEEL THAT THIS PROVIDES US WITH A SUPERIOR
7 ABILITY TO LOOK INSIDE THE LIVING BRAIN AND TO REDUCE THE
8 STATIC, SO TO SPEAK, THAT THE BRAIN HAS IN TERMS OF
9 VIEWING.

10 Q NOW, WHEN YOU LOOK AT THAT WITH YOUR EXPERIENCE --
11 WHEN I SAY THAT, I MEAN MR. STANKO'S SCAN UNDER THIS
12 PARTICULAR VIEWER -- AND THIS IS CALLED A DICOM VIEWER?

13 A THIS IS A DICOM VIEWER WHICH IS A -- A DIGITAL IMAGE
14 FILE VIEWER.

15 Q DO YOU SEE ANYTHING ABNORMAL ABOUT THIS SCAN?

16 A YES. IF I LOOK AT THIS WITH A DICOM VIEWER, I NOTE
17 THAT IF WE LOOK HERE THAT THE FRONTAL LOBE METABOLISM IN
18 MR. STANKO ON THE LOWER SLICES IS UNUSUALLY LOW COMPARED
19 TO REFERENCE REGIONS SUCH AS THE BACK OF HIS HEAD.

20 AND SO IF WE LOOK IN THIS AREA HERE, THIS AREA HERE
21 HAS A VALUE OF ROUGHLY -- AND IF YOU WILL NOTICE THERE'S A
22 NUMERICAL VALUE RIGHT OVER HERE. SO AS WE GO OVER HERE,
23 YOU WILL NOTICE THERE'S A NUMERICAL VALUE SAY 19,948 HERE
24 WHEREAS OVER HERE WE'RE SEEING THE NUMERICAL VALUE OF
25 32,000.

1 SO IF YOU DIVIDE 19 BY 32, YOU ARE GETTING ROUGHLY
2 A -- AROUND -- A RATIO OF AROUND SLIGHTLY MORE THAN HALF.
3 SO THE FRONTAL LOBE OF MR. STANKO'S BRAIN IS ROUGHLY HALF
4 THE VALUE OR THE BACK OF HIS BRAIN HERE, AND SO THAT'S A
5 KIND OF INFORMATION THAT I LOOK AT WHEN I'M LOOKING AT
6 THIS BRAIN DOING THIS SPECIFIC KIND OF TASK.

7 Q ALL RIGHT. AND AGAIN, EXPLAIN TO US SPECIFICALLY HOW
8 THESE NUMBERS PLAY INTO THE ANALYSIS THAT YOU INITIALLY
9 MADE.

10 A WELL--

11 Q PLAY INTO IT.

12 A WELL, WHEN I'M LOOKING AT THE BRAIN, I LOOK AT THIS
13 BRAIN WITH ALMOST 20 YEARS OF LOOKING AT THOUSANDS OF
14 BRAINS USING THIS SPECIFIC TASK, SO I HAVE SOME IDEA OF
15 WHAT NORMAL BRAINS LOOK LIKE WITH THIS SPECIFIC TASK.

16 AND GENERALLY SPEAKING, THE FRONTAL LOBE ACTIVITY IN
17 THIS AREA HERE IS MORE ACTIVE THAN IN THIS AREA HERE, AND
18 THAT WAS SOMETHING THAT WE WEREN'T SHOWING ON THE -- THE
19 AMPAC (SIC) VIDEO EARLIER.

20 Q ALL RIGHT. WE WILL COME BACK TO THAT IN A SECOND.
21 GO BACK UP TO THE FRONTAL LOBE AREA WITH YOUR CURSOR, IF
22 YOU WOULD.

23 A YES.

24 Q AND YOU'RE READING, FOR EXAMPLE, THERE'S 21,203--

25 A YES, 20,000 -- YES. UH-HUH.

1 Q ARE YOU SAYING THAT YOU CAN TELL THAT NUMBER IS LOWER
2 THAN IT SHOULD BE OR WHAT ARE YOU SAYING?

3 A YES. WE'RE LOOKING AT THE RATIO OF THE FRONT TO THE
4 BACK. THAT'S ONE OF WHAT WE CALL THE METRICS OR ONE OF
5 THE PARAMETERS THAT WE USE WHEN COMPARING THINGS. SO FOR
6 EXAMPLE, WHEN YOU'RE LOOKING AT STOCKS, YOU LOOK AT A
7 METRICS LIKE PRICE TO EARNING RATIO OR PE RATIO.

8 YOU DON'T JUST LOOK AT THE PRICE OR THE EARNING BY
9 ITSELF, YOU LOOK AT THE PRICE OF EARNING RATIO WHEN YOU
10 EVALUATE STOCKS.

11 AND THE SAME THING WITH THE BRAIN. BRAIN IS KIND OF
12 LIKE LOOKING AT A RATIO OF DIFFERENT NUMBERS LIKE THE
13 FRONT TO THE BACK, THE SLICE TO EARNING RATIO IN THIS CASE
14 AND -- AND WOULD BE COMPARABLE IN STOCKS.

15 Q WHAT -- CAN YOU TELL US WHAT A HEALTHY RATIO SHOULD
16 BE OR WHAT A HEALTHY NUMBER SHOULD BE?

17 A WELL, A HEALTHY NUMBER WOULD BE A VALUE THAT WILL BE
18 GREATER THAN ONE. SO TYPICALLY AT THIS KIND OF LEVEL THE
19 FRONTAL LOBE WOULD BE EQUAL TO OR GREATER IN ACTIVITY THAN
20 THE BACK.

21 AND SO FOR THIS CPT TASK, THAT WOULD BE -- A TYPICAL
22 NORMAL VALUE WOULD BE ONE OR GREATER. AND IT'S NOT
23 UNCOMMON TO HAVE NORMAL VALUES THAT CAN HAVE A RATIO THAT
24 IS TO SAY 1.4 VERSUS IN THIS CASE A RATIO OF ALMOST HALF.

25 Q ALL RIGHT. EXPLAIN TO US WHAT YOU JUST SAID--

1 A OKAY. SO--

2 Q -- WITH RESPECT TO THE HEALTHY -- WHAT THE RATIO
3 WOULD BE OF A HEALTHY BRAIN AS OPPOSED TO WHAT THE RATIO
4 WAS IN MR. STANKO'S BRAIN.

5 A IT WOULD BE EASIER IF I COULD PULL UP THE PART WHICH
6 SHOWS THE NORMAL CONTROL AND STANKO SIDE BY SIDE.

7 Q ALL RIGHT. DO THAT FOR US, THEN.

8 A OKAY. SO IN THIS CASE HERE WE'RE LOOKING AT STANKO'S
9 BRAIN VALUES HERE COMPARED TO A NORMAL CONTROL AVERAGE
10 HERE. AND SO IF YOU WERE TO LOOK AT HOW ACTIVE THIS AREA
11 IS HERE, YOU WOULD SEE THAT IT'S MUCH LOWER IN THIS
12 SPECIFIC AREA THAN A NORMAL CONTROL AVERAGE. AND IF WE GO
13 BACK TO OTHER SLICES HERE...

14 Q OKAY.

15 A IF YOU LOOK HERE AT THIS SLICE, FOR EXAMPLE, AND YOU
16 LOOK AT THE NORMAL CONTROL AVERAGE HERE, YOU'LL SEE THAT
17 THE NORMAL CONTROL HAS A VALUE HERE. AND IF YOU LOOK DOWN
18 HERE -- LET'S SAY THAT YOU CALL -- THAT THIS RATIO HERE,
19 ROUGHLY ABOUT .9 HERE, AND THIS BACK HERE WILL BE ROUGHLY
20 SAY .8, SO THIS RATIO OF .9 FROM A .8.

21 Q ALL RIGHT. BY THAT YOU MEAN YOU'RE -- LET'S TAKE ONE
22 OF THESE RED AREAS.

23 A YES.

24 Q AND THEN YOU'RE COMPARING IT TO ONE OF THE RED AREAS
25 ON THE SCALE?

1 A YES.

2 Q ALL RIGHT. I'M SORRY. I INTERRUPTED YOU. GO AHEAD
3 AND CONTINUE ON.

4 A YES. SO YOU WOULD SEE THAT THE NORMAL CONTROL SHOWS
5 MORE ACTIVITY IN THE FRONT COMPARED TO THE BACK WHEREAS IN
6 MR. STANKO'S BRAIN YOU'RE SEEING THAT HE ACTUALLY SHOWS IN
7 SOME AREAS MORE ACTIVITY IN THE BACK THAN HE DOES IN THE
8 FRONT.

9 Q NOW, TALK TO ME ABOUT THIS COLOR SCALE. HOW DO YOU
10 DETERMINE HOW THAT SCALE FIGURES INTO YOUR ANALYSIS?

11 A WELL, THE WAY THIS COLOR SCALE WORKS -- LET'S SEE
12 HERE -- IS THAT WE HAVE THIS COLOR SCALE AND THERE ARE
13 BASICALLY 255 GRADATIONS. IT'S GOES FROM ZERO TO 256.

14 Q 255 COLORS?

15 A YES, UH-HUH, YES. AND SO, FOR EXAMPLE--

16 Q GOING FROM BLUE TO RED?

17 A YEAH, FROM BLUE TO RED. SO WITH THE COLOR SCAN BY
18 256 GRADATIONS. AND THEN WHAT WE DO IS THAT WE TAKE THE
19 MINIMUM AND THE MAXIMUM OF A GIVEN PATIENT LIKE
20 MR. STANKO'S BRAIN AND WE WOULD SAY THAT THE HIGH VALUE,
21 THE MAXIMUM, WOULD BE ASSIGNED 255 OR THE RED, AND THE LOW
22 VALUE OR THE MINIMUM IN MR. STANKO'S BRAIN WOULD BE
23 ASSIGNED THE BLUE VALUE, OR ZERO.

24 Q ALL RIGHT. SO IN EFFECT YOU'RE SAYING IN YOUR MIND
25 255 UP HERE AT THE END OF THE RED?

1 A YES.

2 Q AND A ZERO DOWN HERE AT THE END OF THE BLUE?

3 A YES.

4 Q SO THAT YOU'RE USING ALL OF THE COLORS IN THE SCALE?

5 A YES. THIS WOULD BE A FULL WINDOW.

6 Q ALL RIGHT. NOW, IS THAT WHAT WAS DONE IN THIS CASE?

7 A YES. WE USE THE SAME METHOD FOR BOTH THE CONTROL

8 AVERAGE AND MR. STANKO. THEY WERE BOTH FULLY WINDOWED SO

9 THAT THEY COULD BE EQUALLY COMPARABLE SO THAT THE MAXIMUM

10 VALUE IN THE CONTROL AND THE MAXIMUM VALUE IN STANKO BOTH

11 ASSIGNED A 255 OR RED.

12 Q OKAY. I WAS JUST GOING TO ASK YOU ABOUT THAT. SAY

13 IF WE GET THE REDDEST AREA ON MR. STANKO'S IMAGE.

14 A YES, FOR EXAMPLE, THIS AREA RIGHT THERE.

15 Q AND THAT WOULD BE A 255--

16 A YES.

17 Q -- IF MY EYES ARE ACCURATE.

18 A YES.

19 Q AND IF WE FOUND A SIMILARLY RED AREA OVER HERE?

20 A YES, SAY THIS AREA HERE.

21 Q IT WOULD LIKEWISE BE A 255?

22 A YES.

23 Q ALL RIGHT. AND WAS THAT DONE IN MR. STANKO'S CASE

24 WHEN THIS PARTICULAR PET VISUAL -- PET SCAN WAS DONE BY

25 YOURSELF?

1 A YES. SO THAT WE FULLY WINDOWED BOTH STANKO AND THE
2 CONTROL AVERAGE DOING THE EXACT SAME PARAMETERS. THE
3 MAXIMUM ON STANKO AND THE MAXIMUM ON A CONTROL WERE BOTH
4 SET TO 255 AND THE MINIMUM ON STANKO AND THE MINIMUM ON
5 THE CONTROL WERE BOTH SET TO ZERO SO THAT THE MAXIMUM WAS
6 RED AND THE MINIMUM WAS BLUE.

7 AND SO THERE WAS NO DIFFERENCE IN HOW WE APPLIED THE
8 COLOR SCALE TO MR. STANKO'S BRAIN. AND YOU CAN SEE, AS A
9 MATTER OF FACT, THAT MOST OF MR. STANKO'S BRAIN,
10 ESPECIALLY HERE, YOU GO HIGHER UP, YOU CAN SEE THAT
11 THERE'S VERY LITTLE DIFFERENCE BETWEEN THE DISTRIBUTION OF
12 THE RED AND BLUES BETWEEN MR. STANKO'S BRAIN AND THE
13 NORMAL CONTROL AVERAGE BRAIN AT THE HIGHER LEVELS HERE.

14 IT'S ONLY WHEN WE GET DOWN TO THE LOWER LEVELS THAT
15 WE SEE THAT THERE IS THIS ABNORMAL DECREASE. AND SO
16 MR. STANKO HAS AN ABNORMAL DECREASE IN THE BASE OF HIS
17 FRONTAL LOBE WHEREAS THE REST OF HIS BRAIN IS ESSENTIALLY
18 PERFECTLY NORMAL AS FAR AS WE CAN TELL BY THE BRAIN SCAN.

19 SO WE DID SELECTIVELY APPLY A WINDOW DIFFERENT TO
20 THAT -- THIS PARTICULAR AREA HERE DOWN HERE THAN WE DID TO
21 THE REST OF THE BRAIN. IT'S THE SAME WINDOW APPLIED TO
22 THE ENTIRE BRAIN FROM TOP TO BOTTOM.

23 IT'S JUST THAT YOU CAN SEE HERE, THIS PARTICULAR AREA
24 IS MUCH BLUER ON THAN THIS PARTICULAR AREA BECAUSE THAT'S
25 THE WAY MR. STANKO'S BRAIN IS. THIS PART OF HIS BRAIN IS

1 SIGNIFICANTLY LOWER.

2 AND IF YOU LOOK AT THE COLOR SCALE HERE YOU WILL SEE
3 THAT THE COLOR SCALE HERE SHOWS THAT THE BLUER IS MUCH
4 LOWER THAN THE FORCE ON THE RED OR YELLOW HERE. AND SO
5 WE'RE SEEING THAT THE BLUE IS ROUGHLY HALF AS -- AS LOW AS
6 CORRESPONDING RED OR YELLOW IN THIS PARTICULAR AREA.

7 AND SO WE USE THE SAME KIND OF WINDOWING ON BOTH
8 BRAINS. AND YOU SEE THAT MOST OF THE BRAIN IS VERY
9 SIMILAR. IT'S JUST THIS PARTICULAR AREA HERE, THE LOWER
10 PART OF THE FRONTAL LOBE WHICH IS ABNORMALLY LOW.

11 Q ALL RIGHT. IF YOU ASSIGNED INCONSISTENT NUMBERS WITH
12 THE COLOR SCALE, WOULD THAT BE SOMETHING THAT WOULD BE
13 ACCEPTED WITHIN THE SCIENCE OF YOUR EXPERTISE, WITH THE
14 PET SCAN?

15 A NO. YOU WOULD NEVER DISTORT THE SCAN BY SELECTIVELY
16 LOWERING THE VALUE FROM ONE PARTICULAR AREA SUCH AS THIS
17 AREA AND COMPARED TO OTHER AREAS IN ORDER TO FUDGE THE
18 DATA. WE WOULD NEVER DO ANYTHING LIKE THAT.

19 Q AND THAT'S WHY YOU HAVE THE NUMERICAL SCALE THAT YOU
20 CAN LOOK AT BY NUMBERS AND SEE THAT THEY'RE THE SAME; IS
21 THAT CORRECT?

22 A YES. SO WHAT WE DID, WE APPLY THE SAME WINDOWING
23 EQUALLY TO THE ENTIRETY OF MR. STANKO'S BRAIN AND ENTIRETY
24 OF THE NORMAL CONTROL AVERAGE, AND WE CAN SEE THAT
25 MR. STANKO'S BRAIN IS ENTIRELY NORMAL EXCEPT FOR THIS LOW

1 PART OF THE FRONTAL LOBE AREA RIGHT THERE.

2 Q NOW, LET ME ASK YOU ABOUT THIS DATABASE. THE NORMAL
3 CONTROL AVERAGE, EXPLAIN TO US WHAT THIS IS AND HOW YOU
4 ARRIVED AT THAT.

5 A WELL, THIS NORMAL CONTROL AVERAGE I'M COMPARING IS A
6 NORMAL CONTROL AVERAGE OF SUBJECTS DOING THE CPT TASK
7 WHICH WOULD BE THEIR APPROPRIATE COMPARISON FOR
8 MR. STANKO.

9 THERE ARE OTHER DATABASES OUT THERE WHICH HAVE NORMAL
10 CONTROLS WHICH ARE NOT DOING THE CPT TASK WHICH ARE DOING
11 THE REST TASK, AND THAT WILL BE THE WRONG TYPE OF DATABASE
12 COMPARED TO -- MR. STANKO'S BRAIN TO.

13 Q ALL RIGHT. HOW DID YOU GET THIS PARTICULAR DATABASE?

14 A THIS DATABASE WAS ACQUIRED BY SCREENING AND
15 RECRUITING 56 NORMALS, AND THIS DATABASE -- AND HAVING ALL
16 THESE NORMALS RUN THE CPT TASK DURING THEIR PET SCAN.

17 AND THIS IS SOMETHING THAT HAS BEEN SUBJECTED TO
18 INDEPENDENT SCIENTIFIC PEER REVIEW IN A NUMBER OF ARTICLES
19 WHICH I HAVE PUBLISHED WHICH ARE LISTED IN MY CV.

20 AND SO THIS IS A NORMAL DATABASE WITH THE APPROPRIATE
21 CONDITION, CPT TASK, THAT -- WHICH IS THE SAME CONDITION
22 THAT MR. STANKO IS -- WAS DOING AT THE TIME OF HIS SCAN.

23 Q ALL RIGHT. WOULD IT -- WOULD THIS BE ACCURATE? AND
24 I'M NOT TRYING TO LEAD YOU HERE. I'M TRYING TO SEE IF I
25 UNDERSTAND WHAT YOU'RE SAYING.

1 THIS COLOR SCALE RIGHT HERE REPRESENTS THE AVERAGE OF
2 THE HEALTHY BRAINS DOING THE SAME TASK THAT MR. STANKO WAS
3 ASSIGNED TO DO DURING HIS SCAN?

4 A YES.

5 Q AND THESE WERE OBTAINED IN THE NORMAL CONTROL AVERAGE
6 VIA THE PET SCAN PROCESS?

7 A YES. THAT'S CORRECT. SO THAT WE USE THE RIGHT
8 NORMAL CONTROL DATABASE TO COMPARE MR. STANKO'S TO. THE
9 RIGHT ONE WOULD BE THE ONE IN WHICH THE CONTROLS ARE DOING
10 THE SAME TASK AS MR. STANKO.

11 Q ARE THERE ANY COMMERCIALLY AVAILABLE SOFTWARE
12 PRODUCTS THAT ARE AVAILABLE TO HELP READ PET SCAN DATA?

13 A THERE ARE COMMERCIALLY AVAILABLE SOFTWARE SUCH AS THE
14 HERMES BRASS SOFTWARE WHICH CAN BE BOUGHT OFF THE SHELF
15 WHICH HAVE THEIR OWN NORMAL CONTROL DATABASE.

16 Q ALL RIGHT. WHO IS A LIKELY CUSTOMER FOR THIS
17 PARTICULAR MANUFACTURER?

18 A WELL, THESE WOULD BE LIKELY -- CUSTOMERS WOULD BE
19 CENTERS THAT GENERALLY DON'T HAVE THEIR OWN DATABASE,
20 NORMAL CONTROL DATABASE.

21 Q YOU'RE TALKING ABOUT MEDICAL CENTERS?

22 A MEDICAL CENTERS WOULD BE ONE SUCH FACILITY, AND
23 GENERALLY CENTERS THAT DON'T HAVE AS MUCH EXPERIENCE WITH
24 NEUROPSYCHIATRIC STUDIES.

25 Q NEUROPSYCHIATRIC STUDIES.

1 A YES.

2 Q YOU'RE NOT SAYING THEY ARE NOT EXPERIENCED, BUT
3 SIMPLY IN THAT ONE AREA?

4 A YES. AND SO PLACES THAT HAVE MORE EXPERIENCE
5 GENERALLY HAVE ACQUIRED THEIR OWN NORMAL CONTROL AND THEY
6 GENERALLY HAVE THEIR NORMAL CONTROL DOING SOME TYPE OF
7 TASK SO THAT THEY CAN REDUCE THE -- THE BACKGROUND HISS OR
8 STATIC IN THE BRAIN.

9 Q ALL RIGHT. IF I WERE TO GO OUT AND PURCHASE THIS
10 PARTICULAR SOFTWARE, FOR EXAMPLE, DID YOU -- DID I HEAR
11 YOU SAY A DATABASE WOULD COME WITH IT?

12 A YES. THIS SOFTWARE COMES WITH A DATABASE OF SUBJECTS
13 AT REST. AND THIS IS -- AND SO IF YOU WANTED TO USE A
14 SOFTWARE. YOU WOULD HAVE TO MAKE SURE THAT THE SUBJECT
15 THAT YOU'RE COMPARING THIS SOFTWARE WITH AN AT REST
16 DATABASE IS ALSO AT REST.

17 Q WHAT WOULD WE GET -- WHAT WOULD HAPPEN IF YOU WERE TO
18 COMPARE MR. STANKO'S PET RESULTS WITH THE DATABASE THAT
19 WAS ACCOMPANYING COMMERCIAL SOFTWARE -- COMMERCIAL
20 AVAILABLE SOFTWARE OF PEOPLE AT REST, THAT CONTAINED A
21 DATABASE OF PEOPLE AT REST?

22 A WELL, IF ONE WERE TO TAKE A DATABASE OF PEOPLE AT
23 REST AND COMPARE IT WITH A SUBJECT WHO WAS NOT AT REST BUT
24 ACTIVATED, IT WOULD BE LIKE COMPARING APPLES WITH ORANGES.
25 YOU WOULD BE -- IT WOULD -- IT WOULD HAVE TO -- IT

1 WOULD RESULT IN PROBLEMS WITH MAKING SURE THAT ONE IS
2 USING THE RIGHT COMPARISON AND ONE WOULD BE AT RISK FOR
3 HAVING MORE STATIC OR NOISE WHICH WOULD OBSCURE THE
4 SIGNAL.

5 AND SO IT WOULD RESULT IN AN INABILITY TO DETECT
6 DIFFERENCES WHICH ARE PRESENT.

7 Q WOULD -- WOULD YOU USE IN YOUR PRACTICE AN AT REST
8 DATABASE TO RENDER AN OPINION ON MR. STANKO'S SCAN?

9 A NO. IN MY PRACTICE I WOULD NEVER USE A DATABASE OF
10 INDIVIDUALS AT REST TO COMPARE AN INDIVIDUAL IN AN
11 ACTIVATED STATE BECAUSE IT WOULD IN MY OPINION NOT BE THE
12 APPROPRIATE COMPARISON.

13 Q NOW, WOULD THAT BE IN ANY CASE OR IN CASES LIMITED TO
14 THAT NEUROPSYCHIATRIC AREA THAT YOU SPOKE OF EARLIER?

15 A WELL, THIS WOULD BE CUSTOMARY PRACTICE FOR AN
16 INDIVIDUAL WHO IS AWARE OF THESE ISSUES AND IS
17 SOPHISTICATED IN TERMS OF THINKING ABOUT HOW TO TRY TO
18 MAXIMIZE THE ABILITY TO SUPPRESS BACKGROUND NOISE AND BE
19 ABLE TO LOOK AT THE KIND OF DIFFERENCES THAT WE SEE IN
20 NEUROPSYCHIATRIC PATIENTS.

21 Q ALL RIGHT. DR. WU, I WANT YOU TO GO BACK TO THAT
22 IMAGE OF MR. STANKO, THAT SCAN WHERE WE'RE LOOKING BACK UP
23 INTO THE TOP OF THE -- THERE. AND I WANT YOU TO -- AND
24 BASED ON THE NUMBERS, COULD YOU GIVE US AN ESTIMATE OF THE
25 PERCENTAGE OF DECREASED ACTIVITY IN THE FRONTAL LOBE

1 FUNCTION AS SHOWN BY THAT SCAN?

2 A WELL, I WOULD SAY THAT MR. STANKO SHOWS APPROXIMATELY
3 A 50 PERCENT DECREASE COMPARED TO A NORMAL SUBJECT IN THIS
4 SPECIFIC AREA RIGHT HERE WHICH IS WHAT WE CALL THE FLOOR
5 OF THE FRONTAL LOBE.

6 Q LET ME ASK YOU WHAT THAT AREA OF THE BRAIN IS
7 RESPONSIBLE FOR DOING.

8 A WELL, THE FLOOR IN THE FRONTAL LOBE IS SOMETHING A --
9 THAT NEUROPSYCHIATRISTS LEARN ABOUT FROM THE FAMOUS
10 PHINEAS GAGE CASE. IN THE PHINEAS GAGE CASE -- THIS IS A
11 RECONSTRUCTION -- IN SEPTEMBER OF 1848 A RAILROAD WENT TO
12 WORK IN -- RAILROAD AT THAT TIME WAS CHANTING DYNAMITE
13 WHEN IT INADVERTENTLY WENT OFF AND WENT THROUGH THE VERY
14 AREA THAT IS ABNORMAL IN MR. STANKO'S BRAIN, WHICH IS THE
15 FLOOR OF THE FRONTAL LOBE AREA.

16 NOW, MR. GAGE SURPRISINGLY SHOWED NO OTHER CHANGE.
17 HE WAS ABLE TO TALK, WALK, FEED HIMSELF. THE ONLY CHANGE
18 THAT OCCURRED TO MR. GAGE AS A RESULT OF THIS -- BLOCK
19 FLYING THROUGH HIS -- WHAT WAS THE FLOOR OF HIS FRONTAL
20 LOBE IS THAT HE CHANGED HIS PERSONALITY FROM A DILIGENT
21 AND RESPONSIBLE INDIVIDUAL TO SOMEONE WHO IS A
22 FOUL-MOUTHED LIAR AND SOMEONE WHO IS VERY AGGRESSIVE AND
23 INAPPROPRIATE.

24 AND THIS WAS ONE OF THE MOST FAMOUS CASES IN THE
25 STUDY OF THE BRAIN BECAUSE IT HELPED TO SHOW THAT THIS --

1 THAT THE BRAIN HAD A SIGNIFICANT AFFECT ON REGULATING
2 CERTAIN PARTS OF PEOPLE'S PERSONALITY AND THEIR BEHAVIOR.
3 AND THIS WAS JUST A FIRST OF MANY SUCH STUDIES.

4 Q ALL RIGHT. NOT ONLY THE BRAIN, BUT SPECIFIC AREA OF
5 THE BRAIN. WOULDN'T THAT BE CORRECT?

6 A YES, SPECIFIC AREA OF THE BRAIN. THE FRONTAL LOBE
7 AREA OF THE BRAIN.

8 Q ALL RIGHT. LET'S GO BACK TO MR. STANKO'S. NOW, DO
9 YOU HAVE ANY -- FIRST OF ALL, HAVE YOU SEEN THIS TYPE OF
10 LIMITED FUNCTION BEFORE?

11 A YES, I HAVE.

12 Q AND ON HOW MANY OCCASIONS? HOW MANY OF THE 5000, FOR
13 EXAMPLE, THAT YOU LOOKED AT, HOW MANY PEOPLE HAD YOU SEEN
14 WITH THIS TYPE OF LIMITED FUNCTION?

15 A WELL, THIS LOW--

16 Q THIS DEGREE.

17 A -- THIS DEGREE WOULD BE RELATIVELY RARE. I WOULD SAY
18 I HAVE SEEN THIS PRIMARILY IN INDIVIDUALS WITH SOME TYPE
19 OF BRAIN INJURY OR SOME TYPE OF DEVELOPMENTAL BRAIN
20 ABNORMALITY, I WOULD SAY PROBABLY LESS THAN A SMALL
21 PERCENTAGE OF CASES.

22 Q I WAS GOING TO ASK YOU HOW, HOW THIS COULD HAPPEN,
23 HOW COULD ONE ARRIVE AT THIS STAGE OF LIFE AS MR. STANKO
24 IS IN AND HAVE THAT KIND OF FRONTAL -- DECREASE IN
25 FUNCTIONALITY OF THAT AREA?

VOLUME SEVEN OF EIGHT

STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM GEORGETOWN COUNTY

Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEPHEN C. STANKO,

APPELLANT

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1 A WELL, THERE ARE SEVERAL POSSIBLE CAUSES FOR THIS KIND
2 OF ABNORMAL DECREASE IN THIS PARTICULAR PART OF THE BRAIN.
3 ONE A -- POSSIBLE CAUSE IS TRAUMATIC BRAIN INJURY.

4 AND THERE IS A HISTORY IN MR. STANKO'S CASE OF HIS
5 HAVING SUFFERED AN INCIDENT IN WHICH -- IN HIS SENIOR YEAR
6 OF HIGH SCHOOL HE WAS STRUCK IN THE BACK OF HIS HEAD AND
7 WAS NAUSEOUS AND HAD SOME ALTERNATE OF CONSCIOUS. SO
8 TRAUMATIC BRAIN INJURY CAN BE ONE FACTOR.

9 OTHER FACTORS CAN INCLUDE DEVELOPMENTAL BRAIN
10 ABNORMALITIES. AND SO IN SOME INDIVIDUALS, THE WIRING OF
11 THE BRAIN IN THE WOMB DOES NOT PROPERLY CONNECT AND SO
12 WHAT HAPPENS IS THAT WHEN THE CHILD IS BORN, THE CHILD CAN
13 HAVE ABNORMALITIES SUCH AS ABNORMAL REFLEXES SUCH AS A
14 MORO REFLEX OR OTHER--

15 Q WHAT IS THAT?

16 A THE MORO REFLEX IS A REFLEX IN WHICH YOU TAKE A BABY
17 AND YOU CRADLE IT IN YOUR HANDS AND THEN YOU SUDDENLY DROP
18 THE BABY, OF COURSE, WHILE YOU'RE CRADLING IT, AND
19 TYPICALLY THE BABY WILL THROW THEIR HAND OUT AND THEN
20 BRING THEIR HAND TOGETHER. THIS IS CALLED A MORO REFLEX.
21 AND IT'S A NORMAL REFLEX.

22 AND INDIVIDUALS WITH AN ABNORMAL BRAIN WIRING WOULD
23 HAVE SOME KIND OF IMPEDIMENT IN SOME OF THESE NATURAL
24 REFLEXES. THESE ARE VERY CRUDE TESTS, BUT NEVERTHELESS
25 THEY DO PROVIDE THE DOCTOR OR CLINICIAN WITH SOME INSIGHT

1 INTO WHETHER OR NOT THERE'S SOME KIND OF ABNORMAL WIRING
2 THAT DEVELOPED IN THE WOMB.

3 Q WELL, DR. WU, LET'S -- WE DON'T KNOW HOW THIS
4 HAPPENED TO MR. STANKO?

5 A WE DON'T KNOW SPECIFICALLY. THERE ARE SEVERAL
6 POSSIBILITIES INCLUDING THE POSSIBILITY OF TRAUMATIC BRAIN
7 INJURY, INCLUDING THE POSSIBILITY OF DEVELOPMENTAL BRAIN
8 ABNORMALITIES. I DON'T KNOW SPECIFICALLY FOR -- WITH A
9 CERTAINTY EXACTLY WHICH SPECIFIC CAUSES RESULTED IN THIS
10 KIND OF ABNORMALITY.

11 Q BUT IS THERE ANY DOUBT IN YOUR MIND THAT THE
12 ABNORMALITY IS THERE?

13 A NO, THERE'S NO DOUBT THAT THIS IS DEFINITELY AN
14 ABNORMALLY FUNCTIONING FLOOR OF THE FRONTAL LOBE.

15 Q IS HE'S HAD IT ALL HIS LIFE, AND I'M -- I DON'T KNOW
16 THAT HE HAS, OKAY, BECAUSE WE DON'T KNOW AS YOU JUST SAID
17 WHEN THIS HAPPENED.

18 A YES.

19 Q OR HOW IT HAPPENED.

20 A IT COULD BE A COMBINATION OF SEVERAL FACTORS.

21 Q WELL, IF IT HAPPENED AT BIRTH--

22 A YES.

23 Q -- WHY -- OR WHEN IS IT LIKELY TO MANIFEST ITSELF?

24 A WELL, ABNORMALITIES THAT ARE DEVELOPMENTAL SOMETIMES
25 DON'T MANIFEST UNTIL EARLY ADULthood.

1 Q WHY? WHY IS THAT?

2 A THE REASON WHY THIS OCCURS IS BECAUSE, FOR EXAMPLE,
3 IF YOU HAVE AN ABNORMALITY IN THE FRONTAL LOBE, THE
4 FRONTAL LOBE IS NOT REALLY CONNECTED TO REST OF THE BRAIN
5 UNTIL LATE ADOLESCENCE OR EARLY ADULthood.

6 THERE IS A PROCESS CALLED MIONIZATION (SIC). THAT
7 IS, THESE ARE -- ARE TRACKS OR NERVE WIRING THAT IS --
8 CONNECT DIFFERENT PARTS OF THE BRAIN. AND THE FRONTAL
9 LOBE IS NOT FULLY CONNECTED THROUGHOUT THEIR BRAIN UNTIL
10 LATE ADOLESCENCE.

11 SO THAT'S WHY YOU CAN HAVE PEOPLE WHO HAVE ALMOST
12 LIKE A LITTLE TIMEBOMB IN THEIR HEAD THAT'S TICKING AWAY
13 AND DOESN'T BLOW UP UNTIL THE WIRING IS FULLY CONNECTED.

14 AND THERE ARE A NUMBER OF CONDITIONS. FOR EXAMPLE,
15 WE KNOW THAT CERTAIN FORMS OF SCHIZOPHRENIA, PEOPLE CAN
16 LOOK PERFECTLY NORMAL IN CHILDHOOD AND EARLY ADOLESCENCE
17 AND NOT UNTIL LATE ADOLESCENCE THAT ONE STARTS TO HEAR
18 VOICES.

19 AND WE KNOW THAT THERE'S ABNORMALITIES IN THE
20 MIGRATION OR CONNECTION THAT THE NERVE CELLS MAKE IN THE
21 WOMB.

22 FOR EXAMPLE, WE KNOW THAT IF YOU ARE PREGNANT AND YOU
23 HAVE A BAD FLU DURING YOUR SECOND TRIMESTER OF PREGNANCY,
24 YOU'RE MUCH MORE LIKELY TO HAVE SCHIZOPHRENIC OFFSPRING
25 BECAUSE DURING THAT SECOND TRIMESTER, THERE'S CERTAIN

1 Kinds of connections that are forming.

2 AND SO IF THE CONNECTIONS THAT ARE -- ARE SCREWED UP
3 BY, FOR EXAMPLE, A BAD FLU -- AND THIS HAS BEEN SOMETHING
4 THAT'S BEEN SHOWN PROBABLY 20, 30 STUDIES ALL AROUND THE
5 WORLD -- THAT IT CAN SIGNIFICANTLY INCREASE YOUR RISK.

6 AND SO -- AND YET IF YOU LOOK AT THESE KIDS DURING
7 EARLY CHILDHOOD OR EARLY HIGH SCHOOL, THEY LOOK PERFECTLY
8 NORMAL. IT'S NOT UNTIL LATE ADOLESCENCE THAT THEY START
9 TO BREAK DOWN, THEY START TO HEAR VOICES.

10 YET THEY HAVE HAD THIS PROBLEM ALL THEIR LIFE BECAUSE
11 THIS PROBLEM OCCURRED IN THE WOMB DURING THE SECOND
12 TRIMESTER OF BIRTH.

13 THERE ARE OTHER EXAMPLES OF THIS. FOR EXAMPLE, WE
14 KNOW THAT UNINTENSE PARENIA (SIC) IS A GENETIC ABNORMALITY
15 THAT DOESN'T MANIFEST UNTIL 40 OR 50. SO THERE'S MANY
16 EXAMPLES OF DEVELOPMENTAL ABNORMALITIES THAT ARE NOT
17 APPARENT UNTIL SOMETHING TRIGGERS IT AND -- AND IT CAN BE
18 TWO, THREE, FOUR, FIVE DECADES LATER IN LIFE.

19 Q TO A REASONABLE DEGREE OF MEDICAL CERTAINTY, IS THAT
20 A POSSIBILITY WITH MR. STANKO?

21 A YES.

22 Q IN THIS TYPE OF DECREASED FUNCTION IN THE -- IN THE
23 FRONTAL LOBE?

24 A YES, IT IS.

25 Q ALL RIGHT. DR. WU, THANK YOU VERY MUCH. THAT'S ALL

1 I HAVE AT THIS TIME.

2 THE COURT: DO YOU HAVE ANY QUESTIONS FOR
3 WITNESS?

4 MR. HEMBREE: I DO, YOUR HONOR.

5 THE COURT: YOU MAY PROCEED.

6 MR. HEMBREE: THANK YOU, YOUR HONOR.

7 THE COURT: YOU'RE WELCOME.

8 CROSS-EXAMINATION

9 BY MR. HEMBREE:

10 Q DR. WU, WOULD YOU BRING BACK UP THE -- I BELIEVE YOU
11 CALLED IT THE DICOM SLIDES THAT YOU -- THAT YOU WERE SENT.

12 A YES.

13 Q ALL RIGHT, DR. WU. FIRST LET ME ASK YOU ABOUT THIS
14 CONTINUANCE PERFORMANCE TEST. I BELIEVE YOU TESTIFIED --
15 TELL ME IF I UNDERSTAND YOUR TESTIMONY ACCURATELY --
16 THAT -- THAT AN ACTIVE PET SCAN OR A PET SCAN THAT IS
17 CONDUCTED AFTER DOING A CONTINUANCE PERFORMANCE TEST IN
18 YOUR JUDGMENT OR YOUR OPINION IS -- IS A BETTER PET SCAN,
19 IT IS -- IT GIVES YOU A MORE ACCURATE READING OF THE
20 HEALTH OF THAT BRAIN OR THE -- OR MORE LIKELY TO SHOW
21 ABNORMALITIES THAT EXIST.

22 A WELL, THE PEER REVIEWED LITERATURE SUCH AS CHAN
23 PUBLISHED IN 2003 AND OTHERS, SUCH AS HOLCOMBE, SHOW THAT
24 THERE IS WHAT WE CALL REDUCED STATIC NOISE WITH A CPT
25 TASK.

1 AND SO IF YOU HAVE LESS STATIC OR NOISE, YOU'RE MORE
2 LIKELY TO DETECT AN ABNORMALITY THAN IF THERE'S A LOT OF
3 LIKE HISS IN THE BACKGROUND.

4 Q OKAY. THAT'S WHAT -- THAT'S MY QUESTION TO YOU. LET
5 ME CLARIFY IT AGAIN. I JUST -- I DON'T NEED THE -- I'M
6 NOT ASKING FOR THE REASONING BEHIND IT. I JUST NEED TO
7 KNOW IF I UNDERSTAND IT CORRECTLY -- THAT AN ACTIVE --
8 WHAT I'M CALLING AN ACTIVE PET SCAN OR A PET SCAN THAT HAS
9 BEEN CONDUCTED AFTER A SUBJECT HAS PERFORMED THIS
10 CONTINUANCE PERFORMANCE TEST IS GOING TO BE A MORE
11 ACCURATE PET SCAN FOR DETECTING ABNORMALITIES?

12 A THAT'S -- THE PEER REVIEWED LITERATURE SHOWS, YES.

13 Q AND THAT'S YOUR OPINION AS WELL?

14 A THAT'S MY OPINION AS WELL, YES.

15 Q OKAY. VERY GOOD. SO ANYONE WHO READS THAT PET SCAN,
16 NO MATTER WHO THEY ARE, ANYONE WHO READS THAT PET SCAN
17 WILL BE READING A HIGHER QUALITY PET SCAN THAN A RESTING
18 PET SCAN; CORRECT?

19 A THE PET SCAN ITSELF WILL BE A HIGHER QUALITY, BUT I
20 THINK WHAT WILL VARY WILL BE THE EXPERIENCE THAT THE
21 READER HAS IN SEEING SUCH SCANS.

22 Q WELL, BUT THERE -- REGARDLESS, IT'S A BETTER PET
23 SCAN?

24 A YES.

25 Q SO WHOEVER READS A BETTER PET SCAN HAS A BETTER

1 PRODUCT TO EVALUATE; CORRECT?

2 A YES, THERE'S GOING TO BE LESS NOISE.

3 Q FAIR ENOUGH. NOW, THE PET SCAN THAT -- OR THE
4 DATABASE THAT YOU'RE USING FOR THIS EXPERIMENT WITH THIS
5 SUBJECT AND YOUR OPINION REGARDING HIS ABNORMALITY IS
6 BASED ON A DATABASE THAT WAS DEVELOPED AT THE UNIVERSITY
7 OF CALIFORNIA IRVINE.

8 A YES.

9 Q SO IT'S -- IT'S -- IT IS KIND OF IN-HOUSE?

10 A YES.

11 Q AND IT WAS USING 56 SUBJECTS?

12 A YES.

13 Q AND THESE 56 SUBJECTS YOU DESCRIBE AS HAVING NORMAL
14 BRAINS.

15 A YES.

16 Q AND PLEASE TELL ME, HOW DO YOU DEFINE NORMAL BRAIN IN
17 DETERMINING WHICH 56 YOU'RE GOING TO USE?

18 A WELL, WE SCREEN THEM USING WHAT WE CALL A DIAGNOSTIC
19 INSTRUMENT CALLED A STRUCTURED CLINICAL INTERVIEW FOR
20 DIAGNOSIS.

21 Q OKAY. SO YOU TALKED TO THESE FOLKS. LET ME SEE IF I
22 UNDERSTAND THAT. YOU BASICALLY DID A -- A PSYCHIATRIC,
23 PSYCHOLOGICAL DIAGNOSIS OF THESE FOLKS TO MAKE A JUDGMENT
24 OR DETERMINATION WHETHER OR NOT THEY HAD SOME PSYCHIATRIC
25 CONDITION.

1 A OR NEUROLOGIC.

2 Q OR NEUROLOGICAL CONDITION THAT WOULD -- THAT WOULD
3 QUALIFY THEM FOR SOME SORT OF A DIAGNOSIS UNDER THE DSM4
4 OR OTHERWISE.

5 A YES.

6 Q OKAY. AND SO YOU TALKED TO THEM. AND AFTER TALKING
7 TO THEM OR GETTING -- MAYBE GIVING THEM SOME PSYCHOLOGICAL
8 TESTING, YOU DECIDED THEY -- THEY SEEMED NORMAL TO US.

9 A YES.

10 Q ALL RIGHT. NOW, ISN'T IT TRUE THAT THERE ARE FOLKS
11 THAT CAN HAVE ABNORMAL BRAINS OR THEY CAN -- THERE CAN BE
12 AN ABNORMALITY THAT IS REFLECTED IN THE BRAIN IN A PET
13 SCAN YET THEY ARE NOT DIAGNOSED WITH ANY PSYCHIATRIC
14 CONDITION?

15 A WELL, I WOULD SAY THAT THERE'S A TREMENDOUS WHAT WE
16 CALL VARIATION IN NORMALS. AND SO THE QUESTION BECOMES,
17 WELL, FOR EXAMPLE, IF YOU'RE LOOKING AT HEMATOCRIT OR RED
18 BLOOD CELL OR HEMOGLOBIN, YOU KNOW, THAT NORMAL HEMOGLOBIN
19 IS LIKE 15 OR SO IS THE NORMAL RANGE, AND YOU CAN USE A
20 CUT-OFF LIKE A CERTAIN VALUE IN ORDER TO SAY SOMEONE HAS
21 ANEMIA, BUT YOU MIGHT HAVE -- AN OCCASIONAL NORMAL MIGHT
22 HAVE VALUE BELOW THAT, BUT STILL YOU WOULD HAVE TO HAVE
23 SOME KIND OF CUT-OFF SO THAT MOST NORMALS WOULD BE ABOVE
24 THIS AND MOST PATIENTS WITH ANEMIA WOULD BE BELOW THIS.

25 AND THAT'S THE SAME THING WITH PET SCANS. THERE'S NO

1 ABSOLUTE PERFECT THRESHOLD. WHAT YOU DO IS YOU TRY TO
2 FIND A THRESHOLD WHERE MOST NORMALS WOULD BE ABOVE IT AND
3 MOST PATIENTS WITH SOME KIND OF ABNORMALITY WOULD BE BELOW
4 IT, BUT IT'S NOT GOING TO BE PERFECTLY SEPARATED.

5 Q BECAUSE EVERYBODY IS DIFFERENT.

6 A THERE IS A TREMENDOUS AMOUNT OF VARIATION.

7 Q TREMENDOUS AMOUNT OF VARIATION FROM BRAIN TO 'BRAIN TO
8 BRAIN.

9 A YES. AND--

10 Q YEAH. THAT'S NOT YOUR--

11 A -- THE QUESTION IS DOES THIS FALL OUTSIDE OF THAT
12 RANGE OF NORMAL VARIATION, AND -- AND IN MY OPINION THIS
13 FALLS OUTSIDE THAT TREMENDOUS VARIATION.

14 Q AND SO IT'S THEORETICALLY POSSIBLE THAT SOMEONE THAT
15 WAS PERFECTLY NORMAL BASED ON -- BASED ON THE DIAGNOSIS,
16 THE TESTING THAT YOU DID, THE DIAGNOSIS THAT YOU DID, THEY
17 DON'T SEEM TO HAVE ANY PSYCHIATRIC PROBLEMS, THEY SEEM
18 FINE, YOU PUT THEM IN THE NORMAL GROUP, YET -- YET THEIR
19 FRONTAL LOBE FUNCTION IS A LITTLE DIFFERENT THAN THIS
20 ONE'S, BUT IT'S LESS THAN THIS ONE'S FRONTAL LOBE
21 FUNCTION; CORRECT?

22 A WELL, WHAT WAS--

23 Q ISN'T THAT POSSIBLE, DOCTOR?

24 A WELL, THE WAY I WOULD ANSWER IT IS THAT WE WOULD LOOK
25 AT THE RELATIVE PROBABILITY SO THAT THE RELATIVE

1 PROBABILITY OF A NORMAL HAVING A VALUE THIS LOW WOULD BE
2 VERY LOW WHEREAS A RELATIVE PROBABILITY OF SOMEONE WITH A
3 BRAIN ABNORMALITY IS VERY HIGH, BUT IS NOT GOING TO BE
4 BLACK OR WHITE OR HUNDRED AND ZERO.

5 AND SO I WOULD SAY THERE WOULD BE A SMALL PERCENTAGE
6 OF NORMALS WHO MIGHT HAVE A VALUE THIS LOW, BUT IT WOULD
7 BE VERY SMALL, VERSUS A HIGH PERCENTAGE OF PEOPLE WITH A
8 BRAIN ABNORMALITY JUST LIKE YOU WOULD HAVE WITH TRYING TO
9 SEE IF SOMEONE IS ANEMIC.

10 WHEN YOU HAVE ANEMIA, YOU DRAW A CUT-OFF, AND THERE
11 MIGHT BE ONE OR TWO NORMALS THAT MIGHT HAVE A VALUE BELOW
12 THAT THAT WOULDN'T BE ANEMIC OR GOING TO HAVE A VALUE IN
13 THE SAME RANGE.

14 Q OKAY. LET ME TALK TO YOU ABOUT THE BRAINS, THOUGH,
15 NOT ABOUT ANEMIA.

16 A YES.

17 Q ISN'T IT TRUE, DOCTOR, THAT -- THAT A PERSON'S BRAIN
18 AND BRAIN FUNCTION AND EVEN BRAIN SIZE WILL CHANGE OVER
19 THE COURSE OF TIME?

20 A THERE IS A NORMAL VARIATION DUE TO AGING. WE KNOW
21 THAT AS PEOPLE GROW OLDER, THAT THERE IS A NORMAL DECREASE
22 IN FRONTAL LOBE ACTIVITY. SO BY THE TIME YOU'RE 50 OR 60,
23 YOUR FRONTAL LOBE IS NOT GOING TO BE AS HOT AS SOMEONE WHO
24 IS IN THEIR TWENTIES OR 30'S.

25 Q OH, SO FRONTAL LOBE ACTIVITY DECREASES WITH AGE?

1 A YES.

2 Q SO YOU WOULD EXPECT TO FIND UNDER -- UNDER YOUR --
3 THE PHINEAS GAGE THEORY THAT YOU'VE ADVANCED HERE TODAY
4 THAT MOST VIOLENT PEOPLE SHOULD BE OVER THE AGE OF 50 OR
5 60?

6 A WHAT I'M SAYING IS THAT WITH VIOLENCE, THAT THERE IS
7 A AREA IN THE BRAIN, THE FRONTAL LOBE, WHICH HAS BEEN
8 SHOWN TO BE ABNORMALLY PRESENT IN -- TO A MUCH HIGHER
9 DEGREE IN VIOLENT PEOPLE THAN IN NORMAL INDIVIDUALS.

10 Q UNDERSTOOD. SO BASED ON THAN THEORY, BASED ON WHAT
11 YOU'RE PRESENTING TO THIS JURY, AS FRONTAL LOBE FUNCTION
12 DECREASES WITH AGE, YOU WOULD EXPECT OLDER PEOPLE TO BE
13 MUCH MORE VIOLENT THAN YOUNGER PEOPLE.

14 A WELL, THAT WOULD BE A OBSERVED SIMPLIFICATION BECAUSE
15 THE BRAIN ISN'T -- CAN'T BE SIMPLIFIED TO THAT DEGREE.

16 Q WELL, YOU CERTAINLY SIMPLIFIED -- WOULDN'T YOU SAY
17 YOU SIMPLIFIED IT TO THAT DEGREE TODAY FOR THIS JURY
18 REGARDING MR. STANKO'S BRAIN?

19 A NO, I WOULDN'T. I WOULD SAY THAT I'M TRYING TO
20 PRESENT RESEARCH WHICH SHOWS THAT THE FRONTAL LOBE IS
21 IMPLICATED IN REGULATING BEHAVIOR BUT THAT WHAT I'M
22 LOOKING AT THE VARIATION IN THE NORMAL POPULATION, I AM
23 TAKING INTO ACCOUNT DIFFERENCES DUE TO AGING.

24 Q AND WHEN YOU'RE LOOKING AT -- WHEN YOU'RE DOING A
25 BRAIN SCAN OR WHEN YOU'RE DOING A PET SCAN, ISN'T IT TRUE

1 THAT ONE OF THE REASONS THAT THEY TURN THE LIGHTS OFF AND
2 THEY PUT THE SUBJECT IN A DARKENED ROOM IS TO SLOW DOWN OR
3 DECREASE OR SORT OF EVEN OUT THE ACTIVITY OF THE OCCIPITAL
4 LOBE WHICH IS IN THIS -- THIS SECTION HERE OF STATE'S
5 EXHIBIT 10, THIS IS THE OCCIPITAL LOBE, CORRECT?

6 THIS AREA IN THIS -- LET ME -- I WILL REFER TO THE
7 DIAGRAM YOU'VE GOT ON THE SCREEN. THIS AREA HERE IS THE
8 OCCIPITAL LOBE; CORRECT?

9 A YEAH, THAT'S CORRECT.

10 Q OKAY. SO IF -- ISN'T IT TRUE, DOCTOR, THAT ONE OF
11 THE REASONS THAT WHEN SUBJECTS ARE GIVEN A PET SCAN, THEY
12 TURN THE LIGHTS DOWN, THEY CAN BE -- CALM ROOM IS BECAUSE
13 THEY WANT TO BRING THAT -- THE ACTIVITY IN THAT OCCIPITAL
14 LOBE DOWN, DECREASE THE ACTIVITY OF THE EYES AND THE WORK
15 THAT THE EYES ARE DOING TO EVEN IT OUT WITH THE REST OF
16 THE BRAIN; TRUE?

17 A WELL, THE RESEARCH INDICATES THAT THE REST STATE
18 ACTUALLY HAS GREATER VARIABILITY THAN THE ACTIVATION STATE
19 AND SO--

20 Q NO, SIR. THAT'S NOT MY QUESTION.

21 A BUT MY--

22 Q I WILL LET YOU EXPLAIN YOUR ANSWER. MY QUESTION TO
23 YOU IS THIS. ISN'T IT TRUE THAT THE REASON THAT -- THAT
24 MEDICAL PROFESSIONALS USE THAT APPROACH IS TO SLOW DOWN
25 THE ACTIVITY IN THE OCCIPITAL LOBE. YES OR NO?

1 A NO.

2 Q OKAY. WHY DO THEY DO IT THEN?

3 A WELL, I -- THE REASON WHY MANY SAY REDUCE BECAUSE
4 THERE -- IS THE WAY THEY WERE TAUGHT TO DO IT. IT'S SORT
5 OF TRADITION. AND SO PEOPLE DO WHAT THEY WERE TAUGHT.
6 AND -- AND BECAUSE IT'S -- IT'S EASIER.

7 AND SO ESPECIALLY IF YOU'RE NOT A CENTER THAT HAS A
8 SPECIAL INTEREST IN NEUROPSYCHIATRIC DISORDERS AND YOU'RE
9 TRYING TO RUN A BUSY PET CENTER, THE SIMPLEST WAY OF
10 GETTING A PET SCAN IS TO HAVE THE SUBJECTS DOING NOTHING,
11 SO IT'S LOGISTICALLY MUCH EASIER.

12 Q NOW, THE -- GO BACK -- THIS IS THE POWERPOINT. GO
13 BACK TO THE SLIDE THAT YOU WERE USING.

14 A SURE.

15 Q AND I'M REALLY CURIOUS ABOUT THIS BECAUSE I'M LOOKING
16 AT THIS PET SCAN HERE.

17 A YES.

18 Q AND IT LOOKS TO ME LIKE THIS OCCIPITAL LOBE IS HOT,
19 WHAT I WOULD CALL HOT.

20 A YES.

21 Q IS THAT FAIR TO SAY?

22 A YES.

23 Q ALL RIGHT. BUT THEN I LOOK AT THE VERSION THAT YOU
24 PUT INTO YOUR SOFTWARE AND THE VINCI SOFTWARE AND
25 MR. STANKO'S OCCIPITAL LOBE LOOKS COLD; CORRECT?

1 A WELL, NO. IF YOU'LL LOOK, YOU WILL NOTICE THAT THERE
2 IS SOME RED IN MR. STANKO.

3 Q RIGHT. THIS IS MR. STANKO AND THIS IS ALSO
4 MR. STANKO; ISN'T IT?

5 A THAT'S CORRECT. AND -- BUT THESE ARE DIFFERING
6 ANGLES AND DIFFERING CUTS.

7 Q WELL, THIS IS THE SAME -- I MEAN, THIS IS THE -- WHAT
8 IS THE CUT THIS WAY CALLED?

9 A WELL, IT'S -- I MEAN, IT WOULD BE THE Z AXIS ON
10 POWER--

11 Q SO THIS IS THE Z AXIS AND THIS IS THE Z AXIS;
12 CORRECT?

13 A WELL, IT'S A -- DIFFERING VALUES IN THE Z AXIS.

14 Q DIFFERENT VALUES IN THE Z AXIS?

15 A YES. SO YOU CAN HAVE HIGH OR LOW Z AXIS VALUES SINCE
16 THESE ARE NOT THE IDENTICAL ORIENTATION OR CUT.

17 Q WHY DON'T YOU SCAN UP. SCAN -- GO UP THE BRAIN A BIT
18 THROUGH THIS -- WITH THIS PET SCAN. WHOA, WHOA, WHOA.
19 SLOW IT DOWN. SO WE SEE HERE THAT THE ACTIVITY IN THE
20 OCCIPITAL LOBE HERE IN THE FRONTAL LOBES ARE PRETTY MUCH
21 IDENTICAL.

22 A YES.

23 Q OKAY.

24 A AS I HAVE MENTIONED EARLIER, THE HIGHER VALUES OR
25 HIGHER SLICES IN MR. STANKO'S BRAIN ARE VERY SIMILAR TO

1 THAT OF THE NORMALS. AND SO IT'S NOT AN ISSUE OF
2 DIFFERENCES IN WINDOWING BECAUSE IF THAT WERE THE CASE,
3 YOU WOULD SEE DIFFERENCES IN ALL SLICES.

4 Q LET ME ASK YOU THIS, DOCTOR, AND I'M NOT GOING TO --
5 I WANT TO BE VERY CAREFUL HOW I ASK THIS BECAUSE I DO
6 NOT -- I DON'T KNOW YOU WELL ENOUGH TO ASSAULT YOUR
7 INTEGRITY AND I'M NOT GOING TO DO THAT WITH THIS QUESTION.

8 HOWEVER -- BECAUSE YOU'VE ANSWERED IT IN ONE FORM.
9 IF YOU CHOSE, IF SOMEONE -- NOT YOU -- IF SOMEONE WERE SO
10 MOTIVATED, COULD THEY ADJUST THESE COLOR SCHEMES BY
11 MANIPULATING THIS COLOR BAR?

12 A THE WAY THIS SOFTWARE WORKS, IF YOU MANIPULATE THE
13 COLOR BAR, YOU WOULD BE ADJUSTING THE LEVEL FOR ALL
14 SLICES, NOT JUST FOR THIS SPECIFIC AREA OF THE FRONTAL
15 LOBE.

16 Q BUT YOU COULD PICK ONE SLICE, AND DOCTOR -- COULD YOU
17 WORK ON ONE SLICE AND MAKE A LITTLE ADJUSTMENT THERE AND
18 THEN TAKE ANOTHER SLICE AND MAKE A LITTLE ADJUSTMENT
19 THERE, MAKE ANOTHER SLICE -- IS THAT POSSIBLE?

20 A I MEAN, YOU COULD WRITE SOFTWARE SO THAT YOU CAN
21 SEPARATE--

22 Q GOT YA--

23 A -- THIS OUT, BUT IF YOU USE THIS SOFTWARE OR
24 INTEGRATE IT SO THAT WHEN YOU'RE CHANGING THE LEVEL FOR
25 THE BRAIN -- IS USING ALL SLICES. NOW, YOU CAN WRITE

1 SOFTWARE TO DO ANYTHING AND YOU COULD WRITE SOFTWARE THAT
2 CAN DELIBERATELY DISTORT THE IMAGE BY DELIBERATELY PICKING
3 DIFFERENT VALUES FOR DIFFERENT AREAS, BUT YOU CAN DO THAT
4 WITH A PAINTBRUSH.

5 I MEAN USE, YOU KNOW, A PAINTBRUSH OR A DOBY AND, YOU
6 KNOW, JUST PAINT IT IF YOU WANT TO TO DISTORT THE IMAGE.

7 Q AND DR. WU, HAVE YOU BEEN CONSULTED ON OTHER CRIMINAL
8 CASES OTHER THAN THIS ONE?

9 A YES, SIR.

10 Q HOW MANY OCCASIONS?

11 A I'M NOT SURE THE PRECISE AMOUNT. I WOULD SAY MORE
12 THAN 20.

13 Q MORE THAN 20?

14 A YES.

15 Q HAVE YOU ALWAYS BEEN CONSULTED BY THE DEFENSE?

16 A I WOULD SAY THAT -- YES.

17 Q OKAY. AND HAVE OFFERED THIS SIMILAR THEORY AND
18 TESTIMONY IN THOSE CASES AS WELL OR AT LEAST EVALUATION IN
19 THOSE CASES?

20 A WELL, I WOULD SAY THAT DIFFERENT CASES HAVE DIFFERING
21 PET SCAN, AND SO IT DEPENDS ON THE SPECIFICS OF THE CASE.

22 Q UNDERSTOOD. NOW, LET ME ASK YOU, DOCTOR, YOU HAVE
23 BEEN PAID -- OBVIOUSLY HAVE BEEN PAID FOR YOUR SERVICES IN
24 THIS CASE.

25 A WELL, I'M A SALARIED EMPLOYEE. ALL OF THE FEES THAT

1 THE CASE GENERATES GOES TO THE REGIANCE AT THE UNIVERSITY
2 OF CALIFORNIA.

3 Q OKAY. BUT YOU ARE PAID FOR YOUR SERVICE. SOMEONE IS
4 PAID FOR YOUR SERVICE.

5 A WELL, THE REGIANCE OF THE UNIVERSITY OF CALIFORNIA
6 ARE PAID. NOW, I'M A SALARY PROFESSOR, SO ALL OF THAT
7 MONEY GOES TO THE UNIVERSITY OF CALIFORNIA.

8 Q ALL RIGHT. WILL YOU RECEIVE ANY BENEFIT WHATSOEVER
9 FROM THAT -- FROM THOSE FUNDS, FROM THE INCOME THAT YOU'VE
10 GENERATED ON BEHALF OF THE UNIVERSITY OF CALIFORNIA?

11 A WELL, I WOULD SAY THAT THE INCOME DOES HELP TO
12 SUPPORT THE BRAIN IMAGING CENTER. IT HELPS TO PROVIDE
13 FUNDING FOR STAFF SALARY AND--

14 Q SO PERHAPS--

15 A -- SO THERE IS SOME INDIRECT BENEFIT.

16 Q CORRECT. AND WHAT ARE YOU CHARGING PER HOUR FOR YOUR
17 WORK ON THIS CASE?

18 A 200 PER HOUR.

19 Q \$200 PER HOUR?

20 A YES, SIR.

21 Q AND HOW MUCH MONEY IS BUDGETED FOR YOU TO CONCLUDE
22 YOUR WORK HERE?

23 A I BELIEVE IT WAS APPROXIMATELY 9000.

24 Q \$9000?

25 A YES, UH-HUH.

1 Q HAVE YOU -- HAVE YOU REACHED THAT AMOUNT OF--

2 A YES.

3 Q -- HAS YOUR BILL REACHED \$9000?

4 A YES, I BELIEVE IT HAS.

5 Q ALL RIGHT. HAS IT EXCEEDED \$9000?

6 A IT MAY. I DON'T KNOW.

7 Q OKAY. DO YOU THINK PROBABLY IT HAS?

8 A I THINK THAT IT LIKELY WILL EXCEED THAT AT -- BUT I'M
9 NOT A HUNDRED PERCENT SURE.

10 Q OKAY. AND WHAT DO YOU EXPECT YOUR BILL TO BE?

11 A I'M NOT SURE TO SAY THAT. I WOULD HAVE TO SIT DOWN
12 AND TRY TO FIGURE IT OUT.

13 Q THANK YOU, DR. WU.

14 THE COURT: ANY REDIRECT OF THE WITNESS?

15 MR. DIGGS: JUST VERY BRIEFLY.

16 THE COURT: YOU MAY PROCEED WHEN YOU'RE READY.

17 REDIRECT EXAMINATION

18 BY MR. DIGGS:

19 Q DR. WU, IF YOU FUDGED THE NUMBERS OR FUDGED THE
20 COLORS, WOULD THE NATIONAL INSTITUTE OF HEALTH DO BUSINESS
21 WITH YOU?

22 A NO. THE NATIONAL INSTITUTE OF HEALTH WOULD NOT WANT
23 ME TO BE ON A SCIENTIFIC REVIEW COMMITTEE REVIEWING HOW
24 FEDERAL FUNDS ARE DISTRIBUTED--

25 Q HOW ABOUT THE UNIVERSITY?

1 A NOR WOULD THE UNIVERSITY. I MEAN, THEY'RE -- THE
2 UNIVERSITY WOULD NOT WANT TO KEEP ME ON AS AN ACADEMIC.

3 Q THAT'S ALL I HAVE. THANK YOU VERY MUCH, DOCTOR.

4 THE COURT: ANY OBJECTION TO THE WITNESS BEING
5 EXCUSED FROM THE STATE?

6 MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.

7 THE COURT: FROM THE DEFENSE? DO YOU WANT TO
8 KEEP HIM SUBJECT TO RECALL, MR. DIGGS?

9 MR. DIGGS: YOUR HONOR, WE -- WE DON'T HAVE ANY
10 OBJECTION, BUT I'LL -- IN THE EVENT THAT CHANGES,
11 I'LL TAKE HIM.

12 THE COURT: THEN I WON'T EXCUSE HIM. I WILL
13 EXCUSE HIM SUBJECT TO BEING RECALLED FOR YOUR
14 BENEFIT.

15 MR. KELLY: THANK YOU.

16 THE COURT: DR. WU, YOU MAY STEP DOWN.

17 THE WITNESS: THANK YOU, YOUR HONOR.

18 THE COURT: YOU MAY PROCEED. WELL ACTUALLY,
19 COULD YOU ALL APPROACH FOR ME?

20 (WITNESS LEFT THE STAND.)

21 THE COURT: MR. DIGGS, YOU MAY PROCEED.

22 MR. DIGGS: YOUR HONOR, WE'D CALL SANFORD
23 GRAVES.

24 SANFORD GRAVES, AFTER
25 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

1 THE WITNESS: SANFORD COX GRAVES, G-R-A-V-E-S.

2 THE COURT: YOU MAY PROCEED.

3 DIRECT EXAMINATION

4 BY MR. KELLY:

5 Q MR. GRAVES, MY NAME IS GERALD KELLY. YOU AND I HAVE
6 NEVER MET; HAVE WE?

7 A NO, SIR. NO, SIR.

8 Q OKAY. BUT I BELIEVE YOU HAVE TALKED TO MY
9 INVESTIGATOR VICKY CHILDS OR DALE DAVIS?

10 A I BELIEVE I'VE SPOKEN TO VICKY CHILDS.

11 Q I WANT TO HAVE YOU TAKE A LOOK AT EXHIBIT NUMBER 36,
12 PLEASE.

13 A YES, SIR.

14 Q YOU RECOGNIZE WHAT THIS IS?

15 A IT APPEARS TO BE A -- WHAT I WOULD CALL AN ON CALL
16 LIST.

17 Q AND THAT'S THE LIST OF THE SOLICITORS WHO ARE ON CALL
18 IN THE FIRST 10 MONTHS OF 2005?

19 A BY ROLE CALL, WHAT DO YOU MEAN?

20 Q I SAID ON CALL.

21 A ON CALL, YES, SIR, THAT IS CORRECT.

22 Q AND YOU WERE ON CALL IN APRIL 1ST THROUGH APRIL THE
23 SEVENTH OF THAT YEAR; CORRECT?

24 A YES, SIR.

25 Q AND THEN ALSO LATER IN THE YEAR IN JUNE; CORRECT?